

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
July 11, 2011 – 7:00 PM

On July 11, 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 7:04 PM. Selectmen present were: Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow was recording the meeting for The Middleborough Gazette.

7:00 PM Meet with Anna Navalenko for update on CBDG Grant

Anna Navalenko was present for the discussion. Ms. Navalenko gave the Board an update on the Middleborough Lakeville Community Block Development Grant (CBDG). The Department of Housing and Community Development budgeted for 20 properties, of which five (5) are located in Lakeville, at a budget of \$633,000. The State was looking for towns to target an area to see the entire area improved, and it was determined that Clark Shores was in need of housing rehabilitation. Repairs covered include roofing, insulation, window replacement, handicapped ramps, handicapped bathroom remodel, and heater replacement. Applicants can receive a loan for 15 years at 0 percent interest. There will be an informational meeting on Sunday, August 4th at 7:00 PM at the Lakeville Library. The Middleborough Office of Economic Community Development (OECD) has processed 25 applications as of June 30, 2011. Of the 25 applications, 15 have been approved for the program. Five (5) of these projects have been completed. It is anticipated that the remaining ten (10) projects will be completed by the end of this summer. The OECD is actively marketing this program through meetings, workshops, fliers, advertising in the local press and community access television. In July, a direct mailing will be sent out to homeowners in the downtown Middleborough area and the Clark Shores target areas.

Ms. Navalenko also spoke about the emergency housing need part of the program. The funds allocated were spent in a very short time. It was projected that the grant would allow for five (5) to 14 households to be served. The actual number of households served was 13. Some people did get help to stay in their apartment or were given funds for first and last month and security deposits for a place to live. Ms. Navalenko stated that she has enjoyed working with Lakeville on the grant.

7:15 PM Meet with Building Commissioner to discuss DCS Energy Proposal regarding roof mounted solar energy

Robert Iafrate, Building Commissioner, was present for the discussion. Mr. Iafrate stated that DCS Energy is a company in Connecticut that installs roof mounted solar panels. They reached out to the Town while looking for locations where they can install solar panels on roofs. They looked at areas with the least amount of trees and the most roof surface area. Basically all the locations for Lakeville are good, and they want to rent the space. DCS Energy submitted a power point presentation of their proposal, along with a sample contract. Payment averages \$80 to \$330 a month for rental space. After five (5) years, the system gets transferred over to the Town. Mr. Iafrate said the Town will need to find out what is needed to get a building permit for the system(s). The company will provide the finished drawings for a structural engineer. Ms.

Garbitt mentioned that a lease longer than three (3) years has to go before Town Meeting, and a Request for Proposals will have to take place. Mr. Iafrate stated that DCS Energy would like to move forward with this project. The company will do an onsite inspection once they get the schedule inspection document signed. Ms. Garbitt stated that as the Town's Procurement Officer, she would still want quotes, even if the amount is under \$10,000. Mr. Iafrate stated that he will speak to DCS to find out what the company needs to proceed.

Mr. Iafrate next discussed expedited permitting. He explained that what was passed at Town Meeting was for Industrial zones for research and development facilities. It is not for all types of development. The bylaw that was passed was specific. Selectman Maksy stated that he was hoping it would cover all commercial industries. Mr. Iafrate explained that the question was, does it cover subdivision permitting or special permits. They are all governed by Massachusetts Law and have a specific timeline. Mr. Iafrate stated that the Town will want it to cover every zone in Town, not just Industrial. Selectman Maksy stated that he would like to expand this to more than just Green projects in order to get projects moving along in Town. It would be easier to have things happen simultaneously rather than having them meet with one board, then another, and then another. Maybe the Town could implement having a representative from each Department included in the meetings in order to get things moving forward faster.

7:30 PM Meet with Mark Walters regarding 2011 Cranberry Trifest – August 27 & 28, 2011

Mark Walters of Sun Multisport Events was present for the discussion. Mr. Walters said he is requesting permission to hold the 10th Cranberry Trifest at the Ted Williams Camp. He has been in touch with the Police and Fire Chiefs to review details for the event. Ms. Garbitt stated that the Town had received a lot of complaints from a bike race that took place three (3) weeks ago. The cyclists were riding four (4) abreast and would not get out of the way when a resident was trying to get out of her driveway. Mr. Walters said he will speak to the participants and will let them know the rules. He will also put a notice into the bags that they distribute to the individual cyclists that they cannot do this. This information is reviewed at the pre-race meeting the morning of the event. The event is scheduled to take place August 27th and 28th. There is a financial benefit to the Ted Williams Camp and other local charities.

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

VOTED: To approve the 2011 Cranberry Trifest, held by Sun Multisport Events, on August 27th and 28th.
Unanimous in favor.

Request for two (2) Road Cuts – 149 Rhode Island Road and Bridge Street – Bay State Gas

Robert Poillucci and Christopher Peck were present for the discussion. Chairman Olivier said there were two (2) road cut applications, one (1) at 149 Rhode Island Road for Columbia Gas and one (1) for Robert Poillucci's project on Bridge Street for Taunton water.

Chairman Olivier asked if it was Taunton's perception that anyone who hooks up to Taunton water, the connection fee goes to Taunton. Selectman Maksy stated that if Lakeville is able to get the Intermunicipal Agreement revised prior to occupancy, then Lakeville can collect the connection fee. Further discussion took place on the matter. Mr. Peck further explained how the road cut would take place.

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

VOTED: To approve the Columbia Gas Road Cut, subject to the Superintendent of Streets speaking with the Columbia Gas engineer and a Trench Permit being issued. If services are installed each day, the trench must be backfilled each day per Mr. Peck's approval.
Unanimous in favor.

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

VOTED: To approve the water line Road Cut Permit for Robert Poillucci, subject to the Superintendent of Streets conditions.
Unanimous in favor.

Mr. Peck then discussed the Rhode Island Road permit.

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

VOTED: To approve the request for a Road Cut Permit for 149 Rhode Island Road, subject to the Superintendent of Street's specifications.
Unanimous in favor.

Mr. Peck told the Selectmen that Precinct Street will be paved tomorrow. The cost will be just over \$100,000. The road will be paved between Route 79 to just past Fern Avenue. Selectman Maksy stated that discussion still needs to take place about the sidewalks. Ms. Garbitt stated that she is in communication with Attorney Robert Mather about the sidewalks.

Request from Town Clerk to send letters to the Lakeville Town political parties regarding election workers

Chairman Olivier read the request from the Town Clerk requesting that the Selectmen send letters to the Lakeville Democratic and Republican parties regarding election workers.

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

VOTED: To send a letter to the Lakeville Democratic and Republican parties regarding election workers.
Unanimous in favor.

Request from Park Commission for One Day All Alcohol Liquor Licenses-July 31, 2011 and August 6, 2011– Ted Williams Camp

Chairman Olivier read the request from the Park Commission for a One Day All Alcohol Liquor License for July 31, 2011.

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

VOTED: To approve the request for a One Day All Alcohol Liquor License on July 31, 2011 from 11:00 AM to 5:00 PM for the Mitchell Memorial Club's Annual Chicken Barbeque at the Ted Williams Camp.
Unanimous in favor.

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

VOTED: To approve the request for a One Day All Alcohol Liquor License on August 6, 2011 from 11:00 AM to 7:00 PM for a volleyball tournament at the Ted Williams Camp.
Unanimous in favor.

Review letter from Lakeville Development Corporation regarding forming a Study Committee to discuss formation of a Development Body to succeed the Lakeville Development Corporation

Chairman Olivier read the letter from the Lakeville Development Corporation (LDC) into the record. The letter requested that the Selectmen form a committee to research and recommend a new development body to succeed the LDC. He noted that over the past 30 years, the LDC has returned \$2,250,000 to the Town through the sale of land in the industrial park. This has paid for the bonding of the Ted Williams Camp. The LDC feels that a new charter needs to be drafted in order for them to remain effective. Once a new charter is in place and all approvals have been granted, the LDC would dissolve in favor of the new development body. Ms. Garbitt stated that she also has some sample charges for economic development committees.

Discuss FY12 Notice of Technical Assistance Opportunity – South Coast Rail

Ms. Garbitt stated that she would like to apply for a technical assistance grant through Massachusetts Department of Transportation and the Office of Executive Housing and Economic Development to finish updating the Affordable Housing Production Plan, now that the Town has the 2010 Federal Census data. Lakeville was the first community to submit an Affordable Housing Plan to the State. If the second phase goes forward for Kensington Court, then the

Town would receive \$300,000. Selectman Maksy stated that he cannot vote on this item, so this will be tabled and placed on the July 25, 2011 meeting.

New Business

Discussion regarding moving the 4th Grade to GRAIS

Donna Pacheco of Harrison Avenue was present. She stated that her son will be entering the 4th grade and understands that there are still ongoing discussions of where the 4th grade students will be. She was not here to take sides. She wants to ask that there be a deadline set so that parents know where the kids are going. The time change for her will be the biggest issue since her schedule for work is designed around the elementary school schedule. She stated that she imagines that there are other parents that will be impacted as well. Chairman Olivier stated that in the very beginning when discussions were taking place regarding regionalization for K-12, one of the things that was promised by the Superintendent was that the 4th grade would be moved to GRAIS. If the 4th grade was at GRAIS, it would alleviate the overcrowding at Assawompset. The Local School Committee did vote to move the 4th grade, but has since changed their minds. The Educational Role Model Sub-committee has said that there are other issues to consider: the amount of students in the school, the quick transition from one school to the next and the quality of staff and administration. If they move the students, they would address the first two (2) issues. Also, they want to eliminate the one (1) year of transition of the 4th grade going to 5th grade in GRAIS, then to 6th grade in the middle school. Chairman Olivier said he thought we needed to move the 4th grade until they can come up with a better model. It is not this Board that is causing the delay or uncertainty. We went to Town Counsel with our questions, but since we share the same attorney with Freetown, they felt it would be a conflict of interest. We are now working with Attorney Jim Lampke of Hull. He is experienced in this type of legal work. We have engaged him to look at the contract. He will give the Board advice, and then we will have to make a determination of how we should proceed with this.

Selectman Maksy explained that the Board has been forced into this. It is the Board's job to take care of Lakeville students and parents, and we have been backed into a corner. Chairman Olivier stated that it has only been a week since Attorney Lampke was consulted, and the Board could have an answer by its next meeting.

Request from Board of Health to speak to Town Counsel

Robert Poillucci, Chairman of the Board of Health, was present for the discussion. Ms. Garbitt explained that the Board of Health was requesting to contact Town Counsel regarding a matter that has been going on for a few years. Mr. Poillucci stated that there are approximately 40 failed septic systems in Town that have been in failure for five (5) or six (6) years. It is a problem since the Board has not issued enforcement measures, and now the homeowners feel like they are being picked on. The Board of Health needs to enforce the upgrade of the failed systems across the board and determine what is going to be done. Mr. Poillucci said the Board of Health does have the authority to evict the residents from the properties, however, the Town will have to find a place to move them. The Town would not be responsible for the housing costs or the moving costs. The Board of Health needs direction from Town Counsel on how to

proceed, if this is the direction that is decided upon. Selectman Maksy stated he does not have an issue with the Board of Health speaking to Town Counsel to find out what your options are, but was concerned about the expense. Mr. Poillucci stated that the Board of Health wants to make sure whatever they do is fair and legal.

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

VOTED: To allow the Board of Health to speak with Town Counsel to get direction on how to proceed with enforcement of the failed septic systems.
Unanimous in favor.

Discuss letter from Building Feasibility Study Committee

Chairman Olivier read the letter into the record from the Building Feasibility Study Committee. The letter stated that on June 22, 2011, the Committee met and voted to send the Selectmen a letter urging them to pursue the purchase of the abutting properties for expansion of the Town Offices and a Public Safety Building, subject to the proper studies being conducted for wetlands, environmental issues, etc. The letter also asked if the \$150,000 that was voted on at a previous Town Meeting for the design of a Police Building was still available, and if this money can be used for the studies of the property mentioned above. Chairman Olivier noted that he was not present at this meeting when the vote was taken to send this letter. Ms. Garbitt can get clarification from bond counsel on the \$150,000. The money has not been spent.

Update regarding the BAN renewal

Ms. Garbitt stated that she wanted to update the Board on the status of the Bond Anticipation Note (BAN) Renewal every year. The one (1) year BAN in the amount of \$675,500 matures on July 22, 2011. After the principal pay-downs of \$305,000 are applied, the balance is \$370,000. The Town is borrowing an additional \$213,000, so that new BAN totals \$583,500. The breakdown of the various purposes was provided to the Board.

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

VOTED: To approve and sign the Bond Anticipation Note (BAN) in the amount of \$583,500 for various purposes to be issued on July 23, 2011 and due July 20, 2012 payable to Eastern Bank with an interest rate of 1.00%.
Unanimous in favor.

Update regarding additional All Alcohol Package Store Liquor License

Ms. Craig stated that she had received notification from the Alcoholic Beverage Control Commission (ABCC) that due to the increased population from the Federal Census, Lakeville was entitled to an additional All Alcohol Package Store Liquor License. However, the Town currently has two (2) of these licenses by Special Legislation, and she felt that the ABCC would

apply this new license to one (1) of the Special Legislation Licenses. Ms. Craig spoke to William Kelly, Counsel for the ABCC, who confirmed that the new license would be applied to one (1) of the Special Legislation Licenses. The two (2) that are by Special Legislation are for Starr's Market and Muckey's Liquors. Attorney Kelly said that it is the ABCC's policy to apply additional licenses to these old Special Legislation Licenses, since they are not tied to the location and are fully transferable. He suggested requesting that Town Counsel send a letter asking for clarification from the ABCC. Ms. Craig said it would be good to have the clarification on file. Further discussion took place regarding the possibility if there is a liquor license available or not. Ms. Craig stated that she was looking for clarification from Town Counsel to have on file regarding whether the license is available or not. Ms. Garbitt will contact Town Counsel.

Old Business

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

VOTED: To sign the transfers for FY11 as reported by the Town Administrator.
Unanimous in favor.

Other Items

1. Letter from Division of Capital Asset Management regarding former Lakeville State Hospital Filter Beds
2. Letter from MEGA regarding Trident Insurance Services of New England
3. Mass Wildlife Newsletter
4. Letter from Comprehensive Environmental incorporated regarding Phase II MS4 NPDES Permits
5. Letter from Comcast regarding upcoming changes to service.

Adjournment

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

VOTED: To adjourn the Selectmen's meeting at 9:10 PM.
Unanimous in favor.