

SELECTMEN'S MEETING
Monday, September 24, 2007

On September 24, 2007, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 7:02 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Meet with Lakeville Arts Council to discuss Arts Festival 2007

Daniel Cooney and Joanne Upham, Co-Chairs of the Lakeville Art Council were present to give the update. Ms. Upham said that September 29th will be the third Annual Lakeville Arts & Music Festival from 10:00 AM to 4:00 PM at the junctions of Routes 105 & 18 and Precinct Street. There will be a lot of entertainment this year in addition to music and art exhibits. There will be street performers, a roving character, a Celtic Duo, two (2) street painting artists and "Game Shows to Go", which is an interactive type of game show. The festival is free. There will also be other activities throughout the day to check out, such as artisans selling beautiful hand made wares, etc. There will be additional parking at Ted Williams Park or the Assawompset School parking lot. There are two (2) handicap parking spaces at the Lakeville United Church of Christ and two (2) at the Library. There is a walkway behind the tennis club leading to the festival. There are three (3) police detail scheduled. They will be assisting people crossing Route 18.

7:15 PM Meet with Town Accountant & Finance Committee Chair

Discuss Com Rec financial information

Martha Weeks Green, Chair of the Finance Committee, Stephen Furtado, Superintendent of Schools and Cynthia McRae, Town Accountant, are present for the discussion. Chair Yeatts stated that the Board of Selectmen had asked for some financial information from the Superintendent, and they have questions they would like to get answers for.

Ms. Weeks-Green explained that the Community Recreation (Com Rec) financial situation has been a noose around three (3) Superintendent's necks. A procedural audit was done since there was a change in directors of the program and all the financials went with the previous person in the position, there was no basis for comparison. It would have been a monumental task to reconstruct the financials, so the Finance Committee wanted to start new anyway. As far as the procedural audit, the Finance Committee knows what needs to be done. What does it cost to operate ComRec and what they are generating in revenue? There has been much discussion in the past few years basically surrounding the pool. The Before and After Care Program generates a profit. The pool has been a bone of contention. We have been having the same discussions about the pool for the past five (5) years. With the new software system the School Department has, it will still be difficult to compare financial years, since items are not categorized the same. The information did not come the same way the Finance Committee asked for it. Maybe it is

segmented, maybe the questions were not asked correctly, and maybe the Superintendent and School Committee are putting their efforts elsewhere with the looming deficit. It is not understood where the FICA is, the custodian costs, etc., however, the Superintendent has been very helpful. Yet the Finance Committee is still not getting the right information. It is like everyone is speaking in two (2) different languages. The feeling is that the Town should get the audit done, and, while there is a cost to have it done by the Region, it is believed that, from the extensive amount of time that Ms. Garbitt, Ms. McRae, the Superintendent, and everyone else is spending on it, it would be a far less amount than their time is valued at. The Finance Committee is not comfortable with the numbers seen on the paper and what is not accounted for. With such a challenging year the Finance Committee needs to be accountable for every nickel and where it is going so that the Finance Committee can vouch for it. The Finance Committee has not had a meeting on this, but will be meeting next week. However, this has been a topic of discussion for about five (5) years. The Finance Committee will most likely request that the Regional School Committee have an audit done since so many have spent far too much time on the financials of ComRec as it is.

Dr. Furtado stated that the Region is about to undertake its financial audit, which is done each year anyway. The School Department has in the past, audited the Comrec Program, the food service program, etc., when a new Superintendent comes on board. The financial audit for Comrec was not done since the financials were not available. Comrec has been around since 1972, and we may have to go back about seven (7) Superintendents in order to try and clarify what has taken place. It is now divided into three (3) distinct sections, Sports Education (basketball, soccer, strength training), Before and After School Care, and the Pool. A lot of learning has taken place regarding the program and a lot of loops have been closed. The letter sent to the Finance Committee explained that when the material is prepared, he would encourage the Board of Selectmen, the Town Administrator and the Town Accountant to sit with the School Department to discuss the matter. The School Department has basically scoured the ends of the earth to get the information. It was not pleasant to use \$90,000 of the Excess & Deficiency account to balance out Comrec. The Regional School Committee, on the recommendation of the Superintendent, has agreed to keep the pool open until March 15, 2008. If the financials go south during that time, the recommendation is to close the pool. That will not make a lot of people happy, but no one can afford to use more money from the Excess & Deficiency account to bail out Comrec. The Region has always used its monies to bail out Comrec, but no one was able to identify it before. Bills had to be paid and it tugged at everyone to do this. \$90,000 is two (2) teachers, or two (2) and a half teachers or part of a Special Ed program. It is encouraged that everyone review the numbers. If something appears to be missed, it would be beneficial to find that out. A very difficult decision was made to eliminate the Director of the Program, and that was a casualty of war. Unfortunately, the position had to be eliminated and now someone will have to be paid a stipend to oversee Comrec and be the liaison. It was a serious statement made in June that the pool needed to be closed. The sub committee has been heard on the matter, the projections have been heard and what is being done is to give them a chance to go out and say what they said they can do for the program. In the meantime, this is a quality of life issue. If the pool cannot sustain itself, then a drastic decision needs to be made. The schools cannot lose teachers and not put text books in front of kids just to keep the pool open. Again, it is hoped that the passion to keep the pool open will continue at the Town Meetings. People have to rally around the education in the Towns of Lakeville and Freetown and people are implored to do that.

Ms. McRae and Ms. Weeks-Green are encouraged to meet with the Administrators on this since they deal with it everyday.

Chair Yeatts mentioned that the Superintendent also said he would look at the pool this month by month so if it is really going down hill, the Superintendent will know well in advance before that happens. Dr. Furtado responded that that was correct. Also, no one wants to leave the swimmers without a place to swim, and the end of the pool season is March 15th. The Board of Selectmen will receive a report each month on the pool and if it comes to that point, then the Region will have to make a decision that month. They make the final decision. They would make it or not make it since the pool is being run on a month by month basis. Selectman Evirs suggested that the Superintendent start looking at an alternative plan for the swim team if the pool has to close. Dr. Furtado responded that the Middleborough Y would take the swimmers. It would be a shame to close the pool, but these are not ordinary times and the pool is without a doubt a luxury. Selectman Evirs added that the times will get leaner. It would behoove everyone to find money this year to roll into next year. But that does not dismiss the issue of doing a proper audit on the whole program. The amount of money that comes and goes with the program needs to be better accounted for. Dr. Furtado responded that this is being looked into. Ms. Weeks-Green stated that this is taking up far too much time for the Superintendent, the Board of Selectmen, the Finance Committee, the School Business Manager, etc. So, everyone needs to do this right, put it behind and then move forward. Selectman Maksy asked if anyone knew what an independent audit would cost. Ms. Weeks-Green responded that it would be a few thousand dollars, but it would be money well spent with all the hourly time that has been put into it so far. Selectman Maksy responded that he is also having trouble trying to put it together. It could probably be figured out, but it is the format that is difficult. It might be put to bed sooner with an independent audit.

Ms. Weeks-Green stated that she would like to see everyone be able to close the door on the matter. Though she is not an accountant, she has some understanding on the financials. However, there is still some information that cannot be found, but that does not mean it is not in there. The schools will need strong advocates working for them; the Region is already looking at a deficit. This is chump change in the whole picture, but it is good to know what this is all about. If the Finance Committee does not understand it, how do they present it to the taxpayers? This is just the first step in the chain to get this resolved. Selectman Maksy stated that if he was to ask the School Committee right now, did the Town make or lose money on the pool, could they answer that question. It is not so plain and simple to see. Ms. Weeks-Green mentioned that it is not just the pool. It is the Before and After Care as well. Lisa Pacheco sends the information along and it seems that they are doing a lot of it right, but the whole thing should be audited, just to know where it stands. The Region would pay for it, but they would have to agree to pay for it, and have it done. Dr. Furtado asked if the Town was looking to use the auditing firm the School Department uses or another one. Chair Yeatts responded that it would be not be one that Lakeville or Freetown uses in order to maintain it being independent. It would have to be different than the schools. Selectman Evirs added that it needs to be an audit that everyone can understand. The Board just wants to see how it all shakes out basically. Dr. Furtado stated that this is one of the activities that they do with the Region, so then they would be asked not to do Comrec, is that correct. Selectman Maksy explained that there are two (2) audits here. The one that is done every year that looks at the process and the Board is looking for numbers. Dr.

Furtado stated that the School Department does both. Selectman Maksy asked if that was enough information. Ms. Weeks-Green responded that it may help; she has not seen any of the audits. Ms. Garbitt stated that Ms. McRae looks at the audit for the Regional schools, but the one that is done on Comrec is not what the Town is looking for. Ms. McRae added that it is not inclusive in detail. Ms. Weeks-Green stated that it would have the detail so that it would not be a surprise when it pops up.

Selectman Maksy stated that the Board is looking for what is going in and what is coming out, and is the money being used where it is specifically supposed to go. Chair Yeatts added such points as: FICA, Health Insurance, Workers Compensation, Property and Liability insurance, the custodian for the pool, these things need to be broken out to see it all. Ms. Weeks-Green added that it needs to be known if there are any paraprofessionals working in the Before and After Care Program and not getting paid time and a half. It has been learned that the practices are consistent, but what does that mean? The same terminology needs to be used and everyone needs to understand this all around. It will benefit both communities. The Finance Committee is requesting that the Board of Selectmen request the Regional representatives to take this to the Regional School Committee, and then once it has been clarified, to put this behind everyone and hopefully, with the Superintendent's blessing, since he is here.

Selectman Maksy asked if the Region has the same concerns as the Selectmen. Chair Yeatts responded that she thought they did. Dr. Furtado responded that he thought that they did, that everyone does. He stated that someone has to write the Request for Proposal (RFP) for the audit and there needs to be a parameter included for what it will cost. Also, Comrec, as a whole, closed in the red with almost \$90,000. The Before and After Care Program independently showed a profit. Comrec showed a little negative, but the pool had a serious negative. The profitability from the Before and After Care Program was wiped out for the pool, and it was still not enough to cover the deficit. \$50,000 has already been used from Comrec and all the profits, and it is still in the red. Everyone knows the elephant on the table, it was not Comrec, it was not the Before and After Care Program, it was the pool. Had there not been a pool, Comrec would have shown a profit. But it needs to be made clear to whoever is writing the Request for Proposal (RFP), what they will be looking for. It is still encouraged that the Finance Committee and the Town Accountant sit with the financial officers of the School Department for an hour or two, which might help to answer some questions. Prior to the audit, interviews will need to be done with the auditors and the cost will need to be matched. So, this will still take some time. It may take a few months and hopefully will not interfere with the financial audit of the Region which typically takes place. Chair Yeatts stated that the Board of Selectmen will sit down with the Business Manager, the Superintendent, the Town Administrator, the Chair of the Finance Committee and the Town Accountant to discuss it. Selectman Evirs suggested that maybe after everyone gets together they could generate the information and solve the questions and get the answers by looking at what they are questioning. Selectman Maksy stated that the RFP should specifically convey what is being requested. The audit may not be needed after you get to that point. Selectman Evirs stated that it is still losing money. Dr. Furtado stated that Comrec is showing a profit as of September 24th.

Chair Yeatts asked about the other items? If one took the reality of everything that they are spending, is it really generating a profit? Ms. Weeks-Green stated that she personally would

like to see the Board put the request together. The Board does not meet for three (3) weeks, the School Committee only meets once a month and everyone could be sitting here next year asking the same questions again. Chair Yeatts stated that the best people to put together the RFP are Ms. McRae and Ms. Garbitt. Selectman Evirs mentioned that with that information in hand, and sitting with the Superintendent and Business Manager, it may be found that the audit is not needed, but if it needs to be done then it needs to be done. Chair Yeatts stated that to a large auditor, once they see just one little program, it should not take too long to do. Ms. Weeks-Green stated that she felt that this is important and it should be kept on the front burner and not be left alone.

Review FY09 Budget Requests

Chair Yeatts stated that the Board of Selectmen requested to have the School budget in, since it is anticipated that there will be trouble with the numbers. Dr. Furtado was asked to have the school budgets in by October 12th and he sent a memo about that the School Committee would be reviewing them jointly on October 24th. They are having a draft run, this Wednesday, to prepare for the 24th.

Dr. Furtado stated that the School principals are working feverishly to prepare two (2) budgets and will be doing a dry run on that presentation before the School Committee meeting next Wednesday. The only numbers that will be solid are those of the bus contract, the \$2.5 million they are using for heating oil and then personnel. Chair Yeatts stated that the Board is doing the same for the Town and will not hold the School Department's feet to the fire, but it needs to be known if will be a \$1 million deficit. Dr. Furtado stated that the Board will have the budget the earliest ever in the history of Freetown and Lakeville. Chair Yeatts stated that the Board will be there on the 24th and offer assistance if necessary.

Review FY07 Year End Transfers

Chair Yeatts stated that the Board needs to approve the following FY07 Year End Transfers. Pursuant to Chapter 77 of the Acts of 2006, the Selectmen may transfer any amount appropriated for the use of any Department to the appropriation for any other Department as long as the amount transferred does not exceed \$5,000 or 3% of the annual budget of either department. Chair Yeatts then read the transfers from and transfers to amounts and accounts.

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

VOTED: To approve the FY07 end of year transfers in the amount of \$14,251.00 as requested by the Town Accountant.
Unanimous in favor.

Selectman Maksy mentioned that the MG&E is looking into the street lighting and possibly a discount in that area for the Town.

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

VOTED: To approve the transfer of \$1,000.00 from the Betty's Neck Gift and Grants Account to the Assawompset Pond Complex for FY08.
Unanimous in favor

Chair Yeatts mentioned that usually a little money is made from the sale of the hay from the fields at Betty's Neck. However, it was forgotten about this year, so this is to catch up and get ahead.

7:30 PM Meet with Marcus Baptiste & Ken Motta regarding Route 79 relocation

Kenneth Motta of Field Engineering was present for the discussion, along with Jim Noyes of GPI and Marcus Baptiste. Selectman Maksy recused himself from the discussions.

Mr. Motta stated that the certificate from M.E.P.A. on the ENF has been received. A few points that were made are coming from SRPEDD on the status of the old section of Route 79. This was discussed repeatedly with Mass Highway, about Route 79 and it was understood that it was part of the interchange project. There are some painless options to look at. Have signage at the end of Crest Drive that says it is not a through way. It will then only be a common driveway for those residents. However, if emergency vehicles are needed from Middleborough, they could still drive through. There would be an angled curbing so that emergency vehicle could get over it. But, there is still Do Not Enter signage and it would have to be done with some coordination with Middleborough, but no land takings will be done. Crest Drive does have a loop in itself. Discussion has taken place with the Superintendent of Streets, Chris Peck, and he had no objections, providing that they had the proper pavement radius. So, that is a consideration to present to MassHighway as part of the Route 79 package, but everyone should not get much further with a permanent dead end arrangement there. Chair Yeatts stated that that seems to cover it for the emergency vehicles. Selectman Evirs mentioned that when the meeting with Mass Highway took place, he asked what their intention was. He was told the intention is to set jersey barriers at the end of the road, and then come up with a plan in the future. But, that was only the first quick way to do it.

Mr. Motta stated that MassHighway will schedule a public hearing for the 25% design, but it does need to be opened up for public input. It would depend on the emergency vehicle that responded to a call on Crest Drive. Middleborough would be closer to respond and a lot of it is in Middleborough. If there are to be some modifications to the Route 79 project, Field Engineering would be willing to do it, with the least impact to the adjacent properties. Further discussion took place by the Board on options, the pros and cons. Ms. Garbitt asked if a letter needs to be written to SRPEDD. Mr. Noyes responded that he did not think the Board had to, there will be a public hearing, but the final comments from the District have not been received. When the project manager is available in Boston, the date will be set, probably late October or early November. Chair Yeatts asked that the Board be advised as soon as possible.

8:00 PM Doris Muirhead-discuss Briarby Lane

Doris Muirhead, Attorney for Nick Ieronimo, and Nick Ieronimo were present. Attorney Muirhead said that Mr. Ieronimo had just purchased Courtyard Nursery in Lakeville. Briarby Lane runs right through the property. Briarby Lane is no longer used due to the reconfiguration of Route 105. Mr. Ieronimo is asking to have the title for Briarby Lane deeded to him and then he can incorporate this into one (1) parcel. This would allow him to gate the property to prevent vandalism, since there has been vandalism. Copper piping was stolen, and he is concerned about vandalism without protective measures on the property. He would also like to sell Christmas Tress so having a gate there would ensure that no plants or trees would be stolen. Mr. Ieronimo would like to possibly petition the State for a curb cut on Route 105. This would bring the traffic directly off of Route 105, avoiding Nelson Shore Road. In the past, there have been problems with people coming into the nursery during busy seasons and that would resolve that problem. The nursery would not be using Nelson Shore Road at all. This would also save on maintenance by the Town, since it is not believed that this area is used at all with the reconfiguration.

Chair Yeatts stated that the maps look a little different from one another. There is actually a curb cut there now for Keene Shore Road. Ms. Garbitt explained that they would have to reapply for a curb cut. She had spoken with Robert Darling, Building Commissioner, about that. The area is pretty much grown in. It would have to be researched. Amy Dow, director abutter, stated that over the years the neighbors have expanded their grass onto Keene Shore Road, but it is really not an existing road, until you get to the end. Ms. Garbitt stated that Keene Shore Road is totally impassible now as a fire road. Attorney Muirhead added that she believed some people have fenced it off as well. Ms. Dow stated that in previous conversations with Mr. Ieronimo, her family did not want him to use Keene Shore Road, since they did not want Mr. Ieronimo to expand his business. However, they would now support this if there is no access on Nelsons Grove Road. There is the main access of Briarby Lane and then another access that was used for the big trucks. That makes it difficult for the neighbors since it is a narrow road and a private road. So, if he could have the curb cut off of Route 105, they would support this in order to eliminate the traffic for the neighbors. This matter has been huge for the neighbors, and it has gone on for four (4) owners to the property. It would benefit a lot of the neighbors. However, Briarby Lane will not be relinquished until the curb cut is there. There is a lot of history there. Ms. Dow then came forward and explained the history of the jag of the land, etc. and how it has come to be with the property in the family.

Selectman Maksy explained that this is not something that happens overnight. The abutters come into play and also a Town Meeting vote will be needed. Chair Yeatts responded that that was correct, however, it is not out of the realm of possibility. Attorney Muirhead responded that there would research done with the title search to see if there are rights of way that would be disrupted. If that is an issue, Mr. Ieronimo would give title right of way. The issue of the fire road, that is another matter that the Town would have to research since there are people that live along there that have fenced in their yards. Selectman Maksy stated that they need to see if it is private or public. Mr. Ieronimo and Ms. Muirhead need to tell the Board. The Board will not investigate that. Ms. Muirhead stated that until that research is done, it is not known if Mr. Ieronimo can petition to protect the property with a gate.

Selectman Evirs mentioned that then there is an issue that one of the greenhouses is on public property. Ms. Muirhead responded that if the whole parcel was deeded one piece of property that would be resolved and so it would be on his property. Selectman Evirs stated that it is still a town road and it has never been discontinued. Ms. Garbitt stated that it was part of old Main Street. Chair Yeatts asked if Mr. Ieronimo is expecting the Town to give this land to him. Attorney Muirhead responded that she did not know if the Town would want to have a sale of the land. Chair Yeatts responded that the Board would need to look into that to see if they have to auction it off. Selectman Maksy stated that everyone is specifically talking about the section of road that abuts Mr. Ieronimo's property on both sides. They should do the research and then the Board should have it checked. Selectman Evirs stated that if they want to be purchasing the road, let them do the title searches and the Board still needs to square away the greenhouse situation. Ms. Garbitt added that Mr. Darling also has issues with the setback on the side. Attorney Muirhead stated that she spoke with Mr. Darling briefly and mentioned that they would come up with a proposal to resolve that, with the corner of the greenhouse jutting out onto the road. The big issue is, not so much the greenhouse close to the road, but when people pulled in to make purchases, they parked along the greenhouse, since it was convenient and then they would block the road. Mr. Ieronimo has spoken with the neighbors to put up signage so that no one parks along the greenhouse. Selectman Evirs asked where they will park. Mr. Ieronimo stated that he made more parking areas near the storage area where the mulch is, etc. Ms. Garbitt mentioned that employees used to park there all day.

Chair Yeatts stated that Mr. Ieronimo can present this to the Board and then the Board will present it to Town Counsel. Selectman Maksy stated that he did not see any reason why, on the curb cut, that is the key issue for the Board, that Mr. Ieronimo couldn't start now since that will change everything if he cannot get the curb cut from the State. Selectman Evirs mentioned that it is a time consuming process with MassHighway. Attorney Muirhead stated that they will start the process.

Review bids for heating oil and diesel fuel

The bids for the heating oil and diesel fuel were opened at 3:00 PM on Friday, September 21st. The low sulfur fuel is not used much by the Town. It is ambulance, heavy duty equipment, and fire trucks that use the diesel fuel. The #2 fuel oil is strictly for heating. Selectman Maksy asked what the Board was doing with this. Ms. Garbitt responded the Board needed to award the bid. Selectman Maksy stated that he thought if there was a State contract and it is cheaper, the Town was obligated to go with them?

Chair Yeatts mentioned that Standish Oil's bid included cost of maintenance. They charge by the hour and for parts. Selectman Maksy stated that he understood the logic of using a local company. Chair Yeatts stated that she would like to see the actual gallonage. When does the contract expire? Ms. Craig responded that the contract was extended until September 30th, since it expired August 31st. They do not mind providing this to the Town, but would like it in writing. The Town is looking for heating and air conditioning bids and that would be another contract. Chair Yeatts mentioned that the Board is not meeting for three (3) weeks. Selectman Maksy asked if the schools were part of this. Ms. Garbitt responded that they were not. Selectman Maksy stated that it would be good to wait and extend the contract until the 16th of October.

Ms. Craig explained the truckload differential. The Town cannot take 8,000 gallons (a truckload) at one sitting. Mr. Peck thought the diesel was 4,000 or 6,000 gallons. So, the Town cannot get the truckload price either. Selectman Maksy stated that this is not being compared apples to apples. Ms. Craig stated that if 4,000 gallons was purchased from Standish Oil, it would be .19 cents per gallon, with Global Montello it would be .0263 cents per gallon. Selectman Maksy stated that he would rather pay .2 cents versus .19 cents. It was the consensus of the Board to wait until the next meeting to award the bids for heating oil and diesel fuel.

Review bids for new ambulance

Ms. Garbitt explained that the low bidder was not responsive for several items. There was “no exception” on some of the specific items allowed. They checked a lot of them off, “no” on the bid specifications. It was more than just one (1) or two (2) items. The requirements were put as options to add to the low bid. Selectman Evirs asked what the budget was for the ambulance. Ms. Garbitt responded \$110,000. The Chief also has to replace some of the equipment as well, including the defibrillator.

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

VOTED: To award the bid to Yankee Fire and Rescue Inc. of Palmer, Massachusetts for the total amount of \$91,754.00.
Unanimous in favor

Review Site Plan for Rachel’s Way

Discussion took place on the site plan for Rachel’s Way. Pauline Ashley, secretary for the Planning Board came into the meeting and stated that if the applicant does not finish the road, he cannot put the road in. It is two (2) lots right now. It is gravel up to a certain point, then black top to a certain point. To obtain more acres he will have to come back with another plan. He cannot build the road longer than 750 feet though.

Selectman Maksy stated that he has always been in favor of one large lot, rather than seven or eight small ones and it is good to see that with this plan. This is about 33 acres altogether. Chair Yeatts stated that Board would be fooling themselves if they think it will stay that way. It was the consensus of the Board to respond to the Planning Board that the Board of Selectmen would encourage the Planning Board to continue with the combining of the lots, instead of forcing a subdivision.

Appoint Eric Levitt as full member to Zoning Board of Appeals

Chair Yeatts read a letter from Derek Maksy, resigning from the Zoning Board of Appeals. She thanked Derek Maksy for his time serving on the Zoning Board of Appeals.

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

VOTED: To appoint Eric Levitt to the Zoning Board of Appeals with a term to expire July 31, 2009.
Unanimous in favor.

Request to change date of Town House use – Lakeville Garden Club

Chair Yeatts read a request from the Lakeville Garden Club to change the previously requested date for their use of the Town House.

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

VOTED: To approve the change of date request from the Lakeville Garden Club to use the Town House from May 8th, 9th and 10th, 2008 to June 5th, 6th and 7th, 2008.
Unanimous in favor.

Request to use Town House-Apponequet Athletic Boosters

Chair Yeatts read a request from the Apponequet Athletic Boosters to use the Town House for their annual Christmas Tree Sale.

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

VOTED: To approve the use of the Town House for the Apponequet Athletic Boosters Club for their annual Christmas tree sale with the same conditions as last year. Dates will be December 8 and 9, 2007 from 8:00 AM to 4:00 PM and rain dates of December 15 and 16, 2007 from 8:00 AM to 4:00 PM.
Unanimous in favor.

Request for appointment to Open Space Committee

Chair Yeatts stated that she would like to change the number of people to seven (7) on the Open Space Committee and add Joan Morton to the committee. The charge of the Committee has been reviewed, and Linda Grubb has some suggestions that have not yet been reviewed. That information will be presented to the Board, once it has been reviewed. Selectman Evirs mentioned that the Board had voted to reduce the size of some Boards and Committees in the past. Chair Yeatts responded that the Board of Selectmen had done that, however, it is not felt that the number of people who want to do the work and do this public service should be limited. Selectman Maksy asked if that would change their quorum. Chair Yeatts responded that the committee would need four (4) members present if they had a six (6) or seven (7) member committee for a quorum.

Selectman Evirs stated that he felt five (5) members is adequate for the Open Space Committee and if there are people who want to participate they can. Chair Yeatts stated that she felt seven (7) is fine for an amount, and if they do the work then they should be able to vote.

Further discussion took place on this matter. Should it have six (6) members, however, that would be an even amount. The Open Space Committee is an appointed Committee by the Board of Selectmen, not approved by Town Meeting. The charge should then be changed to include an associate. Chair Yeatts feels that the associate should be a full member since they are doing the work and there is a lot to do. Once the Open Space Committee is allowed to have seven (7) members, they will get another person to join the committee.

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

VOTED: To amend the charge of the Open Space Committee to have a six (6) member Committee.
Unanimous in favor.

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

VOTED: To appoint Joan Morton to the Open Space Committee with a term to expire July 31, 2008.
Unanimous in favor.

Discuss letter from Alan and Rick Butler regarding Highland Road property

Chair Yeatts read the letter from Alan and Rick Butler regarding their property on Highland Road, offering an easement to the Town to the cemetery, in return for a curb cut onto Highland Road. Chair Yeatts stated that by statute, the Town already has an easement to a cemetery, so what are they really looking for. Discussion took place to determine if the Butler's are trying to obtain access to Highland Road.

Selectman Maksy stated that he felt this was a Town Meeting issue. If it is a frontage issue, they may have the advantage. It may just be changing the frontage a little further up. Selectman Evirs stated that he did not understand the benefit of changing this for anyone. They should be asked to come before the Board and discuss what they are looking for at the October 15th meeting.

Announce casino forum being hosted by Carl Pierce

Chair Yeatts announced the Casino Forum meeting that will be held on September 27, 2007 from 6:30 PM to 8:00 PM at the Lakeville Public Library. Ms. Garbitt stated that the Town of Pembroke did join the Casino Task Force. The Towns of Hanson, Hanover, and Norwell might also join.

Review and accept Selectmen meeting minutes: May 21st; August 13th; August 27th; September 10th; and September 14th

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of May 21st, August 13th, August 27th, September 10th and September 14th, 2007 as presented.
Unanimous in favor.

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

VOTED: To rescind approval for the August 27, 2007 Selectmen's meeting minutes since these meeting minutes were approved at the previous Board of Selectmen's meeting.
Unanimous in favor.

Review and accept Executive Session minutes: September 10, 2007

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

VOTED: To waive the reading of and approve the Executive Session meeting minutes of September 10, 2007 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Discussion took place about the parking at Ted Williams Camp and about the signs since people are still parking where they are not supposed to. Superintendent of Streets Chris Peck is now ordering signs to install. There is a function taking place this weekend at the Ted Williams Camp. The area that people are parking is also a fire lane and the parking on the grass is destroying it.

Ms. Garbitt stated that the Taunton River Water Shed is announcing a workshop on October 25th at the Lakeville Public Library at 7:00 PM. Chair Yeatts asked that the announcements go to all the Boards and the Superintendent of Streets.

Ms. Garbitt stated that she had received a request from the High School Aquatic Program to use the Town Office parking lot this weekend for a car wash fundraiser.

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

VOTED: To allow the High School Aquatic Program to use the Town Office parking lot September 29, 2007 for the purpose of a fundraiser.
Unanimous in favor.

Selectman Maksy asked if the Board issued licenses for the owner of record of Heritage Hill that was publicly auctioned off. Ms. Garbitt responded that the ABCC has still not approved the transfer. The auction is being held by the second mortgagee. The Board has notified the ABCC and it is still with DOR. They are not selling alcohol at the facility. Ms. Craig added that the license has cleared the ABCC, but is tied up with the DOR due to various tax issues that

do not seem to be clearing up. The previous owner also owes the Town money for taxes for 07 and the Town cannot issue a license if taxes are owed. The new owner will attend the October 2nd auction to purchase the property. The property was transferred and there will be a new deed for the new owner. Selectman Maksy stated now that it is going to foreclosure, he was concerned about the selling of alcohol. Ms. Craig stated that they are not selling alcohol. Selectman Evirs stated that even though the Board has granted a transfer of the license, it will not be issued until after the taxes are paid. Ms. Garbitt stated that the matter is still with DOR with other issues. The taxes are owed the town. Ms. Craig stated that, technically, if a license is not used for 30 days or longer it could be null and void, and then they would start the process over.

Other Items

1. Memo from Board of Assessors
2. Letter from West Bridgewater Board of Selectmen
Selectman Maksy stated that he thought it was a great letter from the West Bridgewater Board of Selectmen stating their appreciation on the Casino Task Force initiative.
3. Letter from Town of Walpole regarding moratorium on 40B
4. Agenda-Plymouth County Commissioners meeting-September 11, 2007
5. Notice from Southeast Homeland Security Regional Advisory Council
6. Letter from MMA-Fall Regional Legislative Breakfast meetings
Chair Yeatts stated that she might like to go to the breakfast meeting at the Whaling Museum. This would be Friday, October 19th from 8:30 am - 10:30 am. There is also another one in Easton on November 2nd. It might be nice if next year the Town offered a place closer such as, LeBaron. Town Administrator Garbitt will register Chair Yeatts for the October 19th MMA Fall Regional Legislative Breakfast meeting.
7. Letter from DHCD-Downtown Initiative Technical Assistance Site Visit Program Change
8. Letter from Executive Office of Public Safety & Security-Incident Command System training
9. Notice of STAR meeting-October 4, 2007 & associated information

At 9:30 PM, upon a motion made by Selectman Evirs; 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 the Collective Bargaining Agreement with the Fire Department.
Polled vote of Selectman Evirs – aye, Selectman Maksy, Aye, and Selectman Yeatts – aye.