

SELECTMEN'S MEETING
Monday, August 11, 2008

On August 11, 2008, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 7:00 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Request for appointment of Call Firefighter

Chairman Evirs read the request from Daniel Hopkins, Fire Chief, for the appointment of Richard Nolan as a Call Firefighter.

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

VOTED: To appoint Richard Nolan as a Call Firefighter contingent upon the successful completion of a Department approved physical examination, a PAT test, and completion of a one year probationary period to expire July 31, 2009.
Unanimous in favor.

7:05 PM Meet with Jennell Connelly from CHAPA

Jennell Connelly was present for the discussion from Citizens' Housing and Planning Association, Inc. Ms. Connelly, the Moderating Agent for Wood's Edge, was present to discuss affordable units versus market rate units. She explained the CHAPA process. There is presently a home at Wood's Edge that possibly may be under agreement. This was an affordable unit, but with the Purchase and Sale Agreement, it would no longer be deemed affordable. Mr. Garbitt mentioned that there are three affordable units on the market right now in Wood's Edge.

Ms. Connelly explained that there are three (3) affordable units that CHAPA has been trying to seek someone who meets the income requirements. They have been unable to locate anyone, and if there is no one interested, after 90 days the owner is allowed to sell the unit at market value. The difference between the market rate selling price and the affordable selling price goes to the Town to be put in the Affordable Housing Trust Fund. There is also the option of the Town trying to buy down some houses if the Town has enough money built up in the Fund to get it on the subsidized list. The Town would advertise that this unit might be available, and then see if they can find someone to qualify.

Selectman Yeatts asked what about someone who is selling a house, but needs to upgrade something in the house or fix stairs or whatever, can the money be used for that? Ms. Connelly responded that they can do that on the sellers end or the buyers end. If it sells at market rate, the excess money will go to the Town. The difficulty though is what the market rate is. Right now one of the units is worth \$180,000, but it was on the market for \$165,000. It all depends on market conditions, the time the unit is on the market and economic conditions. Right now the housing market in Massachusetts is not going up like it used to. So CHAPA would like to know

if \$171,000 is a valid price. One of the home sellers stated that the appraisal she got was not high enough in value for CHAPA, so she had to get a licensed appraisal done and that increased the price, so she lost the buyer that she had. Ms. Connelly stated that they even had an open house, but no one showed up. It has been a tough market.

Ms. Garbitt asked who agrees to the extension. Ms. Connelly stated that if the owner is able to find someone in 90 days, they do not need the extension. If the person does not qualify or ends up not wanting the house, then the owner gets the 60 day extension. Right now all the homeowners have allowed as much time as possible, but CHAPA is unable to locate anyone. That happens when the market value is not high like the affordable value. No one saw the market crashing to the extent that it has. If the home is forced into foreclosure, the deed restriction is lost in foreclosure, and the Town does not get as much as it could, and it makes the situation worse. CHAPA has 90 days and then an option for another 60 day extension. CHAPA can insist on this, but the present homeowners did not mind so CHAPA did not have to insist.

Ms. Garbitt stated that these units sold originally for the affordable rate of \$155,000. The affordable rate is now \$160,000. It was asked if that was the rate after the real estate commission was taken out. Ms. Connelly responded that anything above the affordable value goes to the Town. There is an argument to be made especially with the current developments. CHAPA suggests that the Town pay the real estate agent proceeds. CHAPA would get their fee after the sale. Since the units did not come with appliances, CHAPA will give \$1,100 to owners if they leave them. CHAPA has waived and reduced their fee in certain situations in order to allow the sale to take place. Only what is over the \$160,000 affordable sale price is what goes to the Town. Everyone needs to consider what goes to the Town, then real estate agent fees and the CHAPA fee, which is \$3,375.00, which is 2½ % of the sales price. Chairman Evirs asked about the real estate agent commission. If the owner sold the unit for \$180,000, the affordable market rate is \$160,000, so the Town gets \$20,000, but there is an offer for \$171,000 on one unit. Ms. Connelly explained that Kathy Teed has an offer for \$171,000, and the other owners have an offer for \$170,000. So it is only \$11,000 for the Town and the commission for the real agent is 5-6% of the total. Ms. Teed stated that the unit was originally put on the market for \$202,000, then lowered to \$174,900, now it is down to \$170,000 since the appraiser bumped it up to the higher amount. Ms. Connelly explained that the appraiser used older comparable sales. They were more than 1 ½ years old. The \$202,000 market value was done on May 14, 2008. Ms. Connelly stated that typically an appraiser would like to use a sale within a mile of the property, but there was nothing within a mile that had sold within six (6) months. Both appraisers used different methods.

Selectman Yeatts asked how long the owners have owned the property. One unit was owned for two (2) years this May. Ms. Teed responded that she will have owned her unit for four (4) years in December and it has been on the market for over 200 days. There is no mortgage on the property. The other unit owners noted they still have a mortgage on their mother's home. Ms. Connelly stated that the Town is not on the hook for the commission. Chairman Evirs stated that the Board of Selectmen does not have the option to barter the real estate agent fee, but the Town would lose out on the difference, since that commission typically comes out of the Town's share. Ms. Connelly responded typically the Town pays the percentage on the amount of the difference and that is a rather small amount. Selectman Yeatts stated that she did not understand why the

Town would pay the real estate agent when the Town would lose money, especially with this market. The owners of one unit said this house was a blessing for their mother, and now it is a burden for them. They will have to pay the \$7,800 real estate commission, plus what they are paying now since the first offer. They wanted it to be sold and did not want to get a real estate agent. Chairman Evirs stated that unfortunately that is what happens. One has to deal with the estate and settlement, etc. The owners said they are asking now, since their hands are tied, to sell it for the reduced price. The Town will still make a profit on it. Chairman Evirs said the Town will only profit by allowing it to go to market rate, but then the Town loses one affordable unit as part of its inventory. Once it is off the affordable inventory, it is off the inventory forever. Ms. Connelly explained that if someone comes in with an offer of \$180,000, there is nothing for the Town to approve or not, but the Town would get \$20,000. This is the gray area with the \$171,000. The idea behind the 95% is that there is some risk involved and more to do.

Ms. Garbitt explained that this originally started with Ms. Teed, but her sale did not go through, so she would like to put it back on the market for that amount. Ms. Teed said she needs a sale price to know if it is okay. It is a 950 square foot house, so it will not sell for \$250,000. Chairman Evirs explained that he wanted to get educated on this process with CHAPA, that is why everyone is here tonight. Selectman Maksy stated that the Town has lost the affordable unit designation due to the 90 days going by, so basically the discussion is about the commission and the price. Chairman Evirs asked that if after the 90 days and the 60 day extension, how long the units have been on the market. Both owners answered since January, so about seven (7) months. Ms. Connelly stated that due to the great differences in the market values of the appraisers, she asked the appraiser for more comparable sales. These are also age restricted units, and it is hard to find sales for them. Further discussion ensued to figure out what the best solution. Selectman Maksy stated that the Town should take these two (2) units and buy down a third unit at market rate for a family somewhere else in town. Selectman Maksy asked what would come back to the Town if they paid the commission. Ms. Connelly responded \$11,000. Selectman Maksy asked if the Town still has to pay commission. Selectman Yeatts responded that the Town does not have to. Ms. Connelly noted that it is a suggestion when there is a great difference between the market value and the affordable price.

Selectman Yeatts stated that the Town is just squeaking by and it would be good for the Town to get the \$22,000 and keeping the third unit to buy down. Ms. Connelly stated that CHAPA can approve renting the unit. Selectman Yeatts stated that she was in agreement with the sale of the projects and hopes to be able buy down the other unit or units. The owners of the other unit were concerned with insurance, since the insurance company will not insure the unit when it is unoccupied. Chairman Evirs stated that if the Town will be asked down the road to surrender some of its monies, then the Board will need to be part of the process.

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

VOTED: That the Board of Selectmen agrees on the bottom price of \$171,000 for these two (2) units and that the Board of Selectmen does not want to pay the real estate commissions since the Town is giving up affordable inventory.
Unanimous in favor.

Discuss request from Southeastern MA Commuter Rail Task Force for appointment or reappointment of representative

Chairman Evirs read the notice from the Southeastern MA Commuter Rail Task Force for appointment of a representative from Lakeville.

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

VOTED: To appoint Linda Grubb as the Town's representative of the Southeastern MA Commuter Rail Task Force with a term to expire July 31, 2009.
Unanimous in favor.

Discuss reappointment of Linda Grubb to SRPEDD Regional Open Space Committee

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

VOTED: To reappoint Linda Grubb to SRPEDD Regional Open Space Committee with a term to expire June 30, 2009.
Unanimous in favor.

Vote to accept resignation of Michael Leverault from Rent Control Board

Chairman Evirs read a letter from Michael Leverault in which he resigned from the Rent Control Board.

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

VOTED: To accept the resignation of Michael Leverault from the Rent Control Board, effective immediately. A letter of thanks and appreciation for time served will be sent to him.
Unanimous in favor.

Ms. Garbitt asked the press to put the word out to seek volunteers to be on the Board. Letters of interest should be sent to the Selectmen's Office by September 4th.

Review and approve Selectmen's Executive Session Minutes of April 9, 2008

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

VOTED: To waive the reading of and approve the April 9, 2008 Executive Session Minutes as presented.
Unanimous in favor.

Review and approve Selectmen's Minutes of October 15, 2007; April 2, 2008 and April 8, 2008

Selectman Yeatts noted changes on the October 15th set of minutes (on page 3 and page 8).

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

VOTED: To waive the reading of and approve the October 15, 2007 Minutes as amended.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the April 2, 2008 and April 8, 2008
Selectmen's Minutes as presented.
Unanimous in favor.

Request to use Town House for yard sale fundraiser-CasinoFacts.org

Chairman Evirs stated that his concern in allowing the CasinoFacts.org group to use the Town House. They are a group with a mission, which is narrowly focused. Conversely, the groups that the Board usually lets use the Town House are those such as the Boosters Club, the Lakeville Area Mother's Club, the Girl Scouts, the Boy Scouts, etc. Selectman Yeatts stated that they are a non-profit organization and now the Board is making a judgment on a non-profit group. If the Board is going to make a policy, the Board needs to be a little clearer. Ms. Garbitt mentioned that the Board did make a policy that any groups would return funds to the Town in some way. The Board has turned down other non profit groups since they were not profiting Lakeville residents or students.

Selectman Maksy stated that he has a problem with the political agenda of the group. He questioned if the group would be using signs to promote their group. He did not think the Board could allow signs by law. The yard sale is okay, but what is going to be out there could turn it into a political meeting on public property. They need a private spot to do this. One cannot have a political agenda on public property. Chairman Evirs stated that nothing would prevent them in renting space at a private establishment. It would be very hard to police that actually. Selectman Yeatts stated that this is a citizen though, of Lakeville, associated with a non profit organization. She understood about not having signs, but she stated that she is not comfortable that a non profit cannot use it. Selectman Maksy stated that the Board has not taken a vote either way on the casino issue and granting this request could be taken as the Board taking a vote on one side or another. It may be beneficial to get Town Counsel's opinion on this, since the Board does not think the political aspect should be allowed or made part of it. Selectman Yeatts stated that the group can put signs up for the yard sale, not for anything that is misleading. Chairman Evirs stated this is misleading the public. The Board would then be sending the wrong message. Usually the organization allows people to know who they are benefiting. Selectman Maksy stated that the Board should ask Town Counsel.

Ms. Garbitt mentioned that the group needs to know one way or the other since the Board is not meeting again until after the yard sale date. Chairman Evirs stated that they can go to private property. Selectman Yeatts stated that the Board needs to set a policy, not to be judgmental on someone. Chairman Evirs mentioned that the Board also needs to consider charging organizations to use Town facilities since so much work needs to be done on them. The Board though should not be allowing people to use space that could be construed as a political agenda. This organization can go down the street and use other property.

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

VOTED: To get Town Counsel's opinion and to bring this up again next Tuesday about allowing the CasinoFacts.org to use the Town House for a yard sale fundraiser on August 23, 2008.
Unanimous in favor.

Ms. Garbitt suggested that the Board may want to look into setting a policy on allowing people to use the Town House, since it does need to be painted. The Town has had to encumber that money over two (2) years. Selectman Yeatts added that the Girl Scouts do sell cookies, but they also collected 300 coats to give to poor people. They are not making any money. Ms. Garbitt mentioned that the Board could also increase the maintenance budget for the Historical Commission. Chairman Evirs stated that he felt a minimal fee would be better. Selectman Maksy mentioned that the Town needs to be paid for the water for car washes.

Any other business that may properly come before the meeting.

Chairman Evirs stated that Josh Gonsalves has completed the sign at Ted Williams Camp. It came out very nice and looks wonderful. The Park Department should be allowed to recognize Mr. Gonsalves first and then the Board will step up to the plate for him as well. Ms. Garbitt stated that Mr. Gonsalves has to come before the Board to sign off on his project for the Scouts. Chairman Evirs stated that he does not have the electricity to the sign as of yet.

Ms. Garbitt mentioned that the Superintendent's Office would like to announce that they are looking for a community member (at-large) to serve on the Superintendent Search Committee for Freetown and Lakeville. There will be a person from the Region, a person from both the Lakeville and the Freetown School Committees and two (2) at large members. There will not be a quorum of the Regional School Committee within this committee.

Ms. Garbitt stated that the Board of Selectmen has to sign the deed for the Lakeville Development Corporation (LDC), but the deed is not available right now. The motion for the Board is to sign the deed for Lot 9 Kenneth Welch Drive (Map 61, Block 2, Lot 9), then the Board members can come in and sign it when it is available.

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

VOTED: To sign the deed for Lot 9 Kenneth Welch Drive.
Unanimous in favor.

Selectman Yeatts mentioned the State Revolving Fund (SRF) loan for drinking water. She and Ms. Garbitt talked extensively with Dick Keith from DEP about this. Selectman Maksy explained that he went to Middleborough and spoke with the Board of Selectmen. Their thought was to just start from scratch regarding an Intermunicipal Agreement (IMA) for water. Selectman Maksy has a copy of Taunton's IMA with Lakeville and Carver's IMA with Middleborough. The key thing is sewer, maybe water from Taunton and sewer from Middleborough. Other items were proposed to do in the future with industrial access during the discussion with Middleborough. The request that the Middleboro Selectmen gave to Selectman Maksy is what the developers would want as far as usage is concerned and to then get that information back to them.

Selectman Yeatts stated that she is glad they split up the water and sewer. The Department of Environmental Protection (DEP), the Town needs to build a water tower for fire suppression. The MORE grant will give the Town \$375,000 towards that, but the price will depend on the size of the tank and that has yet to be determined. The Board needs to make a decision, to be fair to Taunton, regarding where the Town is going for water. The Board needs to make this decision tonight. If the Board votes it is going to Taunton for water, then there are options open to the Town in the future. The Town will study different sites for the tower. The closer to Elders Pond, the better since it is the cost of the pipe that adds to the cost. The Town has the potential with Taunton to own its own water system in the future for \$1. The Town could get the rates and revenue from the water. The biggest users will be CANPRO and National Development. Going with Middleborough is a dead end for Lakeville. They will never give Lakeville all that infrastructure. Taunton wants Lakeville to make a decision to move forward. We would reimburse Taunton from the MORE grant, up to \$25,000 for the water study. Taunton would then go ahead and do the study, but Lakeville would need to reimburse them out of the grant. So, the Board should take two (2) votes to get this going. Lakeville would need the SRF loan from the State at 2% for \$1.5 million. It has to be in by August 29th. Then, the final draft by October 15, 2008.

Selectman Maksy noted that this is a Regional issue, and the Board cannot be short sighted on this. The DEP will say we are all in the same watershed area. He is concerned that if someone is looking for water, Lakeville will not be able to give them any. No matter what Lakeville does, Lakeville will still need an IMA with Middleborough. Selectman Yeatts stated that once Lakeville has the water tower, then the Town has the potential to connect the water loop. The development would pay to extend the line. Selectman Maksy stated that he did not want to get locked into one (1) city or town since Lakeville may want New Bedford water if it gets closer to the Freetown line. The whole region should be together. Selectman Yeatts explained that the towns all have the potential to get water rights, but not Middleborough. Selectman Maksy said yes, they do, it was back in 1954. Selectman Yeatts stated that she would like to see that in writing. They cannot take water from the ponds. Taunton would like us to commit to the National Development and Canpro developments. Taunton will not work with Lakeville if the Town does not show some good faith. They want to be assured they will have the National Development and Canpro accounts. There is nothing now that says that Lakeville would not do an IMA with Middleborough and then Taunton would lose two (2) large customers.

Selectman Maksy stated that the Board cannot tell them what a developer is going to do. So what guarantee can the Board give. We will continue to agree to all these costs to us and get the tower up and move forward. Selectman Yeatts stated that Taunton needs the tower. Chairman Evirs stated that the Board will not seek an IMA for the benefit of water for Oxford Development and Canpro with Middleborough. The commitment will remain with Taunton. The Selectmen will not change their direction from those two (2) accounts and make a deal with Middleborough. The Board will stay committed with Taunton water for those two (2) projects. Selectman Yeatts added that the Town of Lakeville can eventually own the infrastructure that Taunton owns and provide water to Lakeville's residents. For a \$1, to be able to service all of Lakeville and not have to depend on anyone for Lakeville's water is amazing. Chairman Evirs stated that Lakeville is owed one (1) million gallons of water a day from New Bedford. This may come into play in the future for the shorefront communities. The Town still needs to protect the homeowners on Bridge Street that are being serviced by Middleborough. People have to be able to sell their properties and maintain a water connection. Selectman Maksy asked how much the water tower and extension of the water line will cost the taxpayers above and beyond the grant. Ms. Garbitt responded that that is something that needs to be discussed. It will then need to be approved at Town Meeting and will help promote economic development. The Town will be able to charge water infrastructure fees (betterment) for future connections. Chairman Evirs stated that the Board can keep the options open, but needs to be committed on the water and the tower.

Ms. Garbitt stated that Town Counsel is working on the language for the betterment fee for the Town Meeting vote for the SRF loan. Selectman Maksy stated that he would like to see the allocation up and see the businesses come in. Selectman Yeatts stated that the Town cannot even get the business it has going and has to do that first, before bringing more business in. Selectman Maksy stated that he felt Taunton needs to give Lakeville fire suppression. He added that he did not understand why this is a crisis, he understood about the water pressure, but why is the Town in this predicament and has to tell someone that they will have a water tower in their backyard. Ms. Garbitt stated that the Industrial Park is 22,000 gallons. She was unable to find out how many people were connected to Middleborough. Selectman Yeatts suggested having DEP in to discuss this with the Board. The Board will invite Cathal O'Brien and Dick Keith to come before the Board of Selectmen and explain the commitment that they are seeking. It would be beneficial to make sure that Lakeville has the potential in the future to drive its own boat. Selectman Maksy stated that he will speak with Middleborough again about just providing sewer. Chairman Evirs stated that Taunton is looking for a commitment to provide water to Lakeville and not have the threat of another municipality competing for this service.

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

VOTED: To reimburse the City of Taunton for the hydraulics study up to \$25,000 from the MORE Grant funds.
Unanimous in favor.

Paul McGillis was present to discuss the Morse concrete plant behind his house. He stated that the judge made a ruling 14 months ago, and they were to reduce their noise level, and they were not to use a parcel of land. He has several letters regarding this fact and they continue to

use that parcel of land. The Town spent a lot of money on attorney fees to get a judge's ruling. It is Mr. Iafrate's job to enforce the ruling on this parcel of land, and he is not having much response from the DEP on the noise issue which is impacting his neighbors, family and life. He does not know other wise whose job it is. He would like this Board to have Kopelman and Paige ask where they are on the noise issues. He is not getting return phone calls from those he calls. He called the strike force in Boston. He spoke with Steve Spencer, and he has not told him one (1) thing more than he knew five (5) months ago. The fact of the matter is that they have done nothing, and they have disregarded the judges ruling. We need to get the DEP here for a board meeting.

Chairman Evirs stated that if it is noise, that is the Board of Health, not the Board of Selectmen. Ms. Garbitt stated that the Board of Selectmen did met with David Johnson of DEP to address the noise issue, and Morse had to build the noise barrier. The Selectmen did try and work with the DEP, and they ordered all kinds of reports done on the decibel readings. DEP has their own noise pollution rules that they do not seem to be enforcing. Mr. McGillis stated that Mr. Iafrate will attest that the barrier has done nothing. Why did the Town pay all the money it did and spend all the time for this and nothing is happening. Ms. Garbitt stated that the parcel was not to be used for business, but the employees may park there. She went out there in June with Mr. Iafrate. Employee vehicles were parked there.

Mr. McGillis said he can appreciate Mr. Iafrate's situation, but he does not know who is to impose these rulings. His family is getting woken up at 5:00 AM, since Morse disregards the judge's ruling. They used two (2) years in their favor of waiting on the judge's decision and no one is doing anything since the ruling came out 14 months ago. He wants to know where to go since he does not know. Ms. Garbitt suggested the DEP since the Board of Health does not have a decibel reader or someone with the expertise to use it.

Chairman Evirs stated that the Town spent a lot of money on attorney fees to assist the neighborhood with their appeal, but would not vote to spend anymore. The judge made a ruling, and it is done. If Mr. McGillis feels it was not done properly, then nothing stops Mr. McGillis from hiring an attorney and bringing them in on a contempt charge. The Town was the last fund standing, all others funding their attorneys decided not to. This Board voted to continue the fight for the residents of that area. The Town did not create that matter. This is the law and we are all stuck with it. We lost and if you do not like the ruling, we cannot vote to spend more tax dollars when the residents are not willing to pay attorneys fees on their own.

Mr. McGillis stated that prior to the Town allowing them to erect a new batching plant next to the first one; this had not impacted him prior to that. Selectman Maksy stated that Selectman Yeatts has been fighting this battle also. It would be curious what the Building Commissioner's avenue is if he sends a letter, and they do not comply. He should send a letter to the District Attorney's office or something. Mr. Iafrate may not know what his rights are for enforcement. This might be an exercise to see what the next road to travel is if things are not followed. He thought he can file a complaint. This is just violating the court order. He wants to know what recourse Mr. Iafrate has if it gets beyond a letter. Can he fine them for non compliance? He would like to have the Building Commissioner look into it, but not be case specific. Chairman Evirs added that it is not that he is not compassionate to Mr. McGillis's problems, it is about

money. Mr. McGillis stated that the Town (himself included) wasted three (3) years to get a judge's ruling, and now no one can enforce it. All the State officials who supposed to be there to protect me and my family and have turned away, in his eyes. He has worked hard all my life to build a home and raise his family and has had no choice to this at all.

Other Items

1. Letter from LDC regarding 220 and 230 Kenneth Welch Drive
2. Letter from Paula Dugan regarding Cape Cod Aggregates Corporation quarry
3. Letter from Chief Sorel regarding liquor law compliance checks
Chairman Evirs explained that on July 16th the police checked 11 of the Town's 15 establishments in town and all 11 were just fine. None of them sold any alcohol to an underage buyer. Kudos to the Police Chief, the ABCC and our establishments here in Town. Ms. Craig stated that she has scheduled the hearing for the revocation for Neighbor's Corner Store's license in August. Someone has come in regarding the possibility of renting the property and getting a liquor license, but the Board has to revoke the current license that is there. The Town has to hold a formal hearing, and they recommend that the Police go by day and night to make sure that there is no business going on. The Town has to get all its ducks in a row. Also, we can ask for comments from residents to confirm that there is no business going on.
4. Letter from Board of Health regarding ZBA petition 4 Edgewater Drive
Selectman Yeatts stated that she was at the Planning Board meeting for 4 Edgewater Drive and what is in the letter are the exact things she brought up. There is a deed restriction on the property. Ms. Garbitt stated that the Board voted that the ZBA uphold the bylaws. Selectman Maksy explained that there is a porch on one side of the property and there are some options, so there are two (2) plans on this. Jim Marot and Mr. Iafrate were both in the same room talking about this. This is an appeal for just the screened porch. They did not talk about the garage. Selectman Yeatts stated that they should have had this information though, it is vital to the decision. Ms. Garbitt stated that she spoke with Donald Foster about how the Board authorized him to speak with Town Counsel on this matter.
5. Copy of Chapter 40R Smart Growth Zoning District 2008 Annual Update
6. Bridge Inspection Report-Vaughn Street/Nemasket River
7. Letter from Division of Banks regarding Muckey's Liquors check cashing license application
8. Letter from DOR regarding Board of Assessors
Chairman Evirs asked that the Assessors and the Town Clerk have a copy of the letter from the DOR.
9. Letter from Town Counsel regarding reappointment
10. Memo from Town Counsel regarding New Excavation & Trench Safety Regulations
Selectman Maksy asked to make sure Chris Peck and Bob Iafrate get this memo. This is a whole new law for private and public property. People need to get a permit, and then it needs to be inspected. Chairman Evirs suggested that maybe the Board of Health may want to see the memo as well. Selectman Maksy suggested to forward it to everyone so that they have a look at it.
11. Notice from DEP regarding Landfill Post Closure Maintenance Post Requirements

12. Notice from MEGA regarding FY09 Worker's Compensation Policy
13. Plymouth County Commissioner's agenda-August 5, 2008
14. Letter from MEMA regarding Potential Hazard Mitigation Grant Application
15. DOR Bulletin – What's New in Municipal Law seminar
16. Letter from Dept. of Telecommunications and Cable regarding discontinuance of TTY machine
17. Notice of Community Solar-Powered Lighting Program-Massachusetts Technology Collaborative
Selectman Maksy stated he will ask the company what they can do for the schools etc.
18. Letter from FST regarding signal & intersection improvements-Route 105/495
Chairman Evirs stated that he will be going to the Planning Board meeting to discuss this.

Ms. Craig explained that the Town's oil contract expires September 30th. Typically, the Town goes out to bid. This is a sealed bid and traditionally the Town only gets one (1) response. It is sent to many companies to get someone to bid. Does the Board want to do that this year or just look at the State bid list? Last year Standish Oil and Burke Oil responded. It is not known who the Region uses. They get a better price than the State contract since they have such a large volume. The key is the service the Town would get from a local business. Chairman Evirs stated that Town should continue to go out to bid and what comes in is what comes in and then a decision is made. Selectman Maksy asked for the Board to be forwarded the rest of the information that Ms. Craig had, but she could go out to bid as has been done in the past.

At 10:00 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy, the Board unanimously:

VOTED: To enter into Executive Session to discuss strategy regarding contract negotiations with the Police Union and not to return to Open Session. Polled vote of Selectman Yeatts – aye, Selectman Maksy – aye, and Selectman Evirs – aye.
Unanimous in favor.