

SELECTMEN'S MEETING
Monday, September 8, 2008

On September 8, 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 Revocation hearing-Neighbor's Corner Store liquor license

Chairman Evirs read the legal notice that was advertised in the Middleboro Gazette.

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

VOTED: To open the Liquor License Revocation Hearing for Neighbor's Corner Store.
Unanimous in favor.

Chairman Evirs summarized the Massachusetts General Laws (MGL) 138, Section 77. He then asked if there would be anyone testifying, and there was no response. Ms. Garbitt stated that the manager of record did receive the notice since the green card was returned. Chairman Evirs then reviewed the letter from Mayflower Bank (Landlord) and the Police Reports. The letter from Mayflower Bank stated that the tenant was no longer in possession of the property. The Police Reports stated that there was no business being conducted at the location upon inspection. The ABCC recommended having the Police drive by the location to determine if any business was taking place.

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

VOTED: To close the Revocation Hearing.
Unanimous in favor.

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

VOTED: That under the provisions of Chapter 138, Section 77 the Board of Selectmen, acting as the Local Licensing Authority, revoke the wine and malt alcoholic beverage license for Neighbors Corner Store.
Unanimous in favor.

7:30 PM Meet with Cemetery Commission regarding increase of fees

Ken Upham and Richard Demoranville of the Cemetery Commission were both present for the discussion. Mr. Upham took the floor. He wanted to let the Board of Selectmen know what has taken place over the past three (3) years since he has been on the Cemetery Commission. The cemetery has not increased its prices since 1982. He then reviewed the State Statute that allows the Commission to operate the cemeteries. Any town must appropriate for the care of

cemeteries. Section 118 is the care of neglected cemeteries and there are about 30 in Lakeville and nine (9) were given to the Town by deed. The rest have not been taken over, and he will bring that to the attention of the Board of Selectmen another day. In 1978, the Board of Selectmen received a letter to take over, by eminent domain, all the other cemeteries in town, though no action has been taken on that. The Pickens Street night soil disposal site was considered for a new cemetery, but the Cemetery Commission decided that was not feasible. On August 4, 2008 a letter was sent to the Board identifying the new rate schedule that the Cemetery Commission had adopted. This was done due to the fact that Town space and property has been very scarce. The Town of Assonet recently increased their burial spaces. The Commission did a survey of ten (10) towns and compared the prices of all the services that they offer and put that information into a chart. It was found that the prices of some services are above and some are below what Lakeville charges. The information from all ten (10) towns was averaged out and that is how the Commission came up with the price sheet figures. Mr. Upham then distributed a 1972 list of the prices that the Town charged and then compared it with the increases that were voted in 1982. Therefore, this is a comparative analogy of what the Town charged before and what the Town should have now.

Mr. Upham said right now, the Town is not complying with State law, so some space needs to be found. There are 29 cemeteries. Space needs to be found for the citizens of the Town. It was decided as a Commission to look at the easiest place that there was space and that turned out to be the Precinct Street Cemetery. Mr. Upham then showed a large chart, the green area identifies areas that are available, with the yellow area, deed verification is needed, and the red area depicts problem areas. These are burials that have been performed on another person's lot. There are also some burials that seemed outside of the cemetery limits, but a surveyor was brought in and it was found that the lot was just inside the necessary limits. Then, there is enough room along the Le Baron Golf Course for lots. From A-K and L & M, there is available space. Those are looked at as cremation spaces since none of the Town's cemeteries have cremation spaces. Today, 33%-60% of all burials are cremations. It is approximately 12' x 12' for one (1) or 24' x 24' for two (2) spaces. This measurement is the standard military marker, therefore, it would fit in. The Town has not identified military space. This is being looked into at the section of the road in the cemetery since this small cemetery does not need a road. The Commission wants to close it off and make it military space. There is also a bridge between Precinct Cemetery and Thompson Hill. It will be on the historical record of Massachusetts. There is a vinyl fence there, and that is not acceptable for old cemeteries. It used to have granite posts and someone removed those. The Commission is looking to replace those. 620 spaces were originally identified in the cemetery. There are 76 questionable spaces right now. The Commission wants to consciously identify where the Town would like military space to be and to see something set aside for military spaces. There is the option for an upright granite stone or the flat.

Chairman Evirs asked in regards to cremation sites, what prevents someone from buying a regular lot and then put cremated remains on it. Mr. Upham said someone can have one (1) full burial and also put five (5) additional cremations on a plot by paying an additional fee. Most cemeteries say people can have up to six (6), like in Sampson Cemetery. Chairman Evirs asked about Stowbridge Cemetery. There are not a lot of markers there, but isn't burial a problem due to the ground. Mr. Upham said they are checking into that. Chairman Evirs said perhaps you can have more cremations there, if the ledge is a problem. Mr. Upham said they have been

offered one (1) acre of land, being donated, only for cremations. Ms. Garbitt said the previous Cemetery Commission did check into Strowbridge Cemetery and it was determined that nothing could be done there.

Mr. Upham said the Commission is in the process of getting people in from Canada that use infrared to look at the ground and they can find debris up to 43 feet underground. The columbarium burying takes a space of 8' x 8' x 8' and a lot of cemeteries are going that way now. Mr. Upham said each columbarium bury is \$29,000. The Commission is looking at other methods though. Chairman Evirs asked in the survey that the Commission did, where did Lakeville fall, granted last increase was 1982. Mr. Upham said the Town has been behind the curve for 15 years. The Town will now be on the average with the new prices. Selectman Yeatts stated that the Commission has obviously done a lot of work and thanked them on behalf of the Board.

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

VOTED: To approve the Lakeville Cemetery Commission Schedule of Fees as presented and dated July 30, 2008.
Unanimous in favor.

8:00 PM Dog hearing – Darlene Costa Brown

Chairman Evirs read the letter that was sent to the dog owner, Ms. Darlene Costa-Brown of 19 North Precinct Street. Selectman Maksy abstained from the hearing.

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

VOTED: To open the dog hearing.
Unanimous in favor.

Chairman Evirs then summarized M.G.L. 140, Section 157. He then asked for the witnesses to step forward and swore them in. Chairman Evirs read the complaint into the record that was sent in by Tom and Barbara Furlong. Their miniature schnauzer was attacked by a Doberman pincher owned by Ron and Darlene Brown. He then also read the events of the dog attack that took place on August 21, 2008. Letters sent in by neighbors of the Furlongs were read into the record by the Board. There were no other written statements submitted.

Thomas Furlong then explained to everyone what had taken place. Mr. Furlong walks their two schnauzers each morning if the weather is good. He then showed pictures of where the Doberman came from and where he was with respect to his driveway. Mr. Furlong does carry a Haltz spray, which is sold in pet stores, and sprayed that in the face of the dog. It did not bother the dog at all. The attack was unprovoked and a vicious attack. The female Doberman, owned by the Browns, stayed back and did not attack. After the attack, he got his dogs into the car and went to the vets. Ms. Costa-Brown visited them that night after the surgery was done on the schnauzer. She felt awful and said her husband had left the gate open after he had mowed. She

heard the yelping of the dog, but did not see the attack. Mr. Furlong had called Ms. Costa-Brown and she told him she had thought about putting the dog down, but decided against it.

Mr. Furlong said they gave the neighbors a letter, about 48 of them, asking them to write in to the Selectmen and attend the hearing tonight. Those that did not send letters or attend the meeting expressed the fact that they were also very concerned about their children and animals. Their concern was it was human error and it will happen again. The Browns have put up a new fence that is a lot better than what they had, but it does not prevent human error. In closing, Mr. Furlong stated that they are requesting that the Board order humane euthanization for the dog soon, so that a child or family pet is not slaughtered in the future. He also requested that the Brown's pay the additional invoice of \$718 for the dog. The bills are \$2,800 to date and those have been paid thus far by the Browns. Selectman Yeatts asked about the 100 yards that Mr. Furlong mentioned for distance between himself and from where the Doberman came from. Mr. Furlong said one (1) picture does not depict it, but it is at least 80 yards, since it encompasses three (3) homes.

Chairman Evirs then asked the dog owner to speak. Ms. Costa-Brown then took the floor. She said that she and her husband were very sad about this incident. Her husband made an honest mistake. When she realized the dogs were out, she called them and they came in. If she knew the gate was open, she would have closed it. She does not know if there was any aggression between the dogs when the incident took place. Ms. Costa-Brown stated that they are responsible dog owners. The dogs stay on the property and are licensed and have had all their shots. Not once have they jumped the fence. Neither has showed aggression. They are five (5) and three (3) years old. They have followed through on their promise and paid the vet bills. As an additional precaution, they put in a six (6) foot stockade fence and the gate closes and latches automatically negating human error. This incident has left a lasting impression on them that they will not forget. They have taken additional precautionary measures. It is understood that they are hurt and upset about their dog being in a fight, but she does not think one honest mistake warrants a death. She then read a letter from her veterinarian. It stated that both dogs have complete animal records on file and have had all inoculations. The veterinarian has always found them to be cooperative and has not had any problems with them at visits. They have been clients at Woodland Animal Clinic for years, and they always address everything with their animals. Dr. Breen stated that dogs do fight amongst themselves for many reasons that are unknown to humans. It is not felt that euthanasia is appropriate; dogs will be dogs. He asked the Board to accept the good faith of the Browns paying for the vet bills and to not euthanize the dog.

Ms. Costa-Brown said that Drake had never shown aggression to people or another animal. She said that they are sorry that this happened, but it is not understood why he attacked the other dog. They asked the Board for a chance. It is understood the neighbors are all present and are worried. No one can see the dogs now with the fence. It is their job to bark when people are around, that is what they do. David Frates, Animal Control Officer, said Mr. Furlong had called the shelter and left a message about the incident. Mr. Frates went over to the Browns and saw that they were all ready starting the construction for the fence. They installed a spring loaded gate and now have one side and the front, all stockade fence. Ms. Garbitt stated that she went by the property today and just had a concern that the gate was not the same height as the fence. It

appears to be four (4) feet. It looks like the rest of the yard is enclosed with a wire fence about four (4) feet high. Chairman Evirs asked Ms. Costa-Brown about the adoption of Drake. Ms. Costa Brown said they adopted him three (3) years ago. The 78 year owner could not take care of him. We went to the rescue to adopt him, and he showed his belly, which is unusual for a male dog. She said that they could put up a larger gate if it is required. We will be putting up the stockade fence all around the yard, but in the very very back there is a lot of flooding, and we will have to come up with something else. She apologized to everyone. Drake is a good dog or we would not have adopted him. She said her father had taken care of both of them in April and kids in the neighborhood did come running up to him and there was no problem. The rescues do training with the dogs before they are released for adoption.

Kathy Silva, 26 North Precinct Street, said she has two (2) children. Since the Browns got these dogs three (3) years ago she has been very afraid. She did not think the fence will do any good; the spring may not work one day. Bill Silva, 26 North Precinct Street, said he appreciated that they put up the fence, but it is a mechanical device and can fail. We have a unique perspective being across the street. He can tell the difference when the dogs see other dogs or if there are people coming down the street. We are very concerned and appreciate the fence, but stuff happens. Ray Condon, 77 Southworth Street, said there has been talk about the dogs and even though we have heard about the dogs behaviors, we cannot erase what the dog has done and the risk that that poses on the entire neighborhood. Ann Joyal, Sandtrap Lane, said this hearing has reinforced the unpredictability of that dog and a stockade fence does not control that. Jack Condon, 77 Southworth Street, said he is an animal lover, but he felt that the dog should be put down since the attack was vicious. What if the fence does not work; the dog could attack me, or any child, any pet. The dog is not safe to have around the neighborhood. Joe Costa, Darlene Costa Brown's father said he has two (2) grandchildren that come over the house and play with the dogs. There are also two (2) puppies, and they crawl all over the Dobermans. Drake takes care of the puppies. There are a few small dogs in the neighborhood, ankle biters that bark and bark and bark, so barking does not mean they are bad dogs. We do not know if the attack was unprovoked or not. He is very sorry about this, but to euthanize a dog is really harsh.

Chairman Evirs asked if there was anyone who has not been sworn in that would like to speak. He then swore in three (3) more people. Pamela Perrotta, 3 Central Ave, Clark Shores said she knows Mr. Furlong and was shocked about his dogs being attacked. She cannot believe he would agree for a dog to be put to sleep, but once a dog has bitten someone, they will always bite another dog. Diane Walker, 2 Fairway Drive said she does not know either party. She saw the Dobermans going by on a leash, but her kids were outside, and they did not have any problem with them and neither did she. Selectman Yeatts said it seems that when a dog is with his owner they have a whole different perspective. The problem here is that the dog was without its owner. The dog may have been afraid being out, without its owner. Chairman Evirs asked about the number of dogs and how the gate swings. Ms. Costa Brown said the gate swings out and then back in. Chairman Evirs asked if the dogs could push open the latch. Ms. Costa Brown responded that it swings out from the dogs and there are two (2) dogs.

Barbara Furlong said we have had a lot of time to speak with vets about what makes a dog do this. They have agreed that someone can have a dog that is a Doberman or Pit Bull and 99 times out of 100 they don't bite, but it is the last time that it does. The disposition will still exist. This

has been a traumatic thing, not to be able to walk ourselves or dogs on the street. We have to take the dogs to an industrial park to walk or exercise. Mr. Costa said one (1) of our friends has a Chihuahua. That dog does bite people and other dogs and weighs only three (3) pounds. All dogs bite, all dogs bark, all dogs are aggressive. Mr. Silva said yes, all dogs can bite, but this is a three (3) pound dog, not an eighty-eight pound one. Ronald Brown said he put up the stockade fence and the dogs still do bark when others walk by. There are other dogs loose on the street that we can see when we walk the dogs and they usually will back away. The back part of the property is four (4) foot chain link fence and he did attach chain link fence to the gate so when it shuts it shuts with force and latches automatically. Ms. Perrotta said 98% of dogs bark when other dogs go by their property, but not all dogs bite.

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

VOTED: To close the dog hearing.
Unanimous in favor.

Chairman Evirs said this is the most difficult time that you will all have right now. The Board has to openly talk about this matter and the audience cannot talk or comment. However the Board has to discuss this in an open meeting and the audience has to sit and listen. Selectman Yeatts said dog hearings are her least favorite thing to do. No one loves animals, all animals, more than her. We have done muzzles but euthanizing would be my last choice. We have not sent any dogs out of Town, but if we do, we would notify that town. Chairman Evirs said one dog did attack, and one dog did not. They have been responsible dog owners in the past. But there is concern if the dog could open the gate. If the gate could swing in, then the dogs would have to pull it to open it, so maybe something different in case the latch mechanism fails. The neighborhood has expressed their fears about one (1) of the dogs, but both were out. So, maybe the fears are restricted to one (1) dog and the other dog would not act the same without the other. The complaint is not for the barking that the dogs do. He was not in favor of moving the dog to another town. They got the dog when it was two (2) years old. Some people say that when dogs come and go, no one will say it is a bad dog, no one will adopt it. We cannot challenge the honesty of the people that gave the dog away. It is not documented and this could be the second time that it attacked/bit. If the dog bites and draws blood, it will probably do it again is what I believe.

Ms. Garbitt said she checked with Town Counsel and we would call this dog a nuisance. This was an isolated incident. However, if the gate is left open again, what is the extra layer of protection for the neighborhood, like a stockade fence, a run in the back yard or a muzzle. The Board could order a kennel in the yard to make sure that if the accident did happen again, so the dog could not get out. The first layer of protection is the stockade fence. Chairman Evirs said the steps the Browns have taken are great steps but we can still modify them if one (1) of the dogs stays. He thought there was only one (1) option with the attacking dog, as much as he did not like to say it. Selectman Yeatts said she was thinking more of a kennel or training facility. Chairman Evirs said he would hate to have it happen again. Ms. Costa-Brown said she was not sure which dog did the attacking. She went on what Mr. Furlong said because the female is usually cowering and hangs back. Mr. Furlong said he was not sure which dog it was since one

dog came racing out, and he was pulling his dogs back. Ms. Costa-Brown told him that it had to be the male due to the female's disposition. He was not sure which dog actually attacked. Chairman Evirs said that changes everything. Now we do not know which dog attacked. Ms. Costa-Brown said she was certain it was the male; he did have a scratch on his nose that we saw two days later. She will accept what this Board does. They did have the male on a run, and she is willing to do that again. Selectman Yeatts asked if there was any place to send unruly dogs to. Mr. Frates responded that Doberman Rescue might take him. They do not euthanize dogs. He could call them, but we would have to tell them the history. You have to be open about that since otherwise you are liable. Selectman Yeatts asked if that can be an option if the dog cannot stay in Lakeville. Chairman Evirs said yes. An option is to contact Doberman Rescue. The dog will stay at the shelter, and if Rescue will not take the dog, then the dog will be euthanized. Also, the Browns should get better protection on the property for the other dog. Mr. Frates said Doberman Rescue will take them from a shelter before a private person.

Chairman Evirs asked about the other dog. Selectman Yeatts said muzzling the dog when it is outside would be a start, since even if it got out it would have a muzzle. They should change the gate so that it swings into the yard, not out. The stockade fence gate will be the same height as the fence. They could put cedar fence in the back or chain link for the wet parts in the back of the property. They need to increase the fence to six (6) feet for the remainder of the property. The muzzle is to be immediate. Chairman Evirs suggested that the dog be on a run or an interior fence. Selectman Yeatts asked Mr. Frates about a muzzle for Dobermans. Mr. Frates said they have open muzzles so they can breathe, but they cannot drink. Selectman Yeatts said then without a muzzle, the dog has to be on a run or a kennel in the fence. If it has the run of the entire yard, then she needs to have the muzzle on. Chairman Evirs said we are trying to create a lot of options for the comfort of the remaining dog. One dog was not involved in the act or the attack, so why should it be severely penalized for the act of the other. It needs to be made comfortable for outdoors. Selectman Yeatts said when they are walking the dog outside the fence; it has to have a muzzle. But if the owner is gone all day, then the dog is to be put on a run. Chairman Evirs said that Drake will be turned over to Mr. Frates, and he will contact Doberman Rescue. If they do not want him, then the dog will be put down. Mr. Frates said they will take the dog since it has not hurt people. Chairman Evirs said the dog is to go to the Animal Shelter tomorrow, and the owners have ten (10) days to appeal the decision being made tonight. Chairman Evirs said that Doberman Rescue cannot take the dog until the appeal period is completed. The Browns must fix the gate so that it swings in, increase the height of the front gate, increase the remainder of the fence height to six (6) feet, and when the other dog is in the back yard, if it is not on a run or in another kennel within the fenced yard, it has to be muzzled. Selectman Yeatts said the kennel is the best alternative. Especially if the dog is skittish, it might like the security. Chairman Evirs said so when the dog is off the property, it will be on a leash and muzzled. Muzzling takes place in ten (10) days since they have ten (10) days to appeal. Selectman Yeatts said she thought the muzzle should take place immediately.

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

VOTED: That Drake must be remanded to the Animal Control Officer on September 9, 2008 by 10:00 AM and must be kept for ten (10) days until the appeal period is

over. The Animal Control Officer will contact Doberman Rescue to take the dog, and if they will not take the dog, Drake is to be put down at the owner's expense. The entire property is to be enclosed with a six (6) foot fence acceptable to the Animal Control Officer. The gate is to be changed to swing inward to the fenced area rather than out. The kennel expense will be paid by the owner. The female dog will be on a run in the yard within the fence if/when a kennel is erected. When the dog is off the property, the dog is to be on a leash with a muzzle. Unanimous in favor.

A brief recess was taken at 9:40 PM. Ms. Costa-Brown approached Chairman Evirs during the break and stated that they will put Drake down tomorrow. They will bring the dog to Woodland Animal Clinic and then contact the ACO that it has been done. Mr. Frates was also notified that this would take place, and if it does not take place, he will need to get a warrant to get the dog in the event that they change their mind.

Update regarding Plymouth County Farm

Selectman Yeatts explained that she had attended the hearing regarding the Plymouth County Farm. Senator Teresa Murray was there and many people got up and spoke, but nothing happened. It was decided that it was not an illegal hearing as some were suggesting it was. Senator Murray is a citizen of Plymouth. The current value of the land is \$500,000 as a farm use. The valuation companies came up and said it could be worth \$4 million or \$4.5 million. Right now the property is used for training for the inmates, and they want to continue that program for the inmates. Plymouth wants to pay the \$300,000 to buy the Conservation Restriction on the property. It turns out that the County Commissioners will hold the Conservation Restriction, but you cannot hold a Conservation Restriction on property that you own. There is another meeting on September 11th for the Advisory Board. Chairman Evirs said he thought the County was paying the Town, but now he understood. Selectman Yeatts said it will continue to be used as a farm for the prison. They can put up a silo and a barn, but no more court houses or Registry of Deeds type buildings can be erected. The downtown pieces of property (former Registry of Deeds and court house) will be sold. That is on the agenda for the meeting in September. The Town of Plymouth will pay the \$300,000, which will keep it a farm and not allow any more development of the property. Ms. Garbitt asked if the money would be used to better the farm. Selectman Yeatts said no, they have a grant to better the farm itself. They make money off the farm by growing flowers, vegetables, etc. They will continue to have the income from that. She did not agree with the appraisal since they did not do any wetlands surveys, etc. Selectman Maksy felt that other Towns should not have to give up \$2.5 million to Plymouth so that they do not get development. That is not a smart move. Chairman Evirs agreed that this is at the expense of other towns. Selectman Yeatts said that is the average price for a Conservation Restriction. Chairman Evirs said the farm is 90 acres, which is worth more than \$3,000 an acre. Selectman Maksy said he thought we should get a fair value for the farm. It needs better appraisals. Selectman Yeatts said Plymouth is in the same shape that we are all in.

Discussion took place on how the Board does not object to the desire to protect open space, but feels that the property is worth more than \$300,000. The response should encourage the

County to get a better price or a different value on the property. Everyone from Plymouth County can use the property with the Conservation Restriction. Selectman Yeatts will write a letter to that effect. Selectman Maksy said without an adequate appraisal done, it is hard for the Board to say if this is an adequate amount for the property.

At this time Ms. Craig had just received a call from Mr. Frates. He had received a call from the Browns and they have changed their mind about putting the dog down. Mr. Frates is going to their house right now.

Notice of application for Keno License – The Back Nine Club

Chairman Evirs said if the Board has no objection to the Keno License request for The Back Nine Club; the Board does not have to do anything regarding this matter. Heritage Hill used to have Keno and there are two (2) other places in Town that have Keno.

Request for emergency road cut-Bay State Gas Company

Ms. Garbitt explained that this permit was for an emergency natural gas repair on Taunton Street. They have an updated bond and Chris Peck, Superintendent of Streets, has inspected it. Ms. Craig stated that Bay State Gas Company has two (2) separate bonds. One for \$15,000 for the Taunton Street main replacement, then a blanket bond for the rest of Lakeville that they serve. That is \$5,000, which equals two (2) road cut bonds. They will increase their blanket bond if the Town would like. Selectman Yeatts suggested to find out what Mr. Peck thinks about the bond amounts. Ms. Craig said the bond does not expire; it started in 2003 and is continuous. Chairman Evirs suggested waiting for Mr. Peck's opinion. Selectman Maksy asked if a change of ownership affects the bond and what the release time is for when a road is cut. Ms. Craig will find out about the ownership change. The Town does not have the release time in the permit, and the Board may want to put that in there.

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

VOTED: To approve the emergency road cut by Bay State Gas Company for 65 Taunton Street.
Unanimous in favor.

Review of site plan-1 Main Street

Chairman Evirs noted that the applicant will be renovating the building. Their sign is supposed to be ten (10) feet off the property line, not the roadway. Selectman Yeatts said she would like to make sure they are putting in native plantings. Also, a lot is done with lawn seed mixture and plantings now that call for less water. She would like to suggest that that be done. This was a house before and now it will be a business. They get their water from Taunton and the price is the same. They hooked up when the water line went in for fire protection. Further discussion took place on the plans

Chairman Evirs said he would also like to note that the Planning Board considers the proposed relocation of Route 79. It takes in this area and may have to be reviewed. Selectman Yeatts said they should call Ken Motta of Field Engineering. Ms. Garbitt said the sign will have to be moved after the relocation. Chairman Evirs said it certainly has to be moved now since it is in the roadway. It was agreed that the comments would be regarding the placement of the sign, to use native plantings and to choose plants and grass that used less water.

Review Zoning Board of Appeals (ZBA) petitions: Black and Lee

The petition of Harrison Lee for 60 Taunton Street was reviewed by the Board. Selectman Maksy said it is the 160 foot diameter circle and then the frontage at the setback which are the issues. Mr. Lee said he has an existing set of plans that shows that two (2) houses would fit on the lot, but he would have to tear down the existing house. He does not want to demolish the house since it is antique and was his grandparents. He plans on keeping the house. The house was built in 1932. Discussion took place on the petition.

Selectman Yeatts said Mr. Lee has a plan to show it could be done, but the hardship would be that he would have to move or demolish the present house. Ms. Craig said the Planning Board has not seen this petition, and they do not meet until September 23, which is after the ZBA meeting. The Board of Health will not be meeting until after the ZBA meeting as well, and they have not seen the plans either. Chairman Evirs said the Planning Board can approve the Form A plan, but not the variance. Selectman Yeatts said Mr. Lee can go to the ZBA and say that he could do it, but would have to take down the house and that is the case for a hardship. Chairman Evirs explained that Mr. Lee does qualify for two (2) lots, but the location of the existing house creates the hardship for him and that is what he needs to prove to the ZBA. The Board's comment would be that the petitioner needs to satisfy the requirements of the variance, specifically the hardship. Mr. Lee said he would appreciate it if you would put in the comment about the hardship so that when he goes back to the other Boards, he can let them know about the Selectmen's opinion. Selectman Yeatts said it appears that the two (2) upland circles would fit, but the house would have to be moved or removed. Selectman Maksy said if the applicant can demonstrate that he can meet all the requirements of the bylaw, the Board does not object to this petition since the Board can see the hardship with the home.

Ms. Garbitt asked what about the driveway and the garage. The Building Commissioner pointed those out. Chairman Evirs said those would have to be moved. Mr. Lee then stepped up, and the Board discussed the plan. He would have to talk to Mr. Fitzgerald due to the well. Chairman Evirs said if Mr. Lee was going to have a second house, he would need a second well, so he could move it. Selectman Yeatts said as long as the two (2) circles can fit there and keep the 70,000 square feet, then Mr. Lee can do what he wants. Chairman Evirs said we are not able to approve this, but we are not opposed to this. Selectman Maksy said he would like to see the lot squared off. The ZBA will work with him to eliminate the pork chop lot designation.

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

VOTED: If the applicant can demonstrate that the plan meets the intent of the bylaw and can change the lines to leave the house in the current position, the Board does not object. The Board would like to see the plans as conforming as possible.
Unanimous in favor.

The Black petition for 403 Bedford Street was then reviewed by the Board. The kennel has not surrendered their permit and could choose to operate. The property is for sale, but it might not sell, and the petitioner needs to go ahead with the kennel facility. Chairman Evirs said he recommended that the ZBA uphold the bylaw and rescind the Building Commissioner's issuing of the permit. Selectman Yeatts said the home occupation has to be maintained within a building. How can it with the pens and the training outside. The Board of Selectmen suggest to uphold the bylaw, and if the Masterson's want to file for a special permit or variance, then they can.

At 10:30 PM, a call was received by Ms. Craig from Mr. Frates that he is picking up the Brown dog tonight. The Brown's are waiving their right to appeal, and they want the dog to go to Doberman Rescue and not stay at the kennel for the next ten (10) days.

Review and vote to approve Selectmen's Meeting Minutes: June 10, 2008; June 16, 2008; June 23, 2008; June 30, 2008; July 28, 2008; August 15, 2008 and August 19, 2008

Selectman Yeatts said on the June 23rd minutes, page 3, bottom of the page, Selectman Maksy said Mr. Rubini might be exempt since it is an existing agricultural operation. Then on page 8, word is took not too, page 4 \$5,000 bond for restoration and \$10,000 for road repair.

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

VOTED: To waive the reading of and approve the Selectmen's Meeting Minutes of June 10, 2008; June 16, 2008; June 23, 2008; June 30, 2008; July 28, 2008; with the modifications on the June 23rd set of minutes.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen's Meeting Minutes of August 19, 2008 as presented.
In favor 2, Abstain 1 (Selectman Yeatts).

Upon a motion made by Selectman Yeatts with Chairman Evirs 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 August 15, 2008 as presented.
In favor 2, Abstain 1 (Selectman Maksy).

Review and accept Executive Session Minutes: June 9, 2008; June 10, 2008; June 16, 2008; June 23, 2008 (2 sets); June 30, 2008; July 15, 2008, July 28, 2008 and August 11, 2008

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

VOTED: To waive the reading of and approve the Executive Session Minutes of June 9, 2008; June 10, 2008; June 16, 2008; June 23, 2008 (two sets); June 30, 2008; July 15, 2008; July 28, 2008 and August 11, 2008.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt mentioned that the Cable Committee has a vacancy for a full member due to the resignation of Robert Marshall. The Alternate Member on their Committee is not able to serve as a full member. Also, the Rent Control Board is still looking for another member before September 18, 2008.

Other Items

1. Notice from DEP regarding Petro Plus, d/b/a Joe's Gas
Selectman Yeatts said it has been 13 days and the Administrative Consent Order says ten (10) days. Chairman Evirs asked who looks into this. Ms. Craig said it went to the Board of Health. Selectman Yeatts said she was sure DEP would have followed up. Ms. Garbitt said DEP is responsible for implementation and enforcement. Chairman Evirs said the Fire Chief should know about this since he is the Hazmat person.
Ms. Garbitt will make sure the Fire Chief receives it.
2. Notice of Plymouth County Advisory Board meeting-September 11, 2008
3. Notice from Plymouth County Extension regarding 4-H Food Drive
4. Plymouth County Cooperative September October Calendar of Events
5. JTPG meeting notice-September 17, 2008
6. DOR Bulletin-Demand Charges
Ms. Garbitt said it will require a Town Meeting vote to increase the Demand Fee from \$5 to \$10.
7. DOR Bulletin-Sewer Rate Relief Fund FY09
8. DOR Bulletin – Due Dates
9. Letter from Department of Public Utilities-Safety Regulation of Steam Distribution Companies in Massachusetts
10. Bay State Gas notice regarding sale of Northern Utilities
Selectman Maksy said he was not sure what they are doing, but when Ms. Craig calls about the bond, she needs to make sure the Town is still covered.
11. Fall 2008 Taunton River Watershed Conservation & Nature Series
Selectman Yeatts asked if the Conservation Agent would get this about the free training that will take place on Thursday September 18th. She should go. Ms. Garbitt will provide this to her in case she has not received it.
12. Comcast Massachusetts Overview

13. PEG Grant Report -2nd Quarter 2008 – Verizon
14. Notice from AG Martha Coakley regarding Winter Heating & Energy Roundtables
Selectman Yeatts said she thought Marilyn Mansfield, COA Director, should go to this for the seniors who are having trouble heating their homes. Mrs. Mansfield is also a member of the Lakeville Emergency Planning Committee (LEPC). This meeting is in Plymouth on October 1st. Ms. Garbitt will call for more information. Chairman Evirs suggested sending it to the School Superintendent.
15. Plymouth County Commissioners Agenda-September 9, 2008

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

VOTED: To adjourn the meeting at 10:55 PM.
Unanimous in favor.