

SELECTMEN'S MEETING
Monday, August 13, 2007

On August 13, 2007, the Board of Selectmen held a meeting at 8:00 PM at the Lakeville Library in Lakeville. The meeting was called to order by Chair Yeatts at 8:00 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

8:00 PM Earth removal permit application-Bill Markson-County Street

Selectman Maksy abstained from discussion and vote since the Zoning Board of Appeals is addressing this matter.

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

VOTED: To approve the earth removal permit application with approved conditions at 156 County Street for William Markson of Lakeville Self Storage, LLC of Lakeville, MA.
Two in favor.

8:30 PM Public hearing-liquor license transfer-Heritage Hill Country Club

Chair Yeatts read the legal notice into the record.

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

VOTED: To open the Public Hearing on the application of B.R. Golf Enterprises, Inc., d/b/a Heritage Hill Country Club to transfer a common victualer all alcoholic beverages license presently exercised at 17 Heritage Hill Drive to JP's Heritage Hill Country Club.
Unanimous in favor

John M. Brum, Esquire, of Fall River, representing JP's Heritage Hill Country Club, Joel Baptista, Shastine Pavao, are present for the discussion. Attorney Brum explained that this is a transfer from the previous corporation to JP's Heritage Hill Country Club. There is no pledge of the license and no pledge of the current stock. Mr. Baptista, Manager, has extensive experience in the liquor industry and has been the General Manager since June 2005 at the premises. He is at this time in charge of the general operation of the restaurant, the hiring, firing and scheduling of staff, ordering food and supplies for the restaurant, etc. The application is straightforward and there has been no renovation to the area which serves the alcohol and the food.

Chair Yeatts noted that the President, Treasurer and Secretary is Shastine Pavao who resides in Florida, thus the only person who would be in the area would be Joel Baptista. Selectman Maksy asked if there were any other officers to the corporation. Attorney Brum responded that

there were not. Selectman Evirs stated that he noticed the Sunday hours for serving alcohol are before 11:00 AM, which is in approval of the A.B.C.C.; however, would Mr. Baptista be willing to change that to noon? He added that he would like to consider changing the alcohol serving hours in the Town to 12:00 PM rather than 11:00 AM. Mr. Baptista responded that he would prefer to keep the hours the same; this may affect outings, however, he would be willing to go with the will of the Board of Selectmen. He asked what the other Golf Clubs had for hours. Ms. Craig responded that the other clubs have the same hours; 11:00 AM and those hours are noted on the licenses and have not changed in quite a while. She added that the drink that may be served prior to noon is the mimosa which contains alcohol and be the drink in question if served during brunch. Selectman Maksy asked if there have been any problems with the early serving hours with any of the clubs. Ms. Garbitt responded that there have been no hearings or complaints regarding the golf courses since 2000.

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To close the hearing.
Unanimous in favor.

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To approve the transfer of a common victualer all alcoholic beverages license presently exercised at 17 Heritage Hill Drive to JP's Heritage Hill Country Club of B.R. Golf Enterprises, Inc., d/b/a Heritage Hill Country Club.
Unanimous in favor.

Selectman Maksy asked Mr. Baptista to not post signs throughout the Town regarding the golf club due to the sign bylaws that are in place, especially on the islands. Selectman Evirs stated that there are two (2) signs that are permitted, the one (1) at Highland Road and the one (1) at Pickens Street.

Review site plan-Morgan's Place Subdivision

Chair Yeatts stated that the Open Space Committee wrote a letter containing their comments on the proposed Morgan's Place Definitive Subdivision Plan. The Open Space Committee expressed their concerns on converting forested areas to buildings, pavement and lawn. The Committee feels it is unwise for the Town to grant the variance that is being requested, which would remove property from commercial use and make it residential since it will add to the tax burden of the town without offering any benefit. The Committee is also concerned that the development may represent part of an incremental development of the entire Lakeville Country Club property as residential, which would have a serious impact on the Town. The Committee would also like clarification of the plans which is designated as "water hold" but lacks any wetland markings. Is it jurisdictional under the Wetlands Protections Act? Selectman Evirs commented that the land is all part of the agreement for the golf course. Selectman Maksy noted that the lots are not being sold at this time. The owner has the right to subdivide, if the lots are to be sold, then the Selectmen would have to be notified.

Selectman Evirs asked about the second comment from the Open Space Committee. He suggested that the ZBA records be reviewed from approximately 20 years ago when the old entrance to the course was abandoned for the Clear Pond Road entrance since there may be some conditions or restrictions on the old entrance of having it remain maintained as a fire entrance or an alternate access. Selectman Maksy suggested addressing this question to the Planning Board. They can be directed to look into this or have the applicant research the title and deed on the property to see if there are any restrictions. Selectman Evirs stated that the current owners did not own the property at the time. Also, how many times is Lakeville Country Club and Lakeville Country Homes going to be making these types of changes that will make the golf course smaller and smaller? This is the third time that they have done some type of change to the course, including the gravel removal. Additionally, the lots are irregularly shaped. There is an area highlighted as a, b, & c, which in a footnote has been noted that are less than 50 feet, which cannot be used in calculations. It is suggested that this land be given to the abutters since it could end up causing problems for the future homeowners.

Chair Yeatts pointed out where the “water hole” was and asked who delineated it since the Town typically has these areas of 40 feet or more and this one is only 30 feet. Mr. Maksy asked about the residential use? Chair Yeatts stated that the owner will have to go to the ZBA on that. This could be added to the comments for the ZBA. As far as the Planning Board is concerned, there seems to be a question whether or not the owner has the upland circle. An engineer will have to look at this to see if the road can handle all the aspects that the road will need. The “water hole” does look suspiciously like a vernal pool. Discussion took place on the drainage basin. At this time it is a shared drainage basin on private property. The Town would typically maintain it once the road is accepted by the town. Mr. Maksy noted that a close eye needs to be kept on the 61B parcels.

Request to meet with Selectmen from the Coalition for Buzzards Bay regarding 2007 State of the Bay

Chair Yeatts stated that the Coalition for Buzzards Bay would like to meet with the Board of Selectmen to discuss the 2007 State of the Bay report that was released last month and to see how The Coalition for Buzzards Bay can work with the Town of Lakeville in the coming year to reverse the decline in the health of Buzzards Bay. It was the consensus of the Board that they would like meet with them during one of the regular meeting nights in September. Ms. Garbitt will contact them for the most preferable date.

Request to rescind one day liquor license-Park Commission

Chair Yeatts read a request from the Park Commission asking that the one day alcohol license for August 11, 2007 for Ted Williams Camp be rescinded. The wedding reception scheduled has been withdrawn.

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To rescind the one day alcohol license for August 11, 2007.
Unanimous in favor.

Request from Marilyn Mansfield for Alternate Delegate appointment-OCES

Chair Yeatts read the request from Marilyn Mansfield asking that Catherine Sankus be appointed as an Alternate Delegate to the Old Colony Elderly Services Board.

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To appoint Catherine Sankus as the Alternate Delegate on the Old Colony Elderly Services Board.
Unanimous in favor.

Request for appointment of two Call Firefighters-Chief Hopkins

Chair Yeatts read a request from Fire Chief Dan Hopkins for the appointment of two Call Firefighters/EMTs.

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To appoint Robert Porazzo, Jr. as a Call Firefighter/EMT with a one year probationary period with a term to expire August 13, 2008.
Unanimous in favor.

Chief Hopkins noted that Mr. Porazzo had a physical and P.A.T. from the Town of Middleborough which can be transferred over to Lakeville.

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To appoint Aaron Best as a Call Firefighter/EMT with a one year probationary period contingent upon the successful completion of a department approved physical examination and a PAT test for a term to expire January 13, 2008.
Unanimous in favor.

Memo to Zoning Board of Appeals regarding Erickson petition

Chair Yeatts explained that the ZBA's meeting on the matter had been continued. Ms. Garbitt added that the application was also incomplete, and the Board would need the additional information in order to make any comments.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that Marcus Baptiste has submitted his Conservation and Management Permit application and would like to know if the Board of Selectmen has any comments. Selectman Evirs stated that he did not want the Town to miss out on the \$50,000 that was part of the agreement, the property that would be given to the neighbors, and the additional \$25,000 or anything that may be a missed opportunity for the Town since there is nothing in writing about

these items except in the minutes. Chair Yeatts responded that all this information is in the folder, which contains the minutes and there are agreements with the neighbors. The Board should also request one completed application for the file.

Ms. Garbitt mentioned that a letter had just been received this evening from the Superintendent of Schools regarding the chargebacks on the pool. The Board may want to schedule a meeting with Dr. Furtado and the Local School Committee to discuss it in detail. The understanding that the Finance Committee and some of the Selectmen had was that there would be no more charges for the rest of 2007 and there appear to be \$37,000 of chargebacks since January 2007. The Regional School Committee has agreed to reducing the fuel charged to Lakeville by \$13,000. At the Selectmen's meeting on August 27th this could be scheduled with the Superintendent and the Local School Committee. It was the consensus of the Board of Selectmen to schedule the meeting through Ms. Garbitt.

Other Items

1. Report from Mike Schroeder regarding Tamarack Park
Selectman Evirs asked what the money was used for in the budget for the Tamarack Park. Ms. Garbitt responded that it was for the loam, which was authorized. The rest of it will be looked into. Also, a plan of what is being proposed can be provided to Selectman Maksy. Selectman Maksy stated that he was opposed to putting the stumps at the location since it may exacerbate the problem by bringing termites. Selectman Evirs suggested contacting the MG&E about putting in telephone poles to prevent people from driving onto the property, yet this would require digging holes into the ground. Chair Yeatts stated that this was supposed to be a wildflower meadow, however, so many things have to be done in order to prevent people from parking there since it is just a vacant lot. Selectman Maksy suggested that Chris Peck, Highway Superintendent, be contacted to see what he might suggest to be planted and done in the area. Chair Yeatts agreed in discussing the area with Mr. Peck to determine what he might suggest.
2. Emails received regarding the triathlon
3. Report from Linda Grubb regarding update on Fall River & New Bedford Commuter Rail.
Selectman Maksy asked Ms. Grubb if the effects of the Casino have been discussed at the commuter rail meetings. Ms. Grubb responded that not officially, just casually around the room, particularly with the Greenbush line, since that line is at capacity. One idea is to move the Lakeville Station into Middleborough Proper so that the train would not have to reverse. The certificate is being allowed to expire and three (3) alternatives will be looked at for New Bedford and Fall River.
4. Invitation to memorial dedication-Mary Fuller
Chair Yeatts stated that she attended the Memorial Dedication for Mary Fuller. Ms. Fuller had done a significant amount for the Town over the years. A bench was dedicated to her, which is on the other side of the Town House.
5. Thank you letter from Town Counsel
6. Letter from Dr. Furtado regarding donation of legal services gift certificate
7. Thank you letter from Town Counsel regarding re-appointment as Town Counsel
8. Letter from Historical Commission regarding Satucket Trail
9. Letter from Town Counsel regarding Woodland Ridge subdivision security

10. Letter from Treasurer/Collector to Lou Rodrigues regarding new software assessment
Ms. Garbitt explained that the new software that the School Department has set into place has been a lot of work for the Town. It has been changes in payroll, accounting, etc., and a bill has been sent to the School Department for the work that the Town did on behalf of the School Department.
11. Bridge inspection report-Malbone Street
Chair Yeatts asked what the 7 means on the bridge inspection report for the Malbone bridge? Ms. Garbitt responded that it meant good, minor repair needed.
12. Letter from Mass Historical regarding archaeology in Lakeville
13. Letter from Mass Historical regarding relocation of Route 79
14. Letter from SRPEDD regarding relocation of Route 79
15. Reports from SRPEDD regarding roundabouts
Ms. Garbitt stated that the Police Chief has been forwarded the information on the roundabouts, thus this will be scheduled for him at a later date.
16. Plymouth County Commissioners agendas: July 24th and August 7th
17. Notice from Plymouth County regarding new website
18. DOR Informational Guideline Release-FY08 waivers to Education Reform Spending Requirements and Minimum Required Local Contributions
19. DOR Informational Guideline Release-FY08 Payment Schedule for Cherry Sheet Programs
20. DOR Bulletin –What’s New in Municipal Law seminar – October 12, 2007
21. Notice from Department of Telecommunications & Cable
22. Mass Wildlife News Bulletin
23. Mass Wildlife invitation – Freetown-Fall River Forest – August 15th
24. UMass Extension in Common publication
25. Letter from MMA regarding Chapter 67 of the Acts of 2007
26. Letter from Municipal Coalition for Affordable Housing
27. Comcast Overview – Second quarter
28. Letter from Comcast regarding price changes – DVR
29. Letter from CEI regarding 2008 SRF Funding Project Assistance
Chair Yeatts stated that the DEP needs to be contacted about updating the SRF application.

A motion was made by Selectman Evirs; seconded by Selectman Maksy it was:

VOTED: To adjourn the Board of Selectmen’s meeting at 9:00 PM.
Unanimous in favor.