

SELECTMEN'S MEETING
Monday, March 27, 2006

On March 27, 2006, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Hurd at 7:00 PM. Selectmen present were: Selectman Hurd, Selectman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Meet with Senator Menard, Representative Quinn and Representative Canessa

Chairman Hurd welcomed Representative Steve Canessa and Senator Menard to the meeting. They had spent the day touring various sites in the Town of Lakeville. He noted that Representative Quinn had also been present throughout the day, but was unable to attend the meeting. Senator Menard stated that she had had a great day, and it had been a very good opportunity to meet with a lot of people, look at projects developed within the Town, tour the schools, etc. She said she would like to continue offering any help that she could for the Town. Selectman LaCamera stated that the Town is anxiously awaiting the House budget figures and was hopeful that the figures from the Senate would be positive in regard to State Aid.

Senator Menard presented a Citation in recognition of Chairman Hurd's nine (9) years of service and commitment to the people in the Town of Lakeville. Representative Canessa stated that he had the pleasure of working with Chairman Hurd while a member of the School Committee and recognized the fact that the Town has benefited from some very effective leadership through Chairman Hurd. Senator Menard added that some of the projects that Chairman Hurd had the opportunity to serve the Town on were the new Schools, the new Library, etc. It all took a lot of forethought and planning. Congratulations was offered to Chairman Hurd by both Senator Menard and Representative Canessa. Chairman Hurd thanked everyone and stated that he appreciated all that was said. He also thanked them for visiting with the Town during the day and trusted that an open dialogue could continue with Senator Menard and with Representatives Canessa and Quinn. It all helps in keeping the issues moving forward and being productive for the benefit of the Town.

Robert Nutile of 10 Edgewater Drive asked Senator Menard about a State ruling on residents located on public ponds and their respective docks. He said the public had access to walk the beach, and he had to provide stairs for this access. However, if a passerby fell down, who would be liable? The new Bill says that the licensee will allow the public to pass on foot for any purpose from dawn till dusk and that the public has the right to use the beach and their accessibility will not be limited. However, if the resident builds the dock and stairs, who takes on the liability if someone gets injured, the State or the resident? Senator Menard responded that she did not have the answer to that question at this time, but would like to make sure that the question gets answered. She asked to have the information that Mr. Nutile had, his phone number, etc and she would look into the matter and get back to Mr. Nutile. Representative Canessa asked for a copy of the information as well.

Selectman LaCamera stated that some great projects have taken place in Lakeville during the past few years. There have been three (3) school projects, the Betty's Neck acquisition, the new Senior Center and Library, etc. The Town truly appreciates the grant money to support these projects and hopes that there will also be some for a new Police Station for the Town. Senator Menard congratulated everyone who has done a remarkable job writing the grants for the Town. It is understood that it has been a great deal of hard work. Representative Canessa stated that the grant money is there for everyone in the area, however, it has been the Town of Lakeville benefiting by applying for the grants. They have been a model Town by applying for the grants through the many Boards in the Town, especially through the Board of Selectmen, School Committee, Town Administrator and Planning Board. These grants can be created, although it is up to the Towns to apply for the grants and put them to use. Senator Menard stated that she believes that money has been put aside to do a survey for Police Stations in Towns. She will look into this. It was to be part of an extensive safety package. Chairman Hurd stated that the Town has already begun to address the matter by having money approved for a study to be done to see how the needs would best be addressed for the Town. It would be helpful to know if there is any funding available, or funding that might be available in the near future for this project for the Town since the Town has been in preparation for it.

Selectman Yeatts mentioned that Representative Canessa will be back in Town at the Library in a few weeks to speak on helping to create opportunities for funding the invasive weeds on Long Pond, which is now transferring over to the drinking water as well. This is also greatly appreciated by the citizens of the Town. Representative Canessa responded that he also expected that a representative from Environmental Affairs would be attending the meeting as well. This matter is being looked at throughout the State and the more dialogue that takes place will help in understanding the necessary funding to eradicate the issue. Chairman Hurd thanked everyone for remaining interested in supporting and helping the Town with their issues. Appreciation is also to be extended to Representative Quinn since he worked with Chairman Hurd a lot in the earlier years. The Senator and State Representative were thanked and left the meeting at 7:40 PM.

Vote to approve contract renewal-Atlantic Environmental Technologies

Chairman Hurd noted that the contract with Atlantic Environmental Technologies for the gasoline spill clean-up at the Highway Barn has expired and needs to be renewed. Minor discussion occurred.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To approve and sign the renewal contract with Atlantic Environmental Technologies, Inc.
Unanimous in favor

Vote to approve contract with Vision Appraisal Technologies

Chairman Hurd told the Board members that the Board of Assessor's had requested that the Selectmen approve the contract with Vision Appraisal Technologies and the contract for the GIS software annual maintenance.

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To approve and sign the contract with Vision Appraisal Technology.
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To approve the contract for the GIS software for the annual maintenance charge
of \$300.00
Unanimous in favor

Revisit Notice of Intent to Layout Margeaux Drive

Discussion took place on the notice of intent to layout Margeaux Drive. Selectman Yeatts stated that she would not want the developer to take any vote as a full approval since there is still quite a lot of work that needs to be done. She also asked about the bond? Ms. Garbitt stated that there is about \$7,000 left on the bond. Mr. Bisio had reported that this amount should be more than enough to fix and complete the work on the road, if necessary. Also, the vote would be only to vote to layout the way, not to approve it. Chairman Hurd stated that Selectman Yeatts point was duly noted. It does seem that once a road begins to be laid out, it just continues all the way to Town Meeting. He added that he personally would prefer that the road be fully completed prior to it coming to that point.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To layout Margeaux Drive subject to the review and approval of the Planning Board and that the developer address the issues in the letters from the Town Engineer, Nick Lanney and the Highway Surveyor Roger Hamilton.
Unanimous in favor

Review request from Building Commissioner regarding a proposed zoning article to change the definition of a single-family dwelling with attached apartment

Robert Darling, Building Commissioner, was present. Chairman Hurd read the proposed zoning article request and explained what it would mean if it passed at Town Meeting. Selectman LaCamera stated that the previous bylaw passed for the Town in 1999 was that there will be a common entrance and the residence would maintain a single family appearance. The goal for in-law apartments is if the dwelling is later sold, it still have the appearance of a single family residence. Selectman Yeatts expressed the fact that she did not like the no party wall separation. In-laws might like to have their privacy and this would preclude that. Chairman Hurd stated that unless there was a no party wall it may create a rental property as part of the residence. It would separate the in-law attached apartment and would be more likely to be rented to an outside party. He added that he liked the intent of the bylaw since it makes it more difficult to have a separate area that could later turn the residence into a duplex. It is not intended to be for two (2) separate families but for a family and their in-laws.

Selectman Yeatts asked the Building Commissioner to interpret the main dwelling unit with a no party wall separation. Mr. Darling stated that the original bylaw asked for a common area. It is not intended to separate the units, this would then allow for a duplex. The whole point is to allow an in-law or good friend of the family to live in the dwelling and have their own living area. Ms. Garbitt asked about the hallways and closets being included or not with the living space? Mr. Darling responded that as part of the State Building Code, the closets and hallways are not counted as part of the space. They had been previously.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To approve the proposed Zoning Article for the Town Meeting warrant with changes as described by the Building Inspector.

Dwelling: Single-Family dwelling with attached apartment: For the purpose of this Zoning By-law, a single family detached dwelling with an attached apartment shall mean a living area not to exceed 600 square feet of habitable area, which may include a kitchen or kitchenette, must be attached to and open to the main dwelling unit with no party wall separation that would have the potential of creating a separate apartment or divided living area, and shall have a common entrance and maintain a single family appearance. Closets, hallways, decks, storage or utility spaces are not considered habitable space.

2 In favor, 1 Against

Request for earth removal permit renewals: A.A. Will and T.L. Edwards

Chairman Hurd explained that the request for the earth renewal permit for A.A. Will was basically pro forma, a place holder, since the work has not been done. This is the eighth of a ten year earth removal request. Inspections used to take place, however, nothing has really changed with the present requests. The sales agreement allows up to five (5) acres a year to have earth removal work take place. This year, the request is for only one (1) acre. If the work is to begin, the applicant must come before the Board of Selectmen to begin the work.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To approve the earth removal request by A. A. Will (Frank Will) for 100,000 cubic yards with the same conditions as approved last year.
Unanimous in favor

Chairman Hurd noted that the T.L. Edwards permit is for the same property as last year. He did not feel that the Board needed to make an inspection; the other members agreed.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To approve the earth removal request by T. L. Edwards for 10,000 cubic yards with the same conditions as approved last year.
Unanimous in favor

Request for bowling alley license renewal-Lakeville Recreation

Chairman Hurd noted a request had been received from Lakeville Recreation for the renewal of their bowling alley license, which expires April 1, 2006.

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To approve the request by Lakeville Recreation to renew their bowling alley license through April 1, 2007.
Unanimous in favor

Request for one-day liquor licenses-Park Commission

Chairman Hurd read the request from the Park Commission for a one-day liquor license.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To approve the request by the Park Commission for a one-day liquor license on April 28, 2006 from 7:00 PM to 11:00 PM for a Texas Hold Em tournament for the Lakeville Playground Association.
Unanimous in favor

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To approve the request by the Park Commission for a one-day liquor license on May 20, 2006 from 4:30 PM to 9:30 PM for a wedding/dance.
Unanimous in favor

Request for sign placement – Tuesday Club of Assonet

Chairman Hurd read the letter from the Tuesday Club of Assonet requesting permission to place a sign at the Routes 105/18 intersection for their annual Strawberry Festival. Funds raised from this event are for a scholarship for Apponequet High School students.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To allow the Tuesday Club of Assonet to post their Annual Strawberry Festival event (June 18, 2006) on the Town's Community Bulletin Board, June 12th through June 19th and to place a sign at the intersection of Precinct and Pickens Street.
Unanimous in favor

Reissue Public Entertainment on Sunday license-Lakeville Eagles

Chairman Hurd explained that due to a change in legislation in January 2006, the State no longer requires a Public Entertainment on Sundays license for any coin operated amusements.

Since the license request for the Lakeville Eagles was submitted after January 1st, a corrected license must be issued.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To reissue a correct license to the Eagles for music and dancing on Sundays during 2006 with hours of 1:00 PM to 1:00 AM.
Unanimous in favor

Vote to accept resignation of Robert Hill from Park Commission

Chairman Hurd read the letter of resignation received from Robert Hill, who was running for a seat on the Finance Committee in the April election unopposed.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To accept the resignation of Robert Hill as Park Commissioner, effective April 2, 2006 and to send him a letter of appreciation for all his work on the Commission.
Unanimous in favor

Review charge of Master Plan Implementation Committee

Chairman Hurd explained that a terrific first meeting was held by the Master Plan Implementation Committee. There was a tremendous amount of energy in the room by the members on the Committee. They reviewed general expectations and hopes, and were fired up and began business that very evening. Discussion took place at the meeting on the committee composition as it was originally set up and concerns regarding membership changes. The Committee voted to request that the membership composition be changed to the following: the committee will consist of a member of the Planning Board, the Building Commissioner, a member of the Board of Selectmen and four (4) at large members (with preference of a member of the original committee members if available).

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To amend the Master Plan Implementation Committee to read as follows: The committee will consist of a member of the Planning Board, the Building Commissioner, a member of the Board of Selectmen and four (4) at large members (with preference of a member of the original committee members if available).
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To appoint James Rogers, alternate, as a voting member of the Master Plan Implementation Committee with a term to expire December 31, 2006.
Unanimous in favor

Ms. Garbitt stated that Luke Leonard will not be serving on the Master Plan Implementation Committee as the Planning Board's representative. The Planning Board has asked that James Marot be appointed as the Planning Board representative for the Committee.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To appoint James Marot to the Master Plan Implementation Committee as the Planning Board Representative .
Unanimous in favor

Approve Selectmen's meeting minutes of April 14, 2005, July 20, 2005, November 14, 2005, December 5, 2005, December 10, 2005, January 9, 2006, January 11, 2006 (2 sets), January 23, 2006; February 6, 2006; February 27, 2006

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To waive the reading of and approve as presented the Selectmen's meeting minutes of April 14, 2005, July 20, 2005, November 14, 2005, December 5, 2005, January 9, 1006, January 11, 2006 (2 sets), January 23, 2006, February 6, 2006 and February 27, 2006.
Unanimous in favor

Approve Executive Session minutes of July 25, 2005, January 24, 2006, February 13, 2006 and March 13, 2006

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To waive the reading of and approve as presented the Executive Session meeting minutes of July 25, 2005, January 24, 2006, and March 13, 2006.
Unanimous in favor

Any other business that may properly come before that meeting.

Chairman Hurd stated that Boy Scout Troop 26 would like to have a carwash on April 15th at the Town Office parking lot, which is available.

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To allow Boy Scout Troop 26 of Berkley to hold a carwash on Saturday, April 15th (rain date April 22nd) from 9:00 AM to 3:00 PM in the Town Office parking lot.
Unanimous in favor

Chairman Hurd referred to a memo written to the Planning Board regarding Justine Circle from the Board of Selectman. It explained that common septic systems, no mater how

engineered, are a bad idea since it makes more development possible. The system of the outflow is also located too far away for adequate monitoring and no one would observe it until it was too late if it failed. Though the developer for Justine's Circle has successfully demonstrated to the Board of Health that a single system could be designed, they are now going to the next step of looking to build a common system. Selectman Yeatts stated that a common septic system is also too far away for security purposes to see if vandalism takes place. Another question for new construction with a common septic system is if a perc was done for the first septic tank, has a perc been done for a second one which would hold the reserve? Selectman LaCamera asked why they would want a common system if it was proven that they could design and build individual septic systems? Selectman Yeatts explained that a large common system has an advanced treatment system. A common system should go into the ground cleaner since it would be mandated for this advanced treatment to be done, which is not required for individual systems, however, the large ones are rarely maintained properly for this to take place.

Chairman Hurd stated that another letter should be sent to the Board of Health since, although the advanced treatment system may benefit the environment, it being located so far back and if not adequately watched and it fails, will not suit the purpose it was designed for. The Board of Health needs to be aware of the Selectmen's concerns before the matter goes to review. Individual septic systems are better for the Town than the risk of a common shared system. The Planning Board is also concerned about setting a precedent for these types of systems. It also allows unworkable land to become workable and sets up a bad paradigm.

Upon a motion made by Selectman Yeatts; seconded by Selectman LaCamera it was:

VOTED: To send a letter to the Board of Health stating that the Board of Selectmen is not in favor of shared, common septic systems since the benefits outweigh the risks.
Unanimous in favor

Chairman Hurd indicated that the Town still needs cemetery space. He recommended a site which already has the top layer of earth tilled and is boulder free. He handed this information to the Town Administrator.

Chairman Hurd stated that the Board of Selectmen has asked to be placed on the agenda with the Middleborough Board of Selectmen on April 10th to discuss the IMA (inter-municipal agreement). Though a Lakeville Selectmen's meeting is already scheduled for that evening, the Board members will make themselves available at whatever time they are put on the Middleborough Selectmen's agenda.

Chairman Hurd indicted that he felt the Town has lost a tremendous opportunity by not having a Town Planner. The Town has also incurred more expenses from not having a Town Planner that could have been mitigated. A Town Planner would more than pay for its position and take the Town to the next level of the Master Plan Implementation.

Chairman Hurd stated that CDM is getting closer to concluding its study on the sub groups for the shorefront communities. It will be paid for by the beneficiaries as a betterment, however, the Town will have to vote on it. The Town will need to make sure that the covenants and

restrictions that are set into place are exclusive for the shorefront communities so that they only apply to that particular district and not put the Town at any other potential risks.

Chairman Hurd stated that he felt the schools may have been short funded when the override took place. He takes some responsibility on this matter since no one wanted to go too high for the voters. Since the Town does not always get adequate money from the State, another override may be needed since programs may have been cut inadvertently.

Selectman Yeatts explained that Gerry White used to be the representative for the Assawompset Pond Complex Management Team. No one was appointed in his stead, and he is not able to continue as representative. The team discussed this on March 15th and it was not felt to be a conflict of interest if she (Selectman Yeatts) served in this capacity since she has attended every meeting since 2002. The Selectmen need to appoint her to the position however. Selectman LaCamera stated that Mr. White would need to officially resign since there is no ending date for his position, then Selectman Yeatts can be appointed to the position. Ms. Craig stated that she did not think Mr. White was officially appointed to the position, he was chosen as a representative of the Board. This matter will be looked into prior to any voting taking place.

Other Items

1. Thank you letter from Samantha Zirkin
Chairman Hurd stated that Ms. Zirkin is putting together a budget to share with the Board of Selectmen. She was quite confident of what she has done in the past and firmly believes that if she is not able to make the necessary amount through fundraising, she will be able pay for the expenses out of personal funds.
2. Memo to Open Space Committee from Park Commission
Chairman Hurd explained that the Park Commission will delay an appointment for the Open Space Committee until after the Town Election takes place. This is reasonable since they will be receiving a new member after the elections.
3. Letter from Planning Board regarding Project Development Review Committee
Chairman Hurd stated that James Marot has been voted for unanimously to be on the Project Development Review Committee by the Planning Board.
4. Old Colony Regional FY06-07 Tentative Operating Budget
Chairman Hurd acknowledged Selectmen LaCamera's important role in helping to develop the Old Colony Regional Operating budget.
5. Letter from Applied Environ-Tech regarding Joe's Gas
6. Letter from Division of Marine Fisheries regarding herring
7. Information regarding legislation filed with DTE regarding cable franchises
8. Letter from MassHighway regarding annual sweeping
Chairman Hurd explained that the State will be cleaning up the sand from the streets. This is something that needs to be done after each winter since sand is spread on the roads to prevent vehicles from slipping on the ice, however, in the spring and summer it only aids in making accidents more common.
9. Old Colony Regional Vocational Newsletter
10. Letter from Senator John Kerry regarding Procurement & Business Exposition

Chairman Hurd stated that the Procurement & Business Exposition will take place on May 22nd. This information should be printed in the local newspapers so that local business owners are made aware that this is taking place.

11. 2006 Annual Notice Filing-Comcast
12. Letter from Coalition for Zoning Reform regarding MLURA
13. Memo from Town Counsel regarding Memorandum of Understanding for Public Health Emergency Preparedness
14. Letter from DEP regarding waste bans
Selectman LaCamera explained that Mr. Hamilton, Mr. Bates and the Town Administrator are following up on the letter from the DEP regarding waste bans.
15. Town of Raynham Planning Board notice regarding site plan approval
16. Plymouth County Commissioners agenda, March 21, 2006
17. Plymouth County Advisory Board minutes-December 29, 2005
Selectman Yeatts asked when the Plymouth County Advisory Board met since she was on the Board and has not received notification of the meetings. Ms. Garbitt informed her that it was quarterly and would help her look into why she wasn't being notified about the meetings.
18. Plymouth County Cooperative Extension March & April calendar
19. JTPG meeting notice
20. City and Town March edition
21. DOR Bulletin-New Officials Finance Forum
22. DOR Bulletin-FY07 Budget issues
23. Notice from MMA regarding training for municipal hearings officers
24. Newsletter from Comprehensive Environmental regarding stormwater
25. Pipeline newsletter

Selectman LaCamera stated that it is never easy to say goodbye to someone you have served with so long . He has worked with Selectman Hurd for nine (9) years. Last year, it was Gerry White who had served 12 years. Many people do not realize what it takes to serve on a Town Board or Committee, especially on the Board of Selectmen. Chairman Hurd is to be thanked for all his hard work and for bearing with the disagreements, which is healthy part of the process. Chairman Hurd has really done some amazing things and they were done together with the Board. It takes a lot of hard work and a lot of commitment and Chairman Hurd should be proud of what he has done. Thanks is also to be extended to his wife, Ellie and his sons since it was a lot of time spent away from his family.

Chairman Hurd thanked Selectman LaCamera. He stated that he wanted to say goodbye and thank everyone for the faith and trust that the Town has put in him. He added that he has learned a lot through the years from a lot of great people. People here in the room, and those who have only recently left their positions. As a group, the Board did amazing things. They successfully managed where the T was to be, they acquired huge pieces of land which will permanently keep taxes lower, maintained one of the lowest tax rates around, is the 4th lowest Town per capita spending, and have an A+ bond rating. They have built five (5) major buildings, while Towns around Lakeville lost funds and were not able to achieve this. It takes good fiscal management. The Town is solvent while other Towns around Lakeville are facing huge deficits. What other Town can say they did all this simultaneously? There is the Towns' (citizens) faith in their

elected officials and employees, and great deal of dedication from these people. This all has been done this much better than other Towns especially since there have been many good people that were willing to go above a base level of expectation. What sets the Town apart is the dedication and amount of work that people put in their jobs, including elected positions. There have been good volunteers at every level that played a part in all the successes of the Town and Chairman Hurd stated that he was fortunate enough to have had the opportunity to be there when it all happened. Participating in this aspect for so long will make it hard to just stop. However, everyone is to be thanked for their support throughout the years.

Adjournment

Upon a motion made by Selectman LaCamera; seconded by Selectman Yeatts it was:

VOTED: To adjourn the meeting at 8:20 PM.
Unanimous in favor