

SELECTMEN'S MEETING

Tuesday, July 15, 2008

On July 15, 2008, 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 Evirs at 7:32 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant.

Proposed Road cut-6 Lakeville Business Park Drive

Scott Crowley from Crowley Cable Construction, Inc. was present for the discussion. Mr. Crowley said he wanted to go down the right hand side of the road, which will alleviate the road cut. Selectman Yeatts said she believes there are wetlands in the area. Mr. Crowley said they would be working off an existing pole. There are two (2) routes: cut the road or to go from the pole next to the child care center. The second choice would alleviate the road cut. He was not sure about wetlands. Chairman Evirs said that the Superintendent of Streets is on vacation, so we need to get his input. We would also like input from the Conservation Commission. We will schedule this for our next meeting.

Meet with Regional School Committee

Lorraine Carboni, Charlene Shea and Robert Canessa of the Regional School Committee are present for the discussion. Chairman Evirs said we did not want the Region to feel left out of budget discussions. We need to know about any projected budget increases that we don't know about. We are not trying to hold the Region to a hard number. We want your input to be heard. We are asking every other Department to put together a three (3) year budget. We don't want you to come in two (2) years from now and say what about us. Ms. Carboni asked if there has been a time when Lakeville and Freetown went for an operational override that did include the Region. Ms. Garbitt replied the Region has not been involved previously. Selectmen Maksy said we don't know what Freetown is going to do. We need to hear your thoughts for the future. This is not etched in stone. Ms. Garbitt said she told Dr. Furtado that the deadline for the budgets was July 31st. However, the Region isn't meeting until August 27th. Ms. Shea said she was trying to get the July 30th meeting as a joint School Committee meeting. If the Selectmen want to include the Region and the Freetown members need to go back to Freetown, that's a long time to wait for a budget. Chairman Evirs said this should start a conversation with Freetown. The Superintendent will be retiring soon. There are expenses and savings one side or the other. Someone needs to look at the schools for the upcoming years. This should be the Regional School Committee. Ms. Carboni said this is a contract year for teachers and for the bus contract. These constants are up in the air. We can't forecast any contract numbers until we actually have negotiations and a vote. Over the last few years, the Region's budget has been hit pretty hard. We don't know if the user fees that were implemented are going to hurt our programs or enhance them. There are things that we have voted on that might impact the school year. Budget talks take a long time. We worked very diligently to get the budget to the Town in October. We have to note that there are figures that there are benchmarks. We have major challenges facing us.

Selectman Maksy said part of this process is a restoration budget. You might want to look to restore some of those cuts. Ms. Carboni said Lakeville reviews finances once the budgets are in. If the Town has additional operating monies to send to the Region, that is going to impact Freetown anyways. Chairman Evirs said for every \$100 increase to the Region's budget, \$56 comes from Lakeville and \$44 from Freetown. We can't obligate Freetown like that. Ms. Carboni said we are supposed to meet with the Lakeville School Committee on July 30th. We are not going to be able to have a budget for the 31st and the Superintendent will not act without a directive from the School Committee.

Meet with Robert Iafrate to discuss Neighborhood Business zone

Robert Iafrate, Building Commissioner, is present for the discussion. Chairman Evirs said that the Board had met on June 23rd and discussed this previously. We weren't sure exactly where we were heading and sent it back to Master Plan Implementation Committee (MPIC). We wanted input from some of the property owners on Bedford Street. Mr. Iafrate said the MPIC is still in the process of figuring out what kind of businesses we want in the areas that are chosen. We drafted different kinds of business uses that may be allowed in this particular zone. It's like an overlay, trying it on a section of Main Street and expanding to Bedford Street. We have received a lot of good suggestions. There were a few schools of thought on what a Neighborhood Business zone is. Perhaps a reuse of an existing structure, like a mom and pop store in an existing residence. MPIC has finalized this draft to have something to circulate. Hopefully through the Planning Board hearing and tonight, we will have a better document to work with. Chairman Evirs said he has had a few discussions with residents. His opinion is that we don't want too large of an area because we don't know if it will work or not. It is a way to transition from a Business Zone to a Residential Zone. It would buffer the Residential from Business in an easier manner. Selectman Maksy stated the MPIC is meeting Thursday. Selectman Yeatts said she would like to know what advantage this is to the Town. We decided where we want Open Space and Business. We need to concentrate on getting our businesses going. Are we moving too fast? We are not being successful at what we are trying to do now. Our tax rate is the same for Business as Residential. Is a Neighborhood Business zoned property really going to add to our tax base.

Dave Piasecki stated there would have to be off street parking. Chairman Evirs said lot coverage and parking area is all part of the zoning. No zoning is good without enforcement. Selectman Yeatts said that was her second point - enforcement. A discussion occurred regarding Heritage Flowers on Main Street. Chairman Evirs said Ms. Donnelly went in there as a home occupation. Her business has flourished and is more than a home occupation. For the zoning in that area, it has already outgrown what it has been doing there. So we should rezone her property and the two (2) Town properties. Town uses are exempt from zoning. The coffee shop use would be easier to defend if it was zoned differently. If we ever wanted to sell the Assessor's building, which is in the long term plan, the zoning would increase the value of that land. There is a list of permitted business uses, like a photography studio, florist, real estate office, etc. Mr. Piasecki said we wouldn't want high traffic businesses. Selectman Yeatts said her problem still is our intent is not always what happens. We may be moving too fast on this because there is no enforcement. Mr. Piasecki said if it's just a small area, that makes it easier to enforce. Selectman Yeatts said she has concerns about rezoning across from the elementary school. A big business could hire an attorney and get something in there, like a fast food restaurant. We have control of the Town properties. Once you start changing the zoning, it

could cost the Town a lot of money to defend. Carolyn Gravelin said the florist is not directly across from the school. Those three (3) properties which abut Main and Bedford have larger land areas and aren't across from the school. Mr. Iafrate said the zoning will have a list of uses not permitted. The Town needs to be proactive in bringing any business in. However, there are a lot of instances where the home occupation by-law does not work.

Selectman Maksy said the MPIC spent a long time going over this. There has been a lot of thought on how this should happen. The Mater Plan was very well written. It's the MPIC job to bring things forward and get things out there. Selectman Yeatts said Mr. Iafrate was asked to come in tonight because there were some concerns, for instance a financial institution use. Selectman Maksy said that could be a major bank or a small mortgage office. Selectman Yeatts said we need to look at each of these things and see what it could turn into. We have had the Zoning Board of Appeals permit things that we do not think are in the best interest of the Town. Chairman Evirs said we have some antiquated by-laws that do not quite fit what is available today, like our sign by-law. There was no such thing as computer controlled sign when it was written. We are being proactive with this. Mr. Piasecki said you cannot plan for every instance. Stay on top of this zoning by issuing special permits. Mr. Iafrate said the special permit would not stay with the address; it goes with the business owner. There would be no grandfathering. Jim Rogers of the MPIC did a lot of work on this. He compiled seven (7) or eight (8) by-laws from other towns to come up with our by-law. Linda Grubb said there seems to be an awfully lot of business and commercial properties around town that have vacant space available. When you mix residences with business, you will always have conflicts. She hoped there would be no drive-thrus allowed, like for a bank. Mr. Piasecki said you can't be pro business and anti business at the same time. You need to be selective. Selectman Maksy said if you had a small shoe repair shop, paying rent on some of the vacant spaces in Town it would not be feasible. Selectman Yeatts said she wanted to make sure uses are controlled. What if someone wants to put in an ATM, which is being used 24/7. Selectman Yeatts said no one in the neighborhood would want that. Mr. Iafrate said perhaps financial institutions should be removed from the list. Ms. Garbitt said the MPIC did discuss more in depth definitions of uses, such as antique sales, which would be defined as antique furniture. Chairman Evirs said we don't want auto repairs, but you can't go through and list everything you don't want. You list what you will permit and then you don't have to worry about excluding anything. Mr. Iafrate said in the purpose and intent, it states "small scale and low impact in nature". If a resident wanted to start a small engine repair, like for lawnmowers, he can't go rent space on Main Street because he is just starting up. If the business grows, then there may be a need for a larger space. It's hard to pinpoint every single item, and we will have to generalize some things. Ms. Grubb asked about hours of operation. Chairman Evirs said that would be a part of the special permit. Selectman Maksy said you may want to restrict some businesses to different hours. Day care might be 8:00 AM to 2:00 PM. Another use might want to have different hours. Mr. Iafrate said it would be case by case. A bed and breakfast can't have hours of operation. Ms. Grubb said there are some bed and breakfasts that lock their doors at 10:00 PM.

Selectman Maksy asked how would we enforce conditions of the special permit. Are we talking about writing a letter, a ticket with a fine, or going to court with eventual revoking of their special permit? Selectman Yeatts noted enforcement could be costly. Selectman Maksy asked if this would be a one (1) year permit. Mr. Iafrate said he was unsure about enforcement. It would depend on how the conditions are written in the special permit. Ms. Garbitt said after the Planning Board

hearing, the by-law would go to Town Counsel for their review. We are limited to the amount of fines per day. Selectman Yeatts said enforcement must have some teeth. Ms. Gravelin asked where the targeted areas are. Chairman Evirs said the Board has not actually voted a recommendation. We don't want to go too far. There is a Business area further up Bedford Street. Mr. Iafrate said the left hand side of Bedford Street is Business all the way to Crooked Lane (except for the farm). Chairman Evirs said the right side is Residential from the Police Station back to Main Street. He would not want to see Main and Bedford Streets become Route 44. Mr. Piasecki said keep it small at first, see how those businesses do. Chairman Evirs said if it doesn't work, we can always go back and say it doesn't work. We would be taking an area between two (2) Business zones and using that as our trial. Selectman Maksy said the Home Occupation By-law allows a lot of different businesses but has enforcement. We would have enforcement options with the special permit with stricter control. Mr. Iafrate said we need to keep the current Business zone and this zone separate as they are distinct. We should rezone more than just four (4) or five (5) lots. You need a stretch of property so you can get several of these permitted to see if it will work. You need to give an area of Town a chance, not a corner. Chairman Evirs said the Planning Board and MPIC should be asked to find some areas. There is already a lot of business on Main Street.

Meet with Sherry Clancy of National Development

Sherry Clancy of National Development is present for the discussion. Ms. Clancy said that Target has had second thoughts about coming to Lakeville, as they have in other places in Massachusetts, based on the downturn in retail. The costs of construction in Massachusetts are greater than in other parts of the country. She is looking for a replacement tenant, but they may have to go back to the Planning Board for site plan approval. Stop and Shop and the restaurant are still looking at the site, however, Target was a big driving factor. There are large costs associated with that site and National can't get going with just one (1) store. She said recently National partnered with the Town to access some grant money to help to fund some infrastructure projects for the area. The Town was awarded \$375,000 to improve the water distribution service that the City of Taunton has in this area of Town. There are water pressure issues on this line. Steve Canessa and Joan Menard have really worked hard for Lakeville. However, there has to be development to accompany these monies. She has been working on the residential aspect of the project. This is the land that fronts on Route 79. There have been some downturns in the housing market, and Lakeville is saturated with over 55 type projects. That is a limitation for a multi tenant development. The Town was worried about development that would burden the school system. That is why we went with the over 55 development. She said National always intended to go with retail development first, but there are limitations for development, such as water and sewer. So, we need to discuss the residential aspect. What will help to attract business to the Lakeville Hospital site? We are working diligently to get the buildings demolished.

Selectman Yeatts said she agreed that the Town was saturated with 55 and over housing. We have to look at something else. Chairman Evirs said when the overlay district was first put together, with the exception of Blueberry Estates and Twin Coach Estates; there was no 55 and over housing. Since that overlay was done, we have had Wood's Edge and Residences at LeBaron constructed. The over 55 housing need is not there now. Ms. Clancy said that in the face of the present economy, you have to have a variety of housing. She has been looking at projects in this area and is friendly with developers down here that have had great success. You can create a project that by design, appeals to

young professionals or empty nesters. We might be able to craft some constraints that would result in the right quality level of housing to get the type of product you want. Chairman Evirs asked about a timetable. Ms. Clancy said she would pursue site plan approval this fall for a residential development with the project starting next spring. She has a vastly greater chance of building the residential component without the age constraint. If the Planning Board is going to consider making an adjustment of the 55 and over, they need to see what the project would look like. That way they would be informed if they were asked to make a recommendation. Chairman Evirs said it would take a Town Meeting vote to remove the 55 and over restriction from the overlay. We are planning on a Special Town Meeting in the fall.

Selectman Maksy said regarding water and sewer issues for the site, he received a call from a Middleborough Selectman saying that they would be interested in sitting down to talk about an Intermunicipal Agreement (IMA). Ms. Clancy said the site is very constrained by no water and sewer. You are not going to attract the type of development you want on Main Street unless you have water and sewer and fire protection. Selectman Yeatts said we are behind you because we really want to see this project get going. Ms. Clancy said National would welcome any opportunity to join in any discussions with Middleborough. Selectman Maksy said he would be happy to talk with Middleborough. Ms. Clancy said an IMA would change the things she could do. Selectman Maksy said he would like to have one (1) discussion with Middleborough and then come back to the Board. Selectman Yeatts said we are going forward with Taunton water. Ms. Clancy said you can never have too much water. We don't have to use it, just have it there.

Upon a motion made by Selectman Yeatts, with Chairman Evirs stepping down to second, then back up, it was

VOTED: To allow Selectman Maksy to be the liaison with the Town of Middleborough regarding water and sewer and come back to the Board with results of his discussion.
Unanimous in favor.

Meet with Linda Grubb for South Shore Rail update

Linda Grubb was present for the discussion. Ms. Grubb said at the latest meeting, she was presented a list of proposed stations. Three (3) of them are located in Middleborough. They did not mention Lakeville at all. There was a dot on map that showed Lakeville. She is getting concerned about the possibility of closing the Lakeville station. They have asked for comments by the end of the month. The Town needs to send a letter expressing their thoughts and concerns regarding any potential closing of the Lakeville station. Selectman Yeatts asked about the potential sites in Middleborough. Ms. Grubb said they are the MBTA layover site in Middleborough, the old Station Street depot across from the VFW and Route 44 near Everett Street, about one mile from the proposed casino. Middleborough is very interested in having the station. Ms. Grubb said the Lakeville station is not part of the discussion, unless she brings it up. They have come up with a hybridized route, ½ in Middleborough, ½ through Attleboro so there is no need for new lines. Chairman Evirs said someone just got money in Wareham to start a rail study to extend this line from Lakeville. Ms. Grubb said the Task Force cannot consider any project that is not currently on the books. Chairman Evirs said Secretary O'Connell and the Legislators spoke about the train station. They are not in favor of having the Lakeville station closed. If it means putting another one

someplace else, that's fine. Ms. Grubb said the idea is getting people from New Bedford and Fall River to Boston and how fast they can do it is key. Coming to Lakeville and backing the train up is not what they want to do.

Chairman Evirs said we can get Canpro, Oxford Development and National Development to send letters. We will send a letter and reinforce this with our State Legislators. Selectman Maksy asked if there were any other alternative sites in Lakeville that were looked at. Ms. Grubb said there were two (2). Selectman Maksy asked if they would be open to a station in Lakeville at another location, say like in an industrial park. Ms. Grubb said there are some people connected to the Task Force that do not want to get into negotiations until they know where they are going. The final decision will be made by 2010. Ms. Grubb said the Task Force will be taking the summer off, but it would be great to have a Selectman at the meetings. It was agreed that Chairman Evirs would begin attending the Task Force meetings with Ms. Grubb.

A discussion occurred regarding the SRPEDD meeting on July 31st at the Lakeville Library. The list of Town officials that Nancy Durfee from SRPEDD suggested for attendance was reviewed. Ms. Grubb noted this is part of the Commuter Rail Project. The entire Board of Selectmen will be attending. Ms. Grubb said there is a lot of information on the Southcoast Rail website. Any letters regarding the Lakeville Station should go to Kristina Egan.

Review revisions to Earth Removal Permit for Roberto Rubini

Discussion occurred regarding the earth removal permit that was previously approved for Roberto Rubini. Some minor language changes were made to conditions 14 and 19. Ms. Garbitt said that she had spoken to John Olivieri regarding the road bond, and he will be getting back to her. She told the Board that amendments needed to be made to the Town's Earth Removal Permit Bylaw. Chairman Evirs said having earth removal for a purpose is fine. We do not want mining operations in Lakeville. We need to try to prevent that. Ms. Garbitt will work with Selectman Maksy on amending the Earth Removal By-law.

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To approve the Earth Removal Permit for Roberto Rubini, as amended, based on the revised plan, dated July 11, 2008.
Unanimous vote.

Request for appointment to Lakeville Arts Council

Chairman Evirs read the letter from Yvonne Capella, asking to be appointed to the Lakeville Arts Council.

Upon motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To appoint Yvonne Capella to the Lakeville Arts Council with a term to expire July 31, 2010.
Unanimous vote.

Review and make annual reappointments

Chairman Evirs stated that the Board needed to make the annual reappointments. They were as follows:

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2011:

Mark Sorel	Chief of Police
Michael Dwyer	Police Officer, Constable
John Taylor	Police Officer, Constable
Ronald Campbell	Police Officer, Constable

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Ryan Maltais	Police Officer, Constable
Andrew Amaral	Police Officer, Constable
John DeMoura	Reserve Police Officer
Susan Conway	Reserve Police Officer
Bruce Malenfant	Reserve Police Officer
Joseph Crowninshield	Reserve Police Officer
John Vickery	Reserve Police Officer
Kristen J. Loika	Matron
Judith DeMoura	Matron
Lori Wrightington	Matron
Julie Preti	Matron
Mark Sorel	Keeper of the Lockup
Steven Leanues	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver
Thomas Robinson	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Kyle Barratt	Call firefighter
Aaron Best	Call firefighter
Christopher Bindon	Call firefighter
Christopher Carmichael	Call firefighter
Wayne Costa	Call firefighter
Corrine Darling	Call firefighter
Jared Darling	Call firefighter
Nathan Darling	Call firefighter
David DeBest	Call Captain

Spencer Drew	Call firefighter
Edwin Harkey	Call firefighter/Chaplain
Lincoln Maxim	Call firefighter
Michael McCullough	Call Captain
Mark McIssac	Call firefighter
Michael Murphy	Call firefighter
Charles Orrall	Call Lieutenant
John Parlato	Call firefighter
Robert Porazzo	Call firefighter
Nathan Quinn	Call firefighter
Shaun Rocha	Call firefighter
Joseph Sargo	Call firefighter
Jason Vigers	Call firefighter

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Paul R. Bourgeois	Alternate Building Inspector
Robert Whalen, Jr.	Alternate Building Inspector

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2011:

Donald Foster	Zoning Board of Appeals
David Curtis	Zoning Board of Appeals

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Carol Zimmerman	Associate Member, Zoning Board of Appeals
John Olivieri, Jr.	Associate Member, Zoning Board of Appeals

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Donald A. Foster	Cable Television Advisory Committee
Thomas Cirignano	Cable Television Advisory Committee
David J. Curtis	Cable Television Advisory Committee
James A. Curley	Alternate member, Cable Television Advisory Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Nancy Yeatts	Capital Expenditures Committee
Rita Garbitt	Capital Expenditures Committee
David Morwick	Capital Expenditures Committee

Michael Petruzzo	Capital Expenditures Committee
Scott Sweet	Capital Expenditures Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2011:

Carl Asbury	Council on Aging
Francis Brogan	Council on Aging
Patricia Bessette	Council on Aging
Marjorie Cleverly	Council on Aging

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Daniel Hopkins	Emergency Planning Committee
Mark J. Sorel	Emergency Planning Committee
Christopher Peck	Emergency Planning Committee
Rita A. Garbitt	Emergency Planning Committee
Robert Souza	Emergency Planning Committee
Nancy Yeatts	Emergency Planning Committee
William Garvey	Emergency Planning Committee
Cindy Dow	Emergency Planning Committee
Marilyn Mansfield	Emergency Planning Committee
Stephen Furtado	Emergency Planning Committee
Richard Velez	Emergency Planning Committee
David Goodfellow	Emergency Planning Committee
Robert Iafrate	Emergency Planning Committee
Richard May	Emergency Planning Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Daniel Hopkins	Emergency Response Coordinator
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Derek A. Maksy	Gas and Electric Commission Ad Hoc Representative
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Frederick A. Parmenter	Gas Inspector
Jon Catalano	Assistant Gas Inspector

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Robert Brady	Delegate, GATRA Advisory Board
Carl Asbury	Alternate Delegate, GATRA Advisory Board

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Daniel E. Hopkins	Hazardous Waste Coordinator
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2011:

Nancy LaFave	Historical Commission
Joan Gladu Morton	Historical Commission

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Delia Murphy	Associate Member, Historical Commission
Felicia Carter	Associate Member, Historical Commission

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

John E. Beech	Inspector of Wires
C. Robert Canessa	Assistant Inspection of Wires under M.G.L. Ch. 166, Sec. 32A

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Albert Mason	Labor Counsel
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2011:

Joanne Corrieri-Upham	Lakeville Arts Council
David Kraemer	Lakeville Arts Council
Sophia Rose	Lakeville Arts Council
Ann Oliveira El-Khoury	Lakeville Arts Council
Jacqueline Kennedy	Lakeville Arts Council

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Nancy Yeatts	Deputy Director, Lakeville Emergency Management Agency
Daniel Hopkins	Director, Lakeville Emergency Management Agency

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

James F. Rogers, II	Master Plan Implementation Committee
Rita Garbitt	Master Plan Implementation Committee
Rodney Dixon	Master Plan Implementation Committee
Robert Mello	Master Plan Implementation Committee
Derek Maksy	Master Plan Implementation Committee
Robert Iafrate	Master Plan Implementation Committee
Edward Bunn	Master Plan Implementation Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Linda Grubb	MBTA Commuter Rail Task Force
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Daniel E. Hopkins	Municipal Coordinator Right to Know
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Mark Sorel	Municipal Hearings Officer
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Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Robert Brady	Delegate, Old Colony Planning Council Area Agency on Aging Advisory Committee
Carl Asbury	Alternate Delegate, Old Colony Planning Council Area Agency on Aging Advisory Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Donald Foster	Open Space Committee
Brian Reynolds	Open Space Committee
Martha Schroeder	Open Space Committee
Linda Grubb	Open Space Committee
Jaime Velazquez	Open Space Committee
Joan Morton	Open Space Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Charles E. Evirs, Jr. Parking Clerk

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Jon Catalano Plumbing Inspector
Frederick A. Parmenter Assistant Plumbing Inspector

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

John Cataldo Rent Control Board
Paula Beech Rent Control Board
Michael Levrault Rent Control Board

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

David Enos Sealer of Weights & Measures
Mark Sorel Deputy Sealer Weights & Measures

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Robert Iafrate Smart Growth Reporting Officer

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Rita Garbitt Storm Water Management Coordinator

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Kopelman & Paige Town Counsel

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2011:

Gene Bartlett Town Forest Committee

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Christopher Peck Tree Warden

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was unanimously voted to make the following appointments, terms to expire July 31, 2009:

Patricia Welch	Water Study Board
Robert Bouchard	Water Study Board
Nancy Yeatts	Water Study Board
Terrence Flynn	Water Study Board
William Garvey	Water Study Board
Colleen Sheerin	Water Study Board
Edward Barrett, Jr.	Water Study Board

Renew annual GATRA contract

Chairman Evirs read the request for renewal of the annual GATRA contract.

Upon motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To renew the contract with GATRA having an expiration date of June 30, 2009.
Unanimous vote.

Request for one-day all alcohol license-Mitchell Memorial Club

Chairman Evirs read the request from the Mitchell Memorial Club for a one-day all alcohol license for their annual chicken barbeque at Ted Williams Camp.

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To approve the one-day all alcohol license for the Mitchell Memorial Club for July 20, 2008 from 12:00 PM to 6:00 PM at the Ted Williams Camp.
Unanimous vote.

Request for one-day all alcohol license-Lakeville Park Commission

Chairman Evirs read the request from the Lakeville Park Commission for a one-day all alcohol license for July 19, 2008 from 12:00 PM to 8:00 PM at the Ted Williams Camp for a class reunion.

Upon motion made by Selectman Yeatts, seconded by Selectman Maksy, it was

VOTED: To approve the one-day all alcohol license for the Lakeville Park Commission on July 19, 2008 from 12:00 PM to 8:00 PM at the Ted Williams Camp.
Unanimous vote.

Vote to sign Bond Anticipation Note renewal

Chairman Evirs read the request for the Board to approve the renewal of the Bond Anticipation Note. The requested amount of the note is \$2,036,465. Eastern Bank bid 2.3% and was awarded the bid.

Upon motion made by Selectman Yeatts, seconded by Selectman Maksy, it was

VOTED: To award the Bond Anticipation Note renewal in the amount of \$2,036,465 to Eastern Bank with an interest rate of 2.3%.
Unanimous vote.

Ms. Garbitt noted that the Town is up to \$2 million in short term borrowing. She was were hoping that the Town could wrap some of its short term borrowing into a bond for the new Police Station. We will have to bond next year.

Clear Pond Septic System Repair

Chairman Evirs announced that Bay State Sewage Disposal had donated their labor and machine time in regards to the repair of the Clear Pond Septic System. He asked that a letter be sent to them thanking them for their generosity.

SRPEDD Priority Development meeting

Chairman Evirs said this had previously been discussed and that all the Selectmen were planning on attending.

Request to use Town Office Building as fundraiser car wash

Chairman Evirs read the request from Elite Dance Studio requesting the use of the Town Office Building for a fundraiser car wash on August 16, 2008. Chairman Evirs said typically only non-profit organizations are allowed to use Town property for fundraising efforts. Selectman Yeatts said she felt the Board should be consistent in their approvals.

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To deny the request of Elite Dance Studio to use the Town Office Building for a car wash fundraiser as they are not a non-profit group.
Unanimous vote.

Discuss status of Neighbor's Corner Store liquor license

Chairman Evirs stated that Neighbor's Corner Store was no longer in business and the status of their liquor license needed to be discussed. Ms. Craig noted that MGL requires that a retail liquor licensee be operating in order to keep its license. It is up to the Board as the Local Licensing Authority whether to revoke their license or just let it expire. A discussion occurred about the ability of Neighbor's Corner Store to purchase liquor wholesale with their current license. Chairman Evirs asked Ms. Craig to check with a liquor wholesaler to see if the licensee must have deliveries made to their location or if they can take possession of liquor at the wholesaler.

Application for curb cut-Lot 9 Kenneth Welch Drive

Chairman Evirs reviewed the curb cut application for Lot 9 Kenneth Welch Drive. He asked how far the Board should go issuing permits when the company does not own the lot. Ms. Garbitt said that the Lakeville Development Corporation (LDC) has a meeting to sign the Purchase and Sales Agreement next week. Chairman Evirs noted that the purchaser is working on land that is still owned by the LDC. Ms. Garbitt will speak with Bill Garvey, President of LDC, regarding this.

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To approve the curb cut application subject to the closing on the property. The construction of the curb cut is not to begin prior to the closing.
Unanimous vote.

Application for curb cut-Satucket Trail Subdivision

Chairman Evirs reviewed the curb cut request for Satucket Trail Subdivision, which is located off of Highland Road. He noted that Chris Peck, Superintendent of Streets, has reviewed the application and submitted his comments.

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To approved the curb cut request for Satucket Trail Subdivision, per comments made by the Superintendent of Streets.
Unanimous vote.

Review and approve Selectmen's Minutes-February 21, 2008 & March 6, 2008

Upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To approve the Selectmen's Minutes of February 21, 2008 and March 6, 2008 as presented.
Unanimous vote.

Other Business

Thank You Council on Aging

Chairman Yeatts spoke of the annual Volunteer Luncheon held to thank the Council on Aging volunteers. Everyone met at the Council on Aging Building and traveled to Francis Farm in Rehoboth for lunch. The volunteers mail out in excess of 1,300 monthly newsletters, which they fold, staple, address and stamp. That is only one of the functions of the volunteers.

Letter from Chief Windsong Blake regarding Betty's Neck

Selectman Yeatts read the letter. Chief Windsong Blake is asking permission to build a wetu on Betty's Neck. She said that the Department of Fisheries and Wildlife holds the Conservation Restriction, and they were in support of the request and would write a letter of recommendation. Selectman Yeatts told Chief Windsong that the Town of Lakeville owns the property and his request would have to come before the Board of Selectmen. She explained that a wetu is a structure that is supported by sticks. Ms. Grubb said it is similar to what they have at Plimouth Plantation. Selectman Yeatts said that if there was an event held at Betty's Neck, the natives would construct the structure to show people how they are constructed and how they would utilize it. Chairman Evirs said he would not be supportive of any organization constructing a structure or building on Town owned property. Selectman Yeatts said she was concerned about vandalism. Chairman Evirs said it sounds like it could be constructed relatively easy and be taken down when the event is over, but not left on the site for any length of time. Selectman Yeatts said it wouldn't be an issue if it was a one (1) day event or for Columbus Day weekend. Chairman Evirs noted that permission should be acquired from the Selectmen prior to events being held on Town Property. Selectman Maksy said by having it be removable, they could bring it to other events. Selectman Yeatts said the tribe does have a meaningful tie to that area. She would need a letter from Division of Fisheries and Wildlife to allow this as the Assawompset Pond Complex manager.

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

VOTED: To deny the request to build a permanent wetu on Betty's Neck, however, a temporary wetu can be erected for certain events to be held at Betty's Neck with permission from the Board of Selectmen.

Two in favor, Selectman Yeatts abstained.

Latest revenue and expense reports

Ms. Garbitt reviewed the latest revenue and expense reports. Some Departments have deficiencies and the Police Department has a surplus. The Finance Committee is coming to the next Selectmen's meeting to discuss the three (3) year budgets. Ms. Garbitt said the Town Accountant and she will be bringing forward transfer requests at that meeting. She said Estimated Receipts reached the projected number, but it does not look like there will be much for Free Cash. The Region received an additional \$40,000 for Transportation from the Governor's Budget, so approximately \$20,000 will come back to Lakeville.

MORE Jobs Grant

Ms. Garbitt said she met with Patrick O'Neill from Tata and Howard regarding the MORE Jobs Grant Application. It is due Friday, but we may get a one (1) to two (2) week extension. Mr. O'Neill is going to put the information together for the grant application. We need to determine the size of the water tower, so we need to do a hydraulic study. We can use the grant monies for the study.

Other Items

1. Notice of appointments-Board of Health
2. Memo from Board of Health regarding FEMA Flood Insurance Rate Maps-Flood Insurance Study Report-Plymouth County
3. Abutters notification – Conservation Committee - Lot 9 Kenneth Welch Drive
4. Letters from Board of Health regarding ZBA petitions
5. Letter from Gay, Gay & Field regarding Stagecoach Village project
Selectman Yeatts said this is for a substantial change. Will there be a hearing? Chairman Evirs said at the Zoning Board of Appeals (ZBA) meeting, they will determine if it is a substantial change. Cindy Dow, Middleboro Gazette reporter told the Board that the ZBA allowed the change in affordable units, but determined that this is a substantial change. Selectman Maksy said he would like a feel on how many original units we had as 55 and over that are requesting changes. We need to notify the ZBA that National has requested a change also. Selectman Maksy said he would attend the next ZBA meeting.
6. Letter from MassHousing regarding The Fairways at LeBaron Hills
It was noted that there will be 56 one (1) bedroom units. 50 units will be for residents at 60% of the median income and 6 units will be at 30% of the median income.
7. Memo from SRPEDD regarding 1-495 Advisory Task Force meeting
8. SRPEDD Commission Meeting notice – July 23, 2008
9. Letter from SRPEDD regarding Deficient Bridge Improvement Program
10. Plymouth County Commissioners meeting agendas: June 24th, July 8th, July 9th, and July 15th
11. GATRA Advisory Board June 27th meeting information
12. DOR Informational Guideline Release
Selectman Yeatts asked about the School Building Assistance reimbursement. Have we found out the percentage yet and have we received it? Ms. Garbitt said no. Our FY09 budget was based on this money as revenue. If you do a debt exclusion, you must use the money to pay down your debt.
13. Letter from Governor's Office regarding 2009 Commonwealth Capital
Ms. Garbitt will work with SRPEDD to file the Commonwealth Capital application.
14. Letter from Department of Veterans' Services regarding Veterans' Agents
15. Letter from Department of Public Health regarding West Nile
16. Letter from MEMA Citizen Corps Program
17. Letter from Executive Office of Public Safety & Security regarding 2008 Emergency Operations Center Grant Program
18. Letter from Department of Environmental regarding FY09 Municipal Sustainability Grant application
19. Letter from Verizon regarding addition of new channels
20. Letter from Comcast regarding Comcast Care Days
21. Information from Comcast regarding preparing for the Broadcast Digital Television transition

Paul McGillis of Daniel Road asked to speak with the Board. He said that he had asked Robert Iafrate, Building Commissioner, to look at an issue with Morse Sand and Gravel. They do not meet the required building height or setbacks from the property lines on the new batching plant. Mr.

Iafrate said that he was satisfied with the situation. If the Town does not want to enforce this issue, he would like a letter from Town Counsel saying that the Town does not have the authority to enforce the setbacks and height setbacks. How did Morse get to build a structure without getting a special permit? To the best of his knowledge, there was no special permit. Abutters were never notified of any special permit applications for Morse. He would like the Board to ask someone to go out and verify that they are not meeting the height and setback requirements. He would like enforcement if they are in the wrong. There is a six (6) year statute of limitations from when a permit is issued. The Town has the right to enforce this.

Selectman Maksy said in a November 9, 2007 letter from Town Counsel, it states that because there was an existing structure, there were some grandfathered rights. Selectman Maksy read the letter. The Court had concluded that the operation had expanded within its rights. The replacement batching plant fell within that ruling. Zoning enforcement would not be in order. Mr. McGillis said the plant was not replaced. There was a second plant erected next to the previous one. How does a concrete plant get built without getting a special permit? Ms. Garbitt said Morse was under orders from DEP to replace the batching plant. Mr. McGillis said DEP has no control over concrete batching plants. They have control over air quality. Selectman Maksy said you might want to go to the court and pull the decision. Mr. McGillis said they are still not in compliance with the DEP's noise levels.

Linda Grubb spoke to the Board about a quarry opening up in Berkley. Lakeville roads would be a shortcut heading to Route 140. Is there any way Lakeville can suggest that they stay on County Road, rather than using side streets. It is on the Berkley/Freetown Town Line. This is a major quarry. Ms. Garbitt said if there was a culvert or a small bridge, we would have to prove the weight is too much. Selectman Maksy asked about sending a letter to Berkley and Freetown regarding this. Chairman Evirs said they probably won't be too receptive, but we can look into it.

At 10:35 PM, upon a motion made by Selectman Yeatts, seconded by Selectman Maksy, it was:

VOTED: To enter into Executive Session and not return to Open Session for the purpose of discussing strategy regarding contract negotiations with non-union personnel and the Police Union. Polled vote: Selectman Yeatts – aye, Selectman Maksy – aye and Selectman Evirs – aye.