

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**September 13, 2010 – 7:00 PM**

On September 13, 2010, 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 Chair Yeatts at 7:00 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow of the Middleboro Gazette was present and recording.

**7:00 PM Meet with Phillip McCarron regarding water for Bridge Street**

*Phillip McCarron was present for the discussion.* Chair Yeatts noted that Mr. McCarron was at a Selectmen's meeting several months ago and presented information regarding a 12-unit 40 B project on Bridge Street. He was requesting to connect his project to Taunton water. He was advised at that time that his project would have to wait for consideration until the completion of the water tower. Mr. McCarron explained that on Precinct Street, there were permits approved for Taunton water, however, they would not be allowed to tie in until the water was available. He was requesting something along those lines. His lender is becoming a little concerned. The project has been dragging for quite some time, and he would like to get something from the Board that says there is water that will be available for the project. Selectman Maksy stated that the Board did talk about the 8" line and what the Town would need. The Town is looking at future usage for that pipe. Mr. McCarron stated that he worked with Kenneth Motta of Field Engineering on the sizes of the pipe. They discussed 8", 10" and 12" pipe, and he is prepared to offer a 12" pipe. This would be at a zero cost to the Town. Selectman Maksy stated that the Town would be charging a betterment fee on the water when it comes on line. The Board could approve whatever size pipe is needed.

Chair Yeatts stated that the Town needs to hear from the DEP and from the City of Taunton about what Mr. McCarron would need for water. Mr. McCarron stated that Cathal O'Brien told him that a 12" pipe was too large, even for future build-out down the road. Chair Yeatts noted that it can be detrimental if a pipe that is put in is too large or small. She also does not want Mr. McCarron to pay for a large size pipe, if it is not needed. Ms. Garbitt pointed out that if the Town did not pay for the line, then the Town cannot charge the betterment fee. Mr. McCarron stated that he would give the line back to the Town. Chair Yeatts explained that the fee is to recoup the cost of the pipe. The City of Taunton gets the money for the tap. Maybe Mr. McCarron could contribute some money into a fund, and the Town could use the money in-lieu of the pipe. The Town also has to extend the pipe on Main Street, which is a priority. Mr. McCarron suggested he would contribute about \$60,000 for a 12" line that the Town could put it in a fund and use it elsewhere. Ms. Garbitt stated that the mitigation fee for the 40B project has to do with how his project affects the Town. Right now it is not known what that would be. His project does propose 12 units with maybe 24 cars.

Chair Yeatts said she would contact Mr. O'Brien. Then the Board will decide who will pay what, and Mr. McCarron will be a customer. Mr. McCarron just needs to wait until after October 18<sup>th</sup>. The Board will send a memo to Mr. McCarron about what he can anticipate since the proper gallon amount needs to come from Mr. O'Brien. Mr. McCarron stated that he

received the 55 and over waiver for his project and would need 110 gallons per day per bedroom. It would not be over 3,000 gallons per day. Chair Yeatts explained that this is agreed to subject to the Board of Selectmen working out a workable agreement for Mr. McCarron's project.

### **Vote to approve layout for Commercial Drive & Riverside Drive**

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

VOTED: To approve and adopt the layout for Commercial Drive subject to the completion of the five (5) items per the Superintendent of Streets' letter of September 7, 2010.  
Unanimous in favor.

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

VOTED: To approve and adopt the layout for Riverside Drive subject to the completion of the five (5) items per the Superintendent of Streets' letter of September 7, 2010.  
Unanimous in favor.

### **Update from Chair Yeatts regarding meeting with Graham Noll-Renewable Energy**

Chair Yeatts stated that the Board gave the Lakeville Development Corporation (LDC) the charge to look into renewable energy, and this is another matter that the Board should pass on to them. The Board should also suggest that Graham Noll meet with the LDC. Ms. Garbitt will pass this on to the LDC.

### **Discuss Town Counsel's consent for Regional Agreement**

Selectman Olivier stated that the School Department had asked the Board to make some recommendations on the Regional Agreement. The Board did and the School Department made the changes with the exception of the one on page 3 regarding the composition of the Regional Finance Committee. That has been removed from the agreement. This is a concern since with conflict of interest that should be in there. Selectman Olivier would like to indicate to Town Counsel that it should belong in that paragraph or to have a decision made if it is a conflict of interest. Selectman Maksy stated that he would suggest taking the original paragraph that the Board had and explain that that is what the Board wants in there. Ms. Garbitt stated that she did call the Superintendent and discussed this with him. He felt that they did vote on this. Selectman Maksy stated that they agreed and indicated that they would call the State to find out if it is a conflict. Their own Board members assumed it was going to stay there unless it was a conflict. It is felt that Town Counsel is working for the two (2) boards of Selectmen (Lakeville and Freetown), not the Regional School Committee and the Board should cut and paste and put it in. Ms. Garbitt stated that it would then be the proposed paragraph from the Lakeville Board of Selectmen under purpose; she has the original language. Chair Yeatts agreed that it is not the Town section, it is the Regional section.

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

VOTED: To vote the consent that Town Counsel review the Regional Agreement with the changes as noted.  
Unanimous in favor.

### **Discuss memo to Superintendent of Schools regarding End of Year Report**

Chair Yeatts explained that when this came up at the last meeting with the Superintendent, it was found that they have initiated the process already so this may not be necessary. The deadline is September 30, 2010. It is good that this was brought up and that they have started working on it. Next year it should be brought up in August.

### **Discuss Reserve Fund Transfer-Field Engineering-Crooked Lane culvert**

Selectman Maksy recused himself from the discussion. Chair Yeatts stated that the Board needs to add to the \$19,950, since the actual need is \$21,070.

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

VOTED: To request that the Finance Committee take \$1,125.00 out of the Reserve Fund to pay for the design for the Crooked Lane culverts.  
Unanimous in favor.

### **Review Zoning Board of Appeals petition: Velozo and CVS**

Chair Yeatts stated that the first thing that she noticed about the Velozo Petition for Ram Island is that the plan is stamped by an engineer, not a surveyor. Also, there is no primary structure so there cannot be an accessory use. They said they filed for a Notice of Intent, but a site visit has not been done by the Conservation Commission. There are no bathrooms on the site. She thought the site was for day use only with no overnight use, but that will be extremely hard to enforce. Selectman Maksy agreed that this would be an accessory structure, but you need to have a primary structure to have an accessory structure. Where is the principal structure? Selectman Olivier added that you cannot create a hardship with the project. Chair Yeatts stated that the Board should agree with the Building Commissioner and the Planning Board. They do not have a principal use to then have an accessory use. The Board upholds the Building Commissioners determination. Ms. Garbitt pointed out that the Building Commissioner is not turning this down, but he is saying they have to go for variances. Chair Yeatts stated that she feels the Building Commissioner needs to turn the petition down since they do not meet the regulations and then he should have them apply for a variance.

### **CVS petition – 11 Main Street**

Chair Yeatts asked about the hardship for CVS. Ms. Craig noted that in the 4<sup>th</sup> paragraph after Addendum A it talks about the hardship due to the shape of the land. Selectman Olivier

stated that the project cannot create a hardship. Chair Yeatts stated that when they went to the Planning Board, they told them to make some changes with the sign. However, they went directly to the Zoning Board of Appeals (ZBA) instead. It is concerning that they ignored the Planning Board. The Town has to treat people equally. The concern is that they are the same type of business as Walgreen's and both are on corner lots. The Board has to be as consistent as possible so that everyone is treated similar. Ms. Garbitt stated that she will check on the decisions that were made regarding Walgreen's signs.

Chair Yeatts stated that she feels that they have to go back to the Planning Board on this matter since it is changing the layout of the road. You cannot cross over a double yellow line to make a left turn. Ms. Garbitt pointed out that Mass DOT has issued a curb cut on Main Street. The Town has given them a curb cut on Route 79. Selectman Maksy suggested to just recommend to the other Boards to uphold the bylaw and to be consistent with other businesses. Chair Yeatts asked that it also go to the Planning Board due to the fact that they are exiting on Main Street. Ms. Dow then pointed out that it is corrected on the second page. It was then noted that CVS will need to uphold the sign bylaw and the Boards need to be consistent as with other businesses, i.e. Walgreens.

### **New Business**

Ms. Garbitt said that Jeffrey Simons called her and talked briefly about the stimulus funding and how the State will be making site visits. On October 13, 2010 at 10:00 AM they will visit the water tower. They will also try to go to the Schools to see how the ARRA funds have been used and to the Police Station regarding the justice grant for the two (2) police officers.

### **Old Business**

The letter from Kenneth Motta of Field Engineering regarding the Engineering Services Agreement, dated August 10, 2009, was then discussed. The letter related to the cost of the water line design to bring Taunton water to the Ted Williams Camp. This is the first change order to the agreement.

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

VOTED: To approve Change Order #1 for the water main service at the Lakeville Senior Center on Precinct Street to service the community building and the maintenance building at the Ted Williams Camp with a total amount of \$4,200.  
Unanimous in favor.

### **Other Items**

1. Letter to Cape Cod Cranberry Growers Association
2. Letter from SEMASS regarding Change in Law-Greenhouse Gas Reporting Rule  
Selectman Olivier asked what this will equate to in cost for the Town. Is the Town also talking about renegotiating the contract, if so where is that? Ms. Garbitt responded that they will notify the Town when the calculations are done. The contract is split by usage

and the Town agreed to it in its contract. Ms. Garbitt can check with the last change in use, change in law, and all the communities that were affected.

3. Letter from Veterans' Serviced regarding Reimbursement to Municipalities  
Chair Yeatts asked to make sure that this gets forwarded to Marilyn Mansfield.
4. Plymouth County Cooperative Extension September-October Calendar
5. Notice of entries for Kenneth E. Pickard Municipal Innovation Award
6. Meeting Notice-Regional Economic Strategy Committee – September 14, 2010
7. Meeting Notice –Council on Sustainability – September 14, 2010  
Chair Yeatts stated that she would like to go to the meeting. Ms. Garbitt said she would like to attend also.
8. Mass Wildlife News
9. Sustainability Almanac – August 26 to September 2, 2010
10. Sustainability Almanac – September 2 to September 9, 2010
11. Comcast Connections Second Quarter Newsletter
12. Information from Verizon regarding Programming Changes
13. Invitation to attend Fifth Anniversary of Plymouth County Registry of Deeds
14. SRPEDD Meeting Notice for September 22, 2010
15. DOR Information Guideline Release (IGR) 10-410 FY11 Guidelines for Annual Assessment and Allocation of Tax Levy
16. DOR Information Guideline Release (IGR) 10-402 FY11 Guidelines for Determining Annual Levy Limit Increase for Tax Base Growth

### **Adjournment**

At 8:10 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss strategy with respect to litigation or collective bargaining, specifically the Board will discuss pending litigation; and to consider the purchase, exchange, taking, lease, or value of real property, and the executive session is because an open meeting may have a detrimental effect on the Board's litigating and bargaining position.

Polled vote: Selectman Maksy-Aye, Selectman Olivier-Aye, and Selectman Yeatts-Aye.