

**SELECTMEN'S MEETING**  
**Monday, April 10, 2006**

On April 10, 2006, 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 Selectman LaCamera at 7:00 PM. Selectmen present were: Selectman Evirs, Selectman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**Vote to reorganize Board of Selectmen**

Selectman LaCamera welcomed newly elected Selectman Charles Evirs to the Board. Selectman LaCamera noted that the Board's first item of business was to reorganize. Positions available included Chairman, Director of Veteran Services, Representative to Plymouth County Advisory Board and ADA Coordinator.

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

VOTED: To elect Selectman LaCamera as Chair to the Board of Selectmen.  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Chairman LaCamera stepping down to vote, it was:

VOTED: To appoint Selectman Evirs as Director of Veteran Services.  
Unanimous in favor

Upon a motion made by Selectman Evirs; seconded by Chairman LaCamera stepping down to vote, it was:

VOTED: To appoint Selectman Yeatts as Representative to the Plymouth County Advisory Board.  
Unanimous in favor

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

VOTED: To appoint Selectman LaCamera as ADA Coordinator.  
Unanimous in favor

**7:05 PM Open Space Committee**

Chairman LaCamera stated that Martha "Mike" Schroeder and her group, "Litter Lifters", have been doing a great job picking up litter throughout the Town; however, the problem is just getting worse each year. The Town previously had been able to use the services of those from the Corrections Facilities, yet they now are working only on State Highways. Mike has a

proposal to present that will hopefully get people together in Town to make some progress in this area on Earth Day.

Ms. Schroeder took the floor and explained that once a month, beginning in April, through to November, her group picks up litter. This year, the group would like to start on Earth Day and have teams organized for a contest from 9:00 AM to 12:00 PM. On Saturday, April 22<sup>nd</sup> Town trucks will be parked at the Tamarack Park for people to bring their 33 gallon bags full of trash collected around the streets of Lakeville. The bags should be closed with a twist tie, not tied. A prize will be awarded to the team that collects the most trash and there will be a celebration after the event at Betty's Neck with cold drinks provided. People should bring their own picnic lunch. People need to register for the event either by email or calling her. The teams will not be assigned any particular area in the Town; they may go and collect trash wherever they feel there is a need. The notice of the event will also be in The Call, The Middleborough Gazette and The Standard Times. It is hoped that there will be at least 20 to 30 teams of four to five people per team. Ms. Schroeder noted that after the Earth Day clean-up, regular trash pick-up by anyone wanting to join the "Litter Lifters" will take place the fourth Saturday of the month beginning at the Old Town House at 9 AM.

### **7:15 PM Destination Imagination members**

Chairman LaCamera asked the Destination Imagination members to stand and introduce themselves. Those present included: Callie Meleedy, Chris Mello, Erin Gifford, John Coulter, Leanna Furtado, John Meleedy and Marissa Meleedy.

Chairman LaCamera noted that these local kids from Freetown-Lakeville Middle School Destination Imagination Team will be traveling to the University of Tennessee to represent Freetown, Lakeville and the State of Massachusetts at the DI Global Finals competition in May. This talented group of local kids earned their right to compete against the best teams in the world by capturing the highest honors in Massachusetts at the State Tournament in Worcester on April 1st. Their challenge this year was to engineer and construct a machine that would propel balls through an opening in a receiver and design a device to return the balls back to the departure area. These are the future leaders, engineers, inventors and scientists of Lakeville and Freetown. These 6<sup>th</sup> and 7<sup>th</sup> graders are a tremendous asset to our community. Freetown and Lakeville will certainly benefit by their accomplishments. We are so proud of them. This is a huge honor for Lakeville and Freetown. Our Towns have shown the rest of Massachusetts the resourcefulness, intelligence, creativity, engineering and 'think outside of the box' attitude. Of the hundreds of students that have participated in the past ten (10) years in the Lakeville-Freetown schools, only two (2) teams have advanced to the State competition and this is the only team to advance to the Global competition. This is an accomplishment that probably comes once in a lifetime.

Chairman LaCamera noted that the kids need all the help they can get. They need to raise approximately \$7,000 to make it to Tennessee for the May 24<sup>th</sup> through May 27<sup>th</sup> competition. They are asking for the help of the community to do this by attending their fundraising events including their car washes, bake sales and a spaghetti and meatball dinner at the Lions Club on May 12<sup>th</sup>. Tickets are \$10 for adults and available this evening. If businesses or others in the community would like to make a donation, this would be appreciative. A check can be made out

to Freetown-Lakeville DI Fund, 63 Montgomery Street, Lakeville, MA. Ms. Craig asked if this event could be posted on cable, the website and the community sign. Chairman LaCamera congratulated the students and wished them success with their endeavor. He also stated that their need for donations and the event could be placed on the community sign.

**Review warrant articles for Annual Town Meeting-May 8, 2006**

A motion was made by Selectman Yeatts; seconded by Selectman Evirs and it was:

VOTED: To put the following articles, 1 through 25, on the Annual Town Meeting warrant.  
Unanimous in favor

The articles were then read into the warrant by the Selectmen as follows:

**Article :** To determine the salaries of all elected officers, and make appropriation.

**Article :** To raise such sums of money as may be necessary to defray town expenses for the fiscal period July 1, 2006 to June 30, 2007, inclusive, and to make appropriation.

**Article :** To see if the Town will vote to raise and appropriate for the use of the Trustees for County Co-operative Extension Service the sum of Two Hundred Dollars (\$200.00), and to determine the length of the term of Town Director, as provided in Sections 41 and 42 of Revised Chapter 128 of the General Laws, or take any action relative thereto.

**Article :** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Four Hundred Thirty Seven Thousand Forty One Dollars (\$486,056.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association, or take any action relative thereto.

**Article :** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seven Hundred Forty Five Thousand Three Hundred Sixty Three Dollars (\$745,363.00) as the Town's share of the 2006-2007 maintenance and operating budget for the Old Colony Regional Vocational High School District, to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett, and Rochester, or take any action relative thereto. Old Colony Regional Vocational Technical High School Committee

**Article :** To see if the Town will vote to raise and appropriate and/or transfer from available funds Twenty Thousand Dollars (\$20,000.00) for the purpose of funding the Fiscal Year 2008 Recertification of Values as mandated by the Massachusetts Department of Revenue, or take any action relative thereto. Board of Assessors

**Article :** To see if the Town will vote to raise and appropriate or transfer from available funds, or to authorize the Town Treasurer with the approval of the Board of Selectmen to borrow a sum of money for capital improvements and equipment as follows: Repairs to the Cupola on the Town Offices; Repairs to the Historic Library Building, Repairs to the Septic System at Clear Pond Park; Consultant Fee for roof design of the Assawompset School; repairs to the roof of the

Assawompset School; two (2) new vans for the use of the School Department for special education students, Multi Purpose Dump Truck (40,000 GVW) for the Highway Department; Pick Up Truck to replace the Fire Department Pick Up Truck; and three (3) new cruisers for the use of the Police Department, or take any action relative thereto. Capital Expenditures Committee

**Article :** To see if the Town will vote to accept under the provisions of General Laws, Chapter 90, Section 34 (2) (a), an apportionment of Chapter 291, Acts of 2004, in the amount of Two Hundred Twenty Four Thousand One Hundred Twenty Eight Dollars (\$224,128.00), or take any action relative thereto. Highway Surveyor

**Article :** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of Twenty Two Thousand Nine Hundred Dollars (\$22,990.00), for the purpose of paying the debt service on the Ted Williams Camp, or take any action relative thereto.

**Article :** To see if the Town will vote to raise and appropriate and/or transfer from appropriated and/or unappropriated available funds in the treasury a sum of money for the purpose of adding to the Stabilization Fund pursuant to the provisions of General Laws Chapter 40, Section 5B, or take any action relative thereto.

**Article :** To see if the Town will vote to raise and appropriate or transfer from unappropriated available funds in the treasury a sum of money to the Reserve Fund, or take any action relative thereto.

**Article :** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, as well as take any other action necessary to carry out the projects, or take any action relative thereto. Board of Health

**Article :** To see if the Town will vote to amend its General By-Law, Chapter II, Town Meetings, Section 4 to read as follows:

Any article shall be received for insertion in the Annual warrant by the Board of Selectmen up to 4:00 PM of the second Monday of March.

or take any action relative thereto.

Board of Selectmen

**Article 17 :** To see if the Town will vote to amend the Zoning By-Law Section 2.0 Definitions by deleting the text for Dwelling: Single-Family dwelling with attached apartment and replacing it with the following text, or take any action relative thereto:

**Dwelling: Single-Family dwelling with attached apartment**

For the purpose of the Zoning By-Law, a single family detached dwelling with an attached apartment shall mean a living area not to exceed 600 square feet of habitable area, which may include a kitchen or kitchenette, must be attached to and open to the main dwelling unit with no party wall separation that would have the potential of creating a separate apartment or divided living area, and shall have a common entrance and maintain a single family appearance. Closets, hallways, decks, storage or utility spaces are not considered habitable space.

Building Inspector

**Article :** To see if the Town will vote to amend Section 4.1.2 of the Zoning Bylaws, Table of Use Regulations, Business Uses as follows:

Revise “Filling station” in the Principal Use Table to read as follows:

	R	B	I	I-B
Filling Station ( <b>allowed only in areas served by municipal water</b> )	N	SP	SP	N

or take any action relative thereto.

Planning Board

**Article :** To see if the Town will vote to amend Section 4.1.3 of the Zoning Bylaws, Table of Use Regulations, Industrial Uses as follows:

Revise “Fuel establishing involving storage.....” in the Principal Use Table to read as follows:

	R	B	I	I-B
Fuel establishment involving storage and distribution to be sold wholesale to suppliers ( <b>allowed only in areas served by municipal water</b> )	N	N	SP	SP

or take any action relative thereto.

Planning Board

**Article :** To see if the Town will vote to amend the current Zoning By-Law by adding the following Section 5.1.3.1 under Section 5.1.3, Easements:

Landscape Easements

Landscape easements shall be permitted within the required lot area or frontage providing that such easement occurs entirely within the upland area of such lot and does not limit the use of such land area as may be required for use by the property owner. In every case the easement shall never become the responsibility of the Town nor shall it be greater than 10% of the upland area or frontage of the lot it is part of as defined by the By-laws of the Town. Such easement shall be granted by the Planning Board only after review.

Planning Board

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

VOTED: To waive the reading of and insert the bylaw governing discharges to the municipal storm drain system, Town of Lakeville.  
Unanimous in favor

**Article:**

**BYLAW GOVERNING DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM  
TOWN OF LAKEVILLE  
BY-LAW NO. \_\_\_\_\_**

**SECTION 1. OBJECTIVE/INTENT.**

The objective of this bylaw is to eliminate (control) non-stormwater discharges to the Town of Lakeville's Municipal Storm Drain System through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. Non-stormwater discharges are a major concern because they can impair the water quality of fresh water bodies including streams, rivers and wetlands; contaminate drinking water supplies; alter or destroy aquatic habitat and increase flooding.

This by-law seeks to eliminate (control) the introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process by:

- (1) Regulating the contribution of pollutants to the municipal storm drainage system from stormwater discharges by any user
- (2) Prohibiting Illicit Connections and Discharges to the municipal storm drainage system
- (3) Establishing legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this by-law

**SECTION 2. DEFINITIONS.**

For the purposes of this by-law the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: employees or designees of the director of the municipal agency designated to enforce this by-law.

BEST MANAGEMENT PRACTICES (BMPS): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS. Any surface or subsurface drain or conveyance which allows an illegal discharge to enter the municipal storm drain system including but not limited to any conveyances which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, sinks or toilets, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this by-law.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the municipal storm drain system that is not composed entirely of storm water.

PERSON : means any individual, partnership, association, firm, company , trust, corporation, agency, authority, department of political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee or agent of such person.

POLLUTANT. Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent or other matter whether originating at a point or non-point source that is or may be introduced into ant storm drain system, waters of the Commonwealth and/or waters of the United States. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, by-laws, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt and soils; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. A system used to collect and/or convey stormwater including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures owned or operator by the Town of Lakeville.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including brook or underground stream.

WATERS OF THE COMMONWEALTH All waters within the jurisdiction of the Commonwealth including without limitations rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

WASTEWATER Any sanitary waste, sludge, septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes in direct contact with or results from the production or use of any raw material, intermediate product, byproduct or waste product

**SECTION 3.                  APPLICABILITY.**

This by-law shall apply to all water entering the storm drain system owned or operated by the Town of Lakeville unless explicitly exempted by an authorized enforcement agency.

**SECTION 4.                  AUTHORITY**

This by-law under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and the Federal Clean Water Act as found in 40 CFR 122.34

**SECTION 5.                  RESPONSIBILITY FOR ADMINISTRATION.**

The authorized enforcement agency shall administer, implement, and enforce the provisions of this by-law. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

**SECTION 6.                  SEVERABILITY.**

The provisions of this by-law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

**SECTION 7.                  PROHITED ACTIVITIES**

A) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this by-law: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health, safety welfare or the environment.
3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B) Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this by-law if the person connects a line conveying sewage to the storm drain system, or allows such a connection to continue.

## **SECTION 8. SUSPENSION OF MUNICIPAL STORM DRAIN SYSTEM ACCESS.**

### Suspension due to Illicit Discharges in Emergency Situations

The authorized enforcement agency may, without prior notice, suspend municipal storm drain system discharge access to any person or property when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent risk of harm to public health, safety or welfare; to the environment; to the municipal storm drain system or Waters of the United States. If the violator fails to comply with an emergency suspension order, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the municipal storm drain system or Waters of the United States, and/or to minimize risk of harm to public health, safety or welfare or to the environment

### Suspension due to the Detection of Illicit Discharge

Any person discharging to the Town's storm drain system in violation of this by-law may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its storm drain system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

## **SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to authorized enforcement agency prior to the allowing of discharges to the municipal storm drain system.

## **SECTION 10. MONITORING OF DISCHARGES**

### **A. Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

### **B. Access to Facilities.**

1. The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this by-law as often as may be necessary to determine compliance with this by-law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

4. The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a storm water discharge permit and of this by-law. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this by-law.
7. If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this by-law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this by-law or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

The authorized enforcement agency will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the Commonwealth or the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**SECTION 12. WATERCOURSE PROTECTION**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**SECTION 13. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the Commonwealth and United States, said person shall take all necessary steps to ensure containment and cleanup of such release. In the event of such a release of oil or hazardous

materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **SECTION 14. ENFORCEMENT**

The authorized enforcement agency shall enforce this by-law, regulations, order, violation notices, and may pursue all criminal and civil remedies for such violations.

A. Civil Relief

If a person violates the provisions of the by-law, regulations, permit, notice or order issued hereunder, the authorized enforcement agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders

The authorized enforcement agency may issue a written order to enforce provisions of this by-law or regulations thereunder, which may include (a) elimination of illicit connections or discharges to the storm drain system; (b) performance of monitoring, analyses and reporting; (c) that unlawful discharges, practices or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Lakeville may at its option undertake such work and expenses thereof shall be charged to the violator.

Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the cost incurred by the Town of Lakeville, including administrative costs.

The violator or property owner may file a written protest objecting to the amount or basis of the cost with the authorized enforcement agency within thirty (30) days of receipt of notification of the costs incurred. If the amount due is not received by the expiration of the time in which a protest or within 30 days following the decision of the authorized enforcement agency affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of the said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provide in M.G.L. Ch 59, 57 after the thirty-first day at which the costs first become due.

C. Criminal Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued hereunder shall be punished by a fine of not more than **\$300.00 per day**. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

E. Entry to Perform Duties Under This By-Law

To the extent permit by state law or if authorized by the owner or other party in control of the property, the authorized enforcement agency, its agents, officers and employees may enter upon privately owned

property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as authorized enforcement agency deems reasonably necessary.

F. Appeals

The decisions or order of the authorized enforcement agency shall be final. Further relief shall be with of a court of competent jurisdiction.

G. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under applicable federal, state or local law.

**SECTION 15. ADOPTION OF BY-LAW**

This by-law shall be in full force and effect \_\_ days after its final passage and adoption. All prior by-laws and parts of by-laws in conflict with this by-law are hereby repealed.

Planning Board

**Article :** To see if the Town will vote to accept Margeaux Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by SFG Associates, Inc. on file with the Town Clerk entitled “Road As-Built Deer Woods, A Plan of Land in Lakeville, MA” dated February 17, 2006 and revised March 16, 2006, or take any action relative thereto.

Board of Selectmen

Chairman LaCamera read the Regional School Budget, Vocational Educational and Special Education Tuition warrant articles into the record respectively:

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fine Million Nine Hundred Twenty Two Thousand Ten Dollars (\$5,922,010.00) as the Town’s share of the 2006-2007 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment and Ninety Five Thousand Two Hundred Fifty Eight Dollars 03/100 (\$95,258.03), the Excluded Debt Assessment of Six Hundred Thousand One Hundred Twelve Dollars 02/100 (\$600,112.02) and the Operating Cost Assessment of Five Million Two Hundred Twenty Six Thousand Six Hundred Forty Dollars (\$5,226,640.00) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown, and/or take any action relative thereto.

To see if the Town will vote to raise and appropriate and/or to transfer from available funds a sum of One Hundred Thirty Six Thousand Four Hundred and Thirty One Dollars (\$136,431.00) for the payment of vocational educational programs other than at Old Colony Vocational School and/or to take any action relative thereto.

To see if the Town will vote to raise and appropriate and/or to transfer from available funds a sum of Four Hundred Fifty Two Thousand Four Hundred Thirty Six Dollars (\$452,436.00) to cover the cost of tuition for special education students enrolled in our-of-district placements or to take any action relative thereto.

Chairman LaCamera then read the article submitted by petition into the record:

To request that the Town of Lakeville vote to increase its Board of Selectmen from three (3) members to five (5) members, such increase to be implemented as follows: At the 2007 Annual Town Election, the Town will elect three (3) new selectmen to serve with the town remaining members of the old Board. Of these new selectmen, one will be elected for a one (1) year term, one for a two (2) year term, and one for a three (3) year term. Thereafter, as the term of each selectman ends, his/her successor will be elected for a term of three (3) years.

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

VOTED: To waive the reading of and to insert the Conservation Commission wetlands bylaw into the warrant articles for the May 8<sup>th</sup> Town Meeting.  
Unanimous in favor

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

VOTED: To put the above articles on the Annual Town Meeting warrant.  
Unanimous in favor

#### **Discuss scheduling Special Town Meeting – May 8, 2006**

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

VOTED: To schedule the Special Town Meeting for Monday, May 8<sup>th</sup> at 6:45 PM at the Apponequet High School.  
Unanimous in favor

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

VOTED: To open the Warrant for the Special Town Meeting for May 8, 2006.  
Unanimous in favor

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

VOTED: To include the following article for the Special Town Meeting Warrant on May 8, 2006:

To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for fiscal year 2006 for various accounts in the General Fund, the Park Enterprise and Landfill Enterprise, or take any action relative thereto.  
Unanimous in favor

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

VOTED: To close the Warrant for the Special Town Meeting for May 8, 2006.  
Unanimous in favor

### **Vote to sign Conservation Restriction on 19 Harding Street**

Selectman Yeatts briefly described the Conservation Restriction on 19 Harding Street.

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

VOTED: To approve and sign the Conservation Restriction for 19 Harding Street.  
Unanimous in favor

### **Review letter from Middleborough Board of Selectmen**

Chairman LaCamera read a letter as sent by Diane Henault, Secretary to the Middleborough Board of Selectmen. The letter said that at their meeting held on Monday, March 27, 2006, the Middleborough Board of Selectmen voted to take Lakeville Selectmen's request to meet to discuss the IMA under advisement until such time as this Board has met with National Development for negotiations.

Chairman LaCamera stated that the Board has made this request three (3) times during the past month. He is concerned about seeing the articles that are continually in the newspaper regarding existing businesses and houses on Bridge and Main Street that Middleborough currently supplies water to. We would like to know what this means to these existing businesses and houses. There is a lot of development going on in the area and the owners deserve to know what they can and cannot do. They have always been connected to Middleborough water, and they should be informed of what Middleborough's intentions are for them.

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

VOTED: To send a letter to the Middleborough Board of Selectmen expressing the Lakeville Board's concern regarding the existing Middleborough water customers and to meet with the Middleborough Selectmen to discuss this matter.  
Unanimous in favor

### **Request from Laurie Hunter to hang fundraising banner on Main Street**

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

VOTED: In favor to allow the Playground Fundraising Committee to hand a sign over Route 105 in front of Assawompset School to publicize their events and fundraising efforts.  
Unanimous in favor

**Approve proclamation for Martha Hall's 90<sup>th</sup> birthday**

Ms. Garbitt noted that a request had been made by the family of Martha Hall for the Board to issue a proclamation in celebration of Martha Hall's 90<sup>th</sup> birthday.

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

VOTED: To approve the proclamation for Martha Hall's 90<sup>th</sup> birthday.  
Unanimous in favor

**Vote on Notice to Withdraw from Chapter 61B-Lakeville Country Homes**

Chairman LaCamera noted that the Town had been notified by Lakeville Country Homes of its intent to withdraw the property known as Lakeville Country Club from 61B protection. Under this program, the Town has the right of first refusal to purchase the property, but must make its intent known within 120 days of notification. Minor discussion took place on the notice to withdraw.

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

VOTED: To decline purchasing the Lakeville Country Homes property for the amount of \$12,500,000 and to waive the Town's right of first refusal to purchase the property.  
Unanimous in favor

It was noted that the rolled back tax amount of \$238,000 will need to be paid by the owners.

**Request from Felicia Carter for appointment as an Associate Member-Historical Commission**

Chairman LaCamera read the letter from Felicia Carter, asking to be appointed as an Associate Member to the Historical Commission. The Historical Commission has previously asked for Ms. Carter to be appointed as an Associate Member.

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

VOTED: To approve the appointment of Felicia Carter as an Associate Member of the Historical Commission for a term to expire July 31, 2006.  
Unanimous in favor

**Request to hold fundraising car wash from Mullein Hill Christian Academy**

Chairman LaCamera read a request from Mullein Hill Christian Academy to hold a fundraiser car wash.

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

VOTED: To approve the request for the 8<sup>th</sup> grade class at Mullen Hill Christian Academy to use the Town Hall parking lot on April 29<sup>th</sup> and 30<sup>th</sup> for the purpose of having a car wash to raise money for their 8<sup>th</sup> grade trip.  
Unanimous vote.

**Request for renewal of stockpile permit – 1 Susan Lane**

Chairman LaCamera stated that the stockpile permit request was the same as was requested last year by the same applicant.

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

VOTED: To approve the renewal request of a stockpile permit for 1 Susan Lane with the same conditions as previously approved to expire March 31, 2007.  
Unanimous in favor

**Vote to fill appointed positions held by Chawner Hurd**

Selectman Yeatts stated that she is presently a member on the Lakeville Emergency Planning Committee and also the Water Study Board, thus two (2) Selectmen Representatives would not be needed. She is also working with the Fire Chief as the Deputy Director, Lakeville Emergency Management Agency.

Upon a motion made by Selectman Evirs; seconded by Chairman LaCamera stepping down to vote it was:

VOTED: To have Selectman Yeatts be appointed to the Lakeville Emergency Planning Committee, as Deputy Director of the Lakeville Emergency Management Agency and the Water Study Board.  
Unanimous in favor

It was further noted that the charge for the Water Study Board is for nine (9) members. Andrew Cunningham should be returning to the Board and another Pond Shore Community person could be appointed if interested.

**Vote to approve and sign FY07 Assistance for Real Estate Interim Update of Values contract with Vision Appraisal Technology**

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

VOTED: To approve and sign the FY07 Assistance for Real Estate Interim Update of Values contract with Vision Appraisal Technology.  
Unanimous in favor

**Review ZBA petitions: Bernier and National Development**

Chairman LaCamera stated that there are four (4) petitions that the Zoning Board of Appeals have requested a recommendation on. The first petitions reviewed with the three (3) from National Development for Target, Stop & Shop and Chili's to place signs on their buildings. Their signs on the street will conform to the zoning by-laws and they are not out of line by placing a sign/logo on the building.

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

VOTED: To recommend approval to the Zoning Board of Appeals for National Development's - Target, Stop & Shop and Chili's to place signs/logos on their buildings.  
Unanimous in favor

Discussion took place on the Bernier Petition for the property located at 57 Main Street. Chairman LaCamera noted that there are three (3) different square footage areas for lot size for this piece of property. The petitioners are requesting a special permit, not a variance on their lot. Further discussion occurred.

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

VOTED: To recommend to the Zoning Board of Appeals that they check the set backs on the Bernier property due to the business zoning; verify the lot size; the Board recommends that the space over the garage should only be used for storage and also the petition should be subject to the approval of the Board of Health.

#### **Review and vote to sign 2007 Chapter 90 contract**

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

VOTED: To sign the Chapter 90 contract for FY07 in the amount of \$224,128.00.  
Unanimous in favor

Ms. Garbitt mentioned that this is also an article that will be voted at Town Meeting.

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

Ms. Garbitt stated that the Town Clerk has asked about creating a political sign bylaw since there has been some confusion on these signs as of late, such as where they could be located, private property, intersections, and town owned property. Chairman LaCamera suggested that the Town Clerk present a proposal to the Board regarding the political signs.

## Other Items

1. Notice of Reorganization – Board of Assessors  
It was noted that Janet Black is the new chairman for the Board of Assessors.
2. Letter from Dr. Furtado regarding playground at Assawompset  
It was noted that a letter was received from Dr. Furtado thanking Mr. Hamilton and his crew for their outstanding support in the demolition of the Assawompset Elementary School's playgrounds.
3. Letter from M/L Herring Fishery Commission  
Chairman LaCamera stated that there was another letter from the State mentioning the ban on the harvest, possession or sale of river herring in the entire Commonwealth until the end of 2008 due to a shortage of the fish.
4. Thank you letter from Senator Menard  
Senator Menard sent a letter of appreciation of the wonderful time she had visiting with the Town of Lakeville recently.
5. Letter from Dept. of Fish and Game regarding herring
6. Response to Consultant Review Comments-Canpro Investments  
Selectman Yeatts mentioned that this matter should be concluded on April 11<sup>th</sup>.
7. Letter from Rep. Steve Canessa regarding invasive weed program  
On Tuesday, April 18<sup>th</sup>, at the library, at 7:00 PM, there will be an informational public meeting held by State Representative Steve Canessa regarding the release of a recent study by the Massachusetts Executive Office of Environmental Affairs on the problem of Aquatic Invasive Species.
8. Letter from CEA regarding 79 Main Street
9. Letter from Old Colony regarding Old Colony Honor Society
10. SRPEDD meeting notice
11. Notice from SRPEDD regarding 50<sup>th</sup> anniversary
12. Letter from House of Representatives regarding slot machine legislation  
Chairman LaCamera stated that the slot machine legislation did not pass.
13. Plymouth County Commissioner agendas
14. Letter regarding Gypsum Wallboard Recycling Facility
15. MBTA Advisory Board meeting information-March 31, 2006
16. MMA Action Bulletin
17. Plan Wireless Bulletin
18. Memo from EPA regarding illicit discharge detection and elimination trainers program
19. Coalition for Zoning Reform newsletter
20. Letter from Comprehensive Environmental Inc. regarding Annual Report and permit deadlines-NPDES Phase II stormwater program
21. Newsletters from Comprehensive Environmental Inc.
22. Letter from Comcast regarding 2005 Community Investment Report
23. DOR Information Guideline Release-2006 adjustment in land of low value foreclosure valuation limit
24. DOR Information Guideline Release-optional cost of living adjustment for FY07 exemptions

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

VOTED: To enter into Executive Session at 8:20 PM and not return to Open Session for the purpose of discussing the Collective Bargaining Agreement with the Police Department. Polled vote: Selectman LaCamera, aye, Selectman Yeatts, aye, and Selectman Evirs, aye.