

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
December 20, 2010 - 7:00 PM

On December 20, 2010, 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 Chair Yeatts at 7:00 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier (entered at 7:58 PM) and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Chair Yeatts noted that a representative was present videotaping for broadcast through Comcast and Cindy Dow of the Middleboro Gazette was also recording.

7:00 PM Class I License Hearing for Modifications to License-Route 44 RV & Boat Collision Center

John Ryder, Esquire, and Thomas Delaney, Manager, were present for the discussion. Chair Yeatts read the notice into the record.

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

VOTED: To open the Class I License Hearing for Modifications to Class I License-Route 44 RV & Boat Collision Center.
Unanimous in favor.

Chair Yeatts asked for the certified mail receipts. Attorney Ryder, representing the licensee, stated they are looking for two (2) minor changes to the license. The first pertains to the second condition of the license. He would like to have eight (8) vehicles displayed out front rather than only two (2). They feel their sales of RV's are being inhibited from lack of exposure. Regarding Condition #11, sometimes a boat is taken in trade. They would like to be able to place any boats inside the building with no exterior display. Chair Yeatts stated that the Licensee has already been displaying more than two (2) vehicles, based upon an inspection done by Robert Iafrate, Zoning Enforcement Officer. Ms. Craig noted that there was a November 15th memo in the agenda packets from Mr. Iafrate. It read that the proposed parking reconfiguration maintains the appropriate number of parking spaces according to the posted building size on the Assessors' records. Attorney Ryder stated that he had spoken with Mr. Iafrate. Chair Yeatts stated that there may only be two (2) units out there now, but to go from two (2) to eight (8) is a stretch. She would rather go for a number in the middle. Attorney Ryder explained that he is putting RV's that are at the location for repairs in the rear, and the ones in front are for sale. Chair Yeatts stated that people know they are selling RV's. They are on the side of the business and in the front. Mr. Delaney stated that the business has downsized. They used to have larger RV's, now there are smaller units. The employees' cars are being moved around; they were on the side. He is making sure that the units are on the front side, where the road enters the industrial park, and then behind the fire hydrant on the other side. He would like to put different models out there to show what is available. That also helps a sales person when they are showing various units and for people driving by to see what is available.

Chair Yeatts stated that with the size of the space, the most that she would like to see on display would be six (6) units in the front for now. Mr. Delaney stated that any boats would be located inside the building, if taken in a trade, and then he would be wholesaling to a dealer. Chair Yeatts responded that is fine. Mr. Delaney stated that the eight (8) spots are where the business starts and ends. Chair Yeatts stated that he still parks them on the side of the building also. Mr. Delaney stated that his business does repairs on boats also, but right now they are only repairing motor homes at this time. Selectman Maksy stated that the condition says no boats on the property; however, they are looking to bring them onto the property. Mr. Delaney stated that there would not be that many. In seven (7) years, they have only taken about five (5) boats in trade. Selectman Maksy stated that he would rather just remove that condition altogether and limit to six (6) display spots in the front.

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

VOTED: To close the hearing.
Unanimous in favor.

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

VOTED: To amend the Class I License for Route 44 RV & Boat Collision Center as follows: Condition #2 shall read for no more than six (6) recreational vehicles to be displayed at the front of the building facing Harding Street at any one time and to remove Condition #11.
Unanimous in favor.

7:30 PM Meet with Board of Assessors regarding Setting Minimum Residential Factor

Present for the discussion were Dana Lucas and Janet Black, members of the Board of Assessors. Chair Yeatts read the legal notice into the record.

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

VOTED: To open the hearing with the Board of Assessors regarding Setting the Minimum Residential Factor at 7:34 PM.
Unanimous in favor.

Mr. Lucas took the floor to give the presentation. He stated that he would like to recommend a single tax rate for all five (5) property classifications. They include: Residential, Open Space, Commercial, Industrial and Personal Property. Having a split tax rate would shift more of the cost to the Commercial and Industrial tax classes. He then reviewed the 2011 property tax classifications as it relates to the five (5) major classes of property. Last year's tax rate was \$10.22 and the rate for this year would be \$11.20. Page 7 of his presentation shows the rate if the tax burden was to be changed. If the Town selected a split rate, this would adjust the factor

and the rates would change over the various classes. Chair Yeatts commented that it would be a \$60 difference to a homeowner, but cost a small business \$300 if the tax rate was split. That is a major point. Chair Yeatts stated that she has always realized that what is a savings to a homeowner is an increase to a business. She does not want to put a business in that position, to pay even more in taxes; they might then be forced to leave the Town. Mr. Poillucci pointed out that a few years ago the businesses got slammed with taxes. The rate did not change, but the assessments went up. They are still paying more since it is how they are getting appraised.

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

VOTED: To close the hearing.
Unanimous in favor.

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

VOTED: To keep the tax levy as a single tax rate for Fiscal Year 2012.
Unanimous in favor.

8:00 PM Hearing for application for new Club Alcoholic Beverages License-Fraternal Order of Eagles

Douglas Haskell, member of the Eagles Board of Trustees, was present. Chair Yeatts read the legal notice into the record.

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

VOTED: To open the hearing for application for a new Club Alcoholic Beverages License for the Fraternal Order of Eagles at 8:09 PM.
Unanimous in favor.

Chair Yeatts stated that the Board is reviewing a letter from the Board of Health, since the Selectmen asked them for an update on the status of the Eagles Club. Mr. Haskell said he was present when the Title V inspection was done. They did not fail, but no fluids were making it past the boxes. The system does need repair and Larry Perry, Health Agent, is waiting to hear from the DEP. Chair Yeatts asked what is the Board deciding on then. Ms. Craig responded that the Board votes to approve the liquor license application, then it will go to the ABCC. Chair Yeatts stated that she would like to hear about the well. Robert Bouchard, who is the Eagle's Certified Water Operator, stated the well is classified as a public water supply. The testing has been done and everything passes. Chair Yeatts stated that the septic system will have to be repaired. They have water, but they cannot serve food. Mr. Bouchard stated that the DEP sent them a notice with three (3) requirements. They have complied by hiring a certified operator. They need a yearly statistical report and there is a questionnaire for cross connections, both of which he is working on, and they should be submitted by next week. However, it will be a while until they hear back from the DEP. They have done what is required and everything has passed.

Mr. Poillucci stated that the septic is not getting out to the leaching field. He was concerned that the tanks could be leaking into the ground. It has to be going somewhere. Mr. Haskell responded that he has spoken to Mr. Perry about doing a manual pump. Chair Yeatts asked to see copies of the pumping records to make sure that is being done. Mr. Haskell stated that it depends on the amount of people there per day. He believed 8,100 gallons is the maximum per day. Mr. Perry is looking to do an inspection on the upstairs. The floor is being redone in the upstairs bar. Once that is done, Mr. Perry will come in to inspect it to see if he can then issue a public license to have catered food. There is a flow meter, so Bay State will know the usage and they can get on some type of regular schedule.

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

VOTED: To close the hearing.
Unanimous in favor.

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

VOTED: To approve a new Club Alcoholic Beverages License for the Fraternal Order of Eagles from January 1, 2011 through to December 31, 2011.
Unanimous in favor.

Discuss repairs to Fire Station Garage Roof

Chair Yeatts explained about the necessary repairs for the Fire Station garage roof. The Building Commissioner has received estimates for the repairs and some are over \$20,000. This is for the asphalt roof over the garage bays. They have been temporarily patched. The asphalt shingles are cracked and very brittle. The clap board shingles are also not adequate any longer; the wood is too cupped to even be nailed back into place. This project could be put on the Capital Plan and be addressed on the Spring Town Meeting Warrant. Ms. Garbitt stated that the Town could purchase the materials and then go out to request proposals for installation. The cost would then be under \$20,000. Chair Yeatts stated that she felt that they should put it on the Capital Plan and budget for it. Then we can plan for it to be done early in the summer. It was the consensus of the Board of Selectmen to put the Fire Station Garage Roof on the Capital Plan.

Discuss appointing subcommittee to review Feasibility Study of Town facilities

Selectman Olivier stated that in light of other circumstances that have occurred, he thought it would be good to revisit the Feasibility Study to see if the study is still applicable, and to also come up with alternatives that were not included in the original study. Selectman Olivier has read the study and what he has gathered is that it was an inventory listing of the properties in Town and what the concerns were for each property. Not that the Town is in any financial condition to move forward on a project at this time, but it does not hurt to plan. Discussion then took place about the original committee. Chair Yeatts asked exactly what Selectman Olivier was looking for. Would it be to see what is still feasible and what has changed since 2006-2007? It was decided that the Town would advertise for members to be on the Sub Committee to review

the 2007 Feasibility Study of Town Facilities. The amount of people to be on the committee will be determined when the Board finds out how many are interested in being on the committee.

Review draft letter regarding Betterment Fees

Chair Yeatts stated that each property owner on the new water line extension will be assessed a betterment fee. A letter will be sent to each property owner informing them of their fee. The betterment fee will be based on the cost of the water line, which is \$333,000. Discussion then took place on the topic. Selectman Maksy pointed out that typically you would have properties on both sides on the street, but we only have properties on one side. Chair Yeatts said the proposed letter has been reviewed by Town Counsel. The proposed formula has been worked out based on the number of properties. The proposed betterment fee for a 1" line is \$15,000. Their property is worth more whether or not they are connected to the water line. Mr. Poillucci stated that he cannot believe that people already live there will just get a bill. Chair Yeatts explained that they have 20 years to pay it, or they must pay it if they sell their house before the 20 years is up. Mr. Zienkiewicz asked if the line is charged to someone even if they do not want it. Are they are only charged the 1" fee? Chair Yeatts responded that the stubs are already in. The Town would be charging 5% interest. Ms. Garbitt stated that the betterments total approximately \$271,500. Chair Yeatts stated that the Town will be meeting right after the first of the year with the City of Taunton to find out if they should master meter for the water. This meeting with Taunton will help the Town begin this process and to begin obtaining an income from the water.

Review request from Attorney John Ryder regarding revised zoning change on property owned by Gene Bartlett located on Bedford Street

Chair Yeatts noted that this is the first step in the rezoning process. If the Town was ever going to expand the industrial park, this would be the way to do it. Ms. Garbitt will forward the request to the Planning Board.

Review and vote to approve Miscellaneous License Renewals

Upon a motion made by Selectman Maksy with Selectman Olivier seconding, it was:

VOTED: To approve the following Livery Licenses, having an expiration date of December 31, 2011: Moonlighting Limousine (5 vehicles) and JP's Limousine Service (2 vehicles).
Unanimous in favor.

Upon a motion made by Selectman Maksy with Selectman Olivier seconding, it was:

VOTED: To approve the following Dancing on Weekdays Licenses, having an expiration date of December 31, 2011: Camp Joe Hooker, Inc.; LeBaron Hills Country Club; Orchid of Hawaii; and Fraternal Order of Eagles.
Unanimous in favor.

Upon a motion made by Selectman Maksy with Selectman Olivier seconding, it was:

VOTED: To approve the following Coin Operated Amusements Licenses, having an expiration date of December 31, 2011: Camp Joe Hooker (3 machines) and Fraternal Order of Eagles, Inc. (3 machines).
Unanimous in favor.

Upon a motion made by Selectman Maksy with Selectman Olivier seconding, it was:

VOTED: To approve the following Public Entertainment on Sundays Licenses, having an expiration date of December 31, 2011: Camp Joe Hooker, Inc.; LeBaron Hills Country Club; Orchid of Hawaii and Fraternal Order of Eagles.
Unanimous in favor.

Review and vote to approve Class 1 and Class 2 License Renewals

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

VOTED: To approve the following Class I Licenses, having an expiration date of January 1, 2012: Rousseau's Rentals, Inc and Route 44 Collision Center RV's & Boats.
Unanimous in favor.

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

VOTED: To approve the following Class II Licenses, having an expiration date of January 1, 2012: Salvatore Cuccinotti, dba SC Auto; United Automotive Services; Lakeville Auto Sales; Sha-Nic Auto-Body, Inc.; Chris Altieri, dba Solana Auto Sales; and Linda Bury, dba Elite Auto Sales.
Unanimous in favor.

Request for Temporary Trailer Permit – 4 Moulton Street

Chair Yeatts stated that the applicant had a house fire so they are requesting a 12' x 60' mobile home to be used as living quarters until their home is rebuilt. Ms. Craig stated that Mr. Iafrate had already been out to the site.

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

VOTED: To approve the request for a Temporary Trailer Permit at 4 Moulton Street, subject to the Building Commissioner's requirements, having an expiration date of June 20, 2011.
Unanimous in favor.

Discuss request for appointment of additional member to Conservation Commission

Chair Yeatts stated that she had spoken to Emery Orrall, Chairman of the Conservation Commission, and the Commission would still like Linda Grubb to be appointed as a member. They had also received a letter of interest from Jamie Bissonnette. They would like the Selectmen to appoint Linda Grubb, and when they meet again, they will make a recommendation on Mr. Bissonnette. Mr. Bouchard, who is a Conservation Commission member, stated that Linda Grubb has been attending meetings regularly for years. We knew we were going to get a resignation before it was made formal to the Selectmen, that is why we asked if Ms. Grubb would be interested. We have submitted names to the Selectmen previously to fill vacancies without advertising.

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

VOTED: To appoint Linda Grubb to the Lakeville Conservation Commission with a term to expire July 31, 2012.
In favor 2, Oppose 1 (Selectman Maksy).

Discuss request for appointment of new member to Lakeville Arts Council

Chair Yeatts read the request from the Lakeville Arts Council to add a new member. Ms. Craig stated that Arts Council is a bit different from other Board/Committees as they are required by law to take a year sabbatical from the Council every few years

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

VOTED: To appoint Gail Fish to the Lakeville Arts Council with a term to expire on July 31, 2011.
Unanimous in favor.

Review Zoning Board of Appeals petition for 37 Bedford Street

The petition for 37 Bedford Street was reviewed by the Board. It was noted that it is an existing non-conforming lot and only has 150 feet of frontage. The Selectmen had no concerns, but recommended that the setbacks be looked at. After reviewing the plans it was discovered that the locus map appeared to be incorrect. This will be conveyed to the Zoning Board of Appeals.

Review and approve Selectmen's Meeting Minutes: September 21st and November 29, 2010

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

VOTED: To approve the Selectmen's Meeting Minutes of September 21, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of November 29, 2010 as presented.
Unanimous in favor.

Review and approve Selectmen's Executive Session Meeting Minutes: December 6, 2010

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

VOTED: To approve the Executive Session Meeting Minutes of December 6, 2010 as presented.
Unanimous in favor.

Old Business

Chair Yeatts stated that she talked to Cathal O'Brien at the Taunton Water Department today, and he approved Mr. Poillucci's plan for Taunton water at his project on Bridge Street. It is conditioned on no water flowing until the water tank is complete. He will be charged a readiness to serve charge, but the Board has not come up with that formula yet. Walgreens and CVS were charged \$25,000 each. Since this is a residential project, it might depend on the number of bedrooms. Ms. Garbitt stated that if the Town pays to extend the line from the end of Mr. Poillucci's line, then the Town will charge betterments. Chair Yeatts stated that a betterment can only be charged on what the Town paid for. Further discussion took place on the topic. Chair Yeatts stated that this needs to be run by the consultant, since she is not comfortable in making a decision.

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

VOTED: To approve Ms. Garbitt signing the water connection application for Mr. Poillucci, with the stipulation that the approval is contingent on the water tank going on-line and a readiness to serve charge not to exceed \$25,000.
Unanimous in favor.

Other Items

1. 2011 List of Holidays approved by Wage & Personnel
Selectman Maksy asked what was the total number of days? Ms. Garbitt responded twelve.
2. Information regarding Annual Mobile Home Park License-Twin Coach Estates
3. Letter regarding donation of dog food to Animal Shelter
Chair Yeatts stated that a Bridgewater resident made a donation of 750 pounds of dog food and will be making another donation.
4. Notice of grant for Animal Shelter from Pedigree Foundation
Chair Yeatts stated that the Animal Shelter received a grant to help them continue their important work.

5. Letter from Board of Health regarding 19 Shore Avenue
6. Letter from Board of Health regarding complaint-Fern Avenue
7. Memo from Conservation Commission to Planning Board regarding 5 Harding Street and 157 Bedford Street
8. Letter from Sylvester Zienkiewicz regarding Water System
9. Update from Field Engineering regarding Bedford Street Water Main
10. Letter from resident regarding Lakeport Industrial Park
11. Notification of Preliminary Certification from DOR for FY11
Chair Yeatts noted that they still keep bringing up this matter.
12. Letter from Mass Historical Commission regarding proposed ball fields at Ted Williams Camp
13. Agenda for Gas & Electric Commission-December 14, 2010
14. Information from GATRA on December 9, 2010 meeting
15. SEED news release
16. Mass Wildlife Newsletter
17. CDM Fall 2010 Newsletter
18. Comcast Connections Newsletter
19. Notice from Verizon regarding channel changes
20. Memo from Planning Board regarding SRPEDD delegate
Selectman Olivier stated that he understood that Walter Healey has not been attending any meetings and that is why there was a request to appoint Selectman Olivier. He stated that he would not mind attending. Ms. Garbitt explained that Mr. Healey does go to the website and brings information to the Planning Board. Selectman Maksy pointed out that he does not exercise his right to vote though.
21. Memo from Covanta re: Regulatory Guidance for Small Transfer Stations
22. SRPEDD Agenda for Meeting on December 8 2010
23. Summary of Stormwater Management Permit Requirements for MS4 Municipalities
Ms. Garbitt stated that she and Chris Peck, Superintendent of Streets, attended a meeting regarding Stormwater Management. They found out about the average cost to a community, including street sweeping two (2) times a year and cleaning the catch basins twice a year. The State has added a lot of requirements onto the Storm Water Permit.

At 10:00 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board:

VOTED: To enter into Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel, to discuss strategy with respect to collective bargaining and pending litigation because an open meeting may have a detrimental effect on the bargaining and litigating position of the Board, and to consider the purchase, exchange, lease or value of real estate because an open meeting may have a detrimental effect on the negotiating position of the Board and not to return to open session.
Polled vote of Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Yeatts – aye.