

**SELECTMEN'S MEETING**  
**Monday, December 1, 2008**

On December 1, 2008, the Board of Selectmen held a meeting at 6:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 6:00 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.

**6:00 PM Liquor license hearing: Virtual Entertainment Group, Inc.**

*Mark Kitchen of Virtual Entertainment Group, Inc., is present for the hearing.* Chairman Evirs read the legal notice for the public hearing and asked if Ms. Craig had received the certified mail cards back. Ms. Craig had received both cards back and they were only required to notify two (2) abutters, according to ABCC regulations.

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

VOTED: To open the hearing of the Virtual Entertainment Group, Inc. for a General on Premise License to sell wine and malt beverages at 166 County Road, Lakeville, MA.  
Unanimous in favor.

Selectman Yeatts said Town Counsel was questioned about the established water supply. The question was how can we grant a license without a public water supply, and their advice was to take it under advisement. It was learned that there is no working well. An engineer is needed to determine flow, and there is a lot of work to do with the Board of Health. Mark Kitchen said he does have a working well according to his landlords. He does not plan on cooking food. He will have three (3) golf simulators in there. This is virtual golf. It will be in the facility and will allow people to play golf year round and possibly have some leagues. The golf courses are computer generated and completely enclosed. It is not a bar or a place to hang around; it will be rented by the hour. There is a facility in Halifax and one in Plymouth. We will offer snack food, beverages, beer and wine. It is not a place to sit at a bar and drink. The beer and wine is just something to offer to compete with the other establishments. He will be offering golf lessons. Since it is an after work social league, some people may want to have a beer or glass of wine when playing.

Selectman Yeatts said she has a copy of a letter to Mayflower Bank from the Department of Environmental Protection (DEP), dated February 29, 2008. She read the letter into the record, which told the DEP that the present tenant had ceased operations and the building was empty. She said if you have public restrooms, you will need a public water supply. There were problems before with the previous business due to the well not being in compliance. Also, you will need calculations for a flow test from an engineer and drinks will either have to be served in paper or plastic cups, otherwise you would need a dishwasher. She would be hard pressed to issue a liquor license if we do not even know if you have water. She suggested continuing the hearing with his permission until Mr. Kitchen finds out about the well issue. Selectman Maksy

said you are probably not sure of the hurdles you have to go through with the Building Department and the Board of Health. We do not know if this license will be okay with food. Mr. Kitchen said he not be preparing food onsite. Selectman Maksy was concerned about the proximity to the school. He asked if underage people would be allowed in. Mr. Kitchen said he will not age restrict, however, he will be the only one selling alcohol.

Selectman Yeatts said we need to ask the question is it in the public good in the Town of Lakeville to have this establishment serve alcohol. This is what Town Counsel said. Selectman Maksy said he would like to reserve his comments until he heard from the neighbors and public. Chawner Hurd of 161 County Street said he was an unnotified abutter located across the street. Is this for beer and wine or all alcohol? What happens to the license if this goes away? Chairman Evirs said it is for beer and wine. The license will stay with the facility. We might be able to put some reasonable restrictions on it. Mr. Hurd said the ABCC has some strange rules since apparently they can put a bar at the end of your driveway and you do not have to notify you. Nancy Van Laarhoven of 165 County Road said she is opposed to this establishment. The places that you mentioned are fine, but this is Freetown Street. It is a main thoroughfare for all the school buses. The kids are coming out fast from school. She has had six (6) or seven (7) vehicles in her field since they were unable to stop. She cannot imagine someone having a couple of beers or wines and coming out and kids are coming from the High School. It is a public hazard, and she fears for the school children. She has seen a lot of accidents there for the past 30 years. She has even also almost gotten hit coming out of her driveway. The speed is fast there, and there are a lot of gravel trucks, etc., going by. It was asked for the names of the other establishments. Mr. Kitchen said in Halifax, it is the T-box, located near a liquor store and a strip mall that was built there. The one in Plymouth, they just moved, they were in Cordage Park. On The Tee is the name and it is off of exit 5.

Selectman Yeatts said she is not against virtual golf, but if the golf part is not successful and since liquor is always successful, what would keep you from doing something else. What will the hours be? Mr. Kitchen said weekends 8:00 AM to 10:00 PM and weekdays will depend on the demand. He was thinking Monday, Thursday and Friday from 10:00 AM to 10:00 PM, depending if we have leagues with people after work. It will be his policy to serve patrons only. Selectman Yeatts said if someone came in that usually played golf; you will not say no if they just want a drink. Mr. Kitchen said it will be my policy to say no. He does not want this to be a bar. He was a PGA golf professional for six (6) years and he wants to get back into it again. There is social networking in golf and that is just part of what he I would need to compete. Selectman Yeatts said she would want a contingency on the license that he get over all the other hurdles, then he can have the liquor license if they participate in the activity.

Chairman Evirs said it is upwards of \$40 an hour to use the machine and you will not get drunk playing golf or you cannot play. He has been to the facility in Plymouth. He understood Ms. Van Laarhoven's concern about drinking and driving, but that is something we all have to be responsible for. If the person is not playing, then they cannot drink. Ms. Van Laarhoven said so players will not hang around after they play. Mr. Kitchen said the space is not big enough to have people hang around. Selectman Maksy said he does not have any objection to the type of business. He is still just trying to figure out how to eliminate any future problems with the selling of beer and wine. He was also concerned about the abutter notice. Ms. Craig said that

the ABCC only considers a person an abutter if their property touches the proposed location. Chairman Evirs said our next meeting is December 15<sup>th</sup>. However, that goes beyond the time frame allowed by the ABCC for the Board to make a decision. Selectman Maksy said the Board could discuss this matter on December 8<sup>th</sup>, prior to the Special Town Meeting, then continue to the 15<sup>th</sup>. Chairman Evirs said he was not comfortable with the 8<sup>th</sup>, so the Board will have to meet either December 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup>. Selectman Maksy asked if Mr. Kitchen would pull his application until such a time as he gets squared away with the water situation. Mr. Kitchen said he would like to have a few days to confer with the landlord and the DEP since the information he got from them is different from what he is hearing now. Selectman Yeatts said we can give u a copy of the letter to DEP. Selectman Yeatts suggested scheduling tentatively for the week of the 8<sup>th</sup> and also the 15<sup>th</sup> and ask Town Counsel about the 15<sup>th</sup>. Chairman Evirs said the continuation must be date specific. Selectman Maksy said he would be more at ease if had more answers.

Robert Mather of 191 Rhode Island Road said he was attending the meeting as a future customer. He has used the one located in Plymouth, seen the one in Halifax and used one while in Florida. If you are a golf nut like him, you begin to suffer withdrawal if you cannot play. Early technology was not very good for this type of business, but the technology over the past few years is incredible, and it is the next best thing to playing golf. It is a great learning and training tool since you get information back on how you are doing. It is far from being a bar; it is just not a consideration whatsoever. People do not get drunk, they do not stay there to drink, they do not come in just for a drink. There is too little space. There is no bar, just a counter for where you are playing to have your drink. The traffic is minimal, people come and go on the hour, but will most likely be there for 3-4 hours at a time. It is a clean business. He understood everyone's concerns, but go look at one and go ask the people, it is not a bar. The times that he golfed, no one had anything to drink. He may have seen one person have a drink when he was there. No one will get drunk since that would be wasting your \$40. He also has information on the Mayflower Bank situation as he was the attorney that represented them with the Zoning Board of Appeals. They had to get a Special Permit since they wanted a second building on one lot, but there is nothing that restricts the main building as far as use is concerned. Chairman Evirs said we will have to continue this to December 10<sup>th</sup>.

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

VOTED: To continue the hearing until December 10, 2008, at 7:00 PM at the Selectmen's Office.

Unanimous in favor.

#### **6:15 PM Meet with the Lakeville Police Association**

Chairman Evirs thanked the members of the Police Union as the second union agreeing to open their contract and change the health benefits to 75%-25% from 90%-10%. The Board has already approved the contract at a previous meeting of the Board and now we are all just here to formally sign the contract.

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

VOTED: To accept and sign the three (3) year contractual agreement between the Town of Lakeville and the Lakeville Police Association Mass COP Local #304 dated July 1, 2008 until June 30, 2011.  
Unanimous in favor.

### **6:30 PM Special Town Meeting warrant review**

*Mike Petruzzo, Melissa Hopkins, Steve Olivier, Gary Mansfield and Jim Hanlon from the Finance Committee are present. Also present was Town Moderator Gordon Goodfellow, Debra Kenney, Treasurer/Tax Collector, and Cynthia McRae, Town Accountant. Mr. Mansfield called the Finance Committee to order at 6:45 PM.*

The Board reviewed the Special Town Meeting warrant.

Article 1: To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2009 for various accounts in the General Fund, the Park Enterprise and Landfill Enterprise, or take any action relative thereto.

Selectman Yeatts said she wanted to withdraw the article for the State Revolving Fund (SRF) loan. She had a meeting with CDM regarding House Bill # 7110 and there will approximately \$300 million in grants available. That is the FY09 budget, and it is for infrastructure and related resources and the Town can put in for grants. The Town needs a Master Plan for water in Lakeville. So, through Taunton, the Town is working on the plan for the water tower and the water line and with CDM, we will work on the Water Master Plan. We may need someone to write the grants for us. She would like to take \$100,000 out of the money that we received from the MBTE settlement and put it in the Selectmen's budget so that when the time comes, we can do what we need to do and it will go back into the water infrastructure if it is not all used. Chairman Evirs said this will be taking money from the \$1.82 million we received for the MTBE settlement. Selectman Yeatts said if the Town does not get a grant, it will not be too late at the Annual Town Meeting to put the SRF loan back on there. Ms. Garbitt said she will have the article transfers for the Finance Committee by Friday.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: That the Finance Committee recommends Article 1.  
Unanimous in favor.

Article 2: To see if the Town will vote to raise and appropriate and/or transfer from the Out-of-District funds a sum of Thirty Five Thousand Three Hundred Eighteen Dollars (\$35,318.00) for the payment of Special Education programs in the general appropriation, or take any action relative thereto.

Chairman Evirs said that the Principal of Assawompset School would like to bring more programs within house. There is money in the Out-of-District account that they do not need and it is better to provide these services in-house than to pay out.

Upon a motion made by Mr. Olivier; seconded by Ms. Hopkins it was:

VOTED: That the Finance Committee recommends Article 2.  
Unanimous in favor.

Article 3: To see if the Town will vote to ratify the Collective Bargaining Agreement with the Lakeville Permanent Firefighters' 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.

Chairman Evirs said we do not have the exact number yet, but essentially it is that they agreed to a 25% contribution for health insurance in their contract. They are not paying that yet. It was not in their wages to do that. We need to take money that the Town was paying for health insurance and put the money into the Fire Departments wages. It will be a wash. This is the same for the next article. Robert Marshall asked if we ever had Town Meeting approve Fire and Police contracts before. Chairman Evirs replied sort of. After the contract was signed, prior to Town Meeting, all the line items matched; right now we are kind of backing into it.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: That the Finance Committee recommends Article 3.  
Unanimous in favor.

Article 4: To see if the Town will vote to ratify the Collective Bargaining Agreement with the Lakeville Police Association and transfer a sum of money from Employee Benefits for health insurance to wages for the police Department, or take any action relative thereto.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: That the Finance Committee recommends Article 4.  
Unanimous in favor.

Article 5: 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 postage meter for use by the Town, or take any action relative thereto.

Debra Kenney, Treasurer/Tax Collector said the Town will save \$2,000 over a five (5) year period. The longer a term you go the less money it is. The payment will go down to \$164 a month. The vendor lowered their price for a five (5) year contract.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: That the Finance Committee recommends Article 5.  
Unanimous in favor.

Article 6: To see if the Town will vote to charge for each written demand issued by the Collector a fee of Fifteen Dollars (\$15.00) to be added and collected as part of the tax, as authorized by Mass. General Laws Chapter 60 Section 15, effective as of January 1, 2009, or take any action relative thereto.

Ms. Kenney said the Town has been collecting a \$5 fee since 1963. Legislation has introduced new language that can go up to \$30. Legally we can only waive \$15. We do not want to penalize people that are late, but we do not want to penalize people who pay on time also.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: That the Finance Committee recommends Article 6.  
Unanimous in favor.

Article 7: To see if the Town will vote, pursuant to General Laws, Chapter 40, Section 5B, to create a special purpose stabilization fund for the payment of costs associated with water infrastructure improvement projects, to be known as the Water Infrastructure Improvements Stabilization Fund, and further, to transfer a sum of money from the Special Revenue/Reserve for Appropriation Account to the stabilization fund created hereunder, or take any action relative thereto.

Chairman Evirs said this is a Special Revenue appropriation, and is where the \$1.8 million is located right now and where the \$100,000 from Article 1 will come from. The MBTE settlement is where the money came from. There may be a little more coming in before Town Meeting and may be some more coming in afterwards. The Town received the money for the damage to the well on the Town Office Building property. The only way that the Town can rectify it is by extending the Taunton water line down to the building. The Town has not used General Fund money, with the exception of providing spring water in the building. The Town needs the water tower in order to bring the water line down. We have already received a \$300,000 M.O.R.E. grant that is specifically for the water tower.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: That the Finance Committee recommends Article 7.  
Unanimous in favor.

Article 8: 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.

This article will be tabled indefinitely.

Article 9: To see if the Town will vote to approve the disposition by the Park Commission and the Board of Selectmen, pursuant to Mass. General Laws Chapter 30B, of surplus materials from the Ted Williams Camp property, which materials are to be removed in order to expand recreational facilities. It is anticipated that the proceeds of sale of such materials will be appropriated at a future Town Meeting to expand recreational facilities and repair structures at the Ted Williams Camp and other Park Facilities, or take any action relative thereto.

Chairman Evirs said this was submitted by the Park Commission. Dan Hopkins, Chairman of the Park Commission, said this is so that they can make new ball fields out in the back and extend the fields. Football and lacrosse need space to play, so they need to take out gravel and then bring in other material to make the fields. Selectman Yeatts asked how are we assured that it will go back to the Park Department. Mr. Hopkins said the article is specific about the money going into the General Fund and then to the Park. Selectman Yeatts asked Ms. McRae if the Town could set up a revolving fund. Ms. McRae responded no, it has to be part of the General Fund. Selectman Yeatts said -Article 97 park lands may relate to this and maybe should be looked into. Chairman Evirs said we cannot appropriate money that we do not have since it is anticipated revenue. Mr. Olivier asked what is the plan or disposition of the Park Department. Disposition of surplus materials is an open ended article. Chairman Evirs said we can do it whether the Town agrees or not. We are looking for the Town to agree with our intent of what we are doing so later when we want to put the money back, this is why we did it in the first place. Mr. Mansfield asked if the Park Commission looked at a contract with the person bringing out the gravel, and then bring the loam back? Mr. Hopkins said they cannot do that. They must go out to bid separately. Both the Finance Committee and Board of Selectmen agreed to support the future appropriation to the Park Commission.

Upon a motion made by Mr. Olivier; seconded by Ms. Hopkins it was:

VOTED: That the Finance Committee recommends Article 9.  
Unanimous in favor.

Article 10: 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 first 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 the motion will say structures instead of buildings. That is what the original bylaw and Town Meeting changed buildings to structures. This is a housekeeping issue.

Article 11: 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 a 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. Or take any action relative thereto.

Chairman Evirs this is another housekeeping article that the Attorney General picked up on.

Article 12: 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.

or take any action relative thereto.



Chairman Evirs said this is a mandate. The Town is mandated by the Commonwealth to have a trench safety bylaw. This covers private and public property. It will give the Board of Selectmen the ability to establish a fee, so there is money attached to it.

Article 13: To see if the Town will vote to adopt the following By-Law, as authorized by the vote on 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. or take any other action relative thereto.

Chairman Evirs said this is a Rent Control Bylaw. The Town voted to establish a Rent Control Board, but did not adopt the bylaw. Basically, it is a formality.

Article 14: 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:

- 4) 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.

Richard Scott from Rush Pond Road asked if an article has come to Town Meeting before the public hearing for that article is concluded and did not allow all people to voice their concerns, could it still take place. Mr. Goodfellow said he would have to ask Town Counsel. Chairman Evirs said the public hearing is at 8:00 PM tonight. That is the reason we are meeting early so that the Board of Selectmen and the Town Administrator can attend that meeting. Mr. Scott said he has a petition from the neighbors that is against this article, so where do I present it. Ms. Garbitt said the public hearing would have to be completed. If the hearing is not closed, then it cannot be voted on at Town Meeting. Mr. Scott said this affects more Boards than just the Planning Board and he wanted it on the record that the Selectmen are cutting off debate. Chairman Evirs said it is the Planning Board's responsibility to conduct the hearing. If it does not get done properly there, then it will get done at Town Meeting.

Selectman Maksy said the applicant wanted this article to go on the warrant and now in hindsight, he is wishing we did not put it on. We are going to the Planning Board since we have questions also. Mr. Scott said he wanted to say that there are a lot of unanswered questions, like the water, the sewer, the asbestos removal, the wetlands, and the dump. He wanted it on the record that one (1) week does not allow sufficient time for all the Boards to give input on this. Chairman Evirs said he encouraged Mr. Scott to go to the meeting and speak. Selectman Yeatts said if the Planning Board votes to continue it until January. Mr. Goodfellow said he does not see that happening. The Planning Board has to take a vote on the article as a preliminary for discussion. They have to take some sort of action and report that at Town Meeting before the voters act on the article. This article is dead if they do not vote on the article at their hearing. Ms. Garbitt said after they close their hearing, the hearing is good for six (6) months. Ms. Garbitt will check further with town counsel.

#### **Review and vote to approve Annual Liquor License renewals**

Chairman Evirs said the Board needed to vote on the Annual Liquor License renewals.

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

VOTED: To approve the Package Store Wine and Malt Licenses for: Paul F. Grasso, d/b/a Tutto Italiano 10:00 AM to 10:00 PM, Monday-Saturday and Petro Plus, Inc., dba Joe's Gas 8:00AM to 9:00 PM, Monday-Saturday and 12:00 PM to 9:00 PM on Sundays.  
Unanimous in favor.

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

VOTED: To approve the Package Store All Alcoholic Beverage Licenses for: Savas Liquors, Inc. 8:00 AM to 11:00 PM, Monday-Saturday, 12:00 PM to 9:00 PM Sundays; BBP, Inc., d/b/a Muckey's 8:00 AM to 11:00 PM, Monday-Saturday, 12:00 PM to 9:00 PM, Sundays; Tamarack Wine & Spirits, Inc. 8:00 AM to 11:00 PM, Monday-Saturday, 12:00 PM to 9:00 PM, Sundays; and Joseph R. Starr, d/b/a Starr's Country Market 8:00 AM to 11:00 PM, Monday-Saturday, 12:00 PM to 6:00PM, Sundays.  
Unanimous in favor.

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

VOTED: To approve the Club All Alcohol License for Lakeville Aerie No. 3994, dba Fraternal Order of Eagles, Inc. 10:00 AM to 1:00 AM, Monday-Saturday, 1:00 PM to 1:00 AM Sundays. Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM.  
Unanimous in favor.

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

VOTED: To approve Common Victualler All Alcoholic Beverage Licenses for: A Frame LLC, dba A Frame Bar & Grill – 11:00 AM to 1:00 AM, Sunday – Saturday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM;

Camp Joe Hooker, Inc.- 8:00 AM to 1:00 AM Monday-Saturday; 11:00 AM to 1:00 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM;

Hawaii Corporation, d/b/a Orchid of Hawaii – 8:00 AM to 1:00 AM Monday-Saturday; 11:00 AM to 1:00 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM;

Poquoy Investment group, Ltd – 8:00 AM to 1:00 AM Monday-Saturday; 11:00 AM to 1:00 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM;

Reservoir Heights, Inc., d/b/a Lakeville Country Club – 8:00 AM to 1:00 AM Monday-Saturday; 11:00 AM to 1:00 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM;

LeBaron Operating Company, LLC dba LeBaron Hills Country Club – 8:00 AM to 1:00 AM Monday-Saturday; 11:00 AM to 1:00 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM; and

The Back Nine Club, Inc. – 8:00 AM to 1:00 AM Monday-Saturday; 11:00 AM to 1:00 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1:00 AM, all patrons out by 1:15 AM.

Unanimous in favor

Selectman Yeatts asked if these fees were comparable to other towns. Ms. Craig said they have not increased in the nine (9) years she has been with the Town. Selectman Yeatts said she would like to do a survey and look into this for next year.

#### **Review propane bids – vote to award contract**

Chairman Evirs said that only one bid was received in regards to the bid to supply the Town with propane gas.

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

VOTED: To award the bid for propane gas to Roby's Propane Gas at a delivery fee of \$.28714 per gallon; other fees of \$.18900 per gallon and cleaning and maintenance at \$57.50 per hour for until June 30, 2009.  
Unanimous in favor.

#### **Revisit request from Lakeville Arts Council regarding signage for the Made in Lakeville Craft/Holiday Event – December 13<sup>th</sup>**

Chairman Evirs said he was not aware that this function was not being held at the Ted Williams Camp when we first reviewed this. The Park Commission will not put it on the Camp sign since it is not a Camp function. Ms. Craig said this is a busy time for the Town sign. We have three (3) events that are scheduled to be on the sign. She will place two (2) together and then the Arts Festival event can go on. It is scheduled to go up on December 9, 2008. Chairman Evirs said we did give them permission to put a sign up close to the Senior Center where it is taking place. Further discussion took place on the matter for clarification.

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

VOTED: To allow the signs as requested by the Arts Council for their Made in Lakeville Craft/Holiday Event – December 13<sup>th</sup> at the Senior Center if Sedell's is in

approval. The sign can be in place for two (2) weeks prior and no longer than one (1) day after the event takes place.  
Unanimous in favor.

### **Review Zoning Board of Appeals (ZBA) petition – 41 Shore Avenue**

The petitioner is looking to remove an existing fireplace, repair existing foundation, demolish and replace existing family room and foundation and add an 8' x 34' deck. The present home contains 630 square feet of living space with a 630 square foot crawl space. The plans state the existing footprint of the dwelling will be kept. It appears the deck is an addition. The property contains approximately 10,890 square feet of land.

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

VOTED: To recommend to the ZBA that there is a deed restriction on the home if there is not one already so that the home remains a seasonal home.  
Unanimous in favor.

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

Ms. Garbitt said she would like the Board to schedule their January and February meetings.

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

VOTED: To schedule the Board of Selectmen's meeting for January 12<sup>th</sup>, January 26<sup>th</sup>, February 9<sup>th</sup> and February 23<sup>rd</sup>, 2009.  
Unanimous in favor.

Jim Cosgrove from Comcast mentioned that Comcast was having an Open House for residents on December 11, 2008 from 6:00 to 9:00 PM with refreshments and cameras set up during the open house for preview.

At this time, 8:00 PM, the Board of Selectmen will stay in session and invite the Planning Board to use their office to hold the public hearing for Article 14 for the Special Town Meeting. A brief break was then taken. The Board of Selectmen is now attending the Planning Board meeting, but is still in session. The Planning Board exited their portion of the meeting at 10:00 PM and the Board of Selectmen continued with their meeting.

### **Other Items**

1. Memo from Open Space Committee regarding Roundtable discussion – December 4<sup>th</sup>  
Selectman Yeatts said this is the same night of the Task Force for the power plant in Bridgewater. Selectman Yeatts will attend this and ask if Selectman Maksy will attend the power plant task force meeting.
2. Letter from Old Colony Regional regarding FY10 budget formulation

Selectman Yeatts asked who from the Finance Committee is attending. Ms. Garbitt said she believed Jim Hanlon, he did it last year.

3. Memo from Town Counsel regarding Municipalities as Creditors in Bankruptcy Proceedings  
Chairman Evirs said to make sure that the Town is listed as a creditor properly and make sure it gets to the Treasurer.
4. Regional Power Plant Task Force meeting – December 4<sup>th</sup>
5. Letter from Common Cause regarding Annual E-Government Campaign
6. Letter from Executive Office of Transportation-ENF – South Coast Rail Project
7. Letter from Office of the Commissioner of Banks regarding foreclosure sale data
8. SRPEDD meeting notice – December 3, 2008
9. Letter from Southeastern Mass Metropolitan Planning Organization regarding Transportation Enhancement Activities (TEA) Program
10. Cranberry Country Perspective Newsletter – December 2008
11. Public meetings – Notice of Intent – Army Corp of Engineers regarding South Coast Rail  
Selectman Yeatts asked if Linda Grubb would be attending. Ms. Garbitt said yes, but Chairman Evirs is not going to attend. Chairman Evirs said this is strictly the Army Corp. of Engineers going through their environmental process. Selectman Yeatts said she might attend.
12. Notice from Registry of Motor Vehicles regarding handicap parking violations  
Selectman Maksy said she was glad to see the Registry going after people who are abusing the handicap parking.
13. MassDevelopment Brownfields Redevelopment Fund Notice of Priority Project Designation and Expanded Funding Availability for Municipally Owned Sites
14. River Visions 2008 Tenth Annual Watershed Forum – December 6<sup>th</sup>
15. Sustainability Initiative – U-Mass Dartmouth – Week of 11/20 – 11/26<sup>th</sup>
16. Letter from Bay State Gas regarding price increases and general information  
Chairman Evirs said he wanted to make sure that Marilyn Mansfield gets this at the COA. Ms. Garbitt said we get this every year and we forward it to her. It is put on the bulletin board as well.
17. Information from Verizon regarding price increases and general information
18. Massachusetts Smart Growth/Smart Energy Conference December 12<sup>th</sup>  
Selectman Maksy said he may attend.
19. SRPEDD Municipal Sustainability Survey
20. Mass Wildlife Newsletter
21. Update from Linda Grubb on November meeting-Southcoast Rail Task Force  
Chairman Evirs said to make sure a copy of the SRPEDD survey gets to the Planning Board.
22. Plymouth County Commissioner's meeting agenda

At 10:10 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 contract negotiations with non union personnel and the collective bargaining

agreement with the Teacher's Union. Polled vote of Selectman Maksy – aye, Selectman Evirs – aye, and Selectman Yeatts - aye.