

SELECTMEN'S MEETING
Monday, April 13, 2009

On April 13, 2009, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 6:30 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Reorganization of Board of Selectmen

Selectman Maksy congratulated Chairman Evirs on being re-elected in the recent Town election. He said the following positions need to be voted on for reorganization: Chairman, Director of Veteran Services, Representative to the Plymouth County Advisory Board, ADA Coordinator and Wage & Personnel Board.

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

VOTED: To nominate Derek Maksy as the Chairman of the Board of Selectmen.
Unanimous in favor.

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

VOTED: To continue with Selectman Evirs as Director of Veterans Services.
Unanimous in favor.

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

VOTED: To appoint Selectman Evirs as the ADA Coordinator.
Unanimous in favor.

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

VOTED: To appoint Chairman Maksy to the Wage & Personnel Board.
Unanimous in favor.

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

VOTED: To appoint Selectman Yeatts as the Representative to the Plymouth County Advisory Board.
Unanimous in favor.

Request to amend Earth Removal Permit-Glenn Chistolini

Glenn Chistolini was present for the discussion. Chairman Maksy read the letter into the record from Mr. Chistolini requesting to have a small crushing plant temporarily at 1 Elliot Way to be used in the removal of stone and gravel and speed up the operation and increase the production of material. It will be located in the rear of his home and will be approximately 2,000 feet from the nearest residence. The only person bothered by the noise will be himself. The machine will run the same hours and days as the Earth Removal Permit that is presently in place. He would like to have the machine for a period of three (3) months. It will not be needed to run everyday, most likely only two (2) days a week.

Selectman Evirs noted that there are two (2) separate time constraints. The removal hours are from 7:30 AM to 4:30 PM and operating hours for the equipment is 7:00 AM to 5:00 PM. There is no work done on Saturdays, Sundays, or holidays. Even though it appears that the crusher will be in the middle of nowhere, this type of sound does travel. He proposed that the rock crusher is be used from 8:00 AM to 4:00 PM. Selectman Yeatts stated that if anyone does complain, the Board will call Mr. Chistolini in to discuss what to do about it.

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

VOTED: To approve the amendment to the Earth Removal Permit for 1 Elliot Way, dated March 23, 2009, to allow a portable rock crusher, hours of operation of 8:00 AM to 4:00 PM, with the condition that should any abutters complain, the Board will revisit this matter. There will be no operation of the rock crusher on Saturdays, Sundays or Holidays.
Unanimous in favor.

Review FY10 Budget

Discussion of the FY10 Budget was tabled.

Review Camp, Dresser & McKee (CDM) Water Storage Tank Evaluation Report

Selectman Yeatts stated that she updated the Lakeville Development Corporation (LDC) at their meeting regarding CDM's water storage tank evaluation report. The consultants from CDM are moving right along. There were originally four (4) possible sites to locate the water tower: space adjacent to Elder Pond, space adjacent to Clear Pond, Great Ponds Industrial Park and the Lakeville Town Well Site. The water tower has to be located on a place that has some height to it, at least 100 feet. It will hold about 500,000 gallons. That will be five (5) times the amount of water that Lakeville uses right now, which is good for potential use.

Selectman Yeatts reviewed the advantages and disadvantages for all four sites (4). There is also a need for a pump station and that should be located as close to the actual source as possible. The two top sites for the water tower are the Great Ponds Industrial Park and the Lakeville Well Site. With the Lakeville Well Site, a significant amount of transmission piping would be needed to connect the tank to the existing distribution piping, which would be an additional expense.

The MORES Job Grant that the Town has received requires that the tank be located on Town owned property. The Elders Pond location would not be suitable since it is owned by the City of Taunton and a lease agreement would have to be entered into. The Clear Pond property is under Article 97 and the Land Disposition Policy protects and preserves the open space on the land surrounding Clear Pond. The use of this land can not be changed. With the stimulus money, the Town has to be ready to go right away with the project. The study will cost \$35,000. The Town has applied for the stimulus money, but it has not yet been received yet. The MORES Job Grant has been awarded to the Town as long as it creates jobs, and it will. Then, there is the \$1.8 million that the Town set aside for water infrastructure. The cost to connect from the existing piping on Precinct Street to bring the water line down Bedford Street to the Town Office Building is being refigured. Taunton will not let Lakeville connect any other property to their system until Lakeville puts in the water tower, since there is not enough pressure. The Town also has a State Revolving Fund (SRF) loan, which is guaranteed. It will take about 20 years to pay back the SRF loan. The Town does not have to pay back the stimulus money that it receives. The Selectmen need to make a decision, at some point, on what kind of tower is desired and the location. Chairman Maksy asked if a CDM Representative could come in and do a presentation regarding their report. Selectman Yeatts responded yes they would.

Vote to sign revised Tax Credit Regulatory Agreement & Declaration of Restrictive Covenants for Kensington Court at Lakeville Station

Ms. Garbitt explained that the project has changed since the Board signed this agreement back in July of 2007. The changes have been reviewed by Town Counsel, who has approved it for the Board to sign.

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

VOTED: To sign the revised Tax Credit Regulatory Agreement & Declaration of Restrictive Covenants for Kensington Court at Lakeville Station.
Unanimous in favor.

Revisit request for appointment of SRPEDD Commission members and Joint Transportation Planning Group delegates

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

VOTED: To appoint Rita Garbitt as Board of Selectmen Representative to the SRPEDD Commission.
Unanimous in favor.

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

VOTED: To appoint Chris Peck, Superintendent of Streets, as Delegate and Selectman Evirs as Alternate Delegate to the Joint Transportation Planning Group.
Unanimous in favor.

Request for One-Day Liquor License-Lakeville Park Commission

Chairman Maksy read the request for a One-Day All Alcohol Liquor License for the Park Commission. Selectman Yeatts asked about the insurance. Ms. Craig responded that the Park Commission takes care of the insurance, and Gail Evirs has a current copy of the Mr. Fuller's certificate.

Upon a motion made by Selectman Yeatts, second by Selectman Evirs it was:

VOTED: To approve the One Day All Alcohol License for the Lakeville Park Commission at the Ted Williams Camp on May 16, 2009 from 5:00 PM to 12:00 AM for the Morales/Rivera wedding.
Unanimous in favor.

Discuss letter from Linda Grubb regarding quarry truck traffic from Freetown

Selectman Yeatts read the letter that was sent by Linda Grubb to the Board of Selectmen. Ms. Grubb was requesting that the Lakeville Selectmen request that the Freetown Selectmen prohibit quarry truck traffic from traveling on Lakeville's Scenic Roads, most particularly Pierce Avenue and Mill Street. Ms. Garbitt pointed out that the Freetown Selectmen can designate a route of travel that the trucks travel on. Weight limits can only be placed on a road if there is a bridge or culvert located on the road. Chairman Maksy noted that the Board can ask them to consider an alternate route other than Pierce Avenue and Mill Street. Selectman Yeatts stated that this is not the average earth removal operation. It is a mining operation that will go on for a while. Selectman Evirs suggested that a representative from the Board ask to be on the Freetown Selectmen's agenda to speak on this matter. Selectman Yeatts will draft a letter regarding this issue.

Upon a motion made by Selectman Yeatts, second by Selectman Evirs, it was:

VOTED: To request that the Freetown Selectmen consider designating a route of travel for the quarry truck that prevents them from using Lakeville's Scenic Roads, specifically Pierce Avenue and Mill Street. These two (2) roads are scenic roads in Lakeville and will not withstand this type of heavy traffic.
Unanimous in favor.

Discuss request from Town Clerk to send letters to Town Democratic & Republican Committees

Chairman Maksy read the letter from the Town Clerk, requesting that letters be sent from the Selectmen to the Town Democratic and Republican Committees regarding the appointment of Election Workers. Ms. Garbitt explained that this is done annually.

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

VOTED: To send out letters to both the Democratic and Republican Committees regarding the appointment of Election Workers.
Unanimous in favor.

Vote to layout Anderson Way as a Town Way

Leo Bisio was present for the discussion. Chairman Maksy read the request from Mr. Bisio that the Town accept Anderson Way as a Town Way. Ms. Garbitt mentioned that right now, the Board is just voting to lay it out. They are not voting to approve the layout. That will happen at another Selectmen's meeting, once it has the approval of the Planning Board, Superintendent of Streets and the Conservation Commission. Selectman Yeatts asked if Mr. Bisio had received a Certificate of Compliance. Mr. Bisio said he had received the Certificate of Compliance. He was required to install a swale, and a drainage pipe was put in almost all the way up to the cul-de-sac. Selectman Yeatts noted that the Conservation Commission will have a record of this. Selectman Yeatts asked how long the project has been completed. Mr. Bisio said the top coat has been on it for two (2) years. Ms. Garbitt asked about the plan that was submitted. Is the swale that was changed on the plans? Mr. Bisio said he did not know. Ms. Garbitt said if not, the as-built will have to be revised. Mr. Bisio looked at the plan and said it was not on there and it would need to be updated by Jon Pink. Ms. Garbitt said we have to wait for the revised as-built plan before we send it to the Planning Board, so it may miss the upcoming Town Meeting. Ms. Garbitt said the Town will not own the road. You have to have the title certified, and the Town will need an easement to plow the road and to do work on any infrastructure. Mr. Bisio asked about the retention ponds. He owns them and pays taxes on them. Ms. Garbitt said the Town needs an easement for the Town to maintain the ponds. It was decided to table this item until all the concerns are met.

Review and approve Selectmen's Meeting Minutes of January 26, 2009 and March 9, 2009

It was decided to table the January 26, 2009 meeting minutes. Selectman Yeatts will forward her edits to Ms. Garbitt.

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

VOTED: To approve the March 9, 2009 Selectmen's Meeting Minutes as presented.
Unanimous in favor.

Other Items

1. Notice of Reorganization – Board of Assessors
2. Notice of Reorganization – Board of Health
3. Letter from Hilda Leconte regarding LeBaron Hills Country Club
Selectman Yeatts asked if we should do anything about this. Someone had gotten hit on the head by a golf ball when visiting the cemetery. Ms. Garbitt said that the Cemetery Commission will be looking into this on Wednesday.

4. Letters to Local School Committee and Park Commission regarding FY09 budget
Selectman Yeatts said she wanted to make sure that the press received copies of the letter thanking the School Committee for giving back \$60,000 and the Park Commission for giving back \$10,000 from their FY09 budget.
5. Copy of Board of Health letter regarding 325 Pond Lane
6. Letter from Attorney General regarding Special Town Meeting of December 8, 2008
7. Letter from Common Cause regarding 2009 e-Government award
Selectman Yeatts congratulated Ms. Craig on the Town's website receiving this award. Lakeville was one of 49 communities that received this award.
8. Letter from Town of Dartmouth regarding April 9th Regional Summit
Selectman Yeatts said she and Ms. Garbitt had attended the Summit, and it was mostly about electricity. However, Lakeville got a lot of kudos on the letter to the Governor about regionalization. It would help to have things go in a uniform way so the Town should continue to support Representative Canessa's work on this type of continuity.
9. Letter from US Census Bureau regarding 2010 census
10. Letter from Governor Patrick regarding FY10 Chapter 90 funds
Selectman Evirs asked if the award was the same amount. Ms. Garbitt said it was, and there will be a Town Meeting Warrant article to vote to accept the money.
11. Plymouth County Commissioners agenda – April 8, 2009
12. Plymouth County Commissioners Annual Meeting notice – April 30, 2009
13. Memo regarding vacancy on Plymouth County Mosquito Control Commission
14. Letter from Plymouth County Cooperative Extension regarding Asian Long Horned Beetle
15. Notice SRPEDD regarding Planners Forum on Land Use Reform Legislation-April 15, 2009
16. SRPEDD Annual Awards Request for Nominations
Chairman Maksy asked Ms. Garbitt if she will be attending. She responded that she tried to go every year and asked if the Selectmen would like to attend as well. Chairman Maksy said he may be able to attend.
17. SRPEDD meeting notice – April 22, 2009
18. Notice of Meeting – Regional Economic Strategy Committee – April 14, 2009
19. Notice of Regional Sustainability exchange – April 15, 2009
20. Regional Services Survey – SRPEDD
21. Cranberry Country Chamber of Commerce Perspective
22. MMA Regional Update Meeting – April 29, 2009
All members of the Board will be attending.
23. IGR – Social Security Deduction for FY10
24. IGR – Optional Cost of Living Adjustment – FY10 Exemptions
25. IGR – Calendar Year 2009 Adjustment in Land of Low Value Foreclosure Valuation Limit
26. DOR Bulletin – FY10 Budget Issues and Procedures
27. Memo from Town Counsel regarding Verizon-initial Cable Television Licenses
28. Letter from Massachusetts Office on Disability regarding April 30, 2009 meeting
29. Notice from Division of Conservation Services regarding FY10 grant round
Selectman Yeatts said she would like to apply for this for Betty's Neck since we have matching money and Fisheries & Wildlife holds the Conservation Restriction.

30. Comcast Notice of Change of Address
31. Comcast Notice of Service Changes
32. Notice from Department of Telecommunications and Cable – Verizon Amendment of Form 500
33. Bay State Gas Annual Report notification
34. Letter from Beaumont Solar Company
35. MassWildlife Newsletter
36. JTPG meeting notice – April 8th and minutes from February 11, 2009

At 7:55 PM, upon a motion made by Selectman Evars, seconded by Selectman Yeatts, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss the Collective Bargaining Agreement with the Teachers and negotiations with non union personnel.
Polled vote of Selectman Yeatts – aye, Selectman – Maksy – aye, and Selectman Evars – aye.