

SELECTMEN'S MEETING
Monday, October 20, 2008

On October 20, 2008, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 6:30 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

6:30 PM Meet with Superintendent of Schools regarding Special Education Budget

Dr. Stephen Furtado – Superintendent of Schools, Anne St. Pierre – Director of Special Education and Laurie Hunter, Assawompset School Principal were present. Dr. Furtado told the Board that the School Department needed a part time pre-school teacher for 15 hours, a part time teacher for the deaf, a part-time speech & language teacher and a part-time reading teacher. We are looking at about \$65,000 to fund the positions and a small amount for transportation. The budget is lean, and we are trying to be creative. The OOD (Out-of-District) tuition account is showing a balance to the good at this time, so we are asking the Selectmen to consider an article at Special Town Meeting to transfer \$35,318.00 into the operating budget of Assawompset, which would assist in covering some of the needs that we have there. The remaining \$30,000 would be coming out of maternity leave at Assawompset and the pre-school tuition account. This would take care of some very, very crucial needs since the alternative is the probability of these students going out-of-district at a potential cost anywhere from \$208,000 to \$225,000.

Selectman Yeatts said the Town would like to bring Special Education kids back into the District and make our programs so good that others would want to come to our District. Then we would make some money ourselves. Ms. St. Pierre said the opportunity to be more creative and bring revenue into the Town is there having a teacher for the deaf. Ms. Hunter said the reason there is a balance with OOD is that we have been able to keep a student in the District and bring another one back at a savings to the Town. Selectman Maksy asked about taking \$20,000 from the maternity leave. He was concerned about leaving that account short. Ms. Hunter said it is the delta of the maternity leave, so that is the savings actually. Selectman Maksy asked about the other funding. Dr. Furtado said from the OOD account, there will still be a cushion. Ms. St. Pierre said you will still get a credit from READS Collaborative and that will be put in that account. Dr. Furtado said it could be worded that these were unforeseen Special Education costs and an immediate need. Selectman Maksy suggested keeping the exact amount for the article. Discussion occurred regarding the wording. It was decided to put in the original amount.

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

VOTED: To place on the warrant for the upcoming Special Town Meeting a transfer of \$35,318.00 from the Out-of-District Special Education account to the Assawompset School operational budget.
Unanimous in favor.

7:00 PM Dog hearing – Christine Audain

Present for the hearing was Christine Audain, dog owner, Paul Rinkowski, complainant, Justin Humann, and David Frates, Animal Control Officer. Chairman Evirs read the letter sent to the dog owner into the record. He then summarized MGL 140, Section 157.

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

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

Chairman Evirs swore in any witnesses that would speak and asked them to state their name and address when they spoke. Chairman Evirs then read the complaint into the record. He also read the witness statement of Justin Humann of 42 Harrison Avenue, Taunton, MA into the record. Chairman Evirs asked Mr. Rinkowski to summarize his complaint for the Board.

Mr. Rinkowski stood and told what happened on September 7, 2008. His son and daughter's dogs were let out onto his property to go to the bathroom. His son's dog, Pixie, was on her way back to the house, when Ms. Audain's two (2) Rottweilers came running down the hill and got her. His son, Paul Jr. and his friend, Mike, witnessed the attack. Mr. Rinkowski said he heard the commotion and went out. Pixie is about 80 pounds and his daughter's dog is about 12-13" high. The Rottweilers let go of Pixie and were going to go after the little dog when Ms. Audain went and grabbed both their collars. His son got Pixie into the house when the dogs were distracted by the little dog. They gave Pixie a bath since she had saliva all over her and then took her to the West Bridgewater Animal Hospital, where they performed surgery on her. Mr. Rinkowski said Ms. Audain has a chain link fence that the dogs are in most of the time. Sometimes they are out running loose in the front yard when she plays ball with them. They go in his yard to get the ball where it lands. He did not feel that she was in control of the dogs. Mr. Rinkowski said he has spoken to Ms. Audain numerous times regarding the barking going on at night. His house is 43 feet from where the pen is. Selectman Yeatts asked how far the pen was from the property line. Mr. Rinkowski said about 23 feet. The attack took place about 30 feet onto his property. There is also a mound there, and it is probably feces. It is really hard to sit out on the deck to have dinner with the smell. Chairman Evirs so there are two (2) issues on the complaint: barking and the vicious nature of the dogs. He then read the letter from the owner of the two Rottweilers, Christine Audain.

Christine Audain stated that she did have the dogs under control, but was not able to run as fast as the dogs. They now have their dogs on a leash. The property line is about halfway between her house and their house, and Pixie has continuously run over to the Audain's property and run back and forth to taunt her dogs. They let their dogs come out after she was already out with her dogs. Their dog was on her property, but ran away when it saw the Rottweilers coming. Ms. Audain grabbed both of them by the collar and pulled them off Pixie. If she had no control over them, it would have been much worse. It would have been avoided if they had checked to see if her dogs were outside. Ms. Audain checked to see if their dogs were outside before she went out with her dogs, and they were not out. There is not a fence between the properties. Ms. Audain does not throw the ball onto their property; it does roll down the hill sometimes. They

just opened their glass door and let the dogs out. She said she got there as fast as she could run. The mound is earth from when she had the pool installed. She came forward and presented pictures. Ms. Audain's dog sitter has observed their dogs tantalizing her dogs, and they also had a visitor who tantalizes the dogs. They do have a leash that they put their dog on, but they had them out yesterday.

Chairman Evirs said he would to clarify the timing. Ms. Audain said she was swimming for about an hour at 10:00 AM. Mr. Humann said that he woke up at 11:30 AM and was watching TV when all this took place. Ms. Audain said she called Brutus, who came back and did not go after the little dog. Her dogs made no attempt to get the little dog. It was running around in circles and yapping and yapping. Brutus let go when she pulled him off of Pixie, who was the dog that had been antagonizing them. Charlene Samuels, Ms. Audain's dog sitter, said since Ms. Audain moved from Philadelphia, she has watched her dogs. Ms. Samuels lives in Boston and has had the dogs there. She has stayed over at night in Lakeville and has witnessed the little boy from next door tantalizing the dogs. Their dog was barking at Brutus one night, so she brought them both in. Kya wears a collar so that she does not bark. She leashes them to bring them into the pool area and then puts the leash back on to put them in their pen. The dogs are always caged up, but need to run free sometimes. As courteous neighbors, they should look to see if her dogs are out or not.

Chairman Evirs asked Mr. Rinkowski if their dogs ever cross over to the Audain property. Mr. Rinkowski said they have. We play with the dogs and run around the property especially with the Pomeranian. We do take them out to go to the bathroom, but we do not let them out to run around except when we go out to play with them. Kya had been outside today with no collar and barked her head off. Ms. Audain said there were two (2) men out on the back deck, so her dog was most likely barking. They do little things that annoy her, and she does not say anything about it. She will keep her dogs inside when they have their dogs outside. If they did the same, that incident would not have happened that day. Mr. Rinkowski said he does let their dogs out, and they do have leashes. They are not mean dogs and have not been raised to hurt people. The female dog does bark and was out tonight barking for an hour. Ms. Samuels said sometimes she takes the collar off. It is not fair that the dog has to wear the collar all the time or be caged all the time. The Rinkowski dogs are constantly running free. Her dogs are watching those dogs running free. Ms. Audain said the Rinkowski dogs frequently come onto her property. You cannot antagonize two (2) dogs and then when the dogs are free, not expect something to happen. She does not let her dogs out at all. She has them on a leash or walks them in the park, and they are using a leash now. If we both as neighbors behaved responsibly before, this never would have happened. The dogs are not trained to hurt people, they are trained to behave.

Mr. Frates said he did not go to the initial call. Hal Marshall, Assistant Animal Control Officer, responded. Jared Darling, Animal Inspector, has quarantined the dogs. Ms. Audain's dogs were up to date with shots. When he visited the Audain house, both sets of dogs were in their houses. Mr. Frates noted that he has never received a barking complaint about Ms. Audain's dogs. Selectman Yeatts asked during the day is anyone home. Mr. Rinkowski said he is home till around 9:30 AM and then the kids get home at 2:10 PM. They are house dogs and run around and play with the kids or go out to the bathroom. Selectman Maksy told Ms. Audain he was concerned that she said her dogs are not outside free, and it sounds like they are. Ms.

Audain said she works in Boston and has made arrangements, such as a way for the dogs to go to the bathroom. She never just opens the door and let them go out. She is there with them throwing the ball. Selectman Maksy said but you are outside the pen area when you are throwing the ball. He was concerned about the fact that a child may walk down the street. Ms. Audain said she is not allowing them off the leash since this incident. She can play with them on her own property, freely was her understanding. Selectman Maksy said yes, but a small boy did tantalize the dog and what if that same boy walked by when the dogs are out, when you are throwing the ball. Ms. Audain said she has a six (6) foot high pen and she has not taken them out of the pen. The pen goes all the way to the house and she can take them from the pen to the pool. Or, she can take them out with their leashes out to the gate or directly to the garage from the pen. Mike Lacoski of 112 Precinct Street said the boy that was teasing the dogs is autistic. On that day, he opened the sliding glass door to let the dogs go to the bathroom and went out onto the deck to watch them. The two (2) Rottweiler's came down the hill, so he jumped off the deck and grabbed a shovel.

Selectman Yeatts asked who paid the bill for the animal hospital. Mr. Rinkowski said he did. Selectman Yeatts asked if he was seeking reimbursement. Mr. Rinkowski said yes in the amount of \$882.55. A discussion occurred regarding the bill. Chairman Evirs asked if the actual attack happened on the Rinkowski's property. Mr. Rinkowski responded yes. It was right off the deck. Chairman Evirs said the fenced in area is on the other property about 23 feet from the stake. The little boy you are referring to is allowed to leave the yard. Mr. Rinkowski said no, we are all outside. He has a little problem, but he is very smart. Ms. Samuels said that is not the boy; the boy she saw was 12 or 13 years old. There were a lot of people and cars there and there was a boy standing at the property line tantalizing the dogs. Mr. Rinkowski said he has a grandson from New Jersey and he has autism. He is a big boy, it must have been at a family picnic and that was long before this incident.

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

VOTED: To close the hearing.
Unanimous in favor.

Chairman Evirs said the Board now has the opportunity to discuss the facts that they have gathered as a result of the hearing, to come up with a solution for what is the best to be done. The petitioners turn to argue the Selectmen's decision would be at District Court. Ms. Audain has ten (10) days to appeal the decision.

Selectman Yeatts said the pictures look similar to another case we just had. The dog was attacked on its own property. Since there is a pen there, we must say that when the dogs are outside the fenced area they need to be on a leash. Chairman Evirs said we can also consider that the Rinkowski dogs did some teasing of the Audain dogs. Selectman Maksy said the attack happened; we have to prevent the second one from ever happening again. The dogs need to be under control at all times. Chairman Evirs said if the Audain dogs are going to play ball outside the fence, then they need to be on a run. Selectman Maksy said also make sure that the latch is always working properly. Chairman Evirs asked which way does the gate swing. Ms. Audain said both ways. Selectman Maksy said the other fence is the pool fence, and we want to make

sure that that is adequate, if that is where the dogs are going to be contained. Chairman Evirs said previously we ordered that a gate always swings in so that the dogs cannot push on it and open it, and for the gate to be on a spring to always close. The dogs cannot be in the pool area unattended. He does appreciate wanting to exercise the dogs, but you can put up a stainless steel run or fence in the entire yard. The other complaint is the barking. What we have done before is to say that the dogs have to have collars on when outside, but they can be off when they are in the house. Chairman Evirs asked Mr. Rinkowski if the male dog barks, and he said yes, all the time. Chairman Evirs noted that everyone can very well be here again with a complaint from Ms. Audain about barking or nuisance dogs. Mr. Rinkowski said he was considering putting a fence up.

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

VOTED: To always have the Audain dogs contained within the chain link fence area. The gate will be modified to only swing inwards with an automatic spring close/self latching system (to be done within ten (10) days), when the dogs are outside of the chain link enclosure, they are to be on a leash except when in the fenced in pool area. When in the fenced in pool area, they are to always be attended, when the dogs are outside unattended they are to have their bark collars on when in the pen. The amount of \$882.55 will be paid by Christine Audain via a check made out to Paul Rinkowski, brought to the Selectmen's office for disbursement by November 19, 2008.

Unanimous in favor.

Chairman Evirs then explained what was ordered. He reminded Ms. Audain that if she wants to appeal, she has to go to District Court. Ms. Audain said she works in Boston and cannot take the time off to be there for the fence company. Ten (10) days is not much time to do that. Can she temporarily put a chain and padlock on it until she can get that done. Chairman Evirs said yes. Mr. Frates said Southeast Fence is open on Saturdays. They work on Saturdays and can do it then. Chairman Evirs said the chain can only be used if the gate company says that they cannot be there in the ten (10) day time frame.

8:00 PM Meet with the McCarrolls and the Doherty's regarding rezoning – County Road

Wallace McCarroll and Robert Doherty were present for the discussion. Mr. McCarroll and Mr. Doherty distributed copies of two (2) scenarios. They were before the Board to provide an update on their efforts to have their properties rezoned. The last time they were here, the Board forwarded a document over to the Planning Board, stating they were in favor of rezoning a section of County Street. Originally it was the smaller area, just five (5) parcels of land. The McCarroll's own two (2) and the Doherty's own three (3). It was found that Neighborhood Business zoning did not apply to this area and they now want Business zoning. The Planning Board asked us to write letters to our neighbors and we did. Now, the second scenario is there, that contains a larger area. That would have resulted in zoning along the parameters of the Master Plan. Meetings took place and the people that came to the meeting gave a consensus that if this was to be brought forward for the areas highlighted, the owners wanted to be included. The third scenario includes both sides of the street and there were people that came and made

comments that they are not in favor of that particular proposal. Therefore, we are not bringing that forward as an alternative. We have circulated the scenarios and have gotten petitions signed. We will not petition for a Special Town Meeting due to the cost to the Town and the need for 200 signatures.

Chairman Evirs said we will open the warrant tonight for the Special Town Meeting. Mr. McCarroll said the Board of Selectmen is within their power to put it on the warrant for Special Town Meeting or the Planning Board. The Board would have to talk to them for their opinion. There are many alternatives and right now we have ten (10) signatures for both of these, but who do we deliver it to. Ms. Garbitt said it would go to the Town Clerk. Mr. McCarroll said we want more than ten (10) signatures to that make sure that we have enough registered voters that have signed the petition. We plan on having these delivered to you in November. Ms. Garbitt said they may not have enough time to hold the hearings for December 8th. It must be advertised in the paper twice, once at least fourteen days prior to the hearing. The first ad would not run until next week's Gazette. The Planning Board schedules the hearing. Mr. McCarroll said we do not intend to go out and be problematic about this. We used the State layout and wrote the metes and the bounds. We want to incrementally have our property rezoned to what is similar across the street. However, we think that the Town should also have the second option. Chairman Evirs noted that the church was eliminated from that. Selectman Maksy said the church creates a nice buffer and a nice transition from business to residential.

Selectman Yeatts said if they are willing to wait, it would be best. She will be attending the Planning Board meeting tomorrow night and will run this plan by them. Mr. McCarroll said we want to build a consensus. The people that make the decision are those that go to the Town Meeting. Selectman Maksy said he likes the second version with more properties involved. If this petition is for the second version, can we extend the metes and bounds after that? Ms. Garbitt said you can amend the motion after the legal ad, but if it is too much of a change, you may not be able to. Mr. Doherty said there is no traffic count for County Street. He spoke to SRPEDD, and they do not have one. Chairman Evirs said there might be one from the early 1990's regarding the ZBA petition for a gas station. Mr. Doherty said it would not be current. Mr. McCarroll said SRPEDD stated that if the Town requests it, they would do it. Selectman Maksy said they would take it out of our 20 hours. Selectman Yeatts said the Casino Task Force is to looking to do traffic counts for the casino, so that could be part of it and beneficial for multiple reasons. Chairman Evirs said he and Ms. Garbitt were going to a SRPEDD meeting Wednesday night and will look into that.

Discuss scheduling Special Town Meeting and vote to open Warrant

Chairman Evirs said Ms. Garbitt checked with the High School and December 1st is not available, but December 8th is available. He thanked Dr. Furtado for moving some other events around.

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

VOTED: To schedule the Special Town Meeting at 7:00 PM at the Apponequet High School Auditorium.
Unanimous in favor.

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

VOTED: To close the warrant on Tuesday, October 28, 2008 at 4:00 PM.
Unanimous in favor.

Discuss FY10 Revenue Projections

Chairman Evirs said Selectman Yeatts has been designated to work with Ms. Garbitt on the budget for FY10 and they have uncovered some revenue discrepancies that may or may not be related to the this year's budget discrepancies. Selectman Yeatts said we have \$388,280 less than last year. We cannot anticipate using any revenues since we have tried to do that three (3) years ago. So, we are that much behind in revenues right now. We will meet once a week from now on. It is not looking good. She wants to put \$100,000 in the unemployment line and also the GASBY 45. We need to get money in there for when the State comes after us on that. Chairman Evirs said unemployment is like a catch-22. You do not have that person on the salary side, but you have to pay unemployment. Further discussion took place.

Ms. Garbitt said the revenues are 1.8% less than last year. Building permits are on the decline. Do you want to keep State Aid at this year's level with what is going on? Selectman Maksy said yes. Selectmen Yeatts said we have been much shorter in other years, but we have already pulled from any of those areas for several years and we have to be realistic. Chairman Evirs said at some point, we need to sit with the Finance Committee about the GASBE 45. The actuarial reaches out many years, but it is based on a 90%-10% health insurance split. The Fire Department has already come to the Board with a 75%-25% split. Ms. Garbitt said we have also increased the overlay reserve to \$220,000. Selectman Maksy asked if all the health insurance went to 75%-25% what would that give us. Ms. Garbitt said she calculated that last year, but would have to redo it for FY10. Ms. Garbitt said the last thing that is important is the new growth from the telecommunications land lines. She spoke with the Assessors and there is one (1) more appeal going on and some communities are increasing the overlay for new growth.

Review request from Ted Williams Commissary Renovation Committee

Chairman Evirs said we had the first meeting last week of the Ted Williams Commissary Renovation Committee. The Lakeville Development Corporation will have \$235,361 from the sale of the last lot in the Industrial Park and that will be transferred to an account to reserve appropriation from land sales. However, we would like to place it on the warrant for the purpose of a Capital/Renovation Project at the Ted Williams Function Hall. This money is being earmarked for this capital project. The charge of the committee is that they have to return to the Board to suggest how to spend that money. The Selectmen will sign off on the bills. The Committee cannot hire anyone to do the work. They cannot spend the money. They can sign off

on an invoice to say that the work has been done the way it was supposed to be done. The fund is only for that building. Selectman Maksy said you might want to have it that it will be to the Board of Selectmen's approval. Ms. Garbitt said she will check with Town Counsel. This article just creates a new fund. Selectman Yeatts said it should be that all expenditures are subject to the Board of Selectmen's approval just to make sure everyone understands. Ms. Garbitt said Town Counsel will review this also. Selectman Maksy said we need to put in a stop from the design going to the next phase. Chairman Evirs said the Renovation Committee does not have the authority to hire anyone or to spend any money. If they want to hire anyone to look at something, they have to come to us and ask if we will let them spend the money. Ms. Garbitt said once the Committee comes back with their written recommendation, then the Board will appoint the Building Committee which may be the same people.

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

VOTED: To place the following article on the Special Town Meeting Warrant: To see if the Town will vote to appropriate \$235,361.00 from reserve for further appropriation for the renovations at the Ted Williams Commissary Building. All expenditures will be subject to Board of Selectmen approval".
Unanimous in favor.

Revisit Community Video Showcase Program

Ms. Garbitt said we have cleared up all the outstanding issues with the Town's website company and with the "cookies" that CGI uses. Selectman Maksy said if there is an issue with this, what is our out. Chairman Evirs said we would remove the program and terminate the contract. Selectman Yeatts said that is costly sometimes. Ms. Craig said our website is not hosted on the Town's server, so nothing will go through our server.

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

VOTED: To authorize Ms. Garbitt to sign the contract with CGI for the Community Video Showcase Program.
Unanimous in favor.

Update from Selectman Maksy regarding: Windmill By-law; Outdoor Wood Furnace Bylaw; Temporary License By-law and Home Occupation Permit

Selectman Maksy spoke about the Windmill By-law. The Board would need to increase the 35 foot height limit in the definition of Towers to allow for windmills or they could pursue drafting a by-law. Discussion took place on the review of wind power that was done for the Town and for the School. The windmill(s) could not generate enough power to supply that area because they would need too many of the windmills. But on an individual basis, it is very cost effective. There are probably a lot of cranberry owners that would like to do that. The wind by-law can be specific to the windmill. We have them for cell towers. Selectman Maksy said we can bring in information about the maximum and minimum. The payback is that we would want to be paid back for the cost of the windmill and the electricity in ten (10) years. Chairman Evirs

said at some point, Middleborough Gas & Electric or any utility company will have to buy the excess electricity back. This seems worth pursuing.

Regarding the Outdoor Wood Furnace By-law, Ms. Garbitt said the Building Commissioner will issue a wood stove permit for these units. He has checked with other Towns to determine the best approach to handle this. They are going with their Board of Health regulations. He said we may have enough teeth in the current bylaws to regulate these. Selectman Yeatts asked about the pipe that comes out of the house or the wood furnace. Ms. Garbitt said that would be addressed in the CMR before he issues the permit.

Selectman Maksy spoke about the Temporary Licenses by-law. Campers are being used as temporary dwellings and the Building Commissioner is getting enough calls to make it a nuisance, so we are proposing a draft bylaw. Ms. Garbitt said the Building Commissioner is recommending to delete the current 8.7.1. We have a question regarding overnight occupancy, and she has a call into Town Counsel on that. Selectman Maksy said utility trailers are registered and that is not what we are talking about here. Ms. Garbitt said residents can park RV's on their property, but we do not have a bylaw definition for utility trailers or recreation vehicles. Selectman Yeatts said residents should not have to get a permit if someone comes down with their recreational vehicle during the summer for a week. Selectman Maksy said we cannot prohibit registered vehicles, so there is a difference between registered and unregistered. Ms. Garbitt noted this is an issue on some of the beaches with registered vehicles. Selectman Maksy said what we do not want is someone with a 2,000 square foot lot and they put a vehicle there. Ms. Garbitt said there is the sanitary code, and we need to know what the Board of Health would do with that. Selectman Maksy said if they can prove that they are staying with a resident and can get the proper connections, then they can stay longer. Ms. Garbitt said this has happened before with someone visiting for the summer.

Selectman Maksy said the Home Occupation Permit would have the Town incurring a cost. Right now they just pay a \$20 fee to the Town Clerk for a Business Certificate, which is renewable every four (4) years. The Building Commissioner gets pulled into the middle of these. He does not like to impose fees on people, but he does not want the taxpayers paying for the Building Commissioner to go out and do inspections for these permits. We are just looking at a fee of \$40 for the review and processing of the application and to issue the permit. This is for new permits; we are not going back to old ones. Ms. Garbitt said Mr. Iafrate has come up with a format for a permit and conditions. Selectman Maksy said it may help people out if they want to do something that they understand the rules ahead of time and the Building Commissioner can double check it. We are still working on that.

Vote Notice of Intent to Layout Chrisjenn Brooke Lane

Chairman Evirs noted there was a request for the Town to accept Chrisjenn Brooke Lane. Selectman Yeatts said we do not have anything back from the Superintendent of Street. She would like Mr. Peck to look at the Order of Conditions as there were items that need to be checked. This also has gone by the Planning Board. Ms. Garbitt said this is the first step in the process. Selectman Yeatts said it has to be a working road for two (2) years according to Planning Board regulations. Chairman Evirs said we can vote our intent to lay it out, then point

out all that is wrong. We would not vote to lay the road out if the Superintendent of Streets is against it. It would not go to Town Meeting. Further discussion took place on the matter for clarification. Ms. Garbitt said the Planning Board has issues with this road. You are just forwarding it to the Planning Board for their recommendation. Chairman Evirs said this may be a formality. It appears though that it is not ready, but we are not the ones to say it is not ready. It is someone else's job to report to us that it is not ready. Selectman Maksy said he would like Town Counsel to be asked about this. Ms. Garbitt said she put this together with Town Counsel, so she is comfortable with the process. Further discussion about roads that sit too long and then the Town has to accept them per petition.

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

VOTED: To layout Chrisjenn Brooke Lane.
Unanimous in favor.

Request for appointment of additional Poll Workers

Chairman Evirs read the request from the Town Clerk for the appointment of additional Election Poll Workers.

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

VOTED: To appoint the following registered voters to be appointed as Election Officers until August 15, 2009: Joan E. Newcomb, Debra L. Martin, Shirley L. Healey, Evelyn C. Bumpus, Patrick R. Fitzgerald, and Elizabeth A. St. George.
Unanimous in favor.

Request for Door-to-Door Permit from 2020 Communications to sell Verizon Fios products

John Connortoni of 2020 Communications was present for the discussion. Chairman Evirs asked Mr. Connortoni to explain what the company does. Mr. Connortoni said his company does door-to-door sale calls for Verizon Fios. The fiber optic product has been laid out in Lakeville, but may not be on all of the streets yet. Right now, installation is free of charge for all residents. His company is asking to do door to door sales with whatever stipulations the Board wants them to abide by. We all have badges and all employees have had a CORI check and a drug test as well. We get the information to know where the fiber optic is located. Chairman Evirs said if the street is not wired, you will not be on that street since it is not there? Mr. Connortoni said yes, they will also stay away from private communities.

Ms. Garbitt said she was already visited by a door to door sales company for Verizon. How long has your company been doing this? Mr. Connortoni said we might not have been permitted. There are four (4) vendors in the State of Massachusetts for Verizon and the same community is not given more than one (1) vendor. We want to do it all the proper way. Ms. Craig said according to the State, 2020 Communications does not actually need a permit from us, but they seemed intent on getting a permit and to go by any laws that we have. They are not a door-to-door peddler as classified by the State.

Chairman Evirs said it is best that you do this so that the neighbors and the Police know what is going on when they get calls about it. Ms. Craig said they will have to check in with the Police Department the first day and present their personal information, id's, licenses etc. Then after that initial check in, they check in by phone to tell the Police what personnel are in Town, and where they will be each day. Chairman Evirs asked what the hours are. Selectman Yeatts said they are requesting 12:00 PM to 7:00 PM. Mr. Connortoni said that is a mistake, it should be 12:00 PM to 8:00 PM Monday thru Saturday. You have a lot of people that do not arrive home until 6:00 PM or after. We hope to be through in six (6) months; it depends on the weather. We do not work on Sundays, but we do work on some holidays. Mr. Connortoni said they do not work on Thanksgiving, Christmas or New Years Day.

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

VOTED: To grant the door-to-door permit for 2020 Communications to sell Verizon Fios products from now through April 30, 2009 and to specifically exclude Thanksgiving, Christmas Eve, Christmas Day, and New Years Day. The hours of operation will be 12:00 PM to 8:00 PM Monday through Saturday.
Unanimous in favor.

Request for Underground Storage Tank Permit-33 Bedford Street-Joe's Gasoline

Chairman Evirs reviewed a request for an underground storage tank permit for 33 Bedford Street. Ms. Craig explained that this is a modification of the existing storage capacity for the current permit.

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

VOTED: To approve the license for Joe's Gas of 33 Bedford Street for two (2) gasoline tanks: one 12,000 gallon (regular) and one 7,000 gallon (super) and a 5,000 gallon diesel tank. The license will expire May 1, 2009.
Unanimous in favor.

Request to use Town House – Kimberly Veilleux – fundraiser for Breast Cancer Research

Chairman Evirs reviewed a request to use the Town House from Kimberly Veilleux for a Breast Cancer Research fundraiser.

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

VOTED: To approve the request of Kimberly Veilleux to offer breast cancer information booklets provided by Avon and offer items for sale at the Town House on October 25, 2008 from 9:00 AM to 12:00 PM. 100% of proceeds from the sale will go directly to breast cancer research. This is subject to the new policy for the use of Town owned properties.
Unanimous in favor.

Request to use Town House – Lakeville Arts Council – Annual Arts & Music Festival

Chairman Evirs reviewed a request to use the Town House from the Lakeville Arts Council for the Annual Arts & Music Festival.

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

VOTED: To approve the request of the Lakeville Arts Council for their Annual Arts & Music Festival to use the Town House on October 3, 2009. Approval is subject to the funding of the Policing Grant or they will have to pay for the Police details. Also, subject to the new policy for the use of Town owned properties.
Unanimous in favor.

Request to use Town House – Brownie-Girl Scouts – Coat Drive

Chairman Evirs reviewed a request to use the Town House from the Brownie Girl Scouts for their Annual Coat Drive.

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

VOTED: To approve the request of the Brownie-Girl Scouts to use the Town House on November 15, 2008 from 10:00 AM to 2:00 PM for the purpose of a Warm Coat Drive, subject to the new policy for the use of Town owned properties.
Unanimous in favor.

Review and vote to approve Selectmen's meeting minutes: July 15, 2008 and August 25, 2008

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of July 15, and August 25, 2008 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt said she would like the Board to review the order of the dog hearing for the Ashleys. They have not complied with the order to enroll their dog into the obedience school, and Mr. Frates talked to them on Friday. Ms. Craig said she spoke to All American K-9. Before you enroll, they will book a time for an observation first, but they were having trouble getting in there. She called Mr. Ashley, but the phone was disconnected. She had Mr. Frates go over there to let them know that they could go to All American K-9 on Saturday to do that and then enroll the dog, but she has not heard from them. Mr. Frates said they have done everything else that was ordered. Chairman Evirs said if they are not going to comply with our order, we have already decided what we are going to do. He suggested that the Board order Mr. Frates to go and take the dog. They knew the consequences. They know what they are supposed to be doing.

While Mr. Frates is looking for a rescue place that will take the dog, if they were to have the dog evaluated and enrolled, then they can have the dog back. They were supposed to have the dog enrolled by September 30th. They did not appeal the Board's decision. They were here on September 22nd and they agreed to this, but it has been almost a month. Selectman Maksy said the Board does not have to authorize the Animal Control Officer to take the dog; he has the authorization already from the September 22nd hearing.

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

VOTED: To allow the Animal Control Officer to act on the matter with the Ashleys and their dog as he was previously authorized to do if the Ashleys did not comply with the Board's order in full.
Unanimous in favor.

Ms. Garbitt told the Board that the Veteran's Day observance is to take place on Tuesday, November 11th. The event will begin at 10:30 AM at the Assawompset School Playground and then walk to the Dickran Diran Square for a presentation beginning at 10:45 AM and ending with the bells at 11:00 AM. Selectman Maksy said he would represent the Board if he can alter his doctor's appointment.

Other Items

1. Letter from Massachusetts SBA regarding Assawompset Elementary School
Chairman Evirs said \$217,668.00 has been reimbursed to the Town for the \$422,000 roof replacement at the Assawompset Elementary School.
2. Letter from Board of Health regarding 325 Pond Lane
3. Invitations from Historical Commission to Coffee Hour for Friends of the Library and for the 2008 Green Again Garden Adoption Program Participants
Chairman Evirs asked for a motion to designate the week of November 1st – 8th as Friends of the Lakeville Library Week.

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

VOTED: To designate the week of November 1st – 8th as Friends of the Lakeville Library Week.
Unanimous in favor.

4. Letter from MassHighway – Gasoline Tank Recovery
5. Letter from SEMASS regarding grant for local fuel assistance fund
Selectman Yeatts asked what is that \$250 for. Ms. Garbitt said this is for fuel assistance for needy residents. Chairman Evirs said he thought we should apply for it and make the necessary means to get the funds to a needy family.
6. Invitation to attend CR signing ceremony – Plymouth County Farm-October 24th
Selectman Yeatts said that she will be attending.
7. Letter from the Wellness Corporation regarding Employee Assistance Program
8. Information from SRPEDD regarding October 22nd

Chairman Evirs and Town Administrator Garbitt will attend.

9. Meeting notice – SEMASS Council – October 30, 2008
10. MMA Invitation – to Annual Trade Show – January 23 and 24, 2009
11. Letter from DHCD regarding 40B Subsidized Housing Inventory
12. Announcement from Governor Patrick and Lt. Governor Murray
13. MMA Special Budget Alert

At 10:15 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy, the Board unanimously:

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