

SELECTMEN'S MEETING
Monday, June 12, 2006

On June 12, 2006, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman LaCamera at 7:00 PM. Selectmen present were: Selectman Evirs, Selectman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Middleborough Gas & Electric-two pole hearings

Taunton Street petition

William Taylor, Middleborough Electric Division Manager was present Chairman LaCamera stated that all abutters had been notified. There were no abutters present. Mr. Taylor explained the petition proposed to place one new stub pole (60 S), which was needed to accept support wire to be removed from an adjacent tree on Taunton Street, Lakeville.

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

VOTED: To approve the petition as proposed by Middleborough Gas & Electric to place pole 60S on Taunton Street, Lakeville in order to remove wires that are presently on an adjacent tree.
Unanimous in favor

Pickens Street petition

Chairman LaCamera stated that all abutters had been notified. There were no abutters present. Mr. Taylor explained the petition was to relocate pole 96 on Pickens Street, Lakeville, in order to accommodate the Demoranville Drive entrance which is under construction.

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

VOTED: To approve the petition as proposed to relocate pole 96 on Pickens Street, Lakeville in order to accommodate the construction work taking place at the entrance to Demoranville Drive.
Unanimous in favor

7:30 PM Continuation of Class II License hearing-Elite Auto

Robert Darling, Building Inspector was present for the hearing along with Jason and Linda) Bury Chairman LaCamera stated that the hearing was a continuation of a hearing that began on May 22, 2006. The Board of Selectmen held a site inspection on May 23, 2006. Chairman LaCamera stated that it has been observed that Mr. Bury is cleaning up more of the debris on the site. He will have both garages taken down, do away with the contents in the garages and also have the clam shack demolished. This is what has been agreed upon. There are some issues

with the septic system that need to be taken care of. Mr. Darling stated that he has been advised that the issues with the septic system have been taken care of, however, he has not seen a plan as of yet. Mr. Bury stated that Larry Perry has approved the modifications done with the septic system. At this time one garage has been demolished, the well is almost ready to go in and the remainder of the contents from the other garage will be removed so that it too, can be demolished.

Ms. Garbitt reminded Mr. Bury that the sales office cannot be part of the residence. Mr. Bury responded that he wanted to build a garage which will have an office in it, these are the tentative plans. Chairman LaCamera stated that he did not think that the Registry of Motor Vehicles will issue a license until the office is in place. Mr. Bury stated that he has been issued a temporary license since he had thought he could use one of the old buildings. He asked if it was a state law requirement to have the bathrooms be handicapped facilities? Mr. Darling responded that it is. Mr. Bury stated that the plans for a garage are in the works, but other things need to be done first. Then he would go to the Building Department regarding the plans. Ms. Garbitt suggested that the smaller building in the back, the rental house, could be used as an office until the main building is up. Chairman LaCamera asked if that was acceptable by Mr. Bury? Mr. Bury responded that it was. Chairman LaCamera stated that Mr. Bury should contact the Board when the buildings are down and the hearing would be continued to a future date. A temporary license might be able to be issued at that time. Ms. Garbitt stated that the certified abutter's notices have been returned. No abutters were present.

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

VOTED: To continue the hearing for Elite Auto Sales, Class II license until July 10, 2006 at 7:00 PM.
Unanimous in favor

Mr. Darling stated to the Board of Selectman that he was looking into fine-tuning the fee schedules for the Building Department. He has already started analyzing fee schedules and inspection fees in surrounding towns. He will present his findings at the Selectmen's meeting on June 26th. There have been a lot of electrical and plumbing inspections; the building permits have been about the same. His Department will start requiring electric permits for all above ground pools so as to make sure that they are getting wired correctly so that no one gets hurt. A recommendation for the commercial fee schedules will also be presented at that time.

7:30 PM Gerald Yarrigle (Race Course Road)

James Marot of the Planning Board & Roger Hamilton, Highway Supervisor, was present for the discussion. Mr. Yarrigle was recognized and took the floor to explain what has been taking place at his property. To set the record straight, the water was not back feeding onto his property. However, since the project started, the Town wanted a six (6) inch drain and his counsel said it would not be enough to take care of the drainage and so an eight (8) inch drain was requested on his property. Both engineers stated that the six (6) inch drain was enough. There have been about three (3) 100 year storms in the past two (2) years. He has conveyed in the past that if the drains do not work and the road is built higher then he would be flooded out

and this has taken place. The water used to flow halfway from his house to Chris Jenn Brook. The basins are at the same height, however, there is a berm on top of the basins. He asked to be on record that he stated at the last meeting that this would happen, and it has. He asked what would be done?

Chairman LaCamera stated that he went to the site twice and saw that the drainage is working correctly and that there is no problem with the drainage on the road. Mr. Yarrigle stated that although the road drain is working correctly, there is six (6) inches more of water in his yard. The concern is the height of the road. The matter is the road, not the basins. If nothing will be done then he will have to take the Town to court. His property should not be dammed by the Town. Chairman LaCamera stated that Mr. Yarrigle will have to do that then, since the Town has done what it agreed to do. Mr. Yarrigle stated that the Town has not made it better, he has six (6) more inches of water on his property, there is more build-up on his property. Mr. Marot stated that more water is being carried off of Mr. Yarrigle's property than was being carried off before the drainage was put in. Mr. Yarrigle stated that the Town has its stand and he will have his so the matter will be taken up in court. (Mr. Yarrigle then exited the meeting)

Roger Hamilton stated that it is not up to the Town to drain Mr. Yarrigle's property; the water is being kept from going onto his property. Also, Mr. Yarrigle wanted a larger than eight (8) inch pipe. Mr. Marot added that there is more water being taken off of Mr. Yarrigle's property and the road water is not going onto his property. The basin is six (6) inches lower than the road ever was, thus it is carrying the off of Mr. Yarrigle's property. It is lower than the original road. Mr. Hamilton stated that the Town had twelve (12) inch pipes that were having difficulty draining in the past rain storm. Selectman Evirs mentioned the fact that Mr. Yarrigle recently had his driveway paved and it might be the source of the new dam. This should be looked into. Chairman LaCamera stated that Mr. Yarrigle signed a plan between the Town and his attorney for the work that was done, thus the matter has been signed off on.

At this time discussion took place regarding the flooding problems taking place on Vaughn Street. Chairman LaCamera and Selectman Evirs have visited the site and agreed that it needs to be fixed by the Town and regulated. There had been a homeowner problem there on Vaughn Street, possibly the Town Engineer can provide plans on this. Mr. Hamilton stated that it should not be difficult. It is the type of dam that the bog owners use; and the Town should be able to purchase the materials and put them in. Selectman Yeatts stated that an engineering plan will be needed since the water will have to be held back from the pond while the dam is being built. The water level may be down though in August. Mr. Hamilton agreed that the pond could be drained down for the work to be done, however, permission was needed by the Conservation Commission to do this. He would present this to the Conservation Commission. Chairman LaCamera stated that across from the ball fields on Vaughn Street the water has come in so fast from the pond that it has gone over the road. Some of the slats were taken out to help the water flow through more easily, however, the eight (8) inch pipe could not handle the water and caused a back-up and flooded the ball field. Could the pipe be replaced? Mr. Hamilton stated that he may have some pipe and could get this done late summer. The area is just wide enough to get the pipe in and it is covered with gravel and stone. Selectman Evirs asked if across the road, the growth could be trimmed. It appears to be a serious hazard for children and they might get lost and not be found. Selectman Yeatts stated that any trimming would need to be presented to the

Conservation Commission. An emergency Order of Conditions needs to be put in place for the growth to be cut down.

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

VOTED: To have the trimming matter on Vaughn Street presented to the Conservation Commission so that an emergency Order of Conditions could be put in place to trim the excessive growth.
Unanimous in favor

7:45 PM Redlon Construction road opening permit request

Roger Hamilton, Highway Supervisor was present for the discussion. Chairman LaCamera stated that Redlon Construction was looking to open the road on 19 Precinct Street to put in a new water line. Was this allowed the last time they were there? Mr. Hamilton responded that in some places the pipe is off the road and it can be reached, otherwise it has been allowed to open up the road up to two (2) feet. Redlon will have to saw cut it, it is not believed that it can be tunneled. Then flowable fill should be used. Chairman LaCamera asked why this area wasn't done previously when work was being done? Ms. Garbitt responded this property was on the original list to be done. Mr. Hamilton stated that since work was done there before, Redlon should be able to tunnel through then. They should not have any problems with the area. Chairman LaCamera stated that normal procedures will be used then. If Redlon cannot tunnel through they will contact Mr. Hamilton. This will be attached to the standard road opening permit 6A.

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

VOTED: To approve the Redlon Construction road opening permit for 19 Precinct Street based upon the standard road opening permit, effective June 13th through November 14th, 2006.

8:00 PM Earth removal permit request-Matthew Falconieri

Matthew Falconieri and William Logan are present for the discussion. Chairman LaCamera stated that a plan has been provided by Matthew Falconieri for the removal of loam from the property located at 56 Main Street. He asked if the loam be moved out of town? Mr. Logan responded that it would be. The removal area is across from Dewey's Restaurant and needs to be filled up quite a ways. Another area will have earth removed and will be blacktopped. Selectman Yeatts asked if an as-built plan would be provided? Mr. Logan responded that it would be. Ms. Garbitt stated that the last time this type of work was done, the earth stayed in town, thus some conditions should be put in place by the Selectmen. In this situation the loam is being exchanged for fill. Mr. Logan stated that about 2,000 yards of material would be removed and 2,000 yards brought in. Bridgewater/Raynham Sand & Gravel is providing the trucking in exchange for the earth. The work should be done within the next few weeks and take only a few days to be done. Normal hours would be worked, 7:00 AM to 5:00 PM or 7:30 AM to 5 PM. Selectman Yeatts asked when the Order of Conditions would expire? Ms. Craig stated that she had checked the

original Order of Conditions and it is dated December 2003. Mr. Falconeiri stated that there is a curb cut that was done when the resurfacing was completed. Further discussion took place on the license for clarification purposes.

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

VOTED: To approve the Earth Removal Permit request made by Matthew Falconieri to remove approximately 2,000 yards of loam on +/- two (2) acres of land as on the document at 56 Main Street with a permit to expire August 30, 2006 with the Order of Conditions as discussed and a receipt to be provided to Ms. Craig in order to pay for the fees (approximately \$300 and \$400 administrative fees, etc., totaling \$700.00).

Unanimous in favor

Request for appointment as constable-Paul Colombo

Paul Colombo is present for the meeting. Chairman LaCamera read a request from Paul Colombo of 15 Baker Lane to be appointed as a Constable for the Town of Lakeville. Mr. Colombo had submitted all the necessary documentation.

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

VOTED: To appoint Paul Columbo as Constable for the Town for a term to expire June 12, 2007.

Unanimous in favor

Request for reappointment of Danielle Elliot as constable

Chairman LaCamera read a request from Danielle Elliot to be reappointed as constable.

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

VOTED: To re-appoint Danielle Elliot as Constable for the Town with a term to expire May 16, 2007.

Unanimous in favor

Request for one day liquor license-Park Commission

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

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

VOTED: To approve the one-day liquor license to the Freetown-Lakeville Soccer team to hold a Texas Hold Em fundraiser on June 30, 2006 at the Ted Williams Camp from 7:00 PM to 12:00 AM. Unanimous in favor

Renewal of Home Consortium Agreement

Ms. Garbitt told the Board that the Home Consortium Agreement needed to be renewed for the Town.

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

VOTED: To approve the renewal of the “Mutual Cooperation Agreement for the Greater Attleboro-Taunton HOME Consortium under the Cranston-Gonzalez National Affordable Housing Act” (the Agreement), in accordance with the provisions of M.G.L. c. 121 B, and further authorize Richard F. LaCamera, Selectman Chair, to sign the Agreement on behalf of the Town of Lakeville.
Unanimous in favor

Selectman Yeatts pointed out that the agreement will be in place for three (3) years and automatically renewed for an additional three (3) years if the agreement is not changed.

Approve drug testing policy-Council on Aging

Chairman LaCamera said that the Board needed to vote to approve a Drug and Alcohol Testing Policy for the Council on Aging van drivers.

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

VOTED: To adopt the Council on Aging Drug and Alcohol Testing Policy for Safety - Sensitive Drivers and Dispatchers.
Unanimous in favor

Review RFP for Public Safety Building/Town Office Building Feasibility Study

Chairman LaCamera said that the Board needed to review the Request for Proposals for the Public Safety Building/Town Office Building Feasibility Study. It was noted that the present Town Office Building will be used for some type of use by the Town. Questions were clarified and discussion took place on the Article that was presented at Town Meeting and the RFP study proposal. The Board of Selectman can request that the study be completed in time for the next Annual Town Meeting. When the study goes out to bid, the committee will make sure that the dates correspond to what the needs of the Town are. The contract will have a deadline of when it will need to be completed. The contract will be awarded 45 days from the bid opening. The Board can have the bid ready to go out in July so that the contract can be received by September 1st. A pre-bid conference could be held by the Selectmen if requested, it would help answer a lot of questions. This would have to be done before it goes into the Central Register. Ms. Garbitt explained that the scope is very confusing. It will be presented to the Board at their June 26th meeting and then to Town Counsel for further review on July 1st.

Review request of MS 150 Mile Bike Tour

Chairman LaCamera explained that the MS Bike Tour has become an annual event. It will take place the weekend of June 24 and June 25, 2006. It begins in Tiverton, RI and comes through Lakeville so the roads that will be traveled by them need to be approved by the Board of Selectman. Ms. Garbitt stated that she has forwarded the information to the Chief of Police so that he can also approve the same routes as were used last year and to make sure that the detail officers understand that this is a tour, not a race, so that traffic is not held up.

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

VOTED: To approve the MS 150 Bike Tour during June 24-25, 2006 through Lakeville along Routes 18 and 105 and through Long Pond Road subject to the approval of the Chief of Police for the route.
Unanimous in favor

Request to reappoint Veteran's Agent and Graves Officer

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

VOTED: To appoint Marilyn Mansfield as Veteran's Agent and Graves Officer with a term to expire April 30, 2007.
Unanimous in favor

Request for temporary trailer permit-American Mobile Homes

Chairman LaCamera explained that the request was coming from St. Martha & Mary's Parish. They will be taking down their rectory and building a new one. Selectman Evirs asked if they had a building permit? Ms. Garbitt said yes. The building is all approved and it is suggested to waive the permit fee.

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

VOTED: To issue a temporary mobile home license to be used at 354 Bedford Street for a period of six (6) months, with the option of a six (6) month renewal if requested, and to waive the building fee.
Unanimous in favor

Review of ZBA petitions: Damato; Medeiros and Powell

James Marot of the Planning Board and Robert Darling, Building Inspector were present for the discussions

The first petition was from George and Carla Damato for 3 Court Circle. The petitioner is looking to build an addition to their current garage, which will extend their garage to within 7' of the rear property line. The allowed setback is 20'. The Planning Board and the Board of Health

have both reviewed the plans. The Planning Board recommends denial and the Board of Health would like additional information.

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

VOTED: To recommend to the Zoning Board of Appeals that the petition be denied based upon the recommendation made by the Planning Board, the Building Inspector and the Board of Health.
Unanimous in favor

The second edition was from Matt Medeiros for the property located at Lot 1 and 2 Annie's Path. The petitioner would like to use a property containing approximately 12.5 acres (two lots) zoned Industrial B, to construct a single family residential property containing five (5) bedrooms. The Planning Board and the Board of Health have both reviewed the plans. The Planning Board has recommended denial and the Board of Health has no objections.

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

VOTED: To recommend to the Zoning Board of Appeals that the petition be denied based upon the recommendation of the Planning Board and that the Building Inspector stated that there is not enough frontage for a building lot.
Unanimous in favor

Mr. Darling will send them a letter regarding the fact that there is not enough available frontage.

The third petition was for Robert Powell at 14 Central Avenue. The petitioner would like to construct a deck over a large rock outcropping and to seek a variance on the distance from the service road. The property contains 5,000 square feet of land, is indicated as a seasonal property and is on the seasonal home list. The Planning Board and Board of Health have both reviewed the plans. The Planning Board and the Board of Health both have no objections to the petition.

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

VOTED: To recommend to the Zoning Board of Appeals to approve the Powell Petition based on the recommendations from the Planning Board and the Board of Health.
Unanimous in favor

Review and approve Selectmen's minutes from April 20, 2006; April 27, 2006; May 1, 2006 (two sets); and May 8, 2006 (two sets)

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

VOTED: To waive the reading of and approve the Selectmen's minutes of April 20, 2006; April 27, 2006; May 1, 2006 (two sets); and May 8, 2006 (two sets) as presented.
Unanimous in favor

Review and approve Executive Session minutes from April 10, 2006; April 20, 2006; April 24, 2006 and May 8, 2006

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

VOTED: To waive the reading of and approve the Executive Session minutes of April 10, 2006; April 24, 2006 and May 8, 2006 as presented.
Unanimous in favor

Any other business that may properly come before that meeting.

Chairman LaCamera stated that the Apponequet Boosters Club will be conducting their annual phone solicitation for their phonebook. This will start Monday, June 12, 2006, if there are any questions or concerns people are to contact Kathy McGonigle.

Other Items

1. Letters from Board of Health regarding appointment of Inspector of Animals
2. Letter from Town of Carver regarding Animal Shelter Agreement
3. Letter from Old Colony Regional Vocational Technical High School District
4. Memo from Town Counsel regarding development of policies for use of computers and electronic communications
Selectman Evirs asked if there was a policy in place for the use of computers and electronic communications? Also, is it a yearly reminder, and are new hires or newly elected officials included? Chairman LaCamera responded in the affirmative. Ms. Garbitt responded that a copy of the policy would be provided to Selectman Evirs. It is provided with the Sexual Harassment Policy and typically sent out July 1st. It is done automatically for new employees, the elected officials are provided a copy of the public meeting law. Every employee is provided a copy of the Sexual Harassment Policy and the Union typically sign an affidavit and the non-union employees sign that they have received it as well. This is also for Call Firefighters and seasonal employees, such as lifeguards.
5. Notice of Plymouth County Commissioners Meetings
6. Massachusetts SBA report regarding condition of schools
7. SRPEDD JTPG meeting notice
8. City and Town publication – May 2006
9. MBTA Advisory Board meeting notice-May 30, 2006 & information
10. MMA notice-New Selectmen Training-June 15, 2006
11. Notice from Comcast-miscellaneous forms
12. Notice from DET regarding gate box maintenance by gas companies
13. Southeast Regional Homeland Security Advisory Council newsletter
14. Notice from EOEA regarding Smart Growth Technical Assistance Grants
15. Notice from MEMA regarding Hazard Mitigation Grant Program Briefings
16. Notice from DOR regarding local taxation of wireless telecommunications carriers
17. Notice from DOR regarding proposed 2006 equalized valuations
18. Bulletin from DOR regarding flood damage costs

19. IGR from DOR-FY07 Guidelines for Determining Annual Levy Limit Increase for Tax Base Growth
20. MMA Action Bulletin

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

VOTED: To enter into Executive Session at 8:30 PM and not to return to Open Session for the purpose of discussing contract negotiations and pending litigation. Polled vote of Selectman Yeatts, aye, Selectman Evirs, aye and Selectman LaCamera, aye.