

SELECTMEN'S MEETING
Monday, October 15, 2007

On October 15, 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 7:05 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 Mark Rasmussen-Buzzards Bay Coalition

Mark Rasmussen from the Buzzards Bay Coalition was present for the discussion. Mr. Rasmussen took the floor and distributed packets to the Board members. He showed a map of the Buzzards Bay water quality from 1992 through 2005. He is going around speaking to all the towns surrounding the Bay to discuss the water quality. Lakeville has a very small sliver between Little Quitticas and Long Pond that drains into the Bay and there are some connections from Snipatuit and also Long Pond. Buzzards Bay is unique since it is remarkably healthy compared to other Bays, so the Coalition wants to make sure it stays protected. They are concerned with sewage, toxins, and oil spills. The Coalition works with local land trusts for land conservation, and he has included that information in the packets. The map is the result of 15 years of water quality trends and that is why he is here this evening. They can track the harbors and rivers to see if they are improving or declining. A very subtle decline has been noticed. All the major rivers are on a declining trend. Also, they have looked at another way of checking water quality and have the indicator for bacteria and toxic pollution in regards to the health of forest rivers and streams. They did that in 2003 and then in 2007. Buzzards Bay ranked a 48 in 2003; this is driven mostly by the nitrogen level. In 2007, it was 45. The nitrogen pollution mainly comes from septic systems. One of the biggest problems is the typical Title V system, since it does everything else for health issues, but not for the nitrogen pollutants. The next source is the big pipes that are discharging sewage to the Bay, then the lawn fertilizers, cranberry bog and other crop chemicals. That has driven the decline in eelgrass since it gets shaded out with too much nitrogen. Then the Bay scallops go down since that is where they like to live. These are problematic trends. There is a need to upgrade the septic waster water and clean the storm water drains. The forests and wetlands will help take care of those nitrates by absorbing it, so preservation is a big issue as well. This relates to the little finger of Lakeville that is owned by the City of New Bedford Water Department, so most of it is already protected. He would like to know more about the movement to protect the land around Long Pond and the Quitticus Ponds since this question has not been answered of how much influence or drainage is coming from Assawompset Pond.

Mr. Rasmussen spoke about the proposed sewer project for the Long Pond communities. They are concerned whether the new Bedford plant can handle the waste water. At the northern end of New Bedford, the sewer system does not work so great. So, when the septic does not get to the treatment plant, there is still raw sewage that is discharged since it is at capacity in the sewer system when the rain is mixed into the sewage. Our concern is that it will overtax the top of these and so they will discharge more often. This is seriously impacting New Bedford Harbor. The Coalition wants to be really supportive to help with Long Pond to keep it nice. This though

raises a flag for us and we want to make sure the Coalition takes a hard look at Lakeville's plans. Chair Yeatts said we have done all that we can do with our treatment options, but the sewer project would need \$27 million. We are trying to offset that since we cannot put that cost on the shorefront communities. Mr. Rasmussen spoke about fundraising that the Coalition had participated in for land preservation to help improve water quality.

7:15 PM Meet with Marcus Baptiste, Review Site Plan-Lots 2B Main Street

Ann Martin from LEC and Marcus Baptiste are present for the discussion. Selectman Maksy recused himself from the discussion since some of the conservation aspects related to the relocation of Route 79. Ms. Martin said they have finally gotten to the final draft of the Conservation Restriction (CR). Sarah Haggarty from Natural Heritage accurately described and protected the interests involved in regards to what is linked and not linked to the timing of the construction and also to the protection of the species. Ms. Martin distributed copies to the Board. Ms. Haggarty was requiring the CR to be filed prior to any work done on the property. They are concerned that the restriction gets recorded, so they asked that the restrictive covenant get recorded on the deed. You fill in the town and lot #, etc. and it is recorded on the deed so that it is on the chain of title that a CR will be filed. That is a change that was made and also the map references were updated since some were not correct. The rest of the changes were minor. Then the phasing plan was addressed and changes were made in #20 about the turtle habitat area. It is basically to tighten up references.

Selectman Evirs asked who the permit holder is. Ms. Martin said there is a joint permit holder, the Town of Lakeville since you will be the owner or component for Route 79 and MDC is also an owner. They have two (2) signature pages for the parties to sign off on. Then on #20 there has to be a permanent turtle barrier on one portion that is south of Route 79. He asked if Town Counsel had seen this final revision. Ms. Martin responded no. Chair Yeatts asked if the last step would be to get this to Town Counsel. Ms. Martin asked if she could get a sign off by the Board, conditional on Town Counsel's comments so that we do not have to wait another two (2) weeks. Natural Heritage will not issue the permit unless the Board of Selectmen says that this is acceptable to them. Ms. Garbitt said the Board could vote to approve it subject to Town Counsel's approval.

Selectman Evirs said he does not want to miss out on the other parts of the arrangement that we made as far as the monies that will be paid to the Town. If we agree to this and still have no deposit and if it is not in writing, at some point someone has to belly up to the bar and do what we agreed to do. Mr. Baptiste said if all goes as planned, the closing is scheduled for Thursday, and we said it would all happen at the closing. The two (2) additional parcels will get deeded to the abutters at the closing. Ms. Martin said Ms. Haggarty does not care about the parcels that will get signed off to the neighbors. Selectman Evirs asked about the neighbors and the restrictions. Mr. Baptiste said they will have to go through Natural Heritage even if they build a shed since they are already in that protected territory. Ms. Martin said once this is deeded over, there will be no access to the site from Route 79, and since it is within the envelope, the neighbors will have to run anything they want to do past Natural Heritage. Chair Yeatts said she was just wondering if any of them can upgrade their septic systems and would look at that more favorably. Ms. Martin said some are given a blanket exception, like if a single family

homeowner has to upgrade their system if want to sell their home. Selectman Evirs said we do not want to make it more difficult to the homeowners. Mr. Baptiste said he wanted to make sure that this got done for the closing this Thursday. Chair Yeatts said then we should sign this and get it to Town Counsel tomorrow. Ms. Martin said she could highlight the differences between this version and the last one if that will make it easier for Town Counsel. Ms. Garbitt said she wanted to make sure that she had the October 15th document to send to Town Counsel. Ms. Martin said she would confirm tomorrow with Ms. Garbitt to make sure that she had the final one. Mr. Baptiste said the closing will be in Plymouth and that is where the check will be.

Ms. Martin spoke about the Declaration that needed to be signed. The Declaration is all straight language from Natural Heritage, and there is not a whole lot of room from them on this. This is what will be recorded in place of the CR and it has to be recorded before work can start. It is the stop gap until the CR gets recorded. She asked if Town Counsel had this. Ms. Garbitt said she was not sure. Ms. Martin said there is a map that is also attached with the Management Conservation Permit. This will all be emailed to Town Counsel. Ms. Martin will send a cleaned up version to Ms. Garbitt.

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

VOTED: To sign the two (2) documents, contingent upon Town Counsel reviewing and agreeing with the Declaration of Restriction and the Conservation Management Permit.

Two in favor with Selectman Maksy abstaining from the vote.

Discussion regarding Lot 2B Main Street - New England Rent All

Kurt Radke from New England Rent All and Jamie Bissonette from Prime Engineering are present for the discussion. Mr. Baptiste said that he will be selling this lot to Kurt Radke, New England Rent All the same day he takes ownership. Mr. Radke said he will be moving from Middleborough to Lakeville. The rental store has two (2) different functions. They rent equipment and things like moonwalks, popcorn machines, cotton candy machines, etc. so they need to clean the moonwalks and wash them down. Then the machines need the gravel area so that the tar would not get torn up when the machines are turning in the parking area. There is a drainage basin. Chair Yeatts asked about the drainage from the property. Mr. Bissonette said the drainage is designed to pitch to a certain spot, which goes to a catch basin then into the foreBay and then into the highway drain after treatment. It is part of a drainage packet that we have submitted. Further description was given of the funneling of the water by Mr. Bissonette. Chair Yeatts asked what will delineate that area. Mr. Bissonette said they will cut trees. Selectman Evirs said you are buying the whole area and this is all you are going to develop. Mr. Radke said yes. That is only our intentions at this point. Mr. Bissonette said they have already sat down with MassHighway on this. Selectman Evirs explained that the sign can only be 20 feet up in the air with their equipment. He asked if Mr. Radke was going to wait for the redesign of Route 79? Mr. Radke said no. Ms. Craig asked if the memo to the Planning Board should say that the Board had no comments. The consensus was correct. The only comment was to protect the slope.

7:30 PM Present Patrick Curneen with Retirement Proclamation

Chair Yeatts asked Patrick Curneen to come forward to be congratulated. Mr. Curneen was an officer for 20 years in the town. Chair Yeatts read the proclamation out loud. He was congratulated and presented with a golf club by Selectman Evirs.

Meet with Paul McGillis regarding Morse Sand & Gravel

Chair Yeatts said this was put on the agenda prior to the deadline, but Mr. McGillis did not respond whether he would be attending. It was put on in case he came in. Ms. Craig suggested that there be an agenda deadline. Chair Yeatts said that we should notify the Department Heads that the deadline for all agenda items will be Thursdays at 4:00 PM.

8:00 PM Discuss complaints regarding Lakeville Lions racetrack

Glenn Chistolini and David Rose, President of the Lakeville Lions Club, were present for the presentation. Chair Yeatts said she has personally received several calls about work that was going on at the Lions Club race track. There was a reunion of the race car drivers, but they did not race. They just came to meet with one another, but there seems to be work taking place in the center of the racetrack, which is a concern since it is wet. We had our Conservation Agent go and take pictures of this. Also the Army Corp of Engineers has been involved. Mr. Chistolini said he met with Mr. Pink and went over it all and saw nothing that would be considered wetlands. They will file a RDA and no work has been done to the center of the track, but they do plan on cleaning up the center so that more cars can park there. He will get more information. He did not think they were overstepping their bounds. They did not encroach on any wetlands, there are no wetlands there. They will do all that the Town wants so they can continue having functions there.

Jose Alves of 13 Staples Shore Road asked if the Army Corp comes in, the Town has no say at all. The by law says the abutters should get a letter to give their input and also give them notice on changes and it is noise, pollution, dirt, etc? Chair Yeatts said the first thing we are talking about is the work or what was touched in the middle of the track. Mr. Chistolini said the Lakeville Lions Club (LLC) is in a business zone. Chair Yeatts said we are only talking about the wetlands. If the Army Corp of Engineers comes in and sees this, and if the land was not slanted, it may have filled up with water and then grew some plants, but that can be changed with the water being pumped out. Mr. Chistolini said that is already in the process with the Army Corp of Engineers. We are doing everything properly as far as the middle of the track is concerned. Mr. Rose said he was here to represent the LLC. This is not the first fundraiser the LLC has had here. They have had self contained campers and had a Texas style barbeque before. They had a bush hog work on the inside of the track to make sure that it was kept mowed. About ten (10) years ago they had a circus there and other charity events. The LLC believes in keeping the historical aspect of the track. It is part of Lakeville's history. We are not allowed to race anymore, but we are in business to raise money for charities and have raised about \$80,000-100,000 for the Town, not to mention other monies for eye and ear research. We respect the track, the Town, preserving the neighborhood and our neighbors. We want to keep the track the way it was by preserving it. We had antique race cars that are taken around the

State to show what life used to be like. We only want to raise funds for charity, and he apologized since they did have a lot more people attend than planned. He drove down Staples Shore Road after the event and there was no trash. There was not much noise and many that are on the list of complainers were at the function that day. So we care about the track and keeping it the way it was. We see the neighbors walking the dogs, hunting there and kids using their BMX bikes. We just want to have this as a charity place since it is part of the old fairgrounds and we just want to keep preserving it. We have a good track record, and we are not trying to do anything out of the ordinary. In hindsight, we should have had a few police officers but the STAR organization did not think they would get so many people.

George Stephan of 11 Colleen Drive said he did not think that the Army Corp supercedes the local Conservation Commission. The property is supposed to be flagged and then Conservation walks it and holds hearings. This is all out of order. Chair Yeatts said the Conservation Commission has been there. The LLC will file a RDA (Request for Determination). They are in the process of filing, and our agent has been out there and taken pictures. Mr. Stephan said there needs to be a hearing. Chair Yeatts said there will be. He said there is not supposed to be work done until this all took place. Chair Yeatts said she was on the Conservation Commission and understands all this. They are going to do it all correctly. They have hired an engineer and they will have it flagged. Mr. Alves stated he had to close all the windows. The house was shaking from the work being done at the track. They should have at least let the public know before it happened. This is all after the fact. He knows about their charity work, and he has rented the hall four (4) times for personal use, but they have done all this and they have never cleared the track. They mowed it but not plowed it. If they are not going to race, then why restore it. It is an eyesore now.

Selectman Evirs said there are a lot of issues here, the wetlands and the abutters. The work started on September 4th, the event was September 30th and this is the first time it was requested to come before the Board. If things were all that bad you should have come before the Board long since this, but now it is all after the fact. What will we do to prevent this from happening again? Selectman Maksy said the LLC is going through all the conservation procedures. We are not the Conservation Commission. They did issue the stop work order, and it is all going through them now. It will be posted in the paper, and you can also speak with the Conservation Commission when the hearing takes place. We can address other concerns now.

Joanne Kiesel of 9 Colleen Drive said it appeared to her that the LLC has been the primary person that called this to the Board's attention. It is not just wetlands. It is a whole bunch of issues that we need addressed. Our voice should be addressed rather than the LLC. The letter that came to you from the neighborhood should be addressed first. Selectman Maksy said when we go over these, and we can assign who will respond to it. Chair Yeatts said that sounds fine. We are here because we received this letter, and it is available to anyone who wants a copy. We will go over the issues one by one.

#1-This should go to the Assessors. Ms. Craig said she spoke to the Assessor's Office and the LLC is a tax exempt organization, so they do not pay taxes on the property.

#2-The scientist has been hired but the application has not been filed yet, it is in the process.

#3-The LLC paid for the scientist.

#4-The LLC has not flagged or filed any findings yet. They dug some test holes this morning.

#5-Racing is not a permitted use in our bylaws. They have abandoned the actual racing for two (2) years so it is gone. It has been given up. Chair Yeatts then read the memo from the Building Commissioner.

#6-Racing is not a permitted use in our bylaws

#7-There has been trouble with ATV's, etc. Selectman Evirs said he does not think they are going to race without a permit since they may not want to risk their license and their business, etc. Mr. Alves said it is wide open, so what would prevent it. Mr. Chistolini said the track is used by others who walk their dogs, and they are on this list. There has been a track there for years before we did anything to it. We have been happy to allow the neighbors to use it as a walking track. Al Linton, formerly of the Planning Board and the oldest member of the LLC, said he was probably the only one around when the property was purchased. The letter from the Board of Selectmen said to never apply for engine combustion vehicles. We have let the track grow up, but recently we paved the parking lot and the engineer checked with the DEP about the parking lot drains. The DEP was there and said it was not considered wetlands unless we went closer to the pond. Then we would have to put in a catch basin and a grease trap. It was our consideration that this is our property, it is zoned for business and the neighbors know it was there. There was a sign put up and now they want it removed. We just cleared the brush from it. We did not think we had to tell everyone about this since it is our property. We are not trying to be a pain in the butt to the neighbors. We want to cooperate with the Town. As far as securing the area, we are currently having a problem with the 4-wheelers, not just the track but in the parking lot too. We have put up signs for no trespassing. We will do something to keep people from zooming out of there.

A resident from Taunton Street said that the abutters were told that this would be on the October 29th meeting since there is not a lot of meeting room in here and you are favoring the Lions and not the neighbors. He asked that this be tabled and have it at the Library on October 29th. Ms. Kiesel said the neighbors were the ones that requested this meeting with you, not the LLC, so we would like the letter addressed. There were about 50 people or so that wanted this addressed and was told that this would go to the Library on Oct. 29th. Ms. Craig said when she spoke to Ms. Kiesel about this on October 10th Chair Yeatts was not available, and Ms. Garbitt was out as well. Ms. Craig said she told Ms. Kiesel that most likely with all the questions that were being asked that the Board would not be able to get all the answers on the 15th but would have a general discussion on the 15th. When Ms. Kiesel said to expect 50 people, Ms. Craig did tell her that we could not fit 50 people in this room and that would give us time to answer the questions and get input from the Building Commissioner and all others that we needed.

Chair Yeatts said there are a lot of people in this room and she is charged with keeping order in the meeting. She found that the people in the back were interrupting the LLC speakers and not vice versa. She would like to answer the questions that we can tonight and then answer the

rest at another time, and if we need a bigger venue, then we will do that. Selectman Maksy said we want to be careful that we do not postpone a complaint with the citizens. We will try to answer the concerns that we can. Chair Yeatts said there may be permits in place in two (2) weeks as well. Selectman Evirs said he would like to get through this tonight, but also if there are others that wanted to come but were deterred, then we should postpone. Ms. Garbitt said a lot of the calls that she had were concerning the racing starting up again and also flea markets. So if they know that a racing permit will not be issued, it might make the residents feel better. Selectman Evirs said the LLC is having a Board of Directors meeting on Wednesday, so maybe we should postpone this for two (2) weeks. The neighbors know that they cannot get a racing permit, and they also know that a process has to go on.

Mark Sorel, Chief of Police, said he has read the letter and there are several issues that address the Police Department. He has heard other concerns this evening, but would like the time to look up the law and address this then. Chair Yeatts said also the Fire Department should address the road blockage. John Callaghan of 20 Staples Shore Road said he has lived there for two (2) years. We can fight till the cows come home with zoning bylaws, wetlands, etc. He wanted to address some concerns he has been hearing rumors and there has been work done on the track for some time now. He is of the live and let live attitude. He went on line to find out what might be happening. He has heard tractors at night and the roller that vibrated his recliner. The parking was a major concern to him, and he put orange flags up to protect the sprinkler heads in his front yard. You should have police control if you are going to have an event like this. People also used his front yard as a toilet facility. What we have been hearing as a neighborhood is there is going to be tractor pulls and they are going to restore the racetrack of what it once was. Maybe gate the track so that the ATV's are not going to go on it and to protect the kids walking there. If they leave a buffer when they cut the brush, it would be good. When they talk about the parades, a high performance car went around the track and it created a dust cloud that covered our vehicles and entered our windows. You would not want to live with that and he didn't either. He paid a lot of money for that property and is not worried about property values, but wants to protect his quality of life. If they are going to do events every weekend, then we will wind up in the court house rather than a Selectmen's meeting. They talk about giving the town money; well the people in this room have paid the town a lot in property taxes. We do not want to fight. He wants to live as a neighbor, not as a lawyer.

Chair Yeatts said we do not want to be the intermediary. We are here to make sure that they follow the bylaws, etc. Mr. Callaghan said your bylaws talk about the noise, and we want to make sure they can minimize that and the number of events that take place in a season. Selectman Maksy suggested delegating someone to meet with the LLC to hash some of this out to see if some of it can get taken care of in advance, but we should also continue this. Mr. Rose said we have a good track record and want to get along with the neighborhood. We are not looking to have events there like this all the time. Charlie Lima, President of STAR, said on their website, the article stated this was not to restore to a racetrack. It was to bring the track alive by bringing the drivers back. We have video tapes of what went on all day and my wife said, no racing, no speed, no passing anyone. They only went five (5) laps, and we put down 5,000 gallons of water to not raise dust and did our best. He was sorry if this caused any distress. One resident stated this is our neighborhood, and we were just concerned that this would come back without discussing it with us, an apology is a little after the fact. You are involved whether

you want to be or not. Chair Yeatts said we cannot tell them how many events they can have. He requested that the Selectmen table this and that the LLC be a good neighbor and come to us first before they do anything.

Chair Yeatts said she went and talked to Mr. Rose about the questions in the letter, and he said he would come tonight to help answer them. Ms. Garbitt said she did not know if the Library is available. Ms. Craig said it is closed on Mondays, but they have us penciled in on the 29th.

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

VOTED: To continue this matter until October 29, 2007 at 8:00 PM.
Unanimous in favor.

8:15 PM Meet with Haunted House Committee

Debbie Johnson and Diane Garbetti from the Haunted House Committee were present for the discussion. Ms. Garbitt said that the Haunted House Committee usually asks to meet with the Selectmen, but we got so busy it slipped our minds. We did get our Insurance Liability Certificate. We have gotten our annual inspections and did comply with them. Otherwise we are doing the same as always, but not the hayride. It is a liability and so we do not have that anymore. We have police officers and EMTs on site. It is a walking tour.

Selectman Evirs said he had an issue with the signs. There are a lot of them. One is tied to a tree and a guard rail and has lights on it. By our bylaw, you are allowed to advertise the function, and it is to be no closer than 10 feet of a right of way and that sign is too close to the road. You have to conform to our sign bylaws. Ms. Garbetti said we need to put signs up to get volunteers and advertise. We do have websites and articles written, send out flyers, radio, etc. but we also need the signs to increase participation. We did send out post cards to previous volunteers. It is difficult though to get on the Town sign to ask for volunteers, so we had little yellow signs professionally made. Selectman Evirs said that is next on my list. The Arts Council came to us ahead of time and said what they would like to do. The small signs were to be placed on private property, not on speed limit signs, stop signs, keep right signs, tied to guard rails, etc. A gentleman said he put up a total of 22 signs; most are in town and then some in other towns. Selectman Evirs said you can put them in any other town that you want to, but we have rules. He assumed that they checked with the other towns to find out what they allow. The gentleman responded that he asked and got permission in Plymouth and just put them up at the rotary. Selectman Maksy said we are just putting the brakes on where the signs are and even the Town has to conform to the sign bylaws. Ms. Craig confirmed that there is a backup on the community sign. It also needs maintenance since the letters are falling off. Perhaps we do need a second community sign, maybe at Ted Williams Camp. There are times that she cannot put up all the requests on the signs.

Ms. Garbetti said the issue that we have is that we are all volunteers, and all the money goes back to the Town and it seems almost a slap in the face about issues of the signs when we are trying to benefit the kids, the town, scholarships, etc. We are just trying to give directions to where it is. We only have six (6) days to make as much money as we can, and we give money to

the Police Department, the Fire Department, for scholarships, outdoor science and we really need a sign for where we are located. There is no professional sign saying that it is the former Ted Williams Camp. We are just trying to have a few signs for directions and do not know how to do it and still make a profit. Chair Yeatts suggested holding back some of the money for donations. The gentleman said 50% of the monies have to go to the Park Department, we cannot stipulate or enforce where it goes, we can suggest. Ms. Garbetti said there are a lot of people that depend on our donations, Nature's Classroom, the Library, etc. Ms. Garbitt said the decision about the Ted Williams sign is the Selectmen, not the Park Department. Selectman Evirs said it has to be ten (10) feet from the street and you must check with the Superintendent of Streets to make sure there are adequate sight lines. Selectman Maksy said any signs that are on private property are fine. Ask a resident or get permission to put them on Lakeville property. Chair Yeatts said she would speak with the Park Department and as long as it fits within our bylaw, it is their job. Ms. Garbetti said she is not sure they can get all the signs down in 48 hours. Our event does not end until the 25th or so. We are trying to be realistic with a limited amount of volunteers. Selectman Evirs said you have 60 days to advertise an event, the rules though state signs are down 48 hours after the event. If the Park allows the 60 days, then that is the total for the whole year. Ms. Garbetti said but they are a for profit organization, and we are not. The gentleman asked so we can actually pull a permit and the Park Department can have a permanent sign. Ms. Garbetti asked like the martial arts business? We could put up a sign permanent, like the Home of the Haunted House and put up a sign. Selectman Evirs said the martial arts sign is small, so you would be limited. If the Park Commission puts up a larger one, you climb on board with them and add to it. Basically you get the signs on private property, but not on highway signs and telephone poles. Political signs have to be down within 48 hours and cannot be put on public property except the day of the election and have to also be taken down within 48 hours of the election.

Discuss improvements to Tamarack Park

Chair Yeatts said she was talking to Chris Peck, Superintendent of Streets about the Tamarack Park. He has telephone poles and gave us a few choices. There has been an orange fence there since people continue to drive over the area that is being prepared and the orange snow fence is horrible. They talked about stones, so she had Mr. Peck look at it and his choice was the telephone poles. You could use pine trees, but the bark would fall off and not look good. They want to plant the wildflower mix and have it roto-tilled. Mr. Peck will do that if he can get a roto-tiller.

Receive resignation of Ann Marshall from the Capital Expenditures Committee

Chair Yeatts read the resignation letter from Ann Marshall. She asked that a letter of thanks be sent to her for her service. Ms. Marshall was appointed by the Town Moderator. She asked that the press ask for letters of interest be sent to the Board of Selectmen. Ms. Marshall will be missed.

Review request of Lakeville Garden Club for sign at Historic Library

Chair Yeatts asked that this be tabled until the next meeting as there had been no response from the Historical Commission yet.

Request to declare Highway Department pick up truck as surplus

Chair Yeatts read the request to declare the Highway Department 1995 Chevrolet 3500 pick up truck as surplus.

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

VOTED: To declare the Highway Department 1995 Chevrolet 3500 pick up truck as surplus.
Unanimous vote in favor.

Review Zoning Board of Appeals petition for Lou Vermette

Chair Yeatts said the applicant is applying for permission to raze the existing 780 square foot dwelling and replace it with an 864 square foot dwelling. This is a seasonal property and does not have heat. It also has a shared well and does not have a tight tank. They want an 11% increase in size. She does not think it includes the deck or the second floor. The 11% increase seems to be a misrepresentation. Selectman Maksy noted that the bylaw says that if a building is razed then they can go 105%, but it could go up and out. Since it is 11% not just 105% of the existing structure they have to ask for a variance, interpretation is foundation size but it depends on the interpretation. Chair Yeatts said she does not think it accurately describes this. Chair Yeatts said the deck is not on the plan and the elevations do not even match. Selectman Maksy said we can recommend that the shed be moved to be conforming and that can be requested at these times when they file a petition.

Selectman Evirs said on lots less than 20,000 square feet, they need to satisfy the points of 6.1. Section 6.2 is the restoration, which shall not exceed 105% of the living area. It says shall not, not may. It is 105% of living area and height. So they get only a 5% increase. Selectman Maksy said we are making assumptions and we do not have all the answers. Chair Yeatts said they do not even have their approvals from the Board of Health or DEP. The documentation says it is to remain a seasonal home. They need a tight tank. They need a permit from Conservation and two (2) permits from the Board of Health. The shed is off the property and they should move it to make it conforming. They need to confirm the size of the dwelling before and after, they need to verify the well, what is the total amount of the living area. These are just our comments, what is the % increase. It looks like 222%. Selectman Maksy said we are not sure if they stay inside the footprint whether they can go up more in height. They can go up to 35 feet. So they can do that and still be conforming by not increasing the footprint. Selectman Evirs said it is total 105% living area and height on less than 20,000 square feet. It is from the bylaw. Section 6.1.2 requirements shall be satisfied. Chair Yeatts asked about the deck. Selectman Maksy said it may encroach on the setback, though it is not living area. Selectman Evirs said they have a lot of inconsistencies that do not match up.

Any other business that may properly come before the meeting.

Chair Yeatts spoke about the notice received from the Historical Commission for someone to speak at the Veteran's Day observance on Sunday, November 11th. It will take place at 1:00 PM at Assawompset School Memorial and then end at the Dickran Diran Memorial. Selectman Evirs stated he would speak.

Ms. Garbitt noted that Friday was the deadline for Building Commissioner applications. There were 15 applications received. What would the Selectmen like to do? Selectman Maksy suggested a committee to screen through and recommend five (5) for interviews. There are a lot to weed out. It was decided that the committee should consist of Robert Darling, Bill Garvey, Kevin St. George, the Board of Selectmen and the Town Administrator to make preliminary recommendations. A date of Monday, October 22nd at 5:00 PM was settled upon for the first meeting.

Other Items

1. Thank you letter from Dr. Furtado to Chris Peck regarding tree removal
2. Thank you letters from the Lakeville Arts Council regarding 2007 Arts Festival
3. Newsletter from Twin Coach Estates Mobile Park
4. Letter from Town of Kingston Selectmen regarding proposed casino

Chair Yeatts spoke of how Kingston voted to oppose any efforts to expand gambling in the Commonwealth, but yet they want Middleborough to have a seat at the table. The letter says the vote was unanimous, but one of the Kingston Selectmen called and said she was opposed. It was all Selectmen on the Task Force and they all said no at the last meeting for Middleborough to have a seat at the table. Also the agreement says that Middleborough must respond to negative comments. We received a letter from Pat Rogers, Selectman from Middleborough, that asked to be on the agenda at the next meeting. If the Task Force says that Middleborough has a seat, then it should be a member of their Board of Selectmen. She said she would give him ten (10) minutes if he wants to speak. Last time, Senator Pacheco took up the whole meeting and we did not accomplish all that we wanted to accomplish regarding the letter to the Governor. So we are keeping the meeting on the 17th to continue the input and writing of the letter. Calls have been made to Rep. Steve Canessa and Rep. Tom Coulter about getting us an appointment with the Governor. Selectman Maksy said he did not want to lose the focus on Lakeville's concerns. We have to work with Middleborough since they service some Lakeville residents with electricity and water, and we want to keep our options open and not burn our bridges. Chair Yeatts said that Selectman Maksy was Lakeville's liaison; he is our friendly face in Middleborough. Selectman Evirs said he agreed that we want to keep them close, but he does not feel they need to be a member of the Task Force. Selectman Maksy said maybe we should see if they have any legitimate concerns to protect Lakeville, and we should hear them to make sure that we are not shut out. Chair Yeatts said she will put him on at 8:00 PM and let him speak. So we can work from 7:00 to 8:00 PM and then allow him to speak for maybe 15 minutes. Selectman Maksy said that is fine for the Task Force, but maybe we should invite him to our Selectmen's

meeting and have a pow-wow with him. Selectman Evirs said you can also ask what he would like to speak about on the agenda. We will do the same if we invite him to one of our meetings. Ms. Garbitt said Middleborough meets on the same night so maybe we should start the meeting earlier. Chair Yeatts said that would be fine. We did sit down with the Tribe, but it was a different leader, although Shawn Hendricks was also there. We have not fought any of this at all. She is not willing to go pro or con as a member of the Task Force. We have to do the best for the Town of Lakeville. Selectman Evirs stated we should call our representatives to see where they stand. Chair Yeatts agreed. We need to let them know their representation is to us. The whole point is our Statement of Concerns.

5. Letter from Attorney General regarding Town Meeting votes
Selectman Evirs asked if this goes to the Planning Board. Ms. Garbitt said there are items on the Outdoor Lighting Bylaw that will need to be corrected at the next Town Meeting.
6. Letter from CEA regarding 79 Main Street Phase V Status Report
7. Notice from DOR regarding permission to proceed with Public Disclosure
8. Joint Transportation Planning Group meeting notice-October 10, 2007
9. SE Massachusetts Commuter Rail Task Force meeting notice-October 17, 2007
10. SRPEDD meeting notice-October 24, 2007
11. Plymouth County Commissioners meeting notice-October 2, 2007
12. Middleborough G&E Commission meeting notice-October 9, 2007
13. GATRA meeting notice-October 24, 2007
14. SEMASS Council meeting notice-October 25, 2007
15. Notice from DCAM regarding Request for Proposals-lease space
Selectman Maksy suggested forwarding this to Bill Garvey about the space available. Ms. Garbitt said perhaps Canpro may have space available. Selectman Evirs said the old Thompson box company has a lot of space also.
16. MMPA Annual Labor Relations Seminar notice-October 26, 2007
17. Information from MMA regarding Essay Contest-6th Graders
18. Status Report-Mass. Commission on the Status of Women

At 10:20 PM, upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To enter into Executive Session and not to return to Open Session for the purpose of discussing potential litigation and to consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member of individual. Polled vote: Selectman Maksy-aye, Selectman Evirs-aye and Selectman Yeatts-aye.