

SELECTMEN'S MEETING
Monday, March 9, 2009

On March 9, 2009, 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 Evirs at 7:00 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.

7:00 PM Delia Ferreira dog hearing

Present for the hearing were Delia Ferreira, Robert Pilling, Rui Antunes, Steve Fox, David Frates, Animal Control Officer and Darcy Lee, Assistant Animal Control Officer.

Chairman Evirs read the complaint from Robert Pilling.

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

VOTED: To open the dog hearing for Delia Ferreira.
Unanimous in favor.

Chairman Evirs reviewed Massachusetts General Laws Chapter 140, Section 157. He then swore in all present that were going to testify. Chairman Evirs asked Mr. Pilling of 111 Precinct Street to summarize his complaint. Mr. Pilling said since Ms. Ferreira moved in, they have had dogs that bark on and off all day and night. Mr. Pilling said he asked Mr. Antunes about the barking, and he said that he put barking collars on them. During the summer, Mr. Pilling said he could not sleep with the window open since the dogs are barking. He does not know how many dogs they have, but they are barking all the time. Mr. Pillings said he has lived there for about 18-20 years. He has been laid off this winter, so he noticed the barking during the day more and also at night.

Chairman Evirs asked Mr. Frates if he has heard the dogs barking. Mr. Frates said he has been to Ms. Ferreira's house and has heard dogs barking, but sometimes when he was there, they were not barking. He said in the past, he observed a neighbor's dog in Ms. Ferreira's yard causing her dogs to bark. Selectman Yeatts asked if it was after 10:00 PM. Mr. Frates said yes. Steve Fox of 115 Precinct Street said he lives on the other side of Ms. Ferreira. He does hear the dogs bark, but once they say something to the dogs, then the dog stops barking. They have a bark collar. Sometimes the dogs bark at the squirrels and coyotes and react to them at night.

Ms. Ferreira said when it is very cold, she brings the dogs in. They have a dog house and heat outside, but when it is very, very cold, she brings them in. They are longhaired German Shepherds. Chairman Evirs asked Mr. Antunes if he lives at the house. Mr. Antunes responded that he lives at the house and is the live in caretaker of the dogs. He also has other houses in other towns. He displayed a bag containing hundreds of dollars worth of barking collars and some were remote control ones. He said that dogs cannot wear them for a long period of time, especially the shock collar since it will hurt the dog. The dog will learn to stop barking. A

\$1,700 surveillance system has been set up around the property and he has asked when the dogs were barking and has not found the dogs to be barking. Mr. Antunes determined this by going back over the times compared to the surveillance tape. He stated that to have a formal complaint the barking has to be between 10:00 PM to 7:00 AM and go on for 20 minutes consecutively. There are about six (6) to seven (7) coyotes, and they are going after dogs, cats and all types of small animals. The dogs are barking to protect their property, not to be a nuisance. He has heard Mr. Pilling yelling at his dog for the same thing. Mr. Frates said there are coyotes everywhere. Mr. Antunes said there are coyotes, and he has seen them come out of the horse farm down the street and then travel down and end up in the yard. Mr. Antunes said it has never happened once that a dog has barked 20 minutes consecutively. There is no law that says that they cannot bark during the day. Chairman Evirs asked about the citronella collars. Mr. Antunes said he does not find those effective at all. It is more humane, but not effective. There has been a three (3) minute span, then a four (4) minute span of barking, then they stop for ten (10) minutes then bark again, but it was due to the fact that there were animals in the yard. Other dogs come into the yard and get the dogs barking. Mr. Frates said there has been a brown Newfoundland that he has observed in Ms. Ferreira's yard. The dog has also been at his house. We fined the owner the last time the dog was in someone's yard, and Mr. Frates has not seen him since. Ms. Ferreira said before that dog there was another dog. The man who came in late, David Gates, it was his dog that came into our yard, morning, noon, and night, and we called Animal Control. His dog since got hit by a car in front of our house. He saw it, and he was mad that we have called on him since his dog was in his yard, but his dog is the one coming into the yard and getting her dogs barking.

Chairman Evirs said the complaint is about your dogs barking. Let's not speak of anything else. If your neighbor's dog is violating the leash law, then you should have filed a complaint. This is not a leash violation of his dog; this is about your dogs barking. Ms. Ferreira said she understood, but it is their dog making my dogs bark. He has now gotten another dog. She is not going to call every two (2) minutes about everyone's dogs. She has better things to do than to call on the Rottweilers, the Pitbulls and his dog. My dog barked for 2 minutes and 43 seconds, and she went to check the surveillance. Mr. Pilling also comes into my yard to look at the dogs and this gets the dogs barking. Mr. Pilling said his dogs do not leave his yard, and his dog did not get hit by a car. Ms. Ferreira's dogs have barked for at least if not more than 20 minutes at a time. Chairman Evirs noted that the coyotes cannot get in Ms. Ferreira's yard. She agreed, but they can come near the yard. She usually puts the barking collars on the dogs at night and then during the day so that Mr. Antunes can remotely control the dogs. They should be able to bark a little bit. They are dogs. She stated that Mr. Pilling does not like her, and she pays taxes just like he does. She is going to sell the house since she wants a better house and a better yard. She will not bring dogs in at night and will not put the collars on them all the time. She wants the dogs to bark if someone is in her yard. She will call now every time, even if it is a two (2) minute or three (3) minute time period that Mr. Pilling's dog is barking. She will call every time.

Chairman Evirs said if the Board orders you to bring the dogs in at night, you are going to have to bring them in at night. We have not gotten to that yet. You will otherwise go to court if you do not follow what we order. Mr. Antunes said he has every day recorded; the time is on the tape about the coyotes being there. Chairman Evirs said according to the paperwork, Ms. Ferreira is a 501C registered with the Department of Agriculture and that is still a business. Ms.

Ferreira said she has a kennel license from the Town. Ms. Garbitt said the Kennel License was issued by the Town Clerk, but that does not mean it conforms to zoning requirements. A Special Permit for a Kennel License is required. Chairman Evirs said this designation would indicate to him that Ms. Ferreira is running a business.

Chairman Evirs then swore in Ms. Lee, Assistant Animal Control Officer and Ms. Ferreira's neighbor, David Gate. Ms. Lee said she received a call about the dogs at Mr. Pillings' address and she went to tell him to keep the dogs quiet. There was no one home. She wrote a note to put on the door, but never saw a dog or heard barking. Then she saw one dog peaking out of a kennel. She did not even know it was there. Mr. Pilling said Ms. Ferreira had complained. Ms. Lee said that was last Thursday. Her dogs were not really barking either. There was not much going on at either house. She was called to Ms. Ferreira's a long time ago when a Golden Retriever was going in and out of the yard. David Gates said that dog has been dead for seven (7) months.

Mr. Antunes asked if he is standing in his yard and a dog is barking at him, is that a form of complaint. Chairman Evirs said neighbors need to be neighbors and talk to one another about this. This is one of our least favorite things we have to do. It is easier tonight since no one was bitten, but you both have dogs. Yes, that is a complaint, but if you are purposefully trying to antagonize the dog, then that is something we have to decide. Ms. Ferreira said our dogs bark for two (2) minutes, and Mr. Pilling calls. We gave him our cell phone number and phone numbers for him to call when the dogs are barking, but now it is a daytime thing, not a night time thing. The Rottweilers are someone else's dogs that were barking. Mr. Pilling drives by and then looks back. What does he want, to take me for a drink, what is his problem with me.

Mr. Antunes said the barking law was Chapter 140, Section 52 or 53. Ms. Garbitt said the noise violation falls under the firing range regulation. She will have Ms. Craig check. With the dog laws if there is someone ill in the direct vicinity, it does become a nuisance. Ms. Craig told the Board Section 52 is about police entering premises used for a massage to perform an inspection. Section 53 is regarding impeding a police officer from performing an inspection.

Chairman Evirs asked are the dogs barking during the day. Mr. Pilling said yes. Chairman Evirs asked if they are barking during the night. Mr. Pilling said yes. Selectman Maksy asked how many dogs are we talking about. Ms. Ferreira said she has two (2) dogs outside. There are five (5) dogs registered and licensed for the kennel, since she has Chihuahuas in the house. Selectman Maksy said he has a report that there were five (5) dogs barking in July. Mr. Antunes said it could have been since it is a rescue, but we usually have just two (2). Ms. Ferreira said they put the collars on them at 7:00 PM. If she has an emergency, (she owns property in New Bedford), she will leave, and Mr. Antunes will put the collars on. She usually goes and comes right back, and it is only about an hour or so that she is gone. Mr. Antunes said it is inhumane to have a collar on a dog all the time since it wants to bark sometimes. Chairman Evirs said we have eight (8) complaints and three (3) are after 7:00 PM and the latest is 8:21 PM. Selectman Maksy said two (2) out of the three (3) complaints that he was looking at have that there are four (4) or five (5) dogs on the outside with several more inside the house barking. This was at 113 Precinct Street. So there are three (3) reports of the dogs barking, and the people are still hearing the dogs bark. The reports show that there is no one home. Ms. Ferreira said she was home one

(1) time. She looked at the surveillance and saw that the dogs were not barking until the car went down the driveway. She does have little Chihuahuas and they will bark if someone rings the bell. She fosters dogs and then adopts them out.

Selectman Maksy asked how long does it take to train a dog with a collar. Mr. Antunes said pretty much one (1) shock and that is it. Selectman Maksy asked if all the foster dogs get the collar. Ms. Ferreira said no, they have their kennels. The police get there and then the dog barks and then they all get barking. She spent more than \$1,000 on the collars, and she does not know what Mr. Pilling's problem is. When is it legal for the dog to bark? Mr. Antunes said his dog cannot bark at all, that is crazy. Ms. Ferreira said she spoke with other people, and they said that they bark like any other dog in the neighborhood, not more. Mr. Fox said he called them once about the dogs barking, and they came back within 15 minutes to stop it. Ms. Ferreira said when they went over to speak to Mr. Pillings, it was F this and F that and you just cannot talk to him. Selectman Maksy asked do you live there full time. Ms. Ferreira said yes, she did. Ms. Ferreira said she works out of the house. She owns stores, garages, and other properties in New Bedford. She is home all the time. Mr. Antunes said he is there when she has to go somewhere. Chairman Evirs said the police reports said there is not anyone there. Mr. Antunes said it happens to be the five (5) minutes that one of us is not there during the week. One time a water pipe broke, and he had to go. There was already a complaint by the time he got to the highway, so it seems that they are watching him and maybe antagonizing the dogs. The dogs started to freak out in just four (4) minutes since he left? He just went down the street and had to turn around since there was a complaint. That is crazy.

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

VOTED: To close the dog hearing.
Unanimous in favor.

Selectman Yeatts stated that she has owned Shepard's all her life. When she would leave the house, the Shepard barks. She could even hear him barking across the lake, and she had to come home and put him in the house. The dog has the security when you are there, and when you leave then the dog barks. Chairman Evirs said none of the calls or complaints are after 10:00 PM. It seems that it is during times when no one is home. In the past, we have ordered a bark collar put on for dogs when outside and when the dog comes in then take off the collar. We have never had it 24/7. It seems that the barking goes on whenever they leave and if they are not going to put the dogs in, then they need to put the collars on when they leave. Selectman Maksy asked what about the license situation. How does the license work with the Town? Ms. Garbitt said they have a kennel license, but it does not mean that it is allowed by zoning. Chairman Evirs said that would not be an exemption from zoning. He would like to see that issue go before the Zoning Officer. It may have to go before the Zoning Board of Appeals for a Special Permit. He would suggest that when they leave the property to put the dogs in or have a bark activated collar. The complaints seem to be when they are not at home. They do not put the collars on the rescue dogs. He thought the best thing would be to just bring the dogs in if they leave. If it does not work, then it does not work, and they will be back before us. Neighbors need to get along without us. Selectman Maksy suggested closing the fence in so that the dogs cannot see out. If someone is home, the dogs can be out. Mr. Frates has their phone number. If

the dogs are barking and he gets a complaint, he can call to see if they are home or not. We could require that the dogs go inside when they leave the property. Usually we know which dog is causing this, but we do not know that in this situation. Chairman Evirs said the five (5) small ones stay inside and will not bark unless someone knocks on the door. The complaint is the two (2) Shepherds and the others that come through. Selectman Yeatts asked so when the residents are not home, the dogs go inside. Chairman Evirs said yes. Selectman Maksy said going into a garage is fine. The collars sound like they are not working, but he does not want to promote animal cruelty either. Chairman Evirs said the dogs can be outside, when they are home. Everyone needs to be responsible for their animals. Chairman Evirs said dogs do bark for reasons, but it is the excessive barking that is a problem. Selectman Maksy asked if this will be 24/7. Chairman Evirs said yes. If they go out at night, then they have to put the dogs in. You cannot leave the property without putting the dogs away. Ms. Ferreira asked if she can appeal the decision. Chairman Evirs said yes, there is a ten (10) day appeal period at the District Court. Selectman Maksy said this will let us know where the problem is. From what I am hearing there are no options but to try this. Chairman Evirs said there are no other options.

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

VOTED: When the residents of 113 Precinct Street are not at home, the dogs are to be left inside the dwelling. When the residents are home, the dogs can be outside as long as they do not create a barking nuisance. This applies to all times of the day and night. If there is a complaint, the Animal Control Officer will call the house prior to going out to the call.
Unanimous in favor.

Ms. Ferreira asked when the order starts. Chairman Evirs said she has to follow the order during the appeal period. To appeal it she will need to go to the Wareham District Court. The discussion ended at 8:00 PM.

Meet with Lorraine Carboni regarding renewal of lease agreement for Historic Library

Lorraine Carboni was present for the discussion. Ms. Carboni said it has been two (2) years since Somethin's Brewin began its business. She is requesting to renew the lease. There is going to be changes within the corporation. She does need to make a change. They were not a corporation when they originally signed the lease. Now they are a corporation and she would like the lease changed to Somethin's Brewin as the Lessee. They are now putting everything through the corporation. Ms. Garbitt said she will check with Town Counsel. Chairman Evirs said we may also need personal guarantees. Ms. Carboni said she would be the sole owner. Also, under Section 4 (Rent), she is looking for a temporary concession of \$200 for five (5) months. Chairman Evirs asked if she would be paying the Town back later. You are asking for us to surrender \$1,000 of revenue. We do not have \$1,000 to surrender, and we need every dime that we can get our hands on. You know our predicament. Selectman Yeatts asked will it be a two (2) year lease. Ms. Carboni said yes, she would pay it back and it would be a two (2) year lease. Selectman Yeatts said in the second year of the lease, could you make it up for ten (10) months by paying \$1,100 a month. If we allowed \$200 less for five (5) months and gain it back

in the second fiscal year in ten (10) months? Chairman Evirs said he would like to have this take place in the same fiscal year.

A question was asked about the rental rate. Ms. Garbitt said the Assessors came up with this amount when looking at this per square foot. It is 914 square feet. Chairman Evirs said his short answer is no. We are all in business and the Town does not have the luxury of lowering the rent, crossing over fiscal years. Selectman Maksy said if we started in July it would be okay. The first (5) months the rent would be \$200 less, then go two (2) months with the normal amount of rent and then the last five (5) months \$200 more than the normal amount. Ms. Garbitt said we can see how close we are meeting our estimated receipts since we know in 2010 we will need additional revenue. Selectman Yeatts said if the business goes under, then we get nothing. That is our building, and we are responsible for it, and it is in our best interest to keep the business in there. Chairman Evirs said he was comfortable with this only if in the same fiscal year. If you have to go into your own pocket that is what business owners have to do. We had choices to make when it was determined if Ms. Carboni was going to rent the building, and we would have choices again. Selectman Yeatts said for the Town, this business is something that she likes seeing there, and people in the community like it.

Selectman Maksy asked are we required to go out with an RFP if it gets reduced since it is not a renewal of the contract. He wants to make sure we are treating the taxpayers fair, and he does not know what the rental rates are right now. Selectman Yeatts said we cannot give a reduction. Selectman Maksy if we are not reducing the rent, then we are okay on the RFP part of it. Ms. Carboni said she wants to be clear that she does not have a problem with the rent that has been set, but while she is going through the transition, she wanted to ask about that since with her partner leaving, she has to make some adjustments. Selectman Maksy said we are pro business. Selectman Yeatts said we want to support small business so that is why she is saying collect a little less now and pay it back later. Ms. Carboni said she could come back July 1st if she needs to. Selectman Maksy said tonight we could allow the corporation to be the Lessee with Town Counsel's approval. Selectman Yeatts said she does not want to stretch it out; she wants to make a decision tonight. Ms. Carboni asked that the Board leave the rent at \$1,000, and if she finds that by July 1st she needs to come back and ask for a concession, she will. Ms. Carboni said that she is organized with a tax identification number. Selectman Maksy said a letter from Ms. Scott would be nice about the fact that she is leaving the business. Chairman Evirs said technically the Board of Directors would have a meeting and vote for Ms. Carboni to enter into this agreement.

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

VOTED: To extend the lease for two (2) years for the corporation with the personal guarantee of Lorraine Carboni, unless Town Counsel deems it unnecessary, and then the personal guarantee would be surrendered.
Unanimous in favor.

Discuss scheduling May and June meetings and postponement of Annual Town Meeting

Chairman Evirs read the memo from Ms. Garbitt regarding scheduling the Selectmen's May and June meetings. The suggested dates were as follows: May 4th and May 18th, June 8th and June 22nd.

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

VOTED: To approve the following dates for the May and June Selectmen meetings; May 4, May 18, June 8 and June 22, 2009.
Unanimous in favor.

A discussion occurred regarding postponing the Annual Town Meeting from May 11, 2009 to June 15, 2009.

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

VOTED: To postpone the Annual Town Meeting from May 11, 2009 to June 15, 2009 at 7:00 PM at Apponequet High School
Unanimous in favor.

Vote to approve Annual Town Election Warrant – April 6, 2009

Selectman Yeatts read the warrant into the record.

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Elections to meet in the

PRECINCT ONE, PRECINCT TWO AND PRECINCT THREE
TED WILLIAMS BASEBALL CAMP, 28 PRECINCT STREET

on MONDAY, THE SIXTH DAY OF APRIL, 2009, from 12:00 PM to 8:00 PM then and there to act on the following:

ARTICLE 1: To vote by ballot for the following:

One Year Term:

One Moderator
One Finance Committee member

Five Year Term:

One Planning Board Member

Three Year Term:

One Selectman
One Board of Health member
One Board of Assessors member

One Library Trustee
Two Finance Committee members
One Cemetery Commissioner
One Park Commissioner
Two Local School Committee members
One Freetown-Lakeville Regional School Committee member

You are directed to serve this warrant by posting an attested copy hereof seven days at least before April 6, 2009 at the Town Office Building; Starr's Country Market; Mayflower Bank; the Clark Shores Association Bulletin Board; Apponequet Regional High School; the Senior Center; and Assawompset School.

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

VOTED: To approve and sign the Annual Town Election Warrant for April 6, 2009.
Unanimous in favor.

Discuss Outstanding Short Term Debt and Proposed Bond for FY10

Ms. Garbitt reviewed the outstanding short term debt that is maturing on July 24, 2009. Some of the paydowns have been deferred over the last two (2) years so principal paydowns will be required in FY 10. The balance on the three (3) police cruisers is \$54,405. Ms. Garbitt asked the Board if they wanted to roll over the \$54,405 or make a principal payment. Selectman Maksy said personally he did not want to roll anything over. It was agreed that a principal payment of \$27,405 will be applied, so that the balance to be rolled over for the police cruisers will be \$27,000.

Ms. Garbitt asked the Board if they wanted to payback the \$150,000 for the Police Station Design. The original intent was to move forward with the design and include the \$150,000 in the debt exclusion for the construction of the Police Station. Selectman Yeatts said we need to leave this in. The way the money is coming down lately they give you no time, so we need that money available for the design to move forward, otherwise, we will never get a Police Station. Selectman Maksy asked how are we doing on that committee. Selectman Yeatts said it has not gone forward since the design may be old by the time we are ready to build. Selectman Maksy thought that they should get ready and get different ideas. Ms. Garbitt said if you pay it off now, you do not need to go back to Town Meeting to borrow it again. The authorization to borrow will still be valid. Chairman Evirs said we have the Town Meeting vote, so we can re-borrow that money. Ms. Garbitt said we need to know within the next few weeks if we are going to roll the \$150,000 into the \$1 million long term bond. Selectman Maksy said our biggest concern is that we are paying money on something that is generating less money. Chairman Evirs said we can pay down the debt now, and we will re-borrow it when we are ready. Selectman Maksy said he was concerned about the fact that this is the cheapest and most competitive market for contractors right now. We are going to have to do it someday, and we committed to the public that we would. We should not put it off too much further. This is the time to build. We owe it to the Town to put this in front of them. Further discussion took place on the present status of the Police Station, etc. Chairman Evirs said he cannot justify spending

the money on the interest if we are not going to move on it now. The \$150,000 will be included in the rollover of the Bond Anticipation Note (BAN). Chairman Evirs said the bottom line is that we probably jumped the gun in borrowing it so early. Selectman Maksy said we owe it to the Town get the study done and move forward and let Town Meeting decide. Further discussion took place regarding the BAN that is maturing and long term bond interest rates.

Ms. Garbitt said the last item is the \$30,000 for design of the water line extension to the Town Offices. Do you want to make a paydown, or do you want to borrow more money for the design? Chairman Evirs said there is money in the Water Infrastructure Stabilization Account. Ms. Garbitt said we are paying interest on the \$30,000, but we do not have to make a paydown now. Chairman Evirs said we can make the payment from the \$100,000 in the Selectmen's budget for the water master plan and for the consultants for the water tower. The new BAN will be for \$625,460 which includes \$150,000 for the Police Station design and \$30,000 for the water line extension. The long term bond will be for \$1,004,000 for a term 15 years. The items included in the bond will be the school roof, the fire tanker, the roll off truck for the Transfer station, the ambulance, the dump truck for the Highway Department and the three (3) administrative vehicles.

Discuss vote for Regional Task Force to oppose siting of proposed Brockton Power Plant

Selectman Yeatts said we were the only Town that did not vote to support the issue of siting of the proposed Brockton Power Plant. There will be diesel fuel stored over the aquifer and the other Towns wrote a letter opposing it. She would like to write a letter that opposes the Brockton Power Plant as proposed. Chairman Evirs said he is less inclined to oppose it until it goes through the regulatory process. They have three (3) regulatory levels to go through that will be heard on this. It will have to go through the City, State and the Federal regulatory process. Selectman Yeatts said it is not so much opposing it; it is supporting Brockton's opposition to it. Chairman Evirs said that is all part of the regulatory process. You are saying no to something that you do not even know. Supporting another community prior to the proposed use going through the regulatory process is not right.

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

VOTED: To send a letter that the Board of Selectmen support Brockton in their opposition of the power plant as proposed.
Two in favor, one opposed (Chairman Evirs against).

Discuss SRPEDD's request regarding increase in gasoline tax

Chairman Evirs said SRPEDD discussed the 19 cent gas tax increase as proposed by the Governor and they want our opinion. Ms. Garbitt said the SRPEDD Commissioners are made up of Town Planners, Conservation Commissioners and some Town Administrators. When they asked the commissioners to vote on the 19 cent gas tax, some of the Commissioners said that they did not feel comfortable voting on it unless they knew what their Board of Selectmen thought about it. It is more likely to be 25 cents since the debt for the Big Dig is coming due, and if they do not have the money to pay the debt, it will be called. Chairman Evirs said the

Town is not exempt from the State tax for gasoline. If they increase the tax, then it will increase our gas and diesel accounts by about \$10,000. Can we support another decrease in revenue? This is another way of the Governor cutting our revenue. Selectman Maksy said he is not in favor of it. It is another way for us to pay for someone else's bills. Chairman Evirs said that expense is just to the Town, never mind what it will do to the business owners and the townspeople.

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

VOTED: To direct the Town Administrator to vote no on the increase of the gasoline tax.
Unanimous in favor.

Review proposed letter from the Regional Summit meeting to Governor Patrick

Selectman Yeatts said Ms. Garbitt and she wrote the proposed letter and Dartmouth Selectman Joseph Michaud added a few words.

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

VOTED: To approve the letter from the Regional Summit Meeting to be sent to the Governor.
Unanimous in favor.

Request for renewal of Auctioneer Licenses, Junk Dealer & Junk Collector Licenses

Chairman Evirs read a request from the Town Clerk for the renewal of the Auctioneer Licenses, Junk Dealer and Junk Collector Licenses.

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

VOTED: To renew the Auctioneer License, Junk Dealer License and Junk Collector License for Anthony and Dorita Morris of 33 Myricks Street, Lakeville, subject to the Building Commissioner's approval.
Unanimous in favor.

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

VOTED: To renew the Junk Dealer License and Junk Collector License for Hugh and Judy Rogers of 201 County Street, Lakeville, subject to the Building Commissioner's approval.
Unanimous in favor.

Request to ride through Lakeville-Third Patriot Triathlon – June 20, 2009

Chairman Evirs read the request from Sun Multisport Events for the Third Patriot Triathlon. He noted that the bike course is the same as last years.

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

VOTED: To approve the request of Sun Multisport Events for their Third Patriot Triathlon to take place on June 20, 2009. Mr. Averill is to meet with the Police and Fire Chiefs prior to the event, and the organization will make the same donations as they have in the past.

Unanimous in favor.

Request for temporary storage trailer – Superior Mechanical – 2 Commercial Drive

Chairman Evirs read the request from Superior Mechanical to place a storage trailer on 2 Commercial Drive. He said we also need to put it on our agenda to change our fees to \$25 per trailer rather than \$25 per address.

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

VOTED: To approve the request for a temporary storage trailer for Superior Mechanical at 2 Commercial Drive with the proper placement per the Building Commissioner.

Unanimous in favor.

Request from Lakeville Area Mother's Club to use Town House – May 2, 2009

Chairman Evirs read the request from the Lakeville Area Mother's Club to use the Town House.

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

VOTED: To approve the request of the Lakeville Area Mother's Club to use the Town House for their Annual Yard Sale on May 2, 2009 subject to the proposed policy for use of the Town House.

Unanimous in favor.

Discuss letter from Department of Energy Resources regarding Green Communities Act Request for Information form

Ms. Garbitt discussed setting up a Green Committee. Selectman Maksy will work on the charge for this committee in order to cultivate the particular type of individuals needed. Selectman Yeatts will work with Ms. Garbitt on this and have a press release ready at the next meeting.

Review and vote to approve Selectmen's Meeting Minutes: December 10, 2008, January 20, 2009 and February 2, 2009

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

VOTED: To waive the reading of and approve the Selectmen's Meeting Minutes of December 10, 2008 and February 2, 2009 as presented.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen's Meeting Minutes of January 20, 2009 as presented.
Unanimous in favor.

Review and accept Executive Session Meeting Minutes: January 20, 2009; February 4, 2009 and March 2, 2009

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

VOTED: To waive the reading of and approve the Executive Session Meeting Minutes of January 20, 2009 as presented.
Two in favor, one abstention.

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

VOTED: To waive the reading of and approve the Executive Session Meeting Minutes of February 4, 2009 and March 2, 2009 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt said the Regional School Committee meeting for March 18th has been changed to March 25th.

Selectman Yeatts said she attended a meeting today with CDM and DEP and there are some questions that we have to have answered by the 13th. We had a lengthy discussion on the placement of the water tower. What they are recommending is different than what is on the list. Their choices are: the Elder's Pond property and Clear Pond Park. For the MORES Job grant, it has to be on Town property, but for the SRF (State Revolving Fund) it does not have to be Town property. Clear Pond Park is Article 97 land. We would be decreasing the amount of park land. It would be a change in use since we would be siting a structure that is not recreational use. She is stuck on the Town well site for the water tower. They are looking at the optimal spots for the water tower.

Other Items

1. Copy of memo sent to F/L Regional School Committee regarding request to reduce FY10 Assessments with E&D Funds
Selectman Yeatts said she and Gary Mansfield sent the letter to the Regional School Committee. The answer from Lou Rodrigues, Interim Superintendent, was to either attend a meeting of the Local School Committee or the Regional School Committee. Selectman Maksy is on the Regionalization Committee, which is meeting the same night. We need to get Finance Committee representation to come with us. It is the March 25th meeting that was changed from March 18th. On March 26th, the Selectmen are meeting with the Department Heads so Selectman Maksy has a conflict. We should send a letter to Jim Hanlon to change the date since we need him here to be at our budget meeting.
2. Copy of letter to DEP regarding Landfill & Transfer Station Inspection Report
Chairman Evirs stated that he wants to it conveyed to Chris Peck to make sure that litter is getting picked up since passers by always see the litter.
3. Information regarding Verizon's 2009 Yearly Operational Plan – CSX Transportation
4. Letter from DEP regarding Long Pond Wastewater Alternatives Evaluation
5. Letter from AMEC regarding 2009 Yearly Operational Plan – CSX Transportation
6. Copy of Enterprise Article – March 2, 2009 regarding solar and wind projects
7. Memo from Department of Fire Services regarding changes to the Mass. Underground Storage Tank Regulations
Chairman Evirs asked to make sure this gets to the Building Commissioner and the Fire Chief.
8. Memo from Town Counsel regarding the Green Communities Act
Chairman Evirs said this follows with the item we were already talking about. Selectman Maksy said maybe we should send a letter to them authorizing him to volunteer since he would be on the forefront of the grants coming down.
9. Plymouth County Commissioners Agenda – March 3, 2009
10. Notice of Meeting – Regional Economic Strategy Committee – March 10, 2009
11. Meeting notice – Massachusetts Office on Disability – April 2, 2009
12. DOR Bulletin – Summary of 2008 Municipal Finance Law Changes
13. DOR Bulletin – Farm Animal & Machinery Excise
14. Information from US Department of Commerce
15. Information from Operational Services Division regarding STAR 2009 May 21, 2009
16. Sustainability Almanac – February 25 – March 3, 2009
Discussion occurred regarding receiving the almanac. It was decided that this would be sent to the Board electronically, and Tracie will keep one in the file.
17. Sustainability Almanac – March 4 – March 10, 2009
18. MassWildlife News
19. The Neighborhood News publication – Winter 2009
20. Annual Meeting Notice – The Neighborhood Corporation – March 19, 2009
21. Sylvia Group Publication – February 2009
Chairman Evirs said that the Registry of Motor Vehicles no longer sends out notices when you need to renew your license. That is something that you do not think of unless you are at the airport or got pulled over. Ms. Craig said she can put that on the website so people know that they do not send out renewals anymore.

22. Invitation from National Center for Healthy Housing – March 12th – Healthy Homes Summit
23. Information from International Paper Products Corporation regarding DEP Re-writing of Massachusetts Solid Waste Master Plan
24. Information from Linda Grubb regarding request for extension of grant-Open Space Plan
25. Letter from DEP regarding SRF Project

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

VOTED: That Ms. Garbitt will sign the letter once it is written.
Unanimous in favor.

At 10:15 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss negotiations with non-union personnel.
Polled vote of Selectman Maksy – aye, Selectman Yeatts – aye, and Selectman Evirs – aye.
Unanimous in favor.