

**SELECTMEN'S MEETING**  
**Monday, June 25, 2007**

On June 25, 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 7:01 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.

**7:00 PM Meet with SRPEDD regarding safety study-Howland Road & Freetown Street intersection**

*Jim Hadfield of SRPEDD and Paul Mission, Computer Simulation Engineer, were present for the discussion. Also present: Mark Sorel, Chief of Police and Christopher Peck, Superintendent of Streets.* Mr. Hadfield began by saying that SRPEDD was asked to do a safety study for the Town some time ago, however, the request gets put on a list with other projects for other communities. The Howland Road and Freetown Street intersection was shown on a screen with the actual traffic volume that takes place around the time that the students are dismissed from school. The AM and PM peak times were looked at to try and determine an alternative traffic pattern based on the fatality that took place at that intersection a few years ago. The speed of the traffic, the volume of vehicles, etc. was all taken into consideration. There is not an alarming amount of traffic in this area since it is a rural setting. The traffic is basically dictated by the schools at that location. There are about 2,800 vehicles per day on Freetown Street. Looking at the crash history information, there were four (4) crashes there during that time in three (3) years which is not significant to an intersection. The Town did decide to put up a four-way stop at the intersection and that has helped according to the Chief of Police. It is felt that this should be an interim measure, mainly due to the fact that Howland Road is a wide open road and the people using that road are not used to the stop signs being there. There are a lot of skid marks there from when drivers noticed the stop signs, but fortunately no accidents have occurred. The people who use the intersection on a daily basis do get familiar with the signage and are used to it. The Apponequet High School does though have people who are from out of town coming in for games. The speeds are about 42 mph and there are also people on cell phones. A closer look was taken to see what was going on.

Mr. Hadfield said that there is not enough traffic to warrant signals at this intersection. The four-way stop has worked, but the traffic there does not warrant the four-way stop. If it continues to be that way, then people will ignore the stop sign and that is a concern. It is being suggested to reconfigure the intersection for the Town to a roundabout. Not a rotary, though it does look like one. With a roundabout, everyone that comes to the intersection must slow down and yield. The rules are similar to that of a rotary. The size of the area and the speed at this intersection is what makes it a roundabout and not a rotary. This type of configuration eliminates/prevents the broad side accidents, which are the most severe. With recent statistics, Rhode Island has put in several roundabouts recently. They published a flyer that has some data on the roundabouts regarding the fact that there are fewer conflict points, less fatalities, it forces traffic to slow down to navigate through the intersection. The school zone speeds, during the start and end times of the school day, do come down, but a large percentage of people are

exceeding the 40 mph speed limit and that is a concern. In Lakeville, there are actually people that are courteous here and this is something that one does not usually see. This courtesy though confuses other people by someone allowing someone else to go before them at the roundabout when they were already there. This reconfiguration will work out much better than the four-way stop and work better for the intersection itself. It does not look pretty, but the Town could have plantings, a flagpole, a memorial erected to a deceased veteran for focal points, rather than a paved intersection. Roundabouts are being pursued all around the country since they save gas, cut down on delays at intersections and are safer than a four-way stop or a signal at an intersection. Rotaries are starting to be done away with. This roundabout is not a rotary. Massachusetts is getting into roundabouts now and realizing they are much safer than rotaries. With the school facilities at this intersection and noticing that people are still going through the stop signs, this would be a safer alternative.

Mr. Hadfield said in order to do a roundabout, the intersection would need to be properly designed by an engineer that has experience in roundabouts. There are several in Massachusetts and Rhode Island who have done them with success. They cost about the same as putting a traffic signal in, about \$½ million dollars. 10% of the cost is design. It is basically being suggested that the Town pursue state funding to get this done. The Town would be required to do the design, and if there are any land takings, not that any are foreseen here with school property on two (2) corners, the Town could do it. The intersection qualifies through the transportation improvement program (TIP) for State funding. The Town wants something that will handle the traffic in the intersection. The Town should file a project needs form with Mass Highway to try to get them involved in this matter. The Town would be required to pay for the design, perform any land takings necessary and place it on the TIP. The roundabout can be designed fairly quickly, but there is a long list of Towns applying for TIP funding. This project may be able to slip in sooner, if a bigger ticket item is delayed, in order to get this done fairly quickly. Intersection projects tend to move faster since they are smaller projects. It depends though, on the fact if there are land takings. The Police Chief says there have been no accidents since the four-way stop was put into place. In 2003-2004 there were four (4) accidents, including the fatality. The crash rate has not been all that high.

Ms. Garbitt stated that the land was deeded to the Regional School District so maybe the Town would have to present this matter to them. Mr. Hadfield stated that he would argue to them that this is an improvement of the access and egress to their property so a donation of that land would be appropriate. Chair Yeatts expressed much concern of the costs being proposed to change the intersection. Mr. Hadfield explained that they are not experts in that area, the amount could be lower or higher, so it is a matter of getting in touch with engineers for this information which would be beneficial. Selectman Maksy asked how someone would get across a rotary, since it never stops. Mr. Hadfield explained that it is all part of the design and the deflection of the traffic. The crossing would be prior to the roundabout and there would be proper signage. An exact configuration cannot be provided at this time since SRPEDD does not design them, but they are designed with bike paths and pedestrian crossings incorporated into the design. Selectman Maksy asked about redesigning the entrance to the school, since he is not a big proponent of rotaries. Mr. Hadfield responded that that is something Selectman Maksy would have to address himself. It was not something that SRPEDD looked at, that may be making a problem elsewhere.

Chief Sorel stated that the School Superintendent and he had discussed other options. They even tried going another way to access the site, and it actually jammed up the traffic more. There is also only so much footage with the intersection and where it is now. This would be moving the traffic and still have it accessible from the Middle School. Mr. Peck explained that the main concern is slowing down the traffic on Howland Road. Maybe put some bumper strips or put marking in the pavement to alert drivers that an intersection is coming up, that would slow the speeds down and give advanced warnings. Mr. Hadfield noted that bumper strips have been known to work, but there are houses in the neighborhood and the noise of vehicles crossing them may bother the residents. Mr. Peck stated that it would sound better than screeching tires. Mr. Hadfield pointed out that at 3:00 AM the rubble strips would be loud.

Selectman Maksy stated that he would like a lit stop sign at the intersection. He pointed out that there is discussion taking place about a potential Fire Station being located there. How would that effect their time to get to an emergency? Mr. Hadfield stated that another matter is how does this get plowed. The roundabouts are designed with these factors in mind. They have a different paving surface like cobble stone, so plowing is not a problem. They are designed with all these considerations in mind. Selectman Maksy asked about advance warnings now. Mr. Hadfield responded that when someone is on Howland Road, they can see that stop sign for a long way, but then they lose sight of it. Bringing more prominence to the area helps. The thermal plastic pavement markings do wear out fast and do not usually get replaced.

Selectman Evirs stated that he would like input from the Fire and Police Chiefs on this. Chief Sorel stated that he believes the stop signs are helping. With the students going in and out, it is working right now. Officer Jim Bowles was hit at the intersection and out for almost a year. He was trying to get the buses out and people were just not slowing down with their vehicles. The area needs a school zone of 20 MPH. There are no markings for this. With the stop signs and a stop in the road, it may further help it. It is being said that there is not enough traffic for a light, but the greatest time frame for traffic is when school is starting and ending, and those are the greatest times of concern. Chief Hopkins stated that there are still people that blow through the intersection; he lives close to the school. The Fire Trucks stop anyway at intersections. Right now the four-way stop has been a fix since something needed to be done. There have been no big accidents, only a fender bender and Police presence was not required. This has been working for the Town, but he was not opposed for anything different if the State will help pay for it.

Ms. Garbitt asked if the Town fills out the project needs form, does the engineering need to be done. Mr. Hadfield responded that it did not have to be. That is really the first step that needs to be done. It goes a long way though if the Town is willing to pay for the design and do the land takings. It would show the State that you are improving that area. There are existing traffic controls right now, and the State would be willing to look at an alternative. The number of crashes are not happening with the four-way stop, but that is seen as only a temporary solution. There needs to be a more permanent one. It is understood that everyone is skeptical on roundabouts, so maybe some research can be done to help educate the public on them. The Insurance Institute could look up other areas like the Federal Highway Administration, etc., about how much more efficient roundabouts are, how much safer they are. This intersection is the perfect place for it and it forces traffic to slow down on Howland Road. The Town really needs that in this particular neighborhood.

Selectman Maksy asked if SRPEDD has done this before near schools, since it may lead to bringing people going into the School parking area rather than where they thought they were going. Mr. Hadfield responded that he did not know of any, but it does not lead directly to a parking lot. Selectman Maksy stated that a truck may not be able to turn around if it got off the wrong part of the roundabout. Mr. Hadfield stated that this is a pretty easy intersection and people should be able to see where they are headed. The Town can let SRPEDD know if they want to pursue this matter, and SRPEDD will provide any assistance that it can to help the Town through this and through the project needs process.

### **7:30 PM Earth removal hearing continued-Lakeville Country Homes**

*James Marot, Building Commissioner, Christopher Peck, Superintendent of Streets, and Gary Mosca, owner of Lakeville Country Homes are present for the discussion.* Chair Yeatts explained that this is a continuation of the earth removal hearing with Lakeville Country Homes. Under Condition #21, there was a question on one of the bonds. One bond was for the road. Mr. Peck asked for a \$35,000 bond based on Mass Highway data. Mr. Marot explained that normally for the completion of a project, you would have a bond. The Planning Board requests 125% of the work that has been estimated and then it is signed against the contract. The figures that Mr. Peck provided are very real numbers, better than what a contractor would bring in. Mr. Peck stated that \$35,000 is a safe number, unless the Board would want to add another additional percentage in. So \$35,000 in total, if the project is not done for five (5) years, then the bond should be more since the contract prices are going up. Chair Yeatts stated that the project will be starting in October. She stated that she is fine with the \$35,000 if the Superintendent of Streets and the Building Commissioner both agree. Ms. Garbitt pointed out that if the work is not completed by March 31<sup>st</sup>, the application would have to be renewed. Chair Yeatts stated that if the work is not completed, then the Town will have a \$20,000 bond for the excavation site. That money would be held so that the site would not be left with a hole; the Town could go in and fix it. Chair Yeatts stated that the only thing left to talk about is the conditions. Selectman Evirs stated that he felt the Board still needs to talk about if they are approving this application or not since Dan Murray, abutter, had a few questions on it. Mr. Murray stated that he submitted a commentary summary and does not have anything further to add than what is in that commentary. Chair Yeatts stated that she felt it is within the purview of the Board to grant the application.

Selectman Evirs stated that he has a problem with this, with all due respect to Mr. Mosca. It is a golf course right now, not a gravel pit. The Town does not allow mining under its bylaw. We have received two (2) different opinions from Town Counsel. One cannot see that this earth removal would bring in more people to play golf. This is just lowering the topography for the hole. This is the high side of the golf course that Mr. Mosca wants to lower and the other side is low and damp. If any other golf course came in for something similar to this, the Board would be doing the same thing for them. Selectman Maksy stated that he would like to recap Town Counsel's opinion.

Attorney David Gay, representing Mr. Mosca, stated that he had not seen Town Counsel's report. It may say that the Board can grant this. Some additional research was done on the Town's earth removal bylaw and it was concluded that the Board may allow this permit as long

as it is incidental or along with the change of use of the land. The word facility is not in the Board's language so if one refers to the Webster Dictionary for clarification it means that it is something built or established. The changing of a grade of a golf hole is changing a facility. Incidental to that, there is the gravel and the Board knows that golf is very competitive with more golf courses being added and winters are a little more tough. It has been harder to maintain the course, and Mr. Mosca is trying to make this course very competitive and not overly priced for people to play golf. This change will help out, especially in the winter when it is very slow; this meets all the criteria of the bylaw. Every case is its own and does not set a precedent. Though he did not see Town Counsel's report, it is anticipated that it says the same as is being said, that it is within the purview of the Board with the restrictions that the Board will reasonably set. Also, regarding the Chapter 61 status of the property, the Board of Assessors has advised that this would not interfere with the Chapter 61B status at all. A copy of the memo from Board of Assessors was provided to the Board of Selectmen. Ms. Garbitt said that Janet Black, Assessor, will be following up further on the Chapter 61B issue. Chair Yeatts explained that the Board would just like to see something in writing from the DOR since Town Counsel did not agree and that would supercede Town Counsel definitely. Selectman Evirs mentioned that that could be a separate part of this.

Selectman Maksy asked about the word "incidental", what is incidental to the project, at what point does it become the primary use of the project. He stated that he is still on the fence on where that is in the scope of the project. Attorney Gay responded that Mr. Mosca is just lowering one (1) golf hole, and the Board could have an engineer take a look at this to see if it is reasonable. Chair Yeatts stated that they are not objecting to what is being done; it is just that the Board does not have assurances that the work is not to become something bigger than what it is. The Town is doing the giving and does not feel comfortable. Attorney Gay stated that Mr. Mosca is asking for a limited permit. He has a limited amount of time and does not have cart blanche to remove gravel. He will have done what he needs to do in a few months. If not then the Board's request would be legitimate. Mr. Mosca stated that the only reason that he would need to come back for a renewal is if the winter is so bad that he cannot get the material out, but that would be in accordance to the plans.

Selectman Maksy stated that Attorney Murray is an abutter to the golf course property and reading Attorney Gay's memo, incidental, is the key word. In Mr. Murray's opinion what would that be, of a project of this size. It sounds as if Mr. Murray does not see it that way. He sees it as major. Mr. Murray responded in the affirmative. The case that Mr. Murray put in the memo was: *the proposed excavation and removal of 300,000 to 400,000 cubic yards of gravel from a five-acre portion of a thirty-nine acre parcel classified as forest land, in order to make that area suitable for planning and cultivation of Christmas trees, was not a primarily agricultural or horticultural use of the land exempt under GL 40A, sub section 3.* The Supreme Court held it that it was not incidental, so that is the quantum of what the court does not feel is incidental. Selectman Maksy stated that it is arbitrary though, what is considered incidental. Attorney Gay explained that 100,000 cubic yards is what is being taken out according to Mr. Murray and whether it is incidental to something that could be greater. All 18 holes would not be incidental. This is going to be done in a limited time frame and not any longer than that. It is getting more and more difficult to make the course competitive. It is hoped to make this course very successful since Mr. Mosca's goal is to keep it as a golf course.

Mr. Marot stated that he felt that the Town needs to accept the application as it is being presented. He wants to modify the hole and every hole has a slope rating. A slope rating is the difficulty rating of the course. Every course should be able to do this and they do on a regular basis. The removal of gravel is really incidental, since it is for the construction of one hole. Selectman Evirs' argument is that it is still a mining project, but the golf course is a business and the Town is trying to promote business in Town. This is the only course in Town that is completely in a business zoned district. All the others are in residential districts. If he does not maintain it as a golf course, then what could it otherwise be. Maybe for commercial use since he has potential frontage on Crooked Lane, Route 18, etc. If the Town has a casino in its surrounding community, the Town may need hotels in that area. Mr. Marot stated that it is 174 acres of business zoned property. Selectman Evirs stated that he still has a problem with the project; the conditions need to be done properly. Selectman Maksy agreed with Selectman Evirs.

Chair Yeatts asked about Condition #21. The Board needs to approve it, then, put restrictions on it. Mr. Murray was given the opinion from Town Counsel by Ms. Garbitt. Chair Yeatts added that when the Board received Mr. Murray's opinion and the response from Town Counsel, it was pretty clear on what the Board could do. Mr. Murray mentioned that he has not reviewed the opinion from Town Counsel. He was just provided with it. Chair Yeatts stated that Town Counsel was pretty thorough in her research and opinion. Selectman Evirs stated that the Board may need to review the bylaw before something like this comes up again.

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

VOTED: To close the hearing.  
Unanimous in favor.

Chair Yeatts stated that conditions 1-8 are fine. Selectman Evirs stated that he cannot say he is fine with #2. The licensee should pay upfront. Mr. Marot stated that their engineer is telling the Town how much will be removed. Ms. Craig explained that the Town does not typically collect the money at the beginning of the project. Only the administrative fee is collected at the beginning. Ms. Garbitt pointed out that with National Development they did not know how much they were going to take, but either way, they were going to pay at the end. Selectman Evirs stated that if that is the procedure then that is the procedure. Selectman Maksy pointed out #3, *it shall be permitted*, this word shall should be changed to *may* instead. The Board agreed with conditions 1-8 with only the change of *shall* to *may* on condition #3. Condition #9-no earth removal equipment. Ms. Garbitt stated that the Planning Board felt that 7:00 AM is too early for the work to begin and requested that it be changed to 8:00 AM. Also, no work would take place on Saturdays, Sundays or holidays. Condition #10-discussion took place on the number amount of trucks per hour. Mr. Mosca stated that it would be about 39 trucks a day. Selectman Maksy asked about a fence for the neighbors, on both sides of the driveway so that they do not have to listen to the trucks, etc. Mr. Mosca responded that he can do that, but there is still the grass to mow and there are plantings there. Selectman Maksy stated that he worried about kids running across there. Ms. Garbitt asked if the neighbors would want the fence to stay in place after the project is over. Mr. Mosca stated that he is friendly with both neighbors and can speak to them

regarding the fence. Mr. Marot explained that it is the golfers leaving from the bar that the neighbors have had problems with people when they are leaving.

Chair Yeatts stated that with Condition #10, a tracking pad will be put down 80 feet in length just before the paved surface. A six (6) foot minimum fence will be agreed upon by the abutters and will be installed. If they do not want one it will be supplied in writing. Selectman Evirs stated that the Town needs three (3) bonds. There are 493 plants that Natural Heritage is requesting to be planted after the project is complete. If something was to happen and the Country Club does not plant these plants, then the Town could have to do the planting to satisfy the excavation that was done to the area. Selectman Maksy stated that that could be a condition that the Board wants done. Selectman Evirs felt it should be a bond. Mr. Mosca asked if it could be included in the second bond. Selectman Evirs responded that it could, but that bond is about the fairways and the grass and that is the second issue. The third issue is the planting. Chair Yeatts stated that for Condition #13 they will add including the plantings, as done satisfactory to the Board of Selectmen including the 493 plants as required by Natural Heritage per the order of conditions. Mr. Mosca asked if the bond could be \$20,000. Chair Yeatts stated that it will be \$40,000, plants planted satisfactory for Condition #13 and in accordance with, but not limited to Condition #13.

Chair Yeatts stated that with Condition #24, at the end of the sentence after the DEP and Board of Selectmen, add the Conservation Commission. Selectman Evirs mentioned that another matter is the number of vehicle trips in and out of the site. If the trips begin to be a problem, and the Police Chief feels the project needs a Detail Officer, this should be in place if it is warranted. Chair Yeatts stated that that could be included with Condition #25. Selectman Evirs asked if the route was going to be to Route 79 and Clear Pond. Ms. Garbitt responded that she does not have the final minutes, but from the hearing that took place on May 8<sup>th</sup> Selectman Maksy had talked about a secondary route. Selectman Maksy stated that if there is an accident, he will need a second route. So, the trucks will go right onto Route 79 to Route 105 as the secondary route, since something could happen at the set of lights and he would be shut down. That would be for emergency purposes only. Selectman Evirs stated that he would not give him the secondary route since any problems would only be for about an hour and he could just shut the work down. That is more road that could become damaged if the second route for the trucks was added. Chair Yeatts stated that they will wait on the second route for now.

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

VOTED: To approve the earth removal application for Lakeville Country Homes subject upon the conditions as reviewed and amended.  
Unanimous in favor.

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

VOTED: That the permit dates will be from October 1, 2007 with an expiration of March 31, 2008.  
Unanimous in favor.

### **8:00 PM Marcus Baptiste-draft of Conservation Restriction**

*Marcus Baptiste was present for the discussion.* Chair Yeatts asked if the draft Conservation Restriction has been reviewed by Town Counsel. Ms. Garbitt responded that it had not been. Mr. Baptiste stated that the surveyor found it to be 648 acres; the previous surveyor was contacted since it was noted as 636 acres previously. Discussion took place on the easement. Mr. Baptiste will check on specifics with the easement. Ms. Garbitt stated that the easement says it can be used exclusively for conservation purposes. Mr. Baptiste responded that that is the Conservation Restriction on the 23 acres, not the access to get to that. He will have to check on this. Selectman Maksy asked if the Board could grant further access to the access road. Town Counsel should be consulted on this. If the Town decides ten (10) years from now that they want to move the access easement, could this be done. Would they let the Town change it? Mr. Baptiste responded that he was not sure. Selectman Maksy stated that it potentially cuts the land in half. Not having to go through legislation is the point. Chair Yeatts pointed out the railroad tracks. Further discussion took place and review of the plans.

Mr. Baptiste stated that he will ask if the easement can be shared, and if it can be moved at a later date. He thought that the 23 acres is the exclusive clause. Do the marks denote the railroad, and if not, what do they denote? Ms. Garbitt asked if the Board wants that information before this is forwarded to Town Counsel. Chair Yeatts responded that she would ask Town Counsel the same questions to make sure that they are answered. The Town needs to move this along and get the business on the tax rolls.

Selectman Evirs asked about the \$50,000 payment? Mr. Baptiste responded that he needs Mass Highway to review the Environmental Notification Form. The form cannot be submitted until Mass Highway allows it to be handed in. They have had it for 25 days and it takes 15 minutes to read. (Selectman Maksy had to excuse himself at this time due to the nature of the discussion). The \$50,000 payment will come at the closing, when the permit is received. Selectman Evirs stated that he meant no offense, the Town has to go through the whole Conservation Restriction and come up empty handed, since this has to be done before the next part, this is all intertwined. Mr. Baptiste stated that at some point the Board will have to sign the easement deed. Selectman Evirs stated that the Town needs a step in the process so that the Board does not keep approving everything, then something happens and the Town does not receive the \$50,000. Mr. Baptiste noted that on page 12, is where the Board of Selectmen have to sign. All or one of the Board members could go to the closing. Selectman Evirs noted the two (2) fingers of frontage. Mr. Baptiste responded that the formal plan has been approved, but has not been filed yet. It will be at the closing. He has not spoken to the abutters yet. Selectman Evirs stated that as long as the Board has its check somewhere along the way. Chair Yeatts stated that all that is needed right now is a motion to forward this to Town Counsel for review.

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

VOTED: To forward the draft Conservation Restriction to Town Counsel.  
All in favor with one abstention.



Chair Yeatts stated that Mr. Baptiste would not have to return to the Board unless the answers provided to Ms. Garbitt from Mr. Baptiste are different than what is determined by Town Counsel; otherwise the next step will be at the closing.

### **8:30 PM Laprade dog hearing**

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

VOTED: To open the dog hearing and continue it until finished speaking with Mr. Baptiste.  
Unanimous in favor.

The Laprade dog hearing was reopened at 8:45 pm. Chair Yeatts read the letter sent to the dog owners dated June 7, 2007. It was explained that Massachusetts General Laws puts the Board of Selectmen in charge of hearing the complaint and rendering a decision. Chair Yeatts swore in Linda LaPrade, dog owner and David Frates, Animal Control Officer.

Mr. Frates stated that he had missed the call and did not see the dog when he went to the area. He did not see the dog out at all. Ms. Laprade stated that there are a lot of discrepancies here. Since the last meeting she did all the things she was supposed to do. She has a cable on the dog, and he does not get out. Casper is in the house ten (10) hours a day. She walks the dog 3-4 times a day. On that particular day, her husband was out waxing the car. The dog was on the property playing, since Molly was not around. Mr. Place and his dog came up the corner and walked toward her car. Casper went dashing out, but was still on the property. She grabbed her dog, and he snagged his dog. Then Mr. Place made a threatening remark, and then walked away. Ms. Laprade told Mr. Frates that she would go to the police station since Mr. Place threatened her and her dog. He said he would get her and her dog. He wants to file charges and a restraining order against Ms. Laprade. Ms. Laprade knows she needs the leash if she goes off the property with the dog. Her home is located 1.2 miles from where Mr. Place lives. This is a long ways away and uphill one way.

Mr. Frates stated that he spoke to some of the neighbors and no one has a complaint against the dog at all. Then a few days later someone called and said that some dogs killed a cat, but the other dog was at the shelter at the time so it could not have been the dog. Selectman Evirs asked if Mr. Place and his dog were on her property. Ms. Laprade responded in the affirmative and stated that she tried to make light of it. She even told Casper, "back in the yard". The man said, "I will get you and the dog". Selectman Evirs asked if Mr. Place was here this evening? Ms. Laprade's husband was present, and he was sworn in to testify for his wife. Mr. LaPrade stated he does not understand the problem with him and our family or what happened years ago. Mr. Frates stated that he has done random checks on the house and has not seen the dog outside at all. Selectman Maksy stated that due to the fact that Mr. Place is not present the Board has no choice but to believe what Ms. Laprade is saying.

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

VOTED: To close the hearing.  
Unanimous in favor.

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

VOTED: Not to take any action on the complaint filed on Linda Laprade and her dog.  
Unanimous in favor.

**Review Regulatory Agreement regarding Kensington Court at Lakeville Station (Waiting for Peter Freeman-possibility we may not receive it)**

Ms. Garbitt said she had not received information on the Regulatory Agreement so discussion on the matter has been postponed.

**Review earth removal permit application-Kennington Court at Lakeville Station**

*Ken Motta was present for the discussion.* Mr. Motta stated that there is a General Contractor that has done the site and fill analysis. There will be a residual of 18,500 cubic yards of material. The main part of the material is sub soil and topsoil and it will not all be used on the site. This is due to the fact that for the building and parking areas, subsoil is not suitable. It will be used under the parking lot and for fill, but more is being removing than what is needed to get the site down to sub-grade. That is generally the main point. If the Board has any more questions, he would be more than happy to answer them.

Selectman Evirs asked about #5, the expiration date, June 25, 2008. Ms. Garbitt stated that the expiration date is March 31<sup>st</sup>. Mr. Motta explained that the date is on the application, but not carried through to the draft. Selectman Evirs asked about #17, why are the trucks going all the way down Route 79 to get to Route 495 when there is a much closer road. Mr. Motta said that the material is going to an approved disposal location of P.A. Landers at the Cape. Selectman Maksy stated that the Board wants the trucks to get right onto Route 495. Mr. Motta responded that would be fine. The trucks will take a left onto Route 495 southbound to the Cape.

Chair Yeatts asked about Condition #3, with Selectman Maksy's comment it should be the same on these conditions, change to *may* be permitted instead of *shall* be permitted. Also with Condition #6, what about a buffer zone. The Town typically has a 100 foot minimum buffer zone. Mr. Motta responded that there are no residences in the area. Selectman Evirs stated that this will become the residential area. He asked what the hours of operation would be (8:00 AM to 5:00 PM) and what the Planning Board has put in for the construction site. Mr. Marot responded that the hours of operation would be 8:00 AM to 5:00 PM.

Mr. Motta stated that he did have discussions with the Police Chief and took the MBTA schedule into consideration. If it becomes disruptive, there is a mechanism in there for the Board to amend the hours of operation. Selectman Maksy asked if the Board can look at 3 to 1, a steeper slope. Mr. Motta responded that the 3 to 1 is the maximum slope for DEP storm water management, this will be consistent with what is on the approved plan. Ms. Garbitt stated that no processing would be done on the site. Selectman Evirs mentioned that this was Condition #13. Ms. Garbitt stated that it does not say processing. Selectman Evirs stated that it reads no blasting, sorting, etc. Mr. Motta stated that they will be stock piling earth, but they will not bring

in a rock crusher or a screener, which is not an approved use in that district. Selectman Evirs stated that Commercial Drive will be kept dust free, for the tracking strip is in there.

Chair Yeatts then brought up another aspect. It was explained that the Order of Conditions will run out before the next permit, (March 31, 2009), since it is good for three (3) years. It was issued in 2005. The Board and Mr. Motta needs to remember to look at this in March if there is a need to come back to renew this since the permit will be getting ready to run out. That is why, as in Condition #23, that it is valid all the time and it is not a redundancy, the Board does not have to remember it. Selectman Evirs suggested to then leave #22 in there. Chair Yeatts stated that the catch all should be #22 and the Conservation aspect #21. Selectman Maksy clarified the numbers. The old #21 is now #22 and the Conservation Commission is #21. There is a valid Order of Conditions during all phases of removal. Chair Yeatts stated that he could still go for an extension.

Ms. Craig stated that this is the first earth removal application with the new application form. The Planning Board and the Conservation Commission have not received this officially, so does the Board want to approve it conditionally or wait until they do. Chair Yeatts stated that she thought the Conservation Commission has given them an extensive Order of Conditions. It would be good to do it contingent on what Mr. Marot says. Mr. Marot explained that the conditions that have come about would pretty much model what the Chair has. He added that he is the Planning Board Chairman, not the Board. It is suggested to do as Ms. Craig suggested, subject to Planning Board and Conservation Commission approval. Ms. Craig stated that she needed clear direction. Is this the procedure the Board will use to do this? Chair Yeatts responded that it would not be, it should be that Planning and Conservation approve it first and that the Tax Collector verifies that no taxes are due for the property. Ms. Craig asked if they could release the permit before it comes back from the Planning Board and Conservation Commission. Chair Yeatts responded that the permit will be subject to Planning and Conservation approval, and if there is a problem, the Board will call Mr. Motta back in. Chair Yeatts stated that the Board reserves the right to reverse this if all these things do not come back. There is a long Order of Conditions from the Conservation Commission, and then it is just the Planning Board. Ms. Craig stated that she will hold the permit until she receives written confirmation from the Planning Board, Conservation Commission and Tax Collector. Mr. Motta asked about a time frame for their responses. Selectman Maksy explained that the Board does not have that in there. Selectman Evirs asked where did the new form come from. Ms. Garbitt responded that Mr. Marot suggested some changes. It is believed that in the bylaw there are some signoffs. Mr. Motta stated that if the decision is contingent on actions of other Boards then they need a time frame to respond. Selectman Maksy stated that technically the Selectmen should not have this until he has gotten the signoffs. Then it goes to the Selectmen last, but this is new. Chair Yeatts stated that they are giving him some leeway. This will be sent as a memo to Conservation Commission for this to be done by tomorrow. Ms. Craig asked if she should put in the memo that it does not have to go through the Conservation Commission. Chair Yeatts responded, no, she will know. Ms. Garbitt stated that the plan was that the Conservation Commission and the Planning Board would review all earth removal and gravel removal permits before it gets to the Board of Selectmen. Ms. Craig asked how long the Board would like to make the time frame for comments. Chair Yeatts responded ten (10) days. Ms. Garbitt stated

that it would be ten (10) days from receipt of the memo. The memo will be dated tomorrow and they have ten (10) days from tomorrow.

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

VOTED: To approve the earth removal permit for Oxford Development through March 31, 2008 with the conditions as amended. It will be subject to the Conservation Commission, the Planning Board and the Tax Collector signing off; otherwise the Board reserves the right to ask Mr. Motta to return for further discussion. Unanimous in favor.

Ms. Garbitt asked when will this start. Selectman Evirs responded that it would begin June 2007 through March 2008. Mr. Motta stated that Jonathan White is trying to close this month, and then it will take a month for mobilization, so about July with a late start. Chair Yeatts stated that Mr. Motta does not have to change the application. Ms. Craig asked that when Mr. Motta makes the modifications that he email them to the Board so that the Board could sign off on them.

#### **Site plan review-220 Kenneth Welch Drive**

*James Marot, Building Commissioner, was present for the discussion.* Mr. Marot commented on the scarcity of landscaping for the property. He said that the LDC (Lakeville Development Corporation) and the Town is dissatisfied with some of the exteriors of some of the buildings and what they are or are not doing. In speaking with Bill Garvey, President of the LDC, he indicted that the LDC should go back to the owners of the lots and let them know that the covenants for the Park that stated that the property is to be kept well maintained. One owner has asked for an increase in lot coverage, and the Town asked for a lot more additional landscaping. The Town would like to see better landscaping in the Park, but since it is industrial, they may need a letter from the Board of Selectmen and the LDC to reiterate that the best way to bring in more clients is to have a nice Park. To have a big cold storage building is not inviting. Selectman Evirs stated that that would be a good idea. Chair Yeatts stated that there is an LDC meeting tomorrow night. Mr. Marot stated that it means something coming from the Board of Selectmen. Chair Yeatts stated that the matter should be brought up at the LDC meeting tomorrow night. Ms. Craig and Mr. Marot will work together on this letter for the LDC meeting tomorrow night. Selectman Maksy stated that that is a good idea. Selectman Evirs stated that he did not know that Talbots wanted to review each site plan. Mr. Marot explained that he looked it up since he did not know about that either and Talbots called him about it. Chair Yeatts stated that maybe the LDC covenants should be enclosed in the letter as well about presentation. Mr. Marot stated that the LDC should have a letter of their own going out as well. Selectman Evirs stated that some of the buildings appear to be neglected. Chair Yeatts stated that she will come in and work with Ms. Craig on this matter.

A discussion occurred regarding submitting plans for site review. Ms. Craig stated that engineers should be required to submit one set of 11 x 17 plans along with the full size plans. Ms. Craig stated that the office only receives one set of plans for the Board of Selectmen and there are three (3) members on the Board. Ms. Garbitt said that the Town does spend a lot of

time trying to shrink down the large plans. Ms. Craig said she had discussed this with Jamie at Prime Engineering, and he said it is only a push of the button for them to be able to provide the smaller plans. Chair Yeatts responded that that is fine, but she likes to look at a big plan, not a small plan, but for a preview that would be fine, as long as there is a large plan available for the Board to see.

#### **Site plan review-Sawtucket Trail (Lydia Roche property)**

*James Marot, Building Commissioner, was present for the discussion.* Mr. Marot stated that the owner of the property wants to protect the cemetery. There is another cemetery on private property, and the owner is willing to give an easement to the cemetery and that would put a new owner on notice. The person does not have to do this, but it is a nice thing to do. Selectman Maksy stated that the Town does not have access unless it deeded to the Town. Ms. Garbitt responded that by State law, the Town has access. Ms. Grubb explained that there are woodchuck holes in the cemetery, the stones are broken and it is in terrible shape. Selectman Maksy stated that the Town should try and get the access now. Ms. Grubb stated that the Town should go through the process of officially taking the cemeteries since this process began in the 1970's. Chair Yeatts stated that that should be part of the comments for site plan review. Mr. Marot stated that the bylaw states that an easement area is not included in the lot. Chair Yeatts stated that this is a large lot. Mr. Marot explained that an easement cannot be part of the frontage. Further discussion took place on where the easement should be located.

Chair Yeatts stated that if they could give an easement, excluding the cemetery, would they still have enough for a conforming lot, is the question? Selectman Evirs stated that the easement does not have to go around the property; it could be a walking straight line. Mr. Marot could not comment on the plan. Chair Yeatts asked if there was 52,000 square feet of upland. Mr. Marot responded in the affirmative. It is 52,000 square feet of upland and 70,000 square feet without easements.

Selectman Evirs stated that the Board needs to look at Lot A for the upland, Lot E to come up with an easement to get to the cemetery, as well as protect the cemetery. Chair Yeatts stated that she would like to know if Lot E minus the cemetery and easement, still leaves them with a buildable (conforming) lot. I would like to know about the uplands and the wetlands since they are not delineated by the Conservation Commission. So there are questions with Lot A and E.

#### **Review revocation of Rejection of Supplemental Tax Assessment on New Construction**

Chair Yeatts explained that this is to the benefit of the Town financially.

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

VOTED: That the Town of Lakeville rescind its vote of November 3, 2003 to reject the Provisions of General Laws Chapter 59, Section 2D and make those provisions applicable in the Town of Lakeville for fiscal years that begin on or after July 1, 2007.

Unanimous in favor.

### **Review request from Library Trustees for no parking signs**

Ms. Garbitt apologized for not providing this to Mr. Marot for input. Chair Yeatts then read the request into the record. She asked if it is legal to attach signs to light posts. Selectman Maksy stated that they are the Town's private light posts. Chair Yeatts did further reading on the issues. She stated that she felt it was too tall with the signs. Selectman Evirs stated that the Fire Chief has no objection designating the sides of the driveway as fire lanes, since if there was an emergency there, there would be difficulty getting fire trucks in there. The Highway Department could order and install the signs.

Mr. Marot mentioned that when there was a large presentation at the Library over the winter and a man did not want to park far away from the door, so he parked on the grass. He was asked to move his car, and he got very angry. Mr. Marot went inside to get a Police Officer, then the man said he was handicapped, but he did not have a placard. So the point is that people can still park on the grass, if they stay off the fire lane. The best thing would be to talk to Chris Peck about what can be done. Ms. Garbitt stated that the big problem is when there is a function going on at the Townhouse, people park in the Library road. Selectman Maksy suggested that the Town make sure that they have events at different times. Ms. Garbitt noted that that is a good point. When the Town does approve events, as part of the approval it should be noted that there is no parking on the Library driveway. Selectman Evirs stated that the Board should also send a copy of this to the Fire and Police Chiefs.

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

VOTED: To approve the request from the Library Trustees to put up no parking signs at the Library on the lights posts. The Superintendent of Streets and the Library Trustees will approve the placement of the signs and the wording on the signs. Unanimous in favor.

### **Request for one day liquor licenses-Park Commission**

Chair Yeatts noted that the Park Commission has requested four (4) one day liquor licenses for Ted Williams Camp.

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

VOTED: To approve the following one-day All Alcohol Liquor Licenses for Ted Williams Camp: July 13, 2007, 11 AM to 6 PM, J.K. Olivieri Company Outing; July 15, 2007, 12 PM to 6 PM, MMC Chicken Barbeque; August 11, 2007 2 PM to 10 PM Woodby Wedding; and August 19, 2007 1 PM to 6 PM, Surprise Anniversary Party. Unanimous in favor.

Mr. Marot stated that about two (2) months ago he attended a meeting with all Building Inspectors in the region to review licenses, such as those like the social club fire that took place in Fall River. The Licensing Authority did not notify protecting agencies and the biggest correction would be to do that. The Fire Chief is the Chair of the Park Commission. In the issuance of one-day liquor licenses at the Camp, the Fire Department, the Police Department and the Building Commissioner should receive notification of when they are. Ms. Craig stated that she can add copies for the Fire Department and Building Commissioner since she already provides copies to the Park Commission and the Police Department.

#### **Memo from Board of Assessors regarding parking signs**

Chair Yeatts read the memo from the Board of Assessors. They are reminding the Town that they need new signs for their parking lot stating “Parking for Assessor’s only” to replace the two (2) signs already in the parking lot that read “Parking for Assessors and Library only”. Ms. Garbitt stated that she had spoken to Janet Black, Chair of the Board of Assessors, about the signs. It has been recommended not to have tall signs because people do not read them when they are parking. The Assessors want to make sure the “old Library” coffee shop patrons will not use their parking spaces.

Selectman Maksy stated that it is public parking, so no one can tell them not to park there. Ms. Garbitt explained that when events are held at the school, people park in the Assessors lot. The 16 spaces at the old Library should be enough parking. Selectman Maksy stated that on Wednesday’s the Assessors are closed, so people can park there. It is a public spot. They can park at the Town Hall and leave their car. You cannot tell the taxpayers they cannot use the property to park their car. Chair Yeatts stated, to play devil’s advocate, what about someone wanting to do business with the Assessor’s Office and there is no parking for them. Selectman Evirs responded that if there are no parking spots at the school, then they will park at the Assessor’s lot. Selectman Evirs stated that he is not in favor of this, if it becomes an issue.

Selectman Maksy suggested that maybe the Town Administrator look into this further. Ms. Garbitt stated that she knows they want the signs there so that no one from the coffee shop will park at the Assessors. The school is not as much as an issue since the State does not allow them to park on the highway. They have allowed the parents to park in the basketball court and have made other parking spaces available. Mr. Marot went over the parking sizes with Chris Peck. Selectman Maksy stated that if parking is a problem, then the Town needs to redesign what they do there in terms of parking. This matter will be revisited at the next meeting.

#### **Memo from Board of Assessors regarding removal of tree**

Selectman Maksy asked if the Board needed approval from the Tree Warden to remove the tree. Ms. Craig stated that Roger Hamilton is still the Tree Warden until July 31<sup>st</sup>. Selectman Evirs asked for the matter to be turned over to the Superintendent of Streets.

#### **Review application for temporary trailer-30 Riverside Drive**

This application may no longer be needed. No action was taken.

### **Renewal request of storage trailer-8 Race Course Road**

Mr. Marot stated that right now the people are under construction of their own house and that is what they are using the storage trailer for. They are not doing the cranberry operation anymore. Chair Yeatts clarified the fact that the former request was for cranberry operation, so that is not relevant. Now it is just to have a storage trailer while the owner is building the house, and then next year this can be looked at it again. Ms. Garbitt asked if he needed a permit for the portable classrooms. Ms. Craig noted that he does not have one for those, only the storage trailer. He has had this since 2004 for storage. Selectman Evirs asked if the Board should have Mr. Marot go out and check all three (3) sites? If they are there, then they need to renew them, if not then there is no need to renew them.

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

VOTED: To approve the storage trailer license for 8 Race Course Road.  
Unanimous in favor.

The Building Commissioner will visit 35 Taunton Street, 1 Christian Way and 7 Precinct Street to determine if they need to renew their licenses.

### **Review request of Linda Grubb to be appointed to Open Space Committee**

Chair Yeatts stated that Linda Grubb has passed in a volunteer application and there is more than one vacancy on the Open Space Committee. Discussion took place on who is delegated to be on the Committee and from what boards. Ms. Craig stated that the Town has not received an official resignation from Donna Leombruno.

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

VOTED: To appoint Linda Grubb to the Open Space Committee with a term to expire July 31, 2007.  
Unanimous in favor.

### **Review request of Linda Grubb to be appointed to SRPEDD Regional Open Space Committee**

Chair Yeatts explained that Linda Grubb will be able to look into funding for the Regional Open Space Committee. The Open Space Plan is already outdated, and if grants can be obtained and set into place, it would help move it along again. Also, it is now referred to as the Regional Open Space Plan Alliance. It is brand new and the first meeting was in April. Linda Grubb was invited to participate, and they have met monthly since then.



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

VOTED: To appoint Linda Grubb to the SRPEDD Regional Open Space Plan Alliance Committee.  
Unanimous in favor.

**Request from Bay State Gas for two road cuts for natural gas service installation (Chris Peck will give us his recommendations on Monday)**

Chair Yeatts read the stipulations that are in place as per Christopher Peck, Superintendent of Streets. Selectman Evirs stated that the Board does not need to authorize a road cut on a road that they do not own, since the Town just established that Commercial Drive is not a Lakeville road. Mr. Marot stated that Canpro still owns the road technically. Chair Yeatts stated she understood. Mr. Marot stated that this should be done under the supervision of the Superintendent of Streets.

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

VOTED: To approve the road cut by Bay State Gas for natural gas service installation for Commercial Drive under the supervision of the Superintendent of Streets.  
Unanimous in favor.

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

VOTED: To approve the road cut by Bay State Gas for natural gas service installation at 17 West Vaughn Street under the supervision of the Superintendent of Streets.  
Unanimous in favor.

### **Schedule August and September meetings**

The Board of Selectmen decided to have their meetings in August take place on Monday the 13<sup>th</sup> and Monday the 27<sup>th</sup> and for the September meetings to take place on Monday the 10<sup>th</sup> and Monday the 24<sup>th</sup>.

### **Request from Rodman Ride for Kids for Annual Bike Race**

Chair Yeatts read the request from the Rodman Ride for Kids for their annual bicycle race to pass through Lakeville. She stated that there were no problems with the Rodman Ride for Kids Bike Race in the past.

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

VOTED: To approve the request from the Rodman Ride for Kids to have their Annual Bike Race go through Lakeville on Saturday, September 29, 2007.  
Unanimous in favor.

### **Revisit letter from Town of Walpole regarding Unfriendly 40B's**

Chair Yeatts read the letter from the Town of Walpole regarding Unfriendly 40Bs. Selectman Maksy stated that he takes offense to the letter since Lakeville has had very friendly 40B's. Selectman Evirs offered that there are alternatives also, such as 40R, & 40S, and Lakeville has been very fortunate. If the Board does respond, it should be conveyed that Lakeville has not had any difficulty with its 40B's and there are also other alternatives to the 40B. It is understood that there are communities that this has not been the case, so maybe some legislation would be beneficial for these other communities. He offered that he would be supportive to help and clean up 40B's. It took the ZBA many, many hours to do the due diligence to make sure it all works out when 40B's come about. Selectman Maksy stated that there is probably a lot to be learned on how Lakeville takes the positive approach and gets positive results whereas others go directly to the State.

Ms. Garbitt stated that Lakeville does not have the infrastructure that other communities have. The Town has met the quota under Planned Production and can say no to any more 40B's. Chair Yeatts stated that they are asking the Board to sign on to this legislation with them. Selectman Maksy said he was not against providing housing for all. Ms. Garbitt stated that she thought it was only for the permits that are not supported for the community; they are not saying to stop 40Bs. Selectman Maksy stated that he would admit that many 40B's have not been approved by the Town initially, but the Town worked with them to make it come out right. Ms. Garbitt suggested that this matter be tabled to allow for more time to think about it.

### **Request from Carol Zimmerman for appointment as Associate Member to Zoning Board of Appeals**

Chair Yeatts read a request from Carol Zimmerman requesting that she be appointed as an Associate Member of the Zoning Board of Appeals (ZBA). Mr. Marot gave a personal

recommendation for Ms. Zimmerman. Ms. Garbitt recommended to forward Ms. Zimmerman's request to the ZBA before the Board approves the appointment. Chair Yeatts stated that the Board will ask for the ZBA's recommendation before someone is appointed. It would also be appropriate to have Ms. Zimmerman attend a meeting so that the Board can meet her. Selectman Maksy suggested to also ask the ZBA why they are dragging their feet. They need to add a few members. Chair Yeatts suggested putting some teeth on this since they are not meeting until July 23<sup>rd</sup>. Selectman Evirs added that before the people lose their enthusiasm and feel not wanted to be appointed to a committee. Selectman Maksy stated that the meeting in July for the ZBA may not happen though since there is nothing on the agenda so far.

### **Review recommendation from the Building Commissioner regarding Town Office Building Cupola**

Chair Yeatts read the recommendation from Mr. Marot into the record. Selectman Maksy asked how Mr. Marot would do this work and still handle inspections. If there are delays, he is putting himself on a tight schedule. Mr. Marot explained that it will probably take 40 hours to do the carpentry work. It depends, there is a siren up there on a metal frame. It should be removed and it is suggested to put the vents back in the space where the windows used to be. It may serve the roof better visually. The rest of it is really painting. There is nothing wrong with the slate roof and the copper that is up there. Ms. Garbitt asked if the Board should pass this by the Historical Commission? Mr. Marot responded that there is no sash left and the windows are just plexi-glass. The siren was there when there were call firefighters, before radios and cell phones.

Chair Yeatts stated that having Mr. Marot out of the office for 40 hours is a little much, so the lift should be acquired for two (2) weeks, to stretch it out. Selectman Maksy stated that the lift can be rented by the week, so even though it is more to rent, there is also the delivery charge by the company, which is an additional \$150 per hour. Selectman Evirs stated that even if it took two (2) weeks, the Town is still saving over \$17,000. It was budgeted for \$20,000. Chair Yeatts asked if the work could be done on a Saturday. Mr. Marot stated that he works long days and starts at 7:00 AM. Selectman Evirs stated that the Board should allow Mr. Marot to manage his time to do this work.

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

VOTED: That the Board of Selectman approve the proposal by the Building Commissioner to do the work on the Town Office Building Cupola with the understanding that it does not have to be done in one (1) week. The work will also be submitted to the Historical Commission for their approval.  
Unanimous in favor.

**Review and vote to approve Selectmen's meeting minutes: March 12<sup>th</sup>, April 4<sup>th</sup>, April 9<sup>th</sup>, and April 23<sup>rd</sup>**

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of March 12, 2007 as presented.  
All in favor with one abstention.

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

VOTED: To waive the reading of and approve the Selectman's meeting minutes of April 4, 2007 as presented.  
All in favor with one abstention.

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of April 9,  
2007 as presented.  
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of April 23, 2007 with one amendment, the 8<sup>th</sup> hole will be lower.  
Unanimous in favor.

**Review and vote to approve Executive Session minutes of April 26<sup>th</sup>, 2007**

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

VOTED: To waive the reading of and approve the Executive Session meeting minutes of April 26, 2007 as presented.  
Unanimous in favor.

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

Chair Yeatts read the request from Fire Chief Dan Hopkins to appoint Robert Nadeau as a full-time paramedic/firefighter; Nathan Quinn as a call firefighter/EMT and Gregory Calbo as a call firefighter/paramedic.

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

VOTED: To appoint Robert Nadeau as a full-time paramedic/firefighter with the appointment being contingent upon a one (1) year probationary period, the successful completion of a department approved physical examination, a PAT test, and successfully completing the Massachusetts Firefighting Academy Program through to July 31, 2008.  
Unanimous in favor.

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

VOTED: To appoint Nathan Quinn as a call firefighter/EMT with the appointment being contingent upon a one (1) year probationary period, the successful completion of a department approved physical examination, a PAT test, through to July 31, 2008.  
Unanimous in favor.

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

VOTED: To appoint Gregory Calbo as a Call firefighter/Paramedic with the appointment being contingent upon a one year probationary period, the successful completion of a department approved physical examination, a PAT test, through to July 31, 2008.  
Unanimous in favor.

Ms. Garbitt stated that she had received a letter from Dr. Furtado that the Statement of Interest has to be submitted electronically to the SBA.

Ms. Garbitt mentioned that there will be a luncheon at the Senior Center to thank the volunteers and she needs to know how many Board members will attend since she needs to call Ms. Mansfield and make reservations. Selectman Evirs stated that he will be available. Selectman Maksy responded that he will let her know tomorrow.

Ms. Garbitt mentioned that there was a grant award with matching funds being made available through Governor Deval Patrick. Should the Police Chief go ahead and fill out the application? Selectman Evirs responded that if the Town can get some money for the design, it is not construction money and there is only \$2 million available, but it would be something. Ms. Garbitt explained that this is separate from what Representative Canessa was trying to do. Does the Board want to appoint a Building Committee for the Police Station? The Police Chief can start this and the Committee appointment will be placed on the July 9<sup>th</sup> agenda.

Ms. Garbitt mentioned that the Mashpee Wampanoag Chair, Glenn Marshall, will be having a breakfast meeting at LeBaron Hills Country Club on Wednesday, July 11 at 7:30 AM. If any members of the Board are interested in going, they can let her know to set up advance reservations.

Ms. Garbitt explained that she is setting up regional meetings with communities surrounding the casino issue and would like to designate someone to speak with community leaders. A meeting has been set up with Representative Steve Canessa. Chair Yeatts stated that for the initial meeting, there should be one point person and she would like to do it. This is important and all members of the Board need to be involved in this. Ms. Garbitt explained that it was going to be difficult to coordinate the different towns together with their Boards of Selectmen. Selectman Evirs stated that if the Chair wants to set it up then that would be fine. She does not need our vote. Chair Yeatts responded that she will set it up, but then the Board members all need to be involved in this.

### **Other Items**

1. Letter from Town of Kingston regarding Middleborough casino
2. Letter from City of New Bedford regarding Comcast Channel 9  
Ms. Garbitt stated that Bob Marshall will be attending this for the town.
3. Statement of Interest for Old Colony Regional Vocational High School
4. Memo from Town Counsel regarding Massachusetts Health Care Reform Law
5. Information from Keep It Local cable efforts
6. Letter from Malcom Pirnie regarding RAO – 125 Commercial Drive
7. Letter from DEP regarding Waterways application-Scott Hyman
8. Notice from DEP of Noncompliance-Lakeville Hospital property  
Chair Yeatts explained that the reason is they do not have their Order of Conditions, but she has talked with Emory Orrall and they may be moving along, they cannot be fined if they do not have their Order of Conditions, so hopefully they will not have to pay any fines.
9. Middleborough Gas & Electric Commission meeting agenda June 12, 2007  
Selectman Maksy mentioned that the MG&E was going to provide about \$100,000 towards the negotiations for the casino. He did alert them to the fact that Lakeville is paying the bill as well and when the money comes back into the Town to think about Lakeville as well. Selectman Evirs asked if Selectman Maksy mentioned about the street lights. Selectman Maksy responded that he had not, but he will ask that that be put on the agenda for the next meeting.
10. Letter from SEMASS regarding material separation plan for mercury
11. Notice from SRPEDD regarding Metropolitan Planning Organization
12. Meeting notice-SRPEDD Commission – July 27, 2007
13. SRPEDD Commissioner orientation notice-June 27, 2007
14. SRPEDD Annual Report 2007
15. Joint Transportation Planning Group meeting-June 13, 2007
16. Notice from Plymouth County regarding parking tickets
17. Notice from Plymouth County Commissioners agendas: June 5, 2007 & June 12, 2007
18. DCR Access News
19. Letter from American Red Cross-2007 Heroes of Plymouth County
20. Letter from Department of Revenue-FY06 Room Occupancy Revenue Report
21. DEP 2008 Project Evaluation Form – Clean Water State Revolving Fund
22. Our Environmental newsletter-CDM
23. Tata & Howard letter-Water Conservation Grant Program

24. Letter from Comcast regarding change to NFL Network

25. Letter to President of Twin Coach Estates regarding rental payment increases

Selectman Evirs mentioned that maybe the newspapers can help the Town. The residents of Twin Coach Estates have new Rent Control bylaws, and they should not have to pay an increase in their rent. If they got a notice for an increase, that it is unlawful and they need to be aware of that. Ms. Garbitt stated that Cory Farces was unaware that Lakeville had passed Rent Control. She spoke with him and he knows now that this has to go before the Rent Board. Any issues that the Association has can be brought to the Rent Control Board. There has also been some legislation filed to abolish Rent Control, so the Town will keep abreast of where that goes after establishing its own Rent Control.

Chair Yeatts stated that she had correspondence from the Assessors to the Board of Selectmen regarding an IT person. The Board knows that it would be important to have someone to maintain the Town computers, but there is no way the Town can afford to hire someone at this time. Ms. Garbitt added that the Town also cannot have every Board hiring their own IT person. Even the Town Administrator's budget has been cut going into next year.

At 11:07 PM, upon a motion made by Selectman Evirs; seconded by Selectman Maksy it was:

VOTED: To enter Executive Session and not to return to Open Session to discuss pending litigation and possible litigation. Polled vote of Selectman Yeatts – aye, Selectman Evirs – aye, and Selectman Maksy – aye.