

SELECTMEN'S MEETING
Monday, October 29, 2007

On October 29, 2007, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville, the meeting later moved over to the Lakeville Library after the second item was discussed. 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 Board of Assessors regarding setting the Minimum Residential Factor

Upon a motion made by Selectman Evirs; seconded by Selectman Maksy, the Board,

VOTED To open the public hearing to determine the percentage of the Local Tax Levy to be borne by each class of real property and personal property for Fiscal Year 2009.
Unanimous in favor.

Gordon Goodfellow, Assessor, was present for the discussion. Mr. Goodfellow provided the board with a past history of the local tax levy from FY1999 through to the present. Mr. Goodfellow stated that the Assessors recommend, that, until the percentage increases significantly, it would be unfair to shift the burden of taxes, thus it is recommended to continue on a factor of one (1) for the FY09 tax rate. Chair Yeatts stated that she agreed with Mr. Goodfellow, however, it is disappointing that only 13.54% is business. The Town has tried to move beyond this, yet it is beyond anyone's control. It is understood that it is difficult, once the tax rate is changed, to shift the tax rate back. This has been discussed with other towns. Hopefully the businesses that are slated to go forward in Lakeville will be able to start soon. Selectman Maksy asked what Mr. Goodfellow's recommendation would be if there was to be a split? Mr. Goodfellow responded that it would need to be 20% or more, to be reasonable. The Town's valuation is \$1.6 billion, percentage wise that will be the indication. The Town does not want to give the homeowner a little, and then hurt them a lot, or drive the businesses out of town. A business usually is in business for 20 years. The town does not want to put itself in a position to be less than attractive. Selectman Maksy responded that that was correct. The Town wants industry to come to Lakeville and help with our tax base. Mr. Goodfellow stated that the value of a business raises the Town's value significantly since it does not bring in children that need to attend the schools. Ms. Garbitt mentioned that a lot of the towns that have the split tax rate have to offer TIF's (Tax Incremental Financing) to attract business and Lakeville does not have to because of our low tax rate.

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

VOTED: To close the hearing.
Unanimous in favor.

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

VOTED: To keep the minimum factor as one (1) for the Fiscal Year 2009 tax rate.
Unanimous in favor.

7:30 PM Appointment of two full time firefighters

Chair Yeatts read a letter from Dan Hopkins, Fire Chief, requesting the appointment of two (2) full time firefighters.

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

VOTED: To appoint John Pytel as a full-time Paramedic/Firefighter to the Fire Department. This appointment will be contingent upon a one (1) year probationary period and the successful completion of a Department approved physical examination. This appointment will begin October 29, 2007 and will expire October 29, 2008.
Unanimous in favor.

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

VOTED: To appoint Michael Allie as a full-time Paramedic/Firefighter to the Fire Department. His appointment will be contingent upon a one (1) year probationary period, the successful completion of a Department approved physical examination, a PAT test, and passing the Massachusetts Firefighting Academy Program. This appointment will begin January 1, 2008 and expire January 1, 2009.
Unanimous in favor.

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

VOTED: To move the meeting to the library at 7:35 PM.
Unanimous in favor.

8:00 PM Discuss complaints regarding Lakeville Lions Club racetrack

The meeting was called back to order by Chair Yeatts at 7:49 PM at the Library. Chair Yeatts explained a few procedural rules for the discussion. She stated that everything goes through the Chair. If someone would like to speak, they are to raise their hand to be recognized. People will be allowed to speak as long as it is a statement or fact that is not being repeated. People are to state their names and addresses for the record. This meeting is taking place since the Board of Selectmen received a letter from concerned citizens regarding the recent work done at the Lakeville Lions Club (LLC) racetrack. Information has since been received from the Board of Assessors, the Conservation Commission, the Police Chief, the Interim Building Commissioner and the Lakeville Lions Club. The Fire and Police Chief are available this evening to answer questions that the Board cannot answer.

Chair Yeatts then read the letter into the record. It was the letter sent from the neighbors dated October 10, 2007.

1. Did this improvement increase their tax assessment?

Chair Yeatts explained that the Board of Selectmen talked to the Board of Assessors and it was found that the Lions Club is tax exempt. The Assessors also do not assess cosmetic changes to properties.

2. Was the scientist hired and application filed?
3. Who paid for the scientist?
4. What were the scientists' findings?

Chair Yeatts stated that John Pink of Azor Land Sciences has been hired to do a land analysis, and this will be paid for by the Lions Club. Marcus Piney will complete the application and all that needs to be done for the Army Corp. of Engineers. Azor Land Science will do soil analysis and any wetlands flagging if applicable. This will also be paid for by the Lakeville Lions Club. The results will not be ready for the November meeting, but hopefully by the December meeting of the Board of Selectmen. The Conservation Commission is working with the LLC for the RDA (Request for Determination of Applicability). It is not known when the application from the Army Corp. of Engineers will be ready.

George Stephan of Colleen Drive asked what the Army Corp. of Engineers would have for jurisdiction over this issue. He would think it would be the Conservation Commission, so he does not understand their jurisdiction. Chair Yeatts explained that they are doing both simultaneously, and the Army Corp. of Engineers has jurisdiction over all inland waters. It could be an isolated land subject to flooding. Mr. Stefan said it seems that it bypassed the local Conservation Commission and went right to the Army Corp. of Engineers. Chair Yeatts responded that they are not bypassing the Conservation Commission. They are assessing what is there or could be there. Mr. Stefan asked who is working on it from the Army Corp. of Engineers. Chair Yeatts responded that Dave Cordell was there and she has personally worked with him on other projects.

A Colleen Drive resident asked why is this taking place. Chair Yeatts responded that she will let LLC speak for themselves. When the LLC found out that they were doing something that they were not supposed to do, they took the steps to do what is now in place. Dave Rose of Taunton Street, President of the LLC, said he did not have any idea that this was a restricted property. This was not the first time we have cleared the inside of the track. Eight (8) years ago we mowed it and had a circus there. 15 years ago we had a camper fest there. For the last 50 years, we have done what we typically do. We mow the grass and remove the brush. We have maintained that property. The inside of the track is bone dry. We have used it only for circuses and camping. We have had no issues with the Town. It was a track for 70 years and there are no streams coming in or going out, and that will be taken care of with permits. We are just trying to keep it mowed down so that it still can be used.

Joanne Kiesel of 9 Colleen Drive said there was a Stop Work Order issued on September 4th and they still continued. It was a little more than mowing. Weren't they supposed to stop?

Chair Yeatts asked Emery Orrall, Chairman of the Conservation Commission to respond. Mr. Orrall responded that they were to stop all work in order that the Conservation Commission could take a look at it and to determine if it is a wetland. The Conservation Commission has a GIS map that shows it as a wetland. The Conservation Commission issued the enforcement order, however, it has no way to actually stop anyone from working since the Town voted down the Wetland Bylaw which would have enabled us to more strongly enforce this. The Conservation Commission does not go onto property that it is not invited to go on. The Conservation Commission is waiting to go onto the property to see what the situation actually is. Thus, the DEP (Department of Environmental Protection) had to be notified. Chair Yeatts stated that if in fact things were done that were not supposed to be done, that will be determined by the DEP. The Town always says, work at your own risk, and if they do and there are any problems, they will be subject to fines or remediation. Janet Sedgwick of 1 Colleen Drive said that she has lived there for many years and has never seen a circus there. She walks her dog there and has taken pictures with the ducks and the animals. The neighborhood has changed since parcels have been sold off, and that piece of land was allowed to be overgrown for at least the ten (10) years that she has lived there. Glenn Chistolini of 1 Staple Shore Road said he was responsible for cleaning the track. Before he brought any machinery in there, he talked to Mr. Chamberlain of the Conservation Commission, and he said it was fine as long as I stayed away from the center of the track. He could continue the work after the Cease and Desist Order. The DEP came down and said as long as the work did not encroach on it, it would be fine. An isolated wetland does not have a buffer zone. Mr. Orrall said that is right. Under 5,000 square feet, but still should file an RDA. It is my understanding that they continued work after the Cease and Desist Order. The Conservation Commission does not have any information about this matter to date. Chair Yeatts stated that the LLC hired Marcus Piney to do the work, which will include filing an application to the Army Corp. of Engineers. It does not bypass the Conservation Commission, it will still go through them for the Request for Determination.

Jose Alves of 13 Staples Shore Road said it sounds that he just heard contradicting information. Glenn Chistolini said he stayed away from the wetlands, and she was told they are used to having activities in the center. The person that owned the property that he purchased the land from said that things go on there. As far as the actual track itself, for the 14 years that he has been there, it has not been cleared back down to its original condition. It has been abandoned, thus, after two (2) years, it cannot have a re-establishment, so it is not to be a considered a racetrack anymore according to the bylaws. Even though it is nice and part of history, they cannot bring it back to a racetrack. Now it is done with, but they should have left it as it was. The way they have restored it they have gone against the bylaws. Chair Yeatts responded that the Board has a letter from the Building Commissioner and that will be addressed under the concerns. Mr. Alves said this is a quiet road and area. The market is already going down, and we do not need anything else to help it.

Ryan Obaron of Hitching Post Road said years ago when it was a race track, it was oiled and now messing around with the earth raises concern of what is under it for our wells and drinking water. Also, was there supposed to be some checks after the stop work order? Why did the day work go into the night and weekends? Chair Yeatts stated that she will ask the Army Corp. of Engineers about the oil aspect. Mr. Chistolini stated that he runs a local plumbing business and that is how he survives. When not working on plumbing jobs, he worked there. Steve Dewar of 10 Colleen Drive asked about the uses of the property. The equipment and the work that is still

ongoing on the property. If we are not going to allow them to use this as a race track, then what use are we looking at? Chair Yeatts responded that the Board will get to that question. Selectman Maksy stated that the Board has said that the Conservation Commission and the Army Corp. of Engineers is looking into some of these matters. Chair Yeatts added that these things take time.

5. What prevents a racing event being held at the Lions Club track?

Chair Yeatts stated that no racing could take place without a permit. Also the Lakeville Lions Club has no wish to return this to or have a racetrack.

6. Now that the racetrack has been restored, what would prevent someone from getting a racing permit?

Mr. Rose said The Lions Club is made up of many people who live and work in Lakeville, and the LLC has no intent in making it into a racetrack. All the money that the LLC raises is for the Town, it goes back to the Town. Many people have given their heart and soul to the Town, and they also make up the LLC membership. The LLC would be crazy to allow anyone to race on the property. The LLC just wanted to have a reunion and bring a little history back to the Town. People attended that were in their 60's-70's. It was a reunion for them, and there were many more people there than was expected. The LLC does not want to upset its neighbors. The LLC has trouble just trying to get a breakfast there, let alone a big function to take place. The LLC membership all work for nothing. All the work is done for charity. The LLC is not going to do this and then disrupt the neighborhood. This was a chance to clear the track down a little. It will grow up again. This has been done before.

7. What would prevent someone from racing without a permit?

8. What about renting the track out for practice sessions, time trials, tune up sessions, or other informal or private events?

9. Would those activities require a permit from the town?

10. Do new bylaws need to be written to really prevent racing at the track?

Chair Yeatts read the response to the above questions from the Interim Building Inspector. *As some of you may know, or recall, there was horse racing there years ago, then came auto racing. It was a rather noisy situation at times, as I recall, and a lot of complaints that went along with it. It seems that restoration work is being done without approvals (if they are required). Of the 20 questions listed in the letter, there seems to be some concerns that need to be addressed. Looking to the Town of Lakeville's Zoning By-Laws: Section 4.0 USE REGULATIONS, First paragraph: Except as provided by law or in this By-Law, no building, structure or land shall be used except for the purpose permitted in the district as described in this section. Any use not listed shall be construed to be prohibited. I see no listing for a Race Track or similar activity. Although there may have been a Race Track at one time. Looking again to the Zoning By-Law: Section 6.1.1 Abandonment – A non-conforming use which has been abandoned or discontinued for a period of two (2) years shall not be re-established and any future use shall conform with the By-Law, except in the case of land used for agriculture, horticulture, or floriculture, where such non-use shall have existed for a period of five (5) years.*

Going back to the first paragraph of 4.0 (a key phrase maybe) except as provided by law! We need to look to the MGL (Massachusetts General Laws) to see if there is an allowed use, if permits are required from the permit granting authority and what else maybe involved if anything, Conservation, Board of Health – bathroom facility, protection for spectators, bleaches, etc. It may be that this law prohibiting this activity makes all this information moot. On Sunday, October 14, 2007, the Interim Building Inspector went to the site and found some brush clearing has been done, but the track didn't look like it is any where near ready for racing. At the time there, Glen Cristolini came by and said that they don't intend to do trophy racing. It will be more like a car show or parade and occasionally a fair, as he described it.

Bill Kiesel of Colleen Drive said if you take cars that are not street legal and put them around a track, then that is racing. If they do not want to upset the neighbors, they could have stopped a long time ago. What is the distinction between cup racing and other forms of racing and what does the Town define as racing? Chair Yeatts responded that racing is prohibited. It was not a race held in September. Mr. Kiesel asked if you have 500 horsepower open engines going around a track, is that not a racing activity. Selectman Evirs stated that he was thinking that racing is a competitive activity. If it is a loud exhaust, there are noise regulations in the Town, and there are decibel regulations that the Board of Health has adopted. The Town does not allow racing. Mr. Kiesel said even if they say it was not a race, the loud cars, the people, the dust clouds, it was a race. He said he did not think they are being a good neighbor.

Mr. Stephan said according to the bylaws you just read, if property is left alone for more than two (2) years, then any use, other than in the bylaw, there would be a fine assessed by the Town. This particular activity has not been around at all, so they are already in violation of the bylaws and with conservation and everything else. It is insincere if they are saying that they did not know about it. Even with the enforcement order they still went ahead, and they should have waited until they heard further. Chair Yeatts said #15 is what we will go to for the stop work order. The stop work order is in effect for the center of the track, until such time as the results of the scientific study is complete. Mr. Orrall said a Cease and Desist from any activity affecting the buffer zone and/or resource areas was issued by Lakeville Conservation on September 5, 2007. John Pink was informed a Request for Determination of Applicability needed to be filed; as of October 11th, no application has been received. Ms. Kiesel said intent is not a bylaw. We are asking the public servants that we voted into office, that represent us, to assist us in not allowing, through bylaws or whatever it takes, to make sure that a racing event will not take place in a dense neighborhood. Chair Yeatts explained that the Board is present this evening to do that and work this out for all parties involved. Selectman Maksy stated that he is hearing that they are not going to race. The race track will not be used for racing of any kind. If they do, then the Board will have to take action on it. This event was not witnessed by the Board, so it cannot be said whether any racing took place. Selectman Evirs added that if they did want to race, and any racing was allowed, they would have to come through the Board of Selectmen to get permits, and the Board would not allow this in any district, in any part of the Town.

Tom Connolly of Hitching Post Road said he was concerned with the stop work order. No application or public communication took place with the Conservation Commission, and they have lost all trust. If they get someone to come in and do 90% of the work for them, then what is stopping them from doing that. This is a group that does what they want and gets what they want. Chair Yeatts offered that they most likely regret that they ever did this. The Conservation

Commission is all volunteers and the Town only has a part time agent. If there is any confusion, then the Board apologizes for that. The Board is trying to get it right and that is why everyone is present this evening, to answer questions. The Chair added that she also would not allow a racetrack in the Town, it would not fit. Selectman Maksy added that he also agreed with his fellow Board members. Selectman Evirs stated that the DEP, as part of their investigation, will determine if the LLC did or did not stop work properly and they are subject to a \$25,000 fine, a day, so if everyone can move on from that, then the Board can move on to other issues that need to be discussed this evening.

11. What maximum noise level has the town established for such an event?

Chair Yeatts explained that the noise level is through the Board of Health. A small portion of the bylaw on this was read by the Chair. Mr. Alves said he felt this should have been part of the other item, there should be an amendment related to racing, since many people have a different interpretation of what it is. This is a business adjacent to a residential district, and there needs to be a buffer zone. He stated that he was an engineer and he understands decibels. A lawn mower will get above 10 decibels. Whether racing or not racing, it does not take much to get over that amount. Just parading around with the cars and revving the engines definitely went above that amount. Selectman Evirs stated that the 20 foot buffer zone is permitted. You bought a home on the same side of the street, and your home is zoned business. He did not believe they rezoned the property. Mr. Alves said he thought he was told that he could not have any type of business. Is the racetrack really a business? He was told he could not use his house for commercial use. Selectman Evirs suggested that the resident go to the Town Clerk's Office and look up the Special Permit. There were two (2) special permits granted, one (1) for Mr. Alves' house and one for the house next door since they were part of the Business District. Information will be provided at the Town Clerk's Office to show what restrictions were put on that property, but you are still located in a Business zone.

Rene Horton of 14 Staples Shore Road said if they are not going to have a race track, why are they still having trucks there and why is work still being done and what are they planning on doing there. Mr. Rose said he thought the work is done. Mr. Chistolini said there were flyers going around for nine (9) weeks advertising this one time event. The work is not finished yet. We plan on having another event, he did not know when, and we will come before you if we have to for a permit. Mr. Rose said he thought Mr. Chistolini was speaking a little out of line. He is not on the Board of Directors. They would like to do a yearly event, but with all the problems and all the issues that took place with this one, they need to rethink that. We would also notify the neighbors if we were to hold another event. He thought the problem is lack of communication. The 3rd Thursday of every month is the LLC Board of Directors meeting, and we would like to offer an open invitation to the neighbors to attend our meeting. We are a non profit group, and we give much back to the Town and to research. We have been good neighbors for 50 years, and we do not want that to change. Maybe a representative from the neighborhood could come to our meetings. Any time we would want to do this or have a notion to do this, there would be flyers and communications to the neighbors. It was a mistake by us not to have enough communication with the neighbors. We have never had a problem there before. We might have gotten into a project that was a little over our heads.

12. What are the Lion's Club plans for securing this area?

13. What can the town do to be sure that the Lion's Club restricts access to this attractive nuisance?
14. The Fairgrounds sign is a rusty, un-safe, un-maintained eyesore, are there plans for removal?

Chair Yeatts stated that the LLC plans on blocking the entrance to the racetrack so that no vehicle gains access, no trespassing signs will be placed, and they will be restoring the sign since it has historic value. Mr. Rose said they would like to have three (3) months to do this so that we can secure the area. We are talking about putting pieces of telephone poles into the ground, then gating it, so that we can get in and out of there, and the same thing on the other area, getting out the driveway to secure the track. It is the entrance that has been cleared, so it will be to secure the existing entrance. There is no curb cut. There is a piece of lawn there that we mow, so it is way off of the road. We need to allocate the money, and it will be done with volunteer work. We have it posted and will continue to post the rest of it. We ask for help from the Police Department to pull through occasionally, keep an eye on it and keep people off of it. Selectman Maksy stated that if incidents happen, you need to take action immediately. Mr. Rose said we do not want to shut the neighborhood down. The neighbors have been using it for years walking their dogs and riding their bikes, but unfortunately it will come to keeping everyone off the track. We wanted to keep it as a walking trail and so unfortunately we will have to ask everyone to stay off of it.

Mr. Alves said there is a 3rd entrance, and there is a gate there now. It is near my property. He asked about the LLC putting a gate, a chain and a lock, so that kids cannot go through it. Mr. Rose said absolutely. A resident said speaking of children, what will protect the children from climbing the sign. Mr. Rose said there is a no trespassing sign. It has been there for 60 years, and we have not seen kids there yet. It is a part of the history of the track, Lakeville and New England. We have reviewed the sign, and it is solid as a rock. and we will scrape it and refinish it. It was there since the horses raced there. The resident said one of the four (4) legs is completely rusted out. Now that it is available to be climbed on, he would submit that it is a very defective structure. Mr. Rose said they will put no trespassing signs on it. There was nothing restricting its access before, only some brush. It is only surface rust, the structure is solid. Chair Yeatts stated the sign is on their property. It is not in the layout of the road. Mr. Rose said they will ask the Police Chief to patrol the area and anyone on the property or the sign will be taken off the property. Mr. Alves said he has been there for 14 years, the sign could not be seen before. They have cleared the inside and outside of the track and the bylaw says that no sign shall be located ten (10) feet from the street. Selectman Maksy stated that it is preexisting, it has not been moved. Ms. Sedgwick said also near the sign are the starter steps. This is a thing which has stairs going up and it is rusty. She has seen kids climbing on it. There is a school bus stop there, so it is an attractive nuisance, so maybe it should be gated off. Mr. Rose said there is an old starter stand there and we will take care of that. We will make it safe or secure or take it down. We did talk about it at our Board Meeting.

15. Is the Stop Work Order still in effect?

Mr. Orrall said the stop work order is still in effect for the center of the track until such time that the results of the scientific study are completed. We do not know if there is a hydrologic connection to any other wetland yet and/or if it is connected to further back where

there is a wetland. Chair Yeatts stated that the LLC are then working at their own risk and if the Army Corp. of Engineers comes in with a determination otherwise, will there be some kind of remediation. Mr. Orrall replied yes. Mr. Dewar said he saw no provisions for runoff or drainage. Like the sign we have been discussing, the runoff is causing the newly worked soil to run into the street. He did not see any provision for this. If there was a permit would there not be a request for that? Chair Yeatts stated that the Town has not had a report for storm water violations. If the Town receives a report, it will be sent to the Superintendent of Streets. The RDA will be forthcoming. All meetings are open meetings and all are welcome to attend, but the RDA does not necessarily mean that all abutters are notified, so keep your eyes on the paper. The Conservation Commission meets on the second Tuesday of every month. It is posted on the Town Hall bulletin board. Mr. Kiesel asked how we will know if we see a stormwater management violation to report it. Chair Yeatts responded that if there is actual dirt running across the street, you can call the Town Administrator or the Superintendent of Streets to determine if it is a violation.

16. What can be done to mitigate a potential mosquito problem?

Chair Yeatts responded that the answer from the LLC is, any standing water will be mitigated to prevent this problem, spraying will be done if necessary. There are lots of places that do this. A resident of Staples Shore Road said as far as the infield being flooded, it has been at least 15 years since it has flooded. She has utilized the track for many years. There are two (2) low spots, and they dry up. It has been years and years since it has flooded. Mr. Orrall said there has been some hearsay about some mining in the infield. That gravel has been taken out, and it created a wetland. As he understands it, it has created a nice vernal pool. The Conservation Commission does not mind the mosquitoes, since they feed the little creatures that live there. Discussion occurred regarding the LLC. Al Linton of Clear Pond Road said he is currently the oldest living member of the LLC. We were chartered at the Golden Spur Restaurant in 1959, and except for one (1) time, we have met there continuously. When they went out of business, we purchased the property, and we have been there all that time.

Tom Connelly of Hitching Post Road said the only concern that he has is that they have taken out the brush and now there is a large lot, which will create a large parking lot, and it will create a large runoff. They have scraped the land, and they have created a parking lot. Chair Yeatts stated that the RDA will determine that and what to do about it. A question was asked if the Board of Health has any jurisdiction on the mosquito problem that may occur. Ms. Garbitt stated that anyone can call Plymouth County to have their property sprayed, even the Lions Club. It was asked if it could be sprayed for all if we call. Selectman Maksy stated that the spraying can not take place on their property, but on the person's that made the call. Chair Yeatts stated that the LLC said they would do that, and it would be in their best interest to do so.

17. Should there have been a policeman directing traffic?

18. When granting a permit for such an event, does the town have any requirements that parking not exceed the parking capacity of the event sponsor?

19. What are the requirements for police presence when the event attracts 1,000 or more attendees?

Chair Yeatts stated that all three (3) questions (17, 18, and 19) will be answered at one time. Mark Sorel, Police Chief, said that all police officers are also appointed as constables, which gives us the right to serve civil process. Chair Yeatts explained that since the Town does not have a local bylaw, it can serve a Cease and Desist, but it comes down from the DEP. Regarding the letter dated October 10th from the Chief, he only received one (1) call on the day of the event. There was also enough space for a vehicle to pass. When there is more than 100 people there, there should be a police presence, and the parking of cars is to be done by the people holding the event. The Fire and Police Chiefs should be consulted when holding an event to offer their advice. They should hire at least one (1) police officer for this amount of people. The officer can then call more in, if there is the need. There should be four (4) officers for 1,000 people, more, if alcohol is present. Mr. Alves asked about the fire engine fitting down there. Dan Hopkins, Fire Chief, said they did not receive any calls on the day of the event, so we did not know it was taking place. Chief Sorel said the only call we had was from 40 Staples Shore Road and that is at the end of the road, so the officer had to go to the end of the road. A portion of the event was taking place, it may have ended about 4:00 PM. The Police Department changes shifts at 2:45 PM, so it may have gotten more congested, however, only one (1) call was received. A resident said he also called the Police Department prior to the event asking if they had heard about it. He called to say that there was a problem on the street, and it was blocked off. Selectman Maksy mentioned that the Police Chief raised the issue that he needs to be asked if there is an event to take place there and if they will need a police detail. Ms. Kiesel said she cannot believe that they would have enough toilet facilities for the event or food and alcohol, so how could they not be so surprised? Mr. Rose said they were shocked at that amount of people that turned out and had to run out four (4) times to Cirelli's for food. We estimated about 300-400 people and there were over 800 people. We should have had a police detail and that was up to us, not Star on that. Selectman Maksy stated that the Board of Selectmen was never brought on board on this, but in the future, this Board should be notified so that we can help and alleviate any concerns with neighbors.

John Callaghan of 20 Staples Shore Road said that he would not repeat what he stated a few weeks ago. He asked a question of Dave Rose publicly and after the meeting spoke with him. He was not that concerned with what took place, it is over and done with. He is concerned on the quality of life in the future. Also, about the amount of money that the LLC gives to the Town. We also, through our taxes, give money to the Town. He asked Mr. Rose for a schedule of events and if they are going to hold any events, that they be properly run. As far as the roaring engines are concerned, he does not want that to go on or have his house covered with dust. It is the fear of the unknown that is bothering the neighbors. We talked about gating the property at the last meeting and he thought that is the only action that they have taken. They have not addressed our concerns, but they will gate the track and keep all the neighbors out. It almost sounds like a form of punishment that we will not be allowed to walk the track. But we should be informed by them as neighbors and not have to attend their Board of Directors meetings. We are not going to go away. We will be here at meetings and election time. Are you not allowed to enforce the zoning violation? Chair Yeatts stated that the Town has a Zoning Enforcement Officer. How would you disseminate this information through the neighbors? Mr. Callaghan said we do not know now, but we may have to decide on that. You can put it in our paper boxes, but it is illegal to put it in our mailboxes. Mr. Rose said they do advertise in The Middleborough Gazette all that we do and also on the local cable channel. Ms. Craig offered that the Town can put this on the Town's Website, since it is a non profit group. Mr.

Rose said we usually advertise our projects very well since that is the only way we can sell tickets. Many people in Town know me. He loves Lakeville and does a lot of fundraising for the Town. He will speak with any of the neighbors at any time on any project. He was a little hurt on the statement, “fight the lions”, we should all get along. He agreed the event was bigger than expected. We still own the track and have the right to use it for fundraising events. Mr. Callaghan said if they are planning an event in April, he might see it in The Middleborough Gazette a week ahead of time, but he does not know what is taking place for May or June. If they could provide us with a season schedule so that we know how many weekends we will be disturbed. They plan these events well in advance. Mr. Rose said they would be very happy to do that. We have very few of these types of events. Usually not many events of any size outside. Typically they take place inside.

Ms. Kiesel said she has lived there over 20 years. It is not that they held an event, and we did not know about it. It is the fact that they started a project and did not get permits or stop work when they should have. Selectman Maksy stated that it seems that the Board needs to come up with a game plan for other non profit groups as well so that it can be informed early on about these projects. Selectman Evirs stated that the Board now knows how it happened and is listening to the neighbors concerns and the rebuttal from the Lions Club, so the Board can come up with what to do should a similar event take place by anyone in this Town. Ms. Garbitt mentioned that the Town typically only asks for permits on Town owned property. Selectman Evirs asked why the Board then went as hard as it did on Lakeville Country Club making them apply for permits on the earth removal. Well, there is a gravel permit process, and it involves the neighborhood, and they are traveling on public property. If they were to do it on just their property, they would not have had to come see us at all and that is similar to what is taking place with the Lions Club. They worked within their property and if a homeowner cleared an area to ride a 4-wheeler around their property, then they can do that. They do not need to see us. The parking is the problem, maybe through the parking something can be done since there is an impact on parking on public roads which would then trigger a police detail. The Board would then be receptive on how to do this better in the future. We are here to take care of all the residents of Town.

Mr. Dewar said he has lived there for about 15 years, and they have been a good neighbor, but with the amount of work that has been done and continues to be done, it is very inconsistent to a one time event, the motorcycle run and the race event. We would not be here, but for the amount of work that is being done and continues to be done. It tells us that we are not seeing the whole picture and that is why we are here. Ms. Sedgwick said she does not mind not walking the dog there. It was a nice walking area, but it is gone now. She questioned the time frame and why we are dealing with this now. When we first saw Mr. Chistolini there and we were told he would clear a little strip of land to park some cars. Then a few days later we went out and saw it was cleared all the way down to the back, so she called the Town Hall and brought it to the Board’s attention. So, even if they only expected 200-300 people, why weren’t the police officers contacted and that whole chain of events taken place? Chair Yeatts stated that the Conservation Commission is made up of volunteers. The Town has a part time agent, and she had been out there and looked at the site on September 4th. Then the enforcement order was issued. We can do that, but since Lakeville residents did not see fit to put into place a Wetlands By-law, then we have no teeth to force anything to happen. Selectman Evirs asked about the capacity inside. Mr. Rose said 130 people. Selectman Evirs stated then there is parking for about 100 cars. The

situation is that it ballooned from what they are typically physical capable of handling and permitted for on their property. In hindsight there should be a mechanism in place so that the Police Chief can call in reinforcements.

Mr. Linton said he would personally apologize for the parking on the street. They will not hold an event again that there will be parking on the street. We need to be able to handle parking, police protection, port a potties, etc. We did not handle anything outside of a circus before, and they took care of all those things. We will address these problems, and all he could do is apologize. As far as he was concerned, nothing will take place again with those problems, but someone may find other problems.

20. Who is responsible for the public roadside cleanup of trash during and after an event?

Mr. Rose said he drove down that that street the next morning and it was immaculate. He picked up two (2) paper cups. The janitor that they hired also could not believe, that with all the people that were there, how little trash there was. He did not see an issue with the parking. He would seriously like to get a representative from the community, like the attorney, so that if we were even planning an event to get a sense on how he feels about it, and if they had any advice, so if he (attorney) would volunteer to do that, Mr. Rose could get in touch with him and then get input from him. Chair Yeatts stated that the one thing that she will personally research and talk to the Army Corp. of Engineers about is the oil in the track. The Board will keep a close eye on what takes place on this and will be able to get the determination from the Army Corp. of Engineers since it is a public document. The Lions Club will secure the area with a fence, they have no trespassing signs up and will do more. She thought that the Board needed to hear that there will be no more work on the track until this comes in. Mr. Rose said they will make sure that the work is stopped as of right now. Chair Yeatts stated that until all the scientific evidence is in, all work will be stopped.

A resident from Colleen Drive said there is the rotted hunk of a sign. Whenever we go out for a walk, we do not like to look at it. There used to be trees and brush, and they grew up and one did not notice the sign, and now they have cleared all that out. He sees it every day when he goes to work and was wondering, if, as a good neighbor they could restore that to how it was. Mr. Rose said the Board of Directors feel that they are not willing to part with the sign. Selectman Maksy asked if they could then pretty it up a little bit. Mr. Rose said absolutely.

Review contracts for Atlantic Environmental/Highway Barn remediation

Chair Yeatts stated that she had had questions about why this amount had jumped up so much, but they were answered by Ms. Garbitt. Selectman Maksy asked if this should be put out for an RFP (Request for Proposal). Ms. Garbitt stated that she would recommend against it. Chair Yeatts stated that it has gone up and down. Selectman Evirs said we would probably spend more money on new test wells since a new company would not use old test wells and many of the fees are fixed fees. Selectman Maksy asked are there things that they are not doing and not giving us credit for? We have the breakdown of what they charge, but it is not transposed into this section. Ms. Garbitt said when we have to drill another well, this will have to continue on when we shut down the other aspects. The dates keep getting moved out since we hope each year that that will be the year we can stop. We have not received the latest report. It

may be at GW1 and we may be able to shut down the air sparge. That is going to save us in electricity. The DEP has also been able to reduce the number of times that they have to do the sampling. She has asked Atlantic to come in and explain where we are on this.

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

VOTED: To sign the one (1) year contract with Atlantic Environmental that is due to expire on October 31, 2007.
Unanimous in favor.

Appoint representative to the Regional Task Force on Casino Impacts

Selectman Maksy stated that he felt the Town should still keep an open dialogue with the Town of Middleborough. Chair Yeatts added that she felt it should be Selectman Maksy since he is already the liaison with Middleborough for the MG&E. The Task Force is also going to be setting up some speakers at the meetings.

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

VOTED: To appoint Nancy Yeatts to the Regional Task Force on Casino Impacts.
Unanimous in favor.

Discuss request for sign by the Lakeville Garden Club at the Historic Library

Chair Yeatts stated that the request for a sign by the Lakeville Garden Club at the Historic Library came up the last time the Board met, however, the Board wanted to know what the Historical Commission thought on this, and they have now responded. Chair Yeatts read from the Historical Commission's response: The Historical Commission has appreciated the Club's past gardening efforts on Town properties such as the, Memorial Day wreathes, and the December decorating of the Town House. The Historical Commission has sent letters to the Club expressing its thanks. The Historical Commission has congratulated them on their 20th Anniversary. However, there are concerns on having a private group's name posted predominately on public property. The Historical Commission voted to inform the Selectmen of its concerns and suggest a possible rewording of the sign to read in large letters "Welcome to Lakeville" and in much smaller letters "Donated by or gift of the Lakeville Garden Club on their 20th Anniversary, 2007". The vote passed with three (3) yeas and two (2) abstentions.

Selectman Evirs stated that he applauded the Lakeville Garden Club for doing this, but would like the Board of Selectmen to have the opportunity to review the sign before it is contracted to be made. Chair Yeatts stated that she would not mind if Selectman Evirs did that. Selectman Maksy added that he is also fine with having Selectman Evirs review the sign. Selectman Evirs added that there also should be some mechanism in place to recognize some of the gardening that is done throughout the town. Ms. Garbitt mentioned that the town employees have contributed to the gardens at the Town House. Selectman Maksy stated that he definitely agreed with how the Historical Commission is looking at this, since one can only have a sign for 20 days. Also, they do not own the property, the Town does. Selectman Evirs explained that the way they originally had it, they were advertising the Garden Club. The Board should reserve its right to be

the last ones to say it is going on Town property. Chair Yeatts said she was fine with the sign, as long as Selectman Evirs approves it.

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

VOTED: To allow the sign, with Selectman Evirs viewing the sign prior to its making and installation.
Unanimous in favor.

Discuss response for member-Capital Expenditure Committee

Chair Yeatts stated that the Board has only received one (1) response from someone looking to be appointed to the Capital Expenditures Committee, so does the Board wish to put this back out there for more exposure. It was with unanimous consent to put this request for a member to serve on the Capital Expenditures Committee back out there with more press effort, and it will be discussed again at the November 19th meeting. The deadline for submission is November 15th.

Discuss request for signs-Lakeville Arts Council-Made in Lakeville Craft/Holiday Event

Chair Yeatts mentioned that the Lakeville Arts Council is looking to place two (2) signs, one (1) at the Senior Center and one (1) at the entrance to the Ted Williams Camp to advertise their Made in Lakeville Craft/Holiday Event. Selectman Maksy stated that they should also ask for approval by the Senior Center and also the Park Commission. Selectman Evirs added that he would also ask that they make sure with the DPW that they are not obstructing vision for those driving on the roads. It was with unanimous consent to approve the request of the Lakeville Arts Council to place two 2' x 4' A-frame signs, from November 24th through December 8th.

Discuss request for Town House & Dickran Diran Square from Lakeville Arts Council for 2008 Arts and Music Festival

Chair Yeatts explained that since the recent Arts & Music Festival was so successful they are already requesting to reserve dates for next year.

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

VOTED: To approve the Lakeville Arts Council 2008 Arts & Music Festival to be held October 4, 2008.
Unanimous in favor.

Discuss request of Lakeville Lions Club for use of Town House-Mother's Day Plant Sale

Ms. Craig stated that she thought the date is okay, but maybe the vote should be contingent on its availability. Selectman Evirs added that if there is another group using it, the Lakeville Lions Club should get the priority since they typically hold their plant sale at that time.

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

VOTED: To allow the use of the Old Town Hall by the Lakeville Lions Club for their annual Mother's Day Plant Sale on May 9th, 10th and 11th provided that the date is available and the other group that typically has their plant sale about this time is not requesting the same date.
Unanimous in favor.

Request for proclamation-MassRecyclePaper

Chair Yeatts read the proclamation into the record. The date for America Recycles Day is November 15th.

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

VOTED: To declare November 15, 2007 America Recycles Day in Lakeville.
Unanimous in favor.

Review and vote to approve Selectmen's meeting minutes: May 16th, 2007

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 16, 2007 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that she had received a call today from the Plymouth County Selectmen's Association about the meeting being held at Bridgewater State College. Selectman Evirs is not available to attend. They have not yet heard from us. It is not a discussion on the casino, it is on economic development. Selectman Maksy stated that he did not think he would be able to attend either. Ms. Garbitt added that on Thursday, the Secretary of Housing and Economic Development is going to hold a meeting on zoning reform. This was provided to the chair of that committee.

Chair Yeatts explained that she attended a meeting in Westboro on Friday of the Municipal Coalition and feels that this would be worthwhile for the Town since she got a lot of information on 40B's. The 40R that is underway with the Town is all set, but there does not seem to be much money available for future ones. It would be worthwhile to join, and this should be an agenda item for the next meeting of the Board.

Other Items

1. Letter from Dr. Furtado regarding MRSA (Methicillin-resistant Staphylococcus aureus)
2. Letter from Jean Douillette regarding Lakeville MA Gravestone Inscriptions 1711-2003 book

Chair Yeatts stated that she sat down and spoke with the author. It was not known that it would be such a beautiful book. It was thought that it would be a paperback. It is dedicated to the memory of Sandra Horton and it is being donated to the Town. It is for genealogy research, and there will be more complimentary copies provided for the Town.

3. Letter from Board of Health regarding 5 Ash Street ZBA petition
4. Letter from Citizens Housing & Planning Association Regarding 9 Woods Edge Road
5. Letter from Middleboro Gazette regarding new advertising deadline
6. Letter from SRPEDD regarding Carver/Middleborough Route 44 replacement of four (4) signalized intersections with grade separated structures
7. Robbins Museum Newsletter
8. Plymouth County Commissioners meeting agenda-October 16 & 30, 2007
9. Waterways License Applications-DEP
10. Notice from DEP regarding revisions to Safe Drinking Water Act in 2006
11. Letter from Bay State Gas regarding rate adjustments
12. Invitation from MMA-Annual Meeting and Trade Show-January 11/12th
13. Letter from Comcast regarding Channel Line Up Changes
14. Comcast Overview Newsletter
15. Municipal Benchmarking LLC newsletter
16. Letter from Dan Murray regarding donation from Estate of Father Thomas Mooney

Selectman Evirs stated that the Board should recognize Father Thomas Mooney. It was very nice of him to leave \$1,000 in his will for the animal shelter to care for stray animals. That is very noble, and the Board thanks him for that. Ms. Garbitt stated that she will send a letter of acknowledgement to the Estate.

Ms. Craig asked about also sending a letter of acknowledgement to Ms. Douillette thanking her for the books. Chair Yeatts responded that that should be done as well.

At 10:10 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 the Collective Bargaining with the Fire Department. Polled vote: Selectman Evirs – aye, Selectman Maksy – aye, and Selectman Yeatts – aye.