

**SELECTMEN'S MEETING**  
**Monday, May 19, 2008**

On May 19, 2008, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 6:32 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.

**Meet with Attorney Mather regarding CVS Pharmacy Main Street**

*Attorney Robert J. Mather and Marcus Baptiste were present for the discussion.* Attorney Mather said that German, Brown & Crowley is the primary developer for CVS. During the process, it was noticed that several things had to be done regarding zoning and with the use of the property two (2) things had to be done. The Town has a relatively new bylaw that regulates drive-thru's, and the developer received a Special Permit from the Zoning Board of Appeals (ZBA). However, due to the type of proposed commercial development, site plan approval is needed from the Planning Board. Also, the drive-thru bylaw requires site plan approval as well. There were really only a few comments on the changes that were requested by the Planning Board. The Planning Board was shown the rendering of what the building will look like. No negative comments were made, but he has heard that they do not like the rendering, and the developer is prepared to address that with a few alternatives. The building will be at the intersection of the relocated Route 79 and Main Street. CVS wants to be there and is ready to go in the spring of next year. The plan meets all the setbacks and the percentage for impervious services. The building will have the main entrance facing the intersection. There will be two (2) accesses, one on Route 79 and one on Main St. There will be a traffic signal at the corner. More than the required amount of parking will be provided, to the point that the Planning Board wants it addressed about where they will push the snow. The landscaping was changed in order to have an area for the snow. The drive-thru is directly diagonal from the entrance to the building and it is a two (2) lane drive-thru, which is standard for a pharmacy. The outside lane is for drop off and the inner lane is to chat with the pharmacist. It was pointed out to the ZBA that one cannot buy general merchandise from the drive-thru. They have addressed the standard for queuing, and there will be no issues with that. They also asked about the sub surface septic field, to have low lying landscaping there so that the snow is not put there by the plow and do damage to the septic system. The Planning Board did not like the height of the light poles of 33 feet, so they will go back and redesign that. They suggested 20 feet. They are designing 20 foot poles with a 2 foot pedestal and the box is 24 inches. The reason they are not lower than that is that there are a bunch of hot spots. It does not spread the light out as evenly. Chris Hollis, the architect, is here tonight. He will show you what was shown to the Planning Board and the other things that the developer is prepared to modify and what the site will look like.

Selectman Yeatts said so you have 16 more parking spaces than needed or in total. Attorney Mather said there are 50 required spaces and 68 have been provided so there are 18 extra ones. They are putting in three (3) handicapped spots. So, that is actually 53 that are required with 71 in total. Selectman Maksy asked about the sign location and the size. Attorney Mather said CVS permits the sign later. They have one (1) company that handles that when the building is

half done. The Planning Board will be asked to approve it, and it will be done in the future. They are comfortable that they can comply with the regulations. It should be like what is in front of Walgreens. Attorney Mather asked the Board to ignore the renderings since they are not the way that they will be. 4'x 8' is the typical size for a sign. Selectman Maksy said we talked about outside lights. Do these follow the night sky bylaw. Attorney Mather said yes, the engineer will address that. Chairman Evirs said the entrances and the exits to the store are quite a distance from the intersection. He would look for signage to know where the entrance is. Since Walgreens went in, he would ride by the store looking for the entrance sign, since it is so close to the edge of the property it is difficult to notice. One would reach the intersection and then realize they have gone by it. The idea is to keep the traffic away from the intersection if possible. Maybe just a simple sign that says entrance. Tom Pacheco, Engineer with R. Jay O'Connell entered. Attorney Mather said there is another alternative to take if you have gone by the entrance. He will mention that to the Planning Board about simple entrance and exit signs. Mr. Pacheco said maybe a two (2) sided sign could be installed on one post. Ms. Garbitt asked if they have already obtained the curb cut from MassHighway. Marcus Baptiste, property owner, said not yet. He was not sure if he would have to apply for it since they are being built into the site plans. Ms. Garbitt said Route 79 is a Town way, so you will need a curb cut from the Board of Selectmen. Attorney Mather said in regards to traffic, this site and the ones around it are part of the original ENF study, so no more studies were necessary. Selectman Maksy asked if the median had to get modified since it cannot be crossed by law. Attorney Mather said we will have to look at that and will work with MassHighway on that. Selectman Maksy said to make sure you check with the Police Chief so that no one gets a ticket later on.

Chris Hollis, Project Architect, stepped forward to show what they had proposed to the Planning Board, but apparently they did not like it. The yellow material is to simulate a stucco type finish. This is standard. The cornice at the top is the edifice type material and the red brick is the accents on the building. This is what was presented to the Planning Board. Mr. Hollis showed the brick and the material of the brown and yellow that will be used. Attorney Mather said there are options, others can be used. Mr. Hollis then showed a picture of the how the CVS in Easton was done with more brick and it seems to improve the building. They also added more windows, but they would be blacked out so that people do not see the back of the fixtures. They built one similar to this in Danvers, Massachusetts and they are also doing one in Salem and Dedham, Massachusetts. They have done stores that look more "homey" also. Attorney Mather said that might be like the Holbrook one. We do have some other alternatives. We could put up the full scale Colonial one, but that would be a significant disadvantage with Walgreens. It may not fit there also. This is not a historic area, but there are some compromises. Also, we are not sure if it can be priced correctly. Chairman Evirs said this is similar to what we saw down the Cape, the asphalt shingles and single story. Attorney Mathers said you are looking at a four (4) year old building, and there have been some changes to that. There are height limits that have to be met. Mr. Hollis said it is 35 feet in Lakeville. Chairman Evirs said the store with more brick is more similar to what Walgreens has done. Mr. Hollis said they do awnings also. Chairman Evirs said the architecture has been started there already and they cannot stray more than that. Ms. Garbitt said the Planning Board did not know that they had any options with Walgreens. Attorney Mather said CVS will not put up a building that is not attractive. Selectman Maksy said he liked the building on the left with more brick. Chairman Evirs said he thought it was appealing with the brick. Selectman Yeatts said based on what happened with Walgreens, she

agreed. Attorney Mather said if possible, he would like to carry a recommendation to the Planning Board from your Board.

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

VOTED: To recommend, Type A brick, for the building. There is a desire to keep entranceways away from the intersection as shown and to add signage for the entrance to the parking area that is noticeable. The exterior lights must conform to the Night Sky Bylaw and a Storm Water Maintenance and Management Plan must be added as per the May 16, 2008 letter from the Superintendent of Streets, including all guidelines as incorporated in the letter.  
Unanimous in favor.

### **Review-2008 Priority List**

Discussion took place on the priority list for FY2008. Ms. Garbitt said she has received an updated bid on the cupola and it is \$400 over the budget. It will be done this summer. Ms. Garbitt said she had contacted Old Colony since they had taken off a steeple from a church in Rochester, but they will no longer do these types of jobs. It has been tough getting any competitive bids. It may then be a sole source.

Chairman Evirs said we should make a recommendation to get the Neighborhood Business District moving. Ms. Garbitt said she had some residents in from County Road about zoning the targeted area for regular Business, instead of Neighborhood Business. Chairman Evirs said he did not want to see all the areas depicted in the Master Plan to be Neighborhood Business. He would like to see one (1) area done, see how it works, see if it works out like it was envisioned so that the Town is not in an uncompromising position that we cannot back out of. Selectman Maksy said at least get the bylaw done, then decide on the areas to put it. Selectman Yeatts said the Town can say anything in a bylaw, but it is hard to enforce it. Ms. Garbitt said there are a lot of areas targeted in the Master Plan (Route 18, the old Library, the Assessors Office, and then on County Road).

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

VOTED: To send Selectman Maksy back to the MPIC with the consideration that the Neighborhood Business District is a high priority with the Board of Selectmen.  
Unanimous in favor.

Ms. Garbitt said she has been drafting the water line engineering contract for Tibbetts Engineering and she needs to set up a meeting with Dick Keith at DEP. The Board will need permission from the Taunton City Council to extend the water line and hopefully we can speak on the acre of land behind this building for future use of renovating the Town Office building. Selectman Yeatts said she would like to invite Dick Keith in to meet with us about realistic expectations about water towers, dead ending, pressure, etc. We would discuss the big picture, rather than just the small things. She said she would set this up.

Ms. Garbitt said she and Dan Hopkins went over to Clear Pond Park today to check out the renovations to the restrooms. The company that did the roof also did the doors. They removed the old insulation and there is some money left over to put in new bathroom fixtures. The Park Department will have a clean up day to repaint the inside and clean up the park in general. The septic system will be done before it opens. Discussion took place on painting the Town Offices. Volunteers cannot be used for anything above ground level due to liability issues.

Ms. Garbitt said she met with Chris Peck and Jim Marot at the entrance of Bridge Street after Walgreens was built. Selectman Maksy said it will get worse as the traffic builds, and they use it to go around Route 105. He would like to see a cheap fix for the curb. Ms. Garbitt said National Development is responsible for the lights and widening of Bridge Street, but since that is not happening this year, we should look at it again. Selectman Maksy said we should look at it, and if it is too much, then it is not worth doing.

Chairman Evirs asked about a bylaw for windmills. Selectman Maksy said windmills do not fall under the category of structures, so someone may have the right to put up a 60 foot windmill. We need to look into it. Maybe the 35 foot height restriction will hold, or we should put something in place for the windmill. When we talk about renewable energy laws, do they supercede our own. He is not saying that he does not want them; he just wants to make sure that they fit. Also, the Town should have a bylaw for outside wood stoves. These are the big green buildings people are putting up. The smoke could annoy the neighbors. It takes full logs, it is a green shed, and it pipes the heat into the house. It costs about \$10,000. We need a by-law to make sure that neighbors are protected. Ms. Garbitt said we should move that up on the list of priorities.

Chairman Evirs suggested moving the Housing Authority over to medium priority and also Housing Partnership. Ms. Garbitt said she will get the information from the Town Meeting on this. The Housing Authority has to be elected. Dick Keaton is willing to come in and give the Board an update on what they are, at one of your meetings. She will copy what is in the Master Plan as far as the priority. There is also the Affordable Housing Trust that was approved by Town Meeting. All this came out of the Master Plan. Chairman Evirs said he would like to add, to the high priority side developing a template for earth removal conditions.

Selectman Yeatts discussed wind power. They have done some studies on Howland Road and also at the High School. It was estimated that a savings could be achieved of \$30,000 for the High School. Chairman Evirs said you have to remember that you cannot sell back the additional electricity since we are with a municipal utility. We have to pay fees if we do not generate enough from the wind. Selectman Maksy said the MG&E said they could do a policy to allow it. We could send them a letter to see if they would want to buy the power back from us. Maybe we could draft a letter and have them look into that. They need the request to start looking into a policy. When the School is shut down in the summer, they could buy the electricity and resell it wholesale. A letter would reinforce me going in there to speak with them on it. Chairman Evirs said the consistency of the wind did not fall in line with certain grants. Selectman Yeatts said even it was only 30%; it would cover the High School. Chairman Evirs said that we want to power the three (3) school buildings. Selectman Maksy said he will mention this to the MG&E at their next meeting.

Ms. Garbitt spoke about cemetery space. We only have space in the Precinct Cemetery. There really isn't much Town space and the Town is not selling any more plots, but there is some space at Mullein Hill and Sampson Cemetery. This has been looked into by the Cemetery Commission. Chairman Evirs said maybe we should send them a letter to start looking for space for a cemetery.

Chairman Evirs said that the Southcoast Rail project should be assigned a point person. Right now, Linda Grubb attends the meetings for the Town. This will be left as a medium priority, but it needs a point person from the Board.

Discussion took place on a Ted Williams Statue for the Camp or naming a road and numbering things from his baseball scores instead. This will be a low priority.

Chairman Evirs said that he thought as a Board, we should periodically every few months tour the schools during school being in session with either the Superintendent, the School Committee or the principals. Chairman Evirs will set this up with Ms. Garbitt.

Chairman Evirs said he would like to continue being the point person for National Development. He and Ms. Garbitt attended a meeting today at the State with Representative Canessa, Senator Menard and a Representative from Senator Quinn's office. This subject was named Current Business Districts and the point person will be Chairman Evirs. Selectman Yeatts will follow the Natural Heritage remapping that is done every two (2) years.

Chairman Evirs said he would like to have some of the other towns share in the financial support of the Casino Task Force. We pay the expense of paying the recording secretary, and the Town Administrator and staff in our office are providing their time. This is not a line item in the budget and it is not absorbed. There is copying that the other towns can do to share the burden. Selectman Yeatts said the Task Force could elect a secretary instead since the minutes are so lengthy.

Selectman Yeatts said she would like to do all the water or all water and sewer related issues.

The Board will talk about point people for the union contracts during executive session.

### **Discuss appointment of Building Design Committee for Police Station**

Chairman Evirs discussed the appointment of the Building Design Committee for the Police Station. Selectman Yeatts said if we are building another building, we really need to look more closely at making it a green building.

Chairman Evirs said this committee is just to design it. It is not talking about when it goes to construction. There is also another committee coming up that we will discuss regarding the Commissary Building for Ted Williams Camp. Selectman Yeatts said she would like to be on the Police Station Design Committee. The membership of the committee will consist of the Police Chief, Police Officer Matt Perkins, a Lakeville resident, Christopher Peck, Superintendent of Streets, Robert Iafrate, Building Commissioner, David Morwick from the Capital

Expenditures Committee, Jay Catalano, Assistant Plumbing Inspector, Rita Garbitt, Town Administrator, Dan Hopkins, Chairman of the Park Commission/Fire Chief, a Finance Committee member, an electrician, (perhaps Kevin St. George), and Selectman Yeatts for the design. Then, when it moves to a Building Committee, Chairman Evirs will be on the committee for the construction aspect of it. The press was asked to print a notice, asking for an at-large resident. Ms. Garbitt said the response deadline should be June 5<sup>th</sup> and Ms. Craig will put it on the Town's website as well.

### **Discuss scheduling Special Town Meeting**

Chairman Evirs said we were just notified this afternoon by the Town Clerk that a petition that would have called for a Special Town Meeting does not have the correct amount of signatures. So the process has to be started all over again. 200 signatures were needed, but only 196 signatures were certified. Some signatures have been doubled since the petition was put at different locations and people inadvertently signed it more than once.

Mr. and Mrs. Bissell from 235 Main Street, direct abutters to Ms. Donnelly's property (the property that the petition was for) told the Board that they were not in opposition to Ms. Donnelly operating her small flower business per the ZBA decision. Their concern now is the effort to get her property rezoned and the Town's two (2) properties. That would change their property value and the neighbors. Mrs. Bissell said they love their property, and she is very involved with the school. She has heard the Town is looking into a Neighborhood Business Zone. She liked the idea of it. However, she was concerned about the area growing into a full Business Zone. She has spoken to other neighbors about doing a petition to have the area zoned as Neighborhood Business collectively to the Couet's property and all that abut in the rear. No one was opposed to that. Chairman Evirs said Neighborhood Business is in the Master Plan for that area, but since that petition did not materialize, maybe we can direct the Planning Board to look into that since it would take a bylaw change. Mrs. Bissell said in the meanwhile, it does not stop Ms. Donnelly from doing another petition and to try and do what we and the neighbors are opposed to. Should she start a petition and include all the neighbors? Chairman Evirs said nothing precludes someone from starting a petition. Selectman Yeatts asked if Mrs. Bissell had read the Master Plan in regards to the Neighborhood Business. Mrs. Bissell said she had not, but that she did have a copy to read. Mr. Bissell said Ms. Donnelly has been approved for a Home Occupation but it has gone beyond that now. Ms. Donnelly assured us that she did not need any restrictions since she would stay within the bylaws of the home occupation. If we went with what the Master Plan has for the area, maybe we could put some type of restrictions in it to keep it more of the center appeal of town and keep out a convenience store, Hess gas station, a tattoo parlor, etc. Chairman Evirs said for the Bissells to look at the Master Plan and their list of intended uses. Mrs. Bissell said the bylaw is not even a bylaw yet, but would it prevent Ms. Donnelly from zoning her property as Business.

Chairman Evirs said this is like a horse and a carriage. What comes first when you need both? Someone will get a petition with 200 signatures and force the hand. If yours is signed and brought in first, it is the lead petition, but it does not prevent her from bringing in one of her own for her property. The Planning Board would hold hearings on both and then at a Special Town Meeting, the first agenda item might be the Neighborhood Business Zone. So then, does

her petition need to be as a Business zone or is she satisfied with the Neighborhood one? It is still a Town Meeting vote. Both would require that. Selectman Yeatts asked if they are going to get the 200 signatures. Mrs. Bissell said first they wanted to know what the neighbors felt before pushing them on a petition. Selectman Maksy said you can get the Planning Board to start the hearing process if they believe that this is the right thing to do and bring it to Town Meeting. A petition is an option; it does not have to take place though. Speak with the Planning Board and ask to get on their agenda and see if it is viable. Chairman Evirs said a petition with 200 signatures is more viable than a five (5) member board.

Ms. Garbitt said the Master Plan Implementation Committee (MPIC) is having a meeting this Thursday night at 7:00 PM in the conference room if the Bissells would like to attend. Mrs. Bissell asked since there is not presently a Neighborhood Business bylaw, we can ask the MPIC about bringing it forward to the Planning Board as a bylaw. If it goes through to be Business zoned while waiting for the Neighborhood Business bylaw, can it be rezoned? Chairman Evirs said yes, but it can also follow the same scenario as explained. In defense of Ms. Donnelly, when she first presented her plan, she was being honest at the time, but the opportunity of business is greater than what she thought was going to happen, but unfortunately it is not the area for it. Ms. Garbitt said that the warrant would only be open for a short period of time since the Planning Board has to hold hearings. There are only 45 days from when a petition is certified and the hearings have to be advertised twice, two (2) weeks prior to the hearings, so there is a lot that needs to be done in a short period of time. Mrs. Bissell said she and the neighbors are willing to support it.

### **Discuss three (3) year budget request to Department Heads**

Chairman Evirs discussed a memo that will go out to Department Heads requesting a three (3) year budget. Ms. Garbitt said this would be in response to the possibility of an override for 2010. Selectman Yeatts will work with Ms. Garbitt on this and it will be placed on the next Selectmen's agenda. Chairman Evirs said the Board needs to look at what it will cost to get the Capital Plan back on schedule as well.

### **Revisit mileage reimbursement rate for Town employees**

Chairman Evirs said that the Board has received a request to consider raising the mileage reimbursement rate for Town employees that use their own vehicles for Town business. Selectman Yeatts said the Conservation Commission budget was her major worry. We underfunded them last year and it continued on to this year. Chairman Evirs noted the survey that Ms. Garbitt had done, and all but two (2) towns are either at the old or the new IRS rate. Ms. Garbitt noted that Stoughton just raised theirs. Ms. Craig said she received responses from Canton, Norton and Cohasset, and they are all at the IRS rate as well. Selectman Yeatts said unless we give the Conservation Commission additional money in their budget, raising the rate will kill them. Selectman Maksy said we do not have extra money. Ms. Garbitt said this could hurt any applicants for the Conservation Agent job that have applied if they are not aware of the reimbursement rate; they may assume that it is the current IRS rate. Chairman Evirs said they have the ability to get the difference back from what the Town pays and the IRS on their taxes if

they itemize their taxes. Ms. Garbitt said we have Town employees that do not put in for mileage reimbursement at all.

Further discussion took place on the benefits and disadvantages of raising the rate and how it is cheaper for the Town than having a car available and paying insurance and maintenance. This can actually be revisited at another time, again. Ms. Garbitt noted we could pay the Conservation's secretary out of the secretarial pool for a few months, since mileage comes out of the Conservation Commission money.

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

VOTED: To approve the mileage reimbursement rate of 50.5 cents per miles for the use of personal vehicles for Town business.  
Unanimous in favor.

#### **Vote to Extend Useful Life of Vehicles**

Chairman Evirs read the memo regarding extending the useful life of certain Town vehicles.

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

VOTED: To extend the useful life of the 2005 Sterling Dump Truck and the 2007 International Tanker for the Highway Department, the 2007 Mack CTP for the Transfer Station, and the 2007 International Pumper for the Fire Department from five (5) years to ten (10) years.  
Unanimous in favor.

#### **Request for constable reappointment-Danielle Elliot**

Chairman Evirs read the request from Danielle Elliot to be reappointed as a constable for the Town of Lakeville.

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

VOTED: To approve the reappointment of Danielle Elliot as constable, subject to receiving her renewed constable bond, with a term to expire May 15<sup>th</sup>, 2009.  
Unanimous in favor.

#### **Discuss Memorial Day Observance-Historical Commission**

The Board consulted their calendars, and unfortunately, all will be away for the holiday and will not be able to attend the Memorial Day Observance. Ms. Garbitt stated she will not be able to attend either. The Board will send them a note that will all be away and respectfully regret that cannot attend.



### **Request to ride through Lakeville-MS 150 Bike Tour-June 21 & June 22, 2008**

Chairman Evirs read the request from the Multiple Sclerosis Society for permission to use Lakeville roads for their annual bicycle race.

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

VOTED: To approve the MS 150 Bike Tour June 21<sup>st</sup> and June 22<sup>nd</sup> through the Town of Lakeville.  
Unanimous in favor.

### **Discuss permitting for steel storage box units**

Chairman Evirs discussed the temporary trailer licenses, under which steel storage boxes fall. He felt these should have a standard renewal date and there should be a better way of permitting them. After reading Section 8.7.3 of the Zoning By-Laws, he believes that the Town should be charging for each unit. The Town has the ability to do so. Selectman Yeatts said the word temporary is located throughout the by-law, and we might have a problem with it. It gives the impression that it will be there for a short time and instead they have these forever. Chairman Evirs said it is cheaper to lease them than to build a shed or garage. Ms. Garbitt said the original intent of the by-law was just for people whose homes had caught fire or were damaged due to a natural cause. Selectman Maksy suggested perhaps having a temporary and a permanent by-law. It should be taxed as a permanent structure and not come before the Board each year. Chairman Evirs said it is not on a foundation though. We can limit the number of storage units on each site.

Further discussion took place for clarification regarding which units would be grandfathered to when the bylaw was amended. Also, placement of the units was discussed. It was suggested to get a list of how many of these units are within the Town first and then go from there. Chairman Evirs will talk to the Building Commissioner on this.

### **Review Comcast's letter regarding renewal process**

Chairman Evirs said this letter has been forwarded to the Cable TV Advisory Committee and if they need something from us, they will contact us. Ms. Garbitt said she will contact Donald Foster regarding the letter

### **Review recommendation from the Lakeville Development Corporation**

Chairman Evirs read the letter into the record. He explained what had taken place at the Lakeville Development Corporation (LDC) meeting. The LDC has asked the Board to put a group together to see what it will take to upgrade the Commissary Building at the Ted Williams Camp. Depending on the amount of money that is received, and maybe with a diversified group with various expertise, there may be areas of the upgrading that may not have to be funded due to donations. However, the Board basically needs to appoint another committee to determine how to spend the money and then at Town Meeting appropriate the money. Selectman Yeatts

said this is a Town building, so it is under our purview. Chairman Evirs agreed, so either Selectman Maksy or himself should be on this committee, since Selectman Yeatts is on the design for the Police Station. Ms. Garbitt said she was on the first committee and it was going to be about \$325,000 to do all the work that was needed at the commissary. That was to replace the windows, the roof, etc., and not including the septic. It was hoped that the sale of the lot was \$350,000. The press was asked to put a notice in the newspapers asking for interested residents to apply to serve on the Ted Williams Commissary Renovation Committee. The Board will discuss this again at their June 9<sup>th</sup> meeting.

#### **Review request from Dr. Furtado regarding gasoline**

Chairman Evirs read the request from Dr. Furtado, Superintendent of Schools requesting that the maintenance people from the Region be allowed to fill Region vehicles at Lakeville's gasoline pumps. The Superintendent of Streets is fine with this. Maybe we could try this for a year, and perhaps see a savings on the school budget hopefully next year. Chairman Evirs noted this was not for personal vehicles. Ms. Craig asked how would we monitor the tractors. Would the gasoline be going into gas cans or would they be bringing the tractors to us. Chairman Evirs said we have to be able to track the gasoline, so they cannot put it into a can. They could have two (2) keys, one for the tractor and one for the truck that is bringing the tractor to be filled with gas.

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

VOTED: To allow the Region to use the gasoline pumps at the Highway Barn, but that gasoline is to only go into a vehicle, not into gasoline cans.  
Unanimous in favor.

#### **Announce Clear Pond Park Opening Day, hours and fees**

Chairman Evirs made the announcement regarding the opening of Clear Pond Park for the season. He distributed copies to the members of the press.

#### **Request from Tuesday Club of Assonet for permission to place sign**

Chairman Evirs read the request from the Tuesday Club of Assonet to place a sign on Town property advertising their Annual Strawberry Festival. It was noted that funds from this event go towards scholarships at the high school.

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

VOTED: To allow the Tuesday Club of Assonet to place a sign on Town property at the intersection of Pickens and Precinct Street for two (2) weeks prior to the event, to be removed the day following the event. It will also be advertised on the community sign.  
Unanimous in favor.

**Request to use Town Office Building for a car wash-Lakeville Aquatics Program/Warriors Swim Team**

Chairman Evirs read the request from the Lakeville Aquatics Program/Warriors Swim Team to hold a car wash at the Town Office Building. They also requested permission to have a grill for selling food. Chairman Evirs said he would defer the question about food to the Board of Health. Ms. Garbitt said she was concerned though about liability with a grill. Ms. Craig noted they said the grill was just an option, but not necessary.

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

VOTED: To grant permission for the car wash for the Lakeville Aquatics Program/Warriors Swim Team at the Town Office Building on Saturday, June 7<sup>th</sup>, without the grill.  
Unanimous in favor.

**Review and vote to approve Selectmen's meeting minutes: September 24, 2007 and October 15, 2007**

Selectman Yeatts commented on the minutes. She would like the Finance Committee to get a copy of the September 24, 2007 minutes regarding the pool discussion.

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 September 24, 2007 as presented.  
Unanimous in favor.

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 October 15, 2007 as presented.  
Unanimous in favor.

**Any other business that may properly come before the meeting.**

Chairman Evirs mentioned the Towns vs. Taxpayers: can our communities be saved? Meeting. It might be good if one of the members can attend the meeting, it is at U-Mass Dartmouth, Wednesday evening, May 21<sup>st</sup>.

Ms. Craig told the Board that the Animal Control Officer has not heard from the Bentons regarding the barking collars, and there was still no kennel at the Boucher property. The deadline is upcoming. We gave Mr. Boucher until May 26<sup>th</sup> for the kennel, but so far nothing on either one of the orders has been done.

## **Other Items**

1. Invitation to dedication of Joseph C. Simas, Jr. Lecture Hall
2. Invitation to Old Colony Regional Commencement Exercises-June 1, 2008
3. Letter from SEMASS-Notice of Increased Costs  
Ms. Garbitt discussed this notice with the Board. Selectman Yeatts said this looks like a surcharge. Ms. Garbitt said they need a decision by June 15<sup>th</sup>, so this will be on the June 9<sup>th</sup> agenda.
4. Letter from Massachusetts SBA regarding Assawompset Elementary School  
Selectman Yeatts asked if this has been done. Ms. Garbitt said the Town Clerk did the certified votes, and Dr. Furtado came by and picked them up.
5. Memo from Linda Grubb regarding Commuter Rail update  
Selectman Yeatts said this will have to go up on our priority list. Out of the 60 alternatives, there are two (2) that appear that they could have an effect on Lakeville.
6. Memo from Board of Health regarding Emergency Personnel  
Selectman Yeatts said she is curious about how other towns look at emergency personnel. Chairman Evirs said the IRS looks at this differently. That is how it came up. Ms. Garbitt asked about the Lakeville Emergency Planning Committee (LEPC), does the Health Agent have to be a member. Selectman Yeatts replied there must be a representative from the Board of Health. Selectman Maksy said a vehicle must be a permanently altered to get that IRS deduction. Chairman Evirs stated the Health Agent cannot commute with Board of Health vehicle. With his position, the IRS does not recognize this. The LEPC does not consist of all emergency personnel. Selectman Yeatts said we need to see how other towns designate their Board of Health agent. Selectman Maksy said we can ask what emergency lists he has to be removed from. Ms. Craig said the Department of Public Health has deemed the Health Agent as emergency personnel since they expect him to be on call 24/7, but it is only that entity, not other Boards. Selectman Maksy said he would like clarification.
7. Letter from Board Health regarding ZBA petition application process  
Selectman Yeatts stated that she agreed with William Garvey. Chairman Evirs said the requirement on the application was adopted when he was Chairman of the ZBA. They were going through a tedious process of hearing petitions and people did not have Board of Health approval on the septic systems. Petitioners would spend their money on the ZBA process when they could have gone to the Board of Health for free first. But if they insist on putting in their ZBA application, then the Town Clerk has to accept the application and it has to go to the ZBA. The Chairman of the ZBA should look at it and not cash the check and speak with the applicant. They have a right to bring anything to the Town Clerk to be stamped with time date. The Building Commissioner needs to be part of the loop as well. Ms. Garbitt said the ZBA, Board of Health, Board of Selectmen and the Building Commissioner should all meet and discuss this. Don Foster, Chairman of the ZBA, has been in to speak to her about this matter. A meeting will be scheduled.
8. Letters from Board of Health regarding ZBA petitions reviewed
9. Notice from Board of Health regarding reappointment of Animal Inspector
10. Memo from Assessor's Office regarding reorganization
11. Letter from Outback Engineering-The Fairways at LeBaron Hills Phase II Modification
12. Letter from Field Engineering regarding relocation of Route 79-Public Hearing Comments

Chairman Evirs said these are the responses to the 25% design review. All five (5) responses have been answered quite favorably and the project is moving forward.

13. Letter from Field Engineering regarding Request for Determination of Jurisdiction-Route 79 Relocation Project
14. Middleborough Gas & Electric agenda-May 13, 2008
15. Plymouth County Commissioners meeting-May 13, 2008
16. Plymouth County Commissioners Fuel Cooperative Bid
17. Plymouth Cooperative Extension Calendar of Events-May and June
18. SRPEDD Commission meeting notice-May 21, 2008
19. Notice from SRPEDD-Metropolitan Planning Organization nominations
20. Massachusetts Bay Commuter Railroad's 008 Vegetation Control Program
21. Amendments to the FFY 2007 TIP and Public Meeting Notice
22. Pro Home Annual Meeting Notice-May 30, 2008
23. Comcast Cable Communications Financial Information
24. Letter from Executive Office of Labor and Workforce Development
25. Information from DLS regarding updated Property Type Classification Code Booklet  
Selectman Yeatts wanted to make sure that the Board of Assessors receives this. Ms. Garbitt said they do.
26. Notice from DLS regarding Landline Telephone & Telegraph Values
27. Mass Wildlife News
28. Wildlands Trust Annual Meeting notice-June 7, 2008
29. Information from Community Preservation Coalition
30. Update on Community Planning Act-Coalition for Zoning Reform
31. Memo from Robert Iafrate, Building Commissioner regarding Electronic Message Boards  
Ms. Garbitt said Mr. Iafrate would also like to talk about the Accessory Apartment Bylaw and the Neighborhood Business District.

At 10:40 PM upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was unanimously:

**VOTED:** To enter into Executive Session and not to return to Open Session for the purpose of discussing pending litigation, contract negotiations with non-union personnel and the physical condition of an individual. Polled vote of Selectman Yeatts – aye, Selectman Maksy – aye and Selectman Evirs – aye.