

TOWN OF LAKEVILLE
Board of Selectmen
Meeting Minutes
October 18, 2017 – 6:30 PM
Lakeville Senior Center – 1 Dear Crossing

On October 18, 2017, the Board of Selectmen held a meeting at 6:30 PM at the Lakeville Senior Center in Lakeville. The meeting was called to order by Chairman Burke at 6:30 PM. Selectmen present were: Selectman Burke, Selectman Hollenbeck and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig-McGee, Executive Assistant, Lorraine Carboni, Town Coordinator and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

Meet with the South Coast Rail Team for an update on their Phase 1 Analysis of Station Stops including a new Station in Middleborough

Representative Keiko Orrall and Senator Mike Rodrigues were present for the discussion along with Jean Fox, MassDOT Project Manager, Richard Colon from the Real Estate Division at MassDOT. Ms. Fox took the floor to provide an update on the Phase 1 Analysis of Station Stops, including a new Station in Middleborough. There has been a lot of data collection prior to beginning the process, which will be done in phases due to the nature of the cost and how the project had to be extended out. Refining station stops is one of the first tasks of the Phase 1 analysis. MassDOT is considering technical data such as operations, construction and traffic impacts and listening to public comments. They discovered through public meetings and written comments this spring that there was a strong preference for a single-seat ride, which would be the shortest possible travel time from Fall River and New Bedford with service as early as possible. With this information in mind, MassDOT analyzed three (3) one-seat options for a South Coast Rail (SCR) Station in Middleborough. The most recent of activities was the Notice of Project Change. The “orange” depicted on the plan is Phase One, which is part of the Southern Triangle. The Middleborough secondary line is presently a freight line that goes through the Middleborough line. That aspect is advancing in its design, while project outreach efforts are taking place.

Outreach: There have been six (6) public meetings in September of 2016 for the Notice of Project Change. There was a public comment period, which began on March 15, 2017 for the Notice.

Project Summary of Phase 1: They would construct the southern triangle, Cotley South, upgrade the Middleborough secondary line and build a new station at Middleborough Pilgrim Junction. The Stoughton electric line is a full build with advance design and permitting for Cotley North. The five (5) year Capital Improvement Program (CIP) does contain funding to continue the preferred alternative. There will be an extension of the existing Middleborough/Lakeville service to New Bedford and Fall River from the new Pilgrim Junction Station. The train ride will take 91 minutes from Fall River and New Bedford, 83 minutes from the Freetown station and about an hour from Lakeville. There will be additions made during peak period trips. Coaches and bi-level coaches will be added to existing trains to accommodate the additional ridership.

The least environmental impact has been looked for. The impact has been reduced extensively by looking at the track in large sections; this allows for less earth moving. The existing station in Lakeville will remain open for the Cape Flyer service and will support future Cape Service Connections.

Projecting New Bedford and Fall River; and Taunton and Middleborough: there are presently 24 trains and two (2) more will be added. That will be six (6) morning trains during peak and six (6) evening trains at peak, but that could change.

Mr. Colon said in Lakeville upgrades are being proposed with the reconstruction of two (2) bridges: Cedar Swamp Bridge and the Assonet River Bridge. There will be three (3) grade crossings at Malone Street, North Precinct Street and Leonard Street. There will be five (5) miles of track. The specifics for the existing and proposed station locus will be forthwith, which is the existing Middleborough/Lakeville Station and the proposed Pilgrim Junction Station. The optimum routes for the trains are being considered for when they come into the junction. The trains will have to reverse direction, which is a time delay, but it is something that the engineers have to do. The one (1) seat ride did require a lot to get another station as optimally close to the existing station.

Existing Middleborough/Lakeville Station Data: Ms. Fox said the existing station has 769 parking spaces. There are 886 riders a day. The walk-up ridership is 15-20 during the morning peak. There will be a total of 12 inbound trains/day and 12 outbound trains/day. There will be five (5) trains in the morning inbound and five (5) trains evening outbound. It serves as the station for the Cape Flyer. The Transit Oriented District remains eligible for 40S funding.

Pilgrim Junction Station: Ms. Fox said there will be 501 parking spaces for an estimated 670 riders a day. A shuttle is proposed for riders from the Transit Orientated Development (TOD).

Future Community Engagement Opportunities: Ms. Fox said meetings will take place with Local Conservation Commission representatives prior to the Notice of Intent (NOI) submittals. NOI hearings will take place in the communities. The Phase 1 project working group will have community members. The Draft Supplemental Environmental Impact Report Public Meetings will take place in early 2018. There will be ongoing meetings with communities to coordinate design.

Lakeville Summary: Ms. Fox said this maintains 40S funding eligibility for the Transit Oriented Development (TOD); it retains the existing station for Cape Flyer trains; it will give additional peak period trips; there will be a vehicle trip reduction; new bi-level coaches to increase seating capacity; and a passenger train option.

Selectman Powderly stated that the Town currently has approximately 7,760 stops in and out of Lakeville. If that was reduced to just the Cape Flyer, it would be 104. If SCR is going to spend \$24 million in Middleborough, fine. The fact is that besides 13 weekends in the summer, the parking lot becomes an empty parking lot. It will not take much time through social media for the word to get out that there is a significant open parking lot. There will be every kind of illegal activity happening there. When the Lakeville Hospital site was abandoned, they had to

put on 24 hour security, which is quite costly. It is understood you need to have the lot for the Cape Cod flyer; however, the lot will basically be an open parking area, and the security issue is particularly bothersome. He would like to propose to SCR to abandon the parking lot and revert the land back to Lakeville. Lakeville would be happy to put it back on the tax rolls and find a developer to purchase it. Then the Town can take the proceeds from the sale and immediately put money back into the Assawompset School and our roads. The Town is looking to put in an Overlay District, which is not necessarily related to the existing Overlay District. It could potentially be for empty lots and the Hospital site to achieve reimbursements from the State through friendly development with 40Bs and a 40R. No matter how it is looked at, the parking lot is seen as an abandoned parking lot. The Town would want the land to put it back on the tax rolls. The cost of 24-hour security is \$511,000 from the Police Department.

Ms. Fox stated that she will take this information back. Mr. Colon stated that the station may not easily be a stop from South Station in the summer months, but it could serve to/from other stations. Selectman Hollenbeck expressed the concern with having three (3) active rails and all the road crossings for them. Ms. Fox stated that there would be full signal crossings and a safety assessment has been done with a diagnostic team review a few weeks ago. It will then be looked at of what the best improvements and upgrades would be, including what may be needed for vegetation. In Middleborough noise and vibration studies are being done. This has already been done for the New Bedford line. Mr. Colon stated that it is all part of the Supplemental Implementing Rules & Regulations (IRR). The ambient sound that is taking place today, then what it will be, and what mitigation would be required.

Selectman Hollenbeck asked if the Stoughton line is completely off the table. Ms. Fox responded that it is not. Selectman Hollenbeck asked if it is still the potential of having it in place by 2030. Ms. Fox explained that system wide they are doing resilience studies. If a train breaks down, it is important to be able to take it offline and bring in another. The freight line would always stay there. Selectman Hollenbeck asked if the service would be back to where it is today in 2030. Ms. Fox responded that it would be, but by 2030 that could change. Selectman Hollenbeck talked about the cost factor for commuters. Ms. Fox explained that the cost is a consideration that is being looked at it. Chairman Burke asked who prefers the alternative. Ms. Fox stated that the preferred alternative is still the Stoughton electric line. It is faster and it is electric. However, the T has nothing in its housing for repairs on that type of train and there is not even the ability to share equipment. SCR is just latching on to what exists in order to begin connection for three (3) gateway cities New Bedford, Fall River and Taunton. Chairman Burke asked about Natural Heritage and Endangered Species, since their map has changed. Ms. Fox responded that it is part of the environmental impact studies. SCR meets with NHESP quite frequently. SCR is being very aware and working with NHESP. It is mostly the box turtle and critter crossings. NHESP establishes the maps, and SCR abides by them.

Richard Scott of Rush Pond Road stated that when the T was proposed for Lakeville, originally there was discussion and then rejection of having a fly by from 495 to the parking lot. In the SCR's analysis of ridership, is there any type of analysis for that? Mr. Colon stated that they are in the midst of a traffic study of the area right now and obtaining a sense of what it is going to the existing and distributing it to the new station. No triggers were looked at of what would justify a sole passage from Route 495. Ms. Fox added that they are also doing, through

Chase Chevrolet, an area which allows for queuing off the road, which is where the signalization comes in. Mr. Scott stated that the 40R regulations talk about walkability. If this in the proposed new station, will there be areas from where people could walk to the new station? Is that part of the planning? Ms. Fox responded that it was; however, it is not known what that will look like at this time, but it is being looked into.

Selectman Hollenbeck asked about the cost to this alternative. Ms. Fox responded that it is \$1 billion. Mr. Colon stated that the overlap for the southern triangle is part of that. Escalation costs are being saved in other areas having this take place. Ms. Fox stated that this is just an interim fix. The ridership for the Stoughton electric line will be reviewed. Southeastern Regional Planning & Economic Development District (SRPEDD) data is used and ridership will continue to be reviewed. Everything is being done conservatively. There is a huge need to move people off the roads. Rich Bosmore stated that 886 people will be accommodated a day and this will cost billions. Ms. Fox and Mr. Colon provided additional information about the costs.

Chairman Burke stated that is investing in technology for the future. It would be preferable if there could be work being done on the infrastructure for New Bedford and Fall River to develop jobs in those areas, rather than having to bring people to Boston. That is how our society works right now. Ms. Fox said the issues right now for SCR is the parking lot and the potential of it being left for dead, the noise mitigation along the route, the level of traffic from the train (traffic) increasing along those sections of track in Lakeville. She added that the team is always ready to come back and provide another update.

A brief recess was taken at 7:30 PM.

Review and vote on Special Town Meeting Articles and vote to sign the Special Town Meeting warrant for November 13, 2017

Chairman Burke stated that there were 14 articles for the Special Town Meeting Warrant for November 13, 2017. Ms. Garbitt explained that the Zoning and Accessory Structures Articles were combined as suggested by Town Counsel. Other than that, the only other change is Article 8, the Board of Health language as suggested by Town Counsel for Septic Loans.

Upon a motion made by Chairman Burke; seconded by Selectman Powderly it was:

VOTED: To put the following articles, 1 through 14, on the Special Town Meeting Warrant

Article 1: To see if the Town, in accordance with M.G.L. Chapter 150E, Section 7, will vote to approve the following collective bargaining agreements recently negotiated and ratified by the Board of Selectmen, between the:

- Town and the Lakeville Permanent Firefighters Association for the period July 1, 2017– June 30, 2020;
- Town and the Laborers Union relative to employees in the Library, Highway Department, Office Clerical and Administrative positions and Supervisory positions for the period July 1, 2017-June 30, 2020;

funding for the cost items in the first year of said agreements to be included in the Fiscal Year 2018 line item transfers in Article 3 below; or take any other action relative thereto.

Article 2: To see if the Town will vote to increase the salaries of the elected Treasurer/Collector and/or Town Clerk as voted pursuant to Article 1 of the June 12, 2017 Annual Town Meeting, and to raise and appropriate and/or transfer from available funds a sum of money to fund said salary increases; or take any action relative thereto.

Article 3: To see if the Town will vote to raise and appropriate and/or transfer from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2018 for various accounts in the General Fund, or take any action relative thereto.

Article 4: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to operate the Park Department for the fiscal period July 1, 2017 to June 30, 2018, inclusive, and make appropriation, or take any action relative thereto.

Article 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to operate the Landfill/Transfer Station for the fiscal period July 1, 2017 to June 30, 2018, inclusive, and to make appropriation, or take any action relative thereto.

Article 6: To see if the Town will vote to rescind the unissued amount of bonds relative to the construction of an elevated water storage tank and pump station, authorized by vote of the Town taken under Article 18 of the Town Meeting of June 15, 2009, or take any action relative thereto.

Article 7: To see if the Town will vote to rescind the unissued amount of bonds relative to the construction of a water line to the Town Office Building, authorized by vote of the Town taken under Article 6 of the Town Meeting of June 13, 2005, or take any action relative thereto.

Article 8: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for purposes of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners for repayment of project and financing costs by such property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; and to meet with appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow such sum or sums of money under G.L. c. 44 or any other enabling authority, which amount may be borrowed through the Massachusetts Water Pollution Abatement Trust Community Septic Management Program offered through the Clean Water Trust, or otherwise, and further to authorize the Board of Selectmen to take any other action necessary to carry out this project; or take any other action relating thereto.

Article 9: To see if the Town will vote to amend Chapter II, Section 6 of the Town's General By-Laws by lowering the Town Meeting quorum from one hundred to twenty five, or take any action relative thereto.

Article 10: To see if the Town will vote to amend the Town Zoning Map, as identified in Section 3.2.1 of the Zoning By-Law, by changing the zoning from Business ("B") to Residential ("R") for the following parcels identified below by Assessors Map and Parcel number, comprising of approximately 27.4 acres of land; as lots numbered 1-10 on a map showing the affected parcels:

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|----------------------------|----------|
| 1. Staples Shore Road | 58-8-1A |
| 2. 9 Staples Shore Road | 58-8-1D |
| 3. 11 Staples Shore Road | 58-8-1B |
| 4. 13 Staples Shore Road | 58-8-1C |
| 5. 15 Staples Shore Road | 58-8-1E |
| 6. 17 Staples Shore Road | 58-8-1F |
| 7. 19 Staples Shore Road | 58-8-1G |
| 8. Rear Staples Shore Road | 58-8-1 |
| 9. 21 Staples Shore Road | 58-8-1H |
| 10. 25 Staples Shore Road | 58-8-002 |

or take any other action relative thereto.

Article 11: To see if the Town will vote to amend the Zoning By-Law, as shown below:

- A. Amend Section 6.0 "General Regulations" Sub-section 6.3.2, by deleting the language shown in strikethrough and inserting new language, shown underlined as follows:

6.3.2 No accessory building or structure shall be located within the required front, side or rear ~~yard area setback~~ unless a Special Permit is granted by the Zoning Board of Appeals. Where a Special Permit is sought under Section 7.4.6 for an accessory building or structure within the setback on a lawfully pre-existing, nonconforming lot, the Zoning Board of Appeals shall additionally make a finding that the accessory building or structure shall not be substantially more detrimental to the neighborhood than the existing nonconformity.

- B. Amend Section 7.4 "Special Permits", by adding the following new provisions to the end of Sub-section 7.4.6 "Specific Uses by Special Permit":

Accessory building or structure located within the required front, side or rear setback

SPGA-Board of Appeals; All Districts

The Board of Appeals may impose certain restrictions including but not limited to size, height and/or number of buildings or structures.

or take any action relative thereto.

Article 12: To see if the Town will vote to accept Cedar Pond Road as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements

as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheets 2, 3 and 4 of the plan entitled “Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017”, or take any other action relative thereto.

Article 13: To see if the Town will vote to accept Quequechan Circle as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheet 5 of the plan entitled “Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017”, or take any other action relative thereto.

Article 14: To see if the Town will vote to accept Ron Circle as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheet 3 of the plan entitled “Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017”, or take any other action relative thereto.

Unanimous in favor

Upon a motion made by Chairman Burke; seconded by Selectman Powderly it was:

VOTED: To sign the Special Town Meeting Warrant for November 13, 2017.
Unanimous in favor.

Review and vote on the Event Management Agreement for the Loon Pond Lodge

Chairman Burke stated that he had spoken with Town Counsel today, and he is very close to a final Event Management Contract for Loon Pond Lodge. William Fuller’s Attorney is working closely with Attorney Smith on the proposed language for Section 2.2.1 about the contract being terminated and if the Town indemnifies it, whose responsibility will it be for events in the pipeline depending on the reason for termination. There is language that Mr. Fuller’s Attorney had suggested, so it is being refined, but it has not yet been finalized. The Board can approve the contract subject to a final review by the Chairman and Town Counsel.

Upon a motion made by Chairman Burke; seconded by Selectman Powderly it was:

VOTED: To sign the contract for Event Management for Loon Pond Lodge subject to a final review by Chairman Burke and Town Counsel.
Unanimous in favor.

Review and vote to Award the Bid for the sale of the Assessors Office

Chairman Burke stated that bids on the Assessors’ Office were opened on October 13th. The Town received five (5) bids ranging from \$100,500 to \$240,100. The building was posted in the MLS. The appraised value was \$220,000. The highest bid was from Southcoast Redevelopment

of New Bedford for \$240,100. The contract has been filled out by Town Counsel. It will be sent to the buyer who needs to fill out the mortgage information and sign it. The closing is scheduled for December 5th. A deposit has been received in the amount of \$1,000.

Upon a motion made by Selectman Hollenbeck; seconded by Selectman Powderly, it was:

VOTED: To award the bid for the sale of the Assessors' Office (239 Main Street) to Southcoast Redevelopment of New Bedford for \$240,100.
Unanimous in favor.

New Business

There was no new business presented for discussion.

Old Business

Ms. Garbitt stated that the site plan for the Police Station was presented by the architect. They shifted the entrance per the request of the Police Chief. An email has been received from Ken Motta about extending the water line, and they are ready to go to MassDOT. They have been in contact with the City of Taunton about water. The estimate for coming through to this side of the property was much higher than originally anticipated at \$320,000. They would like to put in stubs for future tie-ins and the cost had been approximately \$500 for each stub. Selectman Powderly asked if there is any escalation beyond the water. Ms. Garbitt stated that last night the Cost Estimators came back. The Project Architect used two (2) different ones. Mr. Darling stated that they had to make cuts of approximately \$300,000, since the costs were about \$500,000 over what was originally proposed. The contingency was reduced to 7.5% from 10%. Some of the reductions were aesthetics, some were not. The plan is to go out to bid in January. When the cuts were made, things were looked at for being able to put back in depending how the bids come back and if there are funds. The handicapped automatic door openers are being taken out, but the conduit will be in place. This is not a required item, but it saves \$15,000.

Any other business that may properly come before the meeting

There was no other business presented for discussion.

Adjournment

Upon a motion made by Selectman Hollenbeck; seconded by Selectman Powderly, it was:

VOTED: To adjourn the Selectmen's Meeting at 8:06 PM.
Unanimous in favor.

List of Documents provided at the October 18, 2017 Board of Selectmen Meeting

1. Southcoast Rail presentation information dated September 18, 2017, article from SouthCoast Today dated September 19, 2017, letter dated October 4, 2017 to Stephanie Pollack from the Board of Selectmen, letter dated September 8, 2017 to the Town Administrator from Rick Colon, MassDOT Govt. & Public Affairs.
2. Town Meeting Warrant Articles 1-14 for Town Meeting scheduled for November 13, 2017, with warrant review set for November 8, 2017.
3. Bid for the sale of the Assessor's Office (239 Main Street).