

SELECTMEN'S MEETING
Monday, December 4, 2006

On December 4, 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.

Also present: James Thomas, Boy Scout for his citizenship community merit badge, with his father.

7:00 PM Meet with Robert Mather-berm for Residences at LeBaron

Attorney Robert Mather and James Marot, Building Commissioner are present for the discussion. Attorney Mather came forward and updated everyone about what had taken place since his previous meeting with the Board of Selectmen. There had been general approval regarding the design of the proposed berm, however, the landscape plan was not ready. Since that time, discussion has taken place with Martha "Mike" Schroeder of the Conservation Commission regarding the types of plants that would be suitable and native for the area. Her suggestions have now been incorporated into the landscape design. Ms. Schroeder has reviewed the landscape plan and is in agreement with it.

Chairman LaCamera said that two (2) of the Board members visited the site this afternoon, and the main concern is the break in the berm. Attorney Mather explained that the reason for the break is due to the fact that when the conceptual plans were reviewed by the Zoning Board of Appeals, one of the conditions that were present was pursuant to the agreement between Morse and A.A. Will that there would be limitations. Attorney Mather reviewed the proposed plan with the Board. He explained that the pink line is the property line and the yellow line is the right of way, which comes along the side of the berm. There is an easement agreement where Morse has reserved this easement on the property. Thus, the right of way has been "hugged" in order to be as close as they can be. The break in the berm, shows the whole second phase and was approved as a conceptual plan by the Zoning Board of Appeals. There is also a parking lot shown on the plans which is Morse's. When the Special Permit was granted, the Zoning Board of Appeals approved the plans as submitted by the architect. Since there was to be a berm between the properties, this was done, except for the right of way through to the parking lot. Chairman LaCamera stated that when Mr. Marot, Building Commissioner, had looked at the plans he could see no reason why the parking lot could not be adjusted. He then asked if the Right of Way could be explained again and where it is on the plans.

Attorney Mather indicated where the property line was, the right of way line and where it goes and loops around on the plans. He explained that the legal document that created the right of way was created in 1990. The conveyance deed was then shown. In the deed the grantor and the grantee reserve a perpetual right of way as shown on the plans. This is a recorded document. Chairman LaCamera stated that the original layout was wrong when it was recorded in regards to the land swap that had taken place. Attorney Mather indicated on the plans where the land swap

was. Chairman LaCamera stated that he was aware of where the layout was since the Board is involved with this area with another matter. Attorney Mather further explained that Lot 29E was to be deeded to A.A. Will from Middleborough Redi-Mix Company in exchange for three (3) lots. Morse conveyed this to A.A. Will and A.A. Will conveyed to them to create the new location so that the land line would be straight. Chairman LaCamera stated that that was adjusted and modified after zoning was in place, thus it was a non-conforming lot before that all went into place. In 1990 when it was adjusted, they should have gone before the Zoning Board of Appeals in order to get that approved and that is one of the contentions with Morse regarding that property. Attorney Mather agreed, and stated that that was when the right of way was formed though. Further review of the plans took place.

Attorney Mather stated that the Zoning Board of Appeals would have to eliminate the parking lot; no one else could make any changes. There is a procedure that when Phase II is to be done, final plans have to be submitted and this could be proposed. Mr. Marot has suggested putting some "wings" there. Selectman Evirs asked if the plans have to also be approved by the Board of Selectmen. Attorney Mather responded that that is not in the original agreement it reads: "pursuant to an agreement between Morse and A.A. Will... a berm shall be constructed between Remco and the property". If this was changed it would go onto their property. However, they are going over it some anyway due to the obligation in the contract, but it was felt that this could be pressed a bit. Selectman Yeatts stated that the right of way would have nothing to do with extending the berm, so it seems that the easiest way to resolve this would be to go back and speak with the Zoning Board of Appeals. Chairman LaCamera stated that this needs to go before the Zoning Board of Appeals for final construction at some point anyway.

Attorney Mather stated that it was feasible to explore. The road just cannot be moved back. There is an assisted living facility, an independent living set of units, a recreation facility and a home. He will commit to this being explored since they may not need so many parking spaces. There also had been discussion of putting in shadow spaces and this is up to the Building Commissioner. Chairman LaCamera stated that they have to go through the site plan since the next phase will need to be approved. Mr. Marot stated that it would behoove LeBaron to do this since they would otherwise have a clear visual and acoustical sound, directly from the plant, from the break in the berm. Attorney Mather pointed out that although the original plans show a parking lot, possibly the parking lot could be revised in order that the berm could go all the way through. Chairman LaCamera asked Mr. Marot to follow up on this.

Attorney Mather stated that he has been keeping Donald Foster, Chairman of the Zoning Board of Appeals, apprised of what has been transpiring. The berm is the issue that the Selectman have been interested in and what is felt to be appropriate, so Mr. Foster has been kept aware of what has been voted on by the Board.

7:15 PM Meet with Eric Averill regarding Patriot Half Triathlon

Eric Averill was present for the discussion. Mr. Averill distributed information regarding the Patriot Half Triathlon event and stated that he wanted to review the impact of the race. The race will be taking place on July 1, 2007 from Cathedral Camp in Freetown, MA. The riders go through the route twice, and it is 56 miles after the two loops are made.

Chairman LaCamera asked if there would be enough people, staff from the Sun Multisport Events, that would be at the intersections especially the intersections at County Road, Bedford Street and Howland Road. Mr. Averill responded that there would be 25 of his staff present and also police details. The event would be taking place on a Sunday. Selectmen Evirs pointed out that Mullein Hill and Grace Fellowship Churches have services at 10:00 AM in that area. Mr. Averill stated that this could be revisited and police details provided in those areas if they were to request it. Mr. Marot asked about reversing the race course since it would then allow for easier turns and less turns through intersections. Selectman Evirs offered a suggestion of another route for the riders to take so that they would miss the church times and the busiest intersection and would also help with the riders' visibility. Mr. Averill stated that he wanted to minimize the left turns the riders make, however, this change could be made.

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

VOTED: To approve the Patriot Half Triathlon for Sunday, July 1, 2007 as presented by Eric Averill and to make the modification as presented by Selectman Evirs.
Unanimous in favor

Ms. Garbitt asked that the change also be presented to the Police Department so that they would be aware of the change. Mr. Averill responded that he would do that.

7:30 PM Meet with Linda Grubb-update on MBTA Rail Task Force

Ms. Grubb took the floor and explained that she has attended three (3) meetings since she last met with the Board of Selectmen on October 18th. On November 1st a joint meeting was held with the Board of Directors regarding Vision 20/20. That task has not been completed and a copy of the paper can be supplied. During the November 15th meeting, discussions were continued on the rail stations. Focus was given to the two (2) in Taunton. There will be an over cross and the second rail station will be behind Target. There also may be a new station in East Freetown. The next meeting will be on January 10th and discussion will focus on the stations to the south.

Ms. Garbitt explained that the preliminary draft had been supplied to the Board; however, the final draft has not been presented which will be submitted to the Governor. Selectman Evirs asked where the Myrick Station was. Ms. Grubb explained that there would be a layover which will block the piece to the Adams Cemetery, which is a Town cemetery, west of Malbone Street. Chairman LaCamera explained that this is the New Bedford/Fall River proposed extension that Ms. Grubb was discussing. He then thanked Ms. Grubb for her update.

Appoint members to Rent Control Board

Chairman LaCamera read a request from the Town Administrator, asking the Board to appoint John Cataldo, Paula Beech and Michael Levrault to the Rent Control Board.

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

VOTED: To appoint John Cataldo, Paula Beech and Michael Levrault to serve on the Rent Control Board for a term to expire July 31, 2007.
Unanimous in favor.

Ms. Garbitt stated that she would invite the appointees to the next meeting of the Board of Selectmen.

Discuss renewal of contracts with the Towns of Berkley, Carver, Rochester and Freetown for Animal Shelter

Chairman LaCamera explained that the Town has had agreements with the Towns of Berkley, Carver, Rochester and Freetown to board dogs from their Towns at the Lakeville Animal Shelter. These contracts will expire at the end of December of 2006. Up to this date, the Town has generated \$13,000 from the fees charged to the Towns. All four (4) Towns have requested to enter into a contract for the 2007 calendar year.

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

VOTED: To approve the contracts for the Towns of Berkley, Carver, Rochester and Freetown to board dogs at the Lakeville Animal Shelter for the 2007 Calendar year as presented.
Unanimous in favor.

Review request from Pan-Massachusetts Challenge regarding permanent route signs

Chairman LaCamera read the request from the Pan-Massachusetts Challenge. They will be having their next Pan Massachusetts Challenge in August and are asking to put up signs around the Town to mark their route. Chairman LaCamera said they would need to go before the Zoning Board of Appeals with this request. Ms. Garbitt said that if the number of signs that they are looking for and the sizes, she would get the information to the Zoning Board of Appeals.

Request to appoint Jacqueline Kennedy to Lakeville Arts Council

Chairman LaCamera read a request from the Lakeville Arts Council to appoint Jacqueline Kennedy to the Lakeville Arts Council.

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

VOTED: To approve the appointment of Jacqueline Kennedy to the Lakeville Arts Council with a term to expire July 31, 2009.
Unanimous in favor.

Review Zoning Board of Appeals petitions: Brewer/Pine (2) and Bartlett

Chairman LaCamera noted that there were three (3) petitions for the Zoning Board of Appeals for review.

The first petition was for Brewer/Pine at 119 Crooked Lane. Chairman LaCamera explained that the applicant is looking to construct a 5,400 square foot fabrication building on the lot which currently was improved with a 900 square foot building. Mr. Marot explained that it is difficult to look at both of the Brewer/Pine petitions separately; they both need to be looked at together since the owner owns both lots. (2 Industrial Drive) The owner wants to take both lots, however, the single lot exemption is for single lots only, and these are really contiguous lots. The information that has been provided is confusing. It appears that the properties are on opposite sides of the street; however, they actually join one another and should be treated as contiguous lots. Chairman LaCamera stated that this is then the same company that is building two (2) buildings on two (2) lots and Mr. Marot is requesting that they build one (1) building and the lots should be looked at as one (1), not two (2)? Mr. Marot responded in the affirmative. The owner should apply to the Zoning Board of Appeals for a primary use and accessory use or combine the two (2) buildings to make one (1) instead. The lots were in existence before zoning, however the single lot exemption is only for residential lots, not for business lots. Selectman Evirs stated that they would then need a special permit since it is an undersized lot. Mr. Marot responded that he saw it as a variance. Mr. Darling had sent out the original letters when they first applied for building permits, and he stated that the lots were not large enough for the buildings to go on. The only information being pointed out at this time is the fact that the lots are contiguous and thus are actually one lot.

Chairman LaCamera stated that the owner should be sent a letter informing them that this is one (1) lot and that they should propose a new building to the Zoning Board of Appeals and change their petition. Mr. Marot agreed. Chairman LaCamera stated that he did not like to see people spending time and money on something that cannot be done and does not want the owner to do this, however, the owner does have the right to go before the Zoning Board of Appeals. The Selectmen agreed with the opinion of Mr. Marot. Mr. Marot will contact the petitioners to explain the situation.

The second petition was for Gregory Bartlett for the property located at 46 Harcourt Avenue. Mr. Marot explained that the application is basically a transfer of ownership. The current in-law apartment was granted by the Zoning Board of Appeals, but was not to transfer to future owners. Mr. Bartlett is purchasing the property and would like to retain the in-law apartment. Mr. Marot did not feel that granting this petition would be a detriment to the Town, as it was a simple change of ownership.

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

VOTED: To recommend approval of the petition to the Zoning Board of Appeals for the property located at 46 Harcourt Avenue based on the recommendation of the Building Commissioner and the previous permit granted by the Zoning Board of Appeals. Unanimous in favor

Vote to approve Selectmen's Executive Session minutes of November 20, 2006

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

VOTED: To waive the reading and approve the Selectmen's Executive Session meeting minutes of November 20, 2006 as presented.
Unanimous in favor

Any other business that may properly come before the meeting.

Chairman LaCamera explained that a resignation letter had been received from Edward Gibney, member of the Board of Health, effective December 31, 2006.

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

VOTED: To accept the resignation of Edward Gibney from the Board of Health effective December 31, 2006.
Unanimous in favor.

Ms. Garbitt asked that the members of the press run an announcement of the vacancy. She asked that anyone interested in being appointed to fill the vacancy send letters of interest to the Board of Selectmen. If any letters were received, the Board of Health would be invited to the next meeting of the Selectmen on December 18th to review the letters and make a joint appointment. The appointment would only be until the next annual Town Election on April 2, 2007, at which time the appointee would have to run for the remaining term.

Chairman LaCamera thanked David and Colleen Rose for the donation of the funds to purchase the new sign for the Senior Center.

Chairman LaCamera stated that the paving of the transfer station had been completed, along with the line painting. It came out nicely.

Chairman LaCamera explained that he had asked Selectman Evirs to meet with Roger Hamilton, Highway Surveyor, the Town Administrator and George Frates, Highway Foreman, to discuss the transition of Mr. Hamilton's retirement effective January 1, 2007. A Home Rule petition had been submitted to the legislature requesting that the Highway Surveyor position be changed from an elected position to an appointed position (Superintendent of Streets) and for the job description to be changed. This has been approved by the legislature. Selectman Evirs explained that through a timeline developed, there will be a void where there will not be anyone in the position, possibly 8-10 weeks. A Supervisor is needed in that position and the logical choice is the Foreman. This will be discussed and worked out between George Frates and Selectman Evirs. However, Mr. Frates does not do much in the way of computer or secretarial efforts. It is anticipated that some of this work could be done through the Selectmen's office. Mr. Hamilton does most of the computer work on his home computer since there is no internet access at the Highway Barn. Brad Bates does the payroll for the Transfer Station and that will remain the same. Mr. Hamilton has stated that he will do the Capital Expenditures forecast

before he retires. One issue that did come up is the fact that Mr. Hamilton has a Nextel phone which is connected in with the Police and Fire Chiefs. Mr. Hamilton can keep his phone for the time being, however, Mr. Frates will need to be supplied a phone since he only has a pager at this time. From this time forth, Mr. Frates will accompany Mr. Hamilton on road trips in order to familiarize himself with what Mr. Hamilton does, like subdivision inspections, etc. One concern is the gasoline allocations. It is hoped to keep them the same.

Selectman Yeatts asked what would happen during snow storms. Selectman Evirs responded that this will remain the same. Mr. Frates is always the first call out, and hopefully Mr. Bates will be available. Mr. Hamilton usually stayed at the Highway Barn. Mr. Frates and Mr. Bates will continue to load the trucks and make the calls to the men. It is being suggested the Mr. Frates be appointed as Acting Highway Supervisor until July 31, 2007 or until someone new is appointed to the position. This way Mr. Frates does not have to be appointed on a monthly basis.

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

VOTED: To appoint George Frates, effective January 1, 2007, to the position of Acting Highway Supervisor until July 31, 2007 or until a new person is hired for the position.
Unanimous in favor.

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

VOTED: To authorize George Frates to sign the payroll for the Highway Department.
Unanimous in favor.

Selectman Evirs stated that once someone new is hired to the position, everyone can return to their normal responsibilities and George Frates as foreman. Mr. Frates will remain an hourly employee during this time. Ms. Garbitt added that Mr. Frates will still be able to do the purchasing in his appointed position. She will meet with Mr. Hamilton to obtain his budget for FY08, which includes salaries, etc. He is also an alternate for SRPEDD and so is Chairman LaCamera. She offered to go to the next meeting in both their places.

Chairman LaCamera stated that he has been appointed as the Town Administrator of the Town of Rochester and in the best interest of both Towns, of not trying to service both Towns and attend meetings in both Towns, it would be appropriate to resign effective January 9, 2007. This will be formally done at the next meeting of the Board. Chairman LaCamera further explained that there are a number of committees that he presently serves on, which will need to be taken on by the remaining members of the Board such as; Capital Expenditure Committee, ADA Coordinator, Parking Clerk, alternate on the JTPG and the Wage & Personnel Board. The State law does not allow an appointment to the Board of Selectmen; it has to be through a Special election or the next Town election. Since the next election is only five (5) meetings from the time of the resignation and having a special election costs too much money, the position is suggested to wait until the spring Town election. Any votes taken by the Board that are tie votes are no votes.

Other Items

1. Letter from Linda Connelly regarding Bissell sign
Selectman Evirs stated that he would like to thank Ms. Connelly for supporting the Town bylaws with her sign. He also wanted to comment that he is not opposed to having advertising signs for fundraisers on the property that the fundraiser is on. This goes for Churches, Schools, Ted Williams Camp, etc. If they are having a fundraiser on their property then it makes sense for them to have a sign erected. If the bylaw needs to be fixed in order that this can take place, then it needs to be amended. If it needs to be done in association with the Planning Board then, by all means, the Board should make sure that this gets done.
2. Letter from MassHousing regarding Stagecoach Village
3. Letter from Dr. Furtado regarding FY07 GRAIS Debt Schedule
4. Plymouth County Commissioners meeting agenda-November 28, 2006
5. Plymouth County Cooperative Extension December calendar of events
6. SMMPO meeting agenda-December 6, 2006 (2006 Regional Transportation Plan Draft Chapters in information file)
7. Information from STAR regarding PILOT
8. Newsletter from Coalition for Buzzards Bay-Bay Lands Center Watershed
9. Letter from Verizon regarding cable service

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

VOTED: To adjourn the meeting at 8:10 PM.
Unanimous in favor.