

SELECTMEN'S MEETING
Monday, November 6, 2006

On November 6, 2006, 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 LaCamera at 7:00 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.

7:00 PM Meet with Marcus Baptiste

Chairman LaCamera explained that Mr. Baptiste had sent a letter to the Board of Selectmen requesting connection to the Taunton Water System, since Mr. Baptiste has received an offer from a developer for his property. The developer is considering a medical building for the northern portion of the property and estimates water needs of no more than 3,000 gallons per day.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs, the Board:

VOTED: To discuss whether to allocate 3,000 gallons of water per day to MBC Development, Inc. for the potential northern portion development of the property.
Unanimous in favor.

Chairman LaCamera asked for a time frame of when the property would be sold and when would the development move forward. Would July of 2007 be an appropriate time for a Purchase and Sale Agreement to be in place? Mr. Baptiste explained that the developer is planning on purchasing the property; however, work needs to take place first with Natural Heritage prior to the developer being able to purchase the property. It all depends on what takes place with Natural Heritage. If they have to do a study, it may take six (6) months or more from the resolution of the study, thus it is beyond anyone else's control at this point. Chairman LaCamera stated that if it takes longer than eight (8) months the sale may be lost. He asked if July 1, 2007 would be a fair date. Mr. Baptiste responded in the affirmative. At this point, it is difficult to sell a property, knowing that there may or may not be water available. Having water allocated makes it easier for the sale to take place. Canpro and National Development have water allocations and in order to plan and market the property, this is beneficial. There is already an allocation for the water where CVS is to be built. They will leave a portion of the site open depending on what takes place with Natural Heritage. Chairman LaCamera stated that the allocation is tight, however, an allocation has been provided to MBC Development, Inc. previously. The Town is still looking to supply the Town Office Building with water over the next year.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs, the Board:

VOTED: To allocate 3,000 gallons of water a day from the City of Taunton water allocation to Marcus Baptiste of MBC Development, Inc. for the potential

northern development of the property with the time frame from now until August 1, 2007.
Unanimous in favor.

Cindy Dow, reporter with the Middleborough Gazette, asked what the issue was with Natural Heritage? Chairman LaCamera explained that the Board of Selectmen will be meeting at the State House in Boston next Thursday, November 16th with Natural Heritage to discuss the matter about the change in the Natural Heritage map. The protected areas in Lakeville have increased significantly and are having a considerable impact on the developers.

Selectman Yeatts asked if Mr. Baptiste had a copy of the plans for the National Development project since they are saving a piece of property regarding habitat and since it abuts his, it may help with habitat area for his project. Mr. Baptiste explained that he has the property under agreement for two more years. He has not seen the overlay of National Developments plans. The concern though is Route 79 and whether the relocation is allowed or not. All three (3) relocation plans fall within the habitat under consideration. The preferred plan has the least impact, and it is hoped that it will be the one allowed for the relocation.

7:30 PM Sherry Farrell dog complaint hearing

Sherry Farrell and David Frates, Animal Control Officer are present for the hearing. Chairman LaCamera stated that a formal complaint had been filed against the Farrell dog roaming loose. One of the Assistant Animal Control Officers picked up the dog once, and Mr. Frates has responded twice to complaints about the dog. It was explained to Ms. Farrell previously that this cannot continue with her dog. She has been sent letters from the Town Administrator several times regarding her dog.

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

VOTED: To open the hearing on the complaint of a dog under Chapter 140, Section 157 of Massachusetts General Law.
Unanimous in favor

Chairman LaCamera read the letter sent to Ms. Farrell on October 24, 2006 regarding the fact that the hearing would be taking place and that she should be present for the hearing and would be given the opportunity to address the Board and present other witnesses on her behalf. The Chairman then swore in those who would speaking on the matter. Mr. Frates stated that the dog has been loose approximately four (4) times and has been picked up once; other times, it could not be caught. On this occasion, the dog could not be caught and went home. Ms. Farrell has been very cooperative in the matter. The dog is currently licensed.

Sherry Farrell of 3 Clover Street, stated that the dog is not allowed to run free. The dog happens to get out when the children open one of the three (3) doors. There is a run for the dog in the back yard. She is in the process of trying to build a gate for the back porch so that the dog will not be able to go off the porch if the dog gets out that door. Invisible fences have been looked at, yet they cost \$250-300 and this is too much at this time. When it can be purchased, it

will be done. Chairman LaCamera explained that the Board does not like having to restrain dogs and would like to just resolve the issues. It would be preferable if some action is taken so that this does not happen again. James Cary of 3 Clover Street, provided additional input about the dog. One of the times the dog got loose was when one of the children was trying to put her on the run. The neighbor that filed the complaint seems to complain about anything and this is why the complaints have been taking place about the dog. Chairman LaCamera stated that the Board simply wants to resolve the issue. Mr. Frates added that Ms. Farrell did come all the way home from work on one instance in order to bring the dog back into the house.

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

VOTED: To close the dog hearing of Sherry Farrell.
Unanimous in favor

Chairman LaCamera asked if the Board would like to put any conditions in place. Ms. Farrell is willing to put a gate up so that the dog cannot get off the deck and hopefully an invisible fence will be purchased and installed in the near future. Ms. Garbitt mentioned that the Board should include that if the dog is loose again that the Animal Control Officer be allowed to pick up the dog and either bring it to the shelter or back to the owner, but for the owner to understand that they will have to return before the Board on the matter again. Selectman Yeatts asked if there was a charge for the dog being loose? Mr. Frates responded that \$25 has been charged and if the dog is loose again, \$50 will be charged.

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

VOTED: That if Sherry Farrell's dog is found loose again the Animal Control Officer will pick up the dog, fine the owner and the owner will come before the Board of Selectmen again regarding the dog being loose.
Unanimous in favor

Discuss potential sites regarding Public Safety Town Office Feasibility Study Committee

Chairman LaCamera stated that the Public Safety Town Office Building Feasibility Study Committee met on Wednesday, November 1st. The main topic was potential Town owned sites that a Town Office or Public Safety Building could be constructed on. Ms. Garbitt stated that one of the charges for the committee was to put together a list of potential sites to be used by the consultant (Kaestle Boos) under their contracted Scope of Services Study. Chairman LaCamera read the potential sites that the committee had put together, which were the current Police Station location on Bedford Street; the land directly across the street from the current Police Station location on Bedford Street, located in the Ted Williams Camp; the old Library/Assessor's Office location on Main Street, and/or with adjacent residential properties; the Town Office Building location on Bedford, and/or with adjacent residential properties; the current Highway Barn location on Montgomery Street; and the 31-acre Town owned property on Pickens Street

Ms. Garbitt explained that the consultant is to look at the functionality of the current Town Office Building. Some towns have had their Highway Department located at their Public Safety Buildings. Chairman LaCamera stated that the Highway Barn location is very limited and the

Town has new tanks in the ground at their current location. Also, the Town does not own the property adjacent to the Town Office Building; maybe the owners should be contacted to determine if they are interested in selling their property. Otherwise consideration of the property would be a waste of time. Ms. Garbitt mentioned that the property next to the Assessor's Office is currently on the market. Selectman Evirs indicated that he would consider approaching the owners of the properties to determine their interest. Chairman LaCamera agreed that Selectman Evirs and Ms. Garbitt should approach the present owners since they are both members of the committee.

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

VOTED: To approve and provide the list of potential sites to the consultant, Kaestle Boos, who is working with the Public Safety-Town Office Building Feasibility Study.
Unanimous in favor

Review revised plan for Stagecoach Village

Chairman LaCamera explained that the Zoning Board of Appeals has requested the Board of Selectmen to review the revised plan for Stagecoach Village. Selectman Evirs has put together a list of concerns from a meeting that was held a few weeks ago

Selectman Evirs explained that the first item he noticed was the fact that there were no sidewalks on either sides of the street. This can pose a problem since a car could be pulling out into the sidewalk from a garage and cause a safety issue. The length of the driveways are another concern since there does not seem to be enough room for two cars in the driveways. The driveways are 20 feet wide and that is the same width as the road itself. There is no right of way access to the detention basin. There is no right of way to the septic system if it needs repairs at a later date. And, there is no right of way to the recreation area unless the steep area at Kingman Street is being considered, however, then there is no parking for anyone at the recreation area. There is no visitor parking considered or consideration for RV parking. Some of the units are extremely close to one another, about 4-5 feet. This denseness may be an issue with the Fire Department since there is no access in between the buildings for fire or any other type of emergency. The elevations are also drastic. Selectman Yeatts asked about the concerns with outdoor lighting. Lights are supposed to point down rather than into the sky, and this should be considered.

Ms. Garbitt mentioned that the Planning Board is sending a letter to the Zoning Board of Appeals requesting the Stagecoach Village developer go before the Planning Board for site plan review. This has been approved by Town Counsel. The Fire Chief should also be consulted regarding the turning radius for the cul-de-sac. The design from the original 40B will be provided to the Board.

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

VOTED: To send the list of concerns as provided by Selectman Evirs to the Zoning Board of Appeals, including the Planning Board's request for site plan review.
Unanimous in favor.

Review request for loam removal-Easecat, Inc.

Chairman LaCamera stated that Easecat, Inc. is requesting permission to remove loam from their Route 44 location to their property at Cedar Pond Preserves. They need to use the loam for establishing lawns and none of the loam is for resale. Easecat, Inc. owns both sites. The Board of Selectmen will put normal conditions on the removal and will charge a \$200 administrative fee. However, charging for cubic yard fees should not apply since the loam is theirs, and they are using it for theirs.

Ms. Craig printed out a copy of the proposed conditions and provided it to the Board. She mentioned that Easecat, Inc. would like to get going sooner rather than later on the relocation of the loam, before it freezes. It was not noted how long the process would take since it was not known when the work could initiate. A time frame could be placed in the conditions.

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

VOTED: To approve the loam removal request by Easecat, Inc. and grant the permit from this date to March 31, 2007. A \$200 Administrative Fee will be charged. The motion was then amended to remove #2 on the proposed conditions (discretion of the Board of Selectmen) and to change #10 to only charge the administrative fee and to exclude charging for the cubic yards.
Unanimous in favor.

Ms. Craig mentioned that the Order of Conditions should be included from the Conservation Commission for the vote taken on Cedar Pond Reserve and the other property owned by Easecat, Inc.

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

VOTED: To amend the motion to Easecat, Inc. for loam removal-transfer to include the Order of Conditions by the Conservation Commission.
Unanimous in favor

Discuss appointment of Temporary Town Clerk

Chairman LaCamera stated that due to the passing of the Town's beloved Town Clerk, Sandra Horton, the Board is required to appoint a Temporary Town Clerk to fill the vacancy, which will last until the next election in April 2007. Assistant Town Clerk Janet Tracy would like to be considered for the appointment.

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

VOTED: To appoint Janet Tracy as Temporary Town Clerk with a term to expire on April 2, 2007.
Unanimous in favor.

Discuss appointment of member to Council of Aging

Chairman LaCamera stated that the Board had received a request from Marilyn Mansfield, Director of the Council on Aging, to appoint Vivian Lee to the Council on Aging Board. Ms. Lee has attended the past few meetings, volunteers at the Senior Center and attends programs at the center. Ms. Lee would fill the vacant spot on the Board.

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

VOTED: To appoint Vivian Lee to the Council on Aging Board with a term to expire July 31, 2007.
Unanimous in favor.

Review Christmas Eve and New Year's Eve closing times for package stores

Chairman LaCamera read the memo from Ms. Craig notifying the Board that they may extend the closing times for package stores on Christmas Eve and New Year's Eve if they chose to do so.

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

VOTED: Not to extend the current package store closing time of 11:00 PM for Christmas Eve and New Year's Eve.
Unanimous in favor.

Review last call closing time for New Year's Eve

Chairman LaCamera read the memo from Ms. Craig notifying the Board that they may extend the "last call" hours on New Year's Eve to 2:00 AM for restaurants/bars.

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

VOTED: To extend last call hours on New Year's Eve until 1:30 AM with all patrons out by 2:00 AM.
Unanimous in favor.

Request for one day liquor license-Park Commission

Chairman LaCamera read the application for a one day liquor license from the Park Commission.

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

VOTED: To approve the one-day all alcohol liquor license for the Park Commission for a Texas Hold'em Fundraiser at the Ted Williams Camp on November 10, 2006 from 6:30 PM to 11:30 PM.
Unanimous in favor.

Request for temporary trailer license-2 Montgomery Street

Chairman LaCamera explained that Mr. Frates' mother recently passed away and he would like to place a camping trailer on the property so that after he purchases the property, he can make major renovations on the property and live on the site. Technically Mr. Frates does not need a license since the camper is mobile, however he would prefer to do everything "by the book".

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

VOTED: To approve the application of Wayne Frates to place a camping trailer on the property located at 2 Montgomery Street for the purpose of remodeling. The standard length of time for the permit is six (6) months. If a longer time period is needed, the application can be extended for another six (6) months.
Unanimous in favor.

Vote to approve Selectmen's minutes of September 21, 2006 September 22, 2006; October 10, 2006 (2 sets); and October 13, 2006

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

VOTED: To waive the reading and approve the Selectmen's minutes of September 21, 2006; September 22, 2006; October 10, 2006 (2 sets) and October 13, 2006 as presented.
Unanimous in favor

Vote to approve Executive Session minutes of September 11, 2006 & October 11, 2006

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

VOTED: To waive the reading of and approve the Executive Session minutes of September 11, 2006 and October 11, 2006 as presented.
Unanimous in favor

Any other business that may properly come before that meeting.

Ms. Garbitt stated that Comcast has requested a road opening permit in order to replace bad cable with new cable on Jennifer Lane. They plan on working in the grassed area along the side

of the road and would like to complete this work as soon as possible. Mr. Hamilton has reviewed the plan and approves of it. Boring will be done under driveways. Chairman LaCamera asked if there were any conditions to place on the permit? Also, should condition #4 be included or taken out? Ms. Craig responded that the standard permit as typically issued would be used. Ms. Garbitt responded that #4 should be left in since the company will need to notify Mr. Hamilton when they are working and work cannot take place on Saturday or Sundays. An additional condition will be placed on the permit under 6A for roadway or driveway since the boring will take place under driveways.

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

VOTED: To approve the road opening permit as requested by Comcast for 1-3 Jennifer Lane.
Unanimous in favor.

Chairman LaCamera explained to everyone that the Town has been considering putting in drainage on Precinct Street when it is repaved. The preliminary design plan is in the process and is 25% complete. Once it is complete, hopefully the end of December, it will be able to be reviewed. There will also be a public hearing on the plan. The estimated cost will also be provided. Two (2) main drainage areas are being proposed, one near the library and one near Elders Pond. It appears that the cost will not be as much as originally anticipated since the base of the road is in good condition, the base is thick and the road will not have to be shifted since there is enough room to complete the work as the road is. Depending on the monies available for next year, it is intended to use State Grant money. The original estimated cost was about \$1 million dollars and now it may be reduced \$300,000-\$500,000. Ken Motta of Field Engineering is doing the engineering work for the design plans.

Chairman LaCamera stated that as part of the Master Plan, a Master Plan Implementation Committee was put in place and they have a list of tasks that need to be done. The Committee has been meeting on a monthly basis and when they are ready, hopefully in December, they will attend a Selectmen's meeting to update their status. The main concern is the economic development plan for the future. There is a lot of commercial development going on at the present; however, the Town still needs to plan for the future regarding developing additional business in Town.

Chairman LaCamera explained that the Town puts together each year a list of priorities which includes the goals and objectives for the Town. They are categorized in priorities such as high, medium and low. It is nice to be able to say that most of the items on the list have been recently completed or started. Those completed are: 40R district and By-law, Chapter 90 Road Repairs (10-14 roads have been repaved) and the Public Safety/Town Office Feasibility Committee (appointed). Those on-going and started include: Mapping for Storm Water Management, Clear Pond Restrooms & Septic System, Historic Library Septic System & Parking Lot, Extend Water Line to Town Offices, Master Plan for future Water Allocation & Water Lines, Update 5-Year Capital Plan, and a Projected Revenue/Expense Budget for two (2) years –all high priority. Those on-going or stated in the medium priority category include: the completion of Tamarack Park, hiring of a Part-time Planner/Administrative Assistant, additional Cemetery Space and

Update the Town Website with all minutes & Agendas. Some items can be removed from the list and the Board can consider a new priority list for 2007.

Chairman LaCamera stated that on Tuesday, November 14th a joint meeting will be held with the Board of Assessors and the Finance Committee with the Board of Selectmen to discuss the upcoming budget year. It would be reasonable to look at previous budget projections prior to that meeting.

Chairman LaCamera stated that an engineer needs to be hired to do the preliminary water line extension for the Town Office Building so that during the summer of 2007 it can be installed.

Chairman LaCamera stated that there was some confusion on what was going to happen at the intersection of Bridge and Main Street and he would like to clarify what will be done. A meeting took place there with Jim Marot, Building Commissioner, and the Project Manager for Walgreen's regarding the corners and the turning radius. The curbing will be moved out two (2) feet on each side of Bridge Street. There is a 26 foot road layout which provides more room than is needed. When Bridge Street is repaved, it will only be widened one (1) foot on each side. There are many telephone poles along the side of the road that would need to be moved if the street was made wider. There are trees that the citizens would prefer not to cut down. There will also be a traffic light at that intersection.

Chairman LaCamera stated that for the Route 79 relocation, the engineer is almost 25% done with the preliminary design. A hearing will be held on the preliminary design. The plan is for the final design to be completed by July 2007, so that the project can go out to bid and constructed beginning in 2008. The project has been put on the Mass State Highway funding list and is proceeding along.

Chairman LaCamera mentioned that it is probably already known, but Roger Hamilton will be retiring in January. His elected position of Highway Surveyor will become an appointed position, Superintendent of Streets, effective upon Roger's retirement. Ms. Garbitt has put together a preliminary job description for the Board to review and vote on at their next meeting (November 14). Once the job description is approved, the position will be advertised.

Chairman LaCamera stated that he would like to discuss Natural Heritage at this time. Ms. Garbitt brought out a map for everyone to view. Chairman LaCamera stated that a meeting has been scheduled for next week at the State House since the Town is extremely concerned on the estimated habitat map that came out November 1st from the State. The old map shows about 10% of what the new map is showing. This now has a significant impact on the Town of Lakeville. One matter specifically is the last lot in the industrial park that was recently going to be sold by the LDC. The plans were approved, the site plan, the building design and the closing was foreseeable, however, it is now located in an area designated as a priority for habitat. This means that the property can only be developed 30% as opposed to the bylaw allowing 70%. What is most upsetting is that no one informed the Town that this was taking place. There were no public hearings for input which were supposed to have been provided. What is more disturbing is that this map was developed without someone coming to the Town of Lakeville to verify the habitats. This does not seem fair to the townspeople or developers. Now, two (2)

projects are on hold due to this map coming about. If an area has been identified as that of an area that cannot be built upon due to endangered species, then they can stop all building or ask for remediation. This has an impact on hundreds of thousands of tax dollars, development, etc. No one was aware that this was taking place. Mr. Marot went to a meeting a few weeks ago and not one building commissioner was aware that this was taking place. No information was verified since they did not come to the Town in order to do so.

Selectman Yeatts stated that the Conservation Commission was not notified or made aware either, only a letter was received and then a map of the locations. It seems that areas were excluded that should be included and areas included where they should have been excluded. Ms. Garbitt explained that she looked into the process for Mr. Baptiste. He can request to find out what the habitat on the property is and then they have 30 days to respond. Mr. Baptiste can also hire a specialist in the area of the particular habitat and then they have another 30 days to respond to the specialist. Typically, when someone reports that they saw a particular species no one comes out to follow-up on the matter. Chairman LaCamera stated that documentation will be requested.

Chairman LaCamera stated that he would like to once again thank the Lakeville Arts Council for a wonderful weekend that was provided to the Town. The Arts Council did an outstanding job. It was their second year and they have already planned for their next one. He thanked all who volunteered their time to make the event such a success.

Ms. Dow asked what had happened with the matter of A.A. Will? Chairman LaCamera stated that Frank Will withdrew his stock pile permit request. He is instead removing all of the loam that is not needed for the site to another site. This work will be completed within two (2) to three (3) weeks. The neighbors have been notified of the change of plans. This was the right thing for him to do.

Selectman Evirs mentioned that he had the opportunity to spend the day with Marilyn Mansfield and 32 veterans earlier in the day. The Veterans are permitted to ride the duck boats for free and they took the opportunity to do so. Several banks and businesses provided the cost of busing transportation and lunch at Legal Seafood.

Other Items

1. Information from Historical Commission regarding Veteran's Day observance
Chairman LaCamera offered to do the Veteran's Day observance this year.
2. Letter from Louis Nisenbaum regarding old Library
Chairman LaCamera mentioned that the Board received a letter from Louis Nisenbaum, which is quite detailed, expressing concerns of handicapped accessibility at the old Library. The Town has been through the handicapped accessibility matter several times. The goal has been to keep the old Library the way it has been since 1914 and not try to put in handicapped ramps. If ramps were added to the front of the building they would go halfway around since there are many levels needed to accommodate the necessary incline specifications as set forth by the ADA. The concern of access is understood and options can be looked at and possibly addressed, but it does not make sense to put a ramp

in front of that door. Selectman Yeatts stated that possibly funding could be supplied for lifts for access. This will be looked into. There is also an expert from Dever who is helping provide recommendations for Betty's Neck and there may be some other options available. Chairman LaCamera explained that Lorraine Carboni will be leasing the building soon. There is a step down platform on the back of the building; however, a lift may effect the staircase in that area. It is not an ideal situation. All other buildings in Town have handicapped accessibility or arrangements have been made that have been acceptable by the State. It was decided that Selectman Yeatts will put together a letter of response to Louis Nisenbaum.

3. Meeting notice from JTPG – November 8, 2006
4. Meeting notice from SEEP Corporation-November 30, 2006
5. Notice from Massachusetts Historical regarding FY07 Survey & Planning Grant cycle
Chairman LaCamera noted that this item was in the Master Plan to put together a list of all historical sites in town. The list has been worked on periodically. There may be 40-60% grant funding available for the survey and if it costs \$20,000 to do the study and the Town could obtain 60% of the cost, it would be beneficial for the Town. The application needs to be sent in by Mid-December of this year.
6. Letter from Comcast regarding FCC Forms 1240 & 1205
7. Notice from STAR
8. Notice from Cranberry Country Chamber of Commerce
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
Chairman LaCamera mentioned that there is also grant money available for the Precinct Street storm drainage since it is connected to a water supply. Ms. Garbitt will research this further.

Adjournment

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

VOTED: To adjourn the meeting at 8:35 PM.
Unanimous in favor.