

SELECTMEN'S MEETING
Monday, February 6, 2006

On February 6, 2006, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman 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 Meeting with Planning Board and CANPRO

Present were Ken Motta, Taunton Division Manager of Field Engineering Co., Inc., Jeanne Alexander of Canpro Investments, Inc., and Jonathan White – Oxford Development. Chairman Hurd stated that the representatives of Canpro and Oxford were present this evening to address a number of outstanding issues that had been discussed at previous meetings of the Board. The issues were the ring road, infrastructure and Oxford's construction status.

Mr. Motta took the floor and stated that he was the Senior Project Manager of Field Engineering. He stated that subsequent to the last meeting with the Board in September of 2005, Canpro has been working towards acquiring some of the pending permits. There is a Notice of Intent application filed with the Conservation Commission. There is conditional approval with the Planning Board and it will be necessary to return before the Planning Board to establish the bond for the road way. Work had to be done in conjunction with National Heritage due to the natural area next to the property. Some wildlife issues need to be signed off on, then they can go back before the Conservation Commission. Then it will be the final Planning Board approval for endorsement of the plans. National Heritage has brought up concerns at the riverfront area regarding the storm water basins. Because there is no other viable location for the detention basin near the river, mitigation measures were proposed which would ensure protection of at least 95% of the 200' riverfront zone. Canpro offered to place the back of the lots adjacent to the river under conservation restriction. Once input is received on this from National Heritage, they will be going before the Conservation Commission for further approval of the Notice of Intent, which is scheduled for Tuesday, February 14th. Then on Monday, February 27th they will go before the Planning Board, and it is hoped to get a consensus with them on the revised drawings.

Chairman Hurd asked what is the timeline is for the road itself? Mr. Motta responded that this is still being projected. It is all contingent upon National Heritage's response to the riverfront issues, then everything else will fall into place after that. The projected date at this time is June 1st, but that is still about one (1) month behind from the previous date. Some ground was lost in dealing with the matters with National Heritage. Thus, it is being projected that construction will start up on June 1st. Selectman Yeatts asked about the waiver on the 10-year recharge? Mr. Motta responded that he is waiting for a response from Nick Lanney (Town Engineer) on that. Selectman Yeatts asked if a waiver was needed on that, what about a 100-year storm? Mr. Motta cautioned that this is not confused with holding back the rate of flow. Each building footprint, as a condition, has the roof drains being recharged back into the ground. There are also recharge capabilities with the basins. A soil evaluator did the viewing when this was done. However, there was no one from the Board of Health or Nick Lanney present. The

soil logs contain when the soil evaluations were done. Jim Marot, Chairman of the Planning Board, stated that it is the Planning Board who usually grants the approval to go to Nick Lanney and the Planning Board was bypassed on this.

Selectman Yeatts had a question on part 10, section C, page 3 of 4, she read it to Mr. Motta. She was confused how the wording stated that it was “temporary”. Mr. Motta explained that the existing culvert that is there has been blocked and the wetland is recharged by the culvert. It will be unblocked and a flow control structure put there as if it is blocked. Thus no one is changing any of the hydrology as it presently stands. It will replace what the blocked culvert has been doing.

Selectman LaCamera stated that many of these concerns were discussed six months ago on the infrastructure plan of the park that the Planning Board had. However, these plans were only just received on Friday, February 3rd and the Planning Board has not had the opportunity to look at them. Also, if the developer expects the Town to take over the road in the future, it needs to conform to the specifications for the Town. Furthermore, the existing road that was there from 1988 is probably ready to be re-done for this project. That was an issue that the Selectmen and the Planning Board have also been concerned about. Ms. Alexander stated that Canpro is also concerned about the road as well. Selectman LaCamera stated that he wants to make sure that it will be a brand new road. Mr. Motta responded that the plans that are going to the Planning Board, show that the intersection has been redone, that there are a number of items that need to be redone on Riverside Drive, that there is a detention basin that exists there which needs to be made larger and then tied into the drainage into Riverside Drive so that there will no longer be flooding conditions there. Near the entrance to the DEP, that whole section will be redone, a new sidewalk all the way down, as well. Then the section in front of the DEP building, the pavement is not that bad, but it will be ground down and the berms and the sidewalk there will be redone. It is a 4-foot sidewalk and will need to be brought up to ADA standards. Selectman LaCamera asked that Roger Hamilton, the Highway Surveyor, be consulted to make sure that it is up to Town specifications. Mr. Motta responded that Mr. Hamilton has been consulted with on this.

Chairman Hurd asked what the plan was for the existing portion of Commercial Drive? Mr. Motta responded that it doesn't look too bad, just the sidewalks. It will be walked with Mr. Hamilton. Chairman Marot stated that his concern and also the concern of the rest of the Planning Board is the relationship with Oxford and Canpro and the impact on Commercial Drive. Mr. Motta stated that the sewer system northerly and southerly will be tied into gravity off the road way. Then, a portion which will go to the treatment plant, will be pumped through a force main, but that will be off the road, then on to the disposal field. This is shown on the Oxford Development plan. The two parcels owned by Oxford Development will not be developed as residential. Selectman LaCamera stated that it would be advantageous if Mr. Motta and Oxford Development can meet with the Planning Board on the same night to go over this. Chairman Marot stated that there will still be an impact on Commercial Drive, and it may need to be done over if it is expected that the Town take it over.

Jonathan White from Oxford Development stated that he is in the federal tax credit competition and hopefully will find out between June-August what will happen. Some meetings

with the State have taken place, and it is hoped to start the project in the fall, which was the plan last year. Chairman Hurd stated that Oxford Development will pull permits this year. He reminded him that the Board said they did not want any construction taking place until the infrastructure was done. The Board feels it is critical that a road bond and a performance bond be put in place based on a Dec 1st completion date. This should be an incentive. Mr. Motta stated that is understood, but it all depends on the response time with National Heritage. Field Engineering is committed at this time. Selectman LaCamera asked if Mr. Motta met with Massachusetts Highway regarding the project? Mr. Motta responded that Mass Highway has been pretty much a part of the whole permit process. Selectman LaCamera asked about the traffic lighting as is in section 61, the findings from 1991. Mr. Motta responded that that was addressed as part of a project change that was submitted for Oxford project. The present project will not be anywhere near the 1991 proposal. For what is existing, it does not include Oxford Development. The square footage may have been downsized, but the thresholds may still be the same. Mr. Motta responded that they will have to look at that.

Chairman Hurd stated that he had had the opportunity to speak with Mass Highway (Bernard McCoy) regarding the signalization issues. It still seems to be in Mr. Motta's court. Does Mr. Motta have customers in the other spaces that are not owned by Oxford Development? Ms. Alexander responded no, there are potentials, but nothing concrete. Selectman Yeatts asked if documentation was submitted about a project change from MEPA to the Planning Board? Mr. Motta responded that he did not think so, but this could be done. Basically, no further MEPA review is needed.

Chairman Hurd mentioned that on the timeline chart there is a petition about water allocation from City of Taunton? Mr. Motta responded that it is not actually for the City of Taunton, it is just that approval is needed for the extension of the lines. Chairman Hurd mentioned that 40,000 gallons is the present allocation, then it was estimated that another 15,000 gallons would be needed, yet based on the numbers will that amount be reduced? Mr. Motta responded that they are still basing their figures with that amount. Chairman Hurd stated that it would be really helpful if Mr. Motta could provide revised water numbers in a short time line since the Town is looking at ways to reallocate its allocation and if the 15,000 gallons are not needed to make the project work, then there are other areas that the Town could use it. Mr. Motta responded that it has been looked at, and the balance was being applied to the build out lots. He will relook at it, but still thinks it will be at the same spot as last year with projected water use. Chairman Hurd stated that the Town is looking for wiggle room and if there is some, then please let the Board know. It would also be helpful for Oxford Development to present their plans in tandem with Canpro to the Planning Board. Mr. Motta responded that that is set up for February 27th with the Planning Board. Selectman LaCamera stated that the Board might want to regroup with everyone again that evening as well.

Luke Leonard, member of the Middleborough/Lakeville Herring Fisheries Commission, stated that he was very concerned about the location of any waste treatment plant being located that close to the Nemasket River. The Nemasket River is a pristine area for herring with its headwaters and lakes, and it sends shivers down his back to see the close proximity of the development and the sewage treatment and recharge potential so close to the buffer zone. Everything has its ups and downs and there might be stormwater over flow and sewage spillage

with full development. It could also possibly get into the main branch of the Nemasket River and before anyone realizes what happened, it could effect the quality of the river. Anything can be accomplished by engineering and it is felt that more intensive engineering should be done or the four units that are so close to the river should be dropped out of the plans. He asked that they please take great concern for the proximity of this development on the river bank. It is not much better than it was ten (10) years ago.

Chairman Marot asked if the plans have been sent to the Consulting Engineer? Mr. Motta responded in the affirmative. At this time discussions concluded with Oxford Development, Canpro and Field Engineering, and they exited the meeting.

Selectman LaCamera expressed his concern with one of the newer developments near Route 105 & 18 regarding drainage and the water table. All of the Board Members were at the site this weekend, including Chairman Marot and Building Commissioner Bob Darling. The concern is with the individual lots and if there is a significant amount of rain. Selectman LaCamera mentioned another project, Woods Edge, on Route 105. The Conservation Commission also had some issues with that project and they should be addressed as soon as possible. The ZBA (Zoning Board of Appeals) should also be included in discussions with this project.

Selectman LaCamera then stated that he would like to propose that a committee be put together comprised of a member from the Board of Health, a member of the Conservation Commission, the Building Commissioner, a member from the Planning Board, a member of the Board of Selectmen, the Town Engineer, Health Agent, Conservation Agent and Zoning Board of Appeals (Wood's Edge project) to review these project and some of the issues that are taking place. The committee would discuss the issues to see if possibly some solutions can be discovered, and then the committee would meet with the developer to discuss them.

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

VOTED: To form a committee (Project Development Review Committee) to discuss the issues, develop solutions and meet with the developers regarding the projects near Route 18 & 105 and the Wood's Edge project.
Unanimous in favor

Chairman Hurd mentioned that a letter was received from the Planning Board regarding the fact that Luke Leonard, Planning Board member, will not be seeking re-election. He is to be saluted for all the time that he has served with the Planning Board and on other committees such as the Master Plan Subcommittee.

7:30 PM Crossroads RV hearing for Class I license

Present for the meeting are John Ryder, attorney for applicant, and Mr. Housani of Crossroads RV. Chairman Hurd read the notice for the hearing into the record.

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

VOTED: To open the Crossroads RV hearing for a Class I license.
Unanimous in favor

Attorney Ryder took the floor and distributed three copies of the proposed site plan for a second store of Crossroads RV to be located in Lakeville. This is a business presently established in Middleborough which contains large motor homes and RV's. The property in Lakeville that presently houses Rivco, was purchased in December and consists of 1.6 acres. It is being proposed that it would be used for smaller RV's with a maximum length of 32 feet. There would be about twenty RV's of this length and smaller. The RV's would be located inside the facility and also behind the facility where there are a number of parking spots. The existing pavement would be used, it would not be increased. The existing building would also be used, however a garage space would be created within it to be used as a service area. This space would only be used to bring into top shape the larger motor homes that have been sold that only need some small work before delivered to the customer. There will also be an area for accessories and parts. It is anticipated that the move to the new building would be in May of 2006. It is anticipated that with a Class I license, the maximum number of vehicles for sale would be forty. The hours of business are being requested as 8:00 AM to 8:00 PM Monday through Saturday and 12:00 PM to 5:00 PM on Sunday. No work would be done on the motor homes outside the building, it will be done inside the building. The present site in Middleborough was viewed to be in perfect condition with respect to parking and orderliness. The difference with the new facility is that there would not be a lot of vehicles facing Route 44, just a few out front for display purposes.

Chairman Hurd asked about the modifications and if they would change the footprint of the building? He also asked if the abutter notifications were available. Mr. Housani responded that just two (2) garage doors would be added to the back of the building and two (2) interior partitions would be moved. The abutter notifications were handed to Chairman Hurd by Attorney Ryder. Ms. Garbitt mentioned that the application read 32 vehicles and now 40 are being stated for the site. Mr. Housani responded that 40 could be placed on the site depending on their size and that is what is being requested for the license. Selectman Yeatts stated that the neighbors are not listed on the plan and asked who they were. Mr. Housani responded that there is a pet store on one side and the entrance to the Industrial Park on the other. Chairman Hurd asked how many units would be within the building and how many would be outside the building. Mr. Housani responded that there would be about 26 inside, including those in the service and 18 outside. Selectman LaCamera asked if the present parking plan would remain the same. Mr. Housani responded that it would. Selectman LaCamera asked if the building had a sprinkler system? Mr. Housani responded that it did and also a fire alarm system.

Selectman LaCamera mentioned that since the plan was only just received and not reviewed by the Building Inspector or the Fire Chief, he recommended that the hearing remain open until they have had the chance to review the plans. Selectman Yeatts asked if there would be chemicals in the service bay? Mr. Housani responded that there would not be. All that type of service work would be done at the facility in Middleborough. Only inside the vehicle would work be done at the Lakeville facility, no automotive work. Selectman Yeatts asked if that could be put in the conditions. Mr. Housani responded that it would be. He added that he recently moved to Lakeville and is now a resident of the Town. At a later date, some small mechanical work might be done, but not at this time. Chairman Hurd asked that at this time there would be no automotive work done placed in the conditions, to be provided a plan locus, including setbacks, the total number of vehicles on the site and a short narrative of how the parking plan would look once the conditions are set up. It was noted that pavement exists on approximately 95% of the property. Chairman Hurd stated that the Building Inspector will need to review the building to make sure that this would be an approved use. Mr. Housani stated that he had spoken with the Building Inspector and he was in approval with the use. A citizen asked if any vehicles would be parked on the east side of the building? Mr. Housani responded that there would only be customer parking there in the existing spaces. Chairman Hurd asked about the loading platforms. Mr. Housani explained the loading platforms as noted on the site plan. Ms. Peterson asked to see the plan for clarification purposes and Chairman Hurd explained it to her.

Ms. Garbitt spoke with Mr. Housani regarding the grassy area in the front and how the line of site would need to remain open. The zoning by-law should be referred to if any plantings were going to be done on the property. Also where would the parts be stored? Mr. Housani stated that he understood that there was a buffer zone and that there were only some small trees and shrubs located on the property at this time. Everything else outside would be cleaned up and some exterior lighting would be added. All parts would be stored inside the 22,000 square foot building, there would not be any outside storage.

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

VOTED: To continue the Crossroads RV hearing for a Class I license to Monday, February 27th at 7:00 PM.
Unanimous in favor

7:45 PM Meet with Lakeville Arts Council

Daniel Cooney, Chairman of the Lakeville Arts Council, and Arts Council member Joanne Upham are present for the discussion. Daniel Cooney took the floor to announce the grant recipients. They included the Assawompset Elementary PTO, the First Unitarian Universalist Society, the Friends of the Lakeville Library, the George R. Austin Middle School, Jane Rando, the Council on Aging, Davis Bates and Roger Tincknell. He added that they also would like to create a cultural series where the Library would offer a variety of cultural events free to the Lakeville citizens. A draft poster of who would be attending was shown. This would take place in April. There will also be a workshop for writing grants, in order to entice more people to apply for the money that is available to them through the grant process.

Chairman Hurd asked if there were more ways to recruit more Lakeville participants? Mr. Cooney responded that he is waiting for permission to repeat “open studio”. This is a program where Lakeville artists and crafts people open their studios and offer their work to show and to sell. Not all artists and crafts people have their own studios, thus it is hoped that the Historic Town House could be used for that group of people. He then stated that he would like to announce this in order to promote Lakeville artists and if approval is received, this would give them a forum to show their work. Selectman LaCamera stated that the Council did a great job in a short period of time with the Arts Festival held last year. It was outstanding and it is hoped that this will continue. He then asked why the schools were not sought out to submit an application? Some of the monies that the state gives the Town is going to other Towns. Mr. Cooney responded that though 10% of the funds are going to an event which is not held in Lakeville, Lakeville, however, will be a part of those events. Several years ago Art-A-Palooza was started with the schools and involved the students, however, they have not submitted an application for funding for about three (3) years. Also, with the grant, they cannot be funded every year, they need to also find an alternative source of funding. Programs are being put together that will reach out to the entire community. Selectman LaCamera stated that as a taxpayer he felt that the grant monies should stay in the Town of Lakeville. Looking at the rules and regulations of the State of Massachusetts, the Art Council is to initiate programs and put them together in the community where the grant was provided. Mr. Cooney stated that he understood what Selectman LaCamera was saying, and the programs are benefiting the citizens of Lakeville. Chairman Hurd stated that the key to this is recruitment and the Arts Council is headed in the right direction. Venues also need to be created for the various arts.

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

VOTED: That the Lakeville Arts Council could utilize the old Town House on Saturday, May 13th for Open Studio for those artists who do not have their own studio to show and sell their work.
Unanimous in favor

8:00 PM Powerpoint presentation regarding CPA-Open Space Committee

Donna Leombruno, Chair of the Open Space Committee and Dorrie Pizzella, Spokeswomen for The Trust for Public Lands were present for the discussion. Donna Leombruno introduced Dorrie Pizzella, who was here to give a presentation regarding the Community Preservation Act (CPA). It was explained that the CPA is a law that allows cities and towns in Massachusetts to raise local property taxes to acquire and protect open space, preserve historic buildings and landscapes, and create and maintain affordable housing. It also provides significant state matching funds to participating communities. In order for a municipality to qualify for state matching funds, Town Meeting must vote to place a property tax surcharge of up to three (3) percent on the ballot. Alternatively, the CPA may be placed on the ballot through a petition signed by at least five (5) percent of the city or town’s registered voters. Once the CPA is placed on the ballot, local voters must then vote to approve it. Participating cities and towns can opt out of CPA after five years and end the surcharge. The law went into effect December 2000.

Ms. Pizzella noted that to date, 103 communities across the state have adopted the CPA thus far, and twelve more have the CPA on their ballot for the spring of 2006. If this is approved in Lakeville, the CPA Committee will be able to make annual recommendations to Town Meeting on how the money should be spent. Town Meeting appropriates funds from the Town's Community Preservation Fund based upon the recommendations. Town Meeting may also reject or reduce the amounts recommend by the CPA Committee. The CPA Committee is also responsible for soliciting input from the community and for presenting its findings and recommendations to the public. Each fiscal year, upon CPA Committee recommendation, Town Meeting must spend, or set aside for future spending, the following share of annual Community Preservation Fund revenues: 10% for open space, 10 % for historic resources and 10% for community housing. Beyond the required disbursements, it is left to the residents of Lakeville to decide how much of the remaining 70% is to be spent on the three (3) purposes as identified.

Ms. Pizzella noted that any portion of a taxpayer's real property taxes that are already exempt are also exempt from the CPA surcharge. Also, Town Meeting, as part of the vote to accept the provisions of the CPA, may allow two (2) additional exemptions to the CPA surcharge for: property owned and occupied by a person who would qualify for low income housing or moderate income senior housing and/or the first \$100,000 of taxable value of residential real estate. The level of the surcharge (and the optional exemptions) can be changed at any time after the surcharge is imposed, through a simple majority vote at Town Meeting followed by voter approval. At no time can the surcharge exceed three (3) percent. The CPA remains in effect for a minimum of five (5) years from the date of voter approval in a municipality. After five (5) years it can be revoked in the same manner. The cost of a surcharge of one percent for the average home value in Lakeville of \$358,756 would be \$22 annually.

There are a wide range of projects that could be eligible for CPA funding. Some of them, like the restoration of a historic town hall, including accessibility improvements, or the creation of new playgrounds, parks, or playing fields, may be things that the Town is already planning to spend money on. By adopting the CPA, the state would pay for half of the cost through the CPA matching funds. CPA funds may also be used to help the Town reach the state mandated goal of having 10% of its housing classified as affordable by allowing the Town to create affordable housing that is consistent with the character of the Town. To date, communities have spent over \$208 million on CPA projects which has helped to protect 6,238 acres of open space, preserve 291 historic sites and create 827 units of affordable housing.

Ms. Pizzella continued that communities that have adopted the CPA have received a 100% match each October since the program began. This high level of funding is possible because the state's CPA Trust Fund is a dedicated revenue source that is outside of the normal legislative appropriations process. As such, these CPA funds may not be redirected to other purposes beside the four CPA uses. Over time, the match percentage will decrease as more communities adopt the CPA and thus the amount of fixed state funding will have to be shared. The match though should remain high for at least the next two (2) to three (3) years. In 2002, \$17.8 million was paid out to thirty-four CPA cities and towns, in 2003, \$27.2 million was paid out to fifty-four communities. In 2004, \$30.8 million was paid to 61 CPA communities and in 2005, \$46.3 million was distributed to 82 CPA communities. If Lakeville was to adopt the CPA, the Board of Selectmen would appoint a CPA Committee with five (5) members as designated by the

statute. This would consist of: a member of the Housing Authority or its equivalent, a member of the Conservation Commission, a member of the Park Commission, a member of the Historical Commission, and the Building Commissioner. The remainder of the committee would consist of four additional at large members for a total of nine (9) members. They would need to assess the CPA needs of the town, use the open space inventory, and/or capital plan, which may have projects that have already been identified. They are required to have one public hearing to solicit input and write a CPA plan to be approved by Town Meeting. Some towns have converted buildings to housing, another took a farm to have outdoor recreation, farming, and affordable housing.

There are two (2) dedicated funding sources for the CPA, the local match and state matching funds based on what was raised the previous year. The matching usually takes place on October 15th each year. Some towns use the funds to leverage other funding. It gives the local revenue stream access to private grants. Most grants are now requiring that the communities put up a particular percentage towards the grant. The CPA is a fairly complex law and requires a great deal of public education of what it is about and how it can be used in the community. There is a website available for further information. www.communitypreservation.org. Chairman Hurd stated that he thought the Town voted 1% and no exemptions. Ms. Leumbruno responded that the Homestead Act and Veterans are mandatory exemptions and not optional.

Chairman Hurd stated that the Town is scheduled to vote on this in April, and it would be hopeful that there will be a public forum on it prior to the vote. Ms. Leumbruno stated that the public forum is schedule for Tuesday, March 14th at 7:00 PM. Chairman Hurd stated that the CPA will be very benefical for the Town. It should not be viewed as a tax, since actually it really benefits the Town in savings. The Town also already has a lot of the plans already in place as were mentioned during the presentation. Selectman LaCamera stated that he considered it a tax. Also when the presentation is given, it would be safer to say it will not be a dollar for dollar match since there are many communities that are signing up for it each year. Ms. MacWilliam stated that she has done research on the internet and viewed that the match is almost guaranteed to 2009 with 100% match, even with the number of communities adopting the plan. After that the reductions would be gradual. It does look healthy. Selectman LaCamera stated that though housing was booming over the last five to six years, the revenue has dropped from 04 to 05. He was not comfortable with it being said that it will be a 100% match. Ms. Leumbruno asked if the CPA funds could be used for items like the Assawompsett playground? Ms. Pizzella responded in the affirmative. Ms. Garbitt suggested that cable tape the public forum on March 14th. Ms. Craig stated that she would put that request into cable. Chairman Hurd thanked Ms. Leumbruno and her group for all their hard work on this matter to date.

Accept resignation from Park Commissioner Cecilia MacWilliam

Chairman Hurd read Cecilia MacWilliam's resignation letter from the Park Commission into the record and thanked her for her dedicated service as Park Commissioner. Ms. Garbitt will send Ms. MacWilliam a letter expressing appreciation for her time served on the Park Commission.

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

VOTED: To accept the resignation of Cecilia MacWilliam as Park Commissioner effective February 2, 2006.
Unanimous in favor

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

VOTED: Not to appoint a temporary member to the Park Commission and to also send a letter to the Town Clerk regarding this decision and to express the opening for the upcoming elections, deadline February 10th, for someone to run for her remaining two-year term.
Unanimous in favor

It was noted that Ms. MacWilliam is also a representative of the Park Commission on the Open Space Committee. We will request the Park Commission to appoint another member to that committee. Ms. Garbitt stated that Ms. MacWilliam will continue with the Open Space Committee to the Town Elections.

Request for additional hours-Class I license-Rousseau's Recreation Rental

Chairman Hurd stated that Rousseau's Recreation Rental has met all the conditions requested by the Board and their license can now be extended. They have also requested a reconsideration of their operating hours on Sunday to be increased from 8:30 AM to 1:00PM to 8:30 AM to 6:00 PM.

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

VOTED: To extend Rousseau's Recreation Rental Class I license until January 1, 2007 as all nine (9) conditions have been met.
Unanimous in favor

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

VOTED: To extend Rousseau's Recreation Rental hours on Sunday to 5:00 PM.
Unanimous in favor

Request from Apponequet Athletic Boosters Club to use Old Town House

Chairman Hurd mentioned the request of the Apponequet Athletic Boosters to use the Old Town House for their annual Easter plant sale and also to put up a sign prior to the sale.

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

VOTED: To allow the Apponequet Athletic Boosters Club to use the Old Town House on Friday, April 14th and Saturday, April 15th to conduct the clubs annual Easter plant fundraiser and to allow them permission to place a sign at the site two weeks prior to the event.
Unanimous in favor

Request for representative from Board to review applications for Library Director

Selectman LaCamera stated that the review of applications for the Library Director position would be held Saturday, February 11 at 1:30 PM, not the interviewing of applicants. Selectman Yeatts stated that she would like to attend the review of the applications.

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

VOTED: To appoint Selectman Yeatts as representative of the Board to review the applications for Library Director.
Unanimous in favor

Request from Executive Office of Public Safety to adopt NIMS (National Incident Management System)

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

VOTED: To approve the request from the Executive Office of Public Safety to adopt the National Incident Management System.
Unanimous in favor

Appoint Affirmative Marketing Construction Officer for SOMWBA

Chairman Hurd noted that the State Office of Minority and Women Business Associates is requesting that the Town appoint an Affirmative Marketing Construction Officer.

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

VOTED: To appoint Town Administrator, Rita Garbitt, as the Affirmative Marketing Construction Officer for the State Office of Minority and Women Business Assistance.
Unanimous in favor

Designate MBTA Advisory Board representative

Chairman Hurd read the request from the MBTA Advisory Board, asking for a representative to be appointed for the Town.

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

VOTED: To designate Rita Garbitt, Town Administrator as MBTA Advisory Board representative.
Unanimous in favor

Approve Selectmen's meeting minutes of December 28, 2005

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of December 28, 2005 with clarification made on page two of who the "we" is.
Unanimous in favor

Chairman Hurd asked Selectman LaCamera to follow through on the background of regulations rescinded by the Board of Health without a public hearing since what was rescinded may not be valid according to a meeting held with Town Counsel discussing this matter.

Approve Selectmen's Executive Session minutes of January 23, 2006

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

VOTED: To waive the reading of and approve the Selectmen's Executive Session minutes of January 23, 2006 as presented.
Unanimous in favor

Any other business that may properly come before that meeting.

Award Bid for Fire Department tanker

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

VOTED: To reject the Polymax bid.
Unanimous in favor

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

VOTED: To accept the bid from N.E. Fire Equipment & Apparatus Corp.
Unanimous in favor

Temporary License for mobile home due to house fire

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

VOTED: To approve a temporary license for placement of a mobile home for six (6) months subject to the provisions of the state sanitary code.
Unanimous in favor

Justine Circle review

Chairman Hurd asked about meeting on Wednesday evening with the Planning Board and Board of Health to discuss the matters on Justine Circle. It is also important that a member of the Board of Selectmen attend the meeting to help eliminate any exposures of risk to the Town. At this time, there is not a shared septic system plan for Justine Circle. The engineer is required to submit a plan that each lot can support a system independently, initially. The Planning Board has not reviewed the plan; the Town Engineer was provided the plan incorrectly. It is also not clear if soil testing was done. Selectman LaCamera stated that some aspects of this are the responsibility of the Board of Health. Chairman Hurd asked that the matter be clarified and verified and that a shared system will not be considered. It may be that the Selectmen do not need to attend the meeting.

Budget Review with Department Heads

Selectman LaCamera announced a reminder that the Department Budgets will be reviewed on Monday night at the Library at 7 PM. All budgets have been received from Department Heads and committees and this will be the annual review.

Project Development Review Committee

Selectman Yeatts asked about the committee that she was appointed to, to look at Cedar Pond and Wood's Edge. Ms. Garbitt stated that she would type up a memo for all Town Departments who will have representation on the committee.

Other Items

1. Annual Beano Report from Sts. Martha & Mary Church
 2. Letter from Town of Kingston regarding lottery distribution
- Chairman Hurd stated that it was worthwhile to support the Town of Kingston regarding the lottery distribution.

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

VOTED: To send a letter to the Town of Kingston stating the Town of Lakeville supports the removal of the lottery cap distribution.
Unanimous in favor

3. Letter from Town Counsel regarding ATT Wireless vs. Town of Lakeville
4. Letter from Plymouth County Commissioners regarding regional meetings
5. Agenda for Plymouth County Commissioners meetings
6. SRPEDD Regional Review newsletter
7. Memo from SRPEDD regarding new guidelines for local review of 40B applications
8. JTPG agenda – February 8, 2006
9. Letter from Executive Office of Public Safety regarding awards program
10. Letter from MMA regarding annual meeting
11. Letter from MMA regarding special SBA meeting
12. Letter from Comcast regarding 2005 Annual Consumer Complaint Form
13. Agenda for MMMA meeting-February 16, 2006
14. Notice of funding for CDBG-Dept. of Housing & Community Development
Selectman Yeatts stated that she has applied for the CDBG funding in the past. There is not much time left for submitting an application and the trainings have already gone by. Usually you are not considered unless you have attended one of the trainings.
15. Meeting notice-Greater Attleboro/Taunton HOME Consortium
16. TPL update
17. Letter from Suburban Coalition
18. 28th Annual Legislative Reception
19. Woodard & Curran's Water Watch

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

VOTED: To enter into Executive Session at 9:35 PM for the purpose of discussing pending litigation and not to return to Open Session. Polled vote: Selectman Yeatts, aye, Selectman LaCamera, aye and Selectman Hurd, aye.