

SELECTMEN'S MEETING
Tuesday, December 19, 2006

On December 19, 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 Board of Health to appoint member

Present for the meeting were William Garvey, Edward Gibney and Jennifer Turcotte of the Board of Health and interested parties Robert J. Poillucci II, William Elliot, Terence Flynn and Mark Connolly. Chairman LaCamera read the resignation letter of Edward Gibney, effective January 1, 2007, into the record. Mr. Gibney was thanked for his many years of service with the Town. Chairman LaCamera stated that a joint meeting with the Board of Health is necessary in order to appoint someone to fill the vacancy on the Board of Health until the Town Elections in April. In April, the person appointed would need to run for election at that time. Letters of interest for the position had been requested and the Board received four (4). Chairman LaCamera read their letters of interest into the record and asked if they would like to comment on anything. None of the applicants had any comments at this time.

Mr. Garvey stated that he had reviewed the letters of interest and that only one (1) of the four (4) candidates had been present at previous Board of Health meetings. The recommendation of the Board of Health is to appoint Mark Connolly since he has been attending Board of Health meetings for the past six (6) months. He knows the job and is also a Title V Inspector. Mr. Garvey said there is nothing against the other three (3) applicants, it is just that the position would last for only three (3) months and Mr. Connolly seems to be best suited for the needs of the Board of Health at this time. There will be two (2) terms available in the upcoming election, a three-year and a one-year term. The applicants are great candidates, and they can choose to run for the position at the annual election. The Board of Health would like someone that has their Title V license. There is no need for a Civil Engineer at this time since there is already one on the Board. Joseph Beneski, Assistant Health Agent, stated that the position is an important one for the Town, even though it is short term. One important factor is the attitude that the candidate brings to the position. Typically when someone is elected it is based on who they know and who will vote for them. This appointed position will be about attitude and receiving productivity from that person based on the attitude. He noted that Mr. Connolly has attended previous meetings; no one else has attended unless they were required to be there. The needs of the Board of Health need to be considered at this time.

Chairman LaCamera stated that he appreciated the fact that Mr. Connolly has been attending the meetings, however, the position just became available two (2) weeks ago. Mr. Beneski responded that it is an election year and if someone was interested in a particular position, then they should be attending the meetings in order to understand what would be required of them. Chairman LaCamera stated that Mr. Flynn has also attended numerous meetings held in Town,

thus this is not a fair statement. A decision will be made based upon the most qualified individual, not based on the amount of meetings that they attended.

Mr. Poillucci stated that he would like to withdraw his letter of interest at this time and instead run for the position during the election. Mr. Connolly has been attending the meetings, and it will make the transition easier for the Board of Health, especially if they are more comfortable with him at this time. He added that he would step down and instead support Mr. Connolly for the position.

Selectman Yeatts explained that the Board of Selectmen is responsible for making the best decision for the Town. She has personally worked with Mr. Flynn for five (5) years on one (1) committee. He may not always agree with her, however, he has worked hard, has the qualifications and it is felt that he would do the best for the Town of Lakeville. Mr. Garvey stated that he did not have any difficulty with Mr. Flynn, this is simply a three (3) month term and the Board of Health would like to do the best for the Town as well. Selectman Evirs asked if Mr. Connolly also does work in Town. Mr. Connolly responded that he does occasionally. Selectman Evirs stated that the Board of Selectmen should not appoint someone who might have a conflict of interest. If the residents elect someone who may have a conflict of interest, then that is a decision made by the Town. Mr. Connolly is more likely to have a conflict than the other two (2) applicants at this time. The term is only for three (3) months. Mr. Beneski pointed out that Mr. Connolly is a licensed inspector and the primary reason he does not do a lot of work in the Town is that he would need a witness, thus he only does the work on weekends. Chairman LaCamera explained that there had been some conflict of interest issues with Board of Health member Jennifer Turcotte, since she worked for a local engineering company which often does work for the Town. Ms. Turcotte chooses whether to participate or not. Mr. Poillucci asked if the Board of Selectmen had an issue in supporting a self-employed business person in the future since from the way the conversation was going, it sounds as if they would not be willing to support someone who does work in the Town. Applying for the position or running for election for the position is simply a way to help out the Town. He added that he could also be available during the day and not just for meetings. Not many other people would be available unless they were unemployed. Since he was running for the position in April, this does not sit well with him if this lessens the Boards' opinion for someone running for the position that has a business in Town. Selectman Evirs responded that he felt Mr. Poillucci was taking this a little too far. He was not saying that he would not support someone who does business in Town at the election polls. Ms. Turcotte stated that it was nice to see so much interest for a three (3) month position. It is hoped to see this much interest at the ballot in April.

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

VOTED: To appoint Terence Flynn to fill the vacancy on the Board of Health created by the resignation of Edward Gibney, effective from January 1, 2007 through to the April election.

Unanimous in favor with two Board of Health members opposing.

A motion was made by Mr. Garvey, seconded by Ms. Turcotte, to appoint Mark Connolly to fill the vacancy on the Board of Health. The vote was two in favor, three against and the motion failed.

Mr. Gibney stated that Mr. Flynn will do a good job, and he is to be thanked for his interest in the position.

7:10 PM Meeting with Master Plan Implementation Committee

Chairman LaCamera explained that the Board appointed the Master Plan Implementation Committee (MPIC). The members include Nancy Yeatts, Rita Garbitt, Robert Mello, James Rogers, Rodney Dixon and James Marot, who is Chairman of the Committee. They were asked to be present this evening to give an update of the Implementation Action Plan and discuss their priorities.

Mr. Marot explained that a schedule was distributed to the Board for their review and a brief synopsis will be given of what the Committee has been working on. The Committee was asked to take the current Master Plan, which was recently accepted by the Town and the Planning Board, and look at drafting responsibilities of who (particular Boards/Committees) or what would be the best way to implement the Master Plan and move forward with some of the strategies and recommendations set forth in the plan. There are three (3) sections of the Action Plan; Regulatory Changes, Town Policies and Initiatives, and Facilities and Infrastructure Projects. Some items that are moving forward for vote at Town Meeting are the night sky bylaw, the accessory apartment bylaw and the drive thru establishment bylaw. Some of the other items that are being worked on are TDR's (Transfer Development Rights), an Open Space bylaw, etc. Of particular interest are the far two-columns of the plan which have to do with earning points and funding. This is through the Commonwealth Capital Program and Town Funds. The Plan has also been revised according to priority, high, middle, low. The committee has only been in place for four (4) months, yet the members have been working diligently.

Chairman LaCamera stated that one of his primary concerns is with the Economic Development Area of the plan. The Master Plan does not seem to go far enough to identify areas for economic development and this needs to be further explored in order that more areas can be designated for development. This matter has also been discussed in the past. Mr. Marot mentioned that there are areas and there is the ability to create additional commercial zones which will have less impact, but are similar to the Neighborhood Commercial districts that are in the plan. Further discussion needs to take place on this to determine areas in town that this would be suitable for. Chairman LaCamera stated that there are some areas that this will take place over the next few years, yet further areas need to be identified. The Town gets requests from businesses all the time looking for lots for development. The tax rate is only \$8.60, which is the second lowest in the area. The Town cannot continue to rely on residential development. Mr. Marot indicated that what the committee is proposing would be to take an entire street where this would be a good fit and rezone it. The main objective is to approach an area for a different type of commercial zoning which would be a better fit than just retail commercial.

Chairman LaCamera thanked the committee for all their hard work and asked that they return in approximately six (6) months and provide another update to the Board.

8:00 PM Meet with Rent Control Board members

Present for the discussion are Michael Levrault and Paula Beech, members of the Rent Control Board. Chairman LaCamera explained that the Board of Selectmen had submitted a Home Rule Petition to the State regarding forming a Rent Control Board for Twin Coach Mobile Home Park on Rhode Island Road. At the December 4, 2006 Board of Selectmen's meeting, the Rent Control Board was appointed. At the first meeting of the Rent Control Board, they will elect a Chairman and review Rules and Regulations. The members will also be provided with copies of the by-laws of the mobile home park so that when asked by the Association to review the rent control requirements, they will be familiar with them. It may also be appropriate to meet with the President of the Association to discuss any issues of concern at this time, such as the contention with improvements since the park members do not have any control on this. When the lease for the Park comes up, the Rent Control Board will meet and discuss the leases and make a determination of whether the rent is fair and equitable for all who live in the Park. The Board will learn what the lease money is used for in the Park. The lease term is typically every three (3) to five (5) years. Ms. Garbitt will attend the first meeting with the Rent Control Board. It is greatly appreciated that these members of the community have come forward to volunteer their time on this Board. Ms. Garbitt added that the first matter for the Board will be to adopt Rules and Regulations for the Board. Selectman Evirs suggested that copies of the Special Permit from the Zoning Board of Appeals should also be made available to the members of the Board so they know what the owners of the property can and cannot do and the rights of the tenants.

8:15 PM Meet with Scott McFadden of Wildlands Trust regarding conservation restriction-GE Capital

Scott McFadden from Wildlands Trust is present for the discussion. Mr. McFadden came forward to ask for approval of a Conservation Restriction on property owned by GE Capital in the Lakeport Industrial Park. The restriction will protect a 6.08 acre parcel with almost 1,000 feet of frontage on Poquoy Brook, an important Taunton River tributary.

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

VOTED: To approve the foregoing Conservation Restriction on property owned by GE Capital in the amount of 6.08 acres, having frontage along Poquoy Brook.
Unanimous in favor.

Accept charitable donation to Fire Department

Chairman LaCamera stated that Donald Adams has graciously donated a hovercraft and trailer to the Fire Department, which is valued at \$21,500.00. The Fire Chief has already acknowledged this donation and the Board of Selectmen extend their appreciation. This is a

great addition for the Fire Department since there are many lakes in the Town, and the present hovercraft is not in very good condition.

Review and vote to approve Annual Liquor License renewals

Chairman LaCamera noted that the annual liquor license renewals needed to be voted on.

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

VOTED: To renew the following Package Store Wine & Malt Liquor Licenses from January 1, 2007 through December 31, 2007: Paul F. Grasso, d/b/a Tutto Italiano; Neighbor's Corner Store; and Petro Plus, Inc., dba Joe's Gas.
Unanimous in favor.

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

VOTED: To renew the following Package Store All Alcohol Liquor Licenses from January 1, 2007 through December 31, 2007: Savas Liquors, Inc.; BBP, Inc., d/b/a Muckey's; Tamarack Wine & Spirits, Inc. and Joseph R. Starr, d/b/a Starr's Country Market.
Unanimous in favor

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

VOTED: To renew the following Club All Alcohol Liquor License from January 1, 2007 through December 31, 2007: Lakeville Aerie No. 3994, dba Fraternal Order of Eagles, Inc.
Unanimous in favor

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

VOTED: To renew the following applications for Restaurant All Alcohol Liquor License from January 1, 2007 through December 31, 2007: Camp Joe Hooker, Inc.; Hawaii Corporation, D/b/a Orchid of Hawaii; Poquoy Investment Group, Ltd.; Reservoir Heights, Inc., d/b/a Lakeville Country Club; LeBaron Operating Company, LLC dba LeBaron Hills Country Club; BR Golf Enterprises, Inc., d/b/a Heritage Hill Country Club; and A Frame LLC, dba A Frame Bar & Grill
Unanimous in favor.

Review and vote to approve Class I and Class II annual license renewals

James Marot, Building Commissioner was present for the discussion. Selectman Evirs asked who the Used Car Dealer's were since he did not know where they are located in Town? Ms. Garbitt responded that the Building Commissioner did go out to all the licensed locations and did inspections. Mr. Marot took the floor and gave a brief report regarding all the Used Car Licensees that he inspected as they submitted their renewal applications for January 1, 2007

through January 1, 2008. Elite Auto Sales is basically complying, however, there is a question about one of the buildings being used. The work done there has benefited the Town, but they are beginning to accumulate junk. It was agreed that they would not do this. There is also one (1) exterior light that appears to be obtrusive, yet it is not known if it is for the residence or the business. It is not on a pole but shines in all directions. Selectman LaCamera stated that if the lighting is not correct, the business will need to have it corrected since that was part of the conditions on the license.

Mr. Marot explained that Rousseau's Rentals has complied with their license conditions, however, the volume still seems to be excessive for the site. Crossroads RV was not in compliance since their license conditions were for two (2) RV's in the front and they had seven (7). They do have far less RV's than they are permitted for. They are also using signs for their business which are not permitted or approved. Work has been done inside the building and there are no work permits on file for this work to take place. They have a commercial building and they should have permits submitted by an engineer and have inspections take place.

Selectman Evirs stated that he would like to approve the licenses for those who are in compliance, however, those that are not in compliance should be invited to the January meeting of the Board to address the issues and have the opportunity to remedy them.

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

VOTED: To approve the following Class II License Renewals through January 1, 2008: Majestic Auto Wholesale, Inc.; United Automotive Services; Lakeville Auto Sales; Sha-Nic Auto-Body, Inc.; Chris Altieri, dba C&E Enterprises; Andrews Family Automotive; and Leonardo Solana, dba Solana Auto Sales
Unanimous in favor

Ms. Garbitt suggested that the licensees that are not in compliance be renewed for one (1) month. The Building Commissioner could meet with them and inspect prior to the next Selectmen's meeting to ensure that they are in compliance.

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

VOTED: To renew the Class II license to Linda Bury, dba Elite Auto Sales from January 1, 2007 through January 31, 2007 with the stipulation that they meet with the Building Commissioner prior to January 9th and to be present at the January 9th Selectmen's meeting.
Unanimous in favor.

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

VOTED: To renew the following Class I license from January 1, 2007 through December 31, 2007 to Rousseau's Rentals, Inc.
Unanimous in favor.

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

VOTED: To renew the following Class I license to Crossroads RV Center from January 1, 2007 through January 31, 2007 with the stipulation that they meet with the Building Commissioner prior to January 9th and will be present at the January 9th Selectmen's meeting.
Unanimous in favor.

Review and vote to approve annual miscellaneous licenses

Chairman LaCamera read the memo regarding the renewal of annual miscellaneous licenses. These licenses include livery, dancing on weekdays, coin operated amusements and public entertainment on Sunday licenses.

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

VOTED: To renew the following licenses:

Livery Licenses to expire on December 31, 2007: Moonlighting Limousine and JP's Limousine Service;

Dancing on Weekdays license to expire on December 31, 2007: Camp Joe Hooker, Inc.; Reservoir Heights, Inc., d/b/a Lakeville Country Club; LeBaron Hills Country Club; Orchid of Hawaii and Fraternal Order of Eagles;

Coin Operated Amusement licenses to expire on December 31, 2007: Camp Joe Hooker and Fraternal Order of Eagles, Inc.;

Public entertainment on Sundays to expire December 31, 2007: Camp Joe Hooker, Inc.; Reservoir Heights, Inc., d/b/a Lakeville Country Club; LeBaron Hills Country Club; and Fraternal Order of Eagles.
Unanimous in favor.

Review 2007 Priority List

The Board of Selectmen reviewed their Priority list for FY07 as follows and updated those present as to their current status:

High Priority items that have been completed are the 40R District and By-Law, Chapter 90 Road Repairs (10-14 roads) and Appointing a Public Safety/Town Office Feasibility Committee. Those that are on going are: 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 & Lines, Update 5-Year Capital Plan and Projected Rev/Exp Budget for 2 years.

Medium Priority items are as follows: Completion of Tamarack Park, Part-time Planner/Administrative. Assistant, Cemetery Space and Update Website with all minutes & agendas. The Renovations for Ted Williams Camp Hall are presently on hold.

The Low Priority item is the Water Overlay District.

Selectman Evirs stated that another High Priority item is to appoint a Superintendent of Streets. Chairman LaCamera mentioned that another consideration is wind power, especially at the Regional School level since there is the potential of using wind power to generate electricity on the Town's land (possibly on Howland Road) and this could be a medium priority item. There are many grants available to do studies in this area. The technology has improved tremendously, and the costs have come down. The State is also providing reimbursement of about 89% of the costs. Any additional electricity produced could be sold.

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

VOTED: To approve the Priority List for FY2007 as amended.
Unanimous in favor.

Vote to accept Nancy Yeatts resignation from Conservation Commission

Chairman LaCamera read Nancy Yeatt's resignation letter from the Conservation Commission, dated December 11, 2006.

Upon a motion made by Selectman Evirs; with Chairman LaCamera stepping down to second, it was:

VOTED: To accept the resignation of Nancy Yeatts from the Conservation Commission.
Unanimous in favor.

Chairman LaCamera thanked Selectmen Yeatts for all her years of service on the Conservation Commission.

Discuss disbanding of Library Building Committee & Library Building Reuse Committee

Chairman LaCamera explained that the Library Building Committee and Library Building Reuse Committee are no longer active committees. They last met in July 2006.

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

VOTED: To disband the Library Building Committee and the Library Building Reuse Committee.
Unanimous in favor

The Board extended their appreciation to everyone who served on the committees.

Review current appointed positions held by Selectmen

Chairman LaCamera explained that he will be resigning from the Board of Selectmen in January, thus all the positions that he presently serves on will need to be filled.

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

VOTED: To accept the resignation of Richard LaCamera from the following positions: Joint Transportation Planning Group alternate delegate; ADA Coordinator, Capital Expenditures Committee, Parking Clerk and Wage & Personnel Board. Unanimous in favor with Chairman LaCamera abstaining from vote.

Discussion took place regarding which Board member would fill each vacated seat and their present responsibilities on other Boards.

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

VOTED: To appoint Selectman Yeatts to the Wage & Personnel Committee and the Capital Expenditures Committee. Unanimous in favor.

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

VOTED: To appoint Selectman Evirs as/to JTPG Alternate Delegate, ADA Coordinator, Parking Clerk and to the Plymouth County Advisory Board Unanimous in favor

Chairman LaCamera mentioned that since Mr. Hamilton was retiring, Selectman Evirs will need to be the alternate for SRPEDD.

Vote to appoint Search Committee for Superintendent of Streets

Chairman LaCamera noted that the Board needed to appoint a Search Committee for the Superintendent of Streets position.

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

VOTED: To appoint Rita Garbitt, Roger Hamilton, James Marot, Charles Evirs, Nancy Yeatts, Cliff Chausse and Chuck Hodges to the Search Committee for the Superintendent of Streets. Unanimous in favor.

Chairman LaCamera suggested that the preliminary reviews for the position be done in Executive Session, then the potential candidates will be narrowed down. The candidates names

will be kept confidential. The Committee can then decide how many candidates they would like to interview, then narrow the list down to two (2) or three (3) finalists, to then interview in open session. The Board of Selectmen will make the final decision on the appointment.

Review letter from MBTA regarding current train schedules

Chairman LaCamera explained that the MBTA has sent a letter seeking input from the public regarding adding later train service from Boston to the communities served by the MBTA's Old Colony Lines since they have had several requests in this regard. The public is hereby invited to submit their suggestions via email or phone call to the Selectmen's office. Ms. Garbitt stated that this item would then be on the next agenda of the Selectmen.

Review pole relocation request by Middleborough G&E

Chairman LaCamera explained that the Middleborough Gas & Electric Department is looking to move a pole slightly to accommodate the new road going into the Woodland Ridge Subdivision.

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

VOTED: To allow Middleborough Gas & Electric Department to relocate Pole 94 at Pickens Street in a southwesterly direction to accommodate Woodland Ridge Subdivision roadway entrance.
Unanimous in favor.

Review request for appointment to Cable Television Committee-Thomas Cirignano

Chairman LaCamera read the letter from Robert Marshall, Chairman of the Cable TV Advisory Committee, asking that Thomas Cirignano be appointed as a member of the Committee.

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

VOTED: To appoint Thomas M. Cirignano to the Cable TV Advisory Committee with a term to expire July 31, 2007.
Unanimous in favor.

Vote to approve Selectmen's meeting minutes of November 6, 2006

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

VOTED: To approve the Selectmen's meeting minutes of November 6, 2006 with one amendment on page 4 that there were no sidewalks on both sides of the street under item: Review revised plan for Stagecoach Village.
Unanimous in favor.

Any other business that may properly come before the meeting.

Chairman LaCamera stated that the Town once again received an A+ Bond Rating. Everyone who works in the financial aspect of the Town is to be thanked since this is a great testament to everyone and shows good financial management of the Town.

Other Items

1. Request from National Guard to issue statement of support
Mr. St. Germain will attend the January 9th Selectmen's meeting to discuss Employer Support of the Guard & Reserve "Statement of Support".
2. Letter from CEA regarding 3 & 8 Keith Avenue
3. Letter from GeoInsight regarding 580 Myricks Street
4. Middleborough G&E agenda-December 12, 2006
5. Letter from DHCD regarding Lakeville's Affordable Housing Plan
6. Old Colony Regional Newsletter
7. Plymouth County Commissioner's regarding surplus Ford Taurus
8. Grant notification-Massachusetts Historical Commission
9. Southeast Regional Homeland Security Advisory Council information
10. Wildlands News newsletter
11. Woodard & Currans Directions

Chairman LaCamera explained that he would like to give an update regarding the new mapping that has taken place with National Heritage. The Selectmen met with representatives from Natural Heritage and expressed concerns over the new areas that have now been mapped. The Town was nearly ready to close on a piece of property in the Industrial Park when notification was received regarding the changes in the mapping. The buyer then withdrew from the Purchase and Sale Agreement due to potential problems they felt they would have on the site in regards to future expansion due to the remapping. Natural Heritage has been asked to address the mapping regarding the relocation of Route 79. It is not understood how the Town could go from 10% to 70% in terms of habitat for endangered species. This is a big change. Natural Heritage was asked to follow-up on the concerns of the Town and they still have not responded. This is something that is not only effecting Lakeville, but other Towns as well. The buyer had spent money on site plan reviews, etc. and this just happened literally days before the closing. This is a major obstacle and extremely important to the development going on in the Town. How this came to pass is completely wrong.

Selectman Yeatts explained that the area is not a prime habitat for the turtles. An application is usually filled out and a fee sent in for this to take place. Though this may not be fair, it may be correct. The letter from the attorney indicates that the buyer withdrew for non-legitimate reasons since they did not proceed further in determining how much land they could or could not potentially use. Legally the Board could take action on this matter, however, it may take too much time and money in order to do so. The Board needs to follow up on the matter so that it does not happen again to another potential buyer. Minor further discussion took place on the topic.

At 9:15 PM, upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was unanimously:

VOTED: To enter into Executive Session and not return to Open Session for the purpose of discussing the Collective Bargaining Agreement with the Fire Department.
Polled vote of Selectman Yeatts, aye, Selectman Evirs, aye and Selectman LaCamera, aye.
Unanimous in favor.