

SELECTMEN'S MEETING

Monday, October 6, 2008

On October 6, 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 7:00 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.

7:00 PM Meet with Historical Commission regarding Eagle Scout Project

Nancy LaFave and Brian Reynolds from the Historical Commission were present for the discussion. Ms. LaFave noted that the Historical Commission was approached by Matthew Gilbert to do an Eagle Scout Project. Matthew would like to create and install signs noting Historic Lakeville landmarks or sites in Lakeville. Ms. LaFave said the Historical Commission is coming before the Board of Selectmen to get advice and remarks on the proposed project. The signs would be on Town properties and/or properties of approving groups or individuals. Matthew will be meeting with the Historical Commission again to give them more details on his proposal.

Chairman Evirs said this would be a great project, but Matthew should get a copy of the sign bylaws to know that there are regulations on what he can do. Selectman Maksy said there may be a fee involved, so we can look at waiving the fee. Ms. LaFave asked if the Selectmen knew where the Pond Cemetery sign is. Selectman Yeatts asked if the signs will be similar to the cemetery signs. Mr. Reynolds said the sign type is under consideration. We like that type of sign. Ms. Garbitt spoke about the installation of the Turtle Crossing signs on Highland Road. We are trying to do this Friday. The anchors will be installed ahead of time, so it is just a matter of putting in the signs. Mr. Reynolds said those signs were the result of a scholarship from the 150th Anniversary fund. Ms. LaFave said the money left over from the 150th Anniversary is for scholarships and we only use the interest, not the initial investment.

7:15 PM Meet with Martha Schroeder regarding Tamarack Park

Martha Schroeder was present to give the update. Ms. Schroeder said that a group of volunteers came to Tamarack Park to help with the removal of the invasive plants. This is part of a grant by the Taunton Watershed Campaign. There are some people working in Middleborough on the Assawompset Pond Complex property. Ms. Schroeder said this could be a ten (10) year job and as soon as people stop removing them, they will grow back. It is hoped that this will be able to continue even after ten (10) years. She then spoke about the meadow. The seed was put down, but due to a lack in communication, it got mowed by the Highway Department. It was not supposed to be mowed, and it appears that it is all crabgrass. The mowing would have set it back, but it does take three (3) years to have prairie grass get established, so it may still take some time. However, nothing can be found but crabgrass at this time. So, it may have to be started over again next spring. There is supposed to be Indian Grass, Blue Stem and Switch Grass, then Purple Love Grass eventually. This is all native to the area and should attract butterflies, dragon flies and birds. Chairman Evirs said maybe some small

signs should be put up about not mowing there. Ms. Schroeder said if anyone is looking for community service, send them to her so as there is so much to do. Also, we are looking into getting a park bench installed. Ms. Craig said there are students from the High School looking for community service work so maybe Ms. Schroeder can contact the High School. Ms. Schroeder said there is a lot of work to do in pulling the invasives. Chairman Evirs suggested that perhaps the graphic students at the vocational schools could help with the signs. Ms. Schroeder said she will wait until the spring to purchase the bench, which will be locally made.

Vote to approve November 4th Presidential Election Warrant

Selectman Yeatts read the warrant for the November 4, 2008 Presidential Election into the record.

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

VOTED: To approve and sign the November 4, 2008 Presidential Election Warrant.
Unanimous in favor.

Vote to award bid for sanders-Highway Department

Chairman Evirs read a memo from Christopher Peck, Superintendent of Streets, regarding the bid results for the Highway sanders.

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

VOTED: To award the bid to J.C. Madigan, Inc. to provide three (3) stainless steel sanders, install two (2) sanders with hydraulics and install two (2) manual tilt plow hitches for a total cost of \$52,610.
Unanimous in favor

Request for change of name on Class I license – Crossroads RV Center, Inc.

Chairman Evirs read the request from Crossroads Great Outdoors, Inc. to change the name on their current Class I license from Crossroads RV Center, Inc. to Crossroads Great Outdoors, Inc. Also, it was requested that Mehdi Hosseini be listed as the President of Crossroads Great Outdoors, Inc.

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

VOTED: To approve the change of name on the Class I license for the property located at 8 Harding Street from Crossroads RV Center, Inc. to Crossroads Great Outdoors, Inc. and to change the name to Mehdi Hosseini as President of the Company with a term to expire January 1, 2009.
Unanimous in favor.

It was requested that the Building Commissioner deliver the new license and do an inspection of the premises while he is there.

Revisit request from Executive Office of Transportation regarding Smart Growth Technical Assistance

Chairman Evirs noted that this item has previously been discussed. There are several areas that they will look into and do a review for free. A discussion occurred regarding what items the Town would like assistance with. Chairman Evirs said he will continue with this since he has been attending the meetings with Linda Grubb.

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

VOTED: That the Town would request assistance for: water and sewer improvement strategies, open space and natural resource protection strategies, and station area and town center TOD analysis and recommendations.
Unanimous in favor.

Request for road cut from Bay State Gas-1 Harrison Avenue

Chairman Evirs read the request from Bay State Gas for a road cut to install natural gas service at 1 Harrison Avenue. Selectman Maksy said we might also want to look into Item #12. Ms. Craig noted that Bay State Gas did increase their bond to \$20,000 to cover all their road cuts. Discussion occurred regarding the bond issue. Chairman Evirs suggested having John Oliveiri, the Town's Insurance Agent, come in to speak on these concerns.

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

VOTED: To approve the road cut by Bay State Gas for 1 Harrison Avenue, abiding by the road opening permit if they cannot tunnel under the road to install gas service into this location.
Unanimous in favor.

Request from West Bridgewater Selectmen to join Regional Task Force regarding proposed fossil fuel power plant in Brockton

Chairman Evirs read the letter regarding a request to join a regional task force regarding the proposed fossil fuel power plant in Brockton. He did not see how that would affect Lakeville, but we should send a letter of support. Selectman Yeatts said she would like to attend, but she has NIMS training for the next six (6) weeks for four (4) hours each Thursday evening, so she cannot attend. She was concerned about pollution in ponds and whether it would effect Lakeville's water. Selectman Maksy said he would try to attend this meeting. Selectman Yeatts said she will try to attend the other meetings if they are not on Thursdays.

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

VOTED: To appoint Selectman Yeatts as designee and Selectman Maksy as alternate to the Regional Task Force of West Bridgewater regarding the proposed fossil fuel power plant in Brockton.
Unanimous in favor.

Request from Planning Board to amend General Sign Regulations

Chairman Evirs said that the Board had received a request from the Planning Board to amend the Town's General Sign Regulations.

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

VOTED: To table amending the Town's General Sign Regulations at this time.
Unanimous in favor.

Request for appointment of two Assistant Animal Control Officers

Chairman Evirs read the request from Ms. Garbitt regarding the appointment of two (2) Assistant Animal Control Officers. The need for this is to replace one Assistant Animal Control Officer who is out due to an injury he occurred at his full time job and for day time coverage for the Animal Control Officer. Selectman Maksy said he would like to receive notice of jobs that are available with the Town. Ms. Garbitt said she will copy the Board of Selectmen when positions become available.

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

VOTED: To appoint Alan Snyder and Joseph Carboni as Assistant Animal Control Officers for a term to expire on April 30, 2009.
Unanimous in favor.

Accept resignation of Donna Tibbetts from Board of Registrars

Chairman Evirs read Donna Tibbetts' letter of resignation from the Board of Registrars that the Board received. It was requested that Ms. Tibbetts receive a letter of thanks for her service.

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

VOTED: To accept the resignation of Donna Tibbetts from the Board of Registrars.
Unanimous in favor.

Request for appointment of Lillian Drane to Board of Registrars

It was noted that the Board had not received a letter of interest from Ms. Drane to serve on the Board of Registrars. Ms. Garbitt said as Ms. Drane was the Assistant Town Clerk, she was sure that she was aware of the request.

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

VOTED: To appoint Lillian Drane to the Board of Registrars, subject to receiving a letter of interest from her, with a term to expire July 31, 2009.
Unanimous in favor.

Request for proclamation – United Nations Day October 24th

Selectman Yeatts read the proclamation into the record.

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

VOTED: To approve the proclamation for the 63rd Anniversary of the United Nations to be held on October 24, 2008.
Unanimous in favor.

Request to use Town House – Mullein Hill Christian Academy

Chairman Evirs read the request from Mullein Hill Christian Academy asking to use the Town House on October 18th and November 22nd for fundraiser yard sales for an African Missionary trip in February of 2009. Set up would take place on October 17th and November 21st.

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

VOTED: To allow Mullein Hill Christian Academy to use the Town House on October 18, 2008 and November 22, 2008 for the purpose of fundraisers for an African mission trip in February of 2009. This will be subject to the compliance with the Town Building use policy when it comes into effect.
Unanimous in favor.

Request to use Town House – Boy Scout Troop 26 of Lakeville

Chairman Evirs read the request from Boy Scout Troop 26 of Lakeville to use the Town House on November 28th and November 29th to sell Christmas wreaths as a fundraiser.

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

VOTED: To allow Boy Scout Troop 26 to use the Town House on November 28, 2008 and November 29, 2008 for the purpose of a fundraiser by selling Christmas Wreaths.

This will be subject to the compliance with the Town Building use policy when it comes into effect.

Unanimous in favor.

Review Zoning Board of Appeals petition-325 Pond Lane

Chairman Evirs said that the Board had received a Zoning Board of Appeals (ZBA) petition for the property located at 325 Pond Lane for review. The petitioner is looking to add a third floor to the present dwelling, which consists of 1.75 stories. The present home contains 1,355 square feet. The proposed dwelling has 2,430 square feet.

Selectman Yeatts said the Board of Health has not issued a septic permit for the property and will not until they receive all the necessary documents. The Conservation Commission has issued an Order of Conditions for the property, which has been recorded. Ms. Craig noted that the property located at 213 Cedar Drive contains the leaching field for 325 Pond Lane. Chairman Evirs said the by-law allows for 2.5 story buildings and the remaining half is the attic for storage. The bylaw does not allow for a three (3) story home. They are decreasing the lot size by 4,000 feet. It is a 16,000 square foot lot and they are taking 25% of it away for the septic easement. Selectman Yeatts noted that there is a letter from Robert Iafrate, Building Commissioner, dated May 15, 2008. On August 20, 2008, the petitioners their application so it appears to be over the allowed appeal time. Ms. Garbitt said they are applying for a Special Permit. Chairman Evirs said the petitioner is not appealing Mr. Iafrate's decision. They are applying for a Special Permit under 6.1.3. Selectman Maksy said we are questioning the 30-day appeal period, the tax collector not having signed off, and the Board of Selectmen not having signed off.

Chairman Evirs said in granting the easement on 213 Cedar Drive, that easement has to be subtracted from total lot size and that decreases the lot size to 12,000 from 16,000 based on current zoning law. You cannot make a non-conformity worse. Selectman Yeatts said they would need a variance for that. Chairman Evirs said the ZBA may not have the power to grant a variance for that. You cannot create a greater non-conformity on a non-conforming lot. Selectman Yeatts said if they are going to cross a water line with a force line, then they have to notify the Association of Clark Shores. Chairman Evirs also noted Section 5.1, the maximum height of a building. Selectman Yeatts said they need a deed restriction for no increase in flow. Selectman Maksy said they also need to verify ownership of both properties. Chairman Evirs said this should not be going to the ZBA before having the Board of Health's approval. Ms. Craig asked if she should forward the Board of Health letter to the ZBA? Chairman Evirs said to include the letter with our concerns.

Review and vote to approve Selectmen's meeting minutes: May 5th, May 19th and June 9, 2008

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of May 5, 2008 as presented.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of May 19, 2008 and June 9, 2008 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt said she received thank you letters from the Lakeville Arts & Music Festival thanking Ms. Craig, Ms. Garbitt and the Board of Selectmen for all their support, recommendations and assistance. There was also another letter thanking Christopher Peck, Superintendent of Streets, in appreciation of his support of the Town, his enthusiasm for his job, his positive attitude, etc. Selectman Maksy noted that the Festival took a lot of space and may need more area since it was full and there was a lot of traffic. Ms. Garbitt noted the Assawompset School parking lot was full also. Chairman Evirs thought maybe some shuttle bus services might be helpful. Ms. Craig noted that Middleborough uses trolleys for its Pratt Farm Festival.

Chairman Evirs said we received a revised ZBA petition for 133 Bedford Street, which was an old mobile home that was falling down. Brief discussion occurred. Ms. Garbitt said we will send a letter to the ZBA letting them know we have received the revised plan.

Ms. Garbitt asked about setting the date for the Special Town Meeting. She needs to check with the school, Town Counsel and the moderator about availability. Discussion occurred regarding scheduling the date. Ms. Garbitt said we can shift some of the Selectmen's meetings in December. She has approximately 12 possible articles and need to finalize the wording with Town Counsel and hearings need to take place. Ms. Garbitt will check about December 1, 2008 and December 8, 2008.

Other Items

1. Letter from Board of Health regarding ZBA petition-60 Taunton Street
2. Letter from Executive Office of Transportation regarding South Coast Rail Project
Chairman Evirs said that South Coast Rail Manager Kristina Egan has heard Lakeville loud and clear and would like to assure the Town that they have no desire to close the Lakeville Station. They recognize the large amount of planning that has gone into that area. Also, the Cape Cod Railroad is pitching to the State that they can very quickly offer commuter train service to Lakeville from Hyannis. They can do that right now for about \$5 million.
3. Letter from Stonehill Environmental regarding 1 Nelson's Grove Road
4. GATRA Advisory Board Meeting Notice-October 9, 2008
5. Notice of Meeting October 14, 2008- Regional Economic Strategy Committee

6. Notice of meeting October 17, 2008-Plymouth County Development Council
Selectman Yeatts said that Secretary O'Connell and Teresa Murray will be there. Ms. Garbitt said she will not be available. Chairman Evirs stated that he may be able to attend.
7. Letter from MMA regarding Sixty Annual municipal Calendar Photography Contest
8. DOR Bulletin-Classified Forest, Farm & Recreational Land Forms
9. Notice from MEGA-Addressing Financial Concerns in Current Financial market
10. Woodard & Curran Directions newsletter
11. Tata & Howard The Wave newsletter
Chairman Evirs pointed out the article regarding the composite elevated water storage design. It was built in Marion and already existed. It took about 18 months until it was put into service from its onset.
12. Letter from MassRecycle
13. Old Colony Regional Vocational Technical High District Audit (FY07)
Selectman Maksy asked that the Town Accountant get a copy of this.
14. Memo from Dr. Furtado regarding Regionalization Study by NESDEC
Selectman Yeatts noted the meeting will need to be posted for the Selectmen. Chairman Evirs said Dr. Furtado said he would send a copy of the review out ahead of time. He would like to see it in email form ahead of time.
15. Plymouth County Commissioners meeting agenda-October 7, 2008
16. SEED News Release regarding SBA 504 Loan Program
17. Memo from SRPEDD regarding October SRPEDD meeting – October 22nd

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

VOTED: To adjourn the Selectmen's meeting at 9:12 PM.
Unanimous in favor.