

SELECTMEN'S MEETING
Monday, October 23, 2006

On October 23, 2006, the Board of Selectmen held a meeting at 6:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman LaCamera at 6:00 PM. Selectmen present were: Selectman LaCamera, Selectman Yeatts and Selectman Evirs. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Chairman LaCamera asked for a standing moment of silence for Sandra Horton, Town Clerk to the Town of Lakeville for almost 24 years, who recently passed away. Sandy had just turned 65 last month and there was no one more dedicated to their job. She will be someone who will be sorely missed by many. Sandra was a great friend to all she worked with. The Town Office Building will be closed on Friday, October 27th for her funeral, so that everyone may have the opportunity to attend.

6:00 PM Meet with Steve Oliveira regarding Eagle Scout project

Stephen Oliveira took the floor representing the Local Annawon Council. He explained that his Eagle Project has been the stenciling of the catch basins in the Town of Lakeville. The stenciling will read that the catch basin drains to "our" ponds. As this is taking place, he will also be educating the public through press releases about illegal dumping such as disposing of waste oil or antifreeze into catch basins since it hurts the environment. There are 686 catch basins in the Town, excluding the main roads; 292 catch basins have been completed so far. There are eight other boys who have been participating in this project on their weekends. The higher concentrated basins have been done first.

Chairman LaCamera explained that marking the catch basins is now a requirement by the Stormwater Management Act for all municipalities. This is a great project that is being done for the Town. Stephen is thanked for taking this project on.

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

VOTED: To officially approve the stenciling and painting project of Stephen Oliveira as part of his Eagle Scout Project of the 686 catch basins in the Town of Lakeville.
Unanimous in favor

6:30 PM Jim and Sharon Record – curb cut request

Sharon Record and James Marot, Building Commissioner, Planning Board Chair, were present. Chairman LaCamera stated that the curb cut request was for 2 Johnson Drive. Roger Hamilton, Highway Surveyor, had reviewed the request and does not approve of the location due to the proximity of Johnson Drive. It could pose as a safety hazard. The Planning Board has also disapproved the curb cut for the following reasons; it is located on Route 79, it needs to comply with state regulations and it poses a safety hazard due to the location of Johnson Drive.

Ms. Record explained that her curb cut had not been planned initially. It was further explained that Ms. Record had driven around the Town during the day and taken pictures of other intersections that are more heavily wooded and more dangerous than the one at her location. It is a dirt drive at this time and is used mainly for their RV since it is very large and difficult to maneuver in the regular driveway. When Redlon Construction came to their premises to do some construction, they dropped the process material there and thus actually started the dirt drive for the Record's. Pictures were shown of Brookstone Drive, which comes out to Freetown Street. Pictures were also shown of Heritage Hill coming down onto Highland Street and the intersection at the end of Highland Road with Mullein Hill Christian Academy. All pictures were to show that these areas appear more dangerous than the requested location. A note of support was signed by those in the neighborhood showing their approval for the curb cut. Clearing has been done on the premises and mulch will be added to keep the growth down.

Additional discussion took place by Ms. Record and the Board of Selectmen. The Board of Selectmen explained the reasons why curb cuts were put into place for the Town, to minimize mishaps. Mr. Marot explained to Ms. Record that if she would like to present the matter further, she could make an appointment to be on the agenda for a Planning Board meeting. The reason curb cuts are to be approved is since some had been made in the past and it has posed unsafe situations. Route 79 will only be increasing in traffic and the curb cut is very close to the intersection of Johnson Drive. The Town was not aware of the fact that the second driveway had been installed. Ms. Record explained that she and her husband were not aware that there was a process or that it was necessary to bring it before the Town. Mr. Marot said that although clearing may have been done for visibility purposes, another reason that a curb cut in this area is unsafe is that people coming and going need to have time to signal and turn. The Planning Board's regulations are 600 feet. It would be preferable if this section of the property is left closed. The matter could be revisited with the Planning Board. Chairman LaCamera mentioned that the Board of Selectmen will still need to look at any alternatives that are proposed. He suggested that modifications be made for the RV in the driveway and parking take place further down their driveway.

Ms. Record stated that she would like to make an appointment to discuss the curb cut with the Planning Board since she would like to take some additional pictures to present at that time. Mr. Marot stated that Ms. Record could call and make an appointment to be on the Planning Board agenda.

6:45 PM Meet with John Stewart regarding Walgreens

Chairman LaCamera stated that a revised plan was presented by John Stewart of Richmond Company for the water connection to Walgreens. The Building Commissioner has reviewed the revised plan and Doug Valovcin of the Taunton Water Department also reviewed and approved the plan.

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

VOTED: To approve the revised water connection plan for Walgreens.
Unanimous in favor

7:00 PM Frank Will – stockpile permit request

Frank Will of A.A. Will is present for the discussion. Chairman LaCamera stated that discussion will now take place regarding a stockpile permit for off Fern Avenue. Mr. Will explained that there is 25,000 yards remaining of the 100,000 yards of loam that was brought in, in 2003-2004. The remaining loam needs to be blended with other materials in order to make it a saleable product. Since 75% of the material was gone through in the past three (3) years, it is anticipated that the rest will be gone through during the year and then that will be the end of it. The material was brought in prior to the construction of the 40B project.

Chairman LaCamera stated that according to the Board of Appeals decision, there was a requirement that all the materials on the site be removed, however, there was no time frame indicated. The level of conditions was approved by the Board of Appeals. It included the loam, the metal on the property and the construction materials on site as well. A permit is being proposed with some conditions for discussion. Paul McGillis of 6 Daniel Road said “We keep trying to sell this off as a stockpile permit and it is actually a processing permit. I have a business also, and there are two separate permits to do this work. Screening material is not a stockpile permit”. Chairman LaCamera stated that the premises are also a construction site. Mr. McGillis stated that the original permit read 90 Precinct Street and this was an incorrect address, another one had to be filled out with the correct address and correct date. The original date was September 19th. Ms. Garbitt responded that though the date was wrong, the actual site of the property was known. Chairman LaCamera added that this is not a public hearing and if it was then the matter would have to be corrected and re-advertised. In the Town of Lakeville a stockpile permit and a processing permit can be the same thing. This is not an earth removal permit. There is another site in Town on Highland Road which does the same type of work. Loam is stockpiled, screened and then removed. This is a construction site and the Owner had a right to move the material. Mr. McGillis stated that his feeling is that however the loam got on the site it should leave the same way. The additional noise and dust are not needed near the residential properties.

Selectman Evirs asked about the concrete block that had been excavated from the site? Mr. Marot responded that this was tailings from the screening process that needs to be removed. William Adams of 1 Daniel Road said “I have no problem with them taking out the loam since it was there before the 40B. However, that was with a pre-existing non-conforming use and this earth should be trucked out and screened elsewhere.” Thomas Tran of 105 Precinct Street asked what the ratio will be for the new material, how long will the process last and is it contingent on its sale? Mr. Will responded that an equal amount will be needed to blend with what is there, and it should all be sold by the end of 2007, otherwise it could be left there. Chairman LaCamera stated that in Phase Two of the project, the loam will have to be moved in order for the road to go in. This was part of the instructions from the Board of Appeals. Also, as part of the development, a berm is to be built to block off the property and in order for this to be done, the loam needs to be moved out. Mr. Tran asked if there is anything that can insure that the work will be done and that more additional material will not be brought in for processing? Chairman LaCamera responded that the permit will only be issued through March 2007. The Board will then revisit the matter in order to finish out the rest of the project. The Building

Commissioner will also be monitoring what is going on and make sure that it is being done correctly. There also should be receipts monitoring the material that enters and exits the site. Mr. Tran asked if there would be reports on the project available for the public. Chairman LaCamera responded that reports could be provided on a monthly basis.

Mr. Tran stated that he has heard a lot of complaints about the noise, the speed of the trucks on Precinct Street and that this takes place at all hours of the day. This is a lot of commotion for a residential street. Are there any steps that can be taken regarding the noise and the truck speeds? Chairman LaCamera explained that this discussion was not to discuss Morse Sand & Gravel issues. The problems with that matter are being addressed.

Selectman Evirs stated that he would like to speak on the material that will be brought in for mixing. If it is more than the 25,000 yards that is currently on the site, it would be good business practice for the loam to be hauled out since it would cost more to bring that amount or more in. The project will be monitored. William Kelly of 98 Precinct Street asked "If the permit is provided, will the abutters be notified? The slamming of tailgates is very loud and the abutters in the new residents should be notified since the noise is horrendous". The Board should come over to the site and listen. Chairman LaCamera stated that it would appear that 95% of the noise is coming from Morse. Selectman Yeatts asked Mr. Will where the blending loam would be coming from. Mr. Will responded that it would be from various sources. Mr. McGillis asked if he should have gotten a certified notice since he is an abutter. Chairman LaCamera responded that he would not get a certified notice since this is not a public hearing. Mr. McGillis asked if it was going to take a tragedy, like the Big Dig, for someone to get killed before anything is done with the trucks coming down the street and the children waiting for the school buses. Chairman LaCamera explained that the Town cannot restrict the trucks from going up and down the street. The material has to be removed from the property. The police are periodically monitoring the trucks for speeding.

David Fields of 21 Race Course Road mentioned that the Town only issues two (2) types of permits, earth removal and stockpile. So if one is earth removal processing, then everything else is stockpiling. Thus it is okay then to do processing on the site? It would appear that there is just one (1) operation for mixing, screening, tailings, etc, not several steps? Ms. Garbitt explained that under the earth removal bylaw there are different permits. One is for construction on a site while it is being built. There is also one for loam when it is being removed from a site as long as it stays within the Town. The processing was part of the original stockpile permit that was provided originally. Chairman LaCamera added that since the bylaw was passed in the 1970's it is vague unfortunately.

Mr. Marot stated that no matter what happens, the ultimate goal is to have the project completed, and it is clear in the contract that all the additional loam is to be removed. Ultimately the berm will be constructed, and it will mitigate a huge problem that the residents are having. It will soften the blow of the noise and the dust in the air. Having the berm constructed is a big part of solving the problems that the neighbors are having with Morse. Thus, the soil, extra buildings and metal need to be removed from the site. Mr. Will will be doing it in a certain time period that constraints are placed on. The project cannot be completed until all this additional material is gone. Mr. Kelly stated that he would like to know from Town Counsel if all this is

alright. It would save the neighbors a lot of time and energy from filing injunction suits, nuisance suits, etc. A small amount of attorney's fees now will save the Town money down the road. Chairman LaCamera explained that through the 40B they were required to remove the loam. The Board also did not write the laws in 1978. Thus processing is included in the permit. Mr. McGillis asked if they have an earth removal permit. Chairman LaCamera responded that the earth removal permit was given up by Mr. Will and asked what would the neighbors prefer at this time? Mr. McGillis responded that he would prefer the material just be hauled off the site. Mr. Tran asked if there is a limit for noise that can be created in Town. Chairman LaCamera responded that the DEP (Department of Environmental Protection) has its own regulations and the DEP has been to the Morse site numerous times in the past 3 ½ years. There is presently an ongoing lawsuit with Morse and the Town. The Board does have conditions that will be proposed as part of the stockpile permit and other conditions can be discussed. Michael DeCicco, Enterprise reporter, asked why the work needed to be done on the site? Also, will the screening of the material create more jobs for the company? Mr. Will responded that the material that is presently there is un-saleable in its present condition. Thus peat and sand need to be brought in to blend with the material. There is also a cost for transporting the material in. The work is pretty much a self contained one (1) person operation.

Chairman LaCamera asked if the Board, per the request of the resident, want Town Counsel to review the matter? Selectman Evirs responded that it was not necessary since it was clear in the 40B what can and cannot be done. Selectman Yeatts responded that the material does have to be removed, not necessarily processed. It would be preferable to see a cost analysis, as compared with the whole business, of what it will cost to bring in additional material for blending as opposed to moving it off the site to be processed elsewhere, taking into consideration what the neighbors have already suffered through. Mr. Will stated that the company has been doing a similar type of screening process for over thirty years. It is non-evasive. The neighbors concerns are appreciated, yet a truck probably makes more noise than the screening since there is no crushing, no sizing. There may be the same amount of noise if the processing is not allowed by having the material trucked out. If the material could stay on the site and be used, this would not matter but the material cannot be used as it is. Selectman Yeatts stated that it will be twice as much material going out when the additional is brought in for screening, so how can the noise be less? Mr. Will responded that the screening and the processing is done on the side, away from the neighborhood. There is a berm in place which acts as a noise barrier. The work on the site has been going on for thirty five years and is now in the winding down aspect of the operation. It is understood that there have been issues with the other abutter on the property. Past experience has shown that it would cost \$100,000 to move the present amount of material. What is being asked to be done is to minimize the impact to the neighbors and there will be consideration to abide by set hours when the work will be done

Mr. McGillis asked where the line is drawn for people living their lives and the impact to someone's wallet. Money should not be an issue. This is residential property and has turned into a 40B project over two (2) years ago. It is not an industrial area. Selectman Evirs explained that if the material was to be used and not taken off the site or processed, it would still need to be processed and that could go on for another three (3) to five (5) years until the project is completed. Then there still may be some additional material to be removed from the property in order to conform to the contours that have been allowed. It is hoped to lessen the noise for the

neighbors and for everything to be more reasonable. It may be in the best interest of everyone for the matter to be completed within a year than have it go on longer. Mr. McGillis stated that the reason the plant was discovered was that the noise was so loud. DEP came down and said that it was not from Morse, it was from Mr. Will. This is how the Town and everyone else found out that a processing plant was in operation. No one can say it will not be loud. The neighbors do not need the additional noise. Mr. Adams stated that if more material is being brought in, then it will be sold for the next phases and then there will be more work for the property with its landscaping, thus this will all continue on until it is done in 2015. No more loam should be brought in to process and then sold at the neighborhood's expense. Chairman LaCamera asked how much loam would be required for the project? Mr. Will responded that it was felt there is enough on the site for the project. Chairman LaCamera asked that Mr. Will's architect or engineer come up with an estimate for the necessary loam for the project. The Town does not want loam removed only to have it transported back in later.

Mr. McGillis asked why the piles of materials weren't taken into consideration before the 40B? Chairman LaCamera responded that it was taken into consideration. It is in the 40B plans that the material had to be removed. There is gravel there which will be used for the property. However, there are also some buildings, metal and other material that need to be removed. Since there is a request to check with Town Counsel, this will be done. Also a time needs to be set up with Mr. Will for the neighbors to visit the site, see and hear the screening of the material in operation, and for the Board of Selectmen to also to be there when this takes place. The date was set for Saturday, November 4th at 9:00 AM at the Off Fern Avenue site. The draft conditions will also be provided to the neighbors so that their input can be provided at the next meeting of the Board on November 6th, since this item will be on the agenda for discussion at 7:00 PM.

Ms. Garbitt stated that there will be rock crushing taking place for all the rocks currently on the property. The Owner has been required to notify the abutters two (2) weeks in advance of the date that this will take place. The hours for this work have not been limited as of yet. Chairman LaCamera stated that the pile that needs to be broken up will be done over a several day period within certain hours for the material to be used on site for the roads. Mr. Tran asked if a cost analysis would be done of moving the material to another site? Chairman LaCamera responded that that could be done, what it costs to move it to another site for processing as compared with the work being processed on the site. An opinion will be provided from Town Counsel about whether the material needs to be only removed from the site or if additional material could be brought in for processing so that the material is made ready for sale and then sold for removal. Also, Town Counsel will be asked if an industrial use is permitted in a residential zone.

Vote to approve State Election warrant – November 7, 2006

Chairman LaCamera read the State Election warrant into the record. The election is being held on Tuesday, November 7th from 7:00 AM to 8:00 PM for the purpose of elections for the candidates for the following offices: Senator in Congress, Governor/LT. Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councilor, Senator in General Court, Representative in General Court, District Attorney, Clerk of Courts, Register of Deeds, County Commissioners and there will be three questions on the ballot.

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

VOTED: To approve the State Election Warrant for November 7, 2006.
Unanimous in favor.

Discuss status of Rent Control Board

Chairman LaCamera explained that the establishment of a Rent Control Board was specifically for the Senior Mobile Home Park on Route 79, Twin Coach Estates. The Board is looking for people who are interested in serving on this Board. The Board would consist of between three (3) to five (5) members of the community. If anyone is interested, they can send letters of interest to the Board of Selectmen.

Vote on Debt Schedule for GRAIS

Chairman LaCamera stated that the Town received an \$11 million reimbursement from the State for the GRAIS (George R. Austin Intermediate School) project. The Board of Selectmen now needs to approve the Debt Schedule and send it to the Regional School Committee for their approval. The Town Administrator has summarized what it is, and how it is calculated. The good news for the Town is that more State Aid was received than anticipated and the interest made from investments is going to be used against the debt service. In 2007, the average homeowner was impacted \$13.84 in their taxes and in 2008. The average homeowner will only be impacted \$4.87 in their taxes.

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

VOTED: To approve the recommended Debt Schedule for GRAIS, dated 10/20/06, as provided by Unibank as of 9/19/06 to offset debt service in FY07.
Unanimous in favor

Request to use Old Town House-Lakeville Garden Club

Chairman LaCamera read the request from the Lakeville Garden Club to use the Old Town House for their annual flower show.

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

VOTED: To allow the Lakeville Garden Club to use the Old Town House on June 25th, 26th, 27th and 28th, 2007 for the purpose of their annual flower show.
Unanimous in favor

Request to use Old Town House – Lakeville Arts Council

Chairman LaCamera stated that the Lakeville Arts Council did a great job on the Lakeville Arts festival. It was all very well organized, handled and attended. And now the Lakeville Arts Council is requesting their dates for 2007.

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

VOTED: To approve the use of the Old Town House for the Art Councils' 2007 Arts & Music Festival to be held on September 29, 2007.
Unanimous in favor

Vote to accept resignation of Lincoln Thibeault from Fire Department

Chairman LaCamera read the resignation letter of Lincoln Thibeault from the Fire Department into the record.

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

VOTED: To accept the letter of resignation from Lincoln Thibeault, Firefighter, effective October 30, 2006.
Unanimous in favor.

Vote to approve Selectmen's meeting minutes of April 5, 2006, September 11, 2006 and September 25, 2006

Upon a motion made by Selectman Yeatts and seconded by Chairman LaCamera stepping down to vote it was:

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of April 5, 2006 as presented.
Unanimous in favor

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

VOTED: To waive the reading of and amend the Selectmen's meeting minutes of September 11, 2006, page 3, to specify that it was a Wetland Peer Review and to waive the reading of and approve the Selectmen's meeting minutes of September 25, 2006 as presented.
Unanimous in favor

Any other business that may properly come before that meeting.

Selectman Evirs mentioned that there is a sign located across the street from the Assawompset School, of which the function has passed. There is also a rental sign up at Starr Market, regarding a leased space and this sign appears to be larger than the bylaw of 20 feet. There also seem to be cars and other vehicles there for sale. Chairman LaCamera explained that letters were sent regarding both signs. Mr. Marot, Building Commissioner entered for the discussion. He stated that he could send a letter to the owners across from the school. It has been used as a public service sign. Chairman LaCamera mentioned that the bylaws allow one (1) vehicle to be sold on a premises. Ms. Garbitt added that the RV is only parked on the premises

when the owners are in the area. Additional discussion took place regarding what is appropriate or not regarding the signage throughout the Town.

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

VOTED: To have the sign removed at 235 Main Street (Across from the Assawompset School).
Unanimous in favor

Other Items

1. Letters from Lakeville Art Council
2. Memo from Dr. Furtado regarding salary adjustment
3. Notice from CEA regarding 79 Main Street
4. Plymouth Commissioner meeting agendas October 3rd and October 17th
5. SRPEDD Commissioner meeting notice – October 25, 2006
6. Letter from Comcast
7. Letter from Executive Office of Public Safety
Selectman Yeatts mentioned that since all Town Office Building Personnel have to be trained, she looked into reimbursement for the training through the M.E.M.A. The hourly salaries of the personnel can be taken and multiplied by three and then reimbursed back to the Town. This may be as much as a few thousand dollars for the Town. Even if the training is done in-house, reimbursement can still be obtained.
8. DOR Bulletin – Local Tax Exemptions for Veterans
9. Department of Telecommunications & Energy Notice of Filing
10. MBTA Advisory Board meeting – October 23, 2006
11. Letter from Town Counsel – Smart Growth Overlay District
12. Notice from Plymouth County Mosquito Control Board regarding commission vacancy

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

VOTED: To continue the meeting at the Library at 7:47 PM.
Unanimous in favor.