

SELECTMEN'S MEETING
Monday, April 9, 2007

On April 9, 2007, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 7:00 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Chair Yeatts welcomed Derek Maksy to the Board of Selectmen. Mr. Maksy won the seat on the Board during the recent Town Election.

Reorganization of Board of Selectmen

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

VOTED: To appoint Selectman Yeatts as Chair of the Board of Selectmen.
Unanimous in favor.

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

VOTED: To appoint Selectman Evirs as the Director of Veteran Services.
Unanimous in favor.

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

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

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

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

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

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

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

VOTED: To appoint Selectman Maksy to the Master Plan Implementation Committee.
This appointment will expire on July 31, 2007.
Unanimous in favor.

Chair Yeatts has recently resigned from the Master Plan Implementation Committee and will submit her resignation in writing to the Town Clerk.

Selectman Evirs will remain as the Parking Clerk until the term expires on July 31st, 2007.

7:00 PM meet with Lou Rodrigues-Statements of Interest

Lou Rodrigues, Business Manager for the Region, was present for the discussion. Mr. Rodrigues stated that the company overseeing the work for the roof for the Assawompset School will stand by their warranty. Chair Yeatts asked if the same person stated that the drainage was acceptable. Mr. Rodrigues responded that since it is a re-roof the drainage is acceptable. If it were a renovation then it would not be. The work being done to the roof, as per the charge, is to make the roof watertight, and the re-roof will do the job. The drainage is sufficient to do the job right now that is not saying it is adequate. Chair Yeatts stated that she has a letter from the Building Commissioner who does not think the drainage is adequate. The Town wants a really good roof on the school, they do not want it to leak and it should last.

James Marot, Building Commissioner, stated that in his opinion, the drainage is inadequate but the roofing project needs to be done. Currently most of the leaks result from inadequate drainage. If the procedure had gone the way that he felt was proper, then there would not be a need for a roof that still needs reworking later with the present cost of \$400,000. It is time to move forward. The roof needs to be done. It is understood that the modifications can be done to the roof without damaging the warranty, and this should be presented in writing. There is a 30-year warranty associated with the product so the roof will be water tight for 30-years. Mr. Rodriguez stated that it would last 30 years from when it was completed and accepted. Mr. Marot stated that he believed the roof would be right, but there are other things that need to be done. Ms. Garbitt stated that the other improvements would be included under the renovation. Chair Yeatts asked what happens when there is a 100-year storm and there is not adequate drainage. There are still 2 ½ months left before the children are out of school. Ms. Garbitt stated that the School Committee did vote to ask the Selectmen to approve the bid so that they may award it. There will also be some modifications done to the pitch when the re-roof is done. Selectman Evirs asked if good money was being thrown at a bad situation. Mr. Marot stated that the company can say they will put a 100-year warranty on the roof, but if the person giving the warranty does not stand behind their warranty, then it is not worth the paper it is written on. If it is installed correctly, the Town should get a roof that is water tight for 30-years.

Selectman Evirs asked what the Board was approving since he did not have anything in writing. Mr. Rodrigues explained that the School Committee basically wanted to know that the Board of Selectmen concurs with them and there will be a three-tier roof put on the School Building. Right now the roof is flat, so there are water ponds. There will be pitch to the drains and have three-ply. The concerns that Mr. Marot has are valid, but there are also other parts of the roof that are not going to be touched. The only part that is being touched is the rubber roof,

and it will be pitched to the drains. If something has to be done with the scuppers while this is being done then it will be done. Chair Yeatts stated that if something has to be done to pitch the drains then it will not be adequate. Selectman Evirs stated that a whole new design of the roof would need new drains, but it can be re-roofed with the drains as they are.

Chair Yeatts asked how long the company had been in business. Mr. Rodrigues responded 60 years. Garland is the manufacturer of the product and KPR is the roofing company. They will purchase the product and install it. KPR has been in business for quite a while also, possibly 20 years. Selectman Maksy stated that his concern would be the installation method, which is the most important part of the project. The manufacturer will not stand behind the product if it is not installed properly. Mr. Rodrigues stated that the manufacturer would have a representative on site, possibly every day. Chair Yeatts stated that she was not comfortable and did not have the kind of confidence to say that she was on board with the School Committee. Mr. Rodrigues stated that he has done at least five (5) of these type of roofs, and there have been no problems. They have been re-roofs.

Selectman Evirs stated that he puts his confidence in the Building Commissioner who says it will be an adequate job. Ms. Garbitt added that the warranty should be in writing. Mr. Rodrigues responded, absolutely. Mr. Marot explained that the bid specifications were written with a 30-year warranty and that was the way the bids were written. As long as it is clear who is offering the warranty when it is signed, then the Town should be all set. The representative is supposed to be on the site everyday since he is supervising the installation. If there are questions, then he can be spoken with. Selectman Maksy asked if Mr. Marot had to sign off when the project was done. Mr. Marot responded that there would be a permit for the project, but he did not have to sign off on the project.

Selectman Maksy stated that the issues that Chair Yeatts is mentioning is so that the communication is cleared up so that the next time the Board is able to review this ahead of time. Mr. Rodrigues stated that he was not directed to do a renovation, it was strictly a re-roof and this has not changed from what was taking place with this last year. Chair Yeatts stated that the Board waited and waited for a design like they have waited and waited for the vote.

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

VOTED: To award the re-roof bid for Assawompset School to the low bidder.
Two in favor, one against.

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

VOTED: Having convened in an Open Meeting on April 9, 2007, the Board of Selectmen of Lakeville, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated January 31, 2007 for the Assawompset Elementary School located at 232 Main Street, Lakeville, MA 02347 which describes and explains the following deficiencies and the priority category (s) for which Lakeville may be invited to apply to the Massachusetts School Building

Authority in the future – Priority 1 on the Statement of Interest describes a condition of health and safety if the flat roof is not replaced; and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. A copy of the Building Commissioner's letter will be attached to this Statement of Interest.
Unanimous in favor.

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

VOTED: Having convened in an Open Meeting on April 9, 2007, the Board of Selectmen of Lakeville, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated January 31, 2007 for the Assawompset Elementary School located at 232 Main Street, Lakeville, MA 02347 which describes and explains the following deficiencies and the priority category(s) for which Lakeville may be invited to apply to the Massachusetts School Building Authority in the future – Priority 1 on the Statement of Interest describes a condition of health and safety if the renovation does not take place; and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance of the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.
Unanimous in favor.

7:15 PM Meet with Marcus Baptiste

Selectman Maksy recused himself from the discussion due to a conflict of interest. Selectman Evirs stated the rerouting of Route 79 is numbered as a highway for convenience and MassHighway will relocate it at no cost and handle any land transactions to the Town of Lakeville. It is the Town of Lakeville and MassHighway's job to mitigate for the land, not to help the developer. The plans of Mr. Baptiste are plans that he could go ahead with for his own 40B development. A conservation restriction on the property would block the path of the relocation in the future. After further investigation, it is still difficult to understand the logic on this matter, is it the turtle or the land that is endangered? People seem to be doing a better job protecting the land than the species.

Selectman Evirs then pointed out the area on the maps that were situated on tri-pods in the room. The "7" shape is where the mitigation will be, which borders the railroad tracks and is inaccessible from anything but the railroad tracks. Thus, if anything was going to be done with the land it would be at the far remote end of the parcel. Coincidentally, approximately half of the

land that will be restricted is already included in the new map of endangered species. If the Town agrees to protect this area, then Natural Heritage would be happy, and they would not be challenged further down the road. The point needs to be made that the mitigation is being done for Route 79, not the developer. This is something that the Town needs to do. The Town is not setting a precedent in this matter. This is unique and a one (1) time situation. The developer will stand to gain and for that gain the developer has offered to compensate the Town of Lakeville \$50,000 and will pay another \$20,000 in fees and file the application with Natural Heritage, etc. When the Town rezoned the property on Route 105 to business, the developer agreed to deed the frontage on Route 79 to abutters, and this will be on record and in writing from the developer. The land can be offered to the abutters for the selling price of \$1. If the abutters do not want the land then the developer has to sell it to the Town for the same price, \$1. This is really the job of the Town and MassHighway to relocate Route 79, not the developer.

Ms. Garbitt asked if Ms. Marton had received the approval from Natural Heritage on the proposed 23 acres. Ms. Marton responded that she had. It is understood that the Town has selected the section that they have and this new section will be acceptable for Natural Heritage. Ms. Garbitt asked if there were any other limitations on the 23 acres. Ms. Marton responded that there were not. Natural Heritage wants a plan that accurately reflects the meets and bounds to the parcel, the access to the parcel and the language about the Conservation Restriction on the parcel. Mr. Baptiste stated that the parcel he is purchasing will be separated on each side and the land will be offered to the residents on each side. Chair Yeatts explained that the residents have small lots and this increase of property may help them with septic upgrades, etc. Ms. Garbitt asked for this to be followed up in writing from Mr. Baptiste. Mr. Baptiste responded that he would do that.

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

VOTED: To accept the offer from MBC Development of \$50,000 in mitigation, the \$20,000 not to exceed offer on the fees to cover the survey, legal expenses and other associated fees for the application with Natural Heritage and that MBC Development will offer the two frontage areas on Route 79 to the abutters at a cost of \$1. If the abutters decline the offer, MBC Development will offer the frontage to the Town at the cost of \$1. Twenty-three acres, as agreed upon on the Town-owned property on Howland Road, will be the Conservation Restriction area. The Town of Lakeville and MassHighway will mitigate and reroute Route 79, and the developer will help mitigate as a gift to the Town.
Unanimous in favor.

Review site plan – Old Homestead Estates

Discussion took place on the Definitive Plan for the Old Homestead Estates. Chair Yeatts expressed concern towards the last page of the plan. This was the Green Stripping Law, since it was so close to the boundaries. Ms. Garbitt stated that the Planning Board is presently requiring input from other boards on this matter. Chair Marot (Planning Board) will meet with the Board if there are any questions on the plan. The Board can offer any input or recommendations on the

plan. Mr. Marot entered the meeting to discuss the plan and give clarification to the Board of Selectmen at 8:30 PM.

Selectman Maksy stated that he would like to reserve his comments until the matter proceeds further in the process. There is nothing compelling in the plan at this time. Chair Yeatts stated that she was aware that the other lot was to be an un-buildable lot. Selectman Maksy stated that the petitioner has the right to do what they want to do with their plan as long as it is done per local zoning (sub division control law). Thus, at this point, the Selectman has no comments.

Discuss request of Cable TV Commission for Resolution

Selectman Maksy asked to be brought up to date on the Cable TV Commission matter. Ms. Garbitt stated that two (2) resolutions were sent to the Town. One was from the MMA and the other from Comcast. The Cable Advisory Committee met and is asking that the Board of Selectmen adopt the MMA Resolution, which will keep local control over the cable process. Selectman Evirs stated that he had to recuse himself from the vote since he does business with Verizon. Chair Yeatts read the Resolution into the record.

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

VOTED: To adopt the Town of Lakeville, Massachusetts Resolution to keep local control over the cable process with the Massachusetts Municipal Association.
Unanimous in favor.

Ms. Garbitt stated that a copy of the Resolution will be provided to the local legislators and also the Governor. Mary O'Keefe, Manager of Government & Community Relations at Comcast sent a letter asking if the Selectmen are willing to testify on the matter May 15th. Chair Yeatts stated that her recommendation would be for Robert Marshall, Chair of the Cable Commission, to represent the Town on this matter and testify. Ms. Garbitt asked Ms. Craig to redo the second page of the Resolution so that Selectman Evirs name is removed.

Review warrant article requests-Local & Regional School Committees

Discussion ensued on how the warrant article discussion took place at the joint meeting of the Local School Committee and the Board of Selectmen. The warrant article that was submitted was: *To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty-Two Thousand (\$52,000) Dollars for the payment of Thirty Thousand (\$30,000) Dollars for computer upgrades; Twelve Thousand (\$12,000) Dollars for Two (2) copiers and Ten Thousand (\$10,000) Dollars for a scrubber, leaf vacuum and mower.* Chair Yeatts explained that these were the lowest items on the priority list for the School Committee, and it was recommended by the Board of Selectmen to include these items next year as part of the Capital Expenditure Plan. The Local School Committee was told that the Capital Expenditures Committee had already approved the Capital Plan for FY08; however, the School Committee was free to submit a request for reconsideration since anything over \$10,000 would be considered a capital expenditure. The School Committee has submitted this to Martha Weeks-

Green, Chair of the Capital Expenditures Committee and it has been assumed that this is for FY08. It is not known though if the Capital Expenditures Committee will consider this request or if the Board of Selectmen wants to reply as to what their intention was and to clarify that it was meant for the FY09 Capital Plan. The School Committee is asking for this to be placed as a warrant article. Selectman Evirs stated that the School Committee may come back and say they did not misunderstand and that they want to do it this year and not next year. Chair Yeatts said that a motion needs to be made to not accept this as a warrant article for the Annual Town Meeting Warrant. The School Committee can then vote to put this back into their operating budget.

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

VOTED: Not to accept the Warrant Article, as submitted by the Local School Committee in the amount of \$52,000, as an expenditure on the Town Meeting Warrant and to direct the Town Administrator to send the Local School Committee a letter explaining that the Board expected this to be included in the FY09 Capital Expenditure Plan, not FY08.

Two in favor, one abstention.

Discussion took place on the Regional School Budget Warrant Article, which was: *To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Million One Hundred Ninety Six thousand Fourteen Dollars and 26/100 (\$6,196,014.26) as the Town's share of the 2007-2008 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-Excluded Debt Assessment and Ninety Three Thousand Three Hundred Sixty Three Dollars and 74/100 (\$93,363.74), the Excluded Debt Assessment of Five Hundred Sixty Four Thousand Six Hundred Five Dollars and 24/100 (\$564,605.24) and the Operating Cost Assessment of Five Million Five Hundred Thirty Eight Thousand Forty Five Dollars and 28/100 (\$5,538,045.28) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown, and/or take any action relative thereto.*

Ms. Garbitt stated that the Region is in-line for additional Chapter 70 Aid of \$266,000. With the number amount that is printed in the Town Meeting Warrant, a lesser amount can be approved, and right up until Town Meeting, the numbers can change, as long as the figure is less, no more can be requested once the warrant is posted. The Superintendent is aware that this is the maximum amount. With Special Education, that figure is always changing and if it goes up before it is printed, the larger amount can be included.

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

VOTED: To approve the Warrant Article for the Regional School Budget.
Unanimous in favor.

Discussion occurred regarding the Vocational Education Tuition warrant article, which was: *To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of One Hundred Forty Two Thousand Five Hundred Twenty Dollars (\$142,520.00) for the*

payment of vocational education tuition and related transportation for students enrolled in vocational educational programs other than Bristol Agricultural Vocational School and/or take any action relative thereto.

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

VOTED: To approve the Warrant Article for the Vocational Education Tuition and to correct the name from Old Colony to Bristol County Agricultural High School with the understanding that the figure can change up until the time of the Town Meeting.
Unanimous in favor.

Discussion occurred regarding the Special Education Tuition warrant article, which was: *To see if the Town will vote to raise and appropriate and/or to transfer from available funds a sum of Six Hundred Eighteen Thousand Four Hundred Ninety Four Dollars (\$618,494.00) to cover the cost of tuition for special education students enrolled in out-of-district placements or to take any action relative thereto.*

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

VOTED: To approve the Warrant Article for the Special Education Tuition with the understanding that the figure may change up until the time of the Town Meeting.
Unanimous in favor.

Chair Yeatts made everyone aware that the Director of Special Education, Anne St. Pierre, has been visiting Early Intervention programs and found students that the Town was not aware of, this is helpful to know that there will be more students in the foreseeable future. This is very pro-active on her part.

Discussion occurred regarding the warrant article for the Local School Budget, which was: *To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of Five Million Three Hundred Seventy Nine Thousand Four Hundred Sixty Nine Dollars (\$5,379,469) for the cost of the FY08 operating budget of Assawompset Elementary School and/or to take any action relative thereto.*

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

VOTED: To approve the Warrant Article for the Local School Budget with the understanding that the figure may change up until the time of the Town Meeting.
Unanimous in favor.

Review warrant article from Master Plan Implementation Committee

Chair Yeatts stated that the Master Plan Implementation Committee voted on Thursday night to submit the Drive-Thru Facility Zoning By-Law to the Board of Selectmen for the Annual Town Meeting. The Planning Board will be reviewing the article Monday night also to give

their recommendation. Chair Marot entered the meeting to review the Warrant Article with respect to the Intensity Regulations. He explained the necessary changes and why they were taking place. He explained that the by-law has also been reviewed by Town Counsel. Town Counsel has suggested minor modifications. Discussion took place on the wording change in the bylaw. Selectman Evirs noted that the number is to be 5.1 not 5.2 as it is explained in the by-law. Chair Marot responded that that correction will be made.

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

VOTED: To accept the revised text for the amendment to the Intensity Regulations for the by-law and to put the article on the Annual Town Meeting warrant.
Unanimous in favor.

Chair Marot then reviewed with the Board the Drive-thru Establishment warrant articles. He explained that there were two definitions for the by-law, one for a drive-thru facility, the other for a fast food restaurant. These two (2) facilities will both be included in the table of uses and allowed by special permit only. The Planning Board has voted to change, under the drive-thru facility and also the fast food restaurant that the mileage in between is 1.5 miles. Selectman Maksy noted that the word business needed to be added. Chair Marot made note of this and will make the change.

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

VOTED: To approve the Drive Thru Establishments warrant articles with the changes as noted.
Unanimous in favor.

Review list of appointments expiring April 30, 2007

Chair Yeatts reviewed the list of appointment that were expiring April 30, 2007.

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

VOTED: To make the following reappointments, all having an expiration date of April 30, 2008:

Marilyn Mansfield	Veteran's Agent & Graves Officer
David Frates	Animal Control Officer & Constable
Jared Darling	Assistant Animal Control Officer
Laurice Ingargiola	Assistant Animal Control Officer
Frederick Bohning	Assistant Animal Control Officer
Harold Marshall	Assistant Animal Control Officer

Unanimous in favor.

Vote to schedule Selectmen meetings-May, June & July

Chair Yeatts reviewed a memo from Ms. Garbitt asking the Board to schedule their May, June and July meetings.

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

VOTED: To schedule the Selectmen's meeting for May 8th; May 21st; June 4th; June 25th; July 9th and July 23, 2007.
Unanimous vote.

Request to use Town House-Sampson Cemetery Association

Chair Yeatts read the request from the Sampson Cemetery Association to use the Town House for their annual meeting.

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

VOTED: To approve the use of the Town House for the Sampson Cemetery Association for their annual meeting on May 2, 2007 at 7:00 PM.
Unanimous in favor.

Review requests for renewal of earth removal & stockpile permits

Chair Yeatts stated that Gene Bartlett's earth removal permit on Harding Street is completed and the stockpile on Tyler's Way is depleted and will not be replenished.

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

VOTED: To approve the renewal of the earth removal permit for Easecat, Inc., Harding Street, Former Lakeville Nursery with the conditions as previously approved, with the permit to expire March 31, 2008.
Unanimous in favor.

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

VOTED: To approve the renewal of the stockpile permit for Alan Butler, 1 Susan Lane with the conditions as previously approved, with the permit to expire March 31, 2008.
Unanimous in favor.

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

VOTED: To approve the renewal of the earth removal permit for Gene Bartlett, Woodland Ridge, Off Pickens Street with the conditions as previously approved, with the permit to expire March 31, 2008.
Unanimous in favor.

Review request from SRPEDD for appointment of SRPEDD Commissioner & JTPG Delegate

Chair Yeatts read a letter from SRPEDD asking for the appointment of a SRPEDD Commissioner and a delegate to the Joint Transportation Planning Group.

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

VOTED: To appoint Rita Garbitt as Southeastern Regional Planning and Economic Development District (SRPEDD) Commissioner through to May 31, 2008.
Two in favor, one abstention.

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

VOTED: To appoint Christopher Peck, Superintendent of Streets, as Joint Transportation Planning Group Delegate and Charles Evirs as Alternate.
Unanimous in favor.

Review Zoning Board of Appeals applications: Tausevich & Pina

Selectman Evirs asked if Selectman Maksy has resigned from the Zoning Board of Appeals (ZBA) yet. Selectman Maksy explained that he has written a letter to the Ethics Board explaining his current situation. His intention will be to attend the next ZBA meeting to make sure that there are no existing 40B's that may fall through the cracks if he is not present. It is required to have a full vote of the Board or the 40B would have to start the process over again. The ZBA position is not a paid position, while the Board of Selectman seat is. Selectman Evirs stated that his concern was that petitions are being reviewed and then the comments are being sent to the ZBA and Selectman Maksy is a member of the ZBA and participates in the comments; he could be misconstrued as making a decision before a public hearing. Selectman Maksy stated that he would recuse himself from any comments on the petitions this evening since he does not have enough information to speak on them anyway. Chair Yeatts stated that she had a problem with this since when she was part of another Committee, she found it valuable to have the additional information at a Conservation Commission meeting. Selectman Maksy stated that he would like to bring that up for a discussion point at another time since there is still some confusion on all of this.

Discussion took place on the Tausevich petition for 47 Nelson Shore Road. The petitioner is requesting a variance, though it is not clear of what section of the bylaw, since it was not checked off or listed on the application. Selectman Evirs stated that it is an extension of a pre-existing non-conformity. Chair Yeatts stated that this goes back to the question of how many times the petitioner could come back with a different application. Ms. Garbitt noted that the previous application shows it to be a log cabin, and the previous owner applied for a special permit. It is not believed that that person owns the property anymore. It was approved but never built. This may be a special permit, not a variance under Section 7.4. Also, the petitioner has not applied for a building permit, so they have not been denied. The petitioner went right to the

ZBA. The ZBA has previously approved two (2) other petitions: one for removing an existing non-conforming dwelling and replacing it with a new structure within the setbacks on a non-conforming lot and the other was for a change of use from seasonal to year round. Selectman Evirs stated that the petitioner was looking for a special permit and he did not see any trouble with this, the petitioner just applied for the wrong thing.

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

VOTED: To recommend the petition for Tausevich of 47 Nelson Shore Road noting that it should be a Special Permit under Section 7.4, not a variance.
Unanimous in favor.

Discussion took place on the Pina Petition for 5 Shore Avenue. The petitioner is requesting a special permit to convert the property from a seasonal home to a year round home. Selectman Evirs stated that this is a unique situation and maybe it could be allowed, but if the owner of the property changes, then the property should revert back to its original seasonal status. The allowance would be for this owner only. A deed restriction could be recommended to the ZBA for this property. The conversion is subject to Board of Health approval and they will not be hearing this petition until next week. Chair Yeatts stated that this could be restricted just to this owner due to the extenuating circumstances of Mrs. Pina losing her home in Hurricane Katrina.

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

VOTED: To recommend approval of the Pina petition for 5 Shore Avenue for year round conversion provided that if the owner of the property changes, the property will revert back to seasonal status.
Unanimous in favor.

Any other business that may properly come before the meeting.

Doug Mills of 334 Bedford Street, Lakeville asked Selectman Evirs about the water main that may take place at some point. Ms. Garbitt stated that the bid specifications are being put together at this time. The water main will be extended to the Town Office Building. Ms. Garbitt stated that hopefully this will all happen soon. Mr. Mills stated that he heard a rumor that there will be a hearing on the demolition of the Lakeville Hospital, is this true? Ms. Garbitt said that the developer has scheduled a predemolition hearing for April 10, 2007 at 11:00 AM. The Historical Commission has already held their hearing; this one is for the developer.

Ms. Garbitt mentioned that she had received an email earlier in the day about the MMA State House press event with Governor Patrick on the Municipal Partnership Act that would take place on April 10th at 11:45 AM. Three (3) proposals would be discussed: Support the Local Option Sales Tax on Meals, Support the Local Option Room Occupancy Excise, Close the Telecommunications Company Property Tax Loophole. Discussion took place on the three (3) proposals and if the Board would be able to fax their intentions on the proposals. Ms. Craig stated that the responses on the proposals could be faxed. The Board of Selectmen was only in

favor of C: Close the Telecommunications Company Property Tax Loophole. The question was if all three proposals had to be supported or not supported. Ms. Garbitt stated that she would check with the Representatives if it was an all in favor or all against for the proposals or if the Board could break them down.

Ms. Garbitt stated that she had received a budget number from Old Colony Vocational Technical High School based on the Governor's budget; however, some of the numbers have affected other communities, based on this, so there may be a change in Lakeville's assessment to Old Colony.

Ms. Garbitt mentioned that a letter had been received from Jerry Yarrigle's attorney. What would the Board want to do in response to this letter dated March 23rd? Chair Yeatts explained that Mr. Yarrigle has rights and the Town has rights, but does the Town have to pay for his rights? Ms. Garbitt stated that Attorney Michaud is asking the Town to assist in forwarding a plan to get the matter resolved, however, it is working, there is no run-off from Race Course Road. The Building Commissioner has gone out to the premises and the drain is working. A report is received from the Engineer and the Building Commissioner after it rains, and there has been no run-off onto his property. Yet, the water is not draining from his property onto Race Course Road. A property owner should not be allowed to let the water from their property to go onto the roads, just as the Town should make sure that no water runs onto the resident's property. Chair Yeatts stated that a lot of work was done to alleviate Mr. Yarrigle's concerns. Every time the property was inspected, the drain was working properly. Selectman Evirs suggested that when the drain is not working properly Mr. Yarrigle should be directed to call the Town so that it can be witnessed. A letter can be sent that the drain is regularly inspected, and it has been working properly. Ms. Garbitt stated that Mr. Yarrigle would like a plan to correct the deficiencies that he feels are there. Chair Yeatts suggested all the plans be forwarded to the Attorney to show that the drain is working properly. The burden of proof should be on them. Mr. Marot stated that the drain is working perfectly. Water is not even getting to the catch basin, and there does not seem to be anything else that should be done. Maybe give them an invitation, as it states in the end of their letter, since it seems that they have a solution somewhere to a problem that does not exist. Mr. Yarrigle and his attorney can be scheduled to attend a Planning Board meeting, and the Planning Board can show that they have done their due diligence.

Ms. Garbitt stated that she has been trying to schedule a meeting with the Regional School Committee and the Board of Selectmen. Right now the Freetown Selectmen and the Freetown Finance Committee are meeting with the Regional School Committee on April 24th. Freetown has also not rescheduled their Town Meeting in May as of yet. Dr. Furtado was wondering about April 30th as a date to meet with the Regional School Committee and to invite the Finance Committee to this date as well at 7:00 PM.

Other Items

1. Letter from Morton Hospital regarding Deputy Chief Dave Goodfellow

Chair Yeatts stated that it was a wonderful thing the Board did in hiring David Goodfellow. She then read the letter into the record of appreciation and thanks for

assistance that Mr. Goodfellow provided to Morton Hospital and Medical Center on behalf of a child that needed a car seat for transport.

2. Letter from CEA regarding 79 Main Street
3. Environmental Notification Form – Long Pond Wastewater Management Project
4. Memo from Town Counsel regarding legislation regarding county roads
5. Letter from Town Counsel regarding cable television license issuance/renewal
6. SRPEDD Annual Awards Request for Nomination
7. FFY 2007 Transportation Improvement Program-SRPEDD
8. Information from Division of Occupational Safety-Trench Safety
9. Cranberry Country Chamber of Commerce Newsletter
10. MMPA May Program Meeting

Chair Yeatts suggested that the Town Administrator attend the MMPA May 4th Program Meeting since it has to do with Health Care costs.

11. MMA Action Bulletin
12. Plymouth County Advisory Board Minutes-March 21, 2007
13. Notice from MEGA regarding insurance programs
14. 2006 Annual Report-Wildlands Trust

Chair Yeatts pointed out Lakeville was in the Wildlands Trust Annual Report twice.

Ms. Garbitt gave an update to the Board regarding the Rent Control Board. They have scheduled their Public Hearing on the Rules and Regulations that they would like to adopt. Town Counsel has reviewed the Rules and Regulations. This meeting will take place on April 24th at 7:00 PM in the Town Office Building. The Rules and Regulations will be on the Town's website and also available from the Town Clerk.

Ms. Garbitt informed the Board that she had received letters from Attorney Mather regarding the term for Residences at LeBaron Hills. The Selectmen had sent them to the ZBA and the ZBA has forwarded their letter to the Board. This item will be brought up at the next meeting of the Selectmen.

Mr. Marot stated that the Planning Board will send a formal letter to the Board of Selectmen; however, there is an agreement with the Records of 2 Johnson Drive that they are to close off the driveway that they made off of Rhode Island Road. They had asked to wait until spring to do this, yet it still has not been done. A letter needs to come from the Board of Selectmen instructing them that this is to be done and that they need to replace the Memorial Stone for Mr. Johnson that they removed and stated that they would build into a wall. They do, however, need a reminder to close off and repair their illegal curb cut.

Upon a motion made by Selectman Evirs; seconded by Selectman Maksy, the Board unanimously:

VOTED: To enter into Executive Session at 9:45 PM for the purpose of discussing the Collective Bargaining Agreement with the Fire Department and not to return to Open Session but to adjourn in Executive Session. Polled vote: Selectmen Evirs – aye, Selectmen Maksy – aye and Selectman Yeatts – aye.