

**TOWN OF LAKEVILLE
SELECTMEN'S MEETING MINUTES
Wednesday, September 8, 2010**

On September 8, 2010, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 6:31 PM. Selectmen present were: Selectman Yeatts, Selectman Maksy and Selectman Olivier. Also present were: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant.

Discuss Sysco (Selectmen discussion only)

Present for the discussion were Frank Sterrett, Richard Scott, Sherry Barron and John Jenkins. Chair Yeatts said that Selectmen Olivier has asked for a special meeting to discuss Sysco amongst the Selectmen. Chair Yeatts announced that they would not be taking questions during the discussion. Selectman Olivier said the Planning Board is meeting on September 14th at 8:15 PM. What is going to happen at that meeting? Chair Yeatts said the Planning Board will open the hearing for the zoning overlay. Since the site visit to Sysco, the Development Agreement has been talked about. National's Development Agreement has been forwarded to Attorney Bob Mather, Town Counsel and to Thomas Bond. Thomas Bond and she are working together to make sure we are both in the loop. The Planning Board thought they were going to have the Development Agreement for the hearing, but most likely Sysco will just do talking points. Their legal counsel is in Texas, and they cannot sign it. Whatever comes up with the draft agreement will have to go through Town Counsel and Sysco's corporate counsel. We will have something more solid by Town Meeting. It was my suggestion to just bring up the points on Tuesday. There will be input from residents and anyone that attends.

Selectman Maksy said this mitigation for National is for them to review. Chair Yeatts said they will come up with their own. We can say roads we don't want them on. Selectman Maksy said that is one of his questions. Did this Development Agreement for National include the housing in the back? Chair Yeatts said yes. Selectman Maksy asked will a MEPA need to be done. Ms. Garbitt said she thought so. Chair Yeatts said there is a mandate from DEP to clean up the site. Selectman Maksy asked if the Natural Heritage map had changed. Chair Yeatts said no, the map changes every two (2) years. Ms. Garbitt thought that it would be revised this year. Selectman Maksy said we should make the Planning Board aware of this.

Chair Yeatts said the Selectmen are the ones to sign the Development Agreement. Jim Marot told Sysco what the Planning Board is expecting. We will learn more on the 14th. Ms. Garbitt said that from what she understood at the site visit, by Town Meeting there will be a signed Development Agreement. Chair Yeatts said hopefully by the second hearing, it would most likely be done. The Planning Board said at the site visit, they would like to have it by the hearing. A week is not enough time for them to review it. Between the two hearings, there should be something more concrete. Selectman Maksy said on Page 7, will we be able to ask for these items, like the police officer. Chair Yeatts said that will be different. Ms. Garbitt said National's Development Agreement was based on Target and Stop and Shop. The Bridge Street work was due to the traffic. They knew we would need extra police due to shop lifting and for Christmas traffic. So that item would come off. Selectman Maksy said we need to start

thinking about what we want this page to look like. Chair Yeatts said we need to see what the Planning Board wants. We can always add something. We were not aware that the Planning Board couldn't sign the agreement. Selectman Maksy said we should know what they are doing because we have to sign the Development Agreement and go to Town Meeting. Selectman Olivier asked if the Development Agreement would be a warrant article. Ms. Garbitt said no. Selectman Olivier asked at Town Meeting, will we have the zoning overlay only. Chair Yeatts said we need to do some transfers of money. Ms. Garbitt said the Planning Board approved Commercial and Riverside Drive as Town ways, so that will be on the warrant also.

Chair Yeatts said for the traffic signal at Bridge Street, the conduit has already been installed underground. The land reservation has been done for Route 79. The monitoring of the Main Street/Clear Pond Road intersection during the different phases may not be required now. They will have to use conservation methods in regards to water use. The Town of Middleborough funding would not be in there. The landfill closure was \$125,000 at that time. She thinks it is over a million now. Chair Yeatts said as the years go by, something else gets declared toxic. The Transportation Demand Management (TDM) was put in there to make the project pedestrian friendly, get workers to carpool, etc. Selectman Maksy said that could be related to the truck traffic. We could probably leave that in there. Selectman Olivier asked if something like a berm would be in the mitigation. Selectman Maksy said that would be part of site plan review. This agreement is like water, personal property taxes, etc. Ms. Garbitt said they did make National incorporate the items in the Development Agreement into site plan review. Chair Yeatts said the parking lot should have landscaping using native plants. Ms. Garbitt said the prior Board of Selectmen had a lot of input into National's Development Agreement. Selectman Maksy asked if National knew what businesses would be coming in when they negotiated the Development Agreement. Ms. Garbitt said yes. Selectman Maksy said with the relocated Route 79, are they not going to fix Bridge Street. Ms. Garbitt said Sysco will be exiting onto Route 105 at Bridge Street. There will be a traffic light. They spoke about not using Route 79 at the meeting with the traffic study. Selectman Maksy asked if there is going to be any obligation to fix Bridge Street. Ms. Garbitt said that Roger Hamilton estimated it would be \$100,000 to repave Bridge Street. Chris Peck, Superintendent of Streets, feels Bridge Street will need to be reconstructed with drainage installed. He estimates the cost at \$197,000 with no drainage or widening. Chair Yeatts said there will be an increase of traffic on Bridge Street for workers. Selectman Maksy said he thought more trucks will be coming from Middleborough.

Ms. Garbitt said the hearing is the first step for the zoning article. It must be published in the paper twice and there were 114 abutters that were notified by certified mail. Chair Yeatts said Sysco is picking up the expense. The Planning Board will most likely continue until September 21st. Ms. Garbitt said they must make a recommendation prior to Town Meeting. The moderator will ask for their recommendation. Selectman Maksy asked about the list of concerns from the residents. Chair Yeatts said we have not received anything yet. She assumed the comments will be brought to the hearing. Ms. Garbitt said something will have to be done for the staging area. Selectman Maksy asked about the trucks coming in for deliveries early in the morning. Wasn't there talk about have a staging area for incoming trucks. Ms. Garbitt said there is the lot that Kurt Radke owns. They don't want to have to cross the highway for the staging site; they would like it on site. Sysco tells their outside vendors what time to be there. Selectman Maksy said these trucks will have to sit somewhere. We don't want them on Route 105. Selectman Olivier

asked how the trucks come in. Do they wait for the outgoing trucks to leave? Chair Yeatts said they are supposed to have an appointment. You should ask that at the hearing. Selectman Maksy said this would be subject to water allocation and betterment fees. Chair Yeatts asked if the Board wanted to meet again after the hearing to forward our comments to the Planning Board. She thought the Board should try to meet after the Board of Health meeting on the 15th and have our points/comments ready for that meeting.

Chair Yeatts asked the other Board members how they felt about the Sysco project. Selectman Olivier said he is a proponent of the project with the mitigation that would take place for noise and truck traffic. We need to make sure that the impact will be mitigated as much as possible. It will bring additional revenues to the Town. Sysco is a good company and has longevity. There is a demand for their business. If we do this right, we have the opportunity for a long term partnership. Selectman Maksy said it is going to be an eye opener for the Town. This is a big project. Change will happen, but it has to be done right. The neighbors concerns have to be addressed. The staging area is going to be a big thing for me. Ms. Garbitt said she questions what their plan is for the additional parcels on Main Street. Sysco has not said they are looking for a TIF on those properties, but because of confidentiality they were not able to say what they are doing with those. By the 14th they will be able to say what their plans are for those properties. Selectman Maksy said there are a lot of unknowns right now. We have to do what is best for the Town. Ms. Garbitt said Mr. Marot was concerned about the taxes on those properties. Selectman Olivier asked how the Assessors are going to form a valuation on that property. Ms. Garbitt said the value is on the TIF of \$35 million. Selectman Maksy said the personal property will add up eventually. Chair Yeatts said not for 13 years. Ms. Garbitt said the bank value will stay if they lease the bank. Chair Yeatts said we are talking about the bank, Dewey's and three (3) houses, total of approximately 13.4 acres. Selectman Maksy said there are a lot worse things that could go there. We can't survive with the property vacant.

Discuss water fees and betterment/connection fees

Chair Yeatts said the owners of Savas Plaza are in court for their septic system. They needed a date for when they will get Taunton water. The pipe is there and the water is in it. Ms. Garbitt wrote a letter to them, telling them we anticipate that they will be hooked up by September 28, 2010, subject to the betterment and fees. The amount we are looking to recoup is \$333,000 for the water line. There are 13 connections to 11 properties, ten (10) 1" lines and three (3) 2" lines. If we charge by the size of the pipes, per inch, the betterment would be \$20,812.50 and could be paid over a 20 year period or paid in full with transfer of title. If we used some of the MBTE money to offset some of the costs, the Betterment would be \$20,000 over a 20 year period. The ten (10) 1" lines would equal \$200,000 and the three (3) 2" lines would be \$120,000, using \$13,000 in MBTE funds. The betterment fee for the Town Office Building would be \$40,000. Selectman Maksy said a 3" line is not comparable to three (3) 1" lines. It is more water. A 6" line is worth more than six (6) 1" lines. You want to base it on how many gallons an inch will give them for water. Chair Yeatts said Savas already has a 2" and a 1". We need to come up with something if they change. We should go back to CDM for more figures. Selectman Maksy said the 2" line should be more and the 1" should be less. That sets the trend for the 3" and 4" lines down the road. Chair Yeatts said they took 16" total and divided that into the \$333,000.

The 1" should be less and the 2" should be more. Chair Yeatts said this will make ours more expensive.

Selectman Maksy said part of the problem is that this is a one (1) sided street. Most streets are two (2) sided. Next time, the other people will pay less because it is two (2) sides bearing the cost. Chair Yeatts asked if more MBTE money should be put in. Selectman Olivier said the Board needs to set the rate equally for everyone. Selectman Maksy suggested calling this a two (2) sided street and figure out the costs. Chair Yeatts said the next place that we should extend is Main Street. Selectman Olivier asked if the money that we will be charging for the water will cover the cost of payment for the water tower. Chair Yeatts said no. We have small water users. We need to stretch the MBTE money all ways fairly. As time goes on, we might be able to pay the payment for the water tower. Chair Yeatts noted that the betterments are stretched out over 20 years. Selectman Maksy said he thought that they paid the betterment once they hooked up. Ms. Garbitt said they can pay either in full or over 20 years. Typically it is the water users' option. Some will want to pay up front. Selectman Olivier said we need to make these hookups enough to pay the loan. Selectman Maksy said he thought that the betterment was if the line goes by, the Town bettered the property and can put a lien on the property. When you hook up, you pay right away. Ms. Garbitt said we are paying 2% interest on the loan, but we could charge them 2% interest on the betterment fee. Selectman Maksy said he did not want to lose money. The offset is for the one sided road. Chair Yeatts asked if the Board wants to use more MBTE money to lower the betterment. Selectman Maksy said he wants the interest paid.

Selectman Olivier asked if there is enough money to go around. Ms. Garbitt said the MBTE money has to be used to offset the repayment of the SRF loan. Chair Yeatts said the more we bring in, the longer it will last. We need to get those bills for Taunton and set January 1, 2011 as the date to charge the extra percentage on the water bills. Ben Levesque from CDM is going to speak to Taunton about setting up a meeting with the City Council. Chair Yeatts said we need to find out if it is a law that betterments are stretched out over 20 years. Selectman Maksy said where is the incentive to pay if there is no interest. Chair Yeatts said so we will charge the 2% interest and absorb the other side of the street. Selectman Maksy asked if the Town has looked at what other towns are charging for betterments. Ms. Garbitt said Taunton does not charge for water connections, only sewer. Chair Yeatts said this is new for Lakeville to have our own water. Selectman Olivier asked when the tank is built, will we buy Taunton water wholesale. Chair Yeatts said it will be a Tier 1, not wholesale. We still have to buy the master meter. Selectman Maksy said we can purchase wholesale once we take the lines over. We need to have a Water Department to maintain the lines. Chair Yeatts said it might not be cost effective for us to have our own staff. Selectman Maksy said we are not ready to maintain lines. Selectman Olivier said so the retail rate and the difference will be enough to satisfy the SRF loan with the MBTE money. Chair Yeatts said no, not right now. So, the recommendation is to go by meter size for the differential. Selectman Maksy said you don't want to overcharge. Chair Yeatts said if you have a small meter, you will get a \$25 charge; large meters will be charged \$50. Selectman Maksy said hopefully that will be as of January 1st. Chair Yeatts said Cathal O'Brien's initial thought was to send us all the bills and add the surcharge on. People's water bills will go up, but if we tap into our well site, they should go down. Chair Yeatts said the figures will be redone, and the Board will have them for Monday.

Frank Sterrett of Crest Drive asked who controls the date and times of the Planning Board hearing. 8:15 PM is a terribly late start. Chair Yeatts said we did not realize it was Election Day. They can't start until the polls close. Mr. Sterrett said so Sysco will come and present the talking points of the Development Agreement. This is the first time the people will hear the information. Will there be something published that we can review prior to the meeting? He would encourage the Selectman and Planning Board to have a policy to allow people to digest and read the documents prior to the hearing. Chair Yeatts said the issue of having the Development Agreement before the zoning hearing came up between the Chairman of the Planning Board and Sysco at the site visit. It was her understanding that out of the hearing you wrote the Development Agreement based upon people's concerns. You might want to suggest to the Planning Board that they start the hearing earlier for September 21st. Selectman Maksy said he couldn't imagine them closing the first hearing. Mr. Sterrett said for parents with kids, it is going to be too late. Selectman Maksy said they are an elected board and work for the residents. We can't tell them what time to start. Ms. Garbitt said the Development Agreement with National was not signed until a week before Town Meeting. Chair Yeatts said she thought you took what you get from the hearings and put that in the Agreement. That could change quite a bit before Town Meeting. Selectmen Olivier said we encouraged them to schedule two (2) meetings. These things usually go much quicker than this. The information changes at each meeting. We will do our best to make sure that everything is ironed out and disseminated.

John Jenkins of Pickens Street asked if the Development Agreement is a document that is produced by Sysco. Chair Yeatts said Sysco and the Town. The Planning Board will say what they want and work together with the two (2) attorneys. Mr. Jenkins asked if that is the process so far at the Planning Board meetings. Will the finished product be at the public hearing? Chair Yeatts said no. The public hearing is the chance for the residents to bring up all their points about the zoning overlay. The Planning Board will have a list of things that they want addressed. Mr. Jenkins said this sounds like this is out of sequence. Chair Yeatts said she advised Sysco to bring some talking points, like how they are going to mitigate noise, no truck traffic on certain roads and perhaps bring a rough draft. The Selectmen have to approve the final Development Agreement. Ms. Garbitt said the Planning Board and Selectmen are going to want to come to an agreement on the Development Agreement before Town Meeting votes on the zoning. Mr. Jenkins said so the Development Agreement will be a finished product before Town Meeting. Chair Yeatts said it is not a town meeting vote. Ms. Garbitt said if the property gets rezoned, the Planning Board will have public hearings on Site Plan Review. Because of the Development Agreement, they will have to include a lot of the items in Site Plan Review.

Selectman Maksy left the meeting at 7:57 PM. Mr. Sterrett asked if the Selectmen would entertain establishing sound standards to protect the residents. Lakeville Hospital is on a mound. If you put a 35' berm to stop sound, which would work in a flat area, it may not protect you. Chair Yeatts said they are going to level the hill she believed. You should ask at the hearing. Decibel issues are not enforceable. We spent \$80,000 to \$90,000 on legal fees to try to mitigate the sound at Morse Concrete. It has not worked. Mr. Sterrett said berms may or may not work. It can be a condition of the Development Agreement. Selectman Olivier said he would be uncomfortable with that. Ms. Scott said so you feel that the Planning Board is definite about having the Development Agreement before Town Meeting vote. You think that the Planning Board would not recommend a zoning change if the Development Agreement is not signed. Ms.

Garbitt said that she did not think the Planning Board would recommend the zoning change unless the Development Agreement was signed. Chair Yeatts said the Planning Board pushed it saying we want this now.

Adjournment

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

VOTED: To adjourn the Selectman's meeting at 8:05 PM.
Unanimous in favor.