

SELECTMEN'S MEETING
Monday, December 17, 2007

On December 17, 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 Boucher dog hearing

Chair Yeatts read the complaint into the record.

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

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

Chair Yeatts explained what takes place during a dog hearing to those present. Steve Ellis and Keith Boucher were sworn in.

Mr. Ellis explained that he was walking his dog, which is 13 ½ years old and partially blind, in the street on a leash, when this other dog came up to his dog and came right at them while he tried to yell and hit the dog to stop it. Then Keith Boucher came up and yelled at him for yelling and kicking his dog. Mr. Ellis said he has tried to socialize the dogs during the year and thought they were okay, but the dog was very vicious to his dog. He stated that one of the Boucher's neighbors has had problems with the dog as well. Mr. Ellis took his dog to the vet and needed the information of the other dog in order to find out about what his dog might need for vaccinations. He only knew that the man resided at 3 Laurel Street, so it could not be determined if the dog was licensed or vaccinated. The vet bill was \$94.90. (Copies of this were provided to the Chair) He is looking for the bill to be paid, and for Mr. Boucher's dog to be kept in his own yard or on a leash.

Mr. Boucher stated that Mr. Ellis came up to his yard and let his dog off the leash. Then his dog went up to the fence and started barking at Mr. Boucher's Great Dane, which jumped the fence and went after Mr. Ellis' dog. All this took place in Mr. Boucher's yard. Also, the neighbor's dog that got mauled, this took place in Mr. Boucher's yard as well. Mr. Boucher's dog is pregnant. Shawn Bennett testified that he was trying to hold the dogs apart and hold them down. Mr. Ellis had let his dog go with the leash still on it. Mr. Boucher said his fence is only about three (3) feet high, not four (4) feet high. He has told Mr. Ellis not to let the dogs play, and Mr. Ellis still tries to have the dogs be friends and try to train his dog. Mr. Boucher said he does have a taller part of fence on the rest of the property and would like to make this area taller, but has not had the money to do so. He stated that he does not have the money to pay this bill, but it is up to the Board. He has a picket fence in the front yard and a stockade fence around the back and sides.

Selectman Evirs asked Mr. Ellis if he punched and kicked the dog. Mr. Ellis replied yes, since it was coming to attack, and it was focused on my dog. Mr. Ellis said his dog was behind him

and the other dog just came around to his dog and he tried to stop it and make it go back. Ms. Craig said that she spoke with Mr. Boucher's girlfriend, who said that she now muzzles the dog whenever the dog is outside. Mr. Ellis said he has two (2) other neighbors and they will write a complaint that Mr. Boucher's dog is viscous. Selectman Maksy asked if the dog is up to date on the shots. Mr. Boucher said yes. He raises Great Danes, and they are all vaccinated and up to date on their shots. Selectman Evirs said that it does not matter if it was on the property or on the street. A three (3) foot fence is not enough security for a Great Dane. Chair Yeatts asked Mr. Boucher if the dogs were on his property; he replied yes. She asked Mr. Ellis where they were, he said on the street.

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

VOTED: To close the hearing.
Unanimous in favor.

Selectman Evirs stated that the dog should be on a run or lead until there is a higher fence, and the dog must be muzzled. Selectman Maksy said he agreed. If the fence was higher, this would not be an issue today, so it was negligence on Mr. Boucher's part. The height needs to be adequate to contain the dog. Mr. Boucher said he is planning on putting up a six (6) foot fence like he has on the side. Ms. Garbitt asked if the dog needed to be muzzled after the fence was put in. Selectman Maksy responded that as long as the dog is on a run, it should not have to be muzzled. Then the dog should not have to be muzzled when the higher fence is installed. Selectman Evirs asked if anyone had contacted their home owners insurance on the matter. Mr. Ellis responded that he would if Mr. Boucher would not pay the bill. Selectman Evirs offered that since they were both negligent and responsible since they let the dogs play together that the bill should be in half for both parties. Mr. Ellis stated that he would not be happy if he had to pay half of the bill. Mr. Boucher stated that he would pay the entire bill in order to end the matter.

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

VOTED: That until such time that an adequate fence is constructed, the dog will remain on a run and muzzled and the Animal Control Officer will inspect the property once the fence is installed to insure that it is adequate.
Unanimous in favor.

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

VOTED: That the bill will be paid in full in thirty days by Mr. Keith Boucher and proof of payment will be provided to the Town.
Unanimous in favor.

7:20 PM Meet with Josh Gonsalves-Eagle Project Proposal

Josh Gonsalves is present for the discussion. Josh Gonsalves, Boy Scout, took the floor to review his Eagle Scout Project proposal with the Board of Selectmen. He is working with someone at Bristol Plymouth Regional Technical School on the project and will make sure it meets all the regulations for the Town. He has already met with Dan Hopkins, Park Commission

Chairman. Mr. Gonsalves said he is looking for donations in the way of materials, finances from local businesses, the community and possibly some from the Town. Ms. Garbitt stated that Mr. Gonsalves has already met with the Park Commission on this, and he will need to return to them for final approval on the sign design. The Park Commission would like to create an island for entering into the property from Bedford Street.

Chair Yeatts asked that the press to run something in the newspapers on this. Selectman Maksy asked about the fee? Ms. Garbitt said typically the fees are waived for this type of project, but Town funds are not used to fund projects of this nature. The Anawon Council will also need to approve and sign off for approval on this project.

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

VOTED: To approve the Eagle Scout project of designing and installing a sign at the Ted Williams Park (Camp) entrance on Bedford Street. for Josh Gonsalves, subject to Park Commissioners final approval, and that the Town Administrator be allowed to sign off on the project.
Unanimous in favor.

7:30 PM Meet with Scott Sweet and Michael Petruzzo regarding Capital Expenditure Committee & Finance Committee Vacancies

Gordon Goodfellow, Town Moderator, Robert Hill, Chairman of the Finance Committee, Scott Sweet and Michael Petruzzo were present for the discussion. Chair Yeatts spoke of the vacancies on both Capital Expenditure Committee and Finance Committee. She stated the Board had received letters of interest from both Mr. Sweet and Mr. Petruzzo. She asked Mr. Sweet to talk about his interest. Mr. Sweet stated that he just moved to Lakeville a little over a year ago with his family. He spoke of his experience and that he works for the Brockton Fire Department. He had had a lot of experience with municipalities and the community. He has time to serve in this aspect; it just depends on the amount of time. Mr. Hill stated that the Finance Committee is mainly busy when it is budget time, etc. There are two (2) meetings already scheduled for the first week of January and it may be more demanding this year due to the budget constraints. Mr. Sweet stated that he does work two (2) evenings a week. Ms. Garbitt said that because of budget constraints, the Finance Committee will be quite busy with meetings. Typically the Capital Expenditures Committee only meets four (4) or five (5) times a year.

Mr. Petruzzo explained his education and work background. He holds two Bachelors Degrees, is a former CPA and felt that he could bring energy, experience and sound financial experience to either committee. He said meetings at night would not be an issue.

Chair Yeatts stated that Gordon Goodfellow, the Town Moderator, is the one to appoint the person for the position on the Capital Expenditures Committee. It was generally agreed that Mr. Sweet would be an excellent candidate for the Capital Expenditures Committee. Mr. Goodfellow, Town Moderator, appointed Scott Sweet to the Capital Expenditures Committee for a term to expire July 31, 2008.

Chair Yeatts stated that Mr. Sweet will be receiving the paperwork from Ms. Craig in the mail and will need to be sworn in at the Town Clerk's office. The first meeting that he will need to

attend should be in February 2008. Ms. Garbitt stated that the next meeting of the Finance Committee is Monday, January 7, 2008 and it is a joint meeting with the Board of Selectman at which time they can appoint Mr. Petruzzo to the Finance Committee. .

8:00 PM Meet with Attorney Robert Mather regarding Modification of Comprehensive Permit for Residences at LeBaron Hills

Robert Mather, Esquire, Ed Fish, Frank Will, Karen Will and Peter Freeman, Esquire are present for the discussion. Attorney Mather said the reason they asked to speak to the Selectmen is that the Residence at LeBaron Hills is going before the Zoning Board of Appeals on Thursday and asking for a modification of their 40B permit. They want to present a little more history in advance of the Selectmen's discussion on whether to support the application or make further recommendations.

Attorney Mather said right now, they have a comprehensive permit. Section 11 addresses the affordable units and they would like that modified. In Phase One of 62 units, they would like to complete it with six (6) affordable units and allow an arrangement to increase it to 25%. They are not asking to allow it less than 25%. Phase One is 62 units, 26 units are fully completed, 16 units are under construction. Of those 42 units, there are six (6) affordable units. That is not 25%, 16 units is 25%. The permit allows them to complete Phase One with ten (10) affordable units which is 16.1% but there is a stipulation on that regarding the occupancy permits and moving to Phase Two. They will catch up with the affordable units in Phase Two. There needs to be a sewer treatment plant completed in Phase Two.

Attorney Mather said currently the project is operating at a loss of over \$3 million dollars. If he has to complete the affordable units now, it will bring a further loss to the project. If he is allowed to finish Phase One with all market rate units, it will reduce the loss from \$3.9 million to \$1.9 million. The project has lost money for a combination of reasons, one being the down turn of the economy. The material costs have increased, while the sale prices have decreased. The biggest reason is that they are over four (4) years into the project and are only where they should be at one (1) year into the project. There are tremendous carrying costs to the project and also significant up front costs, the cost of extending the water line for one, so there have been a lot of significant costs during this time. Our dilemma is real and cannot continue the way it is going right now. No developer would continue if they continue to go into the negative. If we do not have a release from the affordable units, the project will stop, and we will wait for the economy to come around to dictate when the project is completed. If the project stops, it loses its momentum, its credibility. It would be perceived as a failed project. It is difficult to start it up again and the Town loses tax revenue. Another reason that Mr. Will is here is that LeBaron Hills Country Club and Residences at LeBaron Hill are intricately tied together. LeBaron has done a lot of positive things for the Town, such as supporting events. LeBaron has been fortunate in the past few years to increase its membership, and though not a lot, but one of the main reasons is the Residences. The success is tied in. So we are here to ask for the Board's help. We have a project that has gone in a particular direction, not due to poor management, but due to circumstances beyond our control and the economy. Mr. Fish has been in business for 50 years and has always finished his projects, so we are not saying that he will not finish the project.

Attorney Freeman stated that it is in the discretion of the Zoning Board to give relief from the conditions of the comprehensive permit, but also to look to the subsidizing agency, which is the

Mass Housing Authority, and they would like them to look to the Town for support. Other projects have been in similar situations lately. Chair Yeatts asked if there is a letter from Mass Housing stating that they support this. Attorney Freeman responded that there is not. He has only talked to them, but is sure that they can get a letter. Mass Housing does not want to be in the position of dictating. They would like to know that there is the support of the Town and then will give their blessing. Attorney Mather stated that he has a condensed version of the matter, which Peabody Projects has done, to leave for the Selectmen to review. Mr. Fish stated that he prepared the smaller version since the original version is considerably long. There is much of the same data in both booklets. Also all the bills that have been paid for the project are listed in the smaller book. Attorney Mather stated that the meeting with the Zoning Board of Appeals is this Thursday. They are asking for a modification to Section 11 and would ask that the Selectmen support their petition by either attending the meeting or sending a letter in support of this.

Mr. Fish gave further explanation of his relationship with the Mass Housing Authority and the fact that this is the first time that he has been in this situation at any time during his career. He will also be looking for a modification to Phase Two of the project in order to catch up. Attorney Mather stated that they feel they have the right place and the right project, but just not the right timing. There are also procedural issues with this and Town Counsel will also be present at the meeting on Thursday night. Selectman Maksy stated that if the economy does not turn around in seven (7) years, then what is the net to catch the Town on the affordable units? Attorney Mather stated that he had asked Attorney Freeman if there have been any projects that have been abandoned and not completed. Attorney Freeman stated that there is still a permit that controls what happens. If the economy does not turn around in another five (5) to seven (7) years, then it will sit there and the landowner or its successor will say, what do we do with this land and at some point a land owner has the right to use the land with the permit that is in place or revert back to current zoning.

Selectman Evirs stated that he had read the entire booklet and what kept coming up is what will Phase Two look like and also is there going to be a change on the age restriction since people have applied and there are residents in the Town that expect that. Attorney Freeman said the age restrictive market is saturated and would stay in place. Right now have the luxury of several phases to the project and will work with that. The project will stay with the age restriction due to the market need for the next phase.

It was felt that the Board of Selectmen should attend the meeting on Thursday evening in order to see what the Zoning Board of Appeals recommends to do.

Review and vote to approve annual liquor license renewals

Chair Yeatts noted that the Board needed to renew the annual liquor licenses.

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

VOTED: To approve the following Package Store Wine and Malt licenses with a term to expire December 31, 2008:

Paul F. Grasso, d/b/a Tutto Italiano 10 AM-10 PM Monday-Saturday;

Neighbor's Corner Store 8 AM-10 PM Monday-Saturday, 12 PM-8 PM on Sundays;
Petro Plus, Inc., dba Joe's Gas 8 AM-9 PM Monday-Saturday, 12 PM-9 PM on Sundays
Unanimous in favor.

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

VOTED: To approve the following Package Store All Alcoholic licenses with a term to expire December 31, 2008:

Savas Liquors, Inc. 8 AM to 11 PM Monday-Saturday, 12 PM to 9 PM Sundays;
BBP, Inc., dba Muckey's 8 AM to 11 PM Monday-Saturday, 12 PM to 9 PM Sundays;
Tamarack Wine & Spirits, Inc 8 AM to 11 PM Monday-Saturday, 12 PM to 9 PM Sundays;
Joseph R. Starr, dba Starr's Country Market 8 AM to 11 PM Monday-Saturday, 12 PM to 6 PM Sundays
Unanimous in favor.

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

VOTED: To approve the Club All Alcoholic licenses with a term to expire December 31, 2008:

Lakeville Aerie No. 3994 dba Fraternal Order of Eagles, Inc. 10 AM to 1 AM Monday-Saturday, 1 PM to 1 AM Sundays, Last call: 12:45 AM, Bars & tables cleared by 1 AM, all patrons out by 1:15 AM.
Unanimous in favor.

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

VOTED: To approve the following Restaurant All Alcoholic licenses with a term to expire December 31, 2008:

A Frame LLC, dba A Frame Bar & Grill 11 AM to 1 AM, Sunday-Saturday, Last call: 12:45 AM, Bars & tables cleared by 1 AM, all patrons out by 1:15 AM;
Camp Joe Hookier, Inc. 8 AM to 1 AM, Monday-Saturday, 11 AM to 1 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1 AM, all patrons out by 1:15 AM;
Hawaii Corporation, dba Orchid of Hawaii 8 AM to 1 AM, Monday-Saturday, 11 AM to 1 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1 AM, all patrons out by 1:15 AM;
Poquoy Investment Group, Ltd 8 AM to 1 AM, Monday-Saturday, 11 AM to 1 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1 AM, all patrons out by 1:15 AM;

Reservoir Heights, Inc, dba Lakeville Country Club 8 AM to 1 AM, Monday-Saturday, 11 AM to 1 AM Sunday Last call: 12:45 AM, Bars & tables cleared by 1 AM, all patrons out by 1:15 AM;

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

Unanimous in favor.

Review and vote to approve Class I and Class II annual license renewals

Ms. Craig noted that Elite Auto Sales has not sent in their renewal. Chair Yeatts asked that they be sent a letter right away letting them know that their license will expire on January 1, 2008.

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

VOTED: To approve the following Class II License Renewals with a term to expire January 1, 2009:

Majestic Auto Wholesale Inc
United Automotive Services
Lakeville Auto Sales
Sha-Nic Auto-Body, Inc.
Chris Altieri, dba C&E Enterprises
Andrews Family Automotive
Leonardo Solana, dba Solana Auto Sales
Unanimous in favor.

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

VOTED: To approve the following Class I License Renewals with a term to expire January 1, 2009:

Rousseau's Rentals, Inc
Crossroads Great Outdoors
Unanimous in favor.

Review and vote to approve annual miscellaneous licenses

Chair Yeatts noted that the annual miscellaneous licenses were up for renewal.

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

VOTED: To approve the following Livery Licenses with a term to expire December 31, 2008:

Moonlighting Limousine (6 vehicles); JP's Limousine Service (2 vehicles)
Unanimous in favor.

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

VOTED: To approve the following Dancing on Weekdays licenses with a term to expire December 31, 2008:

Camp Joe Hooker, Inc.
Reservoir Heights, Inc., d/b/a Lakeville Country Club
LeBaron Hills Country Club
Orchid of Hawaii
Fraternal Order of Eagles
Unanimous in favor.

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

VOTED: To approve the following Coin Operated Amusements licenses with a term to expire December 31, 2008:

Camp Joe Hooker (5 machines)
Fraternal Order of Eagles, Inc. (4 machines)
Unanimous in favor.

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

VOTED: To approve the following Public Entertainment on Sundays licenses with a term to expire December 31, 2008:

Camp Joe Hooker, Inc.
Reservoir Heights, Inc., d/b/a Lakeville Country Club
LeBaron Hills Country Club
Orchid of Hawaii
Fraternal Order of Eagles
Unanimous in favor.

Discuss renewal of contracts with Berkley, Carver, Rochester and Freetown for Animal Shelter

Chair Yeatts confirmed that the Towns of Berkley, Carver, Rochester and Freetown have all confirmed that they would like to continue their contracts with Lakeville for the use of the Animal Shelter. All rates would remain the same.

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

VOTED: To sign the contracts with the Towns of Berkley, Carver, Rochester and Freetown for the use of the Animal Shelter.
Unanimous in favor.

Review request to use Town House-Brownie/Girl Scout Troop #59

Chair Yeatts read the request of Brownie/Girl Scout Troop #59 to use the Town House for a Girl Scout Cookie sale.

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

VOTED: To allow the Brownie/Girl Scout Troop #59 to use the Town House on Saturday, January 12 and Sunday January 13 in order that they may sell Girl Scout Cookies.
Unanimous in favor.

Review request for real estate tax bill mailer

Chair Yeatts said the Board had received a request to place a mailer regarding establishing the Stormwater Hotline for the Town.

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

VOTED: To authorize the Treasurer/Tax Collector to include a mailer in the 2007 Real Estate and Personal Property Tax bills regarding the establishment of a Stormwater Hotline.
Unanimous in favor.

Request from M/L Herring Fishery Commission to appoint warden

Chair Yeatts read the letter from the Middleborough/Lakeville Herring Fishery Commission requesting that Luke Leonard be appointed as a Herring Warden. Mr. Leonard would be filling Mr. Arthur Standish's vacancy, who recently passed away.

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

VOTED: To appoint Luke Leonard as Fish Warden with a term to expire September 30, 2008.
Unanimous in favor.

Schedule Selectmen meetings for January, February and March

Ms. Garbitt requested that the Board set their meeting dates for January, February and March.

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

VOTED: To schedule the following meetings for the Lakeville Board of Selectmen: January 7th, January 28th, February 4th, February 25th, March 10th and March 24th, 2008.
Unanimous in favor

Review Zoning Board of Appeals petitions: Donnelly and Ducharme

Chair Yeatts noted that the Zoning Board of Appeals (ZBA) has requested input from the Selectmen regarding two petitions.

The first petition is for 237 Main Street (Donnelly). The petitioner was appealing the decision of the Building Commissioner, denying her application for a Home Occupation Permit. Chair Yeatts asked about the size of the great room since it seems that the porch and the old part of the house are 1,644 square feet or does this include the great room? (It may be 910 square feet) It appears that the Treasurer has not signed the Building Permit application, so it will be an incomplete application for the ZBA at the Thursday meeting. It was noted that there are also letters that are not dated, as well as signed. With Exhibit A in the second paragraph, it states about the use being a business. There are restrictions in residential zones even though the petitioner would not be having a walk-in business; there could be a substantial amount of deliveries going in and out. Selectman Maksy stated that he has an opinion with business in the Town, it should be encouraged, but there are no neighbors present this evening. Selectman Evirs stated that the appeal is due to the denial of the Home Occupation Permit application, and they could be able to obtain a use variance for a business versus an at home business. The ZBA cannot grant use variances. Chair Yeatts explained that the Town wants to encourage business, but has tried to make sure it is in appropriate places. There are places in Town where one could live and also operate a business. Selectman Evirs added that the Planning Board looked into zoning that entire corner business, the Assessors Building, the Old Library and this property. If the Town ever decided to sell the properties, they could restrict what would go there. What is there now is up to the Town since it is within the rights of the Town to control what takes place on Town owned property. Also, this parcel is very small and would have zoning restrictions due to the size.

Further discussion took place on the topic. Chair Yeatts said one consideration was the fact that there is a school across the street and the Town needs to keep in mind what type of business might come in at that vicinity. Also the Master Plan identified that area of the Town as being a Town Center. A park was suggested to be established near the school, though the property is owned by the City of Taunton. Also, how many employees is the person looking to have is another consideration. It needs to be determined if the applicant meets Section 6.4 of the Zoning By-law for a Home Occupation.

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

VOTED: To recommend that the Zoning Board of Appeals uphold the Building Commissioner's decision if it is determined that the applicant does not meet the conditions as specified in 6.4 of the Zoning By-Law for a Home Occupation. Also, to look into the signatures and dates of the applications by the Treasurer, etc.

Unanimous in favor.

The second petition is for 105 Nelsons Grove Road (Ducharme). The applicant is looking to demolish the existing house and rebuild with a smaller footprint. Discussion occurred on the petition.

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

VOTED: To recommend approval on the Ducharme application with Conservation Approval, proper submittal of plans, noting the Board of Health's restriction on a monolith tank, and noting that the date on the application may be in error since it is 2006.

Unanimous in favor

Request from Park Commission to appoint Jaime Velazquez to Open Space Committee

Chair Yeatts noted that the Board had received a memo from the Park Commission, noting Barry Evans resignation from the Open Space Committee and asking that Jaime Velazquez be appointed to take his place.

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

VOTED: To appoint Jaime Velazquez to the Open Space Committee as Park Commission designee to complete the term of Barry Evans which expires July 31, 2008.

Unanimous in favor

Review Preliminary FY09 Budget Summary

Stephen Furtado, Superintendent of Schools, Laurie Hunter, Assawompset School Principal and David Goodfellow, Chairman of the Lakeville School Committee, were present for the discussion.

Selectman Evirs explained that he and the Town Administrator had gone through quite a bit with the budget and allowed the Town Administrator to explain further. Ms. Garbitt stated that she will be recommending that the Board use some of the money on the debt fund, approximately \$250,000 of the \$350,000 for FY09. There had been \$375,000 of which some funds had to be used for other Town matter. They do anticipate other funds such as \$25,000 from CVS and other upcoming business/construction projects. There will be \$410,000 in this fund when Town Meeting rolls around. This will help with the anticipated shortfall that the Town will be facing. They have used New Growth using \$150,000, based on new construction, up to 26 single family and 16 with units for Residences at LeBaron so there may be more, but they were using this amount at this time for the FY09 figures. They do not expect any overlay surplus this year, so should put aside more to that this year. The Assessors may be asking to set aside \$200,000 for abatements. She has put in a call to National Development to see if they will fund a Police Officer for another year. We have level funded State Aid, but should know more when the Governor's budget comes out. She has kept the same amount in estimated receipts. If they over estimate them, then we could end up with negative free cash as many communities have. They are hoping that free cash comes in at \$200,000 at least. The first budget is showing what all Departments have requested for their budget. She is hoping that the Board will come forward with their recommendations on this. The Elementary School is the largest request at \$474,000, if you include the amount from the Stabilization Fund last year, then it is over \$500,000. The request for the Region is over last year's request by \$125,000. At this time we do not know the FY09 assessments for Old Colony and Bristol Agricultural. She has spoken with Anne St. Pierre since Special Education costs have doubled since 2006. That account looks

to be about \$30,000 short for this year due to changes. If they get the additional student for 08, then 09's budget may increase.

Ms. Garbitt said there are a few really big items that stand out. The first is the Highway Department's requests due to the dead trees in the Town, Mr. Peck has budgeted funds for contracting out the dead trees that are close to the wires and that is \$132,000. Another big increase is Debt Service, it may not show on the expense summary but after subtracting the reimbursement from the State which ends this year, it goes up about \$250,000. That is the Debt Service before reimbursements or debt exclusions. Health Insurance is another big increase. We should know by February from Gateway on the increase. The trend in the insurance industry is about 13%, but it typically goes down a few percentages after the beginning of the year. Right now she is using 12% and the School Department is using 10%. She is looking for the Landfill to keep itself sustaining and was optimistic on the Plymouth County Pension funding. One of the big items in the Town Office budget/Fire Station is a part-time IT person. The Town needs to renew software licenses and also needs servers. She said that the servers and the software licenses could be put in the Capital Plan to remove it from the operating budget. Changes have been made in the Debt Schedule and payments in order to shorten the spread from five (5) years to four (4) years. By making the principal payments every year with the debt schedule, the Town has been very conservative with its debt. It is a little more interest but not too bad. If we get reimbursed on the school roof, using 50% (hopefully it will be a higher percentage), maybe \$200,000, it would reduce the principal and interest on the debt schedule. Dr. Furtado stated that they have 83 projects to review and once this is done should get the percentage payment in one lump payment in the spring.

Selectman Maksy stated that the Middleborough Gas & Electric has added more money to their budget for trees. It is more important for them to correct the problem since they lose money when the people do not have service. Ms. Garbitt explained how Mr. Peck has been reviewing and marking the trees and going out to bid on them since there will also be a need for Police Details. This amount will not take down a lot of trees. This may be more than a one (1) year project. These are hazardous trees in the Town's right of way. Selectman Evirs added that a lot of the trees will also come down during the winter.

David Barrack, resident, asked about when some commercial projects are coming on line and how it works. Chair Yeatts explained if the next round of stores cannot be guaranteed, then it will go elsewhere. The hold up with the Oxford project is due to some findings regarding Native Americans. There are one hundred sites that have staining, from an archeological point, and the woman in charge (FOP) wants all, not a portion of them looked into before she will sign off. This then stalls the Town's sources of revenue, such as building permits, excise tax, lottery, State aid, etc. Selectman Evirs further explained about the relocation of Route #79 and how that has affected the Lakeville Hospital project.

Mr. Goodfellow asked if there are any suggestions to how the Board of Selectmen will make up the shortfall. Selectman Maksy asked if was suggesting an override. Chair Yeatts stated that she did not think the citizens of Lakeville would go for an override until they "feel the pain" like the library closing for a few days or the landfill or the COA, etc. Mr. Goodfellow stated that it should at least be put on the ballot, ask the question and find out the will of the people. Chair Yeatts asked who will do the work. Mr. Goodfellow responded that we will all do the work. Get the information out there, present what it is. Further discussion took place on the topic.

Mr. Barrack suggested ways of raising revenue by advertising on Town vehicles. Also he suggested getting a grassroots organization started to get out there and educate and inform the Townspeople what kind of dire straits we could be in without an override. That way when it goes on the ballot it would have a better chance of happening. Chair Yeatts stated that the reason she is skeptical is due to the fact that the School Department had a meeting to try and lift this off the ground and once it came to the matter of the budget, everyone left and there must have been over 100 people present. Mr. Goodfellow stated that it needs to be understood that an override does not mean that something has been mismanaged. The question should be asked. The Finance Committee has been invited to the next Selectmen's meeting scheduled for January 7, 2008. The School Committee has also invited the Selectmen and the Finance Committee to their meeting on January 9, 2008.

Further discussion took place on the various budgets that were submitted by the Boards and Departments of the Town along with other aspects of the budget and anticipated revenues. Selectman Maksy stated that he would like to review what the Town Administrator recommends and then go through the budget.

Review and vote to approve Selectmen's meeting minutes of December 3, 2007

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

VOTED: To approve the Board of Selectmen's meeting minutes of December 3, 2007.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt mentioned that Jonathan White of Oxford Development sent a letter stating that he would be strongly opposed to the Lakeville MBTA station closing and was supporting the Town in this opposition.

Other Items

1. Letter from Board of Health regarding Conservation Commission letter
There seems to be some confusion between both these entities and so there will be a meeting to review what to do to make sure the lines of communication are not blocked and are opened again. Possibly revise the list that was put in place of what needs to be done, the time frame, etc.
2. Letter from Board of Health regarding Old Back Road Estates
This property is off of Lakeside Avenue. It is anticipated that this was discussed this evening at the Board of Health meeting. William Garvey is following this matter.
3. Memo from Open Space Committee regarding list of conservation restrictions
4. Letter from Open Space Committee regarding copies of Open Space Plan
This is to make sure that there are people aware of these properties when they come up for reassignment.
5. Memo from Selectman Evirs regarding energy costs
6. Letter from Dr. Furtado regarding invitation to Lakeville School Committee meeting
7. Letter from Historical Commission regarding FY09 Annual Budget request

Chair Yeatts asked what they are looking for since it is in a different format. Ms. Garbitt responded that she has reviewed it and made the changes in their operating budget and the Board members have this information in the budget.

8. Letter from GeoInsight regarding 580 Myricks Street, Taunton
9. Letter from Executive Office of Transportation regarding Southcoast Rail
10. Old Colony Regional newsletter
11. Cranberry Country Chamber of Commerce Perspective newsletter
12. letter from Coalition of Buzzards Bay
13. Memo from Kopelman and Paige regarding new Fire Sprinkler Law/Liquor License Renewal applications
14. letter from Department of Public Safety regarding trench safety
15. letter from MEMA regarding 2008 Pre-Disaster Mitigation Grant Program and 2008 Floor Mitigation Assistance program
16. letter from BayState Gas regarding heat assistance
17. Status Report from Massachusetts Commission on the Status of Women
18. Massachusetts House Republican Caucus newsletter
19. Plymouth County Commissioners agenda-December 18th
20. Letter from Dr. Furtado to SBA
Minor discussion took place on Regionalizing Freetown and Lakeville and the savings and accounting time that could take place. However, the Freetown School Committee voted last week that they were not in favor of Regionalizing.
21. Memo from Dr. Furtado regarding reimbursement of legal fees

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

VOTED: To enter into Executive Session and not to return to Open Session to discuss contract negotiations regarding the Fire Department and pending litigation. Roll call vote: Selectman Evirs – aye, Selectman Maksy –aye and Selectman Yeatts – aye.