

SELECTMEN'S MEETING

Monday, May 21, 2007

On May 21, 2007, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 7:03 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Kaestle Boos presentation-Public Safety Feasibility Study

Joe Milani of Kaestle Boos was present for the discussion. Chair Yeatts thanked the Feasibility Study Committee members who had put a lot of time in attending the meetings. Mr. Milani presented a power point presentation. It explained what the goals of the Study Committee were: to do a Space Needs Assessment, do An Existing Conditions Survey of existing buildings that housed the present departments, and then perform a Site Evaluation of Sites for future expansion. The Space Needs Assessment consisted of looking at future growth where the population statistics from the Master Plan of 2005 were used. Staff interviews were conducted. Similar facilities in similar sized communities were visited to find out how they operate and what elements and conditions that they have which would be preferable for the Town of Lakeville. Historical data was also reviewed.

An Existing Conditions Survey was conducted by visiting the existing Police Department, Fire Station and Town Office Building. The conditions of these facilities were reviewed and what they would need for code compliance. A space needs correlation was done to see if a modern facility with the necessities for future growth would fit in the present buildings. Looking at what would need to be renovated, what would need to be added on, and also if the present buildings could in fact be used. The most significant factor is the seismic requirements, since a Public Safety Building would need to be able to be in operation during a catastrophic event. It was found that the size of the buildings, at present, would not be able to meet the programming of what is currently taking place for those types departments (Fire & Police) right now.

The Site Evaluation consisted of conducting site visits to similar sized towns with similar conditions. Site characteristics and ratings were taken into consideration along with programming and site compatibility.

Based on all the information gathered and all the work that was conducted there are several recommendations. Seismic considerations are a real concern. It would be too costly to correct this in the existing Fire Station and Police Station; however, this aspect is fine in the present Town Office Building. Having the Police Station built on Precinct Street would be one of the recommendations. A conceptual plan was then shown of a possible formation for a Police Station. Mr. Milani then explained that it was recommended to have a Fire substation on the other side of the Town since at present the travel distances and times now are on the outside of what is acceptable. A site for the substation has not been determined at this time and was not part of the study. The present Fire Department station is fine to remain in the same location; however, it is not up to seismic conditions. If it was restructured it would have four (4) bays.

The recommendation for the Town Offices would be to maintain the existing building, with renovations and additions, including an elevator and a stairway.

Chairman Yeatts stated that a public hearing has been scheduled at the Senior Center on Tuesday, May 29, 2007. It will be the same presentation as being presented this evening, but a little more in-depth. Ms. Garbitt asked if there could be additional copies for distribution the night of the public hearing presentation. Mr. Milani explained that the presentation for the public hearing would be more detailed and 30 copies in black and white should be sufficient. Ms. Craig asked about having a display board at the Town Office Building, the lobby at the Senior Center and also for Town Meeting for the public to view. It was indicated that there would be display boards available.

8:00 PM Laprade dog hearing

Chairman Yeatts read the letter that was sent to the dog owners into the record and then asked for a motion to open the hearing.

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

VOTED: To open the dog hearing for John Laprade, dog owner.
Unanimous in favor.

Chairman Yeatts then summarized Chapter 140, Section 157 of the Massachusetts General Law pertaining to Dogs – Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs. It was also explained that the Board of Selectmen are charged with the responsibility of handling dog complaints. At this time Harold Marshall, Assistant Animal Control Officer, David Frates, Animal Control Officer, Linda Laprade, dog owner, and Lucian Cotor of Taunton (father of dog owner), were sworn in as they would be testifying in the matter.

Chairman Yeatts then read the complaint that had been submitted by the Animal Control Officer. It was explained that there are two (2) dogs, one that is owned by Ms. Laprade and another of a dog owner unknown. Ms. Laprade allows both dogs onto her property and into her home. Ms. Laprade stated that she is aware of the fact that there is a leash law, and she then showed a picture of her dog. She explained that she lives on the very last road in Clark Shores and there are woods all around her. Her dog was obtained when it was a pup and is very skittish. It does not really like people and does not go near people. She added that there are a lot of fabrications in the testimony about the dogs. Chairman Yeatts then read a letter received by Ms. Laprade and signed by six (6) of her neighbors regarding her dog Casper and how Casper has not attacked anyone and is allowed to go onto their properties and play with their animals. Ms. Laprade stated that the man making the complaint has had an ongoing feud with her family for many, many years. That person also owns an Akita dog which is walked at night. This person who also lives in Clark Shores is Stevens Place. The owner of the other dog is a Ms. Miller, who lives on Wisteria Road. Chairman Yeatts asked if it was true that Ms. Laprade does not leash either of the dogs. Ms. Laprade responded that that was true. There are coyotes in the area and the dog has protected the family and also helped to prevent break-ins from teenagers.

Chairman Yeatts explained that the bottom line is that there is a leash law, and Ms. Laprade cannot be allowed to have a dog running around loose at night. Ms. Laprade will have to abide by the law or the Board of Selectmen will have to take further action. There is a law, and it has to be abided to. Selectman Evirs added that the bottom line is that there is a leash law, coyotes or no coyotes. The dog should be brought out on a leash to do its business and then brought back inside. The dog can only run around unleashed if it stays on the property. Ms. Laprade stated that her dog remains on her property and her neighbor's property, and he does not mind if the dog is on the property. The same person who filed the complaint was also standing out on the road for about 20 minutes trying to coax Casper off of the porch and off the property. Selectman Maksy stated that the only issue is that the dog should have a leash on. It is not fair to someone who may be afraid of dogs to not be able to walk down the road. A risk is being taken if the dog is not on a leash. Ms. Laprade stated that basically the dog is trained to stay on the property. This was entrapment. The dog did not usually leave the property.

Mr. Marshall stated that he did not arrive at the same time as the person who was making the complaint. The man had called twice before he was able to arrive. The dogs then ran up to the truck and then back onto the property. There was no coaxing, and the dog came running right into the middle of the street and was barking aggressively. The pole was then retrieved and then Ms. Laprade came out of the house and the dogs went up to her. Ms. Craig explained that there had been a problem with the Miller's dog, Molly. She was charged with roaming and chasing livestock through wire fences. That was a few years ago, and a letter was sent to Ms. Miller that she would be fined \$100 if the dog was picked up again. She was fined \$25 at that time in 2003. She was also told that she would get a permanent restraining order if the dog was picked up again. There is also no information on Molly regarding vaccinations (rabies, etc.) or a license.

Mr. Frates stated that Ms. Miller said that Ms. Laprade adopted her dog (Molly) since her dog does not come home anymore. Ms. Miller stated that she "gave the dog to the lady down the road". The person who has the dog is responsible, and the dog should be picked up and taken. Mr. Marshall stated that when Ms. Laprade came out of her house the dogs changed their attitude. Selectman Evirs asked if Ms. Laprade's dog was up to date on its shots and licensed. Mr. Frates responded in the affirmative. Ms. Laprade stated that Ms. Miller works a lot of shifts and is unable to care for Molly so she lets the dog into her house; however, she is not going to adopt the dog. It was not known if the dog has been vaccinated. The dog has tags. Mr. Frates stated that the Millers did not license the dog since it did not come home anymore. Selectman Maksy stated that if someone gets scratched or bitten by a dog that has rabies they have to have a series of shots. Mr. Frates stated that Ms. Laprade is doing herself an injustice by having the dog stay in her yard. Chairman Yeatts stated that Mr. Frates could pick up the dog Molly.

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

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

Selectman Evirs stated that there are two (2) issues pending. One is that the dog is unlicensed, and no one will claim ownership of her. The Animal Control Officer should take possession of the dog. The second issue is Ms. Laprade is not restraining her dog to her property. Chair Yeatts stated that a fine of \$25 could be issued for the first offense. Selectman Maksy asked if Molly could just be picked up. Mr. Frates said yes. He will first speak with Ms. Miller and determine if she owns the dog, if not, the dog will be picked up. Ms. Garbitt suggested that Mr. Frates be ordered to pick up the dog. If the dog is at Ms. Laprade's house then she should call Mr. Frates when the dog is there and the dog should then be picked up. Ms. Laprade asked if the dog would be put down if it was picked up. Mr. Frates responded that it would not be. The dogs are adopted if they are suitable. Initially dogs are taken to the veterinarian, and they receive a rabies shot. Ms. Craig suggested that if Ms. Miller does want the dog back, then she should have to pay the back years of the licensing and have the dog receive its rabies shot. Mr. Frates explained that it might be easier for Ms. Laprade's dog if the other dog is not also on her property. Ms. Laprade asked if the name would stay with the dog. Mr. Frates responded that it would. He added that it was a lovable adoptable dog.

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

VOTED: To request David Frates, Animal Control Officer, to pick up Molly and bring her to the Animal Shelter.
Unanimous in favor.

Chair Yeatts asked if the leash law means there has to be a leash. Mr. Frates responded that there does not have to be as long as the dog is under the control of the owner. Ms. Craig stated that no dogs are to be in the road or a public way, if they are, they are to be on a leash of no longer than six (6) feet in length. Mr. Frates stated that if Ms. Laprade has written permission from a neighbor allowing the dog onto their property as long as it is on the same side of the road. The dog cannot cross the street to get there. Selectman Evirs stated that he would waive the first fee provided that Ms. Laprade takes the appropriate steps to restrain her dog. Mr. Frates stated that as long as the dog stays on Ms. Laprade's property and does not come off the property, or an underground fence is put it, it would be fine. It is felt though that if one of the dogs is not there anymore, there will not be any trouble. When calls have been made it has been since there were two dogs together, not just one dog.

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

VOTED: To waive the fine of \$25 for the first offense and to accept that Ms. Laprade will keep her dog on her property, otherwise, the matter will be followed up on.
Unanimous in favor.

Ms. Laprade stated that Molly is typically at her house at 5:30 PM. Mr. Frates stated that if the dog is there when she arrives home this evening, she should call the police and he will alert them that he may be getting a call regarding a dog. Ms. Garbitt stated that if Mr. Frates checks with Ms. Miller and she wants the dog, she will need to meet him at the veterinarians so that the dog can receive its rabies shot and then return to the Town Office building so that the back licensing can be brought up to date.

Review vote to sign Special Town Meeting Warrant – June 11, 2007

Chair Yeatts read the Special Town Meeting Warrant into the record as follows;

**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 11, 2007 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 2007 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, pursuant to General Laws, Chapter 40, Section 5B, to create a special purpose stabilization fund for the payment of debt service and costs associated with capital projects, to be known as the Debt Service/Capital Projects Stabilization Fund, and further, to transfer a sum of money from the Special Revenue/Reserve for Appropriation Account to the stabilization fund created hereunder, or take any action relative thereto.

Article 3: 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 122, Acts of 2006, in the amount of One Hundred Three Thousand Three Hundred Ninety Seven Dollars (\$103,397.00), or take any action relative thereto.

Superintendent of Streets

Article 4: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to design a new Police Station, including

but not limited to the hiring of architects, engineers, a Project Manager, and other professionals for the preparation of designs, working drawings, bid documents and related materials; to see if the Town will vote to approve the location of the new Police Station on Town-owned property; and further to authorize the Board of Selectmen to petition the General Court, if necessary, for Special Legislation authorizing the use of such property for the purpose of constructing a Police Station thereon; or take any action relative thereto.

Board of Selectmen

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

VOTED: To put the above articles, 1 through 4, on the Special Town Meeting Warrant.
Unanimous in favor.

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

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

Review and vote to sign Annual Town Meeting Warrant – June 11, 2007

Chair Yeatts began reading the Annual Town Meeting Warrant (articles 1-5) and then the reading of the warrant was alternated between the members of the Board of Selectmen;

**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 11, 2007, 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 make appropriation.

Article 2: To raise such sums of money as may be necessary to defray town expenses for the fiscal period July 1, 2007 to June 30, 2008, inclusive, and to make appropriation.

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 Five Hundred Eighty Thousand Seven Hundred Sixty Seven Dollars (\$580,767.00) 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 Eighty Five Thousand Twenty One Dollars (\$685,021.00) as the Town's share of the 2007-2008 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 Five Million Nine Hundred Six Thousand Six Hundred Twelve Dollars and Thirty Three Cents (\$5,906,612.33) as the Town's share of the 2007-2008 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Ninety Three Thousand Three Hundred Sixty Three Dollars and Seventy Four Cents (\$93,363.74), the Excluded Debt Assessment of Five Hundred Sixty Four Thousand Six Hundred Five Dollars and Twenty Four Cents (\$564,605.24), and the Operating Cost Assessment of Five Million Three Hundred Forty Two Thousand Seven Dollars and Ten Cents (\$5,342,007.10) 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

Ms. Garbitt mentioned that there is a change in the debt schedules and it may just be excluded debt. An amendment may be made to the amount; however it will not affect the overall debt schedules.

Article 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eighty One Thousand Seven Hundred Sixty Two Dollars (\$81,762.00) 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 the sum of Seven Hundred Twenty Seven Thousand Seven Hundred Sixty Eight Dollars (\$727,768.00) 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 Forty Thousand Dollars (\$40,000.00) 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 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: Ambulance for the Fire Department; Pumper for the Fire Department; Administrative Vehicle for the Fire Chief, Administrative Vehicle for the Deputy Chief; Two (2) Sanders for the Highway Department; Skidder for the Highway Department; Administrative Vehicle for the Superintendent of Streets; Two (2) new Cruisers for the use of the Police Department; One (1) new van for the use of the School Department for special education students; a School Building Feasibility Study, Computer Equipment for the School Department; Two (2) Copiers for the School Department; Roll-Off Truck for the Transfer Station; Three (3) Roll-Off Containers for the Transfer Station; Backstop for Ted Williams Camp Field #1, and Additional Parking for Soccer Fields at Ted Williams Camp, or to take any action relative thereto.

Capital Expenditures Committee

The Town Administrator mentioned that she had heard back from Town Counsel regarding Article 10. A few words were changed by Town Counsel in this article. The Capital Expenditures Committee would like to make sure that the Feasibility Study for the School Building is not done until the MSBA (Massachusetts School Building Authority) approves the funds for it to be done. The additional wording will be added into the motion at Town Meeting. Then the concern for the equipment for the Transfer Station of the three roll-off containers and the roll-off truck will be paid for through retained earnings and Transfer Station revenues, thus it will not come off the revenues of the Town.

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 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 12: 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 Nine Hundred Fifty Five Dollars (\$278,955.00), or take any action relative thereto.

Superintendent of Streets

Article 13: 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 14: 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 15: 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 16: 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

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

VOTED: To waive the complete reading of Article 17 due to its length.
Unanimous in favor.

Article 17: To see if the Town will vote to amend the General By-Law by adding the following new Section, or take any action relative thereto:

OUTDOOR LIGHTING

1.0 Statement of Need and Purpose

Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting By-Law that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Lakeville.

This By-Law is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy cost of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Lakeville.

All business, residential, and community driveway, sidewalk and property luminaries should be installed with the idea of being a “good neighbor”, with attempts to keep unnecessary direct light from shining out abutting properties or streets.

2.0 Definitions

For the purposes of this By-Law, terms used shall be defined as follows:

- 2.1 **Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.
- 2.2 **Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- 2.3 **Flood or Spot light:** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- 2.4 **Fully-shielded lights:** outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
- 2.5 **Glare:** Light emitting from a luminary with an intensity, great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.
- 2.6 **Height of Luminary:** The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary.
- 2.7 **Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.
- 2.8 **Lamp:** The component of a luminary that produces the actual light.
- 2.9 **Light Trespass:** The shining of light by a luminary beyond the boundaries of the property on which it is located.
- 2.10 **Lumen:** A unit of luminous flux. One foot candle is one lumen per square foot.

- 2.11 **Luminary:** For the purposes of the By-Law, the lumen-output values shall be the INITIAL lumen output ratings of a lamp. This is a complete lighting system, and includes a lamp or lamps and a fixture.
- 2.12 **Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- 2.13 **Temporary outdoor lighting:** The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

3.0 Regulations

All public and private outdoor lighting installed in the Town of Lakeville shall be in conformance with the requirements established by this By-Law.

3.1 Control of Glare – Luminaire Design Factors

- 3.1.1 A. Any luminaries with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaries.
- 3.1.2 Any luminaries with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (DX/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

3.2 Outdoor Advertising Signs

- 3.2.1 Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 2.2. Bottom-mounted outdoor advertising-sign lighting shall not be used.
- 3.2.2 Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

3.2.3 Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within two (2) years from the date of adoption of this By-Law.

3.2.4 Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 PM and sunrise is prohibited.

3.3 Recreational Facilities

3.3.1 Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

A.) All fixtures used for event lighting shall be fully shielded as defined in Section 2.2 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

B.) All events shall be scheduled so as to complete all activity before or as near to 10:30 PM as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 PM.

3.4 Prohibitions

3.4.1 A. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

3.4.2 Searchlights. The operation of searchlights for advertising purposes is prohibited.

3.4.3 Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 PM and sunrise.

3.5 Temporary Outdoor Lighting

3.5.1 Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Selectmen after considering:

A.) The public and/or private benefits that will result from the temporary lighting;

- B.) Any annoyance or safety problems that may result from the use of the temporary lighting; and
- C.) The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant and to the Lakeville Building Commissioner. The Board of Selectmen shall render its decision on the temporary lighting request within two (2) weeks of the date of the meeting.

4.0 Effective Date of Nonconforming Luminaires

- 4.1 This ordinance shall take effect immediately upon approval by the voters of the Town of Lakeville at an Annual or Special Town Meeting.
- 4.2 Luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 120 days of notification, or within two (2) years of the Town's adoption of this By-Law so that the luminaries do not cause a potential hazard to motorists or cyclists.

5.0 New Construction and Site Plan Review

- 5.1 Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this By-Law. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be in addition to the information required elsewhere in the By-Laws or rules and regulations of the Planning Board of this jurisdiction upon application for the required permit:

Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); photometric data such as that furnished by manufacturers, or similar showing the angle of cut off light emissions.

- 5.2 Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the Planning Board to readily determine whether compliance with the requirements of this Code will be secured. If such plans,

descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

5.3 Subdivision Plan Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of the Town of Lakeville Outdoor Lighting Code will be adhered to.

5.4 Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official (or his designee), together with adequate information to assure compliance with this code, which must be received prior to substitution.

6.0 Violations, Legal Actions, and Penalties

6.1 Violation. It shall be a civil infraction for any person or Corporation to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.

6.2 Violations and Legal Actions. If after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, (return-receipt requested), of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 120 days of notification. If the violation is not abated within the period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this By-Law and to collect the penalties for such violations.

6.3 Penalties: A violation of this By-Law or any provision thereof; shall be punishable by a civil penalty as defined in Section 2.4 A-B of the General By-Laws of the Town of Lakeville, of not less than fifty dollars nor more than three hundred dollars for any individual, corporation, association, or other legal entity, for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the 120 day period provided in paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.

Planning Board

Article 18: To see if the Town will vote to amend the Zoning By-Law Section 5.0 INTENSITY REGULATIONS by deleting the word *such* from the phrase: “no more than one principal structure shall be built upon any such lot “, or take any action relative thereto:

The Section would then provide: 5.0 **INTENSITY REGULATIONS**

Except as provided otherwise in this By-Law, no structure hereafter erected, altered, or placed in any district shall be located on a lot having less than the minimum requirements set forth in the table below (see 5.1), no more than one (1) principal structure shall be built upon any lot, and no existing lot shall be changed as to size or shape so as to violate the requirements set forth below.

Planning Board

Article 19: To see if the Town will vote to amend the Zoning By-Law by adding the following under Section 2.0 Definitions, or take any action relative thereto:

Drive - Through Facility: A commercial establishment which provides a service directly to the occupants of a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

Fast Food Restaurant: Any restaurant serving the majority of its food in disposable containers, packages or other similar wrapping, for consumption on or off the premises.

Planning Board

Selectman Maksy asked if Article 19 would limit ATM's (Automatic Teller Machines). Ms. Garibtt responded that it would not, this is just the definition:

Article 20: To see if the Town will vote to amend Section 4.1.2 of the Zoning By-Law, Table of Use Regulations, Business Uses, by adding the following:

	R	B	I	I-B
Drive through facility	N	SP	N	N
Fast food restaurant (Allowed only in areas served by municipal water)	N	SP	N	N

or take any action relative thereto.

Planning Board

Article 21: To see if the Town will vote to amend Section 7.4.6, of the Zoning By-Law, Specific Uses by Special Permits, by adding the following:

Drive - through facility

SPGA – Board of Appeals; Business District

A Drive through facility shall be subject to site plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals.

The petitioner shall demonstrate the need for the following conditions or findings:

- 1) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.
- 2) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.
- 3) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations of the Board of Appeals and the Planning Board as may be adopted regulating such facilities.

Fast Food Restaurant

SPGA – Board of Appeals; Business District

A Fast Food Restaurant shall be subject to Site Plan Approval by the Planning Board as a condition of Approval from the Zoning Board of Appeals.

The petitioner shall meet the following conditions and findings:

- 1) Fast Food Restaurants shall only be allowed in areas served by a municipal water supply.
- 2) Evidence of reasonable public need not adequately met by existing facilities within 1.5 miles of the proposed location.
- 3) That the proposed facility will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections.
- 4) That the number of vehicles served will be limited to those specified in the permit as governed by the rules and regulations as may be adopted regulating such facilities.
- 5) A detailed traffic impact analysis shall be submitted, done by a registered professional engineer qualified in traffic engineering.

Planning Board

Article 22: To see if the Town will vote to amend the official Zoning Map by including all of the land being shown as lots 1-7 inclusive, as well as the public way shown as Lori Lane into the Business District, such land is shown on a plan entitled, Proposed Layout of Land of Stanley W. Kazlauskis dated 8-30-1961 and is recorded at the Plymouth County Registry of Deeds in Plan Book 12 at Page 611 and is further described as follows:

NORTHEASTERLY	by land now formerly of John B. Giberti and now or formerly of the Commonwealth of Massachusetts, as shown on the plan hereinbefore mentioned, 757.71 feet;
SOUTHEASTERLY	by land now or formerly of the Commonwealth of Massachusetts, as shown on the plan hereinbefore mentioned, 229.68 feet;
SOUTHWESTERLY	by land now or formerly of Frederick E. Standish, as shown on the plan hereinbefore mentioned, 757.71 feet;
NORTHWESTERLY	by Main Street, as shown on the plan hereinbefore mentioned, 229.68 feet;

or take any action relative thereto.

Planning Board

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

VOTED: To place the above articles, 1 through 22, on the Annual Town Meeting Warrant.
Unanimous in favor.

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

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

Request for road cut-Ed Medeiros-65 Rhode Island Road

Chair Yeatts explained that Mr. Medeiros recently acquired this property, which has a shared well, and he has permission to tie-in with the water system. He has tidied up the property and will raze the existing house on the property to build a new one. The water service hook-up will be subject to the conditions that are set by the Town to bore under the road rather than to dig it up.

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

VOTED: To grant the road cut for Ed Medeiros, 65 Rhode Island Road for City of Taunton water service with the permit length of May 23 through August 23, 2007 with conditions 1-17 of the Town's Road Opening Permit.
Unanimous in favor.

Request for constable reappointment-Paul Colombo

Chair Yeatts read a letter from Constable Paul Colombo requesting reappointment. Ms. Craig noted that his bond is current through April 4, 2009.

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

VOTED: To renew the Constable License of Paul Colombo through to June 12, 2008.
Unanimous in favor.

Discuss letter from MMA regarding Verizon cable efforts

Selectman Evirs recused himself from the Verizon discussion. Chair Yeatts stated that the MMA matter with Verizon has been discussed by the Board before. Robert Marshall, Chairman of the Cable Committee, has been working on the matter. The letter should be sent to Mr. Marshall to see if he approves of how it is written.

Upon a motion made by Selectman Maksy; seconded by Chair Yeatts stepping down to second and stepping back up to vote, it was:

VOTED: To send the Massachusetts Municipal Association letter, dated May 10, 2007, to

Robert Marshall, Chairman of the Cable Committee, for review.
Unanimous in favor.

Review and vote to approve Selectmen's meeting minutes: February 5, 2007; February 26, 2007 & March 26, 2007

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

VOTED: To approve the Selectmen's meeting minutes of February 5, 2007, February 26, 2007 and March 26, 2007 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Chair Yeatts read a letter from Constable Danielle Elliot requesting reappointment. Ms. Craig noted that her bond is current.

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

VOTED: To reappoint Danielle Elliot as Constable with a term through to May 15, 2008.
Unanimous in favor.

Chair Yeatts stated that she would like to speak about the Town's Insurance Policy. It is possible that the Town can save money and get additional benefits through another insurance company. Martha Weeks-Green has spoken to people in other Towns with other people and there is another company who would like to give a quote to the Town. If this is a better arrangement then the Town can change its Insurance Agent. Discussion then took place regarding the positives and negatives of the present insurance agent and changing to another insurance agent for the Town. It was the consensus of the Board of Selectmen to allow another Insurance Company to provide information as to what they could make available to the Town or to attend a meeting of the Board, once Town Meeting is over, to discuss what they could offer the Town and to determine if this would be more beneficial for the Town.

Ms. Garbitt stated that she had asked the Board of Assessors to try and schedule a meeting on the Supplemental Assessment and New Growth. They agreed and this meeting may take place on June 6th at 4:00 PM. It is likely that the Finance Committee would also attend the meeting to listen to the discussion. The meeting would be held at the Town Office Building since the Assessors do not have a large conference room to hold everyone that may be attending. Selectman Maksy mentioned the fact that 4:00 PM was a difficult time for him to meet and this may also be true for the public who may also want to attend. If possible, in the future if meetings could be held at a later time it would be appreciated. Ms. Garbitt stated that she would ask if the meeting could be held at a later time.

It was mentioned that a meeting regarding 212 Kenneth Welch Drive was held on May 10th. A full maintenance plan for the detention pond to be maintained, a full barrier/buffer like arborvitae or other appropriate shrub was requested.

Other Items

1. Thank you note from Jackie Benson
Chair Yeatts stated that Jackie Benson had sent a thank you for the use of the Town House in order that a fundraiser could be held to raise money for a family with a daughter with cancer.
2. Letter from Outback Engineering regarding Notice of Intent
3. Letter from Town Counsel regarding P. A. Landers, Inc.
Selectman Evirs asked if the Superintendent of Streets could be made aware of the letter from Town Counsel regarding P. A. Landers and review it. Ms. Garbitt stated that she has asked the Town Accountant to look into the matter. The company did the Bourne Street Bridge, however, that was under State Bid. The matter goes back until 1995.
4. Plymouth County Commissioners Agenda-May 15, 2007
5. Plymouth County Cooperative Calendar-May and June 2007
6. Notice from TEC Associates-2007 Vegetation Control Program
7. Letter from Divisions of Occupational Safety regarding trench safety
8. MMA Action Bulletin
9. Letter from Southeast Homeland Security Regional Advisory Council
10. Letter from Verizon regarding cable legislation & article regarding City of Taunton opposition
11. DOR Bulletin-New Officials Forum
12. MMA letter regarding training for new Selectmen
13. Newsletter from MBTA
14. Information from GATRA Advisory Board meeting-May 2, 2007
15. Mass Wildlife Newsletter

Chairman Yeatts asked if Selectman Maksy might be around for Memorial Day since she has been the spokeswoman at the ceremonies for the past two (2) years. The ceremony will again be held in front of the Town Office Building at 10:00 AM. Selectman Maksy responded that that should not be a problem, and he would like to do it. Selectman Evirs offered to be the spokesman for next year.

At 8:55 PM, upon a motion made by Selectman Evirs; seconded by Selectman Maksy it was:

VOTED: To enter into Executive Session and not return to Open Session for the purpose of discussing the Collective Bargaining Agreement with the Fire Department and possible litigation. Polled vote: Selectman Evirs, aye, Selectman Maksy, aye, and Selectman Yeatts, aye.