

SELECTMEN'S MEETING
Monday, January 7, 2008

On January 7, 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 Chair Yeatts at 7:05 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Meet with Finance Committee to appoint Michael Petruzzo and review FY09 Budget

Present for the discussion were Robert Hill, Richard Velez and Gary Mansfield of the Finance Committee. Chair Hill called the Finance Committee meeting to order at 7:06 PM. Chair Yeatts said that the first matter was to discuss appointing a new member to the Finance Committee to fill the vacancy created by Martha Weeks Green resignation. The Selectmen had received a letter of interest from Michael Petruzzo. A brief discussion occurred.

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

VOTED: To appoint Michael Petruzzo as a member of the Finance Committee.
Unanimous in favor.

Upon a motion made by Mr. Mansfield; seconded by Mr. Velez it was:

VOTED: To appoint Michael Petruzzo as a member of the Finance Committee.
Unanimous in favor.

Ms. Garbitt then discussed the FY09 budget. The last summary that had been prepared and distributed discussed the shortfall in all the Departments. This has been reviewed with Selectman Evirs and some of the revenue was increased. Under the New Growth was increased by \$35,000 to \$185,000. This number was discussed with Gordon Goodfellow, Assessor, and he felt that was a reasonable number. The debt service for the new schools will increase about \$196,000 but it will be a wash on both sides (revenue-expense). The estimated receipts were also reviewed and based upon tax title payoffs and expected building permits, they were increased by \$150,000. There is a reduction this year in State Aid since the SBA (School Building Assistance) reimbursement for Assawompset School ended in FY08, but it was increased to \$150,000. We will have a better idea when the Governor's budget comes out on the 21st or so, of January. The Debt Service Capital Expenditure Stabilization Account was established at the Town Meeting last year. After reviewing the numbers with one time revenue, it was reasonable to tap into that account for \$300,000, since we knew we would need the money in 2009-2010. We do not see a change in Free Cash, so that has been kept the same. With other available funds, this is new. We have been talking about assessing (charging back) to the Landfill for other employees that do administrative work for the Landfill. The Superintendent of Street's salary account was not reduced in the budget. Selectman Evirs explained that that cannot be done since it will "feed" the other salaries. The Landfill is an Enterprise Account; it

generates money from the fees and the bags etc. With the Superintendent of Streets overseeing that function, as well as the secretarial staff that support them, the Town has the ability to charge them a portion of those salaries and that is what is going to be done. Selectman Maksy stated that he would like to have some sort of paperwork to substantiate the work and the hours that have been done from one Department to another.

Ms. Garbitt asked National Development to subsidize one (1) Police Officer for another year since they have not yet started their project. Sherry Clancy of National Development has not gotten back to her on that request as of yet. After the \$25,000 grant per year was used, then National Development paid the difference for three (3) years. The fourth year National Development paid for the Police Officer plus health insurance, which totaled approximately \$65,000. Thus, we are being optimistic that National Development will pay another year for the police officer. Chair Yeatts stated that if they do not, then perhaps they will fund it half and half with the Town. Their delay is no one's fault; the Town has been working with them with MassHighway, etc.

Ms. Garbitt then explained that at Town Meeting in 2007, \$93,400 was taken from the Stabilization Account to fund the Assawompset School budget. Normally, you would only do this for one time items. So going into FY09, she is not recommending doing that again, so that is why it says zero. They have requested \$5.463 million. It is a \$507,000 increase with the \$93,400 or a \$417,000 increase without the \$93,400. This is a 2.7% increase. The fixed costs were reviewed for FY09 with Selectman Evirs, which come up to \$138,500. That is broken down as \$88,000 in steps and raises \$28,000 heating fuel increase, \$12,000 bus contract increase, \$3,000 in gasoline for SPED van and \$2,500 for water service (had not received a bill for a few years since they had received a credit from Taunton when there was initial confusion on the amount and the School Department overpaid).

With the Regional School, the amount recommended for FY09 is the same as FY08, net school spending and transportation. It is a moving target at this time. There is a reduction of \$75,000 for the debt. Then, the increase for the excluded debt, which is the renovations at the high school, intermediate school, etc. This is offset equally on the revenue side. We have level funded Old Colony since their assessment is unknown at this time. With Bristol Agricultural, we will not know the amount until April. It is being recommended to reduce the Special Needs budget by \$10,000. Anne St. Pierre, Director of Special Education, seems to feel that that will be okay at this time.

Ms. Garbitt said the remaining cuts are in the vicinity of \$5-10,000. The first major one is in the Town Office budget. There is an increased request for the Town Office budget since we have a need for new servers, licenses, updating. We asked for \$55,000 to be included in the Capital Plan and spread out over a few years so that there would not be a payment in FY09. The next large amount is the gasoline budget for the Police Department. The Chief increased it by \$30,000 since he believes it will be a shortfall this year, but we changed it to \$20,000 and will make it up at the Special Town Meeting as was done this year. Then with the Fire Department, the Chief had included some additional sick leave coverage that he has not budgeted before and he knows that that is being looked at to reduce by \$30,000. The Superintendent of Streets asked for \$100,000 to contract out the trees to be cut down that are near the roads and also \$32,000 for

the Police details. The imminent hazardous trees only will be removed at this time. He will be bringing a list of the trees to MG&E (Middleborough Gas & Electric Department) to determine what they might be able to do with the trees near wires. Selectman Evirs explained that this is something the Town has had to do since the hazardous trees are near wires and the wires are shared with Verizon, MG&E, etc. So it is up in the air whose tree it is. Some will fall down anyway due to the storms, but we do not want potential ones to fall and block areas during a storm or do major damage so they should be taken down beforehand. The Highway Department has done a lot of the trees themselves already.

Ms. Garbitt said she has reduced the street lighting to \$14,000 and is comfortable with doing that. The Board of Selectmen have not met with the Department Heads as of yet and may find out that we are unable to do some of these cuts when we meet with them. With the Library budget, we reduced some staff hours by \$10,000. Under Debt Service, the Finance Committee remembers trying to come up with the transportation money, so we delayed a payment in order to come up with the money. We took some of the items from the Annual Town Meeting in June and came up with some that could be spread out over four (4) years rather than five (5) years so that there will not be a payment due in 09. Then with the health insurance, it is felt that it may not be a 12% increase, we will know more in March. It may be at 10% and that will be a \$37,000 savings. With the Assessors, we had asked them to request \$25,000 since every three (3) years they have to do a complete re-evaluation and it is usually \$75,000-\$80,000. We did reduce that to \$20,000, but this is only delaying the pain. We will know more when the Governors budget comes out late in January and health insurance by mid-March.

Mr. Velez asked under General Government, you spoke on the hardware and software, but what about the management of the systems. Ms. Garbitt responded that she increased the contracted services hoping to hire a part time IT person. The Board of Selectmen does not recommend that right now. They do understand that someone is needed for that position. Selectman Maksy asked how the reimbursement for the roof would come into play. He asked when the meetings with Department Heads would take place. Ms. Garbitt responded that if we apply the reimbursement to the roof, this would cut the debt in half and reduce the interest on it as well. The Department meetings will be scheduled very soon. It was agreed that the Selectmen and the Finance Committee will hold joint meetings with the Department Heads.

Upon a motion made by Mr. Mansfield; seconded by Mr. Velez it was:

VOTED: To adjourn the meeting of the Finance Committee at 7:45 PM.
Unanimous in favor.

7:30 PM Meet with Lakeville Arts Council regarding grants for 2008

Dan Cooney and Joanne Corrieri-Upham were present for the discussion. Mr. Cooney and Ms. Upham summarized the 13 grants awarded by the Lakeville Arts Council, totaling \$3,800, for cultural programs in the Lakeville/Middleborough area. Not a lot of applications were received for the grants and they do encourage more Lakeville artists to get involved. They also made an appeal for the 4th Annual Arts Festival, and invited anyone who would like to attend to be part of the planning of the festival at the meetings that will soon be taking place.

7:45 PM Bruce Taylor Earth Removal Permit application

Kevin Walker, Engineer, was present for the discussion. Mr. Walker said he represents Bruce Taylor regarding his Earth Removal Permit application for 119 Bedford Street. Mr. Taylor had begun excavating his site and had the material out front for sale. The Building Commissioner had driven by to let him know that he would need a permit for doing this. So, Mr. Taylor has now filed a Request for Determination of Applicability with the Lakeville Conservation Commission. With the Earth Removal Bylaw, it points out the distance of work from the highway and the property line. Work can be allowed if there is no adverse effect. The grading is only being done on the property and will not be undermining the abutting properties. Samples of the soil were taken, and it was determined to be sand with cobbles. With respect to runoff concerns, the topsoil was stripped during the initial phase, so it will allow for water just penetrating in. G. Lopes will take the soil to their plant in Taunton down Route 140. It is about 17,000 cubic feet and should take less than 18 months to complete the project.

Chair Yeatts explained that all permits expire on March 31st. Mr. Taylor would have to apply for a renewal. Ms. Craig will send a letter asking if he would like to renew the permit and he will file a statement of what has been removed and pay for that and what is intended to be removed in the upcoming year. Chair Yeatts said that Mr. Taylor filed an RDA with the Conservation Commission and would like to hear from them on that. They are waiting for information from the engineer and the plan of record, so that they can make a determination. They have stated that they have not filed a plan with their office. Mr. Walker stated that a plan was submitted to them.

Chair Yeatts asked if the abutters were notified that this was happening. It must have been in the paper but do they know. Mr. Walker responded that not that they were aware of it. Mr. Walker stated that the work has been going on for a while, and there is probably a 16 foot gully out there right now. Ms. Craig noted that there have not been any complaints or calls on the property as of yet. Selectman Evirs discussed the elevation of the property with Mr. Walker. Mr. Walker explained that Mr. Taylor wants to sell the sand and also put up his new shed, that is why he is making this bowl in his yard. There should not be any standing water in the area; it will continue to flow as it has been. It will be about eight (8) feet lower when all is done. The water sheds in two (2) directions right now. There is hardly any flow since there is so much sand there. Selectman Maksy asked if there would be any screening on the site. Mr. Walker responded that there should not be.

Ms. Garbitt suggested continuing the meeting and notifying the abutters. There is no access road, but it is a State highway, not a Town way. Mr. Walker stated that the trucks will go Route 18 to 79 since it connects to Route 140 a little easier. Chair Yeatts stated that the Board should come up with a draft permit and also have the Superintendent of Streets give his input on this, so maybe we should continue this meeting until January 28th at 7:15 PM. The continuation of the meeting was agreed upon.

8:00 PM Marcus Baptiste Earth Removal Permit application

Marcus Baptiste was present for the discussion, along with his attorney, Robert Rego from Prime Engineering and Christopher Peck, Superintendent of Streets. Mr. Baptiste's attorney went over the plan and discussed the severe slope with the Board. They are trying to even off the site for development of the CVS. Mr. Rigo stated that the Planning Board requested that a stone tracking pad be placed at the entrance to the site and also a silt fence and hay bales along the side property lines. Selectman Maksy stated that he believed he also needed the Superintendent of Streets sign off. Mr. Peck explained what was needed and how he is working with them on this. Chair Yeatts stated that the Board may want to continue this as well so that an Order of Conditions can be obtained from the Conservation Commission. Ms. Garbitt asked if that would be done by March 31st. Mr. Baptiste responded that probably not, but he will work with the process. It is a four (4) acre site, but he is only removing material from three (3) acres. He asked if he would have to pay the \$600 administration fee again. If so, he may just wait until the 28th and begin then. Ms. Craig responded that the administration fee is only paid once.

Selectman Evirs stated that it was brought to his attention there may be strings attached to the two (2) small fingers that Mr. Baptiste agreed would be given to the neighbors. Mr. Baptiste responded that some of the area was reserved for easements for utilities. This is 7 ½ feet down the middle. Selectman Evirs asked what utilities. Mr. Baptiste responded that the neighbors would not be able to build anything in this area anyway. The reserving of the land for an easement is because of the potential that the back lot may not have electricity. Chair Yeatts mentioned that she was thinking about water. If the water went there and Mr. Baptiste is going to put an absorption system there, that cannot be put so close to the water line. Mr. Rigo explained that with the property line and the water line there would be enough. There are plenty of systems that have been designed that narrow down and not advanced treatment ones. Selectman Evirs stated that the Board did not talk about any strings attached on this. The Board rezoned and worked with Mr. Baptiste for this. Mr. Baptiste stated that the Town wanted business there. None of the property owners have had a problem with it. Selectman Evirs stated that until he hears from them he will not know that. Chair Yeatts referred to the plans, 25 feet here and then 25 feet there so where is the easement? Mr. Baptiste stated that the easement is right down the middle. It is 7 ½ feet wide and so it is a 15 foot easement. It interferes with nothing. Selectman Maksy stated that this is not what we originally saw. Mr. Baptiste stated that he did not think there is electricity planned on the relocated portion of Route 79, and he will have to bring service up there. This easement hurts and impacts no one. This should be in perpetuity. There would be nothing overhead (wires, pipes, etc.); it would be all underground. The neighbors were not unhappy about this; it was something that fell out of the sky for them, a Christmas present to them. The easement is on the formal plan that is with the Town. Selectman Evirs stated that he would like this all drawn up. Selectman Maksy stated that he does not have a problem with it if nothing is to be above ground.

Mr. Baptiste stated that the attorney is working on the deeds at this time so he can write in that any utilities are to be underground utilities only. This was on the formal plan and it was not meant to be a surprise. Mr. Rigo stated that there may be no requirement or need in the future, but this is to protect the potential future. Chair Yeatts stated that a verbal statement would have been nice since this seems to be a surprise. Mr. Baptiste stated that it is zero impact to the

owners. Selectman Maksy asked if Mr. Baptiste could put some kind of clause in on this and a time frame so that this easement does not build on yours. If Route 79 gets delayed, then he would have a problem putting an expiration date on it. Maybe you can speak with the attorney about it. This would be for Lot B & C since Mr. Baptiste owns A. Mr. Baptiste had met with all the homeowners and spoke with them and only one person was worried that taxes would go up, but the others were thrilled.

Chair Yeatts stated that the conditions for the permit would be worked up. The stone tracking pad would be confirmed with the Superintendent of Streets, then Mr. Peck will sign off. The travel route was discussed. Mr. Rigo explained that it is going to Woodland Ridge, an approved subdivision in Lakeville. The route can be provided. Mr. Baptiste stated that he will speak with Mr. Bartlett about his plans and then make a determination if he will wait until after March 31st. Ms. Garbitt stated that Mr. Baptiste should make the determination of how much earth to remove on the first application and then when he renews the application, do the rest. Selectman Evirs added that he will also need to know if Mr. Bartlett will be stockpiling the earth, and if so, he will need a stock piling permit.

8:15 PM Glavin dog hearing

Nina Glavin, Jeannie Matheson and Marie A. Baptista were present for the hearing.

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

VOTED: To open the dog hearing under MGL 140, section 157.
Unanimous in favor.

Chair Yeatts swore in those who would testify. The situation that had occurred with the dogs and the owners was then explained by Chair Yeatts. Chair Yeatts asked Ms. Baptista what happened.

Ms. Baptista said that she was out walking her dog, Layla, when Fat Boy broke his collar and attacked Layla. Layla had suffered six (6) bites. Fat Boy, also did bite her and ripped her pants, but did not break the skin. She kicked the dog to get the dog to stop, but it did not stop, deter or slow the dog down. The dog finally stopped when it felt like it, and Ms. Glavin then went over to her dog. Ms. Baptista was very much shaken up over the matter. Ms. Glavin then walked away without apologizing. She did not give any information about her dog or the status of vaccinations. This took place a Saturday morning in October 2007. Mr. Otis stopped and assisted Ms. Baptista and said he knew Ms. Glavin. Ms. Baptista said that Ms. Glavin's dog still tries to get at her dog when she is out walking Layla. This attack was unprovoked. Ms. Baptista said she was concerned about other people and children who may not be able to ward off an attack such as this.

Ms. Glavin had also submitted her statement of what had taken place. When this first happened she did not rush over since the dogs had met before, and she did not think there was going to be a problem. She was not able to remove her dog since the dogs were just going around and around. She did give commands to the dog, and he finally sat. Ms. Baptista was

sitting in Mr. Otis's car, and she did go over and ask if she and the dog were alright, but Ms. Baptista just started screaming. Ms. Glavin said her driveway is in sight from where this happened. She did not give her name since it did not even occur to her. This dog she has had for only six (6) months but she has been walking dogs in the neighborhood for eight (8) years. She has no excuse for not giving name since she does live in sight of the occurrence.

Chair Yeatts asked Ms. Glavin if she agreed that her dog did a lot of biting over the hind end of Layla? Ms. Glavin said probably, but she really could not see since she did not get close when it was occurring. Chair Yeatts then swore in two Assistant Animal Control Officers, Hal Marshall and Jared Darling. Mr. Marshall said he did not see the dog that was bitten. He did go to Ms. Glavin's house and check for rabies vaccination status. Fat Boy was quarantined for ten (10) days, since there was a bite. Mr. Darling said only Fat Boy was under quarantine for ten (10) days, but he does not have rabies.

Ms. Glavin stated that she has not seen the vet report on Layla. When Mr. Marshall came to her house, he said there were no open wounds, only bruising, but then later spoke with Jared Darling and it was found it could be a bite or a scratch and that is why Fat Boy was quarantined for ten (10) days. Chair Yeatts explained that it was after the dog was shaved that it was noticed. Ms. Baptista stated that she would like the vet bill paid for and would like the dog to be muzzled. She said she is just really worried about others with this dog. The dog should also take obedience training since she had to kick it so many times. It needs to know when to stop. Ms. Glavin explained that she was afraid to muzzle her dog since it has a short snout and may interfere with his breathing.

David Frates, Animal Control Officer, was now sworn in by Chair Yeatts. Mr. Frates suggested a nylon muzzle for Fat Boy since his son also has an English bull dog. Maybe, one larger than the dog actually needs. Chair Yeatts suggested going online. There must be something available. Mr. Frates said he would ask his son and his breeder about this. Ms. Craig stated there are the cage muzzles such as the ones they use for the greyhounds that might be an option. Jeannie Matheson stated that her sister has a pit bull and she does use that type of a muzzle. She did not think Fat Boy needs it, but if it is enforced, then it can be done. Fat Boy is a very gentle dog, and the man that stopped, his daughter is Fat Boy's trainer.

Chair Yeatts explained that with an animal, you do not know what sets them off on a particular day. The Board does not want to be responsible if something sets him off and there is a child and something happens. Ms. Glavin stated that she now puts two (2) collars on Fat Boy and has them both hooked, the choke collar and the training collar, but not the decorative collar. She had not had any problems prior to that incident or since then with the training collar. The dog weighs about 80 pounds. Chair Yeatts explained that the other part of the problem is Ms. Glavin's ability to control the dog. Ms. Glavin did have someone training him with her, but they had to take a short leave of absence. Ms. Glavin stated that her dog seems to only go after dogs, not people, and does not do this any more than other dog in the neighborhood. She fully believes that she has control over the dog, and he will not break this again.

Selectman Maksy stated that the Board is doing Ms. Glavin a favor by doing something like this since it could be a child or another dog paying the price if he gets loose again. For now, it

would be a good idea to have the muzzle when the dog is taken out on the street. Selectman Evirs stated that he has seen Ms. Glavin out walking her dogs around the neighborhood for many years. In her defense, she has always appeared to be in control of her dog, but that was the other dogs. The concern is with this dog. He asked if Ms. Glavin has paid the vet bill. Ms. Glavin explained that it was not provided. Selectman Evirs stated that he would like to see evidence of the bill being paid. He was concerned about reports that Ms. Baptista was carrying a screwdriver with her as a weapon. That is a bad decision, and he would never advise that. The Town has Animal Control Officers and a Police Department. Everyone has cell phones. To carry a screwdriver to confront something like this is not a good idea. No trainer would tell you to jump in and break up a fight between two (2) dogs. To pull out a weapon to break it up, all kinds of bad things could happen. One could stab the wrong dog or even a person. Ms. Baptista stated that she was very distressed with Selectman Evirs' attitude. She kicked that dog so many times and so hard, and Ms. Glavin had no control over her dog, otherwise this would not have happened. She feels that the situation is turning around, and she is very distressed about this. She pointed out that she is not the first person to carry something to protect herself and their animal. The bottom line is that Ms. Glavin has no control over the animal, and if she did, she could have looped the leash or done something else. She was left to her own devices. Selectman Evirs stated that there is pepper spray, there is also proper training and permits for that. It will not do something as severe as a screwdriver would do. No one would not be here if the leash or collar did not break, this is all after the fact. Ms. Glavin stated that when Ms. Baptista showed her the screwdriver, she threatened her. She said that she did not want to see the dog or her hurt, but if it did happen again, she would use it.

Jeannie Matheson stated that she has six (6) grandchildren and they have all been around Fat Boy. He has turned out to be a very good dog. This type of dog is a very even tempered dog. Ms. Glavin has trained him, and he has changed over the past six (6) months. She has done all the right things with the dog. Selectman Maksy stated that he has an English Bulldog too. If his dog did bite, he would also be asking for recommendations about what to do as well and it is felt this is the very least that needs to be done. Ms. Glavin stated that since the second encounter she did offer to pay the vet bill several times. Since she now will be muzzling her dog, she would like to not pay the vet bill due to the trouble and issues that this has brought her. Now she is afraid of Ms. Baptista when she goes out. What if she walks by her house? What if see her at the grocery store and she starts yelling at her? Ms. Baptista stated that when she saw Ms. Glavin on the street, she said, "my dog has two collars on today" and laughed. Ms. Baptista felt that Ms. Glavin thinks this was funny.

Mr. Marshall stated that Fat Boy might have an issue with other animals, but he did not give him any trouble when he walked into the house.

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

VOTED: To close the hearing.
Unanimous in favor.

Selectman Maksy stated that he felt the vet bill should be paid and the muzzle should be put into place. Selectman Evirs stated that he agreed with the muzzle and that Fat Boy should be

back in professional training and once the trainer signs off, then the muzzle can go away. It would be a licensed trainer that would be liable.

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

VOTED: To order that the vet bill be paid by Ms. Glavin and that when Fat Boy is off the property, the dog is to be muzzled and at such time when obedience training is completed, the Board would reconsider the muzzle, once the licensed trainer has signed off on the dog. Proof will be provided of the vet bill being paid within 30 days.
Unanimous in favor.

Review Trinity Lane subdivision

Ms. Garbitt stated that the second legal advertisement was not published in the paper, so they have to re-advertise the hearing. The Planning Board also wants to know what the Selectmen think about it. Selectman Maksy stated that since it has been applied for, do not let it expire, is his recommendation. Ms. Garbitt explained that this is an extension off of the cul-de-sac and would not impact the streets in Town. The Town would not be maintaining it if it was approved. Selectman Maksy noted that it also has to be signed off by Freetown as well. Lakeville has different regulations than Freetown. It may be that the law says they will have to sign off in both Towns. What school system do the children attend? Selectman Evirs stated that it would be whose ever laws are more stringent, should be the one to have in place. Chair Yeatts asked who is doing the peer review on this? It was unknown. Chair Yeatts asked if they could put a cul-de-sac on a cul-de-sac. Discussion took place on the matter for clarification purposes. Selectman Maksy stated that Freetown will have to plow those roads since they have been accepted. Selectman Evirs stated that the Fire and Police Chief should be copied on this as well. Ms. Garbitt noted that the Chiefs had each received a plan. She said that she thought the matter had been advertised by the Planning Board's secretary for this week. She will contact her on this matter. Selectman Maksy stated that they may need to bring the road up to compliance depending on the number of homes that are going in. This would be setting a precedent if we allowed an 18 foot road when all others are 24 feet. This matter should be continued also. Ms. Garbitt stated that if she has the information, she can bring it on Wednesday night for the Board to review at that meeting .

Review renewal request for Class II license-Elite Auto Sales

Chair Yeatts said that Elite Auto Sales had requested their Class II Auto Sales License to be renewed. She said that she saw that there was one (1) box trailer on the site. Before the Board can renew the license, the applicant would need to apply for a permit for a storage trailer. Selectman Maksy stated that the Board can make it a condition that they apply and pay that fee and also, that they come into compliance.

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

VOTED: To renew the Class II license to Linda Bury, DBA Elite Auto Sales, to expire January 1, 2009 with the stipulation not to release the permit until they have applied for and paid for the storage trailer permit or have it removed from the property. The other conditions will remain the same.
Unanimous in favor.

Request from Apponequet Athletic Boosters to use Town House

Chair Yeatts read a request from the Apponequet Athletic Boosters to use the Town House for their annual Easter Plant Sale.

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

VOTED: To approve the request of the Apponequet Athletic Boosters to use the Town House on March 21st and March 22nd from 8:00 AM to 4:00 PM.
Unanimous in favor,

Memo from Park Commission regarding use of Ted Williams Camp for 2008 elections

Chair Yeatts read the letter into the record from the Park Commission. They had expressed their concern with the building being open and the energy costs to operate the building during these winter time events. Selectman Evirs stated that the Board took \$10,000 from their operating costs for this fiscal year, so that is might be why they are asking about this. Ms. Garbitt stated that with their budget, there is \$9,000 budgeted and nothing has been spent so far. Selectman Maksy stated that maybe this should be checked on. Selectman Evirs stated that maybe this cost should be in the election budget if this is significant.

Chair Yeatts stated that she also had question on the Green Fair as well. Open Space sponsors a fair each year and that counts for the Town for storm water management and is a positive and helps the Town achieve this as one of the goals. However, the Open Space Committee had trouble coming up with the \$100 rental fee for the Commissary last year. It is a Town event. Ms. Garbitt stated that the money from hall rentals goes back to retained earnings or free cash, it does not come back to the Town. They have \$45,000 in their retained earnings.

Discussion took place on the matter. This will be a change in policy. This will be less than what the Park needs to budget, if they bill this out and the Town pays for this. If the Town is costing them an expense, the Town should pay. It has been done that way for years, but it costs more to do it now. Park is now charging the various organizations for the lights, etc. The Park Department is not renting the building as cheaply as they once did and they do not rent it out in the winter months since they were not getting paid for what was being used in utilities. So the Town needs to find out how much this costs the Park Department.

Letter from Town of Freetown regarding surplus Fire Department pickup truck

Chair Yeatts read the letter into the record from Paul R. Bourgeois, Building Commissioner/Health Agent of Freetown. Ms. Garbitt stated that the pick up truck has been declared surplus. Freetown has taken it to have it checked out. It is a V-8. It needs brakes, but what they have is worse, so this would be an upgrade for them.

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

VOTED: To donate the surplus Lakeville Fire Department Pickup Truck to the Town of Freetown.
Unanimous in favor.

Review Zoning Board of Appeals petitions: Lee and LeFever

Lee Petition-60 Taunton Street

The applicant had previously applied to the ZBA (Zoning Board of Appeals) in June 2002 with the same plan to try to subdivide 60 Taunton Street and build a home on Lot B. The ZBA approved the petition, and the Selectmen appealed their decision in court. The applicants then withdrew their application without prejudice. At the time of the previous application, the upland circle diameter was 150 feet; however, at Town Meeting in June 2004, the upland circle was increased to 160 feet. Also the frontage of the upland circle does not touch either the frontage or the frontage at the 40 foot setback. Ms. Craig stated that they do not meet the minimum frontage on the setback.

Discussion took place on the petition. The upland circle has to touch the 40 foot frontage. They may have to move the house, and they may not want to. Ms. Garbitt explained that the reason the Board of Selectmen appealed the decision was because there is no provision in the law, in By-Law, Section 5.1 and 5.1.2. They are applying for a Special Permit, however, it looks like they are looking for a variance from the minimum building setback line. The brief is available and it would be an existing hardship as before. The Board of Selectmen stated that the applicants are submitting plans that are five (5) years old. They do not meet current zoning, and the applicant does not know what they are asking for.

Lefever Petition – 10 Paul Avenue

The applicant is requesting to add a second story over the rear part of their existing home. They have applied for a building permit and were denied under Section 6.1.3. They also have an incomplete Title V Inspection with the Board of Health. They have not submitted the well analysis reports needed as the tank is within 100 feet of four (4) private wells. Discussion took place on the petition. Selectman Evirs feels they are looking more for a variance with the restoration which is limited to the 105%. They are putting a second floor on and that is making their present home larger. If over 20,000 square feet, it is exempt but this is under, so it needs a Special Permit. Mr. Darling, the previous Building Commissioner, had made that amendment for the septic and water regulations. It is within the 100 foot buffer zone of the pond and there is

no sign off from the Conservation Commission. The well analysis has not come back, they have an incomplete Title V. They will need to upgrade their septic, and if it is a tight tank, there are restrictions on it, so it is an incomplete application.

Ms. Craig stated that Joe Beneski, Assistant Health Officer, did sign off on the Building Permit Approval Form in October for the Board of Health. According to Larry Perry, Board of Health Agent, they did not sign the Building Permit Approval Form, so it is incomplete with the Board of Health. Chair Yeatts stated that she would like to recheck that or would like to see the minutes that they checked that. Ms. Garbitt asked if those things were done, would the Board recommend approval. Selectman Maksy noted that they are not going closer, they are going up. He would encourage the Building Commissioner to clarify how this is read. Chair Yeatts pointed out that going up is another bedroom, another space, so we need the Title V inspection that they can handle the flow. Ms. Craig stated that when speaking with Mr. Perry, they do have a Title V, but do not have all the reports and also it is not stapled. The Board of Health will be reviewing this at their next meeting but this is what Mr. Perry saw right up front. Chair Yeatts stated that the tight tank is mandated for no increase and is in the deed restriction. She would like to see what the Board of Health and Conservation Commission feel about this. Selectman Evirs stated that they would need a Special Permit and a variance from reading this. Selectman Maksy stated that it is curious how the Building Commissioner is interpreting this.

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

VOTED: That the Lefever Petition needs Conservation approval, complete approval from the Board of Health, and it appears they are looking for a variance from 6.1.2, also, more complete building plans need to be submitted before a decision can be made.
Unanimous in favor.

Approve Executive Session Meeting Minutes December 17, 2007

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

VOTED: To waive the reading of and approve the Executive Session Meeting Minutes of December 17, 2007 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Chair Yeatts said that the Board needed to approve the Presidential Primary Warrant for February 5, 2008. She read the Warrant in to the record.

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

VOTED: To sign and post the petition for voting in the Presidential Primary.
Unanimous in favor.

Ms. Garbitt distributed a memo regarding the Plymouth County Selectmen's Association Holiday Social on January 24, 2008 at Paisano's Restaurant in Kingston. The cost is \$20.00 per person for the Italian Buffet. The Board members will let the Town Administrator know if they are able to attend.

Other Items

1. Letter from Chief Sorel regarding KO Officer Taylor & Fredo
Chair Yeatts stated that Chief Sorel would like to do a demonstration on the 28th of January for the Board of Selectmen. He is scheduled for 7:00 PM that evening.
2. Letter from Lakeville Permanent Fire Fighters Assn regarding energy costs
Selectman Evirs stated that the MG&E does energy audits for free so this should be done. They (MG&E) will do any buildings that the Town asks for to be done. The fire fighters are to be applauded for offering their opinion on this. Selectman Maksy stated that he would like to be present, if he is available, when it is being done. Selectman Evirs added that he would also like to be present.
3. Letter from CHAPA regarding 4 Agnes Way
Chair Yeatts asked if this was the same unit. Ms. Garbitt responded that this is the 3rd unit. All of them had different circumstances for why they have to sell. Selectman Maksy asked about having a sign about what is for sale. He asked is there an ongoing list of qualified buyers in Lakeville. It would be preferable to see the residents have the opportunity, and the Realtor do something to entice them. Ms. Garbitt stated that the Town does allow the Realtor to post on the Town website. Chair Yeatts explained that the 40B requirement needs to open the window more on allowing people to be able to qualify.
4. Letter from Canpro regarding Lakeville MBTA Commuter Rail Station
5. Letter from Executive Office of Transportation regarding passenger rail service
Selectman Evirs explained that this is another organization that does not want to see the Train Station moved. He suggested that the Executive Office of Transportation put together some organizations and businesses and have a meeting on this. There is the Town, Canpro and Oxford so far. Selectman Maksy stated that he has also had residents call him on the issue. At least they are opening the door to allow a public hearing to take place. Ms. Garbitt said she would call Christina Egan and look into setting up a meeting. Selectman Evirs noted that Linda Grubb would also be a good one to include to attend this. Chair Yeatts stated that the Town Administrator will be the point person on this.
6. Information regarding Unsung Heroines Celebration-May 14, 2008
7. Plymouth County Commissioner's meeting-January 2, 2008
8. Cranberry Country Chamber of Commerce Perspective newsletter
9. JTPG meeting notice-January 9, 2008
10. Letter from Comcast regarding Channel Line-up changes
11. Letter from Comcast regarding miscellaneous issues
12. Notice from DEP regarding MassClean Diesel program
13. MassWildlife Newsletter
14. DCR Access News newsletter
15. Letter from DHCD regarding Community Assistance Unit
16. City and Town publication

- 17. GATRA meeting notice
- 18. Woodard & Curran Directions newsletter

At 10:35 PM, upon a motion made by Selectman Evirs; seconded by Selectman Maksy it was:

VOTED: To go into Executive Session for the purpose of discussing contract negotiations with the Fire Department and pending litigation. Polled vote: Selectman Evirs – aye, Selectman Maksy – aye and Selectman Yeatts – aye.