

SELECTMEN'S MEETING
Monday, November 3, 2008

On November 3, 2008, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 7:00 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Meet with John Olivieri regarding Town's Property & Liability Insurance

John Olivieri of J.K. Olivieri Insurance is present for the discussion. Mr. Olivieri said he was contacted by Ms. Garbitt to come before the Board to answer their questions and make recommendations regarding the use of Town owned facilities by groups and individuals, Performance Bonds for completion of roads, Bonds for earth removal excavation and repair of roadways, and Bonds for road opening permits.

Mr. Olivieri said any person or group that uses any Town owned facility or property should have a General Liability Insurance Certificate to prove that they have insurance in place. The Certificate should also add the Town as an additionally insured party. Worker's compensation should also be in place if the group has employees. The minimum amount for liability should be \$1 million. Mr. Olivieri explained that the Town's insurance protects the Town for anyone sustaining any bodily injury that might occur on a Town owned property. He does not recommend that the Town take exposure or liability relating to any occurrences from the use of the property by someone other than the Town. Individuals or entities that cause a claim to arise should take on that responsibility. The Town's insurance will still protect the Town. This is an extra layer of defense for the Town.

Selectmen Yeatts asked what if we rent the Ted Williams Camp for a wedding and there is a disc jockey and someone trips on the cord because it was not secured and they get hurt. The Town is covered but the wedding party is not? Mr. Olivieri said if someone turns around and sues the Town, and if they are able to prove there is some liability of the Town for the injury, even if it was not you, you have an obligation to have a safe facility and the Town will get dragged into it anyway. Selectmen Yeatts asked if someone rents the Ted Williams Camp, they have to pay for the facility, for the police officer, the bartender and pay for that insurance and then get their own insurance policy as well. Mr. Olivieri said he was not recommending that the individuals have to do anything. He is suggesting to the Board, in order to better protect the Town, for any entity or individual using a facility to get insurance. Selectmen Yeatts said she had inquired two (2) years ago about a sleigh ride at the Betty's Neck property; would she still be covered? Mr. Olivieri said any Town Department is covered; it is the separate entity that is not.

Chairman Evirs said the people that are using the facilities for no fee, with no contribution to the Town's insurance; they are exposing the Town to liability. Mr. Olivieri said if you want to charge more for a rental fee since you are taking on the exposure, then you can. My suggestion is if you are letting people use any Town property or Town facility, looking at Lakeville as a business, then you should be requiring insurance of any occupant to any facility. Selectmen

Maksy said he believed this will knock out half of the people that use our facilities. That will hurt people that just want to have a yard sale as a fundraiser. Selectmen Yeatts agreed. We are talking about residents and taxpayers of Lakeville. Mr. Olivieri said he is just saying that the more layers you put up, you are protecting the Town and its assets. There is no law on the books that says you need to do this, he is just suggesting this. Ms. Garbitt said the Board can decide to accept the exposure to let weddings or different organizations use Town facilities. It is up to the Board of Selectmen. Chairman Evirs said a lot of these organizations do have insurance under their national organization. It is the grass roots ones that do not. Mr. Olivieri said anything along those lines, you already have that exposure, but you are increasing the exposure if you let others come in that are not part of the Town. Chairman Evirs said like if someone comes in to have a yard sale for someone that has cancer or something like that. Ms. Garbitt said if someone at a wedding hires a caterer and their employee gets hurt, then there is a need to have workmen's compensation in place. Selectmen Yeatts said then this really does go back to the Park Commission. Mr. Olivieri said as Selectmen, you will be able to determine whether the organization or individual needs the Certificate of Insurance. A discussion occurred regarding negligence. Selectmen Yeatts asked how people will show that they are covered. Chairman Evirs said if they are hiring a caterer or entertainment, they need to show proof of insurance. Selectmen Yeatts said wouldn't it be easier for us to have additional insurance and then charge more for the facility. Mr. Olivieri said you can require the entertainer or the caterer to have the Worker's Compensation, and then you do not have to worry about it. If you do not have Worker's Compensation in Massachusetts you are operating illegally anyway.

Selectmen Maksy said he thought Mr. Olivieri should speak with the Park Commission as well to get their input. Selectmen Yeatts said it would be their responsibility to get the insurance certificates. Selectmen Maksy said this may stop half of the Park's events from happening. Selectmen Yeatts said since we are on the cusp of putting a lot of money into the Commissary, it may affect the Town. She has been thinking about Betty's Neck and thinking about doing events there since people have asked about having weddings there, so she will have to reconsider those events as well. Ms. Garbitt said with the ball fields and the meeting room at the Library, people have to show liability coverage and that the Town is an additional insured. Selectmen Maksy said then we are basically talking about the Town House doing the yard sales, fundraisers, etc. and this building for car washes. If they need insurance for their car wash, that will not make sense to their fundraising efforts. Selectmen Yeatts said this would include school events, like if the students want to have a car wash to take a trip to Boston. Mr. Olivieri said it would be covered if being run by students from the school. Mr. Olivieri said you really need to go through each department and facility and realize how many exposures there are for the Town and then come up with one (1) general policy. Some are consistent and some are not. You need to have in place what they will be required to do and what responsibility of exposure you are willing to accept. If the Town is not doing any controlling or regulating, then you do not have to worry about it.

Chairman Evirs asked Mr. Olivieri to speak on Earth Removal Permits. He said he was really concerned about the bonds vs. liability for road damage during the earth removal process. Mr. Olivieri said regarding a road opening permit, right now you require a \$2,500 bond. You may want to review that and make sure that is enough. Selectmen Maksy said we recently had discussions regarding Comcast and Verizon and whether it is an individual bond or a blanket

bond. Mr. Olivieri said it varies from company to company. Mr. Olivieri said there are some cases where blanket bonds will cover more than one (1) circumstance. Mr. Olivieri said with Earth Removal Permits, they are pulling the dirt out, and the Town says how it should look when the job is done. That is the typical situation for the bond. If they do not put it back to how it was supposed to look when it is completed, then you can go back on that. The Town is more than set with the damage to the road, it is more for automobile insurance to have in place, since it not specifically for working on that road. They are not concerned on anyone collecting on the bond for that. So it is more reasonable to have commercial automobile liability and the bond for the road. Selectmen Maksy said so we do not have to bond the road as long as they have enough liability insurance. Chairman Evirs said right, we make sure that they provide that. Ms. Craig said sometimes when we do the earth removal, the person does not know who they are going to use for the trucking firm. Chairman Evirs said then they do not get the permit until they know who will be doing the work. We need to watch the certificates on that. Ms. Garbitt said if it is more than one (1) trucking company, then we will require it on all. Chairman Evirs said we can say that there would not have been that amount of traffic if the earth removal was not going on and the road was damaged, then you can have one (1) or ten (10) companies that we can go back on to get the repairs done. The Town may also have to share in the costs, but at least the Town would have someone to share in the cost of the repairs, since the road is not new.

Ms. Garbitt said she will see about having Mr. Olivieri meet with the Park Commission. Ms. McRae inquired if other Towns required this before they allow an event to take place? Chairman Evirs said when he was the President of the Rotary Club; we did have to have insurance for Crazy Days for the food and beer. To have the craft fair on the Middleboro Town Hall lawn, we needed insurance and also when the auction took place in the High School gym. Ms. Garbitt said the Town of Carver does require organizations that use Town facilities to have a Certificate of Insurance. They do have one (1) event that is not a Town event that puts on a cookout and roast each year and Town Meeting actually voted to pay for the additional insurance for that one (1) day.

7:30 PM Meet with Board of Assessors regarding setting the Minimum Residential Factor

Janet Black, Paul Meleedy and Dana Lucas, members of the Board of Assessors, are present for the hearing. Also present is Cynthia McRae, Town Accountant. Chairman Evirs read the notice of the hearing into the record. Janet Black spoke on the Minimum Residential Factor. Currently, the Town has a factor of one (1). That means that residential properties pay the same tax rate as commercial and industrial. The Town can choose to split the rate. A chart was shown to explain what would take place if the tax rate was split. The commercial/industrial properties will have a larger burden of the split than the residential properties. Ms. Black stated that the Board of Assessors recommends that the Town stay with a factor of one (1).

Selectmen Maksy asked why you showed the difference. Ms. Black said we do this every year to show the discrepancy for the commercial and the residential properties and what it would cost for others. For the small business, the increase will be noticeable, and as it grows, it will be more obvious as a cost to them. It is critical to be more favorable to business. Ms. Garbitt said the goal was for the Town to get to 20% for commercial development before even considering a

split tax rate. It was around 16%, but now it is about 14%. So the commercial development has declined rather than increase.

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

VOTED: To remain with the Factor of One (1) Rate for the tax rate.
Unanimous in favor.

Review timeline for Special Town Meeting and review warrant articles

Discussion occurred regarding upcoming meeting dates. Ms. Garbitt said the Accessory Apartment Bylaw was not put on the warrant since more work needs to be done on the bylaw. Also, the Electronic Message Sign By-law is still being worked on. The Planning Board held the hearing and they did vote to amend the by-law. Ms. Garbitt noted we have to go to Town Meeting within six (6) months of when the hearing closed. Selectmen Maksy said the decision has no bearing on the original article. Articles cannot just hang out there with the Planning Board, they need to be decided on or terminated. Selectmen Yeatts said they closed the hearing and picked one of the options. Selectmen Maksy said no, they chose to ban electronic message signs and he does not think this is the formal format to end it. Discussion took place to try and clarify this matter. Selectmen Maksy said if someone brought an article to the Planning Board for a zoning change and they do not act on it, then the penalty is that it is accepted for approval. Ms. Garbitt said a petition article has to go forward, but this was not by petition. Selectmen Yeatts said one way or another it needs to come off the warrant since it needs more work. Chairman Evirs said the Planning Board may have held a hearing on our suggested by-law to the Building Commissioner, instead of coming up with a bylaw regulating the signs. They held a public hearing to regulate the signs, not to prohibit. We need to speak with Town Counsel on this. Selectmen Maksy said so we can let the Planning Board resolve this and not put it on the warrant. In order for them to prohibit the signs, they need to have another public hearing. Selectmen Yeatts said this will have to go to Annual Town Meeting.

Article One-To see if the Town will vote to raise and appropriate and/or to transfer from the Out of District Funds a sum of \$35,318.00 for the payment of Special Education Programs in the General Appropriation.

Ms. Garbitt said this warrant article is for the School Department to transfer from the Out of District Funds a sum to the In District Special Education Programs in the General Appropriation. The Town will increase its estimated receipts and it will be included in the School Budget. With any benefits related to health insurance, it has to be included in the Town's insurance. They will let us know how much they are collecting, and it will be a line item in their budget that we get for the pre-school kindergarten program and broken down with wages and expense.

Article Two-To see if the Town will vote to give the Park Commission and the Board of Selectmen the authority to seek proposals and award bids for removing material from the Ted Williams Camp property to expand recreational facilities and repair structures at the Ted Williams Camp and other Park facilities. Value of material removed will be returned to the Parks in the form of work projects and/or income placed in the Park Enterprise Fund.

Selectmen Maksy said he had a discussion with the Park Commission on their article. Selectmen Yeatts said this would be under Article 97, and she wants to make sure that this is okay to be done. Ms. Garbitt said under Article 97, we would have to ask for Special Legislation for the earth removal. The Park Commission is hoping to raise money from the gravel removal since there needs to be additional funds for the renovation of the Commissary Building. Chairman Evirs said they need to expand the ball fields and the parking area, and the material they sell would help pay for that. Selectmen Yeatts said we took a walk there on a Friday afternoon. We talked about the trees and what could be done to make money. Is that all out the window now? Selectmen Maksy said yes. They want to barter with someone with the extra material and build a field as well. They want to swap the gravel for loam. That is what they are hoping to do. If there is any additional money, it would go to the commissary building. It is a possibility that the gravel could be worth \$300,000. Selectmen Yeatts asked what steps are we going to take to make sure that much money is there. Ms. Garbitt said there is only one (1) football field there, not two (2). They need another Pop Warner field and a lacrosse field. Chairman Evirs said they were early in their planning stages when we went out there. Selectmen Maksy said they do want the Board of Selectmen involved with the process of all of this. The article should go forward how it is written, and if we cannot meet the requirements of Special Legislation, then we do what we can do. Chairman Evirs said the Selectmen have the final say of what goes on with Town property. The Park Commission may not be aware that it may take Special Legislation and we may need to amend the article to include this. Town Counsel will review the article. Selectmen Yeatts said that Special Legislation may say that anything that comes out has to go back in. Ms. Garbitt said if they raised enough money, they are looking at building an additional rest room outside the Commissary Building.

Article Three-To see if the Town will charge for each written demand issued by the Tax Collector a fee of \$15.00 to be added and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of January 1, 2009.

Ms. Garbitt said she brought this up before when we received the Information Guideline Release from the DOR. The Town may vote to raise demand fees, and the Treasurer did do some research on what other Towns charge. Right now our fee is only \$5 and that does not take into consideration all that is done to process the demand, so it should be increased to \$15. The Town collected \$5,826 demand fees for Motor Vehicles, Real Estate and Personal Property in FY07 and that was just at a \$5 fee. For FY08 it was \$6,315 at the \$5 rate. The hope is that people will pay on time, but if they do not, it will increase. It only affects people that do not pay their taxes on time. Right now it is a fee that is not keeping with the times.

Article Four-To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for leasing for a term of five (5) years one (1) Postage Meter for use by the Town.

Ms. Garbitt said they would like lease the postage meter, and the Town would save \$327 over a five (5) year period.

Article Five-To see if the Town will vote to adopt the following By-Law, as authorized by the vote in Article 16 of the Annual Town Meeting of May 8, 2006 and as provided for in Chapter 269 of the Acts of 2006:

To amend the Town's General By-Laws by adding the following new provision at the end of the last provision of the existing General By-Laws:

Manufactured Housing Communities Rent Control By-Law

Section 1. In accordance with the authority of Chapter 269 of the Acts of 2006, the Town hereby adopts this Manufactured Housing Communities Rent Control By-law. In so doing, the Town finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the Town, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located therein, that unless manufactured housing community rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly.

Section 2.

A. The Town hereby regulates for the use or occupancy of manufactured housing accommodations in the Town, and establishes a Rent Control Board for the purpose of regulating rents, minimum standards for use or occupancy of manufactured housing communities and eviction of tenants therefrom, and requiring registration by owners of manufactured housing communities.

B. The Rent Control Board shall consist of three (3) members, all of whom shall be registered voters in the Town, and shall be appointed by the Board of Selectmen. At the time of the initial appointments, one member shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years and one (1) member for a term of three (3) years. Thereafter, all members shall be appointed for terms of three (3) years.

C. These rents, standards and evictions may be regulated by the Rent Control Board so as to remove hardships or correct inequities for both the owner and tenants of such manufactured housing communities.

D. The Rent Control Board shall have all the powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of manufactured housing communities, under penalty of perjury, require the provision of information relating to the manufactured housing communities, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such manufactured housing communities.

E. Violations of this By-Law or any order of the Rent Control Board shall be punishable by a fine of not more than \$1,000.00.

Section 3. In regulating rents for such manufactured housing communities, the Rent Control Board established under Section 2 may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for manufactured housing communities in the Town are established at levels which yield to owners a fair net operating

income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the Rent Control Board, on the basis of evidence presented before it deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the Rent Control Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

Section 4. The provisions of Chapter 30A of the General Laws, insofar as applicable, shall be applicable to the Rent Control Board as if the Rent Control Board were an agency of the Commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

Section 5.

A. The Plymouth Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court, of all petitions for review of decisions and orders of the Rent Control Board brought pursuant to Section 14 of Chapter 30A of the General Laws.

B. The Superior Court shall have jurisdiction to enforce the provisions of this By-Law and any regulations or orders made thereunder and may restrain violations thereof.

Section 6. The Rent Control Board may regulate evictions and issue orders providing that a certificate of eviction shall be required as a condition prior to the commencement of an action in summary process to recover possession from a tenant in a manufactured housing community. A certificate of eviction may be issued by the Rent Control Board upon a finding that (a) the tenant has failed to pay the rent to which the owner is entitled; or (2) the tenant is in substantial violation of a valid and enforceable rule of the manufactured housing community; or (3) the tenant is in violation of a law which protects the health and safety of other residents of the manufactured housing community; or (4) the owner in good faith and in compliance with all other applicable laws and regulations discontinues the manufactured housing community; or, (5) other just cause that the Rent Control Board may establish by regulation. Such certificates of eviction or orders shall be reviewable as provided in this By-Law, Section 5.

Section 7. The personnel of the Rent Control Board established shall not be subject to Section 9A of Chapter 30 of the General Laws or Chapter 31 of the General Laws.

In the event any portion of this Manufactured Housing Communities Rent Control By-law is declared invalid, such invalidity shall not affect the validity of any other provision.

Ms. Garbitt said this is basically a housekeeping item. We did have Town Meeting approve it to go for the Special Legislation that was approved by the Governor. Now we have to adopt it as a by law.

Article Six-To see if the Town will vote to appropriate a sum of, money for the construction of an elevated water storage tank and pump station; to determine whether this appropriation shall

be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.

Ms. Garbitt said this is the SRF (State Revolving Fund) loan for the construction of an elevated water storage tank and pump station. If the Town gets the State Representatives to speak up, the Town might be able to do a little better on the percentage rate. Ms. Garbitt will check on the water line extension to the Town Hall.

Article Seven-To see if the Town will vote to adopt the following General By-Law:

Excavation and Trench Safety

In conformity with the provisions of 520 CMR 14.00, the Town of Lakeville hereby establishes the following procedures:

1. The Superintendent of Streets shall be charged with the responsibility of issuing trench permits for all work involving excavation in a public way by any Town agency, Town contractor, private utility, or other legitimate entity. Such excavation permit shall be additional to the required street opening permit issued by the Board of Selectmen.
2. The Board of Health shall be charged with the responsibility of issuing trench permits for all qualifying septic system installations.
3. The Building Commissioner shall be charged with the responsibility of issuing trench permits for all qualifying excavations conducted by any party in a private way or private common drive, as well as qualifying, non-septic excavations of any description on private property.
4. The Board of Selectmen shall have the authority to establish fees for the issuance of such permits.

Ms. Garbitt said she talked to Town Counsel on this article and it will be finalized by the warrant review. This has to include private property. The fee can be set by the Board of Selectmen. Town Counsel will make the recommendation about this to the Board.

Article Eight-To see if the Town will vote to amend the General By-Law regarding Outdoor Lighting as follows:

Delete Section 5.3 in its entirety and replace it with the following.

Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official (or his designee), together with adequate information to assure compliance with this code, which must be received prior to substitution.

Section 5.3 currently states:

Subdivision Plan Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of the Town of Lakeville Outdoor Lighting Code will be adhered to.

Ms. Garbitt said when this was passed at Town Meeting; the Attorney General did not approve a section of it in the Subdivision Control Law. It was corrected for the last Town Meeting, but the wrong section was deleted, so we are just correcting that. This is just a housekeeping item.

Article Nine-To see if the Town will vote to amend the Lakeville Demolition General By-Law Section 1.0 Intent and Purpose by deleting the text “without” and adding the text “within” in the first sentence of the paragraph so that, as amended, this section reads as follows, or take any action relative thereto:

1.0 Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which are outside Historic Districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them.

Ms. Garbitt said this is a correction to the Demolition Bylaw. The bylaw we passed a few years ago, under intent and purpose, said “without” the Town and it clearly was to be “within” the Town, so Town Meeting has to correct the language.

Article Ten-To see if the Town will vote to amend the Zoning By-Law Section 7.5.3 by deleting the text for 4) and replacing it with the following text, or take any action relative thereto:

7.5.3 Permitted Uses as Principal Activities in the Mixed Use Development District

- 4) Limited occupancy housing, which the Planning Board determines as part of site plan review, is designed for adult-targeted households and; (i) reflects an attractive design and architectural features customarily found in adult-targeted households and; (ii) provides for any recreational amenities to be oriented toward an adult population and shall not include playgrounds.

This section currently states:

Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit.

Ms. Garbitt said this is regarding the Mixed Use Development at Lakeville Hospital. Sherry Clancy did come before the Board a few months ago saying that she did have someone interested in the residential part of the property but not with the 55 and over restriction. She has spoken to the Board and the Planning Board about the 55 age restriction. Selectmen Yeatts said we met with her and said we would work with her on the age restriction. However, three (3) bedrooms is a substantial change. Now we kind of are on a blank chalkboard again. Three (3) bedrooms mean children in the schools even though they are not saying so. What are we getting for this? Ms. Garbitt said Ms. Clancy will have to go to site plan review. She has to file a site plan with the Planning Board before the end of the year. Chairman Evirs said with age restricted, they could have four (4) bedrooms. It does not talk about density or anything. We could still limit the bedrooms with the occupancy. Ms. Garbitt said Town Counsel said we cannot regulate the interior. If it was by Special Permit or Comprehensive Permit, that is different. We always knew it was going to be multiple bedrooms.

Selectmen Maksy said yes, but with one (1) parking space and having three (3) bedrooms, then that means children. Chairman Evirs said when you remove the age restriction; the guide is to attract empty nesters and others like that. The Planning Board would be working on that with us.

Selectmen Yeatts said her point is that if we are giving this, then what is the Town of Lakeville getting in return, especially if there is the potential to have more children in our schools. We may have the potential to start again. Further discussion took place on this article. Chairman Evirs said maybe we limit the square footage of the unit, if we cannot limit what goes on in the inside. Selectmen Maksy said their septic design will have to change for this as well. We can send comments to the Planning Board on this so that they know for the warrant review on December 1st. Ms. Garbitt said they have not done site plan for any residential as of yet, but she thinks they are supposed to by the end of the year. Selectmen Maksy said they may not have enough water with the change in this also.

Richard Scott of Rush Pond Road said his wife and he worked very diligently as abutters to achieve the objectives of the developer, the Town and the impact to the Rush Pond Road residents. We were brought in as stake holders with a high degree of input, and we advocated for this to be approved at Town Meeting since we had a lot of abutter input and it was sold to us as the residential part being the least attractive to them. The whole project hinged on this agreement, and we were told that even if National Development sold the property, that was an iron clad agreement. We understand about making it a viable project and that the business part is not going to happen right away, but it seems to me that there is a credibility issue here and a gun being held to your head with a timeline. He did not think the Board should rush to change this, and he encouraged the Board to take the time that it takes, even if it does not happen for this Town Meeting. Once the zoning is changed, then the abutter input will change, and this was all agreed upon. The Planning Board worked very hard on this. So if there is a change, make sure it is taken with the proper balance as it goes forward. We just do not want to move very quickly in the next four (4) weeks without caution.

Chairman Evirs said as far as Rush Pond Road, it will still be residential as promised. It will not be a 40B or a conglomerate of housing. The reason they are asking to remove the age restriction is that the only age restricted area was Twin Coach and Blueberry Estates. Since that time a few years ago, two (2) large properties have been developed, one across from Le Baron

Country Club and one at Woods Edge, so that has saturated Lakeville with age restricted properties. There was even another development, Stagecoach, that was proposed but that has stopped since no one can get financing for age restricted housing. This will still be controlled through the Planning Board with all the necessary hearings and abutter notices just as it was there in the age restriction, but we have the ability with the bylaw to write in other things by taking out the restriction on the age. Selectmen Yeatts said this now sounds to me that there could be a second phase like LeBaron instead of the side by side (single-duplex) ones. They had already showed us a plan that they were going to follow. Chairman Evirs said since they have not gone to site plan review what they showed before may not be what will take place. They may have shown some concept of what they may like to do down the road, but nothing has been approved. Selectmen Maksy said the difference of this project is that the ZBA would have you present what you want and approve each change as you go along. With this, as long as they meet the bylaw, we have no control of what they will do. Ms. Garbitt said they did sign a development agreement with the Town. Mr. Scott said the Town wanted to avoid filling the schools and anticipated the growth and the number of people, the number of cars, etc. The concern is that we worked hard to get all the stakeholders to get something that we could all live with and now the age restriction may not work in today's environment. We still would like a win win. One of the things they said they are going to do is to demolish the buildings, and until they do, there is no serious project. We have worked ourselves through water problems, etc., at the expense of time. Selectmen Maksy said the problem we are having with a 40B or age restricted project is trouble getting people to qualify. This is not the same as other 40B projects. Selectmen Yeatts said so the first step is that Town Counsel needs to review this. Chairman Evirs said then for the Planning Board to review and make a recommendation at their hearing and all the abutters will get notices. Our job is to accept it and put it on its course.

Article Eleven-To see if the Town will vote to ratify the Collective Bargaining Agreement with the Lakeville Permanent Firefighter's Association and transfer a sum of money from Employee Benefits for health insurance to wages for the Fire Department, or take any action relative thereto.

Article Twelve-To see if the Town vote to transfer the following sums of money:

\$786.00 from Assistant Treasurer Salary to Longevity for Assistant Treasurer
\$18.00 from Assistant Treasurer Salary to Longevity for Assistant Town Clerk
\$23.00 from Assistant Treasurer Salary to Assistant Town Clerk Salary
\$829.00 from Treasurer's Office overtime to Assistant Town Clerk Salary
\$200.00 from Board of Health Overtime to Board of Health Hourly Longevity

Ms. Garbitt said the transfer of funds addresses mistakes regarding longevity and wages in the FY09 budget, etc.

Article Thirteen-Does the Board of Selectmen want to change the posting location at Neighbor's Corner Store.

Ms. Garbitt said since Neighbor's Corner Store is vacant; we might want to consider changing the posting of the warrant there. Ms. Craig said we may not have to go to Town Meeting to

change the wording. She has spoken to the Town Clerk on this. The General Bylaw does not list Neighborhood Corner Store specifically as a posting place. She referred to Section Three of the General Bylaw. So, the Town Clerk and she felt that it does not have to be done at Town Meeting. Selectmen Yeatts said let's ask Mayflower Bank. Ms. Garbitt said the warrant is also posted on the website, so there are a lot more options available. Chairman Evirs asked that Mayflower Bank be called to inquire if we can post the warrant in their window. We are very limited to where it is posted in that area of Town.

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

VOTED: To place the noted articles on the warrant.
Unanimous in favor.

Revisit request to layout Chrisjenn Brooke Lane

Chairman Evirs said the Planning Board and the Superintendent of Streets recommends not accepting Chrisjenn Brooke Lane. The Conservation Commission will be presenting a memo also not in favor of accepting the road.

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

VOTED: Not to proceed with the layout of ChrisJenn Brooke Lane.
Unanimous in favor.

Vote to sign Compliance Certificate – 4 Agnes Way

Chairman Evirs said this is one of the age restricted 40B homes at Wood's Edge that could not find a buyer and the Board agreed to change the price. Now the house is no longer an affordable home, and the Town gets \$11,000 for it. The Town should get another \$11,000 for the next home as well.

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

VOTED: To sign the Certificate of Compliance acknowledging receipt of the funds in excess of the Maximum Resale Price from the sale of 4 Agnes Way in the amount of \$11,000. These funds will be deposited into an Affordable Housing Trust Fund by the Town to support other affordable housing within the Town.
Unanimous in favor.

Ms. Garbitt said she would like to bring back to the Board about appointing an Affordable Housing Trust Fund, so there is a lot more to do with the housing now that we do have this money.

Review request for appointment of Member to Rent Control Board

Chairman Evirs read a request from Donna Glidden to be appointed to the vacancy on the Rent Control Board.

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

VOTED: To appoint Donna Glidden to the Rent Control Board with a term to expire July 31, 2009.
Unanimous in favor.

Review request for appointment of Associate Member to Zoning Board of Appeals

Chairman Evirs read a letter from Joseph Urbanski requesting to be appointed to the Zoning Board of Appeals as an Associate Member.

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

VOTED: To appoint Joseph Urbanski as an Associate Member to the Zoning Board of Appeals with a term to expire July 31, 2009.
Unanimous in favor.

Review request for extension of Road Cut Permit – 6 Lakeville Business Park Drive

Chairman Evirs read a request from Crowley Cable Construction, Inc., for an extension of their current Road Cut Permit.

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

VOTED: To extend the permit issued to Crowley Cable Construction, Inc., from November 3, 2008 to December 3, 2008 with the same conditions as previously issued.
Unanimous in favor.

Review request for curb cut for cul-de-sac extension – Trinity Lane

Chairman Evirs said this is putting a cul-de-sac on a cul-de-sac and extending it into Freetown, but the actual curb cut is in Lakeville. Selectmen Yeatts said she was wondering why the upland circles overlap on 9 and 10, but that is in Freetown.

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

VOTED: To approve the curb cut for Trinity Lane.
Unanimous in favor.

Request from Lakeville Arts Council for signage for their Made in Lakeville Craft/Holiday Event

Chairman Evirs read the request from the Lakeville Arts Council for signage for their Made in Lakeville Craft/Holiday Event.

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

VOTED: To approve the request from the Lakeville Arts Council for 2' x 4' signage on the Senior Center, to place the event on the Town's Community Sign, and the Ted Williams Camp sign on Bedford Street for their "Made in Lakeville" Craft/Holiday Event which will take place on December 13, 2009.
Unanimous in favor.

Review and vote to approve Selectmen's meeting minutes: August 11, 2008; September 8, 2008; September 16, 2008; September 19, 2008; October 15, 2008; and October 27, 2008

The Board had several revisions to the August 11th meeting minutes so they were put on hold at this time.

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

VOTED: To waive the reading of and approve the September 8, 2008 Selectmen minutes as presented.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes as presented for September 16, 2008, October 15, 2008 and October 27, 2008.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes as presented for September 19, 2008.
Unanimous in favor.

Review and accept Executive Session minutes: September 16, 2008; September 22, 2008; October 20, 2008 and October 27, 2008

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

VOTED: To approve the September 22, 2008 and October 20, 2008 Executive Session meeting minutes as presented.
Unanimous in favor.

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

VOTED: To approve the September 16, 2008 and October 27, 2008 Executive Session meeting minutes as presented.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt said at the last meeting, Selectmen Maksy and she went over our discussion with the Building Commissioner on a few items. It was noticed that we did not have approval by the Board of the one (1) time fee of the \$40 for the Home Occupation inspection.

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

VOTED: To approve the one time fee of \$40 for the Home Occupation inspection by the Building Commissioner.
Unanimous in favor.

Other Items

1. Letter from Historical Commission regarding Veteran's Day Observance
Selectmen Maksy is going to represent the Board.
2. Memo from Conservation Commission regarding authorized signers
3. Memo from Board of Health regarding Special Town Meeting
4. Letter from Town Clerk regarding purchasing of new voting equipment-FY10

Chairman Evirs said this has to do with the voting machines. The current ones are obsolete. The Town can use them for this Presidential and State Election and next spring in the Town Election, but for the 2010 election the Town must have new voting machines, and it is an unfunded mandate. Chairman Evirs had approached Representative Canessa at a breakfast last week about looking into some grant funding for these. It is \$19,500 right now, and it could be more if when we go to buy them. We only have three (3) precincts and one (1) machine in each of them. That is the cost apiece. Ms. Garbitt said when the State started talking about this it was felt that the State would pay for this, but with the fiscal crisis, we do not think there will be any funding from the State. So it will be put in the Town Clerk's 2010 capital budget request.

5. Letters from Board of Health regarding 307 Pond Lane, 309 Pond Lane & 207-209 County Road
6. Letter from Lord Associates regarding Joe's Gasoline – 33 Bedford Street
7. Letter from Mid-City Scrap Iron & Salvage Company regarding prices
Chairman Evirs said this has to do with our recycling monies, and the price that we will be paid per ton for our recyclable materials. It is dropping rapidly, and this has to be factored into the budget for next year. This will have a serious effect on the Transfer Station operation.
8. Letter from Town of Norton regarding proposed Barrowsville Station
9. Meeting notice- Regional Power Plant Task Force – November 6, 2008
Selectmen Yeatts said she will attend, but if the notice comes in again, she would like to know right away for scheduling purposes.
10. Meeting notice – Plymouth County Commissioners – October 21, 2008
11. Invitation to attend Cranberry Country Chamber of Commerce Annual Recognition Luncheon – November 19, 2008
Chairman Evirs said he would like to publicly announce that the Business of the Year is Wilmot's Decorating Center in Middleborough. Jerry Graham is the Volunteer of the Year.
12. GATRA Advisory Board meeting notice – November 12, 2008
13. Memo from SEED regarding Membership Renewal and Annual Meeting
14. Letter from Comcast regarding Mojo HD Channel
15. Letter from Comcast regarding renewal process
Chairman Evirs asked that Ms. Garbitt make sure that the Cable Committee is on board. This is the renewal process and what they need to go through. There are many steps involved. We do not want to lose Comcast as a provider. That is why we got Verizon on board, to have two (2) providers in Town.
16. Letter from Comcast regarding price adjustments
17. Copy of Notice of Filling and Public Hearing-NSTAR Electric Company
18. Notice of upcoming event – The Trustees Putnam Conservation Institute
19. Initiation to celebrate Monterey-Tyringham Land Conservation Effort
20. Workshop notice – Green Communities Act – November 7, 2008
Selectmen Yeatts said Selectmen Maksy, Mark Sorel and she have registered for this. This will help with NIMS and the new police station etc. It will be in Sturbridge.
21. Mass Wildlife News – November issue
22. Memo from Town Counsel regarding New Appeals Court Decision Invalidating Major Residential Development Special Permit Requirement

At 9:40 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss pending litigation.
Polled vote of Selectman Yeatts – aye, Selectman Maksy – aye and Selectman Evirs – aye.