

**SELECTMEN'S MEETING**  
**Monday, September 22, 2008**

On September 22, 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: Chairman 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 Meet with Lakeville Arts Council-Arts & Music Festival 2008**

*Daniel Cooney and Joanne Corrieri-Upham were present for the discussion.* Mr. Cooney announced this year's Lakeville Arts & Music Festival and invited the Board of Selectmen to attend on October 4, 2008. At 9:30 AM, they will award the winners of the "Our Town" postcard, which was designed from contemporary photos and paintings from artists around Lakeville. Six (6) were selected for the postcards, and they will be available for purchase at the Arts & Music Festival. The Post Office will also be there selling passbooks and will be presenting a plaque at 10:00 AM. There is also an opportunity to register people to vote. Officer Jack will be there with his K-9 friend, Fredo, and a vegetable oil-powered van, the "Veggie Voyager" will be on display. The Council has expanded with new foods for people to try. A food editor and two (2) other judges will be present for the pie baking contest at 2:45 PM.

**7:05 PM Meet with Alan Hanscom-Beta Engineering regarding Highway Barn**

*Christopher Peck, Superintendent of Streets, and Alan Hanscom from Beta Engineering were present for the discussion.* Mr. Hanscom distributed a handout and showed the area of the plume of the gasoline flow from the tanks that were taken out ten (10) years ago. Gas did migrate under the building and it is not thought that the soil under the building was ever dealt with. The ground water flows under the building into the impacted area. The elevation of the ground water changes seasonally, so a five (5) foot swing in the ground water is seen. That is now bringing more gas into the soil. The levels were recorded of the water to verify that it is a five (5) foot change from the spring to the summer. Over 3,000 gallons of gasoline has been removed. He is proposing further assessment to determine how to deal with that contamination. There are also various volatile hydrocarbons. There is quite a way to go to having four (4) consecutive quarters and to achieve the groundwater standards. It is hard to know exactly what has been taking place. The firm is simply plotting the data that is there.

Selectman Yeatts noted the spike that was indicated at one (1) point. Mr. Hanscom said we are proposing to core drill through the DPW garage floor and pull up a soil sample. We would do a residual test and evaluation of different remediation options to deal with that area under the building. We would be working under the State contract to initiate the investigation. Chapter 90 monies can be used. The cost is about \$34,700, with the total of \$39,700, including the contingency. Ms. Garbitt said she has not heard back from Division of Capital Asset Management (DCAM), but she did submit the request to them. Mr. Hanscom said there are some regulatory submittals and status reports that need to be done periodically. Past reports will need to be modified and resubmitted to the DEP. The deliverable will be the evaluation and

alternatives with a presentation. This includes the types of approaches that could be used to get the oxidant into the area to the residuals.

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

VOTED: To open the dog hearing of Wayne & Maureen Ashley at 7:15 PM.  
Unanimous in favor.

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

VOTED: To continue the dog hearing of Wayne & Maureen Ashley.  
Unanimous in favor.

Mr. Peck said it has cost over \$2,000 a month for the electricity for the current system. Sometimes it is being run and not emitting anything. The blowers and the vacuum pumps use the electricity and it is felt that those should be shut down and then re-activated in the spring. Selectman Maksy said if you see any changes or modifications let us know so that we can expedite this. Chairman Evirs noted meanwhile we are saving money in electric bills. Ms. Garbitt said once the Board of Selectmen decides what to do, then the Town has to go out to bid for the work to get done.

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

VOTED: To authorize the proposal for professional services between the Town of Lakeville and Beta Group, Inc. subject to DCAM's approval.  
Unanimous in favor.

Mr. Peck stated that he would like to put the wood stove for the Barn on hold until it is known what's going to be done down at the Highway Barn.

**7:15 PM Dog hearing – Wayne & Maureen Ashley**

Chairman Evirs read the letter into the record about the hearing to take place.

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

VOTED: To re-open the dog hearing of Wayne & Maureen Ashley.  
Unanimous in favor

Chairman Evirs summarized M.G.L. Chapter 140, Section 157. He then swore in those that would be participating this evening. David Frates, Animal Control Officer, and Darcy Lee, Assistant Animal Control Officer, were present. Also present were Maureen and Wayne Ashley, Peter Sadeck and Bridget Robbins. Chairman Evirs read the complaint that Mr. Sadeck and Ms. Robbins filed regarding the incident that took place on August 25, 2008 with their son Robert Robbins. Chairman Evirs asked them to speak about the incident.

Ms. Robbins said she is afraid that the Ashley dog will get loose and may hurt another child. They then showed pictures of the injuries that occurred to their son from the Ashley's dog. Ms. Robbins said the Ashley's daughter and her son live at the house with the Ashleys. They have an in-law apartment there. It is kept separate from the part of the house where the parents reside. It is a Raised Ranch home. The in-law apartment has a full kitchen and all that they need downstairs. The day that this happened the kids did not have any reason to go upstairs, but they did. Mr. Sadeck said that it does not seem like anyone is overly concerned about what took place. The dog had bitten their own son, yet the Ashleys do not seem very concerned. Ms. Ashley said that the dog did bite their boy when it was about six (6) months old. Mr. Sadeck said they know the dog is a problem. His son had been invited to the house.

Ms. Ashley said the boys were not playing upstairs, so the dog was not locked up yet. They lock the dog in a room when they have company over. Mr. Ashley said the boys know the dog is supposed to be put away first before they come in. They were not in the house playing. Mr. Ashley was bringing the dog in to lock him up, and the kid ran into the room. Ms. Ashley said Robert has been at the house many times, and he knows that the dog gets overly excited and jumps on people. The dog is locked up just so as not to knock down the granddaughter that is two (2). He is not a vicious dog, just an excitable dog. They do not allow Robert to stay over anymore since they are afraid that the 140 pound dog may jump on the children. The dog is not vicious, he is part of the family. The children were not invited upstairs. They came running across the kitchen through the sliding glass door. The boy went down and ducked and then the dog jumped on the boy. They do not deny the dog bit the child, but maybe the dog caught the child's ear when the boy was trying to run away. The dog nibbles her ear when they play. Ms. Ashley said the dog is never let loose. He is on an enclosed porch and when he goes out front, he is on a tow chain. He does not like to be outside, he is a house dog.

Chairman Evirs asked if the Robbins/Sadeck's insurance company had been in contact with the Ashley's insurance company? Mr. Sadeck said no, and the Ashleys have not offered to pay anything. Selectman Yeatts asked if the dog was licensed? Ms. Ashley said no. We just moved there not too long ago. The dog is licensed in Freetown, and we have been living here for only about eight (8) months. We know he has to be licensed, but my husband was sick, and she works 8:00 AM to 8:30 PM. Selectman Yeatts asked if the dog was quarantined. Mr. Frates said the dog is out of quarantine, which lasts for only ten (10) days. Ms. Garbitt said Mr. Frates verified that the dog had been vaccinated. Ms. Lee said Ms. Ashley told her that the dog did not like to be out and was always on a chain. Ms. Lee did not see the dog after the attack. Chairman Evirs said but the dog is not licensed in Lakeville. Ms. Ashley said no, only in Freetown right now.

Mr. Rezendes, the property owner, was asked how he felt about having a dog on his property. He said he was not happy about that and did not know about the dog. He is addressing it. Selectman Yeatts asked if he had insurance on the house. Mr. Rezendes said yes. Selectman Yeatts asked the Ashleys if they had renters insurance. Ms. Ashley said no. Mr. Sadeck said the medical bills have been covered thus far, but they will need to set up a consultation with a plastic surgeon. Chairman Evirs said typically your insurance company would be looking for someone to pay them back. Then they look to the third party to pay the damages. Selectman Maksy asked how do we handle a situation with the property owner and the resident since the property owner has the ultimate rights and what ever we do to enforce this will affect the property owner.

Chairman Evirs asked if the lease says that the tenant cannot have an animal. Mr. Rezendes said unfortunately the lease says that they have a right to have an old dog, Most of the leases state no pets without a special permit. That lease was the wrong one that got copied for them and was used.

Mr. Sadeck said we are not trying to cause a big scene, we are just trying to express concern. We are not trying to get anyone in trouble. Chairman Evirs said but now this Board is liable for that dog, and we could personally be held liable if that dog causes anymore harm. Selectman Maksy said you have done the right thing. Your child was bitten and if you did not file a complaint and the dog did this again, then it could be a lot more severe. Chairman Evirs said this is actually the second bite. Selectman Yeatts said your concern is that you do not want it to happen to anyone else, and that is our concern as well. Selectman Maksy said maybe the Board could put some restrictions on the property, like a fence. Chairman Evirs said this happened inside the house. Mr. Rezendes said the Board needs to be careful on what types of restrictions are put on someone's property. That may hurt someone else down the road. It should be worked out between the parties. The property owner will end up trying to solve the problem, if they cannot work it out. Selectman Yeatts said the restriction would be on the dog, not the property owner. Ms. Ashley said we would not be sitting here if it was a poodle. Chairman Evirs said yes we would. If someone files a complaint about a dog bite, it does not matter what type of dog it is, a poodle, a Rottweiler, a mix Rottweiler, any kind of a dog at all, it would not matter. Mr. Ashley said he is not making excuses. It is not totally the dogs fault. It is his house, and the kid was not invited into the house. Chairman Evirs said that is why we are trying to make sure if this is two (2) different homes or one (1). Ms. Robbins said when all three (3) boys are playing together how are the boys supposed to determine what part of the house to play in. Mr. Ashley said he knew the dog was in the house and that the dog needed to be put in the room. All summer long he has done it right. Ms. Robbins said that shows that it can happen in an instant. She said her son calls every time before he comes over. Ms. Ashley said all this past summer, Robert has been at our house. They knew we had a big dog and knew we were putting the dog away so that the child could come in. They let the child sleep at our house and come over. If they thought it was a problem, why would they allow the dog to come to my house if they were that afraid.

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

VOTED: To close the dog hearing of Wayne & Maureen Ashley.  
Unanimous in favor.

Chairman Evirs said now we need to talk about this amongst ourselves and the audience cannot comment. We will take what you told us and discuss it amongst ourselves to come to a decision. Please refrain from speaking unless the Board asks you for a response. Selectman Maksy said this is a single family home with two (2) families living there. It has a common entrance, and there are a lot of common areas. He would be concerned for anyone going into the house living there or not. We know the dog has bitten twice. So how do we control this in the future? The screen door does not count for me, so I feel that this is one house. Selectman Yeatts said you cannot put blame on a nine (9) year old child. She did not think a child that is used to going to a home can think of everything every time. Chairman Evirs said this is an unusual

situation. The dog did not escape and run loose, it was in its own home. Selectman Maksy said dogs are going to be protective of their own home. Yes, it is still a bite, still out of control and unacceptable. Chairman Evirs said kids are kids, and they will go over to play. Selectman Yeatts said a muzzle would not work since when would they put it on the dog. Selectman Maksy suggested self locking doors so that the kids cannot come in. How do you keep anyone from coming in unwanted?

Mr. Frates said he has never had a case like this before. Ms. Lee said as far as she was concerned, a dog should not bite regardless. However, it was their home. She did not see the dog because the unit was locked, and the Ashley's daughter did not have access. There are two (2) separate entrances and it was a locked door, not a screened door, so they can lock the door. The slider was upstairs, and it has a lock on it. Mr. Frates said he has seen people turn their doors around so that the dog cannot push them open. Chairman Evirs said the fact remains the dog bit a child. Ms. Lee said a dog should not bite period. It should not be allowed. Chairman Evirs asked if there was any formal training for the dog. Ms. Ashley said no. Ms. Garbitt said accidents do happen, and the Board of Selectmen need to determine what safeguards can be put in place. This is a difficult situation since this was in the home. Chairman Evirs said perhaps the dog would have responded better if it had formal training. According to the report one (1) of the boys tried to restrain him and the dog then tried to bite him and he let go. Selectman Yeatts said the dog is 140 pounds, which is difficult for a nine (9) year old to restrain. Selectman Maksy said we almost need an expert opinion here. Perhaps send the dog away to be trained. When we get a letter that explains that the dog is safe for people coming and going, then they could have the dog. Right now he would like to see it muzzled. Possibly the son could also learn how to handle the dog.

Selectman Yeatts said we can order anything we want. It may go to court and get overturned. She asked Mr. Frates what muzzles for a Rottweiler are like. Mr. Frates said most dogs have trouble breathing with a muzzle. He puts them on some dogs to take them to the vets and sometimes they have trouble breathing. Selectman Yeatts asked what about posting a sign on the house. Chairman Evirs asked if the Ashleys had any beware of dog signs. Ms. Ashley said no. Selectman Maksy said we cannot guarantee kids won't go in the house. Chairman Evirs asked what about obedience school for three (3) months. Selectman Maksy said then we could have the Dog Officer inspect the property and make sure that the doors are child proof so that children cannot open the door unless they are with a parent or adult. Chairman Evirs said that may be a safety issue with emergency egress. Selectman Maksy said it would not affect them exiting the house. Selectman Yeatts said they get buzzed in. Chairman Evirs said they should not need to get buzzed in to their own home. Selectman Maksy said the boys do not get to go there usually. If the door was self closing, then they would have to knock to gain access. In this case, Mr. Ashley was home, but did not see the kids, and they came right in. Chairman Evirs said he would like to see the obedience training take place. Selectman Yeatts said she still would like a sign so that people think twice before dropping off their children and then children will be more aware also. Selectman Maksy said he cannot put the responsibility on the Ashley's son to not bring someone else in there. The dog needs to be secured in some fashion and locked so that a child cannot just come in. He understood that they want the dog to be around them in their home. They need an alarm on the door or locks. Chairman Evirs said the kids need to be educated that they cannot run free because of the dog. He felt the dog should be in a crate, rather

than a room. Chairman Evirs said dogs are calmer when in a crate since it is confining so it is more controllable. When no one is home, then the dog should be in a crate. This is the dog's domain. He can be crated and in the same room with them.

Selectman Maksy said so far we have come up with the dog to be in a crate, a child proof locked kennel and the doors need to be locked since this crate will not completely solve the problem. This was human error with the kids coming in, and he can see that happening again. If the door is locked, then the only way they get into the house is if an adult unlocks it. Selectman Maksy said the Animal Control Officer would have to look at the screen door. Then obedience training for the dog and owners. Selectman Yeatts asked about a sign. Selectman Yeatts said they need to show proof of enrollment for the dog at obedience school. Selectman Maksy said if they do not enroll the dog, then Mr. Frates picks the dog up. Selectman Yeatts asked if there is a Rottweiler Rescue. Mr. Frates said yes, but they do not take mixed breeds, only purebreds. Selectman Maksy said that if the Rescue would not take the dog, then he wants the dog to be put down. Selectman Yeatts said she could not agree to that. Ms. Ashley said they will make the modifications to the house and enroll the dog in training. Mr. Sadeck said the insurance company covered all the medical expenses, but they will not cover the plastic surgery. Chairman Evirs said that is a matter between the homeowner and the insurance company about the plastic surgery. Any expenses not covered by the insurance company will be the responsibility of the dog owners.

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

VOTED: To secure the doors by making them self locking to the Animal Control Officer's satisfaction by Sept 26, 2008; proof of enrollment in obedience school within one (1) week for the dog and in three (3) months a certificate that the dog passed the training, beware of dog signs in a visible spot on property, the dog goes out on a chain whenever it is outside of the house; and any medical expenses for Robert Robins not covered by the insurance company are the responsibility of the dog owners. If all conditions are not met, then the dog will be removed from the house and boarded at the Animal Shelter at the expense of the dog owner until such time as it can be placed in a Rescue at the Animal Control Officer's discretion.

Unanimous in favor.

Further discussion occurred regarding euthanizing the dog. Selectman Yeatts said she cannot vote for euthanizing the dog. Mr. Frates will find a no kill shelter. Chairman Evirs said if the dog does not get adopted or things do not work out like we are all planning, they cannot board the dog forever. Mr. Frates said sometimes he can find no kill shelters and the dogs stay there the rest of their lives, but someone will have to pay for that since they will not take the dog for free. Usually it is the dog owner that pays the fees. Chairman Evirs said it is our job to have the final word on this. It is not the responsibility of the Animal Control Officer.

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

VOTED: To amend the previous vote to include: If the dog cannot be placed in a Rescue, the Animal Control Officer has full authority to do what he needs to do, including euthanizing the dog.

VOTE: Two in favor, Selectman Yeatts against.

### **7:45 PM Update from Linda Grubb regarding Commuter Rail & discuss Open Space Committee 6<sup>th</sup> Grade project**

*Martha Schroeder and Linda Grubb were present for the discussion.* Chairman Evirs said he attended the last meeting of the South Coast Rail Project and they have a calendar of what will take place for the next two (2) years. All the new stations will be identified, but they will still not know what route it will ultimately take. Ms. Grubb said they will do the environmental study to find the least environmental impact. She received a letter on the technical assistance that they are offering. Maybe we can talk to the Planning Board about this. She was a little disappointed in what they were offering for Lakeville. Chairman Evirs said he was leaning toward planning for further infrastructure around the existing train station. That would be helpful to us. Ms. Grubb said she was also thinking about low impact development bylaws. We will experience a lot of growth even though we will not have a new station. The new corridor will be an issue for Lakeville, and we do not seem to be getting any mitigation or help in that area. Since we have existing freight lines, they feel it will not bring a greater environmental impact and she has an issue about that. The damage is already done. Why do a study to correct it if they are not going to correct it? The Board also got a copy of the positive and negative impacts. The next meeting will be November 19, 2008; they are skipping their meeting in October. Ms. Schroeder said just rebuilding the rail bed will have a lot of impact, and we will need some mitigation for that with the equipment coming in etc.

Ms. Grubb discussed the Open Space project for 6<sup>th</sup> Graders. It requires certain things to be done, like providing information, and it has been difficult to get people involved. Therefore, the Committee has decided to do this and is hoping to get the students and their parents interested in the list of quests. Then, they are planning on doing a Power Point presentation regarding the results. Since open space is for the next generation, we want to involve the students. The goal is for students to get out and look for things, but they could also sit down at the computer or a map and find things. We would also like to have this on the Town's website. We are doing this with Freetown as well. The Open Space Committee will also be trying to put together a page on Parks and Recreation in the Town since many people do not know how to get somewhere within the Town or where to go to hike, etc. We hope that teachers will take an interest in this. We will not force it on them, but we hope that they will generate some interest with the students.

### **8:00 PM Meet with Phil McCarron regarding 6 Bridge Street project**

*Phil McCarron was present for the discussion.* Mr. McCarron said he wanted to understand the process to get municipal water for his project on Bridge Street. He has a 12-unit project there. He would like to pursue developing the property and moving that project along. Selectman Yeatts said Bridge Street is on the Middleborough line, and we do not have an Intermunicipal Agreement (IMA) with Middleborough. Mr. McCarron asked about Taunton. They have an 8" line at the intersection of Bridge Street. My project is a single family dwelling,

so it does not need fire suppression in the house and there is a hydrant outside the house. Selectman Yeatts said Taunton does not have fire suppression for the development we have now and until we get a water storage tower, they will not extend a line. The 192-unit development will not get water either. The DEP has stopped that. Selectman Yeatts said Lakeville will have to pay back the State Revolving Fund since it is only a loan from the State of \$2.4 million, so people will have to pay to be connected. Mr. McCarron asked where does the IMA stand with Middleborough. Selectman Maksy said Ms. Garbitt and he met with water officials from Taunton. If we commit to Taunton to buy water, then they will do what they need to do to provide fire suppression. If they cannot, we will get water from somewhere else. That is in our IMA with Taunton. So what do we do with Middleborough? Sewer is important. Taunton does not offer us sewer. Nothing has come in front of us to get the ball rolling, so we need to decide what we want to do. Selectman Yeatts said construction on the water tower could start in the spring. If everything goes right, it could possibly be completed by the end of next year. Selectman Maksy said but until then, Taunton cannot provide water. Selectman Yeatts said Middleborough cannot give water without an IMA. Mr. McCarron said he is an existing customer with them. He did not go to them, he is starting with you. He has not gone to Middleborough formally with plans, etc. He did discuss water with their Board of Selectmen back when the IMA discussions were going on. He thought it was going to be signed between the two (2) towns. They said to come back when he had the formal plans. They did grant Hess water once an IMA is approved between the two (2) towns. Mr. Tinkham did not have a problem with what he was proposing.

Selectman Maksy said Taunton really wants to supply the water and he would like to expedite that if possible. We want to have a commitment with Taunton. This project will not happen overnight and maybe we can have things happen along the same timeline. Chairman Evors said if we go with Taunton, they will give us the entire infrastructure at a certain date. Right now they collect the revenue, maintain the line, etc. They will maintain the water tower; maintain the pumps, etc. until the day we say we want it ourselves. Mr. McCarron asked where does that leave his project. He believes Lakeville missed an opportunity by not signing an IMA at that time. Now he really needs to move forward on the project. He is paying a mortgage and taxes and the ZBA has granted him an extension four (4) times. Selectman Maksy said he did not feel that that Lakeville wanted two (2) lines on Bridge Street, so do we leave Bridge Street to Middleborough. We do not want the Bridge Street residents to be left high and dry. Chairman Evors said the residents on Bridge Street cannot sell their homes and connect up with water from Middleborough. That is not fair. Ms. Garbitt said any resident can sell their home, but no one can change the use. Mr. McCarron said it seems that it would be simple to include just Bridge Street with Middleborough. He said that he has been in limbo for four (4) or five (5) years now. His project would bring the Town about \$12,000 in tax revenue. He will offer 51A money to the Town and has offered that to Middleborough.

Selectman Maksy said we should let Middleborough know we want to work on an IMA, but that could take years, so what is the next step. What is our direction with Bridge Street at this point? The hospital will be Taunton water. He would like to see sewer there. He felt a dialogue needed to be opened up with Middleborough.

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

VOTED: To authorize the Chairman to speak on the Board of Selectmen's behalf to Middleborough regarding an IMA for water and sewer service.  
Unanimous in favor.

**Request for appointment of new member for Open Space Committee**

*Martha Schroeder and Linda Grubb were present for the discussion.* Ms. Grubb said the Open Space Committee had a year from the time they received the grant to accomplish the task of updating the Open Space Plan. The time is closing in fast. Michael Renzi has approached the Committee regarding working on a portion of the project. Ms. Craig said the Board would need to amend the charge of the Committee from six (6) members to seven (7) members.

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

VOTED: To amend the charge of the Open Space Committee to seven (7) members.  
Unanimous in favor.

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

VOTED: To appoint Michael Renzi to the Open Space Committee with a term to expire July 31, 2009.  
Unanimous in favor.

**Request for appointment of Patrick Curneen as Reserve Police Officer**

Chairman Evors read the request from Police Chief Mark Sorel to appoint Patrick Curneen as a Reserve Police Officer.

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

VOTED: To appoint Patrick Curneen as Reserve Police Officer with a term to expire July 31, 2009.  
Unanimous in favor.

**Update from Selectman Yeatts regarding Plymouth County Farm**

Selectman Yeatts said that the Commissioners could do whatever they want, they can sell all the property, etc. Chairman Evors said we are on record anyway of not agreeing with the monetary amount of only \$300,000.

**Request from Rodman Ride for Kids to pass through Lakeville-September 27<sup>th</sup>**

Chairman Evors read the letter from Rodman Ride for Kids to pass through Lakeville for their annual bicycle race on September 27, 2008.

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

VOTED: To approve the Rodman Ride for Kids on Saturday, September 27, 2008.  
Unanimous in favor.

**Discuss bid results-#2 fuel oil and low sulfur diesel fuel**

Chairman Evirs said one (1) bid was received from Standish Oil, who is the current supplier for the Town. Standish Oil just donated and installed the new heating system at the Historic Library. They are a little higher than the State contract, but they offer very good service in a timely fashion.

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

VOTED: To approve the Standish Oil bid for home heating oil #2 fuel oil with a price of \$.188 delivered. Hourly service is \$75.00 (cleaning/maintenance).  
Unanimous in favor.

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

VOTED: To go with the State contract for low sulfur diesel fuel with Global Montello. The price is \$.0538.  
Unanimous in favor.

**Request from Apponequet Athletic Boosters to use Town House**

Selectman Maksy said Ms. Garbitt has done a lot of work to help develop the policy for people to use Town facilities. Chairman Evirs asked if we were requesting insurance certificates for people that use the Town House. Different non profits can call on their council or international organizations to get insurance. Ms. Garbitt said that currently we do not request insurance certificates for people to use the Town House. We do request insurance certificates from private organizations that want to rent the Commissary Building at Ted Williams Camp. The Park Commission had received a request to hold a dog walk at the Camp, and they have asked for an insurance certificate. However, this is a case where there is no organization to fall back on to obtain the certificate of insurance. With a case like this, we normally do not ask for an additional one day certificate for that particular day. Town appointed Boards and Committees fall under the Town's policy.

Chairman Evirs said there is a function coming up this Saturday at our Town House and this is an interesting point to bring up. Say they bring things in the night before for a yard sale, what happens if the building catches fire? Ms. Garbitt said the insurance is not so much the building itself, it is for if someone gets hurt. You are subletting the Town property, so insurance should be part of the policy that you set up. Chairman Evirs said we have a number of requests here that we can approve, but require certificates of insurance. Selectman Yeatts stated we need to make them aware that there may be a new policy in place by their requested date, which they will be

subject to. Chairman Evirs said he was not sure if the Boosters are a separate entity, if so, they would not fall under the school insurance.

Chairman Evirs read the request from the Apponequet Athletic Boosters Club to use the Town House for their annual Christmas Tree Sale.

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

VOTED: To approve the Athletic Boosters Club to use the Town House for their Christmas Tree sale on December 6<sup>th</sup> and 7<sup>th</sup> from 8:00 AM to 4:00 PM both days and to reserve December 13<sup>th</sup> and 14<sup>th</sup> as the rain date with the same times. The letter is to advise them approval is pending compliance upon a new use policy of the Town if approved by the date of their event.  
Unanimous in favor.

### **Request from Boy Scout Troop 26 of Lakeville to use Town House – May 9, 2009**

Chairman Evirs read the request from Boy Scout Troop 26 of Lakeville to use the Town House for their annual yard sale.

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

VOTED: To approve the use of the Town House to the Boy Scout Troop 26 for a yard sale on May 9, 2009 from 7:00 AM to 4:00 PM and to bring the items to the facility the night of Friday, May 8, 2009. The rain date is Saturday, May 16, 2009 from 7:00 AM to 4:00 PM with the bringing of the items on Friday, May 15, 2009. The letter is to advise them approval is pending compliance upon a new use policy of the Town if approved by the date of their event.  
Unanimous in favor.

### **Request from Lakeville Garden Club to use Town House – June 20, 2009**

Chairman Evirs read a request from the Lakeville Garden Club to use the Town House for their Annual Flower Show.

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

VOTED: To approve the Lakeville Garden Club to use the Town House June 18, 19, and 20, 2009. The letter is to advise them approval is pending compliance upon a new use policy of the Town if approved by the date of their event.  
Unanimous in favor.

### **Discuss Community Movie Project for Town Website**

Ms. Garbitt told the Board about an offer she had received from CGI Communications regarding a community movie project to be placed on the Town's website. Selectman Yeatts

asked what the Town Accountant thought about this. Ms. Garbitt said she liked it very much. Selectman Yeatts said she was concerned about the server. Ms. Craig stated that the Town's server does not host the website; an outside company is the host.

Ms. Garbitt said this service is free of charge. They heard that Lakeville had some scenic areas and so they approached Lakeville. They offer five (5) categories for no charge. They will write the script and would be approved by the Town. The Town chooses what categories to have on the website. Ms. Craig said we will have to use some of our service pack with Savvy to do work on this since an HTML source code is needed. CGI will stream the video on their server. According to Savvy, there will be embedded cookies. They will get your ISP address to your computer and viewers could receive Spam. Ms. Garbitt said we can consult the IT consultant about that.

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

VOTED: To have Ms. Garbitt pursue and investigate the movie project for the Town website further.  
Unanimous in favor.

### **Review and vote to approve Selectmen's meeting minutes: April 28, 2008**

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of April 28, 2008 as amended (typo page 8).  
In favor 2, abstain 1.

### **Other Items**

1. Invitation to Church of the Nazarene Centennial Celebration-October 5<sup>th</sup>
2. Letter from CEA regarding 79 Main Street
3. Letter from DEP regarding Joe's Gas
4. Notice from DEP regarding modification of existing dock-Cottage Lane right of way
5. Announcement of Kate Connolly's new position
6. Letter from Town Counsel regarding Electronic Message Sign Bylaw  
Ms. Garbitt said she will forward this to the Planning Board tomorrow. Mr. Iafrate had a question and Town Counsel clarified it, 6.6.7.2.7. He was not sure about the phrase: electronic message sign shall not be located off premise. Attorney Pawle clarified it since the first section reverts back to original sign language to comply with 6.1, 6.2, etc. Mr. Iafrate was concerned that this would be offsite advertising on someone's sign. Then, it would require a special permit.
7. Letter from Town Counsel regarding Accessory Apartment Bylaw  
Ms. Garbitt said she would forward this to the Planning Board tomorrow. This is Town Counsel's response regarding 10.3.2. She spoke Mr. Iafrate on this. Town Counsel said the principal dwelling had to be occupied by the owner, but in the bylaw it is either or. That was a mistake on their part. Mr. Iafrate was just concerned that the owner could not

be in the accessory apartment. His other concern was 10.3.2 section c. “No later than January 31<sup>st</sup> the owner shall certify to the Building Commissioner”. He was concerned about the work load on his office. That is a recommendation from Town Counsel and other towns do this. He is thinking that previous owners will come forward and that will then be burdensome. Selectman Maksy said that will take time and there is no fee. Chairman Evirs said there could be a small fee. Ms. Garbitt said if the Board does not have any comments, she would hopefully get comments back from the Planning Board if they want to change anything. This will be on the warrant as an article. Selectman Maksy said if Mr. Iafrate gets a complaint, then he needs to make sure the property is in compliance. Ms. Garbitt said Mr. Iafrate will be at the meeting tomorrow night.

8. Memo from Town Counsel regarding new legislation authorizing the sale of alcoholic beverages on golf courses

Chairman Evirs said he thought it would behoove us to send this to the four (4) golf courses that the Town has. They do not have to reapply for their license. Right now people can only consume alcohol within the confines of the building on a golf course. The Legislature has voted to allow them to sell alcohol anywhere on their property and the concern is for intoxicated persons and under age purchasers. We should let them know that when their license expires and comes due it will be worded differently. Ms. Craig said the golf courses would have to apply for a modification of their premises. This would require a public hearing for each application. Then it would go to the ABCC for final approval. She spoke to William Kelly, Counsel for the ABCC, about golf carts and beverages crossing roads. This will be discussed at their regional October meeting. We might want to wait until this license meeting to see if they determine if it has to be contiguous land of the golf course. Ms. Garbitt said we have one (1) course that a Town way goes through. This has been an ongoing issue with the ABCC for years with the beverage carts. Ms. Craig said the golf courses are not allowed to make changes on their liquor license renewal applications. Chairman Evirs said regarding the crossing of a public way, we can just say that they can't. There are six (6) holes on Back Nine across the street; the rest is in the contiguous part of the course. It was decided to wait on sending out information until after the October meeting with the ABCC.

9. Memo from Town Counsel regarding Emergency Fuel Assistance Program

10. Meeting notice-SRPEDD Regional Sustainability Exchange-October 16<sup>th</sup>

11. Plymouth County Commissioners meeting agenda-September 23<sup>rd</sup>

Selectman Yeatts said she was wondering if anyone was interested in going to this meeting about sustainability. It is October 16<sup>th</sup> and we also need to fill out the survey. Ms. Garbitt is available and would like to go with Selectman Yeatts.

12. Cranberry Country Chamber of Commerce Perspective – September 2008

13. DOR Bulletin – Course 101 – Assessment Administration: Law, Procedures Valuation

14. MMA Fall Legislative Breakfast meetings notice

15. Wildlands News Fall 2008 publication

16. Breakfast Invitation from Comcast – October 1<sup>st</sup>

17. Notice from Verizon – new Verizon contract for Lakeville

18. Notice from Bay State Gas regarding upcoming heating season

19. You Move Massachusetts workshop schedule

20. Notice from Comcast regarding PEG payment

21. Letter from Executive Office of Transportation

22. Survey and Site Exam from Executive Office of Transportation Route 79

Selectman Yeatts said she was concerned about additional permitting that may be required. Selectman Maksy said he was thinking of attending. Ms. Craig stated they are asking for a response from us by October 10<sup>th</sup>. When do you want to discuss it? Chairman Evirs said put it on the first meeting of October and we will look at this. He asked Selectman Yeatts to discuss this with Linda Grubb

23. Notice regarding Smart Growth/Smart Energy Conference Dec. 12<sup>th</sup>

At 10:30 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy, the Board unanimously:

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