

SELECTMEN'S MEETING
Monday, July 9, 2007

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

7:00 PM Review Regulatory Agreement regarding Kensington Court at Lakeville Station

Peter Freeman, Esquire (Freeman Davis & Stearns LLC) was present for discussion along with Jonathan White, applicant of Residences at Lakeville Station, now known as Kensington Court at Lakeville Station. Attorney Freeman stated that he has been working with the Town's attorney, the Board of Selectmen and also DHCD (Department of Housing & Community Development). The project is within a few days of closing. Attorney Freeman noted that the initial payment for the project has been received and more funding from the State will be received, due to the 40R status. The developer will then disburse funds to the Town. Attorney Freeman said that he had submitted a checklist of all the documents that have been submitted for Kensington Court at Lakeville Station to Attorney Kathleen O'Donnell of Kopelman & Paige. Attorney Freeman stated the following documents have been submitted so far: The Tax Credit Regulatory Agreement and Declaration of Restrictive Covenants (Rental Regulatory Agreement), Monitoring Services Agreement (Ownership Monitoring Agreement, Affordable Housing Restriction (Ownership Affordable Restriction and Town of Lakeville, and the Massachusetts Approval of Regulatory Documents for Kensington Court at Lakeville Station (Town Approval). In a nutshell, this is where the project is at and he could answer any questions that the Board may have and then the Board will need to sign one document this evening.

Chair Yeatts asked about the correction and mentioned that she understands that there is an aspect not filled out at all, since they are waiting for the buyer? Attorney Freeman explained that those will be filled out before the closing, but the form is exactly as it appears. Chair Yeatts stated that she is just seeing the email for the first time and is noticing that there is a gap between Attorney Freeman, the Board of Selectmen and Town Counsel. There were also some questions and it is not known of how they were answered. Attorney Freeman responded that he had that letter and can answer any questions that the Board may have. Chair Yeatts stated that in the June 15th letter from Kopelman and Paige, Page 3, Town Counsel is recommending a separate monitoring services agreement be entered into between the applicant and the Town, where does this stand? This would be between the Town and the South Shore Housing Development Corp., of Kingston, MA. Attorney Freeman explained that this is the Rental Regulatory Agreement. Attorney O'Donnell does not find the document sufficient. It is a standard DHCD and Federal document for these types of rental developments. It is being suggested that it be changed to create one similar or if DHCD does not object, then have the Town be a signatory to this one, as well. This should not be a problem. It is not so much a deficiency in the documentation as it exists, it is if the Town wants to monitor on its own. The tax credit program itself is so closely monitored, since there is a huge monetary penalty if there is not compliance. That is why it is typically satisfactory to everyone, that it goes through the DHCD process. Under the permit that

is with the Planning Board, it does not have to be approved until the Certificate of Occupancy takes effect. Chair Yeatts stated that she is not saying that the document is deficient, it is just that Town Counsel suggests things that go above and beyond what is in the document and that is to protect the Town. Attorney Freeman stated that this project is no longer a 40B, it is a 40R, so it is different than going through the ZBA (Zoning Board of Appeals). Ultimately the client and DHCD, Mass Housing, who provides the funding, would be part of this for the monitoring. For the sale, that is where South Shore Housing comes in, that would be anyone who is qualified or someone else. Selectman Maksy explained that what the Chair was getting at is that, whoever is permitting this approves this agency. Attorney Freeman responded that the Town must approve it and that is why it has gone this route. Documents are typically signed by the Board of Selectmen, not the Planning Board. The applicant picked the South Shore Housing Agency, but the Town has to approve it. Selectman Maksy asked if the Town could decide on someone else. Attorney Freeman responded in the affirmative. Selectman Maksy asked if the Town could change it also. Attorney Freeman responded in the affirmative. Ms. Garbitt stated that if the Town wants to monitor it too, then the Town should have an agreement with South Shore Housing as well. The attorney is saying that if the Town wishes to independently monitor it, then there should be another agreement put into place with South Shore Housing. Selectman Evirs stated that usually the Town reserves the right that it can independently monitor it at a later time if so choose. Chair Yeatts stated that the Board just wants to know from South Shore Housing if and when they are in violation, to ensure the fact that the Town gets immediate notification. Attorney Freeman referred to page two of the Monitoring Services Agreement. That is the "for sale" units only, on 1b, the Town does get notice on the compliance. Chair Yeatts stated that that is annual compliance, but not something that happens in the interim. Attorney Freeman stated that it is an annual certification by the Monitoring Agent, so the Town does get notice. Chair Yeatts stated that if someone was to rent a unit and then it was not an affordable unit, they would have to wait a whole year. Attorney Freeman responded that there is another section about how the Town will receive prompt notice if there is a violation. On the one for the rentals, he did not see why the state agency and the DHCD would have an objection to the Town also signing it, so that is where it is at.

Chair Yeatts asked about on page 4, section 1b, under the annual report, how come the Town only ended up with 30 years? Attorney Freeman responded that the Chair is mixing two things together. The "for sale" units and the clause 1b. Town Counsel requested that a line be struck, that is the annual report business, it does not mean it is not perpetuity. Theoretically, under certain circumstances, whatever the notice period is, there might not be an affordable buyer that comes along, so then the person would not be subject to the restriction if they cannot find a buyer. It is not inconsistent with the perpetuity, but it is for that reason, but that line can be stricken, since Town Counsel asked that the first part of the line to be stricken. Chair Yeatts asked if someone buys the units after two (2) years, they could sell and if they cannot find an affordable buyer then they do not have to have the restriction? Attorney Freeman responded that that is the law. One cannot force someone to not sell the unit. That is the form that does not have all the information filled in yet, the affordable housing restriction. Ms. Garbitt stated that the Town could buy it, that is a choice, so that it could be kept affordable. Attorney Freeman responded that that was correct. There is a circumstance that if the Town did not buy it, and they do not find a buyer, then it would not be owned by an eligible affordable buyer, since none existed at that time. Chair Yeatts asked if Attorney Freeman will complete the form, including

the stock numbers. Attorney Freeman responded in the affirmative, before they sell the units, it will certainly be shown to Town Counsel. Chair Yeatts stated that it says it is intended to survive foreclosure and continue in perpetuity, but it is not? Attorney Freeman responded that it is, it is just a reality check if someone meets all the qualifications and then they need to sell a unit and they cannot find a buyer, should it happen, there are various (on the blank form with the affordable housing) aspects in place, under C on page 6, the monitoring agent or the Town can buy the property. Selectman Maksy stated that does not take the restrictive covenants off of the unit. The next sale that it goes through, it will have to go through the same process, since it is on the deed forever and the Town will still get the credit for it. It will always be an affordable unit. Attorney Freeman responded in the affirmative.

Chair Yeatts asked about the Tax Regulatory Agreement, on page 3, under tenant, about the 30 years? Attorney Freeman explained that that is what the program is and it was set up to be done under the program, theoretically, it could be in perpetuity. Attorney O'Donnell has advised the Town, with the 40R, it is still a zoning requirement, so that it complies with these requirements. Attorney O'Donnell lets the Board know that the protection is still there. In terms of the document, it went before the Planning Board and as part of their approval of the document and with the 30 years, the concern is satisfied by the zoning enforcement. It needs to be that way in the agreement and it is through the 40R agreement with the Planning Board. After 30 years, it is not subject to the regulatory agreement, but it is for the zoning, if the units are not rented to affordable owners, that it does not comply with the zoning. Selectman Evirs asked that if after 30 years, then the Town controls what happens there and the Town zoning laws go into effect.

Attorney Freeman stated that he is striking the words on 1b and adding on both regulatory agreements a signatory line for the Town. He has already made that change on his documents. Chair Yeatts asked if the Board is basically approving everything. Attorney Freeman stated that they just need the one page approval. Chair Yeatts stated that it basically says the Board approves of everything. Attorney Freeman stated that he has no problem if the Board wants to pencil in that the Town reserves the right to have its own monitoring agreement with the developer. Selectman Evirs stated that with the other changes, and then the Board has this to reserve its rights. Chair Yeatts stated that if Town Counsel finds something else, the Board needs a contingency. Attorney Freeman stated that he cannot do that. That is why he brought the copy of the email that Attorney O'Donnell showed that she approved all of the documents. Chair Yeatts explained that the Board is meeting again on Wednesday, so how about the changes be penciled in, then fax it tomorrow so that it can be reviewed one more time by Laura Pawle of Kopelman & Paige l. Attorney Freeman responded that he has been cc'ing Attorney Pawle all of the documents since Attorney O'Donnell has been away. Ms. Garbitt stated that Attorney Freeman will be emailed the amended document tomorrow and she will bring it with her. Attorney Freeman stated that he will also add more lines onto it for signatures, strike the other words and then email it to Laura Pawle and to the Town Administrator. The only changes will be to add more lines and also that the Town reserves the right. Chair Yeatts responded that that was fine. Attorney Freeman stated that he will do that first thing in the morning.

Revisit earth removal permit-Kensington Court at Lakeville Station

Kenneth Motta of Field Engineering and James Marot, Planning Board Chairman, were present for the discussion. Ms. Craig mentioned that changes were made to the draft conditions, but the Planning Board sent in their comments and they did not like #17, the route of travel. The Planning Board did not feel that the Town needed to designate which direction they go on Route 495, south or north. Chair Yeatts stated that there should be another sentence then, that they will not use Route 79. Selectman Maksy stated that that was clear. Mr. Motta stated that he has not seen the Planning Board comments, so to be honest he does not know what the comments are. Mr. Marot stated that #17 reads funny, but it is fine. Mr. Motta responded that it did, it is a matter of tweaking the language, but he would like to leave the matter open. Mr. Marot stated that once they leave the Town line, the Town does not care where they go. When they leave Commercial Drive they are turning right onto Route 105 and then leaving Town, it does not matter if they go north or south. Chair Yeatts stated that the Board wants to make it really clear that they do not go up Route 79. Selectman Evirs stated that the Board does not want them re-entering Lakeville on Route 79 by taking a left, so that is why it is as it reads. Mr. Marot stated that the Planning Board is saying is that if they want to go north on Route 495, there is no objection.

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

VOTED: To grant the Earth Removal Permit to Oxford Development, LLC, Jonathan White, President with an expiration date of March 31, 2008 to remove earth materials from Lots 7A, 7B, 7E, 7G, 10I, and 10J, Assessors Map 62 Block 3 incidental to the construction of Kensington Court at Lakeville Station project located on Commercial Drive subject to the conditions as amended.
Unanimous in favor.

Vote to accept resignation of Donna Leombruno from Open Space Committee

Chair Yeatts read the letter of resignation from the Open Space Committee from Donna Leombruno. Chair Yeatts stated that Linda Grubb had recently been appointed to the Open Space Committee to fill the vacancy.

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

VOTED: To accept the resignation of Donna Leombruno from the Open Space Committee.
Unanimous in favor.

Chair Yeatts asked that a letter be sent to her thanking her for her time on the Open Space Committee. Ms. Garbitt stated that she will send her a letter and also send a letter to the Park Commission since they need representation of the Open Space Committee on their Commission.

Review application for curb cut-220 Kenneth Welch Drive

Chair Yeatts stated that both the Planning Board and the Superintendent of Streets have approved the curb cut for 220 Kenneth Welch Drive.

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

VOTED: To approve the curb cut for 220 Kenneth Welch Drive.
Unanimous in favor.

Site plan review-Huntinghouse Estates

James Marot, Chairman of the Planning Board, is present for the discussion. Chair Yeatts said she had a few items to discuss on the plans as presented from Outback Engineering. Looking at the aerial view, these both have to be buildable lots to make this work as a paper street, so none of this will actually be there, they have to be able to do this to get their paper street. Yet when saw the stream, she questioned if this is this really a buildable lot? The wetland line has not been verified by the Conservation Commission, but it has been flagged. In a perennial stream, nothing is allowed in the 100 foot aquarian zone. So, if it is not a buildable lot, then this does not work. They have not flagged the bank of the stream and they have to do that at the mean high water mark. Conservation Commission confirmation is needed. There are a few little inconsistencies. Ms. Craig asked what lot numbers Chair Yeatts was referring to? Chair Yeatts responded Lot #3. Selectman Maksy was referring to Lot #2 since the upland building lot does not touch the circle.

Mr. Marot explained that the owner they are looking for one (1) lot. It is outside the Planning Board's jurisdiction to sign for one (1) lot, it has to be two (2) or more lots. So, they have to show that they could develop two (2) or even three (3) buildable lots. They need to completely satisfy the law, which includes drainage for the road and frontage. Then they can ask for a waiver of construction for the road. Then they have to deem one (1) lot as an unbuildable lot, unless they can prove that they can meet the Towns' specifications. The way it appears, there are two existing buildings, the real existing building is the rear building, the other is an accessory building. The Planning Board looks for compliance with zoning, it may be that neither lot is buildable, but for recording purposes, they need to satisfy the rules and arrange for the development of the road. Selectman Evirs asked why would they show little Lot A? Mr. Marot responded that it is a separate lot for drainage purposes. It would end up going with the roadway, if the roadway is developed. They do not have to build in the circle; they just have to prove that they can build in the circle.

Chair Yeatts stated that she felt that the wetland line and the stream should go through the Conservation Commission. Mr. Marot explained that the reason the 50 foot setback was thrown back on there by the engineer was if they do not have this area, then it does not count for the frontage, so if can fit the 40 then can fit the 50. Chair Yeatts suggested recommending that the Conservation Commission approve the wetland line and the stream. Mr. Marot stated that they can still maintain the setback, the sideline setbacks and still build a structure. Chair Yeatts stated that she did not see how they possibly could. Mr. Marot stated that if they cannot, then the

Conservation Commission can respond on that. Chair Yeatts stated that something may be needed from the DEP (Department of Environmental Protection) as well. Selectman Evirs stated that the Board's recommendation is just to be cognoscente of that.

Selectman Maksy stated that he would rather see this, than a full blown subdivision on these 20 acres. Mr. Marot explained that the one complication is that normally there is one (1) owner to the lots, but since they are accessory lots, then there are separate lots. Chair Yeatts asked why they have four (4) test pits, are they looking for a septic system to put on the lot? Mr. Marot responded may be, that is normally the information that is put on the plans, the Board of Health requires four (4) pits.

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

VOTED: To send the concerns of the Board of Selectmen to the Planning Board as follows: that the Conservation Commission should approve the wetland line and the stream delineation and the Planning Board should be cognoscente of that.
Unanimous in favor.

Review request for appointment of a board member-Old Colony Elderly Services

Chair Yeatts read a letter from Marilyn Mansfield, Director of the Council on Aging, requesting that she be reappointed as the Town's current representative to the Old Colony Elderly Services Board.

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

VOTED: That Marilyn Mansfield be reappointed as Lakeville's current representative for the Old Colony Elderly Services Board.
Unanimous in favor.

Review requests for storage trailer renewals: Mullein Hill Christian Academy and Lift & Care Systems

Ms. Craig these were renewal applications for storage trailer permits. The first is a storage trailer at One Christian Way. Mullein Hill has had this permit for a year or two (2) year. They use it for dry goods storage.

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

VOTED: To approve the storage trailer renewal for Mullein Hill Christian Academy.
Unanimous in favor.

Chair Yeatts asked why Lift & are Systems are only paying \$25, not \$50. Ms. Craig responded that the Town does not charge by the unit, the Town charges by the permit. There have been other storage trailer licenses that have two (2), but they have always paid one permit fee. This is for equipment storage. Selectman Maksy asked if two (2) units was the maximum

amount. Ms. Craig responded that the Town never mandated the number of units. Ms. Garbitt stated that this is a fairly new bylaw. Previously the Town never permitted these trailers. If the applicant brought on a third trailer they would have to apply for another license.

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

VOTED: To approve the license renewal for Lift & Care Systems.
Unanimous in favor.

Vote to rescind one-day liquor licenses-Park Commission

Chair Yeatts read a request from the Park Commission to rescind previously issued one-day liquor licenses.

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

VOTED: To rescind the following one-day liquor licenses: July 7, 2007, July 13, 2007, July 15, 2007 and July 21, 2007 at the Ted Williams Camp.
Unanimous in favor.

Request for one day liquor licenses-Park Commission

Chair Yeatts read the request from the Park Commission for two (2) one-day liquor license for Ted Williams Camp. Selectman Evirs asked if these two (2) parties were either hiring their own bartending service or dispensing their own alcohol. Ms. Craig responded that J.K. Olivieri will be serving their own alcohol and the Mitchell Memorial Club will be serving their own alcohol. They do this pretty much annually and they never utilize a service, since they have bartenders that they employ. John Olivieri will be serving his own alcohol, that is why he is purchasing insuring. The Mitchell Memorial Club will be providing a rider from their insurance company. Selectman Evirs asked if this was a declaration of insurance. It indicates for the premises in Middleborough, is it still valid if they leave the premises on Elm Street? Ms. Craig responded that they said they needed the license before their insurance company would provide a rider. Selectman Evirs noted that on the insurance certificate for J.K. Olivieri Insurance Company, it lists their name, it says general liability, no where does it specifically say the serving of alcohol. The Board does not want the Town or the Park Commission responsible if there is an incident. Ms. Craig read the Mitchell Memorial Club insurance certificate and noted that it also does not say specifically alcohol, but it is under the declaration it is alcohol. Selectman Maksy stated that the Board should make it a condition so that the Town is protected.

Ms. Garbitt said she could get the information from the bartending service that is usually used for the wording on their insurance certificate, where the Town is named as additional insured. She said that a rider is needed on the J.K. Olivieri policy. Selectman Evirs stated that it should be more descriptive regarding the serving of alcohol. Both certificates should make sure that their insurance covers them to serve alcohol off their premises. The additionally insured would be the Town of Lakeville.

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

VOTED: To approve a one-day liquor license for J. K. Olivieri Insurance/John Olivieri for July 13, 2007 from 11:00 AM to 6:00 PM for a company cookout at Ted Williams Camp. with the contingency that their insurance policy state that they are serving alcohol under the description of operations.
Unanimous in favor.

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

VOTED: To approve the one-day alcohol liquor license for the Mitchell Memorial Club at Ted Williams Camp for July 15, 2007 from 12:00 PM to 6:00 PM for a chicken barbeque with the condition that their insurance policy and declaration statement being able to hold true for serving alcohol off of their premises and that the Town of Lakeville be added as additional insured on the Certificate of Insurance.
Unanimous in favor.

Discuss formation of Police Station Building Committee

Chair Yeatts explained that the Police Station Building Committee would consist of the Police Chief, a Patrolman, the Superintendent of Streets, the Building Commissioner, a Capital Expenditures Committee Member, the Assistant Plumbing Inspector, the Town Administrator, the Chair of the Park Commission, a Finance Committee Member, an Electrician (Kevin St. George) and a Selectman (or all three Board members if they want to serve). Selectman Maksy stated that he would want to be on the committee. Chair Yeatts stated that then the entire Board will all be on the committee.

Selectman Maksy stated that he would like to have the meetings take place in the evenings. For some people, the 4:00 PM time is easier, but he would rather have the meetings at night so that the public has the opportunity to be present as well. A memo will be sent to the Finance Committee asking them to designate a member and Ms. Garbitt will contact Kevin St. George. Once the members are decided upon, the appointments will be on the following agenda of the Board of Selectmen.

Review Zoning Board of Appeals petitions: Gonsalves and Perreault/Lewis

Chair Yeatts stated that there are two (2) ZBA petitions to review. The first is the Perreault/Lewis petition. The petitioner is looking to obtain variances from the front yard setback of 40' to 31.8'; the side yard setback of 40' to 5' and the land coverage ration of 81.3% instead of 50%. They are looking to raze the existing dwelling and build an office building containing 5,064 square feet with 17 parking spaces. The lot contains .28 acres of land improves with a single story 984 square foot ranch house. The property is serviced by the City of Taunton for water. The Board of Health has issued a variance from property line distance.

Selectman Maksy stated that he discussed with the ZBA about stepping down to an Associate Member until they obtain more people on the Board. This would be to make sure that if they

need someone, he would still be available. However, Selectman Maksy will reserve from making any comments this evening on the petitions.

Selectman Evirs stated that the applicant has the Board of Health's approval, but when they had applied to the Board of Health, their application was for a home, not an office building. It is not felt that the Board of Selectmen can accept the Board of Health approvals as they are presently written. Chair Yeatts responded that that was correct. The Board needs a revised comment from the Board of Health as the office occupants will not be taking showers or doing their laundry. Ms. Garbitt stated that the Board of Health has not seen the new plan; there are no comments from the Board of Health based on this being a business.

Selectman Evirs added that the adjacent property is residential and residentially zoned. There is a setback buffer requirement which includes any kind of development, and that includes a parking lot, which is depicted only two (2) feet from the lot line, that is a concern. This is outside of what they are already looking at. Ms. Garbitt stated that she felt this is poor use of the land. They are taking a ¼ acre lot, which is at a bad intersection and squeezing things in. They are only 15 inches away on one corner of the parking lot on an intersection; they are two (2) feet from a neighbor's residential land, and only four (4) feet away from Route 105 for driveway. Route 79 at its intersection with 105 will become a dead end with the relocation of Route 79 project so that may be a mute point. When she was at a MassHighway meeting a few months ago, Mr. Carmichael specifically mentioning about how to dead end Route 79. He wanted to create some kind of hammer head or cul-de-sac and specifically mentioned this poorly kept piece of property that he was going to talk to the owner about buying to create this turnaround or do a taking. Masshighway should be contacted that these people are looking to develop the lot or the people need to know about what MassHighway has considered. They should buy the residential land adjacent to the property and try to rezone it. It does require 17 parking spaces since it is a 3-story building. This would also send a bad message to people trying to create business in the area; this is too cramped for what they are trying to do.

Chair Yeatts added that also the 81.3% coverage; this exceeds the lot coverage of 50%. They will need a 20 foot acoustical wall or a 40 feet buffer. They cannot plant over the septic system. Ms. Garbitt stated that they can pave over the leaching field, this was found that out with the old library. Mr. Marot stated that the Town Administrator was 100% correct in her comments.

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

VOTED: That the Board of Selectmen does not recommend approval of the Perreault/Lewis petition.
In favor 2, Abstain 1

In regards to the Gonsalves petition, the petitioner is looking to obtain a variance from the front yard setback of 40'. It appears from the sketch that they are looking for a 35' setback instead. The property has frontage on both Pickens Street and Jamie's Way. They are looking to add onto their dining room and enclose and extend the outside deck as a four (4) season room. They have applied to the Building Department and were denied and instructed to apply to the

ZBA. The Board of Health did not contain any issues regarding the septic or well. Chair Yeatts stated that Mr. Gonsalves obtained permission from his abutters. Mr. Marot stated that he has no problems with the property. It is a corner lot and this places additional restrictions on them. They are only looking for a five (5) yard deviation from the street. They cannot move the other way since they have the same restriction on the other side. This is tasteful for the house and that is why all the neighbors have given him letters of approval. Selectman Evirs stated that in this case, he feels this would not be a problem to allow the variance, though he is usually not in favor of variances.

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

VOTED: To recommend approval on the Gonsalves petition as submitted.
In favor 2, Abstain 1.

Review and vote to approve Selectmen's meeting minutes: March 28th, April 10th, April 30th, May 8th, June 7th, and June 11th (2 sets)

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 March 28th and June 7th, 2007 Selectmen's meeting minutes as presented.
In favor 2, Abstain 1.

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

VOTED: To waive the reading of and approve the April 10th, April 30th, May 8th, and June 11th (2 sets), 2007 Selectmen's meeting minutes as presented.
Unanimous in favor.

Review and vote to approve Executive Selectmen minutes of May 8th, May 10th, May 21st, June 4th, June 11th and June 25th (2 sets)

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 May 10, 2007 Executive Session Selectmen's minutes as presented.
In favor 2, Abstain 1.

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

VOTED: To waive the reading of and approve the May 8th, May 21st, June 4th, June 11th and June 25th, (2 sets) 2007 Executive Session Selectmen's minutes as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that they need her signature on the Environmental Notification Form (ENF) for the **relocation of Route 79** project. **It appears that MassHighway is going to come in.** Selectman Maksy exited the discussion due to conflict of interest. Mr. Motta stated that he has had dialogue with MassHighway and they have had the draft ENF since the end of May. Also, they are looking for more of the documentation from Natural Heritage, which is an acknowledgement from the Board of Selectmen that they did vote to go ahead with the mitigation on the 23 acres on Howland Road as part of the mitigation package, subject to the application for the filing permit. A lot of the back up documentation is being put together and as the Ms. Garbitt said, the filing deadline is the 16th of July in order to meet the publication and the monitor dates. There is not going to be any significant changes except for adding that additional attachment. Chair Yeatts then read the mitigation proposal that was approved, which places a conservation restriction on Town owned land on Howland Road.

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

VOTED: To approve the mitigation letter regarding the relocation of Route 79, which the proposed mitigation was originally approved at the April 9, 2007 Selectmen's meeting.
In favor 2, Abstain 1.

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

VOTED: To authorize the Town Administrator to sign the ENF.
In favor 2, Abstain 1.

Ms. Garbitt stated that she was hoping to have someone attend the function at the State House on July 17th for Arlene Wood. Ms. Garbitt will be testifying for Rent Control on that date. Chair Yeatts stated that she will attend.

Other Items

1. Letters regarding activity at 61 Taunton Street

Selectman Maksy asked if the Building Commissioner all set with the situation on 61 Taunton Street, it looks like it is heading down the wrong road. Mr. Marot stated that he went out after the enforcement letter was sent. Within a half hour after it was delivered by the police officer, the residents were in his office. Apparently it seems to be a disgruntled neighbor, but no violations can be found. He added that he cannot make a determination in the zone, there are no outside storage of vehicles. There is a branch from one of the trees in the front yard that fell through his windshield and a company came in and repaired it, so maybe that was the reason. However, they said that the complaint letter came in before that happened, so there has to be something happening on

the property, but there is nothing visible. The Building Commissioner verbally informed him that people will be watching. The property owner did speak with Mr. Marot and was very polite and said that it was not his intention to do anything that is not agreeable with the Town. This is right across the street from Cross Street. Chair Yeatts noted a letter that was a draft that was not dated by Mr. Marot, just to make sure everything is in order.

2. Letter from Joe Chamberlain regarding bike race-July 1, 2007

Selectman Evirs stated that Mr. Chamberlain's outline is quite detailed, with some of the bicyclers going over 50 mph, they were blocking the intersection, stopping traffic, etc. The Board should pass this along and make sure that the Police Department receives this. Chair Yeatts agreed. She stated that she did call the organizer and left him a message. This event, the Freetown Half-triathlon, took place on July 1st. The organizer was Eric Averill. Selectman Evirs stated that the Board should send a letter that this action is not welcome in Lakeville. Chair Yeatts stated that she asked Ms. Craig to red flag them for next year when they request to hold their event through the Town. Selectman Evirs stated that the Board may not invite them back next year, when this is discussed. They spray painted on the road; they cannot block roads, that is why there is Police Detail. Selectman Maksy suggested to send this to the Police Chief and get his comments. Selectman Evirs stated that the Board should have the organizer in to speak with on these issues. Ms. Garbitt stated that Mr. Averill holds the Cranberry Country Triathlon at the Ted Williams Camp and he is again asking for permission to hold that event. This can be placed on the next agenda of the Board of Selectmen and Mr. Averill invited in and then bring up this race. Selectman Evirs responded in the affirmative and asked that the Police Chief be present as well. Selectman Maksy stated that this event can be held, but the Board needs to put some conditions on it.

3. Letter from Arlene Wood regarding Rent Control legislation

4. Memo to Park Commission regarding Open Space Committee

5. Memo from Board of Health regarding appointments

6. Letter from Kaestle Boos regarding Feasibility Study

7. Notice of hearing for Aquatic Invasive Species bill from Representative Canessa's office
Chair Yeatts stated that she will be testifying for the Joint Committee on Environmental Species and Agriculture, this will be her third time. Hopefully, they will give the Town the funds. This is in reference to House Bill 729.

8. Notice from Department of Public Health-first EEE positive mosquito

Selectman Evirs stated that he will take advantage of the TV tape rolling right now since the first EEE mosquito was found July 4th in Raynham that tested positive. Everyone should take heed, last year was no fluke and it appears that mosquito's will be a problem again this year.

9. Thank you letter from Tuesday Club of Assonet

10. Letter from Town of Halifax regarding casino

Chair Yeatts stated that the Towns of Halifax and Plympton wrote to the Governor and to Lakeville concerning the Middleborough casino potential. They want to be included in any potential discussions since it impacts the region. They asked about a regional meeting to discuss the impacts of this potential. Last week, she met with Representative Steve Canessa, a Representative of Joan Menard's office and spoke with Glen Marshall. No contract has been signed for a casino, so the legislators cannot give any direct answers. There will be traffic, infrastructure issues, traffic at the train station, there are

questions on emergency mutual aid. The discussed clean air buses for transportation from the MBTA station. Also, there may be a spur off the train, to have them go directly to the casino rather than going to Lakeville. Lakeville needs to look at that potential. There may be an increase for housing, which could mean 40B developments and impact on the schools. When discussion took place about the casino having a negative impact on the growth, they disagreed. This was basically to open the line of communication, it was positive and now we all know each other.

Selectman Maksy asked about holding a meeting for Lakeville and looking at the effects down the road for the Town. He stated that he would like to know the resident's concerns. Chair Yeatts stated that she liked dealing with the one on one, she did not know about the region. Selectman Maksy suggested that Lakeville start its own committee and have some type of forum to see what the community members in Lakeville want. Ms. Garbitt stated that she thought that the Board of Selectmen would still want a regional meeting, and then also have a meeting for the residents. Selectman Evirs stated that until it is going to happen, the Town does not want to get anyone too riled up yet. Chair Yeatts stated that she did not want to get on the band wagon opposing the casino, since it may be beyond the Board's control. Then, negotiations get clouded. Ms. Garbitt stated that the Board cannot wait until it is decided; the communities have to get together so that wherever it goes the legislators know Lakeville's concerns. Traffic is the biggest concern, especially with Carver and Route 44. Selectman Evirs stated that the tribe can open the casino without State legislature approval; Foxwoods opened as a bingo parlor and the rest came afterwards. That does not take anything from the State level. The Town should wait until July 28th to see if Middleborough is going to accept their offer.

Selectman Maksy stated that he was thinking more of anticipating it happening and look at it that way, is the Town prepared zoning wise, is the Town prepared since there is concern about the rippling effect. It should not just be the Board's input; there should be input from the residents in the Town. Selectman Evirs stated that he felt the Board should wait until after the 28th of July before having a meeting so that they do not ruffle feathers unnecessarily. That is only 2 ½ weeks away. Selectman Maksy stated that it would not hurt to listen in to what Middleborough is doing with the committee that they have formed. It would be preferable to know the concerns from the Town residents, hold public meetings. Just to be aware of the concerns that the Board should be thinking about, like zoning, is the Town prepared on Route 105 for any changes that this may cause? The Board should speak with other towns that neighbor casinos. Chair Yeatts stated that it was suggested by Glen Marshall to visit Mohegan Sun's town. Selectman Maksy suggested that the Board plan a trip to these places, it can be posted and then go from there.

Chair Yeatts stated that the Board already has had letters from citizens that have emailed or written in about it, maybe five (5). The Board asks that any questions that residents have be sent to the Town and open this through the press that they can contact or forward it to the Board of Selectmen. Ms. Craig mentioned posting the request for comments on the website and ask people to email, rather than call. Cindy Dow, Gazette reporter, stated

that there are a large percentage of people who do not have computers so the Board may want to give them another way to communicate their questions or concerns. Selectman Evirs agreed, they can drop or mail comments to the Selectmen's Office.

11. Letter from Rhode Island Fish and Wildlife regarding M/L Herring Fishery Commission
12. SRPEDD Draft Transportation Improvement Program
13. Plymouth County Commissioners agenda-June 26th
14. Plymouth County Cooperative Extension July-August events
15. Waterways Application-Elders Pond City of Taunton
16. Letter from Governor Patrick regarding Commonwealth Capital Policy
17. Cranberry County Chamber of Commerce Perspective

Chair Yeatts stated that the Town can go online now and punch in a code to see what is going on. SRPEDD files the Town's application, but the Town can watch what is going on and get updated. There were eight (8) different questions that they wanted to know from the last time that the Town said they would do and they wanted to know if they were done. There were zoning items, one that was put on at Town Meeting but did not work.

18. Wildland Trust Spring 2007 newsletter
19. Mass Wildlife Newsletter

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

VOTED: To adjourn the Selectmen's meeting at 9:11 PM.
Unanimous in favor.