

**SELECTMEN'S MEETING**  
**Monday, November 19, 2007**

On November 19, 2007, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 7:00 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 Russell & Elizabeth Mathis dog hearing**

Chair Yeatts read the letter that was sent to the dog owners regarding the scheduled hearing and then the letter postponing it. Elizabeth Mathis stated that she was never given the letter, someone came to her house and let her know verbally. Ms. Craig presented the constable notice, to Chair Yeatts, dated November 14, 2007, that was given to Russell Mathis at 11:15 AM. The police officer went there several times, and no one was there to accept the letter. The letter was also mailed first class. Ms. Mathis explained that she runs a home business out of her home and is home almost all the time and does not understand why there was confusion.

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

VOTED:       To open the Mathis dog hearing.  
                  Unanimous in favor

Chair Yeatts then explained how the process would take place for the dog hearing. If the Mathis' do not like the verdict at the end of the hearing, then it is their right to take it to District Court. Joann Baptiste, Jill Souza, and Elizabeth Mathis were sworn in by Chair Yeatts.

Chair Yeatts noted that neither dog was licensed by the Town, and there was no record that three of them had their rabies shots. Only Molly was noted to have received a rabies vaccination. Ms. Mathis said that all four (4) dogs have been vaccinated and also have all been licensed. Chair Yeatts asked for documentation of this. Ms. Mathis stated that someone had called her veterinarian, and the veterinarian would not release the information on her animals. That is where the whole misunderstanding began. Ms. Craig explained that she did not call the veterinarian, the Town Clerk, Jan Tracy, called. This is standard procedure. The veterinarian said the shots for the dogs were not up to date. It went back and forth, but according to the Town Clerk, they are now all licensed and vaccinated. Chair Yeatts asked for copies of what Ms. Mathis provided to the Town Clerk.

Ms. Souza was asked to explain her side of the situation. The Mathis' had two (2) dogs when they first moved in. Then the dog had puppies. They then built a pen in the back yard and the dogs and puppies barked all day and into the night. The dogs were left there for the weekend in the summer when the Mathis' went camping and all the dogs did was bark, all day and all night. Since the letter for this hearing was sent, it has been quieter with the dogs, but it is thought that the dog had puppies again. That is why they are not out barking, but come spring they will be out again. Chair Yeatts said the first complaint was in September, and then it has not been so

bad with the barking. The barking had been occurring up to 11:00 PM at night and as early as 6:15 AM, but we have not received as many complaints since that date. Ms. Craig said an incident report was received from the Police Department reporting barking dogs at that address at 11:00 PM or 12:00 AM and then the homeowner brought the dog inside.

Ms. Baptiste stated that she has heard the dogs barking numerous times during the summer but did not know where it was coming from. About a month ago, she was sitting outside and the dogs kept barking and barking, so she drove around in the car and found them. She mentioned something to the man at the house and he said that there were other dogs over with their friends that is why all the barking. She told him that she could not believe that no one else has complained about the ongoing barking.

Ms. Mathis said since the complaints have started, she has been documenting it all and has two (2) names of neighbors that can be contacted on this. There are other dogs in the neighborhood that also bark, even Ms. Souza has a dog that barks. She has asked the neighbors if there is a problem to let her know. Ms. Souza said one of the neighbors, Macomber, almost came to blows over the dogs with the Mathis's. She thought a complaint had been filed by Macomber against Ms. Mathis.

Chair Yeatts asked if it was not so bad now. Ms. Baptiste said she is a teacher and has gone back to work now, and the windows are closed, so it is hard to say since she is not home during the day. She noticed it more so in the summer when she was in the yard. Ms. Souza said it has been better. Chair Yeatts asked Ms. Mathis since she knew that the barking is bothering people are you going to try to resolve the situation. Ms. Mathis said she will do the best she can. Someone should have come over and talked to her about it. She feels this is a waste of time. It is totally false about them going away and leaving the dogs home. Her brother did house sit and watched the dogs that weekend. She leash walks the dogs, and they are never out earlier than 7:00 AM or 8:00 AM.

Selectman Evirs said he had some questions about the puppies. Ms. Mathis said Molly is the mom of the three (3) puppies and she breeds her. Selectman Evirs said so she is not outside, but she is a barker. Ms. Mathis said her time is limited outside. Selectman Evirs said you cannot operate a kennel there. Ms. Mathis said she is just breeding her, but is not running a kennel. Selectman Evirs asked if she had looked into bark collars. Ms. Mathis said she is looking into that. Selectman Evirs said there are dog collars that act like an electric fence and also those that squirt citronella. They are very effective. Selectman Maksy said he would not want to try and sleep when the dogs are barking. It is not just try your best, you have to do it. We all want everyone to be neighbors when we are done here. David Frates, Animal Control Officer, said he has not been getting any complaints lately, it has been pretty good. Ms. Souza said the reason she brought up the issue on the puppies is that they kept two (2) from the first litter. Are they going to keep more from the next one? Selectman Maksy asked how many dogs can a household have? Mr. Frates said there is no limit as long as they are licensed and vaccinated. Ms. Souza asked what constitutes a kennel. Selectman Evirs said we have to check M.G.L. (Massachusetts General Laws) and see what constitutes a kennel. Chair Yeatts said a kennel permit would stay with the property, not the owner. Ms. Garbitt said in order to apply for a kennel license, you must apply to the Zoning Board of Appeals, and the property must be located in a business zone.

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

VOTED: To close the hearing.  
Unanimous in favor.

Chair Yeatts said that it sounds like the situation is getting better and hoped that it gets even better. Ms. Garbitt asked if the Selectmen wanted to state about hours that the dogs could be outside. Chair Yeatts said we do not want to set hard and fast rules this time, but if this takes place again, then will do that.

#### **7:25 PM Appoint Robert Iafrate as Building Commissioner**

Chair Yeatts introduced Robert Iafrate, the new Building Commissioner and stated that the Town now has a contract with him. He will begin work on December 3, 2007, contingent upon a six (6) month probationary period and receiving State certification as Building Commissioner and Building Inspector by June 3, 2009.

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

VOTED: To appoint Robert Iafrate as the new Building Commissioner beginning December 3, 2007 through December 3, 2010, contingent upon a six (6) month probationary period and receiving State certification as Building Commissioner and Building Inspector by June 3, 2009.  
Unanimous in favor.

#### **7:30 PM Meet with Chris Peck to discuss miscellaneous issues**

*Tony Garrow from the Beta Group and Christopher Peck, Superintendent of Streets, is present for the discussion.* Mr. Peck said that Mr. Garrow would be giving a presentation on Pavement Management software. This system sits on top of the GIS and can be used by the Building Commissioner, the Board of Assessors or anyone within the Town with GIS capabilities.

Mr. Garrow introduced himself and spoke on what he has been doing in this field for the past 15 years. He gave a detailed explanation of the software. It is user friendly and fashioned so it can be used by many. The first factor is to go out and evaluate all the roads in the Town and to develop a condition index for the road, (develop a comprehensive data base for the roads) and there is a lot of existing information that can be used. Mr. Peck stated that at Town Meeting, the Townspeople have approved 65.69 miles of roads. That amount directly affects the Chapter 90 monies. It appears that the Town actually has 80 miles of roadways and so potentially the Town could get more money for the roads by having the roads evaluated. Mr. Garrow said you have approximately \$279,000 in Chapter 90 Funds and if it is actually 15 miles more, then the Town will see more money added to this amount and the Town can do a lot of crack sealing with an additional \$10,000 or so. The Town is licensed to use Microsoft Office, but there are other software systems that can be used and be evaluated as well. Pavement Management Systems are

decision making tools or systems for making cost effective decisions concerning pavement maintenance and rehabilitation in order to be pro-active.

Mr. Garrow said by being proactive vs. reactive, you can reduce long-term maintenance costs, improve road quality, short and long range repair plan, capital funds justified, integrate with other management systems. The project approach is to establish an accurate inventory of roads via GIS and other available data; conduct a field inspection program; calculate road surface ratings (RSR); determine repair methods and unit costs (i.e. crack sealing overlay, reconstruction); calculate network backlog; and prioritize based on condition, function, utility projects, and other projects (i.e. National Development). For the database development the cost is \$3,200, the inspection program it is \$8,000, the capital planning/training is \$5,000, then the GIS mapping and reporting is \$3,800 for a total of \$20,000. Then the laptop cost as well, if necessary. Selectman Evirs asked if we could use Chapter 90 money to pay for this? Mr. Garrow said all the projects that we have done have been funded by Chapter 90 funds. Selectman Maksy said with the % increase on the roads it will bring in that much more for the Town. Ms. McRae said we are not allowed to use the Chapter 90 money on State roads and the additional mileage may be due to those roads. Mr. Peck said we also had some other roads that the State did not have. He had to give the actual Town Meeting votes to the State to prove it. Selectman Evirs said so it may be as low as \$12,000 to do this program and then it comes out of the Chapter 90 funds? Mr. Garrow said that is correct. Ms. Garbitt stated that the laptop that is being used for the Storm Water Management Plan is getting ready to go and so this program could be used on the new laptop and that would also be very helpful for the Town Accountant for the GASBE34.

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

VOTED: To move forward with the Pavement Management Program with the consideration that the Superintendent of Streets do what he can to reduce the cost of the program.  
Unanimous in favor.

### **Hazardous trees**

Mr. Peck explained that he is in the process of putting a list together regarding the hazardous trees in the Town, marking the ones that the Highway Department can take down and those which it cannot. Route 105 has been done, along with Precinct Street and Montgomery Street. There are almost 200 trees just between these roads. The wood will go to the Highway Barn.

Ms. Garbitt mentioned that Mr. Peck has also increased the budget for FY09 for contracted services by \$100,000. \$32,000 is for the police details. Mr. Peck explained that he is doing all the work that can be done with the workforce, to help hold the outside costs back, but the first snow storm be a concern. Selectman Maksy stated that there was a MG&E (Middleborough Gas & Electric) meeting last week, and they also increased the tree cutting budget by \$150,000 to get a handle on the trees. Bill Taylor, Electric Division Manager, was contacted and asked to get some sort of priority list together of the trees that are electrically related. Mr. Peck mentioned that this also effects TMLP (Taunton Municipal Light Plant) and NSTAR as well since there are

portions of Lakeville that they serve. Mr. Peck explained that it will be an exhausting list. Nine (9) trees were taken down at Long Point Road today and nine (9) more will be done tomorrow, but the roads where Police Details will be needed will take longer due to the funds needed to pay for these services.

Selectman Evirs said he would like to speak with our State Legislators on this. We are not unique, and this matter should be brought up on Beacon Hill to help all Towns in this situation. This will cost significant money to get this done and it may be beneficial. Chair Yeatts said that is a good idea. Ms. Garbitt mentioned that she had spoken with Representative Quinn recently on the matter. Chair Yeatts said it would not hurt to follow it up. Mr. Peck stated that if it was not the Town doing the work, it would be about \$900-\$1,200 per tree depending on the location and how many could get taken down. Chair Yeatts said the Town should let the State know what the Town is doing and what areas it needs help on. Ms. Garbitt stated that many people from the Town have also called about the trees. They want the Town to take their trees down since some are near wires, but if they are on private property, the citizen has to hire someone to do this work, it is the responsibility of the homeowner. Selectman Maksy said she will set up a meeting with Mr. Peck and Mr. Taylor.

### **Bridge Street temporary repairs**

Chair Yeatts read a letter from Antonio Amaral of Bridge Street regarding the fact that his house vibrates every time a large truck goes over the road causing damage, since items in his home fall off shelves. It also has put cracks in his ceiling. Mr. Peck stated that Bridge Street is probably the number one street in the Town that needs to be repaired or reconstructed. If it is overlaid it would not take care of the problem, its disrepair is from the lack of pavement design, the large amount of truck traffic and lack of adequate drainage. When the National Development project takes off, there is money allotted to repave the road, but it is not known if it is enough money set aside to really remedy the problem. The Town has done some repairs, but the potholes pop out after a rainstorm. P. J. Keating was asked to give a price to put a thin 1" skim on it and have a Police Detail while the work was being done. That cost is about \$10,672. The Highway Department can go and pick up the materials and do the work, however, the Town does not have the correct equipment and still needs the Police Detail. It would cost just as much.

Selectman Evirs asked if there was Chapter 90 money available for the project. Ms. Garbitt responded that there was. Chair Yeatts asked if the Town receive any money from Ocean Spray for the road. Ms. Garbitt said no, because Ocean Spray is in Middleborough. Selectman Evirs asked about putting a weight limit on the road and bridge like the State does? Mr. Peck stated that the Town can specify an alternate route, but would need permission from the Town of Middleborough. If the Town received a bad bridge rating, it could then eliminate truck traffic. Selectman Evirs asked if the Town could still do it due to the road conditions. Mr. Peck responded that he thought the Town would need approval from the Town of Middleborough. They just widened the intersection at Route 105 and Route 28, but it is not known if they would accept this.

Chair Yeatts said Mr. Garrow just told us to defer road projects until projects that are definitely coming take place. Why go through this effort to just then waste \$10,000 if that will

happen. Mr. Peck responded that it would be to keep the road safe. Chair Yeatts asked him if he thought the road is unsafe. Mr. Peck responded that with the amount of traffic that is going through the road, yes. To spend this money now will give the Town a window of three (3) to five (5) years. Chair Yeatts said that National Development has allocated \$100,000 for the redesign of Bridge Street/Main Street intersection. Mr. Peck responded that is not even enough for an overlay. Ms. Garbitt stated that Sherry Clancy of National Development has had someone go out to look at Bridge Street and they are recommending not just an overlay, it would need to be reclaimed. Mr. Peck stated that if the Town was going to fix this road, then they would need to install drainage. The road is up and down and water sits and breaks up the pavement. There are icing and flooding conditions and much of this cannot be fixed with cold patch. Chair Yeatts said she does not want to answer this right now. This is a lot of money, and she does not want to spend it with our budget.

Ms. Garbitt explained that when Mr. Amaral brought in the letter, he explained that he realizes that National Development has it in their budget to fix the road, but he has been patient and has been waiting and does not want to wait any longer. This has been going on since 2003-2004. Further discussion on the matter took place. Mr. Peck explained that this is the bare minimum, but it will take out the very rough spots, and it is recommended to do it. There are not too many alternatives left. If this National Development project was not occurring, this road would have been done a long time ago either by himself or Mr. Hamilton.

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

VOTED: To authorize Chris Peck, Superintendent of Streets, to do the repairs to Bridge Street using P. J. Keating in the amount of \$10,672.00.  
Unanimous in favor.

### **Snow Plowing Rates**

Chair Yeatts read a letter from the snow plow operators regarding an increase to their present hourly rate to bring it to \$50.00 per hour. Chair Yeatts went over the past history of the plowing increases. It was asked if the Town still provides the blades and how many operators there were. The last increase for the snow plowers was in 2004. Mr. Peck responded that the Town still provides the blades and four (4) people came in to inquire about plowing for the Town, but only two (2) dropped off applications. Chair Yeatts stated that she does not have a problem with the increase due to the price of gasoline. Mr. Peck stated that only 6-wheeled vehicles were used for plowing.

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

VOTED: To increase the snow plow contractors rate from \$47.50 to \$50.00 per hour.  
Unanimous in favor.

### **SEMASS Contract**

Ms. Garbitt explained that beginning in July 1, 08 through June 20, 2013, the rate will be \$89 per ton of solid waste. For the period of July 1, 2014 through June 30, 2020, the rate will be \$95.00 per ton. The first spread sheet did not have the addendum. If the addendum is signed there will be a fixed rate for six (6) years and then it will increase for the next six (6) years. The total savings would be \$103,000 over the 12 years.

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

VOTED: To sign the Sixth Amendment to Service Agreement between the SEMASS Partnership, a Massachusetts Limited Partnership and the Town of Lakeville.  
Unanimous in favor.

### **Waiver of one month's rent - Somethin's Brewin**

Chair Yeatts read the letter from Somethin's Brewin, the renters of the Historic Library, asking for a month's rent waiver, in the amount of \$1,000, as the parking lot was not paved until after their grand opening. They feel that they lost about \$350 a day since many people did not know if they were open or not due to the work taking place with the parking lot. Selectman Evirs stated that as landlords the Town did not uphold its end of the bargain. The Town knew when they wanted to open and this does not appear to be an outlandish request. Also there was the tie up with the dumpster, which has still been in the process of getting done. Chair Yeatts agreed that the business was held up, but not necessarily to the deficiency of the Town, since the first time the bid went out on the septic system it came back at a ridiculous price and Ms. Garbitt had to go out and rebid it. Selectman Evirs added that that was done in the fall and the Town opted not to do the paving until that area settled, so we waited until this spring.

Ms. Garbitt mentioned that the tenants started paying rent on March 1, 2007. None of the timelines worked out for them. They did not start the renovations until May. The biggest hold up was getting the quote from the paving contractor. Chair Yeatts added that more people did want to go to the café when it first opened, so that was a vital time for them. They are building their business now. Further discussion took place on the pros and cons of the request.

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

VOTED: To waive one (1) month rent of \$1,000 for Somethin's Brewin' Book Café.  
Unanimous in favor.

### **8:00 PM Meet with Cable Commission-draft Verizon license**

*Robert Marshall, David Curtis and Tom Cirignano were present for the discussion.* Bob Marshall stated that the Commission has had quite the experience trying to negotiate a license with Verizon. The bad news is that he does not have an agreement, but the good news is that the issues are down to 1 from 32. Suffice it to say there have been a couple of instances, the ball has been in Verizon's court. The committee had written a letter requesting information from them in

February 2005 and did not hear back for five (5) months, etc. The problem at present is that the present provider (Comcast) is taping, providing community cable services and it is known that Comcast no longer wants to be in that business. There is about three (3) years left on that contract. Nationally, Comcast is looking to get out of the access business, so we know that Lakeville will have to create its own access corporation, and do all this on its own that is currently being provided by Comcast. The Town will need the money to do this. That is, if the Town is going to maintain status quo. It will need a studio, personnel and equipment and that takes money. Money has been accumulating over the years and the Town will still get money from Comcast. Thus, the Town will have the same amount of money to create some competition and then be able to continue with the status quo. This is not to increase or improve what is currently in place with Comcast. So how do we fund this, thru gross annual revenues and one time payments from either Comcast or Verizon. The Town gets 1% gross annual revenue from Comcast per year, that is about \$28,000. The Town gets \$35,000 (1 ¼%) from Comcast for the studio budget, their customer service office in Middleborough, which Lakeville residents can go to, so there is another \$35,000, that is another 1 ¼%. Then the space of the studio, which no one can seem to develop a figure on. If there was a place that did not cost anything, not having to pay for utilities or anything else, that would be great, but he did not know where such a place would end up and that is a real issue. So, the Cable Committee added all this up and felt that 4.5% gross annual revenue was a good figure to offer and that was the position in March of this year. Since then changes have occurred.

Mr. Marshall stated that Verizon said, prior to March, that they did not wish to provide a customer service office or give the Town the money for it either and that was unacceptable to the Cable Committee. Since that time, they have agreed that they will provide a customer service office, so the Cable Committee dropped its position down to 3% and yet there is still a problem of connectivity. If Verizon were to come in and the Town gave them a license, they would want to present the public education and government channels, but they would have to physically connect to Comcast and Comcast can negotiate with them and charge them some money. It would be a one time cost of \$3,500 and then an annual cost of \$17,600 and it is presumed it might escalate. That is half the amount that Comcast allows for the studio (\$35,000). Prior to March, Verizon would give the Town a straight 2 ½% and no connectivity costs at all. Then all of a sudden their position changed. Comcast must have said that will charge you half of what it cost for the studio and now they, Verizon, comes back with this new deal. So the 2 ½% on the table became that, minus 1 ½% and we would not receive less than ½%. This was unacceptable to the Cable Committee. That was a setback for the Cable Committee, and a Verizon representative was spoken with last Friday and was asked if there were any changes and the response was no. Connectivity is linked to that and that is a deal breaker for the Cable Committee.

Mr. Marshall then went over what took place previously for one time start up costs (with Comcast) and how it took forever to get these same matters resolved with Verizon. It had also been asked about inspecting their books, and it was at least a half dozen times this question was posed to them. They were asked to have the books to be located locally or no further away than Boston. Verizon said they would have to get back to the Cable Committee, but that is finally resolved. The Committee is hoping to get another cable company to compete with this to lower costs. It looks like Verizon does not want to move and we do not think that it is a good idea for



Lakeville to move. If we do that for one company, then another company would want it as well. This would bring down what Lakeville receives, and the goal is to maintain status quo. To broadcast the Board of Selectmen meetings, graduations, Board of Health meetings, etc. Under the existing circumstances, this does not seem true. The Cable Committee has tried to work with Dr. Furtado about doing construction to have a studio there at the High School, but it would have to be secure, plus it is part of the Region.

Selectman Maksy asked Mr. Marshall about the senior citizen discount. If they do not want to offer that, it is shooting themselves in the foot. Mr. Marshall explained that the amount is not necessarily something to make the scales tip though. They were thinking a donation to the Senior Center which would be just as good. Mr. Curtis mentioned that Verizon's explanation of not offering a senior citizen discount is that the prices will be so low they will not have to offer that. Chair Yeatts mentioned that not all seniors go to the Center. Mr. Marshall stated that the discount is meager and not everyone qualifies for the discount either, so the \$5,000 is a very reasonable comparison. The maximum savings is 15% and that has not been maintained for much longer than a trial period from what has been read and understood. The citizens want an ongoing savings not just a hook to bring them in and tie them down. Selectman Evirs asked about the money to the Town, which is based on gross annual revenue. Mr. Marshall said if Comcast is giving the Town \$28,000 a year, as Verizon takes customers, one income will go up, the other down, so the Town will realize the same income to maintain the status quo.

The Cable Committee is asking for the Board to send a signed draft license to Verizon asking for 4 ½%. All that achieved before was another meeting in Boston. They did not make any appreciable movement. Since then the Cable Committee dropped from 4 ½% to 3%. So, now the Cable Committee would like to ask that the Board forward this to them, with a cover letter, through working with the Town Administrator, basically saying that this is what the Town is proposing as a license and if Verizon is agreeable, they can have a license for the 3%. Peter Epstein, attorney for the Cable Committee, has said that this is a very fair and equitable agreement.

Chair Yeatts said if the Board is going to sign this, she wanted Ms. Craig to make the changes right now. On Page 31 they have the wrong address for the Town Hall and the signature date says October. Where the Board signs has to be corrected. She was not comfortable signing anything that is not correct, but will sign it when corrected. Mr. Marshall stated that Verizon lobbied Congress, and they lost. They lobbied the FCC and won on party lines but that does not effect Massachusetts. Selectman Maksy said he wanted to thank Mr. Marshall and the Committee members for all the work they have done.

Upon a motion made by Mr. Evirs seconded by Mr. Maksy it was:

VOTED: To sign the corrected agreement/license with Verizon.  
Unanimous in favor.

### **Revisit joining Municipal Coalition for Affordable Housing**

Chair Yeatts explained that it does not cost anything to join the coalition, and she went to the last meeting and got a lot of useful information on 40B's and 40R's

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

VOTED: To join the Municipal Coalition for Affordable Housing.  
Unanimous in favor.

### **Request for Warden and Volunteer Observer appointments-M/L Herring Fishery Commission**

Chair Yeatts read a letter from the M/L Herring Fishery Commission, requesting the appointment of two (2) wardens and three (3) volunteer observers.

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

VOTED: To appoint Sargent Johnson and David Lemmo as Fish Wardens with a term to expire September 30, 2010.  
Unanimous in favor.

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

VOTED: To appoint Harold Atkins, Kristen Chin, and Luke Leonard as Volunteer Observers with a term to expire September 30, 2008.  
Unanimous in favor.

### **Review Christmas Eve and New Year's Eve closing times for package stores**

Chair Yeatts read a memo from Ms. Craig regarding Christmas Eve and New Year's Eve closing times for retail package stores.

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

VOTED: To keep with past practice of holding with 11:00 PM as the standard closing time for Christmas Eve and New Year's Eve for package stores.  
Unanimous in favor.

### **Review last call closing time for New Year's Eve**

Chair Yeatts read a memo from Ms. Craig regarding the "last call" closing time for restaurants with alcohol licenses on New Year's Eve.

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

VOTED: To extend the “last call” hours on New Year’s Eve until 1:30 AM with patrons out at 2 AM.  
Unanimous in favor.

**Request from National Multiple Sclerosis-annual bicycle race-June 28-29, 2008**

Chair Yeatts read a request from the National Multiple Sclerosis Society to cross into Lakeville for their annual bicycle race. Selectman Evirs stated that he wanted to make sure that the event is well advertised, at least a few days before, or a week before the race, to let residents know that this race is coming and the time when the bikes will be coming through the area. Perhaps notice can be sent to the residents along the route. Chair Yeatts said that is not an unreasonable request since it is only going through Long Point Road and will effect only those neighbors. Selectman Maksy felt it affects more than just neighbors. Chair Yeatts said she had quite the experience with the riders the last time. Selectman Maksy felt that the newspaper or cable broadcast might be a better source for advertising the event. Selectman Evirs said one of the residents that was here the last time when there had been problems with a bike race stated that it was difficult to get out of his driveway when all the bikes were going by. Selectman Maksy thought that maybe they could put signs up a head of time, a week before. Some people may be offended with a note on their door.

Ms. Garbitt said that the event organizers could send a note a month ahead of time so that the Board of Selectmen could bring it up for cable and the papers. Chair Yeatts said why can’t the event organizers take the responsibility to call Channel 9 about putting this on cable? Ms. Craig can put in the approval letter for them to notify Channel 9 and to also send the Board a reminder. Ms. Craig stated that she did not know if they had a Police Detail since it is a rural area. The riders will be coming from Rochester and will turn left in Middleborough to Marion Road.

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

VOTED: To approve the bicycle race by the National Multiple Sclerosis Society during the weekend of June 28-29, 2008 to raise funds to support the efforts of the National Multiple Sclerosis Society with the conditions as discussed by the Board.  
Unanimous in favor.

**Request from Bay State Gas for road cuts**

Chair Yeatts read the request from Bay State Gas for 49 Taunton Street and for 5 & 7 Birdie Court.

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

VOTED: To allow Bay State Gas Company to perform the road cut to install a new gas service at 49 Taunton Street if they are not able to drill under the road.  
Unanimous in favor.

### 5 & 7 Birdie Court

Minor discussion took place on this road which is also a Town road. Selectman Maksy asked if the Town will still require developers/residents to come before the Board for private roads as we have in the past. Selectman Evirs responded that he would, since if the road does eventually get considered to be accepted as a Town road, it would be known that when it was done, it was done by Town standards and the overseeing of the Superintendent of Streets. The Town can only protect its self that way.

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

VOTED: To approve the road cut for 5 &7 Birdie Court with all the stipulations as part of the Town's general approval conditions.  
Unanimous in favor.

Ms. Garbitt asked if the Board would vote like to establish a policy for road cuts on private roads. Selectman Maksy stated that he is not comfortable with that, since it may create a mountain of people coming in for signs offs. Discussion took place on this matter between Mr. Peck and Selectman Maksy. Chair Yeatts stated that the Town cannot continually accept roads without any money coming in for it. The Town needs a funding mechanism since the tax dollars are not covering it. She added that she is also not ready to set a policy right now. Selectman Maksy noted that there are 300 + units with Le Baron and to have each road cut be looked at by Mr. Peck will take some time. It should be a plan that is looked at by him.

**Review and vote to approve Selectmen's meeting minutes: March 29, 2007, May 8, 2007, June 4<sup>th</sup>, 2007, August 27, 2007, October 3, 2007, October 30, 2007, November 5, 2007 and November 13, 2007**

Upon a motion made by Mr. Evirs seconded by Ms. Yeatts stepping down to second and then stepping back up it was:

VOTED: To waive the reading of and approve March 29, 2007 as amended on Page 2 and Page 6.  
Unanimous in favor.

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

VOTED: To waive the reading of and approve the following sets of minutes May 8, 2007, June 4<sup>th</sup>, 2007, August 27, 2007, October 3, 2007, October 30, 2007, November 5, 2007 and November 13, 2007.  
Unanimous in favor.

**Review and accept Executive Session minutes: September 24, 2007, October 15, 2007, October 29, 2007, October 30, 2007, November 5, 2007 and November 13, 2007**

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

VOTED: To waive the reading of the Executive Session meeting minutes and to approve the following sets of minutes: September 24, 2007, October 15, 2007, October 29, 2007, October 30, 2007, November 5, 2007 and November 13, 2007.  
Unanimous in favor.

**Any other business that may properly come before the meeting.**

Chair Yeatts mentioned she collected the MMA 6<sup>th</sup> grade essays and heard them read at the school. She was in the process of mailing them in.

Selectman Evirs mentioned sending out a reminder to all the Town Departments since the Town is only 1/3 of the way into the year and the Departments are way ahead in their expenses for heat, gas and electricity. Everyone needs to turn off fans, outside lights, inside lights, air handling units, etc. This should be sent to Police, Fire, Assessors, Schools, etc. He stated that he will work on this with Ms. Garbitt. Otherwise the Town may get to the point of freezing the budget. Ms. Garbitt said she thinks we may get to that point and have already asked the Departments to only buy what they need. Selectman Maksy said to put this on the agenda to discuss again in January.

Ms. Garbitt mentioned that there had been a fire at One Harrison Avenue and the residents would like to install a temporary mobile home to live in while their home is repaired. Selectman Evirs mentioned that if they are going to put up one of those canvas enclosures it has to be outside of the zoning setbacks.

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

VOTED: To approve the installation of a temporary mobile home for six (6) months, until May 19, 2008, with a six (6) month renewable license if necessary. All structures must conform to local zoning and setbacks.  
Unanimous in favor.

Ms. Garbitt stated that herself and Selectman Maksy will go to the SEMASS meeting and then she and Selectman Evirs have another meeting to attend, but Dr. Furtado has said that the SBA (School Building Authority) audit team will be doing a walkthrough at 7:30 AM at Assawompset on the 26<sup>th</sup> of November. The SEMASS meeting starts at 8:30 AM. Chair Yeatts offered to go to the roof walkthrough since she had not seen the roof since it was repaired during the summer.

Minor further information was provided on the SEED meeting and then the three (3) hour commuter rail tour which will be on November 30<sup>th</sup>. Linda Grubb, the Town's representative, is

going and it is hoped that a member of the Selectmen and a Planning Board member will attend as well. Selectman Evirs offered to attend.

### **Other Items**

1. MassHighway Development & Traffic Operations – Relocation of Route 79
2. MassHighway Bridge Inspection Report-Nemasket River Bridge/Bridge Street
3. MassHighway Bridge Inspection Report-Cedar Swamp River/Malbone Street
4. Notice of Certification-Department of Revenue  
Chair Yeatts asked if the notice had been sent in. Ms. Garbitt responded in the affirmative, this is the official certification.
5. Plymouth County Cooperative Extension Calendar-November & December
6. Cranberry Country Chamber of Commerce November Perspective
7. SRPEDD Regional Review Newsletter-November
8. SEED Annual Meeting-November 29<sup>th</sup>
9. Notice from MASS DEP-Disaster Debris Plan Checklist
10. Comcast Cable Forms 1240 & 1205
11. Letter regarding Bishop Connolly-Apponequet Hockey Co-op
12. Letter from Old Colony Regional regarding Budget Sub-Committee
13. Letter from Governor regarding casino gambling
14. Notice from SRPEDD regarding South Coast Transit Project
15. Plymouth County Commissioners agenda-November 13<sup>th</sup>
16. Letter from Plymouth County Mosquito Control
17. Letter from the Wellness Corporation regarding employee participation
18. Memo from Town Counsel regarding State Ethics Commission
19. Letter from DHCD regarding Chapter 40R Smart Growth Zoning District
20. Letter from CHAPA regarding 10 Agnes Way (Wood's Edge Affordable Unit)
21. Letter from Division of Occupational Safety
22. Draft CY08 Intended Use Plan/Project Priority List-SRF Loan Program
23. Petition from Bay State Gas regarding change in base rates
24. Letter from Citizens for Citizens
25. SRPEDD agenda meeting notice-November 28<sup>th</sup>

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

VOTED: To adjourn the meeting at 10:00 PM.  
Unanimous in favor.