

COMMONWEALTH OF MASSACHUSETTS

Town of Lakeville

Annual Town Meeting

Monday, May 8, 2023

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 REGIONAL HIGH SCHOOL AUDITORIUM
100 HOWLAND ROAD, LAKEVILLE, MA**

On Monday, May 8, 2023 at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to determine the salaries of all elected officers and to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to defray Town expenses for the fiscal period July 1, 2023 to June 30, 2024 inclusive, said sums to be allocated in accordance with the budget document to be presented at Town Meeting, and to make appropriation, or take any other action relative thereto.

Proposed by Select Board

ARTICLE 2: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to operate the Park Department for the fiscal period July 1, 2023 to June 30, 2024, inclusive, and to make appropriation, or take any other action relative thereto.

Proposed by Select Board

ARTICLE 3: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to operate the Landfill/Transfer Station for the fiscal period July 1, 2023 to June 30, 2024, inclusive, and to make appropriation, or take any other action relative thereto.

Proposed by Select Board

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 for capital improvements and equipment and all costs incidental or related thereto, and to authorize Town Officials to take such action and execute all documents as may be necessary to effectuate the purposes of this vote, or take any action relative thereto.

Line	Department	Item	Amount	Funding Source
1	Facilities	Security Improvements (Town Buildings)	\$41,000.00	Overlay Surplus
2	Police	Cruiser replacements	120,000.00	Free Cash
3	Fire	Ladder Truck lease payment #1	175,000.00	Free Cash
4	Public Works	Roadway Improvements	375,000.00	Free Cash
5	Public Works	Replace Sander and related Body Work	35,045.00	Free Cash
6	Public Works	Storage Shed w/staging and electrical	60,000.00	Free Cash
7	Public Works	4X4 Pickup Truck w/equipment	70,000.00	Free Cash
8	Parks	TWC Skatepark Improvements	25,000.00	Park Retained Earnings
		TOTAL	\$901,045.00	

Proposed by Select Board

ARTICLE 5: 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 adding to the Stabilization Fund pursuant to the provisions of M.G.L. Chapter 40, Section 5B, or take any action relative thereto.

Proposed by Select Board

ARTICLE 6: 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 adding to the Other Post Employment Benefits Trust (OPEB), or take any action relative thereto.

Proposed by Select Board

ARTICLE 7: To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2024, as shown below, with each item to be considered a separate appropriation:

<u>Appropriations:</u>	<u>Reserves:</u>
From FY2024 estimated revenues for Community Administrative Expenses	\$12,275
From FY2024 estimated revenues for Historic Resources Reserve	\$24,550
From FY2024 estimated revenues for Community Housing Reserve	\$24,550
From FY2024 estimated revenues for Open Space Reserve	\$24,550
From FY2024 estimated revenues for Budgeted Reserve	\$159,575

Or take any other action relative thereto.

Proposed by the Community Preservation Committee

ARTICLE 8: To see if the Town will vote to approve the \$500,000 indebtedness authorized by the Regional District School Committee of the Old Colony Regional Vocational-Technical High School District to pay costs of a feasibility study relating to the possible renovation and/or construction of the District High School, located at 476 North Avenue, Rochester, Massachusetts, including all costs incidental and related thereto, the total amount appropriated by the District for this purpose is \$1,000,000, which will be reduced to the extent of any grants received by the District from the Massachusetts School Building Authority; or take any action relative thereto.

Proposed by Old Colony Regional Vocational School District
Committee

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for purposes of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners for repayment of project and financing costs by such property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; and to meet with appropriation the Treasurer, with the approval of the Select Board is authorized to borrow such sum or sums of money under G.L. c. 44 or any other enabling authority, which amount may be borrowed through the Massachusetts Water Pollution Abatement Trust Community Septic Management Program offered through the Clean Water Trust, or otherwise, and further to authorize the Select Board to take any other action necessary to carry out this project; or take any action relative thereto.

Proposed by Board of Health

ARTICLE 10: To see if the Town will vote to charge for each written demand issued by the Tax Collector a fee of Twenty Dollars (\$20.00) to be added and collected as part of the tax, as authorized by MGL Chapter 60 Section 15, effective as of July 1, 2023, or take any action relative thereto.

Proposed by Treasurer/Collector

ARTICLE 11: To see if the Town will vote to amend Chapter II, Section 8 of the Town's general bylaws, Moderator, to increase the Moderator's term from one to three years as shown below, with additions in **bold** and deletions in ~~striketrough~~, said change to take effect for the 2024 Annual Town Election, or take any other action relative thereto.

MODERATOR

Section 8: The Moderator shall be elected at the Annual Town Meeting, on the official ballot, for a term of ~~one~~ **three** (3) years.

Proposed by Town Clerk

ARTICLE 12: To see if the Town shall accept the renumbering and revision of the various General Bylaws of the Town from their original numbering or their numbering in the General Bylaws, as amended through the November 14, 2022 Special Town Meeting, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Lakeville, dated March 2023, a copy of which is on file at the Office of the Town Clerk and on the Town's website <https://www.lakevillema.org/>; said codification having been done under the direction of the Select Board, and said Code being a compilation and comprehensive revision of the present general bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the commonwealth. These bylaws shall be referred to as the "General and Zoning Bylaws of the Town of Lakeville, Massachusetts;", or take any other action relative thereto.

Proposed by Town Clerk

ARTICLE 13: To see if the Town shall accept the renumbering and revision of the Zoning Bylaw of the Town from its original numbering, as amended through the November 14, 2022 Special Town Meeting, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning Bylaw as set forth in the Final Draft of

the Code of the Town of Lakeville, dated March 2023, a copy of which is on file at the Office of the Town Clerk and on the Town's website <https://www.lakevillema.org/>; said codification of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and comprehensive revision of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law. The Zoning Bylaw shall be codified as Chapter 270 of the "General and Zoning Bylaws of the Town of Lakeville, Massachusetts;" or take any other action relative thereto.

Proposed by Planning Board

ARTICLE 14: To see if the town will vote to authorize the Select Board to petition the General Court for special legislation to provide for recall of officials elected solely by the voters of Lakeville, and, further, to authorize the General Court to make changes of form only to such legislation unless approved by Select Board prior to enactment, and, further to authorize the Board to approve such changes as are within the public purposes of this petition or take any other action relative thereto. Subject to the above-stated rights of the General Court and the Select Board to make certain changes, the proposed special legislation shall include the following provisions relative to the recall of elected Town officials:

Recall of an Elected Official

A. RECALL DESCRIPTION

1. Any holder of an elected office in the Town of Lakeville may be recalled therefrom by registered voters of the Town as hereinafter provided.
2. The recall of an elected official will consist of a 3-step process.
3. An initial recall affidavit shall not be filed against an officer within 6 months after the officer takes office or within the last 6 months of the term.

B. INITIATION OF THE RECALL AFFADAVIT - (Step one) The Affidavit

1. Any 300 registered voters of the Town of Lakeville may initiate a recall petition by filing an affidavit with the Town Clerk.
2. The Select Board may appoint a Temporary/ Interim Town Clerk to handle the recall process and Election should the Town Clerk be the Elected official subjected to the recall.

C. THE PETITION - (Step two) The Petition

1. If the affidavit process has been completed in compliance with the requirements of Section B of this Chapter, the Town Clerk shall provide a sufficient number of copies of petition blanks demanding such recall (printed forms of which shall be kept on hand) to the voters who made the affidavit. The blanks shall be issued by the Town Clerk and bear the Clerk's signature and Official Seal; they shall be dated and addressed to the Select Board and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, and shall demand the election of a successor to such office.
2. Such blanks must be provided within five Town hall business days during regular business hours.
3. Said recall petition shall be returned and filed with the Town Clerk on the 28th day after the requesting voter receives the blank petitions from the Town Clerk.
4. In the event that the Town hall is not open on the 28th day, the petition may be filed during normal business hours on the next Town hall business day.
5. The petition, before being returned and filed, shall be signed by 1000 qualified voters of the Town. Every signature must be accompanied by the signer's place of residence, giving the street and number.
6. Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall verify the number of signatures which are names of registered voters of the town.

D. THE RECALL ELECTION - (Step three) The Recall Election

1. If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit it with the certificate to the Select Board. The Select Board shall forthwith give written notice to said official of the receipt of said certificate and, if the official sought to be removed does not resign within seven calendar days, shall order an election to be held on a day fixed by them not less than 45 days nor more than 60 days after the date of the Town Clerk's certificate that a sufficient petition is filed. However, if any other Town election is to occur within 90 days after the date of said certificate the Select Board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

2. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

3. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF THE
[NAME OF OFFICER] ()
AGAINST THE RECALL OF THE
[NAME OF OFFICER] ()

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a place to mark a vote.

E. DUTIES OF THE INCUMBENT

1. The incumbent shall continue to perform the duties of his/her office until the recall election.

2. If the official is not recalled, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall as before, as provided in this act.

F. VOTING RESULTS

1. If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted.

2. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office.

3. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

4. If the official is recalled in the recall election, he/she shall be deemed removed upon the election of his/her successor, who shall hold office during the unexpired term.

5. If the successor fails to take office within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

G. CANDIDATES TO SUCCEED THE ELECTED OFFICIAL

1. Any elected official sought to be recalled may not be a candidate to succeed himself/herself.
2. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

H. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL

1. Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within 2 years after such removal or such resignation.
2. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 1 year has elapsed after the election at which the previous recall was submitted to the voters of the town.

I. EFFECTIVE DATE

This act shall take effect upon its passage.

Petition Article

ARTICLE 15: To see if the Town will vote to amend the Zoning By-Law relative to Business Uses as follows:

Amend Section 4.1 "Table of Uses Regulations" Sub-Section 4.1.2 "Business Uses," to add new language as follows: Retail, office, or service business (minimum 1500 sq ft) with up to 7000 sq ft of associated storage and wholesale distribution. Per special permit by the Zoning Board of Appeals.

Petition Article

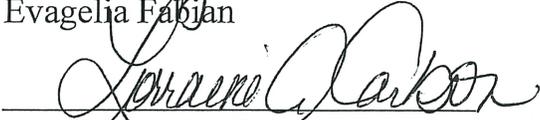
You are directed to serve this warrant by posting an attested copy hereof seven (7) days at least before the day appointed for the Annual Town Meeting at the following places: Town Office Building, Baldies Pizzeria, Fat Cousins, the Clark Shores Association Bulletin Board, Apponequet Regional High School, Lakeville Senior Center, and Assawompset Elementary School.

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

Given under our hands this 10th day of April, 2023.



Evagelia Fabian



Lorraine Carboni



Brian Day

A true copy, Attest:

Constable

Lakeville, MA April _____, 2023

LAKEVILLE SELECT BOARD