

SELECTMEN'S MEETING
Monday, January 28, 2008

On January 28, 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 7:03 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 Introduce Fredo, Police K-9 officer

Mark J. Sorel, Police Chief, was present for the discussion. Chief Sorel was introduced and he talked about Officer Fredo, the new K-9 Police Officer and his trainer, Officer Jack Taylor. Officer Fredo was just deployed last week on a suspicious person call and recently graduated from K9 Patrol School. Officer Taylor is working the 6:00 PM to 2:00 AM shift; Fredo works 7:00 PM to 2:00 AM. The shift hours will be assessed as time goes on to determine if that shift should change or be modified. The most active time for narcotic stops is 6:00 PM to 2:00 AM. Officer Fredo is not certified yet for narcotics, but he will be. We have not had a case where a search was undertaken, but when this event occurs, Officer Fredo will be there. Officer Fredo is to only be with Officer Taylor. Chief Sorel noted that the K9 Officer was funded through many donations, nothing came from the budget. Officer Taylor uses a Ford Explorer police vehicle, which has been modified with doors that can be opened with buttons for the dog to be let out in certain circumstances. It is advantageous for the Town to have this program in place and the citizens of Lakeville will benefit from it. Dogs have been used before for searches and missing persons, but they have not belonged to the Lakeville Police Department. Officer Fredo is on call for a lost child or adult and will be able to do searches at the schools. Since he just got out of the Academy, he is to have some time off, and Officer Taylor will spend a lot of time with him as well. Officer Fredo will be two in March. He is from the Czech Republic and started his full time training in September 2007. His training was 16 weeks long. He can do tracking and trailing for evidence and people. He is trained on human order and ground disturbance to follow a good or bad person. The narcotics class is another ten (10) week program, which should take place this summer or in the fall. Officer Taylor stated that he was very grateful for all the donations and hopes that it continues since there will be a need for vet appointments, etc.

7:15 PM Meet with Kevin Walker regarding Earth Removal Permit-119 Bedford Street

Kevin Walker from K&J Engineering and Bruce Taylor are present for the discussion. Chair Yeatts read the legal notice for the Earth Removal application for the property located at 119 Bedford Street.

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

VOTED: To open the hearing.
Unanimous in favor.

Ms. Craig noted that she had received four (4) of the six (6) certified mail notices back from the abutters. Mr. Walker stated that the entrance will be 75 feet long, rather than 50 feet long, and there will be a 20 feet wide entrance for the tracking pad that will be placed there. There will be loaming and seeding done for stabilization purposes. The area was not subject to the Wetland Protection Act. Chair Yeatts noted that in order to receive a determination, they have to be more than 50 away from the wetland area. This should be a condition on the permit. Mr. Walker stated that it shows 100 feet on the plans. That is not a problem, since there is nothing within 50 feet of the silt fence. Chair Yeatts stated that her suggestion for Condition #10 is nothing over 50 feet. She asked where the earth was going once it leaves the site. Mr. Walker responded that the earth was going to go up Route 79 to Route 140 in Taunton. Chair Yeatts stated that the route will also be on the permit, and it is the only route the Board is approving. Mr. Walker stated that the time frame was indicated as 18 months, but he would be surprised if it would take that long. Chair Yeatts stated that she was thinking of the number of trucks per day. 100 yards would be for 5 trucks. The expiration date of the permit will be March 31st. Mr. Taylor would have to determine how much earth was removed and then re-apply for the new permit, with that amount reduced from the total. The Board can also reassess it at that time. It would be about 900 trucks in total, so it is beneficial that this will be done over a longer period of time.

Selectman Evirs mentioned that, depending on safety issues, the Police Chief will decide if a Police Detail is needed. Selectman Maksy stated that he would like the Superintendent of Streets to have a copy of the new set of plans. Chair Yeatts explained that the permit will go with all nine (9) conditions presently in place, #10 will be the 50 feet requirement from the silt fence, #11 will be the removal fee, and #12 will be the route (Route 18 south to Route 79 west, to Route 140). Joe Hamilton, abutter, asked how much fill will be taken out and how deep is it going to be. Chair Yeatts responded about 18,000 yards is what was applied for, yet originally it was about 17,000 yards. Mr. Taylor added that he just wanted to cover the amount. He then showed the abutters, on the plans, how it will look, what will be done, the drainage of the water, etc.

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

VOTED: To close the hearing.
Unanimous in favor.

Ms. Garbitt mentioned that they may have to get two (2) separate bonds. Ms. Craig noted how much the bonds were for LeBaron for clarification purposes for the restoration of the area and the roads. Discussion took place on how long the project may take and how much damage it may or may not do to the roads. Ms. Craig asked what the duration of the bond should be, two (2) months or extend beyond that to a year. Selectman Maksy suggested that the bond go the entire 18 months. Selectman Evirs stated that there will be no operation of the equipment or the project taking place on Saturdays, Sundays, or holidays. This means no machinery use, and no screening of the material on the property, which should also be a condition.

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

VOTED: To approve the permit for earth removal with the standard conditions #1-10, #11 is the removal fee, #12 is the route, #13 bonds will be \$20,000 road protection and \$5,000 for the restoration of the area, and #14 will be no screening of material will take place on the property. The expiration date of the permit will be March 31, 2008.
Unanimous in favor.

7:30 PM Meet with Finance Committee to discuss appointment of Melissa Hopkins to Finance Committee

Gary Mansfield, Michael Petruzzo, Steve Olivier and James Hanlon are present for the discussion. Chair Yeatts read a letter from Melissa Hopkins, asking to be appointed to the vacancy on the Finance Committee. Chair Yeatts noted the vacancy was from the resignation of Robert Hill.

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

VOTED: To appoint Melissa Hopkins to the Finance Committee to fill the vacancy on the Finance Committee.
Unanimous in favor

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

VOTED: To appoint Melissa Hopkins to the Finance Committee.
Unanimous in favor.

7:45 PM Meet with Marcus Baptiste regarding proposed deeds-Lots D, E, F & G

Marcus Baptiste was present for the discussion. Also present was Mrs. Anthony, abutter. Chair Yeatts explained that Mr. Baptiste is present to discuss the three (3) building lots that he owns. There are two (2) lots that have frontage onto Route 79. These areas are small and will not be used for access, so Mr. Baptiste has agreed to deed these areas to the abutters. These lots are designated at Lots D & E, but in the event that there may be a need in the future for an underground utility easement, Mr. Baptiste would like to have an easement of 7 ½ feet on each side of the properties or 15 feet in the middle. The rest of the land is otherwise given to the neighbors. Mrs. Anthony asked for a copy of the wording of the easement. She stated that she was not happy about the easement since initially when she learned of it, it was only for underground electricity. Now she is finding out that it may be underground electricity, water, sewer, and gas. So this is totally different than what was originally brought to her attention. The lot was to be divided between herself and a neighbor with no strings attached. She then read in the paper that there will be an easement, so now she has some concerns. This was not part of the original agreement. Chair Yeatts explained that the Board of Selectmen did not know about the easement. There is nothing in the agreement that says all the utilities will go down the easement. The easement would only be on the 15 feet, 7 ½ on Mrs. Anthony's side and then the 7 ½ on the

other side. Mrs. Anthony stated that she has talked to surveyors, real estate people and a real estate lawyer about the matter. She now feels that if she sells her property, with the easement on the land, it will affect the sale of her property since some potential buyers may look at it as a deterrent. Chair Yeatts explained that this is a plus and minus to the agreement. Right now, Mrs. Anthony's lot right is less than 20,000 square feet, which is a non-conforming lot. Mrs. Anthony would have to go before the Zoning Board of Appeals to do anything on the property, such as erect a shed. With the additional land from the easement, she would be able to do those things by right, which she cannot do right now. So this is a big plus to have her lot go over 20,000 square feet. Selectman Maksy stated that Mrs. Anthony does not have to accept the easement. She can allow the other neighbor to accept it all, or can accept it under a different name. Mrs. Anthony is not being forced to take this land.

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

VOTED: To open the dog hearing at 8:00 PM and to continue it.
Unanimous in favor.

Mrs. Anthony stated that she read the Selectman's comment, and it said just sign off on it. She stated that she felt no one was really working on the abutter's behalf. Chair Yeatts stated that she has to take exception to that. Mrs. Anthony could be looking at a road going through this area with run off and salt. Mrs. Anthony stated that she felt Mr. Evirs was working for the abutters, and he made the statement that this was not part of the issue. She made the phone call to him. Selectman Evirs agreed with Mrs. Anthony, however, no one was aware of this initially. This all goes back to when the Board was rezoning the area to business and it left two "fingers" of land. The Town did not want it to be a dead end street with access, so to prevent that, Mr. Baptiste agreed to donate the land to each abutter, for no charge. If the abutters did not want it, the Town would take it since the Town felt strongly about preventing access from those lots. At that time, the Board was not aware of the easements. Mr. Baptiste did explain at the last meeting of the Board that the intent of the relocation of Route 79 does not show any utilities going down that road at all. So if Mrs. Anthony does not want ownership of the land with the easement, the Town will take it or maybe the other neighbor would want it. It means that if the easement had to be used, there may be a disturbance to a fence or shrubbery, but with the wording in the agreement, any disturbance would be restored to how it appeared before the easement was used. Mr. Baptiste read the wording from the agreement. Selectman Evirs said if Mrs. Anthony wanted to put a shed or garage on the land, she just cannot put it in the easement area since there is a 20' setback, but she can grow grass on it, fence it, etc. She only needs to grant permission that if they want to put a utility down through the easement, she has to grant that access. If she would like the wording to include, shrubbery or fencing this can be done. Selectman Maksy asked if Mr. Baptiste does get service on Route 79, is there a good chance that they will not use the easements at all. Mr. Baptiste responded that he did speak with the engineer today, and there are no plans for utilities down Route 79. Mrs. Anthony explained that she has been there since 1983. The family built the house in the 1950's. She would like to protect her interest as well as her children's. Selectman Evirs stated that if there were services available from the new Route 79; they would certainly be less expensive through the new Route 79 than coming through the easement. Mrs. Anthony stated that she does not have a problem with anyone developing their land the way that they want to develop their land, but she lives in a residential area and was

established as that before this came forward. Chair Yeatts stated that with Lot B, the Board does not think it has impacted the area in a negative way. Mrs. Anthony responded certainly not.

Chair Yeatts stated that the Board needs to make a decision about approving the deeds. The Board is not interested in taking the land for the Town, and it would have to go to Town Meeting for approval. So the land would be offered to the other abutter. Mrs. Anthony stated that she is fine with this.

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

VOTED: To move forward on the deeds for Lots D, E, F & G as written with copies to be provided by Mr. Baptiste as soon as they are in place.
Unanimous in favor.

8:00 PM Podielsky Dog Hearing

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

VOTED: To re-open the dog hearing.
Unanimous in favor.

Chair Yeatts read the dog complaint into the record and explained the procedure. Anne Zelandi of 10 Malbone Street had filed the complaint on January 18, 2008. The Board is charged with the responsibility to handle any such complaints and then to make a decision after hearing the complaint. The order may be appealed. Anne Zelandi, John Dudley, David Frates, Animal Control Officer and William & Lisa-Marie Podielsky were sworn in by Chair Yeatts.

Ms. Zelandi stated that the Podielsky dog freely roams their property. She has tried for about 1.5 years to speak with the neighbor about this. She did not want it to get to this point. The dog does not know she is not on her own property. She is almost territorial that this is her property. The dog is barking, circling as if Ms. Zelandi is on the dog's property. The dog is of good size dog and is leaving her fecal matter on the property, and it is destroying the grass area. Ms. Zelandi has to patch the lawn and remove her droppings, and it is getting tiring. They have tried numerous times to settle the matter. They do not mind her as a dog, but to clean up the waste is becoming a problem.

Chair Yeatts stated that she has two (2) letters. Were there other complaints? Ms. Craig noted that this is the third complaint. Mr. Dudley stated that the biggest problem is the dog poop and having to clean it up before mowing the lawn. They do not own a dog. Ms. Zelandi stated that about a week ago, the dog saw her coming out her slider door, and the dog was acting aggressively and barking at her. She has children, and other children come over to play. They do not want the dog's presence on the property any longer. They want an end to it. There is a leash law.

Ms. Podielsky stated that she has not spoken to her neighbor since June of 2006. She has letters from veterinarians regarding the dog. The dog is 12-13 years old and was adopted. She has a letter from the UPS driver and a packet of information for the Board. The complaint was

received, but the dog does not run freely. It is attached to the run. The Podielsky's also have horses, and the dog comes along with them when the horses are being fed. She does not approach anyone aggressively, and the dog has been tested to prove this. The Dog Officer came by, and she wagged her tail when she saw him. Jared Darling has also been to the Podielsky's house and does the barn inspection. The dog is usually in the house, in front of the stove or in the bed. The Podielsky's have children too, and there are no problems with the children. Ms. Zelendi's children have also come over. She does not understand why she would then allow her children over if she was so worried about the dog. There is another neighbor who has a dog that is barking all the time named Max, so maybe she is confusing the dogs. The Podielsky's have lived there for 20 years and are not used to having neighbors. The dog may have wandered over on occasion, but if she was seen pooping, then they would go pick it up. She has done this before. She had a temperament test done on the dog. It is not understood from the complaint about "other sources of animals", is this the horses or cats? There are a lot of stray cats in the neighborhood. The Podielsky's live near Bobby Bradshaw and when he died, not all of his animals were taken by the MSPCA. This is bordering on harassment. The Podielsky's tie up Molly or she is with them. Mrs. Podielsky had to take a night off of work for this matter.

Chair Yeatts asked if Molly goes out alone to go to the bathroom. Ms. Podielsky responded, no. Not at all. She goes out with her when she gets home at 3:00 AM. Chair Yeatts asked if anyone else letting the dog out. Ms. Podielsky responded, no. She lies in front of the stove or on my water bed. We are planning on putting up a fence, but this cannot be done until the spring since the ground is frozen now. Mr. Frates stated that went to the Zelendi's on the second call and did see dog tracks back and forth from one house to the other. Mr. Frates stated that actually he did not go out to the Podielsky residence until the third complaint. Ms. Zelendi stated that the children did play together, but have not since this issue. There is no personal vendetta here, and it is understood that the Podielsky's have lived there for quite some time. It is not the temperament of the dog; she just does not want Molly on the property. We do not want to cause problems. We also had to take time off to be here. For close to two (2) years, they have verbally said things to the Podielskys. She did not want to come to this as a result. The dog is constantly over. She has photos for proof that the dog is always on the property. Dates are on the cell phone of when the picture was taken.

Ms. Craig stated that Ms. Zelendi has been in to speak to her about the problem. She just wants the dog to stay on its own property and not have to pick up the droppings. This is basically what Ms. Zelendi has been speaking of. Ms. Zelendi gave the pictures to the Board to view. One picture is to show how the property lines up and where the dog crosses over to get up to Ms. Zelendi's porch. The property comes up to the horse fence and that is the boundary. Ms. Zelendi was asked to come forward and show the property borders. Selectman Maksy asked if some kind of resolution could take place. Ms. Zelendi stated that it is not so much having the fence in place; they just do not want the dog on the property. Selectman Maksy asked if there is a way to get this under control for a few months until the fence is installed. Mr. Podielsky stated that the horses can get out also, so we will put up the fence. Ms. Zelendi stated that their horses have gotten out, but they are not here for that matter. Mr. Podielsky stated that horses get out, they get out about two (2) or three (3) times a year, a fence would solve that problem too, but it is expensive. Chair Yeatts stated that if damage is being done to someone else's property, you have to repair it. Mr. Podielsky stated that if you move next to a house that has horses, you have

to expect that. Selectman Maksy stated that he just assumed the Podielsky's were proposing a fence since they gave the Board a proposal. Ms. Podielsky stated that they have a tie for the dog. Mr. Dudley stated that they were more concerned about the aggression from the dog. Selectman Evirs stated that the Board has to bridge from now to then, if you are going to put up a fence. How long is the run from your door? Ms. Podielsky responded that one is right next to the door, and the other is a few steps so that they do not get tangled up since they also have the dachshund. Selectman Evirs reminded them that the Town does have a leash law. Mr. Podielsky asked if the leash law was for on their own property. Chair Yeatts explained that the dog can be free on their property or restrained on their property. Selectman Evirs added that they need to have a fence and have the dog restrained until that time. So the dog will have to be on a leash until it is hooked up to the run. There is ample documentation on the aggression of the dog, but we are not really here on that aspect, it is the dog getting off of the property. So keep the dog on its own property. Ms. Craig noted that neither of the Podielsky's dogs are licensed for 2008, and the rabies vaccinations are not current. Ms. Podielsky responded that she will get that done.

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

VOTED: To close the dog hearing.
Unanimous in favor.

Mr. Podielsky asked what the fine was for the dog being off the property. Chair Yeatts responded that the first offense is \$25 if the dog is off the property. The Board could also order that the dog be permanently restrained to the property with a kennel, etc. Mr. Frates will check when the fence is in place so that the leash can go away. Mr. Dudley stated that he would like to see the dog restrained, even to the tie out. It seems that \$25 is nothing to Mr. Podielsky. Mr. Podielsky left the meeting at this point. Chair Yeatts stated that anyone who does not comply with the order can be punished by a fine or imprisonment. The Board needs to know that the Podielsky's take this seriously. Ms. Podielsky responded that they do. Her husband is just angry.

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

VOTED: To order that the dog is to remain on the property. The dog is not come out of the house without a leash, unless it is going to the run. Until the fence is in place, the dog is to be on the run or on the leash. The Podielsky's are to contact the Animal Control Officer when the fence is in place so he can inspect it.
Unanimous in favor.

8:15 PM Meet with Robert Mather regarding Residences at LeBaron Hills

Robert Mather, Esquire, was present for the discussion. Also present were Frank and Barbara Will and Edward Fish of EA Fish & Associates. Attorney Mather stated that the reason they were present is that a formal application was made to the Zoning Board of Appeals (ZBA) to allow the developer to complete Phase One with all market rate units and to have only six (6) affordable units that were either completed or under construction, then to make up the difference of the affordable units in Phase Two or subsequent phases. They have formulated an idea for

Phase Two, and the ZBA has continued the hearing until January 31, 2008. They have asked the developer to do a few things. They asked to have a conceptual plan presented to the Board of Selectman and have them approve it for the new Phase Two and to address some issues with the neighbors. They have had a meeting with the neighbors. They also asked to have an updated market study done. A copy was presented to the Selectmen. There was also an additional packet of information with a summary of the proposal, pictures of Ashers Path, a printed response to the questions that the residents had and answers made was also distributed to the Board. It is felt that the project will have the full support of the residents on Thursday. There are some reduced plans for the Board which shows the entry perspective of the buildings, the existing project as it has been permitted, and how it is proposed to be modified, along with some sample support letters that the developer would be looking for. One is the project and application that needs to be in this Friday, February 1st. It is hoped that the Board will support the application, but it is understood that it is contingent on the ZBA approval.

Attorney Mather showed the existing Phase One and the 20-units that remain to be completed. Originally, this was Phase Two with 34-units and then Phase Three which would be apartment complexes, then Phase Four. What is being proposed now is the apartment complex as Phase Two, with 56-units in basically the same location. They would be skipping a phase and going directly to the apartment phase with all affordable units. This will exceed the 25% affordable units. It will bring the number of affordable units from 6 affordable to 60. Mr. Fish stated that when they met with the ZBA, there was a charge and it contained quite a few things. We tried to accomplish all of them before coming before the Board. The market study was revised and the body of the study is on page 58. It shows that there is a demand for this type of housing in this area. We propose to do this as a non-profit organization, or if the Town forms a Housing Authority, we would work with the Town. They are all one bedroom units with low rent, and it would be a tax credit. It will be only for the elderly. We did show what it would look like as well. We know we can get a 4% tax credit and will try to get a 9% tax credit. This would be a good benefit to the Town. The project is so far in the hole right now we cannot go forward. The ZBA wanted to hire an independent accountant to go through the numbers, and it was recommended that that be done. Chair Yeatts asked if the ZBA has done that. Attorney Mather responded that they have hired the consultant and are communicating with them. It is not known if the report will be done by Thursday, but they will have an idea by that time. Mr. Fish stated that the numbers will speak for themselves. This is a tax credit project for elderly people. The tax credit program was explained. Part of the funding is to look for HOME money so the rent will not be high. It will be approximately \$400 to \$800 a month. The project needs to be submitted to the Greater Taunton/Attleboro Home Consortium by Friday, and then to the State in March. The Town needs to be accepting of this type of development. The project has to follow the normal approvals and anything else that needs to be done. The tax credit process has been outlined for a better understanding, since it is a little complicated.

Mr. Fish explained that the Board is not expected to accept this cart blanche, but should see what is being proposed. A FAST system, which is the latest sewage disposal system, will be installed. The building will only have two (2) floors. The housing authority would be a great thing for the Town to consider. That is a decision that the Town has to make. It may be a great opportunity for the Town at this time. We take a lot of pride in what we do. One of these projects has been built in Fall River in 1980 and 160 people have never left and still live there.

Selectman Evirs asked if the 56 unit building was replacing one of the larger ones, and is it less units. Mr. Fish responded yes and yes, but ultimately it will be the same quantity of units. Selectman Evirs asked when does the septic system change over happen. Mr. Fish responded that when it is all done that will take place. The first 62 units will be on the septic system and then this will have its own septic system. Hopefully, by that time the market will have turned around. Selectman Evirs explained that it is important for the Town to keep the activity moving since the Town is banking on this also. Mr. Fish stated that he did not want to put pressure on the Board, but they do have the application that will need to be completed for Friday, and then the other for the State in March. The project will not go anywhere if the Town does not endorse it.

Selectman Maksy stated that when the first plans were submitted to the ZBA, it was thought that there were three (3) phases and now four (4) phases are being talked about. Mr. Fish responded that Phase One (20 units) will still take place and Phase Two is the circle, then the market will dictate Phase Three. Then we will have to come back on another modification. The project did originally have an assisted living facility, but right now the market is saturated with them. Maybe it will come back into the project. He did not know. The Town could have first preference. Selectman Maksy stated that would be his preference and a contingency. He added that he was impressed with the quality of the building that the Board toured. Selectman Evirs noted that the fact that it is rental, and not for sale, is something the Town does not have a lot of.

Paul McGillis of Daniel Road said he was at the Zoning Board meeting when they continued this. He was under the impression that there would be a meeting of the residents of Phase One of this project. Did it take place? Chair Yeatts explained that they did have a private meeting with the residents, but the ZBA will take comments at the meeting on Thursday. Mr. McGillis asked isn't this going to happen also on Thursday. Chair Yeatts responded yes. However, the ZBA mandated that the developer also meet with the Board of Selectmen, and the Selectmen had a tour of the same type of building being discussed to be built in Lakeville. Mr. McGillis said he thought this would be a hearing with the residents' comments. Attorney Mather explained that they met with the residents to allow the residents to express their concerns and let them know where the developer is in the process. That took place last Wednesday night. Mrs. Will said the residents provided questions to us since they met prior to meeting with us. Chair Yeatts stated that as Selectmen and as developers of the Master Plan, the ZBA wants the Selectmen's recommendation, as leaders of the Town. Mr. McGillis asked if the residents were required to be notified certified mail. Mrs. Will replied that a steering committee notified the residents and also did this by email. Did they miss someone? Mr. McGillis said he was just wondering. Attorney Mather stated that green cards went out about the Zoning Board meeting and they were comfortable that everyone was given notice. Ms. Garbitt asked if there will be full time management of the rental facility. Mrs. Will said yes.

Attorney Mather conveyed the fact that the developer is looking for the Board's support by Friday, then for the Board to approve the conceptual plan for Phase Two, and to allow the developer to complete Phase One with all market rate units. Selectman Maksy stated that he would like to make sure that there is a tie in with Phase One to Phase Two to make sure the Town still gets the affordable units. Attorney Mather stated that the developer wants to continue building the remaining units at market rate. This building will take several months to get

funding, but the developer wants to finish Phase One right now. Selectman Maksy stated that if the modification does not get approved and Phase One is finished, where does the Town go from there. Attorney Mather responded that the developer would have to come up with another modification that is acceptable to the Town. Selectman Evirs stated that they need an approved modification before they can go too far into the tax credit process and application process. Selectman Evirs stated that they would need the waiver since they are not doing more affordable units. Mr. Fish said the reality is that we need the modification before completing the units. Selectman Maksy stated that right now the permit says you have to be affordable and you cannot change that. So you can build, but cannot sell the units until you get the modification; you are in a catch 22. Selectman Evirs stated that they need to modify the Comprehensive Permit before they can go anywhere. Attorney Mather said they are looking to expedite the process. The State only gives the opportunity to submit for the funding twice a year. Chair Yeatts stated that she will work on the letters to give the ZBA on Thursday night at the meeting.

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

VOTED: To endorse the letters to DHCD and the Greater Taunton/Attleboro Home Consortium.
Unanimous in favor.

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

VOTED: To support the conceptual plan for completing Phase One and continuing with Phase Two and that the Board of Selectmen continue to be informed of the process.
Unanimous in favor.

Revisit review of Trinity Lane Extension

Chair Yeatts explained that the Board has a letter from Chris Peck, Superintendent of Streets, but he did not sign the plan. Ms. Garbitt explained that Mr. Peck still does not have any drainage calculations. Chair Yeatts explained that all her comments echo Mr. Peck's. They still have a lot of things to do. Selectman Maksy added that the Fire Chief still wants to know where the 911 calls will go to. Further discussion took place on the topic with respect to 911 calls and who would respond. It may be best to have the Town look into the best scenario on who would respond since the resident would want the closest Fire Department to respond. However, it depends on where the taxes are paid. Chair Yeatts stated that the Board's letter would reflect the concerns of Mr. Peck, and the Board would like to know how the 911 service is determined.

Request for constable reappointment-Herve Vandal

Chair Yeatts read the letter from Herve Vandal, requesting that he be reappointed as a constable for the Town. His bond is current and in place.

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

VOTED: To reappoint Herve Vandal as Constable for the Town of Lakeville to expire January 22, 2009.
Unanimous in favor.

Review timeline for Annual Town Meeting

Discussion took place regarding the warrant articles, etc. and the advertising timeline in The Middleborough Gazette. The April Selectmen's meetings will be April 8th and April 28th. Ms. Garbitt mentioned that the Outdoor Lighting Bylaw will be on the warrant.

Request from Jason Bury for Storage Trailer Permit-431 Bedford Street

Chair Yeatts noted that a storage trailer permit was received for the property at 431 Bedford Street. Ms. Craig noted that it would be \$25 for a one (1) year permit, and it would expire a year from today. Selectman Maksy stated that he would like to have some discussion by the Board at a later date about storage trailers since there are discrepancies of why people need them. There are also zoning issues. He had a discussion with the Building Commissioner on the matter. It seems that it is not clear who needs to pull a permit.

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

VOTED: To approve the application of Jason R. Bury to place a 6' wide and 10' long storage trailer at 431 Bedford Street to expire January 28, 2009.
Unanimous in favor.

Review Snow and Ice Appropriations-FY08

Chair Yeatts explained that the Snow and Ice account is one of the few budget line items that are allowed to run in a deficit. The others are legal expenses and tax title legal expense. At the Special Town Meeting before the Annual Town Meeting, there will be a vote to transfer any left over money to the snow and ice deficit.

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

VOTED: To authorize the deficit spending for Snow and Ice under Chapter 44, Section 31 for the Fiscal Year FY08.
Unanimous in favor.

Selectman Maksy asked how the Superintendent of Streets was doing with the Snow and Ice budget. Selectman Evirs stated that he had gone over this with Mr. Peck, and they are doing alright. Ms. Garbitt stated that she talked to Mr. Peck today and he has tried not to call in the outside contractors, but it ended up that he had to. The sand and salt bids were better than the State contract pricing. That is what is so expensive, the sand and salt, not so much the snow plowing.

Announce press release-MMA 2008 Annual Meeting and Trade Show

Chair Yeatts stated that she, Ms. Garbitt and Selectman Evirs attended the MMA (Massachusetts Municipal Association) trade show at the Hynes Convention Center. Some of the workshops that they attended were: Open Discussion about the Open Meeting Law, Transforming Education with Chris Gabrieli, and Are There Friendly 40B's?

Request to approve professional dog trainer for Nina Glavin dog

Ms. Nina Glavin was present for the discussion. Ms. Glavin was requesting approval of a professional dog trainer for her dog. She explained that she has not been able to find a muzzle to fit her dog since he has such a short snout. The dog training will be for one (1) hour a day with the trainer, and then Ms. Glavin will work one (1) hour a day with the dog. It is a four (4) week program at a cost of \$800. Ms. Glavin has not been off the property with the dog since the hearing.

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

VOTED: To allow Nina Glavin to use All American K-9 for obedience training for Fatboy.
Unanimous in favor.

Review and vote to approve Selectmen's meeting minutes: April 17th, April 30th, June 4th, July 23rd, October 2nd, and December 17th, 2007

Chair Yeatts questioned the meeting minutes of October 2nd page 4, 2nd paragraph. No changes were made though after clarification was made on the matter.

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of April 17, April 30, June 4, July 23, October 2, 2007 and December 17, 2007 as presented.
Unanimous in favor.

Review and accept Executive Session minutes: May 16th, 2007, and January 7, 2008

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

VOTED: To waive the reading of and approve the Executive Session minutes of May 16, 2007 and January 7, 2008 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that this afternoon she did receive an email from the DOR (Department of Revenue) on the E&D (Excess & Deficiency) funds for the Region and gave a copy of that to the Finance Committee this evening.

Chair Yeatts mentioned the dog hearing between Mr. Boucher and Mr. Ellis. She had called Mr. Ellis, and he stated that he has been patiently waiting and has not yet received a check from Mr. Boucher in the amount of \$94.90. Ms. Craig stated that Mr. Boucher has requested a two (2) week extension. Chair Yeatts stated that it seems that Mr. Ellis is not amicable to that. Selectman Maksy recommended that the Board give the extension of two (2) weeks and then proceed legally. Chair Yeatts agreed with the recommendation, and then the Board will pursue other avenues, take further action, whatever is deemed appropriate.

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

VOTED: To approve a two (2) week extension, until February 15, 2008, for the payment to be received or further action will be taken.
Unanimous in favor.

Other Items

1. Letters from Board of Health regarding ZBA petitions
2. Letter from F/L Middle School regarding donation of cordless microphone and transmitter
3. Letter from DOR regarding certification of FY08 tax rate
Selectman Evirs stated that he just want to publicly give kudos on the certification of the FY08 tax rate.
4. DEP Waterways Application – 17 Twin Oaks Road
5. SRPEDD Commission meeting notice
6. Plymouth County Commissioners Agenda – January 8th & January 22nd
7. Plymouth County Cooperative Extension Calendar – January-February
8. Notice from Southeast Homeland Security Regional Advisory Council
9. Massachusetts Office on Disability Notice
10. MMA Action Bulletin
Chair Yeatts stated that Governor Patrick released his proposed budget. It level funded Lottery Aid, with conditions in place to use casino fees. The State cannot base its budget on money it might be getting.
11. MBTA Advisory Board meeting notice
12. MEMA Notice: New Citizens Helpline
13. MEMA Notice: Pet Safety Tips for the Winter
14. MEMA Reports Volume 7, Issue 1
15. DOR Bulletin – Training Program for Assessors
16. Letter from LEC Environmental
17. Notice from Division of Energy Resources-New Energy Grants

Selectman Maksy stated that he went to the Home Show in Boston Friday night. He spoke to representatives from the Division of Energy Resources, and they said that they will act as a middle person for the Town and try to get grant funds etc. They would consult with the Town at no charge on matters such as solar by water or solar by electricity. There could be substantial grant money for this if the Town wanted to pursue it. Chair Yeatts stated that she would like to speak with the School Superintendent about the wind power. It would be a great project for the students at the High School, and it could cover the electricity costs at the High School of approximately \$500,000. Selectman Maksy explained that the downside is that the Town cannot sell back the additional electricity since the Town is served by a municipally owned electric company. The savings though is the key. So if the Board chooses to talk to this agency in the future Selectman Maksy can definitely contact them.

18. Notice from EOEA – Smart Growth/Smart Energy Toolkit

19. DEP Final CY 2008 Intended Use Plan & Project Priority List-State Revolving Fund Loan Program

Chair Yeatts explained that the Town is on the SRF (State Revolving Fund) list again for the sewer project.

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

VOTED: To adjourn the meeting at 10:15 PM.
Unanimous in favor.