

SELECTMEN'S MEETING
Monday, June 26, 2006

On June 26, 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.

Request for one-day liquor license-Sherry Bernier

Sherry Bernier was present for the discussion. Chairman LaCamera stated that the Town has checked with the ABCC to determine what type of one-day liquor license the Board can issue for home events with a hired bartending service, and there is no problem with the Board issuing a license. However, the matter is whether the bartender would be making a profit or not, would the bartender be paid a flat rate or make money on each drink that is sold? Ms. Bernier responded that it would not be for profit, the bartender would be paid at an hourly rate. Chairman LaCamera stated that the Board can then issue a one-day all alcohol liquor license. He noted that Ms. Bernier will be responsible for anything that may happen, and the Town will require a minimum \$500,000 liquor liability insurance policy. He noted that typically the Town requests a \$1 million insurance policy for people holding functions at the Ted Williams Camp. The function that Ms. Bernier would be holding is the wedding of her daughter. Ms. Bernier stated that she had a \$1 million binder from her insurance company. Selectman Evirs asked if there would be a professional bartender and where the alcohol would be purchased? Ms. Bernier responded that it would be a professional bartender and the alcohol would be purchased from a wholesaler. Selectman Evirs noticed that the application still needed her social security number if she did not have a tax number since the Town would need to report this.

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

VOTED: To approve the one-day all alcohol license for Sherry Bernier of 72 Kingman Street, for the purpose of a wedding at her property, on Saturday, July 29th, 2006 from 6:00 PM to 12:00 AM.
Unanimous in favor

Request for permit for live music-Sherry Bernier

Chairman LaCamera stated that Ms. Bernier had also applied for a permit for live music on July 29, 2006 at the wedding during 6:00 PM to 12:00 AM. He mentioned to Ms. Bernier that if people complain after 10:00 PM due to the noise, then the police may arrive and ask that it be quieted down.

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

VOTED: To issue a license for live music to Sherry Bernier of 72 Kingman Street for the purpose of a wedding at her property, on Saturday, July 29th, 2006 from 6:00 PM to 12:00 AM.
Unanimous in favor

Selectman Evirs asked if there was a requirement for a detail officer? Chairman LaCamera responded not for a function on private property. The owners can hire a police detail on their own if they want to.

Vote to authorize Chairman of Board of Selectmen to sign GATRA contract

Chairman LaCamera stated that the GATRA contract is to provide van service for the Senior Center which delivers meals to the seniors and brings them to doctor's appointments, etc. It does not cost the Town anything since it is reimbursed by the Federal Government.

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

VOTED: To authorize the Chairman to sign the contract between GATRA and the Town of Lakeville covering the period of July 1, 2006 through June 30, 2007.
Unanimous in favor

Request from Lakeville Garden Club to use Old Town House

Chairman LaCamera stated that the Lakeville Garden Club would like to reserve the Old Town House for the purpose of holding their annual plant sale and the building is available for the date they are requesting.

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

VOTED: To approve the use of the Old Town House by the Lakeville Garden Club for the purpose of their annual plant sale to be held on May 18th and 19th, 2007.
Unanimous in favor

Vote to appoint representative to APC Management Team

Chairman LaCamera explained that Gerry White previously was the representative to the Assawompset Pond Complex Management Team and his term has now expired. Selectman Yeatts has volunteered to be the representative at this time.

Upon a motion made by Selectman Evirs; seconded by Chairman LaCamera stepping down to vote it was:

VOTED: To designate Selectman Nancy Yeatts as the representative to the Assawompset Pond Complex Management Team.
Unanimous in favor

Request from Robert Darling, Building Commissioner to increase fees

Robert Darling, Building Commissioner, was present for the discussion Chairman LaCamera mentioned that Mr. Darling was not available this past week, and there may not be enough information available to the Board to make a decision on the increase of fees in the Building Department. Mr. Darling stated that he has inquired to surrounding towns, and it was

found that Lakeville is not the highest in their fees, nor are they the lowest. If more information is needed, it can be provided to the Board since there is more available.

Discussion then took place regarding increasing the residential re-inspection fee to \$40.00, rather than to only \$35.00 from \$30.00. Further information will be sought regarding fixture fees charged in other towns. Some towns tend to charge higher permit fees for larger projects and lower fees for smaller jobs. Ms. Craig offered that there is a majority of information available on each of the municipalities websites. This information could be printed out. Chairman LaCamera stated that this could be done for Mr. Darling if he had no objections. Mr. Darling responded that he did not have any objections for that to be done. Chairman LaCamera stated that if increases are to be made with the commercial and residential for plumbing and electrical fees then there should be consistency with all by increasing the fees to \$40.00. More comparisons are also needed with respect to building permits, specifically with square footage since Lakeville seems to be low on the spectrum. (A spreadsheet was distributed that had been done by the secretary earlier in the day comparing ten (10) other towns with the Town of Lakeville as fees presently in place and as proposed for fees).

Mr. Darling mentioned that the wiring fees are actually a little high and some changes have been suggested by the wiring inspector for flat rates, etc. Selectman Yeatts asked if the changes would affect the permits that have already been approved? Chairman LaCamera responded that the increase in fees would only affect new permits. The Board needs to vote on the changes in the fees first, then advertise the changes in the newspaper. Chairman LaCamera asked who determines the estimated costs? Mr. Darling responded that it would be whoever submits the application. Architects usually submit the application for commercial projects and they are typically right in range. The rate is per square foot for residential applications. Chairman LaCamera suggested looking at what each town on the list charges for a 100,000 square foot building and a 50,000 square foot building (commercial). Mr. Darling mentioned that there would still be a difference if one (1) building was only a warehouse and the other was cut up into a bunch of stores (costing more). Most of the big buildings are construction controlled and the architects and engineers send their AIA reports to the Town. Another aspect to take into consideration is that the inspectors are discussing raising their fees as well. Chairman LaCamera stated that then the Board will need to take this into consideration for discussion at another meeting. It was the consensus of the Board to take the increase of fees under consideration for further review and to look into more available information for comparison purposes before a decision is made.

Any other business that may properly come before that meeting.

Chairman LaCamera stated that a letter had been received from the Middleborough Board of Selectmen dated June 19, 2006. A copy of this letter was then distributed to those present and also to the press. Chairman LaCamera explained that initially when discussions took place with the Town of Middleborough regarding the IMA (Inter Municipal Agreement), about two and a half years ago, the water was supposed to be primarily for new and then, existing customers. It was the Town of Middleborough who wanted to provide water to National Development for their project and to Oxford Development for their project (Residences at Lakeville Station – 192 units to be built at the MBTA Station). During those discussions, Middleborough's costs became excessive and both developers did not want to pay those rates, the initiation fees and double the rates charged to Middleborough customers. Thus, there was no more discussion about new

customers. Therefore, what is being referred to in the newspaper articles regarding new water customers is not what is presently being discussed with Middleborough and has nothing to do with the two developments in Lakeville. Both developments have already been given a water allocation from Lakeville through water allocated from the City of Taunton, and they will both start construction late this summer and early this fall.

Chairman LaCamera continued that a year ago, after discussions broke down, Middleborough put together an existing agreement for those customers. Legislation was passed, at the request of Middleborough, in the early 1950's providing water for those located on Main Street and subsequent to that, those on Bridge Street. As part of the Lakeville project provided by Middleborough, those water and sewer systems were upgraded per a grant received by Lakeville in 1989, and at no expense to Middleborough. The water and sewer lines were then tied into the Middleborough water system and there are letters from Middleborough stating that they were allowing the Bridge Street and Main Street customers to reconnect to the new line. It was specific that those customers on Main and Bridge Streets and this was approved by the Board of Selectmen in Middleborough. There now seems to be a lot of misunderstanding that those customers, who have had water since the 1950's, and are existing customers, that they are entitled to water. All of the property on Main Street is zoned business and has been zoned business since 1959 when zoning came into effect for the Town of Lakeville. Bridgewater Savings Bank was formerly a house that was torn down, and the Jack Conway Real Estate Agency was once a house that was also torn down. They both got water and fire protection. Thus, if someone is selling their property and they have water, why wouldn't the next owner be entitled to water? This summarizes what has been taking place.

The Lakeville Selectmen met with the Middleborough Selectmen on Monday, May 1, 2006 at Middleborough Town Hall. Lakeville had previously sent them a number of letters to meet and discuss the matter in an attempt to have it resolved. When the meeting concluded, it was with the understanding that Middleborough wanted to draft an IMA to present to Lakeville, however, there has been no communication since that time, with the exception of a request for the copy of the legislation that was passed regarding the water line and that was about three (3) weeks ago. Now a letter has been received, read into the record by Chairman LaCamera, from the Middleborough Selectmen with a statement that the Lakeville Board of Selectmen may not be as anxious to enter into such an agreement on mutually agreeable terms. This is just not true, Lakeville has never said that they were not interested in entering into an agreement. Lakeville is interested in protecting the customers that are on the water line. The letter also states that Lakeville has presented an ultimatum to Middleborough. Lakeville has not presented an ultimatum to Middleborough. The IMA has not even been discussed since the meeting with Middleborough on May 1st. There have been no letters except the one sent by the Town Administrator regarding the legislation that was passed.

Chairman LaCamera discussed several points in the letter from Middleborough. The first one is that the water rates for Lakeville customers must be the same as charged to Middleborough customers in Middleborough. He said that Lakeville has stated all along that any existing customers that have been tied into the Middleborough line for all these years would pay the same rate as those in Middleborough. Lakeville is only looking to protect the existing customers that Middleborough wants to charge new rates too. The existing customers should not be charged double their rates and this should not be a surprise to Middleborough. The second point was that Lakeville properties currently served by Middleborough would be served notwithstanding any

change in the uses, water consumption and/or ownership of such properties. This is unclear since the properties on Main Street have changed many times over the years. The Jack Conway building was formerly a house, the Bridgewater Savings Bank was formerly a house, the engineering building used to be a house and it has now been doubled in size and turned into a business. How can Middleborough say to a property owner in Lakeville, whether it is business or residential, the use cannot be changed? This is confusing. The third point that Middleborough lists is should the Middleborough Board of Selectmen find any of these demands by Lakeville to be unacceptable, then Lakeville desires that Middleborough cease serving any properties in Lakeville. Lakeville has not said anything to this effect. It is Lakeville's intention to continue with Middleborough water. Why would Lakeville want to upset and change properties that have connections and pay their bills every month?

Selectman Evirs commented on the second to last paragraph on the Middleborough letter. At the meeting with the Middleborough Selectmen on May 1, 2006, they obviously did not want the Lakeville Selectmen telling them what to do or not do and they were adamant that they did not want to support any business development on Main Street. Chairman LaCamera stated that in correspondence from Middleborough's Town Manager, Middleborough cannot turn off the water to Lakeville customers. So, what does that mean? Lakeville has water and cannot be shut off by Middleborough, but if Lakeville wants service to stop then Middleborough will be happy to comply? Further discussion took place on the matter by the Selectmen.

Chairman LaCamera stated that he and the Town Administrator drafted a response letter to send to the Town of Middleborough, and it will now be read into the record. This letter can be discussed and modified as the Board deems appropriate. Selectman Yeatts stated that she would like to request that Lakeville be part of any discussions since an IMA should take place among both parties. Selectman Evirs stated that if there are to be joint meetings then there should be counsel for both sides and the Chair of each Board present as well. Chairman LaCamera offered that possibly, since Middleborough already has a sub committee in place, then those two members of their Board and a member of the Lakeville Board, along with Counsel for both sides, could meet and discuss the IMA. Middleborough presently has an agreement in place with the Town of Carver, and those existing customers are paying the same rate as Middleborough customers, except for one (1) new commercial customer who is paying a double rate. Lakeville should be granted the same rate as Middleborough customers since nothing else is being requested but the same that Middleborough is providing to Carver. Chairman LaCamera questioned how there could be so much change between the old and new IMA that both Middleborough and Lakeville Town Counsels have agreed upon. Minor further discussion took place for clarification purposes. The draft letter was read and discussed by the Board will be revised and sent to the Chairman of the Board of Selectmen in Middleborough.

Other Items

1. Letters from Board of Health regarding appointment of personnel
 2. Letter from Attorney General regarding amendments to the Town by-laws from Town Meeting
 3. Thank you letter from Tuesday Club of Assonet
- Chairman LaCamera mentioned that the Board allowed the Tuesday Club of Assonet to put up signs in Town regarding their annual Strawberry Festival to raise funds for

scholarships. The letter sent was in appreciation of the Town allowing the signs to be posted.

4. Memo from Town Counsel regarding Death Benefits for Call Firefighters and Other Volunteer Emergency Service Providers

Selectman Evirs asked about the memo regarding detail police officers and call firefighters. Chairman LaCamera responded that the Town was the first in the state to put an annuity plan in place a few years ago. Now there is insurance available on a yearly basis. The Town Administrator is presently putting together a proposal for review by the Board of Selectmen.

5. Old Colony Regional Newsletter
6. Notice of Plymouth County Commissioners Meetings June 14 and June 21, 2006
7. Notice from Plymouth County Commissioners of ticket processing increase
8. Letter from Mass Highway regarding price adjustments in Chapter 90 contracts
9. Plymouth County Cooperative Extension June/July calendar
10. SRPEDD Meeting notice-June 28, 2006

11. Notice from DEP regarding financing-Clean Water State Revolving Fund

Selectman Yeatts mentioned that the Town will need to apply for the money in order to be on the State Revolving Fund list for sewer funds. This might be included with the work that Camp, Dresser, & McKee is already doing for the Town. This matter will be further explored.

12. Notice for EOEA regarding Urban River Visions program

13. Notice from DTE regarding NSTAR merger hearing

Selectman Evirs asked about the situation at Jon Paun Park. Chairman LaCamera stated that it flooded out again with all the rain that was received in the past few days. Mr. Hamilton needs to dig up the present pipe and install a new one. Selectman Yeatts stated that an emergency order was put in place by the Conservation Commission in order that work be done on the dam and trimming the high growth. Also, the Conservation Commission can look into having an engineer develop an engineering plan and an Order of Conditions. This can be amended with the emergency conditions.

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

VOTED: To enter into Executive Session at 8:10 PM and not to return to Open Session for the purpose of discussing contract negotiations. Polled vote: Selectman Yeatts, aye, Selectman Evirs, aye and Selectmen LaCamera, aye.