

SELECTMEN'S MEETING
Wednesday, January 11, 2006

On January 11, 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 Hurd at 7:00 PM. Selectmen present were: Selectman Hurd, Selectman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Richard Bradshaw-kennel license hearing

David Frates, Animal Control Officer and Sandra Horton, Town Clerk, were present; Richard Bradshaw was not present.

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

VOTED: To open the Richard Bradshaw Kennel License Hearing.
Unanimous

Chairman Hurd stated that Mr. Bradshaw had submitted a request to renew a kennel license that had been held by his father who is now deceased. Town Counsel has indicated that the license is connected with the property, not the property owner. The license has been in continuous use since 1972, being continually renewed each year. David Frates had been out to inspect the property. The Town Clerk is looking for direction on this matter since there are several other licenses coming up for renewal. Mr. Frates stated that there was only one dog on the premises and he was inside the house. There are four dog houses on the premises.

Sandra Horton, Town Clerk, stated that there are many people with kennel licenses and this is a matter that may arise from time to time and the Town needs to determine if these licenses are grandfathered for ever and ever or if a new permit should be pulled under the new name. Selectman LaCamera stated that he felt the license stayed with the person who is responsible for the license not the residence. Selectman Yeatts agreed with Selectman LaCamera. She added that the only complaints filed were Mr. Bradshaw's father had passed away. Mr. Bradshaw, the original kennel licensee, had done a good job and that does not mean that anyone else who resides on the property will be capable of doing the same and maintaining a quality kennel. Chairman Hurd stated that someone else would not be able to file for a new license, they would have to renew since they otherwise could only get a license under a special permit in a business/district zone. The license can be revoked if good records are not kept, there are numerous complaints and unsanitary conditions for the dogs.

Selectman LaCamera stated that the Board should continue the hearing since Mr. Bradshaw was not available this evening for discussion on the matter. Chairman Hurd agreed and asked that the Rita Garbitt get further clarification from Kopelman and Paige, P.C. as per their opinion dated December 19, 2005 page 1. *It is also my opinion that, the Board may cause an examination into whether the kennel is being maintained in a humane and sanitary manner prior to renewing the license and on page 2. Whether or not a property is grandfathered, however,*

depends upon a highly fact dependent inquiry, which, in my opinion, is beyond the scope of a kennel license application. It is my opinion, however, that a kennel license may be granted with a provision stating that the license is contingent upon compliance with the Zoning By-laws of the Town of Lakeville, and that the matter may be referred to the Building Inspector for an inquiry into whether a kennel may be lawfully conducted on the Property Ms. Garbitt will have this clarified by Town Counsel for the Selectmen and stated that January 23rd would be an appropriate date for continuing the hearing.

A motion was made by Selectman LaCamera; seconded by Selectman Yeatts and it was:

VOTED: To continue the Bradshaw kennel license hearing to Monday, January 23, 2006.
Unanimous

7:15 PM Request for appointment of additional call firefighters

Daniel Hopkins, Fire Chief, Alex Bebis and Chris Carmichael are present for the discussion. Chairman Hurd read the request from the Fire Chief to appoint three additional Call Firefighters: Alex Bebis, Chris Carmichael and Nicholas Morgan.

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

VOTED: To appoint three additional Call Firefighters: Alex Bebis, Chris Carmichael and Nicholas Morgan. The appointees will be on probation for one year and will have to successfully complete a physical exam and agility test. (The time period is from the present through to July 31, 2006 at which time their second 6 month probationary period will begin)
Unanimous in favor

Request to use Old Town House-Lakeville Daisy Girl Scout Troop 12

Chairman Hurd read a letter from Patricia Welch, Troop Leader for Daisy Girl Scout Troop #12 to use the Old Town House for a Girl Scout Cookie Booth Sale.

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

VOTED: To approve the request of Daisy Girl Scout Troop #12 to use the Old Town House property for a Girl Scout Cookie Booth Sale on Saturday and Sunday, January 21 & 22, 2006.
Unanimous in favor

Request for road cut-Bay State Gas

Chairman Hurd read a request from Bay State Gas for a curb cut in front of 6 Taunton Street. The present occupants at 6 Taunton Street have changed over from natural gas service, so a shut off is required at the street.

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

VOTED: To approve the gas maintenance repair at 6 Taunton Street by Bay State Gas provided that it is not to cut off service, but to install a gas shut off and that Roger Hamilton approves of the repair and will sign off on the project once it is completed.

Unanimous in favor

Discuss renewal of animal shelter boarding agreements with Towns of Berkley, Freetown, Rochester and Carver

David Frates, Animal Control Officer, was present. Chairman Hurd briefly reviewed the agreements for boarding of dogs at the Lakeville Animal Shelter for the Towns of Berkley, Freetown, Rochester and Freetown. He added that it has been very profitable for the Town. Ms. Garbitt added that dogs that are considered adoptable that have been surrendered and then adopted out which then adds further profits for the Town. Mr. Frates mentioned that no Lakeville dog has been left without space. There are 15 available spaces and the maximum capacity has been from 8 to 10 dogs. Chairman Hurd asked that the Town of Berkley's rate be changed so that it is in line with that of Freetown and Rochester and to make sure that the contracts are all the same and include the indemnity agreements.

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

VOTED: To approve the Boarding Agreements with the Town of Berkley, Town of Freetown and Town of Rochester with an expiration date of December 31, 2006.

Unanimous in favor

Ms. Garbitt stated that the Town of Carver's shelter is closed since it was on top of a landfill. The landfill company will be building a new shelter for the Town of Carver. In the interim Lakeville has taken about 12 dogs in the past five months. They all were claimed by their owner.

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

VOTED: To enter into a boarding agreement with the Town of Carver with similar conditions as with the aforementioned towns and an expiration date of June 30, 2006.

Unanimous in favor

Discuss interest letter received for vacancy-Capital Expenditures Committee

Chairman Hurd noted the letter of interest from David Morwick to serve on the Capital Expenditures Committee. Selectman LaCamera stated that he knows Mr. Morwick and feels that he will be a good spokesperson for the committee. Chairman Hurd asked that he be invited to the next meeting so that the Board of Selectmen may meet him. Ms. Garbitt responded that she will do this and also invite the moderator since it is he who appoints people to that particular committee.

Review Zoning Board of Appeals petition: Anyname Corporation

Chairman Hurd recused himself from the discussion and left the room. Selectman LaCamera took the floor as Chairman and explained that the petition was only received the previous Friday. The process that all the boards follow is to review the petition and make recommendations. The Boards have not all had that opportunity.

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

VOTED: To send a letter to the Zoning Board of Appeals recommending that the matter be scheduled at a later date so that all boards will have the opportunity to review the petition and give their opinion.
Unanimous in favor

Review and approve Selectmen's minutes of November 21st and December 5th and 19th, 2005 and January 6, 2006

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of November 21st, 2005, December 5th, 2005, December 19th, 2005 and January 6, 2006 as presented.
Unanimous in favor

Approve Selectmen's Executive Session minutes of December 5, 2005 (2 sets) and January 6, 2006

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

VOTED: To waive the reading of and approve the Selectmen's Executive Session meeting minutes of December 5th, 2005 (two sets) and January 6, 2006 as presented.
Unanimous in favor

Any other business that may properly come before that meeting.

Chairman Hurd stated that he was unable to attend the Commuter Rail Task Force meeting held earlier today. He stated that Linda Grubb has attended all the meetings of this committee and suggested that she be appointed to fill out the remaining time for himself. He has asked her if this would be a consideration and she stated that she would be interested in doing this.

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

VOTED: To appoint Linda Grubb to the Commuter Rail Task Force Committee to complete the remaining time in place of Chawner Hurd.
Unanimous in favor

Chairman Hurd stated that there had been discussion from Nick Lanney, Town Engineer that ChrisJennBrooke is a ½ foot higher than it was supposed to be. Selectman Yeatts stated that she spoke with James Marot, Chairman of the Planning Board, on this matter and he said it will make the water flow faster but not increase the amount of water. Chairman Hurd stated that this will change the calculations though that are on the plans. Selectman LaCamera added that the Town also needs to accept the road at some time in the future.

Chairman Hurd asked Ms. Garbitt if the request was made to Roger Hamilton about mitigation measures for the requests being made for various intersections? Ms. Garbitt stated that she has not as of yet, however, she will do that and also make sure that the Police Chief is involved.

Chairman Hurd stated that Donna Tibbetts is retiring as Director of the Lakeville Public Library and he read her retirement request into the record. He added that Donna has done an amazing job and she is one of the people that truly cares about her job. She will be missed.

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

VOTED: To accept the resignation of Donna Tibbetts, Library Director and to send her a letter of appreciation.
Unanimous in favor

Chairman Hurd read the press release into the record from the Board of Assessors office about the property valuations mailed in January. He stated that anyone who has questions on their property valuation needs to file an abatement and to make sure that they mail it in order to have the postmark date marked.

Ms. Garbitt stated that the GATRA annual meeting is January 17th. Norbert Fredette was the delegate and it is important for someone from Lakeville to attend the meeting. Marilyn Mansfield has not suggested a replacement for him as of yet. Selectman LaCamera suggested that someone from the Senior Center be asked to attend.

Selectman LaCamera stated that with the Boards' permission he would like to meet with Roger Hamilton and Brad Bates to review the landfill budget, especially the demolition aspect of the transport expense to Bourne.

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

VOTED: To allow Selectman LaCamera to meet with Mr. Hamilton and Mr. Bates to review the landfill budget and to especially look into the expense of the demolition transport to Bourne.
Unanimous in favor

Selectman LaCamera stated that he felt it was important that the representatives of the Canpro property come in and give an update to the Board. They are supposed to start work on their road by April 1st and if they do not do so, Oxford will be unable to get their permit to start construction. Ms. Garbitt stated that she would contact the necessary people to attend this meeting update.

Selectman LaCamera stated that he was a little confused about the Board of Health regulations having to do with the heights of foundations. He had been at the Cedar Pond Preserve over a month ago and brought the Chairman of the Board of Health since the foundations appear too low and there is a lot of water there. Subsequently the Building Commissioner went there and it was discovered that the house is too low and they are presently raising the house. Why is this happening? Aren't the properties being inspected? If the Board of Health rescinded these regulations (put in place in 1985) then the Building Commissioner needs to put something in place for this matter. It appears that no plans have been submitted for foundations only septic systems. This needs to be looked into. Discussion took place on this matter.

Chairman Hurd stated that the Building Commissioner should then regulate this as part of his enforcement, it seems to be a building issue. He asked that the Town Administrator contact the Building Commissioner to put something together to cover this matter. Also, no regulations can be altered or rescinded without a public hearing. If the Board of Health did rescind anything they need to be notified that they need to put it back in place. A memo should also be put together on what they rescinded and to make them aware that it was not within the guidelines of a public hearing. Selectman Hurd stated that he previously had Town Counsel send the Board of Health a letter of what is regulation and what is policy.

Other Items

1. Letters from City of Taunton water department regarding hearing on proposed water rate increase
Chairman Hurd stated that he liked the letter from the City of Taunton. Ms. Craig stated that when they receive a date from Town Counsel they will inform the Town. Selectman Yeatts has volunteered to attend the meeting. It is the intention of the Town to continue working with the City of Taunton, keep the rates the same and increase its allotment.
2. Response from Representative Canessa regarding municipal gas tax elimination
3. Response from Senator Menard regarding 40B reform

4. Letter from M/L Herring Fishery Commission regarding herring ban
Chairman Hurd stated that the press might want to inform the public about the letter from the Fishery Commission and the restriction/ban for the next 3 years.
5. Guide to viewing Herring-Corporate Wetlands Restoration Partnership
6. Letter to DEP regarding bi-monthly sanitary landfill and transfer station
Selectman Yeatts asked who makes the repairs made by the erosions? Ms. Garbitt responded that it is Mr. Hamilton and he is presently working on the repairs, this is a busy time of the year for this matter.
7. Letter from J.K. Olivieri Ins. Agency
8. Agendas-Plymouth County Commissioners meetings
9. Letter from Town Counsel regarding MMA annual meeting
10. JTPG agenda-January 11, 2006 and minutes of November 9, 2005
11. Wildlands Trust Newsletter – Fall 2005
12. Update letter from Comcast
13. Letter from Old Colony Elderly Services
14. Massachusetts Taxpayers Foundation News Release
15. Preservation Advocate Newsletter
16. Woodard & Curran's Directions Newsletter
17. Letter from Town of Rochester regarding Gateway Health Group
18. Memo from GATRA regarding Advisory Board meeting
19. Letter from MBTA regarding Preliminary Service Plan 2006
20. Letter from James Candito regarding Highland Road and Freetown Street

Minor discussion took place about the water agreement discussion that took place with the Board of Selectmen in Middleborough this past Monday night (January 9th) and the fact that the Town has not heard back anything from them as of yet. Sherry Clancy had indicated that what was in The Enterprise was incorrect. National Development has done percolation tests on the property and was planning on going ahead with septic systems if the agreement with Middleborough did not work out.

Minor discussion took place regarding the emergency meeting held this afternoon with the Board of Assessors regarding the errors that were discovered on the property valuations and how to inform the citizens of the Town to look at their values very closely.

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

VOTED: To enter into executive session discussions at 8:10 PM under reason #1 (employee health issue) on a polled vote of Chairman Hurd, Selectman Yeatts, and Selectman LaCamera and not to return to open session but to adjourn in executive session.

Unanimous in favor