

**SELECTMEN'S MEETING**  
**Monday, May 18, 2009**

On May 18, 2009, the Board of Selectmen held a meeting at 6:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Maksy at 6:05 PM. Selectmen present were: Selectman Maksy, Selectman Yeatts and Selectman Evirs. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**7:00 PM Meet with Finance Committee**

The Finance Committee called their meeting to order at 7:06 PM. Members present included: Michael Petruzzo, Steve Olivier, Melissa Hopkins, and Jim Hanlon. Gary Mansfield was absent.

**Review Annual and Special Town Meeting Warrants**

*Present from the School Department were: David Goodfellow, David McQueeney, Charlene Shea, and Lorraine Carboni. Also present were Laurie Hunter, Assawompset Principal, and Michael Ward of the Regional School Department.*

Chairman Maksy stated that the Board received a citizens petition today for an article to be added to the warrant. However, the deadline was March 9<sup>th</sup> for petitions to be submitted. Selectman Yeatts said the petitioners are asking for the Police and Fire employees to be under the Civil Service Law. However, we have not had the time to research this properly. We may need to come back to this at a different time. Selectman Evirs said there is a reason that the deadline is in March. The Board needs to hear public comments and be able to research the positives and negatives. The petitioners will have to resubmit. Ms. Garbitt said if the Board schedules a Special Town Meeting during the year, only 100 signatures are needed on a petition. To force a Special Town Meeting, the petition would need 200 signatures.

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

VOTED: Not to add the Citizen Petition to the Annual Town Meeting Warrant.  
Unanimous in favor.

The Special Town Meeting Warrant was then read into the record.

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LAKEVILLE  
SPECIAL TOWN MEETING**

To any of the Constables of the Town of Lakeville,

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet in the

**APPONEQUET HIGH SCHOOL AUDITORIUM**

On Monday June 15, 2009 at 6:30 P.M., then and there to act on the following articles:

**Article 1:** 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 2009 for various accounts in the General Fund, the Park Enterprise and Landfill Enterprise, or take any action relative thereto.

**Article 2:** To see if the Town will vote to reduce the current year appropriations for FY 09, for the purpose of ensuring the Town meets reductions for State revenue deficits, or take any action relative thereto.

**Article 3:** To see if the Town will vote, to transfer and appropriate a sum of money from the Special Revenue/Reserve for Appropriation Account to the Water Infrastructure Improvements Stabilization Fund, or take any action relative thereto.

**Article 4:** To see if the Town will vote to transfer and appropriate One Hundred Thousand Dollars (\$100,000.00) from the Water Infrastructure Improvements Stabilization Fund to design an elevated water storage tank and pump station, including but not limited to the hiring of architects, engineers, and other professionals for the preparation of designs, working drawings, bid documents and related materials, or take any action relative thereto. Board of Selectmen

You are directed to serve this warrant by posting an attested copy hereof fourteen days at least before the day appointed for a Special Town Meeting and seven days at least before the day appointed for the Annual Town Meeting at the following places: Town Office Building, Starr's Country Market, Mayflower Co-operative Bank, the Clark Shores Association Bulletin Board, Apponequet Regional High School, Lakeville Senior Center, and Assawompset School.

Hereof fail not and make return of this warrant with your doings hereon at the time and place of said meeting.

Given under our hands this 18<sup>th</sup> day of May, 2009.

LAKEVILLE BOARD OF SELECTMEN

Article 1: Ms. Garbitt stated that the Town may need \$242,000 to cover this year's deficit. \$170,000 is the Snow and Ice deficit and \$55,000 for health insurance. She has looked at the different accounts and taken any surplus, but is still \$100,000 short.

Article 2: Ms. Garbitt explained this is the \$99,232 that had to be reduced in the FY09 budget. The Park Department gave back \$10,000, the Local School gave back \$60,000, and there was about \$1,000 from all other budgets.

Article 3: Selectman Yeatts explained that the Town received an additional \$33,000 from the MBTE lawsuit and this needs to be put in the Water Stabilization Account.

Article 4: Selectman Yeatts said this fund was established last year at the Annual Town Meeting. The Town has the chance to receive State stimulus money through the State Revolving Fund (SRF). In order to move forward, the design has to be done by August 1<sup>st</sup>. The Town had appropriated some funds in order to get the design and engineering done since the Town is not able to use SRF money for that. If projects are not ready to go by August 1<sup>st</sup>, then the money will be redistributed to Towns that are ready. Eric Madson of 32 Old Powderhouse Road asked why the water storage tower is needed. Selectman Yeatts said we are receiving water from Taunton right now. The water at the Town Office Building was contaminated by MBTE. The DEP could be fining the Town on a daily basis for not correcting that situation. The Town needs to run an extension pipe and until the water tower is done, Taunton cannot give the Town anymore water. With the Industrial Park and the new buildings at the MBTA station, there is inadequate fire suppression. We want these projects to go forward since it means revenue for the future. We also have the potential to buy water from Taunton wholesale in the future. This is a way to get revenue for our future without having to sell out the Town. Mr. Madson asked what percentage of residents will be impacted with this. Selectman Yeatts said the Town has not done a study on the percentage of users, but we might be able to get that from Taunton. Mr. Olivier said from a revenue standpoint, it will impact the entire Town.

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

VOTED: To put Articles 1 through 4 on the Special Town Meeting Warrant for June 15, 2009 as read.  
Unanimous in favor.

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

VOTED: To sign the Special Town Meeting Warrant for June 15, 2009.  
Unanimous in favor.

Ms. Garbitt explained that there were several changes to the Annual Town Meeting Warrant after she spoke with Town Counsel today. There is also another change on Article 24. The Annual Town Meeting Warrant was then read into the record.

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LAKEVILLE  
ANNUAL TOWN MEETING**

To any of the Constables of the Town of Lakeville,

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet in the

**APPONEQUET HIGH SCHOOL AUDITORIUM**

On Monday, June 15, 2009, at 7:00 P.M., then and there to act on the following articles:

**Article 1:** To determine the salaries of all elected officers, and to make appropriation, or take any action relative thereto.

**Article 2:** To raise and/or transfer from available funds such sums of money and as may be necessary to defray town expenses for the fiscal period July 1, 2009 to June 30, 2010, inclusive, and to make appropriation, or take any action relative thereto.

**Article 3:** To see if the Town will vote to raise and appropriate for the use of the Trustees for the Plymouth 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 4:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Six Hundred Forty Two Thousand Four Hundred Sixty Five Dollars (\$642,465.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association, or take any action relative thereto.

**Article 5:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Hundred Fifty Nine Thousand One Hundred Nine Dollars (\$659,109.00) as the Town's share of the 2009-2010 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 6:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Million Seven Hundred Ninety Three Thousand One Hundred Eighty One Dollars and Seventy Five Cents (\$6,793,181.75) as the Town's share of the 2009-2010 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Forty Six Thousand Five Hundred Seven Dollars and Five Cents (\$46,507.05), the Excluded Debt Assessment of Seven Hundred Fifty

Nine Thousand Eight Hundred Thirty Six Dollars and Seventy One Cents (\$759,836.71), and the Operating Cost Assessment of Five Million Nine Hundred Eighty Six Thousand Eight Hundred Thirty Seven Dollars and Ninety Nine Cents (\$5,986,837.99) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown, and/or to take any action relative thereto.  
Freetown-Lakeville Regional School Committee

**Article 7:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs other than at Old Colony Vocational School and/or to take any action relative thereto. Lakeville School Committee

**Article 8:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to cover the cost of tuition for special education students enrolled in out-of-district placements, or to take any action relative thereto.  
Lakeville School Committee

**Article 9:** To see if the Town will vote to raise and appropriate and/or transfer from available funds Twenty Five Thousand Dollars (\$25,000.00) for the purpose of funding the Fiscal Year 2011 Recertification of Values as mandated by the Massachusetts Department of Revenue, or take any action relative thereto.  
Board of Assessors

**Article 10:** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for capital improvements and equipment as follows: Equipment, Technology and Licensing for Town Network; Four (4) Voting Machines for the Town Clerk; One (1) Sidearm Mower for the Highway Department; One (1) new Cruiser for the use of the Police Department; and One (1) Server and One (1) Copier for the School Department; or to take any action relative thereto.  
Capital Expenditures Committee

**Article 11:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money and/or borrow a sum of money for the purpose of leasing and/or purchasing for a term of three (3) years one (1) new Copier for the use of the Town Offices, or take any action relative thereto.  
Capital Expenditures Committee

**Article 12:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money and/or borrow a sum of money for the purpose of leasing and/or purchasing for a term of five (5) years one (1) new Administrative Vehicle for the use of the Office of the Assessors, or take any action relative thereto. Capital Expenditures Committee

**Article 13:** To see if the Town will vote to accept under the provisions of General Laws, Chapter 90, Section 34, an apportionment in the amount of Two Hundred Seventy Eight Thousand Five Hundred Sixty Dollars (\$278,560.00), or take any action relative thereto.  
Superintendent of Streets

**Article 14:** 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 15:** 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 16:** 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 17:** To see if the Town will vote to accept the provisions of Mass. General Laws, Chapter 40, Section 42G through 42K, and to take any other action relative thereto.

Board of Selectmen

**Article 18:** To see if the Town will vote to appropriate a sum of money for the construction of an elevated water storage tank and pump station; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to authorize the Board of Selectmen to assess betterments in accordance with Mass. General Laws, Chapter 40, Sections 42G through 42 I and 42K for such percentage of the total cost to the Town of the project as the Selectmen shall determine to be appropriate upon all real property that obtains direct or remote benefit from said storage tank and pump station, whether by the provision of potable water or water for fire protection, and to take any other action relative thereto.

Board of Selectmen

**Article 19:** To see if the Town will vote to elect, as provided in Mass. General Laws, Chapter 80, Section 13 that all assessments made under General Laws Chapter 80 shall bear interest at a rate of five (5) percent per annum, or to take any other action relative thereto.

Board of Selectmen

**Article 20:** To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 80, Section 13B, providing for the deferral of the payment of betterment assessments for owners eligible for exemption under General Laws Chapter 59, Section 5, Clause 41A, or to take any other action relative thereto.

Board of Selectmen

**Article 21:** To see if the Town will vote to appropriate a sum of money for a Sewer Construction Project for the shorefront communities on the Western side of Long Pond, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; or take any other action relative thereto.

Board of Selectmen

**Article 22:** To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual conservation restriction encumbering a portion of a parcel of land, said parcel located at Howland Road, Lakeville and described in a deed recorded with the Plymouth County Registry of Deeds in Book 18180, Page 228 and identified on Assessors Map 9, Block 2, Lot 5C, and said portion to be encumbered being shown as “Conservation Parcel” and “Access Easement (to Conservation Parcel)” on a plan titled “Conservation Plan of Land at Howland Road Lakeville, Massachusetts prepared by Prime Engineering, a copy of said plan is on file with the Town Clerk, to the Massachusetts Audubon Society, Inc., or other entity qualified to hold a conservation restriction, on such terms and conditions, and for such consideration, which may be nominal conservation, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, or to take any action relative thereto.

Board of Selectmen

**Article 23:** To see if the Town will vote to authorize the Board of Selectmen to grant a temporary, non-exclusive easement to Stephen R. Couet and Kathleen M. Couet in, upon, along and under a portion of the discontinued way known as Old Main Street (Route 105), as shown on a plan on file with the Town Clerk, for the purpose of accessing, maintaining and repairing the existing residential well located within said way, on such terms and conditions and for such consideration, which may be nominal consideration, and for such duration as the Selectmen deem appropriate, or take any action relative thereto.

Board of Selectmen

**Article 24:** To see if the Town will vote to rescind the vote on Article 17 of the Annual Town Meeting of June 27, 1991, which accepted the provisions of Mass. General Laws Chapter 48, Section 42A in its entirety; and instead vote to accept Mass. General Laws Chapter 48, Section 42, 43 and 44, or take any action relative thereto:

Fire Chief

**Article 25:** To see if the Town will vote to amend General By-Law regarding Public Consumption of Marihuana or Tetrahydrocannabinol as follows, or take any action relative thereto:

### **PUBLIC CONSUMPTION OF MARIHUANA OR TETRAHYDROCANNABINOL**

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, Section 21, or by non-criminal disposition pursuant to G.L. c. 40, Section 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L.

Police Chief

**Article 26:** To see if the Town will vote to amend the Zoning By-Law Section 6.6.2.1 to prohibit electronic message signs by adding new language as follows. The new text is underlined:

6.6.2.1 Signs, including electronic message signs that display lighted messages that are capable of changing at intermittent intervals, any part of which moves, flashes, or incorporates traveling or animated lights, and all beacons and flashing devices, whether a part of, attached to, or apart from a sign, are prohibited.

or take any action relative thereto.

Planning Board

**Article 27:** To see if the Town will vote to amend the Zoning By-Law Section 2.0 Definitions by deleting the definition for "Dwelling: Single-Family with an attached apartment" as follows:

**Dwelling: Single-Family with an attached apartment:** For the purpose of this Zoning By-law, a single-family detached dwelling with an attached apartment shall mean an apartment not to exceed 600 to 720 square feet of habitable which may include a kitchen or kitchenette and be accessible to and attached to the main dwelling area and shall have a common entrance and maintain a single-family appearance.

and adding a new definition for "Accessory Apartment" as follows:

**Accessory Apartment:** An independent living unit containing a kitchen, bathroom, living area and independent means of egress, built into or attached to an existing single-family dwelling (referred to herein as the "principal dwelling") and subordinate in size to the principal dwelling.

or take any action relative thereto.

Planning Board

**Article 28:** To see if the Town will vote to amend Section 4.1 of the Zoning By-Law, Table of Use Regulations, by deleting the entry in Section 4.1.1 "Single-family, detached dwelling with an attached apartment" and replacing it with the entry "Accessory Apartment" so as to read as follows:

|                     |          |          |          |            |
|---------------------|----------|----------|----------|------------|
|                     | <u>R</u> | <u>B</u> | <u>I</u> | <u>I-B</u> |
| Accessory Apartment | Y        | SP       | N        | SP         |

or take any action relative thereto.

Planning Board

**Article 29:** To see if the Town will vote to amend the current Zoning By-Law by adding the following new Section 7.8 Accessory Apartment, or take any action relative thereto:



## **7.8 ACCESSORY APARTMENT**

### **7.8.1 Purpose and Intent**

The purpose of this Section 7.8 is to: 1) Provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within that family environment; 2) Provide for the health and security concerns of elder or disabled homeowners who wish to remain in their homes; 3) Protect residential stability, property values and the single-family character of neighborhoods; and 4) Make it possible for the Town to supervise and monitor such additions for code compliance and safety.

**7.8.2** Accessory apartments are allowed by right in Residential and by Special Permit in Business and Industrial B Districts when added within or attached to a pre-existing single-family dwelling in compliance with all the requirements of this Bylaw. In no case shall more than one accessory apartment be allowed on any lot.

**7.8.3** The owner of a single-family dwelling may apply directly to the Building Commissioner for the construction and occupation of an accessory apartment. Applications shall meet the following requirements:

**7.8.3.1** Only one (1) accessory apartment per lot shall be permitted.

**7.8.3.2** The accessory apartment shall contain no more than 33 1/3% of the entire proposed structure and in any case not to exceed 1,000 square feet.

**7.8.3.3** The accessory apartment shall be designed so that the appearance of the structure remains that of a single-family dwelling, subject further to the following conditions:

- a.** All additional stairways to second or third stories shall be enclosed within the exterior walls of the structure;
- b.** Any new entrance shall be located on the side or in the rear of the structure;
- c.** Where there are two (2) or more existing entrances on the front façade of the principal dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and other entrances appear to be secondary.

**7.8.3.4** The accessory apartment shall contain a kitchen, bathroom and living room area and a maximum of one (1) bedroom. It shall be constructed in a manner consistent with the appearance of the existing structure.

**7.8.3.5** The accessory apartment shall not be used for commercial accommodations or seasonal rentals.

**7.8.3.6** Sufficient and appropriate space for at least one (1) parking space shall be constructed to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the existing driveway.

**7.8.3.7** The accessory apartment and the principal dwelling shall be serviced and monitored by common utilities.

**7.8.3.8** A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and the proposed accessory apartment shall be submitted with the building permit application. The plan shall show the location of all structures on the lot along with septic system, well and drainage structures.

**7.8.4** Prior to the issuance of an occupancy permit, the accessory apartment shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire structure.

Planning Board

**Article 30:** To see if the Town will vote to amend the current Zoning By-Law by adding the following new Section 7.9, Neighborhood Business Overlay District as follows, or take any action relative thereto:

## **7.9 Neighborhood Business Overlay District**

### **7.9.1 Purpose and Intent**

The purpose of this Section 7.9 Neighborhood Business Overlay District, hereinafter referred to as the “NBOD”, shall be to provide sites for small scale service and retail establishments to support adjacent residential neighborhoods. The NBOD shall be an overlay district which shall not additionally restrict the rights of owners to exercise the uses allowed or permitted in the underlying zoning district unless the owner elects to develop pursuant to the NBOD. Any such NBOD development shall conform to all applicable requirements of the NBOD. The NBOD overlay district will permit personal service, retail or office establishments which conduct all business operations within an enclosed facility and do not present any adverse impact on appearance, peace or value of adjacent residential areas. Designs shall be in keeping with those existing and shall be enhanced with landscaping, minimizing the visibility of parking areas and avoiding the appearance of commercial structures. Any permitted use shall be of a boutique or small scale and low impact nature. All such uses shall operate with a minimum of noise, smoke, odor, traffic or other nuisances which would have a negative impact on adjacent residential uses. All permitted uses shall require a Special Permit issued to the business owner and shall not be transferable to a subsequent property owner.

### **7.9.2 Uses Permitted by Special Permit:**

|                                           |                                   |
|-------------------------------------------|-----------------------------------|
| Professional or Business Office           | Photographic / art studio         |
| Barber Shop / Beauty shop                 | Florist                           |
| Tailor or pressing shop (no dry cleaning) | Tea House / Coffee Shop           |
| Doctors/ Dentist office                   | Veterinarian office (no Boarding) |
| Real Estate Office                        | Dress making or weaving           |
| Shoe repair or cobbler shop               | Bicycle sales and service         |
| Antique sales and service                 | Cabinet / woodworking shop        |
| Insurance office                          |                                   |
| Craft and/or gift shop                    |                                   |
| Bank or Financial institution             |                                   |

### **7.9.3 Special Permit Requirements:**

The Board of Appeals shall be the Special Permit Granting Authority for projects proposed in the NBOD. Site Plan approval as required by section 6.7 will be required by the Planning Board for all permitted uses prior to any Special Permit being granted.

### **7.9.4 Intensity Regulations:**

**7.9.4.1. Lot Area** 70,000 sq. ft.

**7.9.4.1.a** Lots in existence prior to 2000 shall be allowed to be developed in the NBOD providing that such lot at the time, and still, contained a minimum of 20,000 sq. ft. and can meet all setback and other requirements of the NBOD.

**7.9.4.2. Building Size** Maximum 5,000 sq. ft.

**7.9.4.3. Minimum lot width** 100 ft.

**7.9.4.4. Minimum setbacks** front 30 ft.– sides 15 ft. – rear 15 ft.

**7.9.4.5 Maximum lot coverage:** 25% including parking and impervious areas.

**7.9.4.6. Sign Requirements:** All signs shall be a maximum of 10 sq. ft. per side with no internally lit signs on the premises. No additional signs on or displayed from inside the structure for external use shall be permitted. Signs as allowed by 6.6.4.3 shall be monument style not taller than 6 feet and shall have the base surrounding the sign landscaped.

**7.9.4.7. Parking:** All parking shall be located on the same lot and no on street parking shall be permitted. Parking areas designed to

have more than 6 spaces according to the parking regulations of 6.5.3.3 shall be located in the rear yard and are subject to Planning Board review. No parking shall be located closer to any lot line than 20 ft.

**7.9.4.8. Noise:** Public address speakers, amplified music or other sources of noise are not permitted outside the building.

**7.9.4.9. Drainage:** All ground surfaces shall be constructed to prevent standing water or the discharge of run off onto adjacent property.

**7.9.4.10. Landscape:** Landscaping shall be required to create a visual barrier from all property being granted a special permit from any neighboring property and to shield parking areas from the street. All landscaping shall be part of the site plan review and will be required to be placed on a plan for approval by the Planning Board.

**7.9.4.11. Hours of Operation:** All businesses within the NBOD shall not open before 9:00 AM and shall not remain open beyond 8:00 PM. Hours of operation shall include the service of such businesses by vendors or service personnel. No business shall operate on Sunday except as may be allowed on a temporary basis by the Board of Selectmen.

Planning Board

**Article 31:** To see if the Town will amend the Zoning Map to include the following parcels within the Residential Zone on Main Street and Bedford Street in the Neighborhood Business Overlay District: 0057-002-001, 0057-002-002, 0057-002-003, 0057-002-004, 0057-002-005, 0057-002-006, 0057-002-007, 0057-002-008, 0057-002-009, 0057-002-010, 058-001-017, 058-001-18, 058-001-19, or take any other action relative thereto.

Planning Board

**Article 32:** To see if the Town will vote to amend the current Zoning By-Law Section 7.5.3 by deleting sub-section 4) as follows:

- 4) Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit.

and replacing it with a new sub-section 4) as follows:

- 4) Limited Occupancy Housing (LOH), which the Planning Board determines as part of Site Plan Review, is designed for adult-targeted households described as: (i) limited to a maximum of two (2) bedrooms including a first floor master bedroom; (ii) reflects an attractive building design and architectural features customarily found in adult-targeted households which design shall be approved by a Design Review Committee comprised of members of the Planning Board; (iii) provides for any

recreational amenities to be oriented toward an adult population and not to include playgrounds or play furniture. Property owners of Limited Occupancy Housing units, through a viable association, shall be obligated for the development, operation and maintenance of common wastewater disposal systems, storm water systems, internal vehicular and pedestrian circulation systems and landscape maintenance. LOH shall provide a minimum of one (1) parking space per Dwelling Unit.

or take any action relative thereto.

Planning Board

**Article 33:** To see if the Town will vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on County Street as described as follows:

Starting at the property corner of land now or formally owned by Henry W. & Nancy Lee Van Laarhoven proceeding N 56-14-25 W for a distance of 380 feet along the State Highway Layout (SHLO) of County Street; then proceeding N 46-05-50 W for a distance of 375.03 feet along the SHLO of County Street; then, proceeding N 60-02-45 W for a distance of 211.70 feet along the SHLO of County Street; then proceeding N 57-03-00 W for a distance of 1113.05 feet along the SHLO of County Street to the property corner of land now or formally owned by Wallace W. & Marian E. McCarroll; then, proceeding N 40-16-57 E for a distance of 430 feet; then proceeding in a southeasterly direction parallel to the metes and bounds as described above along the SHLO of County Street until intersecting the property line of land now or formally owned by Henry W. & Nancy Lee Van Laarhoven abutting land now or formally owned by Robert E. Sr. & Edward C. & Carolyn J. Ranahan; then proceeding S 38-45 W for a distance of 14 feet; and, then, proceeding S 41-30 W for a distance of 416 feet to the starting point on the SHLO of County Street.

or take any action relative thereto.

Petition

**Article 34:** To see if the Town will vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on County Street as described as follows:

Starting at the property corner of land now or formally owned by Robert & Sandra Doherty proceeding N 57-03-00 W for a distance of 963.03 feet along the SHLO of County Street to the property corner of land now or formally owned by Wallace W. & Marian E. McCarroll; then, proceeding N 40-16-57 E for a distance of 430 feet; then proceeding in a southeasterly direction parallel to the metes and bounds as described above along the SHLO of County Street until intersecting the property line of land now or formally owned by Robert & Sandra Doherty abutting land now or formally owned by Mullen Hill Christian Academy Inc; then proceeding S 42-42-39 W for a distance of 178.38 feet; and, then, proceeding S 40-07-40 W for a distance of 251.72 feet to the starting point of the SHLO of County Street,

or take any action relative thereto.

Petition

**Article 35:** To see if the Town will vote to accept Anderson Way 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 Azor

Land Sciences, Inc. on file with the Town Clerk entitled "As Built Plan of Anderson Way in Lakeville, MA" dated April 23, 2009, or take any action relative thereto. Board of Selectmen You are directed to serve this warrant by posting an attested copy hereof fourteen days at least before the day appointed for a Special Town Meeting and seven days at least before the day appointed for the Annual Town Meeting at the following places: Town Office Building, Starr's Country Market, Mayflower Co-operative Bank, the Clark Shores Association Bulletin Board, Apponequet Regional High School, the Lakeville Senior Center, and Assawompset School.

Hereof fail not and make return of this warrant with your doings hereon at the time and place of said meeting.

Given under our hands this 18<sup>th</sup> day of May, 2009.

#### LAKEVILLE BOARD OF SELECTMEN

Article 1: Ms. Garbitt explained that this was for the stipends for part time Elected Officials and salaries for the two (2) full time Elected Officials. Article 2: Ms. Garbitt explained this is the 40 page budget that will be voted on at Town Meeting. Article 3: Ms. Garbitt said this is our bill for Plymouth County Extension Service. Article 4: Ms. Garbitt said this is our contribution to the Plymouth County Retirement, and the Town saves \$13,000 if you pay this in one (1) installment. Article 5: Ms. Garbitt said this is for our students who attend Old Colony. Article 6: Selectman Yeatts explained that the assessment to the Regional School went up \$390,000 this year. Personally she would like it to go back to Assawompset School. This assessment is with one (1) less student attending the Region from Lakeville. The Regional School Committee can vote to lower our assessment. Article 7: Ms. Garbitt explained that this is for tuition at Bristol Agricultural School. Lakeville has four (4) additional students attending this year from last year. Article 8: Selectman Yeatts stated that this article was self explanatory for Special Education costs. Article 9: Ms. Garbitt explained this article is for the re-valuation that is done every three (3) years. The Town sets aside money each year for this. Article 10: Selectman Yeatts explained that the Hazardous Waste Day was removed to reduce the amount to \$124,500. The committee was able to remove the ladder truck since the Town purchased a used one from Middleborough for \$25,000. It will require approximately \$25,000 of work, but that is still a really good deal. The Town needs to purchase one (1) police cruiser this year rather than the usual two (2) cruisers. Mr. McQueeney asked if the Transfer Station Enterprise Fund could cover the Hazardous Waste Day expense. Selectman Yeatts said no, but she will bring this issue up at a Regional Meeting. Perhaps this cost could be shared with other Towns.

Article 11: Chairman Maksy stated this article is for a new copy machine at the Town Office Building. The current copy machine has over a million copies and cannot do all the work that needs to be done. The Town is also looking at whether to lease or purchase the copy machine, depending on what deal is the best. Article 12: Ms. Garbitt stated that this is the 3<sup>rd</sup> year of a five-year lease for the Assessors vehicle. This article has to be put on each year since it is a contract. Article 13: Ms. Garbitt stated that this is to accept the Chapter 90 funds. Article 14: Ms. Garbitt stated that the article is always on the warrant, even though no monies are proposed to be placed in the Stabilization Fund this year. Article 15: Ms. Garbitt explained that this is the \$50,000 that the Town puts aside for emergencies. This is not enough for a community with a

\$22 million budget. It needs to be at least \$100,000 to \$150,000. Article 16: Selectman Yeatts explained this article is in case a resident has a failing septic system and cannot afford to install one, they can borrow money and then pay it back. Article 17: Selectman Yeatts stated that she had explained this already at length. It gives us the ability to borrow the money, build the water storage tank and charge fees to offset the costs. Mr. Madson asked if this betterment is a one (1) time or a recurring charge based on consumption. Selectman Evirs said typically it is a one (1) time fee. When we become our own Water Commissioners, then that could change. Selectman Yeatts said it might help lower residents' home insurance by having a fire hydrant closer to your home. The total cost is \$4.8 million for this project. Hopefully the stimulus money comes through and we do not have to pay it all back. Article 18: Selectman Evirs read the article, which allows for the construction of the water storage tank and pump station. Article 19: Selectman Evirs explained that this ties in with the previous two (2) articles. The Town can charge interest as part of a penalty on the betterment. Ms. Garbitt said the Town would borrow at 2% and the resident pays back 5% with the remainder going into the Water Stabilization Fund. Article 20: Ms. Garbitt explained that elderly residents can defer their taxes at 8% until they pass away or the property is sold and this applies to the betterment too.

Article 21: Selectman Evirs explained that this article is in reference to connecting to City of New Bedford sewer for the Shore Areas on Long Pond. It has been on the Town Meeting Warrant for three (3) years and each year the Board recommends that the residents vote no. This article has to be placed on the warrant each year or the Town would have to go through a very lengthy process to reapply for the funding. Someday we might be able to do this project. The previous price estimate was \$23 million and is now approximately \$30 million. Article 22: Selectman Evirs said this article is regarding the relocation of Route 79 from the current layout. It will take a little turn and end up at a new intersection across from the MBTA station. Ms. Garbitt said she will attach a copy of the map showing the parcel of land on Howland Road that we will place a conservation restriction on regarding the turtle habitat. The Howland Road property is 636 acres, and this is a restriction on 23 acres. Article 23: Ms. Garbitt explained that we had a similar situation when we built the Senior Center. The neighbors' well and septic were on Town owned land. The Couet's well is two (2) feet into the Town's Right of Way. The easement would be so they could have any needed repairs done on the well. If they needed a new well, the well would be relocated. If they connect to the City of Taunton water line, they would have to remove the well and the easement would be discontinued. Article 24: Ms. Garbitt stated that she spoke to Town Counsel today about a minor change in the wording. The Fire Chief is currently a Weak Chief, and he submitted this article to become a Strong Chief. This gives him the authority to hire, fire and discipline his employees. Right now, the Fire Chief comes to the Board of Selectmen with his recommendations. Article 25: Police Chief Sorel explained this article is about public use of marijuana. We are fining them not only the \$100, but the \$300 as well. This is the maximum we can charge. Article 26: Selectman Evirs explained that this came about due to frustration on the part of the Planning Board to come to a reasonable conclusion on how to authorize electronic message boards. Chairman Maksy said the signs that are in place are grandfathered. Article 27: Selectman Evirs explained that these used to be in-law apartments, but now they have gotten bigger and out of control so this is how the Planning Board is maintaining control. Article 28: Selectman Evirs said this is just changing the Use Table. Article 29: Ms. Garbitt explained that this is the actual by-law for in-law apartments. Article 30: Ms. Garbitt explained this article will modify the overlay district.

Article 31: Selectman Evirs said this article is for the rezoning of parcels on Bedford Street and Main Street to Neighborhood Business. Article 32: Selectman Evirs explained that this article was to remove the 55 and older age restriction on the National Development property and implement new language. Article 33: Selectman Evirs said this article is by petition and is to rezone a portion of County Road consisting of several properties. This area is on the other side of the road from the storage facility, which is zoned Business. It begins just after Mullein Hill Church and extends to one (1) property past where Freetown Street comes out. The Planning Board is not in favor of this article, but is in favor of Article 34. Article 34: Selectman Evirs explained that Article 34 would rezone only the Doherty and McCarroll properties to Business. Article 35: Selectman Yeatts said this article is regarding the acceptance of Anderson Way as a Town Way. It has received approval from the necessary Town Departments and has been finished for two (2) years, as required by the Planning Board.

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

VOTED: To put Articles 1-35 on the Annual Town Meeting Warrant.  
Unanimous in favor.

### **Discuss FY10 Budget**

Selectman Yeatts said that there is still a budget deficit of \$1 million. However, she is convinced that the override amount should be \$500,000. A wage freeze for Police, Fire and Town employees would save \$72,000. The assessment to the Regional School went up \$390,000 with one (1) less Lakeville student in the system. The Region has the ability to lower Lakeville's assessment. If the Region would agree to the lower assessment and take a three (3) percent cut, that money, approximately \$400,000, would go immediately back to Assawompset.

Chairman Maksy said he was personally disappointed that the Region had personnel openings and was hiring. He said he was pleased to see some of the Regional School Committee members in attendance. We have been pleading with the Region to help us with the younger students. We have attended meetings and sent letters asking for the money, but so far, have not received a response in writing. Selectman Yeatts said if we were fully regionalized, the money would be spread out for all the schools. Full regionalization may take as long as two (2) years, and we need the help now. Mr. McQueeney said he would like to see the 10% cut in the scenarios as presented in the budgets. Moving back the 4<sup>th</sup> grade to Assawompset will allow us to maintain suitable class sizes. However, there will be costs to the Region from moving them back. If we were fully regionalized, then we would not have to move the 4<sup>th</sup> grade back. We would have one (1) administration and one (1) School Committee, so we would still have control. Mr. Hanlon said it is the perception of the loss of control. It is all one big pot of money. We have a choice in bringing the 4<sup>th</sup> grade back, so are we putting the burden on the Region, which in turn burdens the Town of Freetown. So what kind of message does that send when we are trying to be a nice happy family? If we do not have an override, then we have to look at things in a drastic way. Selectman Yeatts said it will take \$350,000 to move the 4<sup>th</sup> grade back. That would amount to a three (3) percent cut at the Region. She believed a \$500,000 override will pass with a wage freeze and getting the Region to lower our assessment back by \$390,000. She encouraged everyone in attendance to go to the Regional meeting to discuss this. Mr. Hanlon said we have a



choice not to do an override and to fund the school as is. Selectman Yeatts said we will need an override since we are \$1 million short.

Lou Rodrigues, Acting Superintendent of Schools, said with full regionalization, we would not be having his discussion. We have to cut \$151,000 according to the budget from the Senate and if we give you the money, then we would have to cut \$900,000 to \$1 million. That is a hard sell to a Regional operation. We would like to help out, but he was not sure if he would recommend this. He cannot in full conscious devastate one budget to help another without finding out how an override will work in Lakeville. The Region has to have a strong bond rating and cash flow. The positions being filled are not new positions, they are replacements. We are cutting five (5) to eight (8) positions at the Region. We are also short on transportation approximately \$40,000, according to the most recent Senate budget. This is a Regional School Committee decision, and he would be talking to them.

Selectman Evirs said we have a balanced budget, then Scenario 1 and 2. All three (3) of these budgets are based on educating the 4<sup>th</sup> grade students at Assawompset. Everyone says we are moving the 4<sup>th</sup> grade back, but really it is only the teachers that are coming back. The current 4<sup>th</sup> graders are being promoted to the 5<sup>th</sup> grade. The existing Assawompset 3<sup>rd</sup> graders will be moving into 4<sup>th</sup> grade. Mr. McQueeney said he would like to challenge the Regional School Committee to step up. The Local School Committee is in favor of regionalization and this is an opportunity perhaps to function as if we are fully regionalized. Selectman Yeatts said the figures do not add up. All these budgets are contingent on the 4<sup>th</sup> grade moving back. If you wanted to keep them at GRAIS, then we would need a \$1.5 million override. Chairman Maksy said it would be good to see that scenario on paper. Ms. Garbitt said for Scenario 1, she has applied all the cuts to the Departments' budgets. This is just a summary of the total. She will go to the Department Heads and ask them to submit detailed budgets to her. Mr. Olivier said the wage freeze is not on Scenario 2. Selectman Evirs said the \$390,000 from the Region was left in with Scenario 2. He did not agree with Scenario 1. He believed that the \$390,000 from the Region should be put in Scenario 1. By keeping the wage freeze in effect and with the \$390,000 from the Region, that would be \$467,000 to spread around to Department budgets. Further discussion occurred on this topic. Ms. Garbitt said we do not know where State aid is going. Chairman Maksy suggested leaving the \$390,000 in for Scenario 1 and 2. If the Region would take \$390,000 from E&D, then we can take that, plus the wage freeze, and if we get the \$500,000 override, we could spread the funds out in a number of areas. Mr. Olivier was concerned about moving more of the tax burden on the tax payer. Further discussion took place on the scenarios and on the Town's deficit.

Selectman Yeatts spoke about the type of override that the Town could go for. She felt the pyramid option was the best. She read the law regarding pyramid overrides. The impact that this will have on the services cannot be put on the ballot. We cannot say we will give this amount to this Department, etc. Local officials cannot use public funds to promote or oppose the question, including emailing from public computers, copying, etc. This would include public officials, public employees and public facilities, such as computers. If the voters were to approve more than one question, the one with the highest dollar amount prevails. She is proposing to put this on the warrant for the Town Meeting. If we vote on the question tonight, we can hold the election in July. The Town Clerk can hold the election 35 days after the Town

Meeting. The Town typically holds overrides on Saturdays so that everyone has the opportunity to vote. On July 1<sup>st</sup>, the 20% cuts will go into effect for all Town Departments. Selectman Yeatts explained that with the pyramid question, if both questions pass, then the higher amount prevails. Even if they both pass at different percentages, then the higher one prevails. Mr. Hanlon asked for an explanation of the process at Town Meeting. Selectman Yeatts said you have to pass the balanced budget and then vote on a contingency budget. Additional discussion occurred regarding the override election.

Selectman Evirs spoke about when GRAIS was renovated and reopened. The numbers were put together hastily and the Town should have asked for more of an override to staff the building. He did not want to rush into throwing numbers together tonight. The Selectmen are meeting on June 8<sup>th</sup> and June 27<sup>th</sup>. We do not want to do something in haste. Charlene Shea asked if an override ballot does not take place until mid-July, how this would affect the tax bills. Ms. Garbitt said the first two (2) bills are only estimates from the previous year. The tax rate is not set until the end of the year. Mr. McQueeney said he was concerned with Scenario 1, which was a \$560,000 override and dependant on getting \$390,000 back from the Region. You are coupling this on a proposed action taken by an authority you have no control over. He thought we needed to ask for a \$1 million override since that contingency is not acceptable to us. Paul Andrews of Keith Avenue asked if we wait and do not vote until mid-July, won't the Town be spending money we do not have to put people on unemployment? Chairman Maksy said there is money in the budget for that. We do understand the unemployment costs.

Mr. Madson said he had heard tonight about moving the 4<sup>th</sup> grade back to Assawompset and putting the burden back on that school. He is concerned about the overcrowding and the high student/teacher ratio. He cannot believe we are not looking at an override which would decide whether to keep or move the 4<sup>th</sup> grade. That should be a decision by the townspeople. He felt it should be a \$1 million override to keep the 4<sup>th</sup> grade at GRAIS. Mr. Sullivan of 15 Jennifer Lane said we should put our faith in the citizens of Lakeville to make the right decision. It is only about \$30 a month per household. If it is explained in such a way, he thought it would pass. Chairman Maksy said not everyone in Lakeville has a child in the school system. How do we convince them? Mr. Sullivan said the reduction in Police and Fire will affect everyone. Mr. Olivier said the State has cut us 13.5 % from what they gave us two (2) years ago. The Town has voted for overrides and debt exclusions over the past seven (7) years and has stepped up time and time again. It is not that the cuts are acceptable; these are trying times for the people. Brian Lewis of One Lane Circle asked why there couldn't be three (3) choices on the ballot. Then it ends the nonsense and gives the people a chance to vote. He is just as scared of a reduction in the Police force as the school issues. Selectman Evirs said we can all share and appreciate your frustration. We are talking these numbers since historically we think we can get those to pass. If we funded all the raises and services and do not use the one time monies, etc., you are talking \$2.1 million that is needed. For every \$500,000 on the average home, that is \$104, plus 2.5% and this amount stays forever.

Mr. Rodrigues said at the Region, we have two (2) flat budgets. We have lost \$1 million in funding over the minimum contribution. We lost that and have been level funded for the past three (3) years. If you want to save the elementary school, it is on the back of the Region. He could not see why you would not support a \$1 million override. Selectman Yeatts said everyone

agrees about the \$1 million override, but how we get to it is what we do not agree on. She would like to leave the \$500,000 on the ballot. Why does the Region have \$1.1 million left in the E&D account every year? Mark Sorel, Police Chief, noted that even with the \$1 million override, he was still taking a 10% cut in his Department, which meant three (3) officers.

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

VOTED: To place up to three (3) contingency budgets on the Warrant for the Annual Town Meeting with the amounts to be determined for Article 2.  
Unanimous in favor.

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

VOTED: To sign the Annual Town Meeting Warrant.  
Unanimous in favor.

### **Review and vote on FY10 Capital Plan from the Capital Expenditures Committee**

Ms. Garbitt stated that the Capital Expenditures Committee met Thursday night and forwarded a recommendation to the Finance Committee and the Board of Selectmen. Selectman Yeatts said that the \$750,000 for the fire truck was removed. The bottom line was \$124,500 for Capital Expenditures. We only approved one (1) police cruiser. The rest was mainly technology and safety items. The Hazardous Waste Day has been put off for the past three (3) or four (4) years. The School asked for two (2) copiers, but we only approved one (1) and some technology enhancement for their server. We also approved three (3) voting machines for the Town Clerk and a copier for the Town Offices. The thing that helped us was that we got a used aerial truck at auction for \$25,500. The Fire Chief feels this engine will last us about ten (10) years. We will have to spend about \$20-25,000 though to bring it up to par. Ms. Garbitt said the copier for the Town Offices is a networked copier. The one we have now is seven (7) years old. We could lease or purchase the copier. We are not sure what option we want to take. We will get a three (3) year maintenance plan free and \$120 worth of toner. The copier we have now is breaking down once a month and is costing us a lot of time. Selectman Evirs said perhaps we could team up on a Hazardous Waste Day with other towns. Then it may not cost as much. Selectman Yeatts said it would be removed for now, and she can bring it up at one of the regional meetings.

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

VOTED: To approve the Capital Expenditure Plan, removing the Hazardous Waste Day, for a total of \$124,500 for FY10.  
Unanimous in favor.

Upon a motion by Mr. Hanlon, seconded by Mr. Petruzzo, the Finance Committee:

VOTED: To approve the Capital Expenditure Plan for a total of \$124,500 for FY10.  
Unanimous vote.

Upon a motion by Mr. Hanlon, seconded by Mr. Olivier, the Finance Committee:

VOTED: To adjourn at 9:10 PM.  
Unanimous vote.

### **Vote to sign Acceptance of Deed – National Development property**

Chairman Maksy recused himself from the conversation. Ms. Garbitt said these are the two (2) lots that National Development is going to donate for the relocation of Route 79. They agreed to do this when doing the mitigation with MassHighway. MassHighway wants the Town to move forward with the acceptance of the land so that they can do land takings. This has been reviewed by Town Counsel, and there were a few grammatical and names changes.

Upon a motion made by Selectman Evirs with Selectman Yeatts stepping down to second and stepping back up to vote, it was:

VOTED: To accept and sign the deeds.  
Unanimous in favor.

### **Review and approve contract for CDM**

Selectman Yeatts said this contract was drawn up by Kopelman and Paige. This is for the water tank design. The State Revolving Fund (SRF) loan does not pay for engineering design, but at Town Meeting we had put some money aside for the design and engineering costs. Camp, Dresser and McKee have done most of this work so far, and the Town has had very good luck working with them. She would like to continue working with them. The only change Town Counsel made was regarding the liability insurance. If we have this done and are ready to go then, when we get our stimulus money, we may get others' money if their projects are not ready.

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

VOTED: To approve and authorize the Town Administrator to sign the contract with CDM for design of the water tank.  
Unanimous in favor.

### **Request for change of Manager-Camp Joe Hooker**

Chairman Maksy said this request is to change the manager from Bruce Duquette to Steven Vera and all the paperwork is in order. Selectman Yeatts said Mr. Vera is doing a very good job and has a lot of energy. They are redoing the kitchen to have food from the Central to be served.

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

VOTED: To approve the change of Manager at Camp Joe Hooker from Bruce Duquette to Steven Vera.  
Unanimous in favor.

### **Request for Constable reappointment – Danielle Elliot**

Chairman Maksy said the Board received a request for reappointment of Danielle Elliot as a Constable for the Town. Ms. Garbitt said Ms. Elliot is in the process of renewing her bond. We can only do an appointment for one (1) year at a time.

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

VOTED: To approve the request from Danielle Elliot to be reappointed as a Constable with an expiration date of May 15, 2010, pending renewal of her bond.  
Unanimous in favor.

### **Request for appointment of Jared Darling as Assistant Animal Control Officer**

Ms. Garbitt explained that Jared Darling is the Town's Animal Inspector and responds to all of the dog bites. She would like to have him reappointed as Assistant Animal Control Officer so that he could help out if needed.

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

VOTED: To appoint Jared Darling as Assistant Animal Control Officer with a term to expire on April 30, 2010.  
Unanimous in favor.

### **Request for One Day All Alcohol Liquor License-Mitchell Memorial Club – July 19, 2009**

Chairman Maksy said the Board had received a request for a One Day All Alcohol Liquor License from the Mitchell Memorial Club for their annual chicken barbeque to be held at the Ted Williams Camp.

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

VOTED: To approve the One Day All Alcohol Liquor License for the Mitchell Memorial Club Chicken BBQ on July 19, 2009 from 12:00 PM to 6:00 PM.  
Unanimous in favor.

### **Request for sign – The Tuesday Club of Assonet – Strawberry Festival**

Chairman Maksy said the Board had received a request from The Tuesday Club of Assonet to put signage up for their annual Strawberry Festival. Selectman Evirs stated that he would deny the request to put the sign at the Route 18/105 intersection, but allow them to place it on the intersection of Precinct Street two (2) weeks prior to the event. The signs must be removed two (2) days after the event and we will place their event on the Town community sign.

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

VOTED: To approve the sign for The Tuesday Club of Assonet's Strawberry Festival to be located at the intersection of Precinct Street. The sign can be placed, under the direction of the Superintendent of Street, two (2) weeks prior to the event. The signs are to be removed two (2) days after the event and their event will be placed on the Town community sign.  
Unanimous in favor.

### **Vote to layout Anderson Way**

Ms. Garbitt stated that tonight is the hearing to approve and adopt the layout of Anderson Way. The Board voted before to layout Anderson Way, and it was forwarded to the Conservation Commission, Planning Board and the Superintendent of Streets. The Conservation Commission was waiting on the certification of a botanist to issue the Certificate of Compliance. Mr. Peck said all of his items of concern were completed, but the grass strips were not fully germinated when he went out May 15<sup>th</sup>. Leo Bisio stated that the Certificate of Compliance was brought in today. He is just waiting for the Conservation Agent to come in tomorrow and he can go get it recorded. The grass is growing, and the catch basins have been cleaned out.

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

VOTED: To approve and adopt the layout for Anderson Way.  
Unanimous in favor.

### **Review Zoning Board of Appeals petition - DeMoura**

*William Garvey, Chairman of the Board of Health, was present for the discussion.* Chairman Maksy said the Board had received a Zoning Board of Appeals (ZBA) petition for the property located at 127-129 Hemlock Shore Road. Selectman Yeatts said it seems that different plans are going out to different boards. Selectman Yeatts said the ZBA needs to see this, and they have not seen the septic plan since they have not received it as of yet. Ms. Craig said she will forward them the septic plan so that they can see it. Selectman Evirs said this may fall under the limits of restoration. Selectman Yeatts said she wanted to be assured that the ZBA and all the boards get all the same information. Selectman Evirs said this is a difficult problem since once they submit the application to the Town Clerk, the clock starts ticking. Ms. Craig said that the Planning Board will see this petition tomorrow night, and it has already been through Conservation.

Ms. Craig said the Board of Health did not realize that there were two (2) separate owners. There was only one (1) applicant for the shared system. These two lots were combined into one lot just recently. There are several different addresses floating around. There is a 12,500 square foot lot and a 21,000 square foot lot. The 21,000 square foot lot is Mr. DeMoura. Mr. Pedranti owns the other. They originally shared one (1) cesspool and one (1) well, but the Board of Health asked them to have two (2) separate wells. Two of the homes will be razed and one will remain. Then they will build one (1) bigger home on the 21,000 square foot lot. There were no floor plans included with the petition, so there is no way to tell how big it is or how many bedrooms

on that one shared system. Selectman Evirs said since this is combining the footprint of the two (2) homes, the 105% is okay but it is also 105% for the height and it appears that they exceed that. Chairman Maksy said he liked having one (1) home instead of two (2). Ms. Craig said the homes being razed are 420 square feet and 428 square feet.

Selectman Yeatts asked Mr. Garvey if they had received additional information as to the bedroom count. He responded no, but the applicant was told they could have no more than five (5) bedrooms. Chairman Maksy asked why they were not told to have two (2) separate systems. Mr. Garvey said the nitrogen content was too high with two (2) systems. Chairman Maksy said there is a large easement then for the shared system. Mr. Garvey said there was also an old well easement that is there. It should have been removed. He will check on the bedrooms.

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

VOTED: To send a memo to the ZBA with the following recommendations: to ask for the interior design on the first and second floors, to check on the number of bedrooms, and to make sure that they do not exceed 105% with the height.  
Unanimous in favor.

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

Ms. Garbitt said the Board received a letter today from the Historical Commission about Memorial Day. Will any of the Selectmen be attending the observance on Monday, May 25, 2009? Selectman Evirs and Selectman Yeatts will be away on this date, but Chairman Maksy will try to attend.

Ms. Garbitt said the Senate voted to pass the bill for the transfer of the assets for the Plymouth County Sheriff's Department and leave the liability behind for the Retirees. Approximately, \$50,000 is Lakeville's share for the increase. They believe that this cost is going to be shifted to the municipalities. It is not really clear in the bill. This will be included on the next agenda for the Board of Selectmen. This will increase our pension contribution. The liability is approximately \$3 million.

**Other Items**

1. Letter from Marie St. George regarding David Frates
2. Letter from Town of Bourne regarding Asbestos Awareness Training Class
3. Letter from TEC Associates regarding Massachusetts Bay Commuter Railroad 2009 Vegetation Control Program
4. SRPEDD Notice of Meeting – Regional Economic Strategy Committee
5. HOME Consortium quarterly reports
6. Pro-Home Invitation to Annual Meeting – May 28, 2009  
Barney Frank will be the speaker. There is a School Committee meeting (Local and Regional) on the 27<sup>th</sup> of May. SRPEDD is the 27<sup>th</sup> at 5:30 at the Fall River Country Club.
7. Plymouth County Mosquito Control Project notice of spraying

8. Notice of 1<sup>st</sup> Quarter 2009 PEG fee – Verizon
9. Letter from DEP regarding funding to reduce diesel emissions
10. DOR Bulletin – New Officials Finance Forum
11. Massachusetts Coalition for Small System Assistance Workshop notices
12. MassWildlife News
13. Wildlands News
14. Letter from City of Taunton regarding unauthorized use of Assawompset Pond  
Selectman Yeatts said she was upset because as the Manager of the Assawompset Pond Complex, she did not know this letter was going out. Chairman Maksy said this addresses the residents along the Assawompset Pond Complex. Selectman Yeatts said she will call them. Selectman Evirs said the Taunton Sanitary Engineer is concerned about unauthorized use at Assawompset Pond. Selectman Yeatts said a sea plane landed on the pond the other day.
15. Letter from FEMA regarding Flood Insurance Study Report and Maps
16. Notice from DOR regarding Certified Telephone & Telegraph Valuations – FY10  
Selectman Evirs asked if this was included in New Growth. Ms. Garbitt said no. She talked to the Assessors and this \$10,000 will help us to reach the \$150,000 based on the valuations that the DOR has for us.
17. Notice of Creative Problem Solving Workshop-SRPEDD-May 29, 2009
18. Memo from Department of Revenue regarding Implementation of the FY09 Chapter 70 State Aid Reductions
19. Zoning Reform Hearings – Coalition for Zoning Reform

At 10:10 PM, upon a motion made by Selectman Yeatts with Chairman Maksy stepping down to second and stepping back up to vote:

VOTED: To enter into Executive Session and not return to Open Session for the purpose of discussing negotiations with Retirees regarding health insurance benefits.  
Polled vote of Selectman Maksy – aye, and Selectman Yeatts – aye. Selectman Evirs left the meeting at 10:10 PM.