

SELECTMEN'S MEETING
Monday, May 5, 2008

On May 5, 2008, 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 and Selectman Maksy. Selectman Yeatts was absent. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Verizon Cable license hearing

Present for the discussion were: Members of the Cable TV Advisory Committee: Robert Marshall, Chairman, Thomas Cirignano, Donald Foster and David Curtis. Also present was Peter Bowman of Verizon, Jim McGrail of Telecommunications Inside Group, Tom Antonucci, Attorney, and Peter Epstein, Attorney for Lakeville. Chairman Evirs began the discussion. He discussed the subject of the hearing, which was for licensing an additional cable operator in the Town of Lakeville. That process is prescribed by the Massachusetts Cable Television Division under its regulations which include 207 CMR 3.00 with regard to Licensing and 207 CMR 2.02 with regard to Notice of Public Hearing. For the record, a formal notice of this evening's hearing was published in the local newspaper, the Middleborough Gazette, on the 17th and 24th of April, 2008; a copy of that notice shall be incorporated in the record of this hearing. In order to provide a record of this hearing, it is being video recorded for the purpose of having a transcript. Also, the hearing will become part of the permanent Board of Selectmen minutes of May 5, 2008.

Chairman Evirs said as background for everyone's information, cable television service is currently provided in Lakeville by Comcast Cable Communications. The Board of Selectmen began the cable television licensing process for an additional operator in Lakeville with the expectation that competition would benefit our citizens by offering increased services and, hopefully, lower costs. We still believe that's a reasonable expectation. At our direction, the Lakeville Cable Advisory Committee began the several steps of the licensing process and reporting its recommendations to the Board as the need arose. Following the Town's solicitation for additional cable operators, there was only one (1) respondent, Verizon New England, Inc. After receipt of Verizon's Amended Application, the Cable Advisory Committee began negotiations with Verizon on behalf of the Board of Selectmen.

When the Cable Advisory Committee advised the Board that negotiations with Verizon had progressed, the Board called for this evening's hearing. As announced, this hearing is to basically assess the qualifications of the applicant to become an additional cable operator in the Town and any other Lakeville-related matters vis-a-vis Verizon. It is important for everyone to note, however, that the purpose of this hearing is limited by the Massachusetts Cable Television Division's regulations to Verizon's qualifications to be a cable operator and related matters. Other matters, such as the exact programming which might be offered under any license and/or any non-cable television services Verizon might concurrently provide, are outside the scope of this hearing. He welcomed the members of the public were in attendance. The Board of Selectmen appreciates your participation in the process. He went on to say the purpose of this

hearing is to assess Verizon's qualifications to become an additional cable operator in Lakeville. The Selectmen are asking Verizon to explicitly address for us at this hearing the reasons why we should find that its resources, experience, and approach qualify it to successfully operate a cable system in Lakeville which is responsive to the Town's needs.

The Board recognizes that Verizon has many concurrent cable system activities ongoing in this region. Thus, we further ask Verizon to explicitly address at this hearing how its resources will allow the company to effectively support what would be the simultaneous construction and operation of multiple systems in this region. We are interested in the exact steps Verizon will take to minimize any delay or adverse impact on its Lakeville system (or on the Town) from those concurrent activities-and what it will be doing differently in Lakeville based on any "lessons learned" to date. Attorney Epstein said Verizon Communications is a \$90 million Dow company. It is financially sound and has invested millions of dollars in the success of the video business. The service is supported locally, is locally based and monitors the network here 24/7. The company is able to assess issues long before they affect the customer. Technicians are re-located throughout the State to install or maintain the service. If this takes place tonight, it will be the 70th license issued in Massachusetts. Middleborough also has this service. There are over 13,000 employees in this state. The company has a long history of providing quality service to its customers. It is all digital, offers a better quality, and has simple plans and expanded services. We would recommend to you that you expand this service to your community. If the license is signed, it will bring true competitive offerings to the Town of Lakeville.

Cable TV Advisory Committee Chairman Robert Marshall stated it has been a long road, but we are happy to be here, and we will ask Attorney Epstein to give a summary of the highpoints of this, in order to give a very basic understanding. Attorney Epstein said the Committee has negotiated a ten (10) year final license to be granted to Verizon. As Mr. Marshall said, it has been a bit of a long process but we are all glad to be here tonight. The Committee has done a great job, especially Mr. Marshall. He can give you a short summary of the material points of the license to be granted. A 10-year final license, if signed tonight, will commence tonight and then extend to May 4, 2014. Verizon will make cable TV services available to all Lakeville residents. They will provide an aerial plant to all residences. Residential households with underground utilities will be done by 2013. However, it is suspected that they will receive service sooner. There are minimum density parameters in the license that are similar, if not the same, to the negotiations with Comcast. Verizon will provide basic service to all public buildings in Lakeville without charge. There will be three (3) channels for public educational access use. They agree to interconnect with the Middleborough Comcast studio in order to cable cast PEG to the Lakeville subscribers. Verizon will enter into an agreement with Comcast for that to happen. At some point, if Comcast does not provide that programming and if Lakeville does begin its own studio, there are provisions for the High School or the Town Hall for a studio. That language is in there. 4% of its annual gross revenues for the Town will be to fund PEG access for the Town. This is subject to Verizon being allowed to subtract any costs required to share with Comcast on account of the operation of the Middleborough studio. Verizon will provide money to the Town for the purpose of PEG access and other cable access concerns. 2/3's of the funding will be paid by 2013. Verizon will pay \$.50 fee per subscriber on top of the 4% and on top of the State licensing fee. On November 5, 2009 it will be set in the Middleborough studio. This is a good license, and it will serve the Town and its residents well.

Chairman Evirs congratulated and thanked the Cable Committee for a job well done. He then asked about the Middleborough service, and if it will help Lakeville's to be a better and swifter happening since Middleborough is all set. Mr. Bowman said for the most part, negotiations have gone well, but some, for a variety of circumstances have taken a little longer. We have stayed with in all the time frames with the Middleborough license and will here as well. It is the same studio and there are some things here in Lakeville that we did not have to do in Middleborough, but the interconnection agreement with Middleborough will make things easier. Chairman Evirs said we have heard stories regarding residential equipment. Jim McGrail said there was an issue about the HD services, but as people ordered equipment they were able to obtain the equipment. There were delays due to the overwhelming demand for the products, but we are ready to install services now. We clearly have a strong presence here in Massachusetts with our 13,000 workforce strategically placed. Selectman Maksy said in the summary you talk about substantially all residents getting tied on. How close are we to 100%? Mr. Bowman said we are at 74% build out today, so by Friday we should be able to service them. Underground, aerial and multiple dwelling are our services. Aerial will be completed in the first year in the license agreement. Then with underground, this is fiber, we will make sure we have the necessary permit for the conduit. It takes a little longer, since November 15 through April 15 no underground work can be done. Also, if a road was dug up six (6) months ago, then we cannot dig it up again. So it will take a little longer and that is why the timeframes are in place as they are. The product is a little different than the traditional cable provider. We will bring ten (10) separate lines for each ten (10) units rather than just three (3) for ten (10) units. It is a better product for the consumer at the end of the day. We have four (4) years, but we do not think it will take that long, but that is why that is in place for those types of scenarios. We have up to six (6) years under the statute to complete the build out.

Selectman Maksy said in Middleborough, they had a lot of people switch over to Verizon and then they could not access the public access channels. If Lakeville residents switch over, how long will it take to see this? Mr. Bowman said we have 120 days to complete that part of the agreement, so we anticipate that taking place within 120 days. PEG is value added. There is a significant percent of the population that will not switch over until they have PEG. It should be much smoother since we already went through this exercise with the town of Middleborough. Selectman Maksy asked prior to 2009, where would residents go for issues. Mr. Bowman said there is a 1-800 number. Mr. McGrail said they will make sure all the connections are in place and send a truck to complete the install to a customer requiring service. We will do what is amenable to the customer. Mr. Bowman said why we are waiting until November 2009 to establish a customer service office is that we do not have any customers yet. We want to take a year or two to see where the customers are, what neighborhoods, to make sure that we provide what our customers want. Chairman Evirs said we would welcome you to locate your office in Lakeville.

Chairman Evirs opened the floor to any interested residents if they would like to speak. Mr. Foster asked when the product is installed in a home, is it required that the copper telephone wire be pulled. Mr. McGrail said it is Verizon's practice that when a customer orders service, we then remove the copper drop from the home since we have the fiber drop so not to have two (2) drops. Ultimately, if a customer says they want to go to a competitor, we are required to put it in there so that they can leave Verizon and go to another provider. Mr. Foster said so if you install

fiber to my home, and the installer asks to pull the fiber with old copper wire and I say no since next owner of the house may want to have it, does it cost me anything. Mr. McGrail said no, but it is our practice to pull it since most customers want it gone. Mr. Foster said but it should cost no more money if the copper is to stay. Mr. McGrail said right. This is a carrier issue, not a money issue. Chairman Evirs said this is on the outside of the house. Mr. McGrail replied yes. Chairman Evirs said so if a homeowner wants to go back to copper you will put the copper back. Mr. McGrail said once you pull the copper, if the wholesale provider wants to come in and provide service, will there be an additional cost, the answer is no. Chairman Evirs said once inside the house you use the existing infrastructure of the house. Mr. McGrail said yes. That is the preferred manner to use the existing infrastructure. In most cases, you can use the existing infrastructure in the home. Mr. Foster said but some people might want to maintain the copper since it still works when the power goes out. Mr. Marshall said it is an option for the homeowner to have the copper wire left alone since people may want to have the copper for use at a later date. Mr. McGrail said it is not the preferred installation. I see an issue if there is conduit and it might be a capacity issue. Selectman Maksy said there is a code that you cannot mix voltages in a pipe. Whether it is the fiber or the wire, they have to be rated the same to be in the same pipe. Mr. Marshall said it could be treated as a new installation. Selectman Maksy said a new installation may require the copper coming out and today's agreement will have to go by today's standards since you cannot mix voltages, but you can put in another pipe.

Mr. Marshall said he has a letter from Rick Colon of Verizon with another item that the Committee fought for long and hard. Verizon will be making a bequest grant of \$5,000 to the Council on Aging for a video photography class for the seniors to share video and other media to loved ones. He was very glad that this has come to fruition. He hopes that this license is what the Board wants for the Town of Lakeville. He recommended that the Board of Selectmen sign this license. Mr. Bowman said that Mr. Marshall said it all and he encouraged the Board to sign the agreement so that they can start providing services within days. The hearing was then closed at 7:45 PM.

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

VOTED: To approve the Cable License with Verizon commencing on May 5, 2008 and to expire May 4, 2018.
Unanimous in favor.

Attorney Epstein said there are five (5) copies of the license. You sign them, and then Verizon will sign them and then return two (2) copies to the Town and one (1) copy to me. Mr. Marshall thanked everyone for all their patience and further thanks to Ms. Garbitt, Ms. Craig, etc. for all their work and help. He thanked Mr. Curtis and Mr. Foster for all their hard work. Mr. Marshall thanked Attorney Antonucci and Attorney Epstein, who is worth triple his weight in platinum, and he has been there for the Committee. He cautioned everyone to ask questions, demand answers, and make sure the Town gets all that has been promised.

Meet with Jonathan White-Kensington Court

Jonathan White was present for the discussion. Mr. White said he wanted to bring the Board up to date regarding a meeting he had with his lender. The bank indicated two (2) weeks ago their unwillingness to finance for-sale condos, so he is looking for consent and approval from the Board of Selectmen to go with 100% apartments. It is primarily due to the economy why this is taking place. In order for the project to go forward, Mr. White has to look at it as 100% apartments, but that option does not exist. It is not his preference, but given the economy, it is the only choice. Chairman Evirs said you submitted a requirement of renters and is that your typical agreement. Mr. White said yes, that comes from Peabody Properties. There is a 24-hour management company. The State requires a significant amount of money to manage a unit, \$6,400 and that is double what he receives for a project that he manages. They are not on-site 24/7 but there is telephone access for emergencies, etc.

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

VOTED: To open the Benton dog hearing, which was scheduled for 8:00 PM, and to continue the hearing.
Unanimous in favor.

Chairman Evirs then read the hearing letter into the record and then returned to the discussion with Mr. White. Mr. White said the people that apply are strictly screened, and if there are any types of problems with their background checks, then they are not accepted. Then once someone moves in, if there is any trouble, there is a pretty stringent eviction process. Typically, Peabody Properties signs its apartments right away and then has a waiting list. One needs to make \$30,000 a year to qualify, so they have to have a job to qualify. They are working class people, so this is a great project for the Town. There is also Lakeville preference. Selectman Maksy said originally, these units were targeting those working in Boston. They could take the T to work, but someone may not take the T to Boston with an income of \$30,000 a year. He thought it was more \$40,000. He asked down the road is there condo style units. Mr. White said it is all or nothing, we would have to sell 96 units very quickly and the bank's concern is that we need to have them sell quickly to bring down the debt, and they have portfolio projects that are not doing well. We all want this project to be successful, and if it was not, then it would eliminate the affordable units. So since it is State funded, this will make sure that it happens. They are all rented affordable. There is a possibility to keep some at a different rate, but right now we are working with the State and the bank to come up with what the bank will fund and this is all eight (8) buildings. It is 108 apartments and now another 96 units.

Selectman Maksy said he was just trying to be cautious about vehicles and parking and thinking someone would only need one (1) car because of the T station. Mr. White said they will have more than one (1) car regardless. When we designed the parking, it was adequate without the T. We did not design smaller parking due to the T. The parking is designed for the number of units as if there was no public transportation. If they take the T or get on the highway, this is good access. With other 40Bs it may be in the center of the Town, so this is a little better. We can convert to condos in 30 years. The quality is no different; there is no difference in the

units. From the street you will not see a difference. If someone purchases a unit outright and there is a problem, you cannot control it. You can control the renter if there is a problem. So this way there is actually more control than with ownership. This helps the 40B count since it all goes towards that and will put you over the top. Selectman Maksy said he did not have a problem with it. Chairman Evirs said we are a quorum, and we really do not have much choice. The Planning Board still has the authority to make the change.

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

VOTED: To support the Kensington Court Housing Development project going to all rental apartments and to send a letter to the Planning Board stating this.
Unanimous in favor.

Dog hearing-Ed & Jennifer Benton

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

VOTED: To reopen the dog hearing of Ed & Jennifer Benton at 8:17 PM.
Unanimous in favor.

Chairman Evirs then summarized MGL laws Chapter 140, Section 157, which states that if any person shall make a complaint in writing to the Selectmen, concerning any barking or vicious dog, the Selectmen are charged with the responsibility of handling such complaints at a public hearing. After investigation of such complaints, including an examination under oath of the complainant, the Board may make an order concerning said dog. The keeper of any such dog may, within ten (10) days after the hearing, petition the District Court for review. Any person failing to comply with an order issued here tonight could be punished by a fine or by imprisonment.

Chairman Evirs swore in Suzanne Mace, the complainant and David Frates, Animal Control Officer (ACO). The following letters were read into the record: Arlene Corriveau of 30 Rhode Island Road; John and Judi Sferrazza, 25 Rhode Island Road; Sharon Valois & Henry Dennis of 39 Rhode Island Road; Sarah Duggan of 21 Rhode Island Road and Suzanne Mace of 49 Rhode Island Road.

Mrs. Mace explained what has been taking place. About a year and a half ago, she heard dogs howling and barking and thought a dog was hurt somewhere. But after trying to catch them, she found out they were dogs tracking and hunting. She tried to find out whose dogs they were through another neighbor and then called the owner and let him know where the dogs were. The owner came and got the dogs, then, a few days later this scenario repeated. The dogs go from the hospital property to her property and track the rabbits. So this has repeatedly happened, and she finally drove over to his house. Then the dogs were stopping traffic on Route 79 due to finding a dead animal in the road. The owner stated that he felt the dogs stayed at the hospital property, but she clarified with him that this was not taking place. The ACO has picked the dogs up a few

times, but she was told she would have to file a complaint with the Town. The Benton's received a letter from the Town about restraining their dogs, but they were out again, so she filed for a hearing. The dogs will cause an accident; they are howling and waking the neighbors at 4:30 AM.

Mr. Frates said he has spoken with the Bentons about the situation and has tried to catch the dogs at the industrial plant/freezer plant, but he could not catch them. There was a problem with a school bus which was stopped in the road because of the dogs. It is almost every other day that someone is calling now about the dogs. When they are hunting they will not be caught. The guys at the freezer plant also tried to help catch them. They have been down to Thompson Box also. The school bus is the main concern since Laidlaw has also called the Police about them.

Chairman Evirs said neither Mr. nor Mrs. Benton are here, but they did write a letter which needs to be read into the record, but we cannot ask them any questions. Chairman Evirs then read their letter into the record. Chairman Evirs asked Mr. Frates if he had been there more than once. Mr. Frates said yes. Some of his Assistants have been called as well about the dogs being loose. It has always been the Benton beagles, and Mrs. Benton tries to say it was not her beagles. Mrs. Mace said she did not speak with her. She has spoken to Mr. Benton, and she has been trying to resolve this for two (2) years. She has called and called. Mr. Frates said if beagles do not hunt, then they will start howling so this may come to another complaint of noise in the neighborhood. Selectman Maksy said so, in no uncertain terms, these are the dogs running the neighborhood. Mrs. Mace said yes; she has them on videotape. Mr. Frates said they stopped the bus on Rush Pond Road, and it could not go until he got there.

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

VOTED: To close the Benton dog hearing at 8:45 PM.
Unanimous in favor.

Chairman Evirs said there are two (2) issues. The dogs are roaming the neighborhood and they are barking. He knows from the experience of his friends who have beagles, they used a voice activated collar and it worked very effectively. He also recently found out that there is a voice activated collar that shoots out a squirt of Citronella that irritates the dog's senses, so that would take care of that. Mr. Frates said there is also another type of box that if they bark they will be irritated by a high pitched noise. Chairman Evirs said the barking and howling can be handled by collars. Selectman Maksy said or by a dog trainer. Maybe allow the owners to choose the most appropriate method. Chairman Evirs said we have enough documentation that the dogs do not stay in their yard, so if they take the device of a collar with them, then it would be effective. Selectman Maksy said that we need restraint of some kind. Chairman Evirs said the Bentons say that they have a kennel. We should have the ACO inspect it and make sure it is adequate.

Ms. Garbitt said the Board does have a couple of avenues. This is the second recorded complaint and you could fine them \$25, or could say if this happens again you will be charged \$25. Then, the time after that there will be a \$100 fine. The Board also has the right to permanently restrain the dogs, but this may not be one of those instances. So, you could issue

the fine and make sure that they permanently restrain the dogs on the property. You could fine \$25 now and the next time \$100. Selectman Maksy said so if the dogs are outdoors, they need to be wearing some sort of device to prevent them from barking and howling.

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

VOTED: That whenever the dogs are outside, they are to be wearing some sort of device to prevent them from barking and/or howling.
Unanimous in favor.

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

VOTED: That the Bentons make sure that their dogs do not leave their yard unless on a leash. They are to be restrained on the property, either to the kennel in their yard or by a method of restraint that is approved by the ACO. If the dogs are loose again, then they are to be fined \$25. If the dogs are at the shelter more than one (1) day, there will also be boarding fees issued by the ACO.
Unanimous in favor.

Dog hearing-Keith Boucher

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

VOTED: To open the dog hearing of Keith Boucher at 8:31 PM.
Unanimous in favor.

Chairman Evirs then read the complaint into the record

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

VOTED: To continue the Boucher hearing at 8:32 PM until the Benton discussion is over.
Unanimous in favor.

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

VOTED: To reopen the Boucher hearing at 8:55 PM
Unanimous in favor.

Chairman Evirs then summarized MGL laws Chapter 140, Section 157 which says if any person shall make complaint in writing to the Selectmen, concerning any barking or vicious dog, the Board is charged with the responsibility of handling such complaints at a public hearing. After investigation of such complaints, including an examination under oath of the complainant,

the Board may make an order concerning said dog. The keeper of any such dog may, within ten (10) days after the hearing, petition the District Court for review. Any person failing to comply with an order issued here tonight could be punished by a fine or by imprisonment.

Chairman Evirs then swore in those who would be testifying for the hearing: Keith Boucher, Jessica Roy, Lu-Anne Rufo (complainant), Laurice Ingargiola, Assistant Animal Control Officer, and David Frates, Animal Control Officer and read the complaint into the record. This is not the first offense regarding Mr. Boucher's dog, and there is a vet bill of \$144.88 for Ms. Rufo's dog.

Selectman Maksy then read the letter from the Animal Control Officer of April 28, 2008. Ms. Garbitt reminded the Board that they also held a hearing regarding the dog on December 17, 2007 regarding the Ellis attack. They were ordered to pay the vet bill at that dog hearing. Mr. Boucher said they went to court on that and is paying that bill this week. Ms. Garbitt said they were given extensions on the bill, but then Mr. Ellis had to file with the small claims court for the \$94.90.

Ms. Rufo said when she was writing this, she was obviously upset. The Boucher dog attacked her dog a year ago this month. The dog was in a neighbor's yard that cares for the dog when they are away. She heard the dogsitter screaming about how she had him pinned. She found out the dogsitter was trying to get the dog off and Mr. Boucher did not help. Ms. Rufo said she paid the bill since her dog was not on a leash, so she let it slide. Then, the second attack happened on November 11th. Then, Thanksgiving week, his dog charged down the street when she was walking with her dog. Mr. Ellis asked for Ms. Rufo to go to his hearing, but she did not want to make waves with Mr. Boucher. Mr. Boucher did come over, apologized and did offer to pay for her bill. She asked three (3) of the neighbors to verify that he has not kept the dog on a muzzle or leash since the hearing, but they are afraid of him and they would not come to the meeting. She has a no trespass on him since he threatened to shoot her dog.

Ms. Garbitt said that previously the Board had ordered that an adequate fence be put up. Mr. Frates said there is a stockade fence in the front that was put up last weekend but, it is not completely around the yard. Chairman Evirs said the previous order was that the dog had to be muzzled and on a run. This is on the December 27th order. Ms. Roy said the dog has a litter of puppies that she is protective of. She had a dog hang itself on a run before so she does not believe in runs. We did pay the vet bill at Lakeville Animal Hospital. I can get proof from Dr. Wolfthal tomorrow. Ms. Rufo said when she brought Dudley in to get the drain out, it had not been paid. Ms. Roy said it has been paid, and she will get proof tomorrow. Chairman Evirs said we would like to see a receipt tomorrow; you can bring it into the Selectmen's office. Any other statements? Ms. Roy said she has a litter of puppies, and there have been many incidents where Ms. Rufo's dog has gotten out and wanders into their yard. She does not have the money for a six (6) foot fence all the way around the yard. She has it across the front and then starting down the sides.

Selectman Maksy said his biggest concern is that a dog has been bitten. It could very easily have been a child. The dog was to be restrained in the yard and muzzled. It was all or nothing. We are fortunate it was not a child, but unfortunately, it was your dog. Ms. Ingargiola said she has attended many hearing like this. The Board gave an order and the dog owners did not follow

through with it. It tells us about their respect level for the Board. The bill was not paid when the dog went in because she called two (2) days later about the dog. She then showed a picture of the fence. Once a dog has attacked, it will continue to attack. If it knocked this woman on the ground, it would have been prime instinct to attack a child. It did not have a litter of puppies when it attacked the first time. The whole neighborhood is concerned about the dog. This is a concern. She is aggressive, and this is her street now. Mr. Boucher then explained the fence picture and showed the new fence that is across the front and a little down the side. Then, across the back is chain link fence about 4 feet. So maybe he will have to do a pen since he cannot afford to do stockade all the way around the yard.

Chairman Evirs said he was quite disappointed that you did not abide by the restrictions. Mr. Boucher said he does have a muzzle, but the dog got a rash on her face from the muzzle. Chairman Evirs said a few days after the first hearing; you received our order in writing. If you thought it was different, you had a certain amount of days to appeal, and you did not. That means you accepted the order, whether you understood it fully or not. You cannot take it upon yourself to disregard the order. Mr. Frates asked how did she bite if she is always muzzled. Mr. Boucher said she got it off, once in a great while she is able to. That is why he muzzled and put her on the run, so if the muzzle is off, then he had the chain as a back up. Selectman Maksy asked if the dog's shots are up to date. Ms. Craig said yes.

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

VOTED: To close the hearing at 9:17 PM.
Unanimous in favor.

Selectman Maksy said he liked the recommendation of Ms. Ingargiola, which was a 20' x 20' kennel. We would allow them 21 days to put the kennel up. If the dog owners do not comply with the decision after the appeal period expires, then the dog is to be placed out of Town with written proof where it is now located. Ms. Garbitt said the Board can order the dog permanently restrained and when the dog is outside, it is to be muzzled. This is the second vicious attack, so you should order the dog permanently restrained on the property. You can fine tonight or the next time. When the dog goes from house to kennel, it should be on a leash with a muzzle. Chairman Evirs said we can impose the \$25 fine since this is the 2nd offense. He was deeply disappointed since the dog owners did not follow the letter from the first offense. We would be within our right to impose the fine and recommendation of Ms. Ingargiola of a 20' x 20' kennel within three (3) weeks. Right now, the dog is not to be let out of the house without being muzzled and restrained. The fence is not adequate. Selectman Maksy said for the record, we can state that what you have done is not adequate; you did not meet the intent of the December 2007 letter. Chairman Evirs said the next time there is a complaint, we will order the dog to be removed from Town with a \$100 fine. It was only a few months ago that you were here for a dog attack.

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

VOTED: To request that Keith Boucher of 3 Laurel Street be ordered to erect a six (6) foot high kennel, 20 feet by 20 feet within 21 days to contain his dog and that the order of December 2007 still stands that the dog is to be muzzled and chained anytime outside the house. If the kennel is not erected within 21 days, the ACO will report back to the Board and then Mr. Boucher will be asked to return before the Board. The dog is to be permanently restrained on the property, and if the dog is found off the property, the dog is to be picked up by the ACO.
Unanimous in favor.

Ms. Ingargiola suggested chicken wire be placed under the kennel so that if the dog is a digger, it will not dig out around the kennel to escape.

Review and issue Annual Dog Warrant to Animal Control Officers

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

VOTED: To issue the Annual Dog Warrant giving the Animal Control Officers the authority to pick up unlicensed dogs within the Town of Lakeville.
Unanimous in favor.

Request for one day liquor licenses-Park Commission

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

VOTED: To approve a one day all alcohol liquor license for Ted Williams Camp for May 18, 2008, 1:00 PM to 6:00 PM for Steve Durrigan graduation party.
Unanimous in favor.

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

VOTED: To approve a one day all alcohol liquor license for Ted Williams Camp for June 21, 2008, 1:00 PM to 5:00 PM Breen/Murphy wedding.
Unanimous in favor.

Request to use Town Office Building for car wash-Boy Scout Troop 26-June 28, 2008

Chairman Evirs read a request to use the Town Office Building for a car wash for Boy Scout Troop 26.

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

VOTED: To approve the Car Wash fundraiser for Boy Scout Troop 26 for Saturday, June 28, 2008 from approximately 8:00 AM to 4:00 PM at the Town Office Building.
Unanimous in favor.

Selectman Maksy suggested that they be asked to look into environmentally friendly green soaps.

Request for renewal of storage trailer permits: Lakeville Auto Sales and Mullein Hill Christian Academy

Chairman Evirs read the memo from Ms. Craig regarding the renewal of storage trailer permits for Lakeville Auto Sales and Mullein Hill Christian Academy. Ms. Garbitt suggested maybe at another meeting, the Board can go over the list of fees and determine if they want to charge for the trailers individually.

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

VOTED: To renew the storage trailer permit for Lakeville Auto Sales from May 22, 2008 to May 22, 2009.
Unanimous in favor.

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

VOTED: To renew the storage trailer permit to Mullein Hill Christian Academy from May 22, 2008 to May 22, 2009.
Unanimous in favor.

Request for driveway cut-4 Margeaux Drive

Chairman Evirs said the Planning Board just met on this and they recommend the curb cut as recommended by Christopher Peck, Superintendent of Streets, make sure the driveway is not placed near the existing manhole in the sidewalk, and to close off the existing curb cut. The Highway Department will provide a berm to replace the Cape Cod berm at the old driveway and will coordinate the work to be done with the Highway Department and Mr. Peck will inspect it.

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

VOTED: To approve the driveway cut at 4 Margeaux Drive with the restrictions as per the Planning Board and overseen by the Superintendent of Streets.
Unanimous in favor.

Revisit request for appointment of SRPEDD Commission Members and Joint Transportation Planning Group Delegates

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

VOTED: To continue with Rita Garbitt as the Selectmen's Representative and Walter Healey, Jr. as the Planning Board's Representative with SRPEDD.
Unanimous in favor.

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

VOTED: To have Christopher Peck, Superintendent of Streets serve as Delegate and Charles Evirs, Jr. as the Alternate Delegate for the Joint Transportation Planning Group.
Unanimous in favor.

Thank Standish Oil for their donation of a furnace and labor for the Historic Library

Chairman Evirs said the furnace at the Historic Library had to be replaced a few weeks ago. Mr. Lucas of Standish Oil installed a new furnace and including labor the total was \$3,990, as a gift to the Town. The Board thanks him for his generosity. Ms. Garbitt will send Mr. Lucas a letter of appreciation.

Review Zoning Board of Appeals petitions: Rogers/Pond Realty; St. Don & G/B New England

Chairman Evirs said the Board had three (3) Zoning Board of Appeals (ZBA) petitions to review. The first petition is for Rogers/Pond Realty at 203 County Road. The applicant is asking for a variance from the 40' side lot line setback variance and they are requesting a 10' side lot line setback. There have not been any comments or responses from any other Boards since the petition was recently received. Discussion took place while viewing the plans for the site. Chairman Evirs said the ZBA needs to be mindful of the different zoning between abutting properties. Ten (10) feet is not a lot of distance between a business and a home. Perhaps the applicant could adjust the size of the building. They also need to stay away from the leaching field.

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

VOTED: That the applicant tries to re-orient the building and try to meet the Town's bylaw, for setbacks, especially next to the residential lot.
Unanimous in favor.

The second petition is for St. Don at 51 Nelson Shore Road. The applicant is asking for a Special Permit under 6.1.3 to demolish the existing non-conforming house and construct a new home meeting setbacks and lot coverage. The existing house is 850 square feet; they are proposing a 1,480 square foot house. The driveway area will remain the same at 1,620 square feet. Total lot coverage will be 3,100 square feet, 24.4% up from 19.4% currently. The lot contains 13,021 square feet of land with 94.14 foot frontage. The Board of Health has sent a letter to the ZBA saying they have no objections to this project. It is noted that there is a valid Order of Conditions from Conservation Commission, but this has not been verified.

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

VOTED: To bring attention to the ZBA that 6.1.3 - demolition on a lot less than 20,000 square feet requires it to meet the limits of restoration on 6.1.2 (shall). Also there were no plans supplied, so we do not know the height of the house. It appears that this is no longer a Special Permit, this is a variance.
Unanimous in favor.

The third petition is for G/B New England 2, LLC – 11 Main Street. The applicant is requesting a Special Permit pursuant to Lakeville Zoning By-Laws Section 7.4.6 to allow a drive-through facility at a CVS Pharmacy to be constructed at 11 Main Street. The property is located in the Business District. The underlying use as a retail pharmacy is an allowed use in the Business District. The lot contains 3.973 acres and has 347.74 feet of frontage on Main Street. Upon the relocation of Route 79, the site will be located at the intersection of Route 79 and Main Street, which will be an intersection serviced by a traffic signal. Chairman Evirs said this is something that is not being readdressed with the plans. This requires them to go through this process, and they will still need to go through their review process. The Board has no problem with the Special Permit for CVS for a drive thru for their pharmacy.

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

VOTED: That the Selectmen have no objection to the petition for a drive-thru for the proposed CVS Pharmacy.
Unanimous in favor.

Any other business that may properly come before the meeting.

Chairman Evirs stated there is an Open Meeting Law seminar taking place at the Library soon. Since it is important that everyone is well versed in the Open Meeting Law, it is important that everyone attend this seminar. The meeting will be posted for the Board of Selectmen. Chairman Evirs suggested that all Boards and Committees post for the meeting. This notice has been emailed to every Board and Committee member.

Ms. Garbitt told the Board that there is one (1) more transfer. After May 1st, by vote of the Board of Selectmen and the Finance Committee, a Department can transfer within their wages

and expenses. The Library has run short on their fuel. We knew last year that we took a chance by cutting their fuel budget. They need \$1,500 transferred from wages. Someone resigned at the Library and has not been replaced yet, so they have the funds within their budget.

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

VOTED: To transfer \$1,500 from wages to expenses for the Library.
Unanimous in favor.

Other Items

1. Letters from Board of Health regarding Old Backroad Estates
2. Memo from Department of Public Health regarding Arbovirus Surveillance for 2008
3. Memo from Comcast SEMA Region regarding community events
Chairman Evirs read the letter into the record. Comcast is looking to expand their involvement into the community. We will schedule them on the agenda to determine what they can offer.
4. Plymouth County Commissioners meeting agenda-April 29, 2008
5. Division of Fisheries and Wildlife Advisory
6. Invitation from GATRA regarding Regional Transit Authority Caucus-May 12, 2008
7. Announcement of FY09 Commonwealth Capital application-May 7, 2008
Ms. Garbitt said that she and Robert Iafrate, Building Commissioner will be attending.
8. Letter from DOR regarding Municipal Affairs Coordination Cabinet tour-May 9, 2008
Chairman Evirs said he will be attending this meeting in Braintree, Friday, May 9th. Ms. Garbitt said the Treasurer would like to go. She will RSVP by Wednesday.
9. DOR Bureau of Accounts IGR 08-101-Enterprise Funds
10. Cape Cod Cranberry Grower's Association Public Official's Workshop
Selectman Maksy said he will attend this event on June 4th. Ms. Craig will register Selectman Maksy and he will provide the fee.
11. Cranberry Country Chamber of Commerce Perspective
12. MEMA letter regarding hurricane season training exercises

At 10:05 PM, upon a motion made by Selectman Maksy with Chairman Evirs stepping down to second and then stepping back up to vote, it was unanimously:

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