

**Selectmen's Meeting Minutes**  
**May 12, 2008**  
**Apponequet High School Auditorium**

On May 12, 2008, the Selectmen continued a Special Meeting in the Auditorium at Apponequet High School after the scheduled Special and Annual Town Meetings. Present were: Selectman Charles Evirs, Selectman Derek Maksy, Selectman Nancy Yeatts, Town Administrator Rita Garbitt, and Town Counsel Kathleen Connolly.

At 8:50 PM, the Board reviewed for Attorney Connolly the policy they had adopted regarding mitigation fees for infrastructure improvements for commercial and residential development projects with Attorney Connolly. The agreement with the original developer, Marcus Baptiste, was explained. He had agreed to pay a \$25,000 development fee on a parcel of land that was going to house medical offices. The buyer backed out, and the new owner who originally agreed to the fee, is now questioning the legality of the fee. She stated that municipalities may not impose a fee for its services unless it is directly related to the reasonable costs actually incurred by the municipality in providing the services. A by-law versus a policy was discussed. It was agreed that Ms. Garbitt would forward to Town Counsel Attorney Robert Mather's letter and the minutes from the meetings with the two (2) developers, Marcus Baptiste and Kurt Radke. The Board will also look into the by-law option.

At 9:10 PM, Attorney Connolly left the meeting.

The Board continued their conversation regarding the meeting scheduled for Monday, May 19, 2008 at Secretary O'Connell's Office with National Development, Mass Highway, and Representative Stephen Canessa regarding the (MORE) Jobs Program. Selectman Evirs and Selectman Yeatts each stated their reasons for wanting to attend the meeting. After a brief discussion, Selectman Yeatts conceded so that Selectman Evirs will attend.

The Board discussed their attendance at future School Committee meetings. It will be discussed further at their next meeting on May 19<sup>th</sup>.

Ms. Garbitt will contact Bill Taylor at Middleboro G & E to request moving the light near the Library on Pole 5 to Pole 4.

The Board discussed the letter received from Attorney Robert Mather regarding Site Plan review for CVS scheduled for Monday, May 19<sup>th</sup>. It was agreed to reschedule the Selectmen's meeting on Monday to 6:30 PM in order to meet with Attorney Mather prior to the Planning Board Meeting to review the plan for CVS.

At 9:20 PM, upon a motion made by Selectman Maksy and seconded by Selectman Yeatts, the Board unanimously

VOTED:        To adjourn their meeting.  
                  Unanimous in favor.

Approved\_\_\_\_\_