

**SELECTMEN'S MEETING**  
**Monday, June 4, 2007**

On June 4, 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 7:00 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant, Christine Weston, Recording Secretary and members of the Lakeville Local School Committee and Lakeville Finance Committee.

The Lakeville Local School Committee called themselves into session since a majority of the committee was present. The Lakeville Finance Committee called themselves to order at this time.

**7:00 PM Warrant review-Town Meeting June 11, 2007**

**Special Town Meeting Warrant Review**

Chair Yeatts read the opening of the Warrant and the Special Town Meeting Warrant Articles into the record.

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.

The Finance Committee stated that they approved Article 1.

**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.

The Finance Committee stated that they approved Article 2.

**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

The Finance Committee stated that they approved Article 3.

**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

A motion made by Mr. Mansfield of the Finance Committee to reduce the amount in Article 4 to \$150,000 as recommended by the Chair of the Board of Selectmen, this motion was seconded by Mr. Hanlon for discussion.

Discussion took place as to whether to split the article for the Special Town Meeting Warrant.

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

VOTED: To present Article 4 of the Special Town Meeting Warrant to Town Counsel for recommendation whether to split Article 4 or leave as is.  
Unanimous in favor

#### Annual Town Meeting Warrant Articles

Chair Yeatts read the opening of the Annual Town Meeting Warrant and began reading the Warrant Articles into the record:

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.

The Finance Committee stated that they approved Article 1.

**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.

The Finance Committee approved Article 2 per each individual/departments budget.

**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.

The Finance Committee was in approval of Article 3.

**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.

The Finance Committee was in approval of Article 4.

**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

Upon a motion made by Mr. Velez; seconded by Mr. Hanlon it was:

VOTED: To approve Article 5 with the following amount \$673,066.00.  
Unanimous in favor.

**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

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

VOTED: To table Article 6 for final review prior to the Town Meeting.  
Unanimous in favor.

**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

The Finance Committee was in approval of Article 7.

**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

The Finance Committee was in approval of Article 8.

**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

The Town Administrator explained that the amount for the article was reduced to will actually be \$30,000. The Finance Committee was in approval of Article 9.

**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

Upon a motion made by Mr. Velez; seconded by Mr. Hill it was:

**VOTED:** To revisit Article 10 and to add the \$110,000 for the Ambulance and to defer several items, not to invalidate their need, but due to the current fiscal affairs of the Town, they will stay on the Capital Plan but be deferred at this time and possibly be revisited at the Fall Town Meeting.  
Unanimous in favor.

**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

The Finance Committee was in approval of Article 11.

**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

The Finance Committee was in approval of Article 12.

**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.

Ms. Garbitt explained that Article 13 will be indefinitely postponed since the Town Moderator cannot withdraw an article that is already on the warrant.

**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.

The Finance Committee approved \$50,000 to be transferred from the Reserve Fund for Article 14.

**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

The Finance Committee was in approval of Article 15.

**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

The Finance Committee does not approve of Article 16 since the Chair of the Board of Selectmen explained that this article is not being recommended at this time.

**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

No opinion was given by the Finance Committee on Article 17.

**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

No opinion was given by the Finance Committee on Article 18.

**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

No opinion was given by the Finance Committee on Article 19.

**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:

	<b>R</b>	<b>B</b>	<b>I</b>	<b>I-B</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

No opinion was given by the Finance Committee on Article 20.

**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

No opinion was given by the Finance Committee on Article 21.

**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

The Finance Committee was in approval of Article 22 for additional commercial properties.

At this time Article 6 of the Annual Town Meeting warrant was revisited for discussion. Lorraine Carboni, Regional School Committee member, entered the meeting. She had just attended the Freetown Town Meeting. Ms. Carboni explained that Freetown had voted an additional \$25,000 toward the Regional budget, thus Lakeville's share would be an additional \$31,395.00. Ms. Garbitt and the Selectmen then went over the reductions that they would have to make in order to fund the additional \$31,395: Selectmen (\$5,000), Assessors (\$1,500), Legal (\$10,000), Town Office/Fire Station (\$2,000), Gas Inspector (\$2,000), COA (\$2,000), Library (\$3,500), Health Insurance (\$4,395), totaling \$26,895.00 in reductions. It was noted that another

\$4,500 still needs to be reduced from the budget. A reduction of \$1,000 was taken from the Town Accountant's budget, of which \$3,000 had already been taken previously. The remaining \$3,000 was taken from the Library's budget.

Martha Weeks Green, Chair of the Finance Committee, stated that the Finance Committee is vehemently against the Region depleting their one account which has the ability to collect interest, and if it is depleted fully, then what would they do the following year when it needed funds. There will be consequences to deal with by doing this. What the Region intends to do needs to be explained at the Town Meeting to the community. There is no plan in place for FY09; there will be another budget shortfall. The Finance Committee noted that they were very unhappy about how the budget process went along this year with the School Department. Ms. Carboni explained that the Superintendent did speak on the rational behind using the funds since it was a one time opportunity to use the money. It had not been a unanimous decision by the Regional School Committee to utilize the funds all at once. It had been clarified that this would offset the operational budget and not be used for capital. A letter had been received by the Region's auditing firm that the funds can be used at the discretion of the Regional School Committee. Philip Oliviera stated that he was very concerned about the money being taken out, without being certified and more cuts will still have to be made. The money should be used as it was designated to be used.

Ms. Garbitt expressed her concerns with the budget. There is only a week before Town Meeting and a final budget has not been printed. The matter has been debated for several months, the information continues to change. The debt schedule was not received until asked for. It is not a very good place for the Town to be at this time, and the Regional School Committee needs to be aware of this. Ms. Weeks-Green stated that several joint meetings have taken place where the Finance Committee and the Board of Selectmen have joined with the School Committee(s), yet that has not helped this year.

Selectman Evirs recommended cutting \$2,000 from the MG&E Street Lighting account as suggested by Selectman Maksy. Cindy McRae, Town Accountant, explained that the Chapter 90 funds are based on what the Town appropriates for Street Lighting, etc. Selectman Evirs then suggested to cut \$2,500 from the Conservation Commission's budget since they should start generating fees to fund the Agent and they can generate more money. Chair Yeatts explained that the Conservation Bylaw did not pass at Town Meeting, which would have allowed them to generate fees and \$5,000 was already cut which allow them to just squeak by as it is. The budget will work if \$3,500 is reduced from the Library budget and \$1,000 is reduced from the Town Accountant's budget.

Upon a motion made by Mr. Hanlon; seconded by Mr. Hill it was:

VOTED: That the Finance Committee approve Budget Plan B.  
Unanimous in favor.

Ms. Garbitt summarized the cuts: \$5,000 from Selectmen, \$1,000 from Town Accountant, \$1,500 from Assessors, \$10,000 from Legal, Town Office/Fire Station another \$2,000, Gas Inspector \$2,000, COA \$2,000, Employee Group benefits \$4,395. Ms. Garbitt stated that in

order for the budget to work \$400,000 had to be used from the Stabilization Account. Mr. Mansfield added that the budget is very tight, and there is no place else to go. If FY09 was not going to be tight, it certainly will be now.

Ms. Carboni stated that it needs to be understood what the \$217,000 not being covered for the Local School Budget means. Laurie Hunter, Assawompset School Principal, explained that there will be another meeting of the Local School Committee on Wednesday evening. There are still the utility costs, fuel costs, electricity costs and they are all adding up. The budget lines have all been trimmed to the bare bones. Supplies have been cut way back to just the basics. There is still the need for a Special Needs Aid and that will not go away. Then there are the contractual raises. It is not known what the recommendations of the School Committee will be. There will end up being people involved somewhere. It needs to go on record that the \$4,955 figure is very close and not doable. Ms. Garbitt stated that the contractual figure that was provided to the Town was different. Ms. Hunter explained that that figure was corrected back in April.

Ms. Garbitt said that the number of retirees has changed with the Local and the Region. Three (3) different amounts have been received. The contractual steps and raises that were provided by the Central Office has been different on three (3) separate occasions. The Town calculates that the School Department would need \$101,000 for retirees, but the School Department is saying \$196,000. Ms. Weeks-Green stated that it needs to be the job of the School Committee to make sure that the Town has the correct numbers so that the Town is not in the position it is in at this time. It is understood that the budgets are done early and the School Department is provided the paperwork in order that they can submit their budgets as well. They do not operate in a vacuum. The Central Office answers to the School Committee, and this cannot happen next year. Ms. Carboni responded that the School Committee accepts the challenges and will do its part. The School Committee wants to work more collaboratively together with the Town.

Chair Yeatts stated that an entirely new way to handle this needs to take place for next year. The various Boards/Committees need to attend each others meetings. Mr. Oliveira stated that there has been a lot of communication on the table, but what is really on the table is the education of the children as mentioned by Ms. Hunter. There are a lot of real needs at the Assawompset School, and this is on the local side. This needs to be made to work by Monday night since after the Town Meeting there is no way to get more money for the School. The Region is its own entity, and the Town has to match Freetown. There are also numbers that will change in the Special Needs area for one. Selectman Maksy stated that it would be nice to see an FY09 maintenance budget from the School Department as soon as it can be made ready. The budget has changed a lot since the Selectmen first saw it. Also a definition of the word "maintain" needs to be established.

Selectman Evirs stated that the \$196,000 increase has been on the table for some time and has not changed. \$42,000 was taken out for computers and copy machines and other minor changes. \$10,000 was absorbed for unemployment that came from the Local School that they could not fund so the Town did. The Town and the School Department have to work together. No one is arguing that the children are not important to the Town.

Chair Yeatts explained that hours and hours have been spent on the budget and everyone has been cut to the bare bones. If the bottom line does not change, it is not known where you are going to take any more money out. Mr. Oliveira stated that this is the first time that the School budget has gone down by hundreds of thousands of dollars. These are tough times, and the School Department is not talking about hiring anyone. They are maintaining what they have. Chair Yeatts stated that it needs to be clarified by what “new hires” means with the School Department. Ms. Garbitt explained that in tough times, even though the Police and Fire Departments needed personnel, the Town still approved funds for the School Department. The total number of employees has not increased for the Town, and two (2) positions have not been filled that have been vacated.

Selectman Evirs stated that the two (2) biggest fixed cost items, outside of salaries, are the health insurance premiums of \$344,000 and \$100,000 for the pension fund. That is almost \$500,000 right there that the Town has no control over. The Town cannot tell employees they cannot have medical insurance. Ms. Garbitt noted that there is also the Special Education costs. Chair Weeks-Green stated that the Health Insurance is a staggering raise. There is no question that the Intermediate School and the Elementary School is underfunded. However, the pie is getting smaller and smaller and there is no way to eek it out by what the Town has. Revenue is a topic that will need to be discussed during another meeting.

Upon a motion made by Mr. Hanlon; seconded by Mr. Hill it was:

VOTED: To adjourn the Finance Committee at 9:13 PM.  
Unanimous in favor.

Upon a motion made by Ms. Shea; seconded by Ms. Carboni it was:

VOTED: To adjourn the Local School Committee at 9:14 PM.  
Unanimous in favor.

### **8:00 PM Meet with Ken Motta-Residences at Lakeville Station**

*Ken Motta, Senior Project Manager with Field Engineering, was present on behalf of Oxford Development.* Mr. Motta stated that he was advised by the Building Commissioner that he needs to file for an earth removal permit, though it is incidental to the project itself. This application will be filed with all the appropriate documents. While the Earth Removal Bylaw is pretty clear for a conventional earth removal project, when it gets to the incidentals of a project though there is language there that is not clear. Oxford Development has awarded the construction contract to P.A. Landers and they have done a detailed analysis of what they will take off. It is all based on their computer programs. A Geotechnical report was done by Briggs and within the bulk of the report is a series of borings that were done. Those borings indicate that there is good ordinary fill there at the site, and a general consensus is that a lot of the material can be used onsite. The residual, 18,444 cubic yards, which will have to be moved off site is top soil and sub soil that will not be used for slope dressings or final site stabilizations. It is now being asked that the Board consider a waiver of the \$.15 per cubic yard fee requirement. Mr. Motta then discussed the administrative fee, which is \$200 for every acre worked. There are



13 ½ acres on this site. The residuals have little or no resale value, particularly the sub soil, which cannot be processed with anything and the unscreened loam. The developer would have to pay for all the material to be trucked off, then it is not worth the effort to do the screening. It is the residual material which will not be designated for reuse on the site and has little or no resale value. This amount could be \$18,000 or even half of that, but the actual amount will not be known until it is actually quantified. Ms. Garbitt stated that the Administrative Fee would be \$2,600.

Selectman Maksy stated that he found it hard to believe that there is little or no resale value on the residual. Chair Yeatts stated that the Town has other projects and if it begins waiving the fee for this project, they will be looking to have their fees waived as well. Mr. Motta asked how this scenario looks with National Development? Selectman Maksy responded that the Board did an “up to” amount. Chair Yeatts stated that the Town would also want the documentation on the residual.

Selectman Maksy stated that the Park Department is looking for materials at Ted Williams Camp for field development. Mr. Motta stated that his company would be more than willing to speak with the Town on this. The loam has not been earmarked for anything else. Chair Yeatts added that if the loam stayed in the Town, possibly a transfer could be done. Ms. Garbitt noted that the road is incidental to the development, so they do not have to pay for the removal of materials associated with the road. Chair Yeatts stated that the total amount is \$2,772.60 for the earth materials, plus the Administration Fee. Selectman Maksy asked if any screening would be done on site? Mr. Motta responded that discussion had taken place on what would be used for loam and that is very little with the density of the project. Selectman Evirs reminded Selectman Maksy that this is in the Industrial Park, not a residential area. Ms. Garbitt mentioned that there is a neighborhood near the State Crime Lab. Selectman Maksy stated that the Board might want to address where the screening is done on the site. The Planning Board needs to review this since there are now three (3) of these types of matters in front of the Board.

Mr. Motta stated that the Town needs to establish thresholds and exemptions. He added that now that he understands what the Town requires, he will get the application and all the appropriate documents that go with it.

### **Request from Park Commission for one-day liquor licenses**

Selectman Evirs noted that the one day liquor license being requested by the Taunton Letter Carriers should begin at noon rather than 11 AM. Chair Yeatts stated that it is for the caterer to bring the liquor in and set it up. They will not serve until noon. Ms. Garbitt stated that the time can be approved this evening for noon and there is still time to change it back to 11 AM later.

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

VOTED: To approve the following one-day all alcohol liquor licenses for Ted Williams Camp:

Sinclair wedding - July 7, 2007, 4 PM to 10 PM

Taunton Letter Carriers - July 8, 2007, 12 PM to 6 PM

Surprise Retirement Party - July 14, 2007 12 PM to 6 PM

Bliss wedding - July 21, 2007, 12 PM to 12 AM

Morgan Advanced Ceramics Summer outing – August 12, 2007, 12 PM to 5 PM

Holm wedding – August 31, 2007 8 AM to 4:30 PM

Torrey Company Clam Bake – September 8, 2007, 10 AM to 8 PM

Middleborough High School Reunion Class of 62 – September 15, 2007 2 PM to 10 PM

Unanimous in favor.

### **Revisit trailer permit renewal-2 Montgomery Street**

Chair Yeatts updated the Board members on the trailer permit renewal request. The Building Commissioner felt that both permits should be renewed since progress is being made.

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

VOTED: To extend the trailer permit at 2 Montgomery Street for an additional five (5) months, since it had previously been extended for an additional month. (to November 8, 2007).

Unanimous in favor.

### **Request from Middleborough Gas & Electric for installation of underground conduit – off Fern Avenue**

Ms. Garbitt explained that the Electric Division Manager, William Taylor, came in and explained the plan in further detail this afternoon. An easement will be granted by Frank Will, and someone will be hired to do the work. When the rest of the Residences at LeBaron Hill is completed, the conduit will route another way since this is only temporary at this time. The Town is only granting the work to be done on the portion that is Town land. Mr. Will hired a separate contractor. Middleborough Gas & Electric is not doing the work for him. The Town has to grant an easement whenever work is conducted on Town Property.

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

VOTED: To approve the installation of electrical conduit by the Middleborough Gas & Electric Department off Fern Avenue.

Unanimous in favor.

### **Request from Verizon for installation of underground conduit – off Fern Avenue**

Ms. Craig explained that just the License Agreement with Verizon has to be signed since there will not be a public hearing on the Middleborough Gas & Electric section. Verizon has different paperwork than Middleborough Gas & Electric does.

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

VOTED: To approve the request from Verizon for the installation of underground conduit – off Fern Avenue.  
Unanimous in favor.

### **Vote to accept Robert Canessa's resignation from the Zoning Board of Appeals**

Chair Yeatts read the letter of resignation into the record. Mr. Canessa should be sent a letter of thanks from the Board and to acknowledge his many years of service on the Zoning Board of Appeals. Mr. Canessa is still a member of the Regional School Committee.

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

VOTED: To accept the resignation from Robert Canessa from the Zoning Board of Appeals, effective June 30, 2007.  
Unanimous in favor.

### **Request from Lakeville Garden Club to use Town House**

Chair Yeatts read a request from the Lakeville Garden Club to use the Town House for their annual plant sale.

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

VOTED: To approve the request of the Lakeville Garden Club to use the Town House for their annual plant sale on May 8<sup>th</sup>, 9<sup>th</sup>, & 10<sup>th</sup>, 2008.  
Unanimous in favor.

### **Request to hold car wash at Town Office Building-Cheernastics**

Chair Yeatts read a request from Cheernastics to hold a car wash at the Town Office Building for fundraising purposes. Discussion occurred regarding the fact that this is not a non-profit group.

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

VOTED: To deny the request by the Cheernastics to hold a carwash at the Town Office Building.  
Unanimous in favor.

### **Review Zoning Board of Appeals petition: Bell Atlantic**

Selectman Maksy recused himself from discussing or voting on the Bell Atlantic petition. Chair Yeatts read that the petitioner is looking to add antennas to the existing cell tower location.

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

VOTED: To recommend approval to the Zoning Board of Appeals to add antennas to the existing cell tower.  
Unanimous in favor.

### **Review and sign Tri-party agreement with Cedar Pond Realty LLC and Banknorth NA**

Ms. Garbitt explained that Town Counsel said the agreement was acceptable and that the Town has to sign it. This is an extension of the agreement. Nothing has changed in the agreement with the exception of the dates. The Building Commissioner has also reviewed it as Planning Board Chair and does not see any difficulties with it.

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

VOTED: To sign the Tri-party agreement with Cedar Pond Realty LLC and Banknorth NA.  
Unanimous in favor.

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

Ms. Garbitt stated that the Fraternal Order of Eagles has filed an application to change Managers. Ms. Craig stated that it will take some time for the CORI check to process as they are backlogged, so their approval could be made conditional upon acceptable response of the CORI.

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

VOTED: To approve the Fraternal Order of Eagles manager change with the condition that the CORI check for the approved manager, Joyce Carlson, comes back acceptable.  
Unanimous in favor.

### **Other Items**

1. Letter from Planning Board regarding Walgreens

Ms. Garbitt stated that Walgreens has planted trees and installed a chain link fence. Chair Yeatts read the letter sent to the Board from the Planning Board on the matter. Selectman Maksy stated that he had been assured that there was going to be a significant amount of land untouched, and there has been a lot cut down. The minutes of this need to be looked into. It was a no touch zone, no cut zone, and it seems like they did not abide by this and then planted some trees to cover up what they did. Ms. Garbitt said that it

was specific that there would be an acoustical and visual buffer screen. What has been done is not what the Planning Board agreed to. Representatives of Walgreens are attending a meeting with the Planning Board this evening to discuss the issue.

2. Notice from Superintendent of Schools regarding warrant review
3. Reorganization memo-Cemetery Commission
4. Letter from Board of Health regarding 17 Twin Oaks Road
5. Letter from CEA regarding 79 Main Street
6. Memo from Town Counsel regarding Massachusetts Independent Contractor Law
7. Plymouth County Commissioners agenda-May 29, 2007
8. Notice from CSX Transportation regarding herbicide application
9. Notice from Coalition for Zoning Reform regarding CPA-2 hearing
10. Notice regarding Verizon legislation hearing
11. Notice from Keep It Local regarding Verizon hearing
12. Notice from Verizon regarding Verizon legislation
13. Letter from Covanta SEMASS regarding progress on fire recovery
14. Cranberry Country Chamber of Commerce Perspective Newsletter

Selectman Evirs stated that he would like to make sure it is understood what happens with the money raised from the Golf Tournament. He stated that he was Chair of the Tournament for five (5) years. The money is used towards scholarships for the member towns of the Chamber. Quite often in past years Lakeville has been a recipient of the scholarship, however, they were not this year.

15. Old Colony Regional Vocational newsletter
16. Notice from Executive Office of Public Safety regarding NIMS Compliance
17. Draft Environmental Notification Form-Route 79 Relocation
18. Letter from Town of Walpole regarding Unfriendly 40B's

Selectman Evirs stated that the Board should look further into the aspects of the letter from the Town of Walpole regarding Unfriendly 40B's and discuss it again at the next meeting. Ms. Garbitt stated that she would add it to the June 25<sup>th</sup> agenda.

Selectman Maksy stated that he received a letter from a concerned citizen about the Casino matter and why wasn't the Town of Lakeville doing anything about it. The Town of Bridgewater is trying to get money from the community that is being affected. The community needs to know that the Town is keeping an eye on this matter. Ms. Garbitt stated that she has asked the Town's Legislators to set up a meeting for the Regional Communities on the matter. Chair Yeatts stated that Representative Steve Canessa is also looking into this. Selectman Evirs stated that it is difficult supporting something when the impact is not known, and the Town will not be sharing the revenues.

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

VOTED: To enter into Executive Session at 10:05 PM for the purpose of discussing pending litigation and possible litigation and not to return to Open Session.  
Polled vote: Selectman Maksy – aye, Selectman Evirs – aye, Selectman Yeatts – aye.