

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
May 9, 2011 – 7:00 PM

On May 9, 2011, 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 Olivier at 7:02 PM. Selectmen present were:, Selectman Olivier, Selectman Maksy and Selectman Belliveau. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow was present and recording for The Middleboro Gazette.

7:00 PM Pole Hearing – Middleborough Gas &Electric – Nemasket Drive

William Taylor, Electric Division Manager, was present from Middleborough Gas and Electric (MG&E). It was acknowledged that the abutters have received notice by mail. Chairman Olivier read the notice into the record.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To open the Pole Hearing.
Unanimous in favor.

Mr. Taylor explained that the direct burial cable failed and instead of digging up the road, he was requesting to put the cable up on two (2) poles instead. The cable had not originally been put in with conduit; it had been done direct burial. Basically all cable that is set into the ground now is done via conduit. Minor additional discussion for clarification took place regarding the subdivision where this needs to be done. Ms. Craig asked if the location was Nemasket Drive or Nemasket Street, since the paperwork from MG&E has it as Drive and Street. Ms. Garbitt stated that it is Nemasket Drive.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To close the Pole Hearing
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the request for two (2) pole locations on Nemasket Drive, Pole #6A and Pole #6A1, subject to corrections in the paperwork listing the address as Nemasket Drive throughout.
Unanimous in favor.

7:30 PM Meet with Larry Simpson, Donald Foster and Robert Iafrate to discuss Green Communities Designation and Performance Contracting

Larry Simpson, Donald Foster and Robert Iafrate, members of the Energy Advisory Committee, were present for the discussion. Mr. Simpson explained that he wanted to speak on

the implications, benefits and opportunities to the Town with or without the Green Communities Designation. The primary benefit is to access grants, which will help the Town to invest in capital improvements to reduce operating expenses of municipal buildings. In order for the Town to be designated as a Green Community, certain criteria must be met: a. Adopt as-of-right siting in designated locations, for RE/AE generation, or RE/AE R&D, or RE/AE manufacturing, b. Adopt expedited (12 month) application/permitting process, c. Establish an energy use baseline inventory with a plan to reduce baseline by 20% in five (5) years, d. Purchase only fuel-efficient vehicles, and e. Adopt "Stretch" Energy Code. Thirty-five municipalities have been designated as Green Communities as of May 21, 2010. Forty-seven municipalities have adopted the new Board of Building Regulations and Standards (BBRS) Stretch Code, as of September 21, 2010. Other than access to grant programs, the Town would benefit by having reduced operating expenses of municipal buildings.

Mr. Simpson said the Town will be able to collaborate with the School District on initiatives that will transfer energy savings to education. The Town will be demonstrating leadership to businesses and residents. As a Green Community, Lakeville will qualify to apply for Green Communities grants for studying, designing, constructing or implementing energy efficiency and renewable or alternative energy projects including: Energy conservation measures and projects, Procurement/Installation of energy management services, Adoption of demand side reduction initiatives, Adoption of energy efficiency policies, and Financing the siting and construction of renewable or alternative energy projects on municipally-owned land.

Mr. Foster took the floor to explain what the advantages have been to Old Colony Vocational School and Old Rochester Schools. By November, the electricity cost was about \$9,000; in contrast, the consumption was \$23,000, due to the installation of new lights, motors, a roof top air conditioner, etc. Another area where they saved money was using performance contracting. Performance contracting is the selection of a company to survey where energy could be saved. The temperature control and lighting in vending machines had the biggest payback. Turning the lights off in the machines when there aren't any consumers and turning the temperature down at night was a big savings. The vendor guarantees in their contract that they will meet minimum performance standards, and if they do not, then they will have to pay back the money. A baseline has been created to show that there has been decreased energy consumption. The consumption has been audited as soon as the switches were turned on for comparison purposes for the past three (3) years. All five (5) of the Towns involved are already saving money on this. The energy money that is saved and not spent is used to pay the note/bond for improvements that were made. The net cost to the Town is zero. If they do not pay the amount of money that they said they would, the performance contractor is contractually obligated to pay the amount that they said would be saved. Trane was hired at a cost of \$35,000 and they have done an amazing job. Further information was provided, including what Jeff Stevens has done for the Middleborough School Department in terms of energy savings. The equipment at the schools needed to be replaced, so it made sense to do it in an efficient manner. Chairman Olivier brought up the fact that the State changed the rules on the type of company that is able to work with School Departments. What we need is a map of the energy use of the Town buildings. That has begun with the student that is working on that. Perhaps he could be offered a small stipend to continue to work on the study.

Mr. Simpson stated three (3) weeks ago, he attended a Green Communities Conference with representatives from many municipalities throughout the State. It was an overall strategy to approach all types of energy. The vehicle was the Green Communities Act, but it was putting all things on the table to look for energy savings, such as solar panels on landfills, which are generating 60-70% of their energy, selling it back to the grid, and passing the savings to their customers. The Energy Advisory Committee is asking for strong support of the Green Communities designation. They would also like the Town to work with the Committee when such things are addressed, such as performance contracting. The Committee has also approached John McCarthy, School Superintendent, and he indicated his willingness to work on this. The Committee is presently looking for support and a small stipend to pay the student who is doing some base research in the buildings. Selectman Maksy stated that if the Town was able to implement some pieces of the act, the Board might be in favor of having the intern come in. Ms. Garbitt stated that the Town does have to have a 20% savings in five (5) years. Selectman Maksy asked how does the Board authorize the Committee to pay the intern. Ms. Garbitt said based on the present budget, nothing should be done until after July 1st. She asked what amount the stipend would be. Mr. Foster responded that the stipend would be about \$1,500, then, there is the labor. Ms. Garbitt stated that she could use emergency labor funds, as long as it is done after July 1st.

Mr. Foster explained that in order to satisfy some requirements, the data has to go into a Massachusetts Commonwealth Data Base that analyzes the data. The intern they are considering has already been trained to do that and has the password. It would be appropriate to begin in the Town Buildings and see how it works; then maybe go on to the schools. Ms. Garbitt stated that Assawompset School will be included. Selectman Maksy stated that the Town might have enough savings to pay for the intern by starting at the Town Office Building and paying the stipend to the student. Mr. Simpson added that many towns are moving forward putting someone in place to look at energy cost reductions. Selectman Maksy suggested to have the person look at when the Town began its cost saving strategy of closing down the Offices one (1) day a week and then proceed forward. Mr. Foster stated that the person is trained, ready and could start now. Selectman Maksy stated that the Green Community Articles need to pass at Town Meeting first. Mr. Foster stated that he can let his colleagues know that we are ready to go. It will probably take a few months to get this into place, so July 1st would be fine. Selectman Maksy stated that he feels that the hardest article to pass will be the Stretch Energy Code since that puts a lot of pressure on the townspeople. Mr. Simpson said that of the other communities that have accepted it, once they became aware of the Stretch Energy Code, they embraced it. It had been fear of the unknown prior to that. Mr. Iafrate stated that this will help to make new houses 20% more efficient. It may cost more to build the home, but it will save the potential homeowner in the long run. It is important to adopt this and put it into place. Builders are not used to it, but there is a lot of information available. The Committee will put together a forum for local builders to let them know what the potential changes are and what they may need to add to their construction costs. Mr. Simpson stated that the good news is that the building industry itself is coming out with more of the energy efficient items. Mr. Iafrate explained that only additions to present homes have to meet the new requirements, not the entire present home, and then, new construction. Mr. Iafrate distributed information about a local company that offers to do an audit for buildings. They will evaluate just one (1) building and look at the boiler, lighting

and tell you ways that money can be saved. This is another option that the Town could look at if the Town did not want to do performance contracting.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To authorize an intern to begin analyzing the Town's energy systems since 2008 with a stipend amount of \$1,500 to begin July 1, 2011.
Unanimous in favor.

Discuss Mechanical Permits and Electrical Permits with Building Commissioner

Robert Iafrate, Building Commissioner, was present for the discussion. Mr. Iafrate explained that there are new regulations regarding homeowners pulling Wiring Permits in Lakeville. The State also wants to mandate the installation of sheet metal in a Mechanical Permit. This mandate had to be in place by February 19th. Mr. Iafrate presented his draft fees that are associated with these permits. He explained the intent of the State is to make Heating, Venting, & Air Conditioning systems more efficient. The Building Department has received a few applications since February 19, 2011, but has not cashed any of the checks since the Board of Selectmen needed to approve the fees first. Mr. Iafrate said residential fees would be \$50 and commercial fees would be \$15 per \$1,000 of estimated cost or a fraction thereof. The Building Department will not take a Mechanical Permit until the mechanical contractor is ready to do the job. This is in addition to the Building Permit. Selectman Maksy offered that a flat rate would be better and less confusing.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the Mechanical Permit Fees as submitted per dwelling, rather than per system.
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the Building Permit Application as amended.
Unanimous in favor.

8:00 PM Continuation of Earth Removal Permit Hearing-Kurt Radke-5 Main Street

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To open the Earth Removal Permit Hearing and to continue the hearing after Mr. Iafrate's discussion on mechanical and electrical permits.
Unanimous in favor.

Jamie Bissonette of Prime Engineering was present for the discussion. Mr. Bissonette presented a plan showing the proposed Earth Removal area. He explained the work to be done on the berm. There will be a plant put in that grows pretty fast and will provide a nice green

screen. He also addressed the cut in the existing bank. The gravel access area has been addressed, and a construction apron will be installed. The owner would like to do the project section by section. Every section would be handled in the same fashion, the gravel would be removed, then loam would be spread, then the area seeded. This would continue in the same manner for each section. A silt fence will be placed along the vernal pool's area to protect the neighbors and prevent erosion. It is hoped that this project could be done in two (2) to three (3) years to keep in compliance with permits from Natural Heritage. Selectman Maksy said the Town issues one (1) year permits. Ms. Garbitt responded that the applicant would have to apply each year to renew their permit. The abutter notification is only done during the initial process, not upon the renewal process.

Mr. Bissonette stated that it is understood that this is a sensitive area and a filing will take place with Natural Heritage. Everything will be done very carefully. Mr. Iafrate explained that his concerns were the buffer zone and the time frame for the truck traffic. It would be preferable to reduce the flow of trucks. There are conditions on the Town's Earth Removal Permit that do not allow for on site screening. If they have loam on site, it might be better to allow screening on site, which will reduce the amount of trucks going on and off the site. Chairman Olivier stated that it was the gravel screening which was more of a concern than the loam screening. Mr. Bissonette pointed out that the project was coming very close to the property line. In some cases it is only four (4) feet where it will start a crest to go up or go down, but there is a slope that offers noise protection to the neighbors. Mr. Radke is not looking to undermine fences. There are some that are encroaching onto his property, and some people may even be using his property. Mr. Radke is willing to leave that alone. Mr. Iafrate stated that the bylaw does require a 40 feet buffer for Industrial and 100 feet for Residential and that buffer is not there in this situation. Chairman Olivier stated that he would like to hear from the Planning Board. Mr. Bissonette stated that the process has begun of putting in a reprocessed asphalt to cover the gravel to keep the dust low upon the entry to the site. Mr. Radke owns a street sweeper and will sweep the area once a week. Mr. Bissonette added that the owner will be planting a dense row of evergreens with a berm of 12-14 feet in height. No house is within 50 feet of the berm.

Ms. Garbitt stated that the Planning Board meets on the 17th, and the Board of Selectmen will meet again on the 18th. Ms. Grubb stated that the Request for Determination of Applicability (RDA) was for the little parking area. This project with its great amount of soil removal could have a greater impact to the vernal pool. Mr. Bissonette explained that when the survey was done, the water was down low. He used to live nearby and had never seen it up near the pipe. Ms. Grubb stated that the RDA decision says that work is within the buffer zone, as per the regulations. She thought the Conservation Agent had requested that they come back with another RDA. Mr. Bissonette agreed. The Board of Selectmen will discuss the Earth Removal Permit for Kurt Radke of New England Rental at 5 Main Street on the May 17th with the Planning Board, and then set the conditions for the permit at their meeting on May 8th.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To continue the Earth Removal Permit Hearing for Kurt Radke until May 18, 2011 at 7:00 PM.

Unanimous in favor.

8:15 PM Warrant Review – Special Town Meeting – May 23, 2011

Chairman Olivier read the warrant into the record.

Article 1: To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2011 for various accounts in the General Fund, the Park Enterprise Fund, Landfill Enterprise Fund, and Water Enterprise Fund, or take any action relative thereto.

Ms. Garbitt explained that the Town is \$4,122 over in Estimated Receipts.

Article 2: To see if the Town will vote to appropriate a sum of money by borrowing or otherwise to pay costs of acquiring, which acquisition may be made by the Selectmen by purchase, eminent domain or otherwise, a fee simple or any lesser interest in all or a portion of 5.87 acres located at 344 Bedford Street, shown on Lakeville Assessors Map 57 Block 1 Lot 6 including the payment of all other costs incidental and related thereto; authorize the Selectmen to take all related actions necessary to complete said transaction, provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the funds required to repay any bonds or notes issued hereunder from the limitations of Proposition 2 ½ so called, or take any other action relative thereto.

Daniel Hopkins was present to speak on the petition. Mr. Hopkins stated that the article is to let the townspeople know that there was a Committee formed that studied all the needs of the Town. The Committee determined that if that particular piece of property came up for sale, it should be purchased and that is what the article is for. Ms. Garbitt stated that she had questioned the article when it was originally done. The original ad from the realtor stated there was 5.87 acres. The site contains three (3) parcels, the rest home, the yellow house and a vacant lot. The question was for the intent. Town Counsel was consulted to ask if this could be corrected in the motion. Town Counsel said that as long as the map is attached to the warrant, then all three (3) Assessors identifications can be corrected in the motion. However, Town Meeting could also vote the 3.44 acre parcel only.

Chairman Olivier stated that the Board is in the process of reevaluating the feasibility study that was previously done. Things have changed in Town since the committee originally came to their conclusion. Also, financially things have changed drastically since their report came out. The Town has purchased a lot on credit: the total renovation of the GRAIS School, Howland Road property, the Senior Center, the Library, Betty's Neck property, Tamarack Park, and other debt for the schools. The cost to pay this back will be \$1.85 million in FY12 and \$1.6 million in FY13. The amount will start to drop off after that, but there is a lot of burden on the taxpayers as it is. We do not know what the Committee will come up with since there are a lot of options. We have a lot of debt, which we should allow to decrease and then we can go for a debt exclusion, rather than go for one now to buy the property for \$500,000. We also need to look at our operational debt. We do not want to tighten our belt so much that we have no other options. We also have a sustainability issue at the Regional level. We are not through working with the Region and will have to restart that again next year. Until we can be sustainable, we should not be going to the taxpayers to buy a piece of land that will just sit there.

Selectman Maksy stated that he is on the fence with this and will support whatever the Town decides. Selectman Belliveau stated that he is a fiscal conservative and is pretty much against spending money. He has seen the laundry list of what has been spent over the years. However, he did not want to be foolish and miss an opportunity. Maybe the Assessors could be brought back to the Town Office Building and the Assessors Building and the Police Building sold. We do not need to be in the property business, and there is a cost to maintaining property. Aaron Burke stated that the article also says that the Selectmen can purchase this if it is in the best interest of the Town. Selectman Maksy stated that he would like an appraisal on the property. He suggested to table the article until the Finance Committee has their meeting on Wednesday night and discusses it. Ms. Grubb pointed out that there also may be wetland issues with the property that have not been looked into as of yet. Mr. Hopkins then provided information about the study that Kaestle-Boos had done.

Mr. Hopkins explained that he was just presenting this so if the townspeople want to purchase the property, then it will come out of their pockets. Norman Orrall stated that he is for letting the townspeople decide, however there does not appear to be enough information. Did the study get all the information that it needed? He questioned if the property was in turtle protected habitat; the proximity to the pond and have the multiple above ground storage tanks on the property ever leaked. Unless the study went into those details as mentioned above, more information is needed on the property. Those are the kinds of things that as a townspeople and as a Finance Committee member he would want to know. Mr. Burke inquired if it was known how much of the land would be needed. The Town might not necessarily need to purchase it all. Ms. Grubb stated that as a member of the Open Space Committee, she would recommend that the Town buy the property and not build on it. The Selectmen tabled this article for the time being.

Article 3: To see if the Town will vote that Island Terrace, Inc. shall purchase one acre of land currently owned by the Town of Lakeville, with appropriate easements to it. The land would be used for a leaching field as required by the State of Massachusetts to meet drinking water supply setback regulations. Island Terrace petitions to pay the Town of Lakeville \$25,000.00 (Twenty-Five Thousand Dollars) specific to this acre. Island Terrace also petitions to provide, in exchange for the use of one acre of land for a leaching field as required by the State of Massachusetts, an additional \$100,000.00 (One Hundred Thousand Dollars) specific towards upgrading “The Peach Barn” to a proper public facility. The total of this petition is \$125,000 (One Hundred Twenty Five Thousand Dollars) paid to the Town of Lakeville for rights to use one acre of land and the upgrade of the “Peach Barn.”

Carol Tolles was present for the discussion. Ms. Tolles showed an aerial view of the eight (8) acres that contained Island Terrace. She has spent seven (7) years trying to get a failing septic system replaced. She is at square one and trying to get something done, which will not meet any of the setbacks at Island Terrace. Ms. Tolles showed that there is a right of way from the Island, up the driveway to an area which could have a leaching field. That piece of property meets all the setback requirements. The Island Terrace property was purchased in 1912 and her parents started the nursing home in 1915 with 12 clients at \$8 a day. There are now 77 patients. There are also a lot of septic pods on the property; they go all around the property. The leaching fields have failed, and 40% of the pits are in failure. The property does not meet any setbacks

for drinking water, zoning, etc. There is also nowhere else to put in any sort of a leaching field, and that is why she is requesting to go off the site.

Selectman Maksy asked about purchasing one (1) of the two (2) house lots on Long Point Road. Ms. Tolles responded that there is a question of whether they are far enough away from the water supply, and it would have to be located in the front (back portion away from water) and along a narrow strip. Her engineers are looking into that. Ms. Grubb noted that Ms. Tolles has a right to pass, not a right to put in pipes; that is what the easement allows. This is all controlled by the Commonwealth, DCR, and State Agencies. It is Article 97 land, so, it will need 2/3's vote of the State Legislature to change the conditions. Ms. Tolles stated that she understood that this is only the first step. Selectman Maksy stated that there is a lot of work for this to take place, even if the Board agrees to step one. Ms. Tolles stated that she also needs Town Meeting approval, unless Conservation is compensated. She has proposed doing \$80,000-\$100,000 worth of work at the Peach Barn on Betty's Neck in exchange for the land in question. This is all to try and satisfy Conservation at the State level. Ms. Tolles then showed options 2 and 3. She stated that Mr. Decas does not mind them going across their property, but they do have a concern granting us that right behind the property. So Option 2 may not be viable. The project could go into the alfalfa lot and Conservation could still plant for animal ingested/consumption food. It could also be put under the parking lot. The overhead photos of the sites are being published in the Middleboro Gazette this week so that everyone can see the options.

Ms. Garbitt stated that since these are petitioned articles, typically all the motions for articles are passed through Town Counsel. In the past, the Board has, if they are in favor of the articles, had Town Counsel review them. The motion could be one of the specific sites. Ms. Tolles stated that to get to the parking lot or the alfalfa field, she would need permission from Mr. Decas. Ms. Grubb stated that she felt Ms. Tolles needed a commitment from the Commonwealth since they hold the Conservation Restriction (CR), not the Town. You cannot put a shovel in the ground at Betty's Neck since it is an archeologically sound area. Certainly a drainage system and a septic system would be part of an entire recovery as there is a history of occupancy for a long time there. Selectman Maksy stated that the Town's State Legislators said if the townspeople are in favor of this, they would be prepared to take it to the State and present it. The townspeople should be allowed to decide. Ms. Grubb stated that as long as they are clear with what it is about and the alternatives of the CR. Mr. Orrall asked what the background was on all of this. Ms. Tolles stated that Conservation has to be provided something very specifically in return for a leaching field. Mr. Orrall asked about some of this going to the bond service, and if anyone has looked into that aspect. Discussion then took place on that matter.

Ms. Grubb stated that everyone who holds the CR needs to be contacted to determine what they think is acceptable. Chairman Olivier stated that they may not see a fiscal compensation as a conservation aspect. Mr. Orrall stated that Island Terrace provides a valuable service for its families, so the intent is to see this business survive. Further discussion ensued about having Town Counsel review how the article is being presented and the costs to do so knowing that it would be borne by the townspeople. Selectman Maksy asked about other properties that might be available. Ms. Tolles responded that there is only one (1) abandoned property, but the neighbors may not want to be next to Island Terrace's septic system. DEP requirements have to be satisfied by 2014 and there is currently a temporary septic system all built and in place while

this is all pending. Mr. Burke stated that he would have Ms. Tolles' attorney clean up the language so that if this was presented at Town Meeting, it could actually be approved. Ms. Tolles asked if she could get it corrected and brought back to the Board to review. Ms. Garbitt stated that she felt that the motion needs to have the Selectmen request this of the State Legislature. Ms. Garbitt stated that it is up to the Board if they want to have Ms. Tolles pay for Town Counsel to review or re-write the article or her attorney work with Town Counsel and she could pay for it. It was decided to have Ms. Tolles' attorney contact Town Counsel. Ms. Garbitt stated that she will inform Town Counsel ahead of time to let them know that her counsel will be contacting them. The article was tabled by the Selectmen until the 18th of May.

Article 4: To see if the Town will vote to transfer the care, custody and control of the 10-acre parcel described below from the Board of Selectmen for recreation purposes to the Board of Selectmen for conservation purposes and for the purpose of conveying a conservation restriction and/or a declaration of restrictions thereon, and further to authorize the Board of Selectmen to convey to a governmental body or to a nonprofit charitable corporation or foundation a perpetual conservation restriction and/or a declaration of restrictions encumbering a portion of the parcel of land know as the Ted Williams Camp and described in a deed recorded in the Plymouth County District Registry of Deeds at Book 7228, Page 61, which portion to be encumbered contains ten (10) acres, more or less, [*and is shown approximately on a plan entitled "Ted Williams Camp Conservation Plan," on file with the Town Clerk,*] on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate; or take any other action relative thereto.

Ms. Garbitt explained that this article is to do with the earth removal at the Ted Williams Camp. There will be a ten (10) acre conservation restriction at Ted Williams Camp and also on ten (10) acres on Howland Road.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To recommend approval of Article 4 for the Special Town Meeting on May 23, 2011.
Unanimous in favor.

Review FY12 Budget Summary

Chairman Olivier stated that there has not been a lot of change since the Board last met with the Finance Committee. The Regional amount has changed. Ms. Garbitt asked if the Board was going to fully fund transportation. Chairman Olivier responded that as it stands, the Town has a \$50,000 budget deficit. Chairman Olivier had also gone back to look at the budgets that were frozen to see if there were any funds available to give the departments any of their requests. This could not take place with a \$50,000 deficit, so they are still level funded. Mr. Orrall then brought up the fact that there are two (2) months of health insurance for the current school year in the amount of \$110,000. Chairman Olivier stated that that needs to be taken into consideration. He felt the Region should be responsible for that. Ms. Garbitt mentioned that this would apply to Freetown as well, and the Town will need to make the Region come up with Freetown's amount also. After further discussion, it was decided to just leave the \$110,000

alone since it may cost the Town more in the long run. Chairman Olivier stated that \$50,000 needs to be used from the Water Stabilization Account to balance the budget. Selectman Maksy stated that he would rather take it from the Regular Stabilization Account instead. Ms. Garbitt noted there is also the money from Kensington Court that may come in. Chairman Olivier stated that it will be taken from the Regular Stabilization Account.

Ms. Garbitt stated that the other bad news is the \$66,000 deficit for Out of District Special Ed that was reported by Anne St. Pierre has become an \$84,000 deficit. Chairman Olivier stated that it does not make sense to keep the fourth grade at Assawompset. One of the main reasons the Town regionalized was to bring the fourth grade back to GRAIS. It seems though that we are moving backwards rather than forward, and that does not sit well with him. We have the right to have 550 of our students at GRAIS. Attorney Mike Long said that since the Regional Transitional School Committee voted to keep the students at Assawompset, the vote is binding. After July 1st there is no Local School Committee. Chairman Olivier believed that Attorney Long's opinion is incorrect. Further discussion ensued. David Davenport, Local School Committee member, stated that Attorney Long offered the opinion and Mark Reich from Kopelman and Paige concurred. You cannot undo the renovation or the debt, so that agreement supersedes to override Lakeville's rights. Reading Attorney Long's concluding paragraph, irrespective of Lakeville's vote, the Regional Transitional School Committee has the authority to keep the fourth grade at Assawompset. Chairman Olivier stated it was the responsibility of the Local School Committee to revisit this and that the students should be moved back to GRAIS from Assawompset.

Sherry Barron stated that when townspeople supported regionalization, it was thought that the students were going back to GRAIS. Townspeople are tired of seeing the building 2/3's empty. By July 1st it will be too late to move them over. The townspeople have seen basically all the promises for regionalization disappear, except for the four (4) teachers. Selectman Maksy stated that the GRAIS agreement falls onto the Board of Selectmen to make decisions of how many students to put in the building. He thinks that the students should go there. We have the authority to make this decision, but not until July 1st. Chairman Olivier explained that there are some efficiencies that would occur, such as reduced health insurance, transportation with the new agreement, special education, etc. Mr. Davenport stated that he will take this up with the Local School Committee, but it will be a long shot. There are problems at Assawompset with overcapacity. Chairman Olivier stated that the Superintendent stated that the quick transition for a student from one building to another disrupts a student. Mr. Davenport stated that everyone is now being told that there are educational benefits for keeping the students at Assawompset. Also, Laurie Hunter, Principal of Assawompset, was fragmenting over the capacity issues and being all alone as the principal. She was given a half time assistant, but there are still things that continue even with the addition of the position. Now that position has been cut for FY12. As of now, the kids are staying. There is a lot of stuff that was not thought through. It was rush, rush, rush. This is a safety problem. Selectman Maksy stated that the Board should ask the Local School Committee to come in before they dissolve so that we can discuss this. Chairman Olivier asked that the Local School Committee be asked to meet with the Board of Selectmen.

Review Special Town Meeting and Annual Town Meeting Warrant Articles for June 13, 2011

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To waive the reading of the articles.
Unanimous in favor.

Ms. Garbitt briefly went over these first four (4) articles.

Article 1: To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2010 for various accounts in the General Fund, the Park Enterprise, Landfill Enterprise, and the Water Enterprise, or take any action relative thereto.

Article 2: To see if the Town will vote to raise and appropriate, transfer from available funds or to authorize the Town treasurer with the approval of the Board of Selectmen to borrow a sum of money for the purpose of reconstructing, remodeling purchasing equipment, and making extraordinary repairs and install a new septic system to the Ted Williams Camp Commissary Building and for the purpose of reconstructing and making improvements to the entrance ways to the Ted Williams Camp. The proceeds from the earth removal at the Ted Williams Camp will be used.

Ms. Garbitt stated that the Park Commission will read the motion on how these funds will be used to pay off the debt.

Article 3: To see if the town will file a Home-Rule Petition with the General Court of the Commonwealth of Massachusetts to enact a Special law substantially in the following form:

An Act including certain in Members of the Fire and Police Departments of the Town of Lakeville under the Civil Service Law.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority by the same, as follows:

Section 1 Notwithstanding any general or special law to the contrary, the positions of regular and permanent members of the Lakeville fire and police departments, excluding the position of the chief of the fire department and the chief of the police department in the town of Lakeville shall be subject to Chapter 31 of General Laws. The persons now holding the titles of full-time firefighter, patrolman, sergeant, lieutenant and deputy fire chief of the Lakeville fire and Lakeville police departments, excluding the position of the chiefs on the effective date of this act shall be tenured employees and subject to said Chapter 31.

Section 2 Firefighter and police personnel of the Lakeville fire and police departments hired during the six month period preceding the effective date of this act shall be included as civil

service employees under Chapter 31 of the General laws, subject to any applicable probationary period.

Section 3 Incumbents of the Lakeville fire and police departments shall not be required to pass a qualifying examination for their current positions but shall be required to pass a competitive examination under Chapter 31 of the General laws to obtain a higher rank.

Section 4 This act shall take effect upon its passage.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote, it was:

VOTED: To place Articles 1 through 3 on the Special Town Meeting Warrant for June 13, 2011.
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Olivier it was:

VOTED: To waive the reading of the articles for the Annual Town Meeting Warrant.
Unanimous in favor.

Article 1: To determine the salaries of all elected officers, and to make appropriation, or take any action relative thereto.

Article 2: To raise and/or transfer from available funds such sums of money and as may be necessary to defray Town expenses for the fiscal period July 1, 2011 to June 30, 2012, inclusive, and to make appropriation, or take any action relative thereto.

Article 3: To see if the Town will vote to raise and appropriate for the use of the Trustees for the Plymouth County Co-operative Extension Service the sum of Two Hundred Dollars (\$200.00), and to determine the length of the term of Town Director, as provided in Sections 41 and 42 of Revised Chapter 128 of the General Laws, or take any action relative thereto.

Article 4: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Hundred Twenty Nine Thousand Three Hundred Forty Six Dollars (\$739,346.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association, or take any action relative thereto.

Article 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eight Hundred Twenty Six thousand Three Hundred Sixty Nine Dollars (\$826,369.00) as the Town's of the 2011-2012 maintenance and operating budget for the Old Colony Regional Vocational High School District, to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett, and Rochester, or take any action relative thereto.

Article 6: To see if the Town of Lakeville will vote to appropriate, borrow or transfer from available funds a sum of money to be expended as assessed under the direction of the Old Colony Regional Vocational Technical High School Building Committee for the replacement of the Old Colony School Building roof and renovation of the existing science laboratory located at 476 North Avenue, Rochester, Massachusetts for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the District incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, or take any action relative thereto.

Article 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of (to be determined) as the Town's share of the 2011-2012 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of (to be determined), the Excluded Debt Assessment of (to be determined), and the Operating Cost Assessment of (to be determined) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown, and/or to take any action relative thereto.

Ms. Garbitt asked if the Regional School Committee or the Local School Committee would be reading this article since it has not been specified. It was decided that it was Freetown Lakeville Regional School Committee.

Article 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be determined for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs other than at Old Colony Vocational School and/or to take any action relative thereto.

Ms. Garbitt explained that this used to be the Local School Committee and now it is the Regional School Committee.

Article 9: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Five Thousand Dollars (\$5,000.00) to cover the cost of contractual obligations upon retirement of Town Employees, or to take any action relative thereto.

Article 10: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Thousand Dollars (\$6,000.00) to cover the cost of Continuing Disclosure for Bonded Debt Service, or to take any action relative thereto.

Article 11: To see if the Town will vote to accept the provisions of M.G.L. c.32B, sub section 20 to establish an Other Post employment Benefits Liability Trust Fund (GASB 45), and to raise and appropriate or transfer from available funds the sum of Five Thousand Dollars (\$5,000.00) for said purpose, or take any action relative thereto.

Article 12: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum or Eighteen Thousand Seven Hundred and Fifty Dollars (\$18,750.00) for

the purpose of funding the Fiscal year 2015 Recertification of Values as mandated by the Massachusetts Department of Revenue, or take any action relative thereto.

Article 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for capital improvements and equipment as follows: Equipment, Technology and Licensing for Town Network; Radios and Equipment for Public Safety (Fire, Police and Highway Departments); Equipment Replacement for Fire Department Vehicles; a One (1) Ton Dump Truck for Highway Department; Vehicle Lift for the Highway Barn; Notice of Intent (NOI) for MS4 Stormwater Management Permit; One (1) new Cruiser for the use of the Police Department; Repairs to the Police Station Parking Lot; and Repairs to the Town Office Building/Fire Station or to take any action relative thereto.

Selectman Belliveau then went over the Capital Expenditure Committee (CEC) report. Chairman Olivier stated that this is a nice wish list. He asked to have Chris Peck, Superintendent of Streets, meet with the Selectmen to speak on the road updates figure. Discussion took place on the CEC report. Ms. Garbitt stated that the Finance Committee can vote on the CEC report Wednesday night when they meet. Chairman Olivier stated that the CEC report impacts people and wages. Does this mean that the CEC wants to add to the debt service? Ms. Garbitt explained that the debt service will be increased in FY13. Without the road figure included, it is \$80,000 a year. Further discussion ensued regarding the debt. Selectman Maksy stated that he would rather see \$80,000 total or \$25,000 a year over three (3) years. Selectman Belliveau stated that the Police and Fire Department need to have radios. This will put antennas on the new water tower for the Fire and Police Departments. Ms. Garbitt suggested a debt exclusion for the roads. If the residents want the roads fixed, that is an option. The CEC is meeting on May 9th at 3:00 PM to vote on their recommendations. Then the Finance Committee and the Board of Selectmen will vote on their recommendation on May 18th. Ms. Garbitt stated that the Finance Committee will make a recommendation to the Selectmen.

Article 14: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money and/or borrow a sum of money for the purpose of making payments on the fifth year of a five-year lease for one (1) Administrative Vehicle for the use of the Office of the Assessors, or take any action relative thereto.

Article 15: To see if the Town will vote to accept under the provisions of General laws, Chapter 90, Section 34, an apportionment in the amount of Three Hundred Sixty Eight Thousand Five Hundred Ninety Eight Dollars (\$368,598.00), or take any action relative thereto.

Article 16: To see if the Town will vote to raise and appropriate and/or transfer from appropriated and/or unappropriated available funds in the treasury a sum of money for the purpose of adding to the Stabilization Fund pursuant to the provisions of General laws Chapter 40, Section 5B, or take any action relative thereto.

Article 17: To see if the Town will vote to raise and appropriate or transfer from unappropriated available funds in the treasury a sum of money to the Reserve Fund, or take any action relative thereto.

Article 18: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, as well as take any other action necessary to carry out the projects, or take any action relative thereto.

Article 19: To see if the Town will vote to appropriate a sum of money for a Sewer Construction Project for the shorefront communities on the Western side of Long Pond, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; or take any other action relative thereto.

Article 20: To see if the Town will amend the General Bylaws to delete the section entitled “Outdoor Lighting” and replace it in its entirety with a new section entitled “Outdoor Lighting” with the following text, said new text to address new high efficiency lighting technology that has been developed since the original “Outdoor Lighting: bylaw was enacted: By-law

Article 21: To see if the Town will vote to revise the town’s outdoor lighting by-law. Lakeville’s current outdoor lighting by-law no longer reflects modern outdoor lighting standards and technology. The current by-law contains out of date guidelines and technical inaccuracies that detract from its intended purpose. The revised by-law provides corrections and clearer guidelines for outdoor lighting fixtures in order to reduce the problems associated with excess glare and light trespass. In effect, the updated version of the by-law will protect nocturnal habitats and wild-life and the night sky in addition to providing better night-time security and energy savings, or take any other action thereto.

Article 22: To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as it may be amended from time to time, and to amend the Town of Lakeville General Bylaws by inserting a new Section entitled “Stretch Energy Code” as set forth below:

Stretch Energy Code

1. Adoption. The Town of Lakeville has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the (“Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.
2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

Article 23: To see if the Town will vote to amend the Zoning By-laws, Table of Use Regulations, Section 4.13, Industrial Uses, to eliminate the line “Research Laboratory” below “Dry-Excluding genetic or biological research” and above “Wet-including genetic or biological research” because it is duplicative and redundant and to insert a new line “Renewable and Alternative Energy Research” below “Wet-including genetic or biological research” and above “Sale of new or used construction or materials handling equipment” so as to allow “Renewable and Alternative Energy Research” as of right in the Industrial and Industrial-B districts, but prohibit it in the Residential and Business Districts, or take any other action relative thereto.

Research laboratory				
Dry-excluding genetic or biological research	N	N	SP	SP
Research laboratory				
Wet-including genetic or biological research	N*	N*	N*	N*
*(Adopted 6/13/05; approved by Attorney General 9/30/05)				
Renewable and Alternative Energy Research	N	N	Y	Y

Article 24: To see if the Town will vote to amend the Zoning By-laws, Section 2.0 to insert new definitions for “Renewable and Alternative Energy Research and Development Facilities” and “Place for Manufacturing, Assembling, or Packaging of Goods” as follows:

Renewable and Alternative Energy Research and Development Facilities: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of project manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Place for Manufacturing, Assembling, or Packaging of Goods: Those used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

or take any other action relative thereto.

Article 25: To see if the Town will vote to amend the Town of Lakeville Zoning By-laws, Section 6.0 by adding a subsection 6.9 Expedited permitting as follows:

Renewable or alternative energy research and development facilities and renewable or alternative energy manufacturing facilities and/or Renewable Energy Generation Facilities as identified in Sections(s) 2.0, subject to Site Plan Review by the Planning Board, pursuant to Section 6.7 (Site Plan Approval) and subject to the dimensional requirements of Section 5.0 (Dimensional Regulations). Said Site Plan Approval shall be an “expedited” application and permitting process under which said facilities may be sited within one (1) year, from the date of initial application to the date of final approval by the Planning Board; unless mutually agreed upon by both parties to extend time of approval. For the purposes of this section Renewable Energy shall be as defined in Section 2.0.

or take any other action relative thereto.

Article 26: To see if the Town will vote to amend the Zoning By-laws to insert a new article, Article 10, entitled “Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay District” as follows:

10.0 **Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District**

10.1 **Purpose**

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

10.1.1 Applicability This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

10.2 **Definitions**

10.2.1 As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development *shall* be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Planning Board through Site Plan Review.

10.2.2 Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

10.2.3 Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations. Building Permits will be issued after Site Plan Review by the Planning Board.

10.2.4 Designated Location: The locations designated by Town Meeting, in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground-mounted large scale solar photovoltaic installations may be sited as-of right. To include all I (Industrial Districts) as shown on the Lakeville Zoning Map (As Revised August 2009). This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

10.2.5 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

10.2.6 On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

10.2.7 Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

10.2.8 Site Plan Review: Review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

10.2.9 Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality. *The Planning Board is the Site Plan Review Authority.*

10.2.10 Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

10.2.11 Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws. The Building Commissioner is the Zoning Enforcement authority.

10.3 General Requirements for all Large Scale Solar Power Generation Installations.
The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

10.3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

10.3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

10.3.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

10.3.4 Renewable or Alternative Energy Research and development facilities, and renewable or alternative energy manufacturing facilities, subject to Site Plan Review by

the Planning Board, pursuant to Section 7.3 and 10.3.5 Site Plan Review and subject to the dimensional requirements of Section 10.3.9 Dimension and Density Requirements. Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

10.3.5 Site Plan Review

Ground-mounted solar *photovoltaic installations shall undergo* site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

10.3.5.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

10.3.5.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

(A) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- viii. The name, contact information and signature of any agents representing the project proponent; and
 - (a) Documentation of actual or prospective access and Control of the project site (see also Section 10.3.6);
 - (b) An operation and maintenance plan (see also Section 10.3.7);

- (c) Zoning district designation for the parcel(s) of Land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (d) Proof of liability insurance; and
- (e) Description of financial surety that satisfies Section 10.3.13.3

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

10.3.6 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

10.3.7 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

10.3.8 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

10.3.9 Dimension and Density Requirements

10.3.9.1 Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 40 feet
- (b) Side yard: Each side yard shall have a depth at least 40 feet
- (c) Rear yard: The rear yard depth shall be at least 40 feet
- (d) Buffer Strips: As set forth in Section 5.2.5.1 & 5.2.5.2 when abuts a Residential District

10.3.9.2 Appurtenant Structures

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to,

equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

10.3.10 Design Standards

10.3.10.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. *All aspects of construction not specifically listed must comply with all municipal By-laws.* Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. *Lighting* of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

10.3.10.2 Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation. All Signage must conform with Section 6.6

10.3.10.3 Utility Connections

All utility connections from the solar photovoltaic installation *shall be made underground*, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

10.3.10.4 Installation

All aspects of installation not specifically listed must conform with existing Town By-laws.

10.3.11 Safety and Environmental Standards

10.3.11.1 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be

clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

10.3.11.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be **limited to construction**, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Unit of clearing must be shown on Site Plan and be accepted by the *Site Plan Review Authority*.

10.3.12 Monitoring and Maintenance

10.3.12.1 Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

10.3.12.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

10.3.13 Abandonment or Decommissioning

10.3.13.1 Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 10.3.13.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated

below-grade foundations in order to minimize erosion and disruption to vegetation.

10.3.13.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

10.3.13.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form *determined by the* Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal, *disposal* and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal *and disposal*, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

or take any action relative thereto.

Article 27: To see if the Town will vote to amend the Zoning By-laws to insert a new article, Article 11, entitled “Wind Energy Facilities” as follows:

11.0 Land Based Wind Energy Facilities

A. Purpose

The purpose of this by-law is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this by-law shall take precedence over all other by-laws, when considering applications related to the construction, operation, and/or repair of land-based wind energy facilities.

B. Applicability

This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. This section also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, or size of such facilities or related equipment.

This section does not apply to offshore wind systems and private residential power systems.

C. Definitions

As-of-Right-Siting: As-of-Right-Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development shall be subject to site plan review to determined conformance with local zoning by-laws as well as state and federal law. As-of-Right development projects that are consistent with zoning by-laws and with state and federal law cannot be prohibited.

Building Inspector: The inspector of buildings, building commissioner, or local inspector charged with the enforcement of the state building code.

Building Permit: The permit issued in accordance with all applicable requirements of the Massachusetts State Building Code (780 CMR).

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

Site Plan Review Authority: The Planning Board is hereby designated as the Site Plan Review Authority to review site plans.

Utility-Scale Wind Energy Facility: A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Energy Facility: All of the equipment, machinery, and structures together utilized to convert wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.

Zoning Enforcement Authority: The building commissioner is the person or board charged with enforcing the zoning-by-laws within the Town of Lakeville.

D. General Requirements for all Wind Energy Facilities

The following requirements are common to all wind energy facilities to be sited in designated locations.

1. Compliance with Laws, Ordinances and Regulations

The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

2. Building Permit and Building Inspection

No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.

3. Fees

The application for a building permit for a wind energy system shall be accompanied by the fee required for a building permit.

E. Site Plan Review

No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first undergoing site plan review by the Site Plan Review Authority.

1. General

All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

2. Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

a. A site plan showing:

- i. All property lines, physical features, existing and proposed topography at two (2) foot contour intervals of the site parcel;
- ii. A site plan at a scale of not greater than 1" = 40' and to include a north arrow and locus on the plan;
- iii. Outline of all existing buildings, including purpose (e.g.

residence, garage, etc.) on site parcel and all adjacent parcels where practical, within 500 feet of the site parcel, including distances from the wind facility to each building shown;

iv. Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment;

v. Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within 500 feet of the site parcel;

vi. Any existing overhead utility lines;

vii. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of 1.5 times the height of the wind turbine;

viii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;

ix. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;

x. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;

xi. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;

xii. Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;

xiii. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;

xiv. The name, contact information and signature of any agents representing the applicant; and

xv. A maintenance plan for the wind energy facility;

- b. A locus map consisting of a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed *facility* site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; submission of a copy of a zoning map with the parcel identified is suitable for this purpose;
- c. Proof of liability insurance;
- d. Certification of height approval from the FAA;
- e. A statement that evidences the wind energy facility's conformance with Section 11.24, K, 6 listing ambient sound levels at the site and maximum projected sound levels from the wind energy facility; and
- f. Description of financial surety that satisfies Section 11.24, M, 3.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

F. Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed wind energy facility. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

G. Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

H. Utility Notification

No wind energy facility shall be installed until evidence has been given that the utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

I. Temporary Meteorological Towers (Met Towers)

A building permit shall be required for stand-alone temporary met towers. No site plan review shall be required for met towers.

J. Design Standards

1. Appearance, Color and Finish

Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements.

2. Lighting

Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the wind energy facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3. Signage

Signs on wind energy facilities shall comply with the Town's sign by-law. The following signs shall be required:

- a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- b. Educational signs providing information about the facility and the benefits of renewable energy.

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

4. Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the wind energy facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5. Appurtenant Structures

All appurtenant structures to wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by

vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

6. Height

The maximum height of wind energy facilities shall not exceed 225 feet in height.

K. Safety and Environmental Standards

1. Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, and/or the local emergency services entity designated by the local government. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

2. Unauthorized Access

Wind energy facilities shall be designed to prevent unauthorized access. For instance, the towers of wind turbines shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below the level of 8 feet above the ground. Electrical equipment shall be locked where possible.

3. Setbacks

A wind turbine may not be sited within:

- a. A distance equal to three times (3x) the height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;
- b. A distance equal to three times (3x) the height of the turbine from the nearest existing residential structure; or
- c. A distance equal to three times (3x) the height of the turbine from the nearest property line

4. Setback Waiver V

The Site Plan Review Authority may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section.

5. Shadow/Flicker

Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

6. Sound

The operation of the wind energy facility shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10).

7. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility or otherwise prescribed by applicable laws, regulations, and by-laws.

L. Monitoring and Maintenance

1. Wind Energy Facility Conditions

The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way.

2. Modifications

All material modifications to a wind energy facility made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

M. Abandonment or Decommissioning

1. Removal Requirements

Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state,

and federal waste disposal regulations.

c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption of vegetation.

2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the wind energy facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the facility.

3. Financial Surety

Applicants for utility-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

or take any action relative thereto.

Article 28: To see if the Town will vote to amend the official zoning map of the Town of Lakeville to change from residential the following described parcel of land to industrial zone: which is:

All of the foregoing described premises are more particularly shown on a plan entitled “Zoning Change Plan of Land Bedford Street in Lakeville, MA Outback Engineering, Inc.

Article 29: To see if the Town will vote to accept Deerfield Lane as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as show on the road layout plan drawn by Outback Engineering incorporation on file with the Town Clerk entitled “Roadway As-Build Plan “Deerfield Crossing” dated February 23, 2011, or take any other action relative thereto.

Article 30: To see if the Town will vote to accept Commercial Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled “Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA” dated August 17, 2010, or take any other action relative thereto.

Article 31: To see if the Town will vote to accept Riverside Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled “Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA” dated August 17, 2010, or take any other action relative thereto.

Ms. Garbitt stated that the Planning Board did not vote in support of Article 28. However, the article may still need to be put on the warrant since the petitioner did apply for the zoning change.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To put Articles 1 through 31 on the Annual Town Meeting Warrant for June 13, 2011.

Unanimous in favor.

Discuss scheduling a Selectmen’s meeting on May 16, 2011

Ms. Garbitt noted that the Board asked to change the meeting to Wednesday, May 18th so that the warrants could be signed.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To schedule the Selectmen’s meeting for Wednesday, May 18, 2011 at 7:00 PM.

Unanimous in favor.

Meet with Police Chief regarding the new COPS Grant and joining SEMLEC

Frank Alvilhiera, Police Chief, was present for the discussion. Chief Alvilhiera discussed the COPS Grant that is being offered. The Town is only allowed one (1) position and the Chief would like to know what the Board thought of applying for it. The grant for the two (2) Police Officers and one (1) Dispatcher position has expired. There are 13 Police Officers on staff now. Previously there had been 17 Officers and this will bring the amount up to 14. It will most likely be a highly competitive grant. The person would be hired at an entry level salary for three (3) years with benefits. Chairman Olivier stated that he felt that this was a good opportunity for the Town. Chief Alvilhiera stated that there are a few Officers that will be eligible to retire at the end of the grant time. The biggest overtime concern is with the supervisors. There are only three (3) supervisors and they have to be used in order to cover every shift. Mr. Orrall stated

that three (3) years does sound like a good opportunity for the Town. It is always difficult to look down the road, but we do not know if we will get the grant either. Selectman Maksy agreed, however, it will be an unfunded commitment in the fourth year. Ms. Garbitt explained that this grant is different than the grant that is expiring. That was a Federal grant for \$25,000 a year for three (3) years and no benefits. National Development picked up the rest of the expense. This grant is different since it is the full salary and benefits for the first three (3) years. Chairman Olivier said in the fourth year, the Town has to bring the person on board and they cannot be laid off. Selectman Maksy suggested tying the grant to GASBE 45 so that in the fourth year, the Town could have the money to pay for this. Ms. Garbitt stated that the Board could put money in the Stabilization Account each year and then use it to pay for the position in the fourth year.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To authorize the Police Chief to apply for the COPS grant.
Unanimous in favor.

Chief Alvilhiera stated that he also wanted to talk to the Board about entering into a mutual agreement with Southeastern Massachusetts Law Enforcement Council (SEMLAC). SEMLAC is a consortium of Police Departments throughout Bristol and Plymouth Counties, and this would be a mutual agreement between 23 other cities and towns. This would be valuable to the Town in terms of evidence recovery, search and rescue, missing persons using GPS, having a rapid response unit, etc. Pretty much all the surrounding towns are involved or getting involved in it. The fee is \$1,000 a year and that fee could be taken from the drug fund. With the floods last year, the Town spent \$20,000 in overtime and it wiped out the overtime account. This is a good insurance policy, since it only takes one (1) phone call, and you would have all the resources that you would need.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: For the Town to join SEMLAC.
Unanimous in favor.

Review Conservation and Management Permit & Management Plan for Ted Williams Camp from Natural Heritage

Ms. Garbitt stated that Daniel Hopkins went to pick up the permit from Natural Heritage. The copies to be signed are in the sign folder.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve and sign the Conservation and Management Permit.
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve and sign the Declarations of Restriction for Natural Heritage.
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve and accept the Long Term Habitat Management Plan.
Unanimous in favor.

Review and vote on Policy for Billing and Collection (ComStar) for the Ambulance Service

Chairman Olivier pointed out an error which Ms. Garbitt had changed. Ms. Garbitt stated that when attorneys request copies of reports, the Town only charges \$5.00, and that does not seem to cover the real expense for this service. This should be looked at so that an appropriate amount can be charged. The Police and Fire fees will be looked at to determine if they also need to be advertised once the Selectmen have voted on the increase.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To accept the Policy for Billing and Collection (Comstar) for the Ambulance Service as amended.
Unanimous in favor.

Review and vote on transfer of Betty's Neck Gift and Grant Funds

Ms. Garbitt stated that the first number should actually be \$3,500 (not \$3,000) that should be transferred from the Gifts and Grants Account. Ms. Garbitt responded that there is still approximately \$19,000 in the account.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To transfer \$3,500 from the Gifts and Grants Account for Betty's Neck to fulfill Lakeville's obligation to fund the Rangers that patrol the Assawompset Pond Complex.
Unanimous in favor.

Discuss SRPEDD Transfer of Development Rights Market Feasibility Study

Ms. Garbitt stated that she did not realize that SRPEDD did a Request for Proposal on a Transfer of Development Rights Market (TDR) Feasibility Study. They are requesting that she serve on the Technical Oversight Committee. On page 8, regarding the study area, this is the sending and accepting communities. They wanted to do a Greenway Connection to the Lakeville Hospital property and also a TDR from New Bedford to the Assawompset Pond Complex. Discussion then took place on this topic for clarification with Linda Grubb. It was felt that it would be a good idea for Ms. Garbitt to attend the meeting to find out what is going on and to

update the Board. The Board was concerned about losing water rights and control of water rights and the need for others to compensate the Town if other communities gained these rights.

Request for Constable reappointment-Danielle Elliot

Chairman Olivier read the request from Danielle Elliot to be reappointed as a Constable.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To reappoint Danielle Elliot as Constable for a term ending May 15, 2012.
Unanimous in favor.

Discuss designating a Selectman as Liaison for the Taunton Intermunicipal Water Agreement

Chairman Olivier said that the Board should appoint a liaison for matters dealing with the Taunton Intermunicipal Water Agreement.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote it was:

VOTED: To appoint Derek Maksy as liaison for the Taunton Intermunicipal Water Agreement.
Two in favor and one abstention.

Discuss appointment of a Selectman to the Lakeville Emergency Planning Committee

It was noted that Nancy Yeatts could not remain on the Committee since she was no longer a Selectman.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To appoint Scott Belliveau to the Lakeville Emergency Planning Committee.
Unanimous in favor.

Request to use Town Office Building for car wash-June 25, 2011 – Mullein Hill Baptist Church

Chairman Olivier stated that the Board had received a request from the Mullein Hill Baptist Church to use the Town Office Building for a fundraising car wash.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the request by Mullein Hill Baptist Church to hold a fundraiser car wash on June 25, 2011 at the Lakeville Town Office Building.
Unanimous in favor.

Request for two (2) one-day All Alcohol Liquor Licenses-Ted Williams Camp-Park Commission

Chairman Olivier read the two requests from the Park Commission for one-day All Alcohol Liquor Licenses for events being held at the Ted Williams Camp.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the request for a one-day All Alcohol Liquor License on June 11, 2011 from 12:00 PM to 6:00 PM for the Braga graduation party.
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the request for a one-day All Alcohol Liquor License on June 18, 2011 from 1:00 PM to 6:00 PM for the Vesey graduation party.
Unanimous in favor.

Review Zoning Board of Appeals Petition – 40 Shore Avenue - Rocharz

Mr. Iafrate stated that he had heard that the petition for 40 Shore Avenue will soon be withdrawn by the petitioner. No further discussion took place.

Review and vote to approve Selectmen Meeting Minutes of February 7, 2011; February 10, 2011; February 16, 2011; February 28, 2011 (two sets); March 8, 2011; March 10, 2011; and April 21, 2011

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

VOTED: To approve the Selectmen's Meeting Minutes of February 7, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Selectmen's Meeting Minutes of February 10, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Selectmen's Meeting Minutes of February 16, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the 7:00 PM Selectmen's Meeting Minutes of February 28, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the 7:05 PM Selectmen's Meeting Minutes of February 28, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 8, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 10, 2011 as presented.
Two in favor, one abstention.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the Selectmen's Meeting Minutes of April 21, 2011 as presented.
Unanimous in favor.

Review and vote to approve Executive Session Meeting Minutes of February 7, 2011; February 16, 2011; February 28, 2011; March 10, 2011; March 28, 2011; April 21, 2011 and April 28, 2011

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

VOTED: To approve the Executive Session Meeting Minutes of February 7, 2011 as presented.

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

VOTED: To approve the Executive Session Meeting Minutes of February 16, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Executive Session Meeting Minutes of February 28, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Executive Session Meeting Minutes of March 10, 2011 as presented.
Two in favor, one abstention.

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

VOTED: To approve the Executive Session Meeting Minutes of March 28, 2011 as presented.
Two in favor, one abstention.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the Executive Session Meeting Minutes of April 21, 2011 as presented.
Unanimous in favor.

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy it was:

VOTED: To approve the Executive Session meeting minutes of April 28, 2011 as presented.
Unanimous in favor.

Old Business

Selectman Belliveau stated that he had looked into monies for the Lakeville Hospital site. There is Brownfield money available; however, the site does not qualify for any of it. Jim Walsh suggested to contact SRPEDD to see if they have any possible ideas. Maybe the property could be extended to the Lakeville Development Corporation to see if they could find out any possibilities for the site or ways to help get the site developed as a revenue source for the Town.

Other Items

1. Memo from Cemetery Commission regarding Reorganization
2. Letter from Plymouth County Sheriff's Department regarding funding

3. Letter from GATRA regarding comments on the Beyond Boston-A Transit Study for the Commonwealth
4. Memo from Town Counsel regarding Historic Curatorship Program Lessee's Tax Exemption
5. Memo from Town Counsel regarding Small Claims Court
6. Verizon New England CTV Form 400
7. Comcast CTV Form 200, 300 & 400
8. Department of Telecommunication & Cable Hearing Notice-Comcast Rates
9. Directions Newsletter-Woodard and Curran
10. Letter from Verizon regarding PEG Grant Payment
11. Letter from NSTAR regarding Emergency Response Plan Meetings
12. JTPG Meeting Agenda – May 11, 2011
13. Letter from Fisheries & Wildlife regarding Ted Williams Camp

Adjournment

Upon a motion made by Selectman Belliveau; seconded by Selectman Maksy the Board

VOTED: To adjourn the Selectmen's Meeting at 12:15 AM.
Unanimous vote.