

**SELECTMEN'S MEETING**  
**Monday, May 4, 2009**

On May 4, 2009, 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 Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**7:00 PM Liquor License Hearing-Lakeville Country Club**

Chairman Maksy is an abutter and recused himself from the hearing.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts stepping down to second and stepping back up to vote, it was:

VOTED: To open the Alteration of Premises Liquor License Hearing for the Lakeville Country Club.  
Unanimous in favor.

Selectman Yeatts read the hearing notice into the record and reviewed the documents submitted in support of the application. Lakeville Country Club is requesting an Alteration of Premises to allow for the use of a Beverage Cart on the golf course. There was no representative from Lakeville Country Club present for the hearing. The green cards were also not available. Alton Linton of 52 Clear Pond Road inquired about the change in the license. A brief discussion occurred regarding the application.

Upon a motion made by Selectman Evirs with Selectman Yeatts stepping down to second and stepping back up to vote, it was:

VOTED: To close the Alteration of Premise Liquor License Hearing for the Lakeville Country Club.  
Unanimous in favor.

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

VOTED: To deny the application since a representative from Lakeville Country Club was not present at the hearing, and the certified mail return receipt cards were not received by the Board.  
Unanimous in favor.

Ms. Craig will contact Mr. Mosca to inform him that he will have to reapply to the Board and discuss the time frame with him.

## **CDM presentation of draft report-water tower location**

*Members present from the Lakeville Development Corporation included Steven Olivier, Gary Mansfield, and Linda Grubb. Also present were Gregory Kashgarian, Brian Hoeg, and Kevin St. George of the Planning Board; Christopher Peck, Superintendent of Streets, Cathal O'Brien from the Taunton Water Department, and David McQueeney, Chairman of the Local School Committee.*

Selectman Yeatts introduced Ben Levesque, Jeff Dirercks and David Young of Camp Dresser & McKee Inc. (CDM). Selectman Yeatts explained that the water in the Town Office Building was contaminated by MBTE's from a gasoline spill that took place at an adjacent property years past. The Town has been required by the Department of Environmental Protection (DEP) to bring in bottled water for employees and to connect to the City of Taunton's Water System. While investigating the connection, it was discovered that Taunton did not have enough water pressure to supply the Town Office Building. Taunton cannot give Lakeville any additional water unless a water tower was built to increase the water pressure. A booster pump will also be needed and that will be located at the Highway Barn. CDM has been looking at Town owned parcels of land. The Town has received a grant to help pay for the water tower, and the grant requires that the water tower be located on Town owned land. CDM is currently performing a water system high service zone evaluation. The scope of the project is to evaluate the creation of a dedicated service zone in Lakeville. The City of Taunton and the Town of Lakeville are both providing funding for the project.

Mr. Levesque distributed a handout, which showed several aerial maps depicting where the Taunton water pipes were located. Lakeville is on the State Revolving Fund (SRF) list for \$4.8 million and qualifies for additional money through the stimulus plan. The project design needs to be in by August 1<sup>st</sup> and be shovel ready. There will be a 14.1% principal forgiveness and that impacts the loan positively and results in a 32% grant when looking at the Debt Service over the life of the loan. The Town needs to start immediately if they want to meet the August 1<sup>st</sup> deadline. Selectman Yeatts explained that if the other projects on the list are not shovel ready, then the stimulus money will be taken from them and redistributed to those who are ready. The Town could actually do even better with funding. Selectman Evirs asked if they have done any geotechnical borings yet on the Landfill site to determine if the site is desirable. Mr. Levesque responded that they had not. Mr. Levesque stated that there is a nice plateau, which makes it a very nice site. Selectman Evirs mentioned that since the pumping station obviously has to be very close to Elders Pond, will the Town be divorced from Taunton's pumps. Mr. Levesque responded, yes and no. They will be available to boost the pressure and supplement in peak times. Chairman Maksy explained that the City of Taunton will still be maintaining the entire system.

Selectman Yeatts further explained that the Town cannot use SRF money for the next design phase. We had put money aside since it was known that this was coming up. It will be about \$25,000 for geotechnical borings and \$45,000 for the design. Mr. Levesque clarified that it is \$25,000 for the survey, \$25,000 for geotechnical and \$15,000 to do research work and coordination. CDM is working on the actual design number for the entire project, but does not have that price yet. On August 1<sup>st</sup> the Town needs to submit bid documents to the DEP for their

review. Selectman Evirs stated that the Town has the money to do this since \$100,000 was set aside at the Special Town Meeting in the fall for this purpose. Ms. Garbitt added that there is also the Water Master Plan at an expense of \$35,000. Mr. Levesque stated that CDM will have a contract for the Town within the next two (2) and then a full design soon after that.

David McQueeney of 22 Dunbar Road said the site sounded pretty good, but what about the other sites. Mr. Levesque said there is a site adjacent to Elders Pond, but it is owned by the City of Taunton and would require an additional amount of piping to connect into. A site near Clear Pond was considered, but ruled out since it is Article 97 land, which would require legislation to be filed for its use since it is park land. Mr. Young said this project does not trigger a MEPA, so the Town would not have to file for an archeological review. Selectman Yeatts said the proposed site is Town owned property, but is overseen by the Lakeville Development Corporation (LDC). The Board of Selectmen could vote on this pending written approval from the Planning Board, the LDC and the Conservation Commission. Mr. Mansfield said he is concerned somewhat on the finances and wonders when the Town would have to start making payments. Mr. Young said the Town would short term borrow on the initial phase and then go out to bond from there. Mr. Olivier said you mentioned Lakeville and Taunton would be providing the funding. Mr. Levesque said Taunton provided the funding for the study. Chairman Maksy asked Cathal O'Brien of the Taunton Water Department about finding out if any of the money can be borrowed for the process. Mr. O'Brien stated that that would be coming up during the drafting of the next Intermunicipal Agreement (IMA) and everything would be on the table. There is a lot of history to roll into the current IMA. Taunton would want to make sure that Lakeville is satisfied with the process. There are a lot of options available. Lakeville will see improved fire protection and can increase water usage to commercial and industrial businesses if the Town chooses to do so.

Mr. Mansfield asked how much room the pump station would require at the Highway Barn, and what would it look like. Mr. Levesque said it will be about 25 or 30 square feet. It will be one story. It can be designed how the Town would like it to look. Mr. Mansfield said this is really a win win situation for Lakeville. Mr. Levesque said the piping will go down Montgomery Street and along Precinct Street to the intersection of Route 79. Selectman Evirs asked about the rates for a 20-30 year note. Mr. Young said approximately 2%, then 14.1% principal forgiveness relates to a 32% grant. It was noted that Lakeville's water tower would be similar to the tower in Norton. Selectman Yeatts said Lakeville's will contain 500,000 gallons. It is expandable and maintenance free. It will give the Town five (5) times the amount of water than is being used right now.

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

VOTED: To approve the Transfer Station site in the Industrial Park for the Water Tower upon written approval received from the Planning Board and the LDC.  
Unanimous in favor.

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

VOTED: To approve the location at the Highway Barn for the Booster Pumping Station; approve the boring testing to be done for the Booster Pumping Station subject to any conditions set by the Superintendent of Streets and that the final design be brought back before the Board of Selectmen for approval.  
Unanimous in favor.

### **Meet with Kim Thomas regarding sale of 10 Agnes Way**

*Kim Thomas of Realty One was present for the discussion.* Chairman Maksy had to step down due to a conflict of interest. Ms. Thomas stated that she received an email today about the sale price changing and if that is what the new figure is, then she does not need to ask for a reduction in price from the Board of Selectmen. Citizens Housing and Planning Association (CHAPA) had the unit for sale for six (6) months and could not sell it, so now the owner is selling it as a market rate unit. CHAPA had set the price and the broker sold it for \$173,000. The Town is entitled to \$7,385 according to CHAPA, so that is better for the owner. Selectman Yeatts and Selectman Evirs explained what the Town is trying to accomplish with these units. A Certificate of Compliance will be issued when the check is received.

### **Discuss scheduling Special Town Meeting**

Chairman Maksy said that the Board needed to schedule the Special Town Meeting for June.

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

VOTED: To schedule a Special Town Meeting at 6:30 PM at the Apponequet High School Auditorium on June 15, 2009 and to open the Warrant.  
Unanimous in favor.

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

VOTED: To close the Warrant for the Special Town Meeting on May 11, 2009 at 4:00 PM.  
Unanimous in favor.

### **Schedule Site Visits for Earth Removal Permits**

Discussion took place regarding scheduling site visits for the active and completed Earth Removal Permits. The site visits will take place on May 11<sup>th</sup> at 5:00 PM. The sites being visited are Marcus Baptiste's property on Main Street, Easecat's property on Harding Street, Bruce Taylor's site on Bedford Street, Roberto Rubini's property on South Pickens Street and Lakeville Country Club.

### **Review Zoning By-Law Amendment regarding Electronic Message Signs**

Ms. Garbitt stated that the Building Commissioner has been working with Town Counsel regarding whether or not the Planning Board's proposed language was actually prohibiting Electronic Message Boards. At the hearing the Planning Board held last year, it was voted not to prohibit. The Planning Board will need to hold another public hearing if they want to vote to prohibit. This will be on the Annual Town Meeting Warrant.

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

VOTED: To authorize that the Planning Board proceed with the review of the Zoning By-Law Amendment regarding Electronic Message Signs  
Unanimous in favor.

### **Review extension of three (3) year contract with the auditing firm R. E. Brown & Company**

Ms. Garbitt stated that she and Cynthia McRae, Town Accountant, are very pleased with the present firm and would like the Board to vote to extend the contract.

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

VOTED: To authorize Ms. Garbitt to sign the three (3) year contract with the auditing firm of R. E. Brown & Company for a fixed fee of \$20,000 a year.  
Unanimous in favor.

### **Review extension of one (1) year contract with the IT consulting firm New England PC Services**

Ms. Garbitt stated that she and Ms. McRae are also very satisfied with this consultant and their services. The new contract will actually be lower since it is being consolidated with the Police Department contract.

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

VOTED: To authorize Ms. Garbitt to sign the one (1) year Information Technology and Network Support Service Agreement with New England PC Services for an annual fee of \$21,600.00  
Unanimous in favor.

### **Review one (1) year Service Agreement with Vision Appraisal for FY 2010 Interim Update**

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

VOTED: To authorize Ms. Garbitt to sign the one (1) year Service Agreement with Vision Appraisal for the FY10 Interim Update for an annual fee of \$5,000.00.  
Unanimous in favor.

### **Request from Mass Highway to re-affirm Ms. Garbitt as Signatory for Chapter 90 Project Requests and Reimbursements**

Chairman Maksy recused himself from the discussion. Selectman Yeatts explained that the Board needed to reaffirm Ms. Garbitt as the Signatory for Chapter 90 Project Requests and Project Reimbursements.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts stepping down to second and stepping back up to vote, it was:

VOTED: To affirm that Rita Garbitt is the Chief Administrative Officer for the Town of Lakeville and is authorized to act as Signatory on Chapter 90 Project Requests and Project Reimbursements.  
Unanimous in favor.

### **Press Release-Conflict of Interest Seminar May 20, 2009**

Selectman Evirs read the press release into the record. The Town of Lakeville is sponsoring an educational seminar explaining the Conflict of Interest Law on May 20, 2009 at 2:00 PM and 7:00 PM at the Lakeville Library. Ms. Garbitt said we have also invited the Town of Freetown Boards, Employees and Committees. The Town needs to have a minimum of 30 present at each seminar.

### **Request to use Town Office Building for car wash – May 16, 2009**

Ms. Garbitt read the letter into the record from Amber Rand, who was requesting to use the Town Office Building for a fundraiser car wash on May 16, 2009.

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

VOTED: To allow the use of the Town Office Building for the purpose of a fundraiser car wash on May 16, 2009 with a rain date of May 23, 2009, and for them to use biodegradable soap and subject to any rules that the Town may set into place prior to that time.  
Unanimous in favor.

### **Discuss fee for Temporary Trailer Permits**

Ms. Garbitt explained that at a previous meeting, the Board had discussed charging \$25 per trailer and would like to officially set that as the fee.

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

VOTED: To set the fee for a temporary storage trailer permit at \$25.  
Unanimous in favor.

Ms. Garbitt said when the applicants come up for renewal, they will be told that this is now an individual fee per trailer. Selectman Evirs suggested sending a notice now to those with permits in place now that the fee will be \$25.00 per trailer. Discussion took place about whether the permits should all expire on the same date. Ms. Garbitt stated that the Town does not have many temporary storage trailer permits right now, so they can be handled on an individual basis.

**Any other business that may properly come before the meeting.**

A discussion occurred regarding scheduling a Joint Meeting for May 11, 2009 at 7:00 PM with the Finance Committee and also invite the School Committee.

Greg O'Brien, Retired Navy Officer, stated that Freetown will be lowering flags to half-staff in memory of Tyler Trahan, who was killed in Iraq. Mr. Trahan lived in Freetown and attended the Regional Schools. Mr. O'Brien would like to put up some kind of plaque to recognize him and all that he sacrificed. Selectman Evirs stated that the only way that a flag can be lowered to half mast is by order of the Governor or the President. Ms. Garbitt said we receive an email from the Governor and are ordered to lower the flag for all servicemen on their date of internment. Mr. O'Brien said the Apponequet flag is presently at half-staff. The best practice would be to honor him in the same fashion as Freetown has. Selectman Evirs said as far as the Commonwealth of Massachusetts is concerned, there are only two (2) people who can order the flag lowered. Selectman Evirs said he is a Navy Veteran and is torn between following suit with Freetown and being respectful to our flag. He would ask the Board to request that the Governor order the flag lowered. Selectman Yeatts said when the Governor and the President say to lower the flag, you do it. She did not think that you could lower the flag whenever you wanted. Selectman Evirs said there are certain things you can and cannot do with the flag. We will put this forth to Representative Canessa, Representative Quinn and Senator Menard to ask if the Town can lower the flag for a period of time that they see fit. Mr. O'Brien asked how was Freetown able to do what they have done. Selectman Evirs said he will ask the Chief of Police if they got permission or did they do it on their own.

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

VOTED: To send a letter to Representative Canessa, Representative Quinn and Senator Menard asking if the Town can lower the flag to half-staff out of respect for Tyler Trahan.  
Unanimous in favor.

Ms. Garbitt stated that Congressman Barney Frank will be at the Lakeville Library on May 16, 2009 at 10:00 AM for a meet and greet coffee hour with the residents of Lakeville.

**Other Items**

1. Reorganization notice from Lakeville Park Commission
2. Thank you letter from Lakeville Litter Lifters  
Selectman Yeatts read the letter into the record regarding the Earth Day event that recently took place.

3. Proposed plans for CVS – Main Street  
Selectman Yeatts asked Selectman Evirs about the signs. Selectman Evirs said CVS would need to go to the Zoning Board of Appeals (ZBA) for a variance. These signs violate the setback requirements from the edge of the right of way. The Board will be reviewing this when it becomes a ZBA petition. To some respect, you do have to take into consideration the size and type of sign that people are used to seeing when they see a particular business.
4. Waterways License – Cottage Way Right-of-Way
5. Memo from Town Counsel regarding New Federal Pool & Spa Safety Requirements  
Chairman Maksy asked that this be forwarded to the Building Commissioner.
6. Letter from Tom LaGrasta of 15 Cedar Pond Road regarding drainage issue  
Selectman Yeatts said there have been many problems with the drainage at Cedar Pond from the very first day. It looks like Mr. LaGrasta has a pond there. There is a tri-party agreement. Can we take money from that agreement to fix it? Ms. Garbitt said this is on the agenda for the Planning Board. The Board asked that the Planning Board keep them posted.
7. State Revolving Fund Loan Program for Drinking Water Projects 2009 Intended Use Plan & Project Priority List
8. State Revolving Fund Loan Program for Clean Water Projects 2009 Intended Use Plan & Project Priority List  
Selectman Yeatts noted that the Town is on the list for \$30 million for Long Pond.
9. Minutes from SRPEDD Nominating Awards Committee meeting
10. SRPEDD Meeting – Presentation of Final Draft of the Route I-495 Corridor Study  
Selectman Evirs said he is attending this and SRPEDD is announcing the final design for Route 44 on May 13, 2009.
11. Plymouth County Commissioner Meeting Agenda – April 28, 2009
12. Cranberry Country Perspective
13. City and Town April 2009
14. Department of Public Utilities Notice of Filing-Bay State Gas Company
15. Letter from Verizon regarding new channels
16. Wind Analysis for Lakeville from Sustainable Energy Development  
Chairman Maksy said he met Mr. Vanderbrook at a Renewable Energy Show in Boston. He inquired about building a wind turbine. They have a copy of the Highland Road wind analysis. It would be a 12 year to 17 year payback on a cost of \$4.8 million design construction project. He wants to talk to them more since they are not talking about any cost sharing. We are currently supplied by Middleborough Gas & Electric, which is a municipal provider. NSTAR does subscribe to the Mass Technology Collaborative. He will call and speak with them. Ms. Garbitt has invited them to attend the Selectmen's meeting on June 22<sup>nd</sup> to do a presentation. He has not gotten back to her yet.
17. Taunton River Watershed Campaign Conservation & Nature Series Spring/Summer 2009
18. Announcement from Massachusetts Renewable Energy Trust regarding the Commonwealth Wind Incentive Program
19. Memo from Planning Board to Master Plan Implementation Committee regarding the Accessory Apartment By-Law
20. Situation Reports from Mass Department of Public Health regarding the Swine Flu
21. SRPEDD Invitation to a Creative Problem Solving Workshop on May 15, 2009



22. Notice regarding Taunton River Watershed Management Plan Meeting at Lakeville Library on May 12, 2009
23. Comcast Financial Forms CTV 200, CTV 300 and CTV 400
24. Notice from Mass Department of Public Health of Regional Health Dialogues
25. Notice of Affordable Housing Opportunities: Tools & Strategies Workshop on May 20, 2009

At 9:00 PM, upon a motion made by Selectman Yeatts, seconded by Selectman Evirs, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss pending litigation and Collective Bargaining Agreements.  
Polled vote of Selectman Yeatts – aye, Selectman Evirs – aye, and Selectman Maksy – aye.