

ANNUAL TOWN MEETING

JUNE 4, 2018

Pursuant to the Warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Gordon Goodfellow called the meeting to order at **7:00 P.M.** at Apponequet Regional High School Auditorium when 100 registered voters had checked in. Same tellers from the Special Town Meeting were appointed and sworn to the faithful performance of their duties by the Town Clerk, Lillian M. Drane. They included Lorraine Carboni, David Goodfellow, Evagelia (Lia) Fabian and Leo Bisio.

Mr. Goodfellow set his usual “ground rules” including identifying oneself, using a microphone when you speak, and putting your motions in writing. In lieu of the Town’s By-Law, the volume “Town Meeting Time” will be used for parliamentary procedures. A motion was then made to allow non-residents, John Brady, Nature’s Remedy to speak or to be heard- so moved, seconded and passed unanimously. Then he entertained a motion to waive the reading of the warrant, seconded; unanimous. We then proceeded to Article 1.

Prior to taking up Article 1, Mr. Goodfellow explained that he would be reading totals only from the warrant booklet and if someone had a question within that department, they should put a “**hold**” on it and we would return to all questions at the end of the reading.

ARTICLE 1:

It was voted that the Town determine the salaries of all elected officers and to raise and appropriate \$27,370,280.00; transfer \$5,415.00 from the Massachusetts Water Pollution Abatement Trust; and transfer \$25,000.00 from the Sale of Land Proceeds (613 acres on Howland Road); \$200,000.00 from the Debt Service/Capital Projects Stabilization Fund; and \$70,425.00 from the Stabilization Fund for a total of \$27,671,120.00 to defray Town expenses for the fiscal period July 1, 2018 to June 30, 2019 inclusive, said sums to be allocated in accordance with the handout entitled “Town of Lakeville-FY2019-Budget”.

ARTICLE 1- TOWN EXPENSES

100 GENERAL GOVERNMENT:

Line#

#1 Selectmen, Elected Officials-Compensation	\$ 13,995
#2 Selectmen, Personnel	\$ 305,766
#3 Selectmen, Expenses	\$ 57,500
#4 Finance Committee, Expenses	\$ 900
#5 Reserved Fund	\$ 200,00
#6 Accounting, Personnel	\$ 54,882
#7 Accounting, Expenses	\$ 85,000
#8 Assessors, Elected Officials- Compensation	\$ 5,000
#9 Assessors, Personnel	\$ 74,023
#10 Assessors, Expenses	\$ 104,200
#11 Treasurer- Collector, Elected Official Compensation	\$ 77,822
#12 Treasurer – Collector, Personnel	\$ 89,968
#13 Treasurer – Collector, Expenses	\$ 52,501
#14 Law Services, Expenses	\$ 45,000
#15 Personnel Board, Expenses	\$ 800
#16 Information Technology, Personnel	\$ 65,000

#17 Information Technology, Expenses	\$ 191,000
#18 Town Clerk, Elected Official- Compensation	\$ 68,793
#19 Town Clerk, Personnel	\$ 53,814
#20 Town Clerk, Expenses	\$ 6,350
#21 Elections, Expenses	\$ 22,400
#22 Registration, Expenses	\$ 13,700
#23 Conservation Commission, Personnel	\$ 37,550
#24 Conservation Commission, Expenses	\$ 3,100
#25 Planning Board, Expenses	\$ 150
#26 Appeals Board, Expenses	\$ 300
#27 Historic Town House, Expenses	\$ 4,500
#28 Town Office & Fire Station, Expenses	\$ 121,000
#29 Facilities Management, Personnel	\$ 71,406
#30 Facilities Management, Expenses	\$ 50,000
#31 Town Report, Expenses	\$ 600
#32 Cable TV Advisory Committee, Expenses	\$ 1,000
#33 Other General Government Expenses	\$ 6,002

TOTAL – GENERAL GOVERNMENT (100)	\$ 1,884,022
---	---------------------

200 PUBLIC SAFETY:

#34 Police, Personnel	\$ 1,793,385
#35 Police, Expenses	\$ 177,249
#36 Fire, Personnel	\$ 1,255,767
#37 Fire, Expenses	\$ 118,025
#38 Building Inspection, Personnel	\$ 238,849
#39 Building Inspection, Expenses	\$ 3,800
#40 Gas Inspector, Expenses	\$ 10,000
#41 Plumbing Inspector, Expenses	\$ 15,000
#42 Weights & Measures, Expenses	\$ 2,500
#43 Electrical Inspector, Expenses	\$ 27,000
#44 Animal Inspector, Expenses	\$ 6,300

#45 Health Inspector, Expenses	\$ 3,000
#46 Emergency Management, Expenses	\$ 5,100
#47 Animal Control, Personnel	\$ 88,714
#48 Animal Control, Expenses	\$ 20,000
TOTAL - PUBLIC SAFETY (200)	\$ 3,764,689
300 EDUCATION	
FREETOWN-LAKEVILLE REGIONAL SCHOOLS	
#49 Operating Assessment	\$13,205,412
#50 Transportation	\$ 484,201
#51 NonExcluded Debt	\$ 100,956
#52 Excluded Debt	\$ 338,203
Total-Freetown-Lakeville Regional School District	\$14,128,772
#53 OLD COLONY RVTHS ASSESSMENT	\$ 1,831,665
#54 BRISTOL AGRICULTURAL TUITION	\$ 353,009
TOTAL - EDUCATION (300)	\$16,313,446
400 PUBLICS WORKS:	
#55 Highway, Personnel	\$ 554,653
#56 Highway, Expenses	\$ 216,200
#57 Snow & Ice, Personnel	\$ 17,015
#58 Snow & Ice, Expenses	\$ 37,925
#59 Street Lighting, Expenses	\$ 23,500
#60 Cemetery Services Expenses	\$ 13,000
TOTAL – PUBLIC WORKS (400)	\$ 862,293
500 HEALTH & HUMAN SERVICES	
#61 Board of Health Elected Officials Compensation	\$ 5,000
#62 Board of Health, Personnel	\$ 93,619
#63 Board of Health, Expenses	\$ 10,550
#64 BOH/Visiting Nurse, Expenses	\$ 4,000
#65 Council on Aging, Personnel	\$ 148,320
#66 Council on Aging, Expenses	\$ 28,300
#67 Veterans Services, Personnel	\$ 16,647

#68 Veterans Services, Expenses	\$ 178,990
TOTAL - HUMAN SERVICES (500)	\$ 485,426
600 CULTURE & RECREATION:	
#69 Library, Personnel	\$ 254,173
#70 Library, Expenses	\$ 107,050
#71 Total- Historic Library	\$ 4,000
#72 Total- Historical Commission	\$ 500
TOTAL - CULTURE & RECREATION (600)	\$ 365,723
700 DEBT SERVICE:	
#73 TOTAL - DEBT SERVICE (700)	\$ 559,035
800- INTERGOVERNMENTAL	
#74 Plymouth County Ext CO-OP	\$ 500
#75 Regional Planning Assessment	\$ 1,939
TOTAL -INTERGOVERNMENTAL- (800)	\$ 2,439
900 EMPLOYEE BENEFITS & INSURANCE	
#76 Plymouth County Commissioners Assessment	\$ 1,007,318
#77 Unemployment Expense	\$ 1,000
#78 Total - Group Insurance HOLD	\$ 2,220,729
#79 Total - General Insurance	\$ 205,000
TOTAL – EMPLOYEE BENEFITS & INSURANCE (900)	\$ 3,434,047
ARTICLE 1- GRAND TOTAL, GENERAL FUND BUDGETS (100-900)	\$27,671,120

Summary	
\$ 27,370,280	Taxation
\$ 25,000	Free Cash
\$ 5,415	Howland Rd-Sale of Land
\$ 200,000	Septic Loan Program
\$ 70,425	Debt Service Stabilization
\$27,671,120	Stabilization Fund

Finance Committee-Approved

A “**HOLD**” was placed on the Employee Benefits & Insurance- TOTAL GROUP INSURANCE- **LINE #78- \$2,220,729. After much discussion and clarification from Board of Selectmen and Town Accountant on the Total Group Insurance line item, a vote was taken as follows:**

The motion carried by 2/3rds requirement (111 Yes to 1 No).

ARTICLE 2:

It was voted that the Town appropriate the sum of Three Hundred Thirty Thousand Dollars (\$330,000.00) for the **Park Department Enterprise Fund as follows:** Seventy Eight Thousand Two Hundred Fifty Dollars (\$78,250.00) to be raised from Park Department Retained Earnings and Two Hundred Fifty One Seven Hundred Fifty Dollars (\$251,750.00) from Estimated Park Department Receipts, said sums to be allocated between salaries and expenses of the Park Department for the fiscal period July 1, 2018 to June 30, 2019, inclusive, as indicated in the Finance Committee Report.

<u>ARTICLE 2- PARK ENTERPRISE FUND</u>	
Park Enterprise Personnel	\$138,482
Park Enterprise Expenses	<u>\$191,518</u>
TOTAL-PARK ENTERPRISE REVENUE	<u>(-\$330,000)</u>

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 3:

It was voted that the Town appropriate the sum of Three Hundred Seventy Five Thousand Seven Hundred Dollars (\$375,700.00) for the **Landfill Enterprise as follows:** One Hundred Five Thousand (\$105,000.00) to be raised by taxation and Two Hundred Seventy Thousand Seven Hundred Dollars (\$270,700.00) to be raised from Estimated Landfill Receipts, said sums to be allocated between the salaries and expenses of the Landfill for the fiscal period July 1, 2018 to June 30, 2019, inclusive, as indicated in the Finance Committee Report.

**ARTICLE 3- LANDFILL/TRANSFER STATION
ENTERPRISE FUND**

Landfill/Transfer Station, Personnel	\$183,199
Landfill/Transfer Station, Expenses	\$192,501
TOTAL-LANDFILL ENTERPRISE REVENUE	(-\$375,700)

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 4:

It was voted that the Town raise and appropriate the sum of Twenty Thousand Dollars (\$20,000.00) to cover the cost of **contractual obligations upon retirement of Town Employees.**

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 5:

It was voted that the Town appropriate the sum of **\$548,660.00** to pay costs of **capital improvements**, and all costs incidental and related thereto, as follows:

<u>Police Department</u>	
Two (2) New Police Cruisers w/equipment (less trade-ins)	\$ 83,500.00
<u>Fire Department</u>	
18 Self-Contained Breathing Apparatus(Air Packs)	\$155,160.00
Turn-Out Gear and One (1) Lucas Chest Compression System	\$ 25,000.00
<u>Highway Department</u>	
Three (3) used Cabs and Chassis and Two (2) Used Sanders w/equipment	\$160,000.00
One (1) new 34 Ton Oil Jacketed Diesel Fired Premix Heater and Trailer w/ equipment	\$ 50,000.00
<u>Miscellaneous</u>	
Crack Sealing, Sealcoating and Line Painting the Parking Lot at Senior Center	\$ 10,000.00

One (1) New Generator for Senior Center	\$ 50,000.00
Equipment Replacements for Information Technology Department	<u>\$ 15,000.00</u>
TOTAL	\$548,660.00

and that to meet this appropriation (i) \$205,160.00 shall be transferred from the Sale of Land Proceeds (Howland Road) and (ii) \$343,500.00 shall be transferred from the Debt Service/Capital Projects Stabilization Fund; and to authorize the Board of Selectmen and other appropriate Town Officials to take such action as may be necessary to effectuate the purpose of this vote.

Finance Committee-Approved

The motion carried by 2/3rds requirement (116 Yes to 0 No).

ARTICLE 6:

It was voted that the Town transfer the sum of Thirty Three Thousand Five Hundred Fourteen Dollars (\$33,514.00) from the Debt Service/Capital Projects Stabilization Fund Lakeville's share to purchase and equip a new Dump Truck and Plow for the **School Department**.

Finance Committee-Approved

The motion carried by 2/3rds requirement, PASSED unanimous.

ARTICLE 7:

It was voted that the Town transfer and appropriate from the Septic Loan Program the sum of Nine Thousand Nine Hundred Forty Five Dollars (\$9,945.00) 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 M.G.L.; 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.

Finance Committee-Approved

The motion PASSED by majority.

ARTICLE 8:

It was voted that the Town raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) for the **Middleborough-Lakeville Herring Fishery Commission** for pilot projects to protect the passage of river herring to include an Ecoharvester-pilot demonstration, a benthic mat test, or other mechanical, chemical or biological intervention.

Finance Committee-Approved

The motion PASSED unanimously.

Planning Board member, Sylvester Zienkiewicz gave a Planning Board report on Articles 9-12 as presented in the warrant.

Articles 9-11 brought the largest interest, concerns and point of orders from the floor regarding Adult Use Marijuana Retailer/Establishment and Dispensaries in town. Marijuana Developer John Brady from Nature's Remedy gave a lengthy study regarding developing a 50,000-square-foot grow facility and dispensary in town and its revenue and opportunity for employment-Lakeville will be given first preference for jobs. Also referenced a National Highway Safety Institute study showing no increase in driving fatalities in places where recreational marijuana was legal.

After a lengthy discussion from the floor a motion was made to "postpone this matter indefinitely," it was seconded and the motion **FAILED** by 29 Yes to 83 No.

Then a motion was made to "call the question", it was seconded and after a lengthy discussion, the motion **FAILED** by 63 Yes to 45 No-2/3rds requirement (*need 72 to pass*). With no further discussions from the floor, we then proceeded to Article 9.

ARTICLE 9:

It was voted that the Town **amend** the **Zoning By-Law** to allow Adult Use Marijuana Retailers within the Industrial Zoning District by amending Zoning By-Law **Section 2.0 Definitions** and **Section 4.1.3 Table of Use Regulations** as set forth below:

Amend **Section 2.0 Definitions** to insert the following new definition:

Adult Use Marijuana Retailer: an entity licensed to purchase and transport cannabis or marijuana product from an Adult Use Marijuana Establishment and to sell or otherwise transfer this product to Adult Use Marijuana Establishments and to consumers.

Amend the **Table of Use Regulations, Section 4.1.3** to insert “Adult Use Marijuana Retailers” as a use allowed by Special Permit in the Industrial Zoning District as follows:

4.1.3 Industrial Uses	R	B	I	I-B
Adult Use Marijuana Retailers	N	N	SP	N

Finance Committee-Approved

Planning Board-Do not recommend

The motion carried by 2/3rds requirement (75 Yes to 27 No).

ARTICLE 10:

It was voted that the Town **amend** the **Zoning By-Law** to allow Adult Use Marijuana Establishments, with the exception of Marijuana Retailers, in the Industrial Zoning District by amending Zoning By-Law **Section 2.0 Definitions** and **Section 4.1.3 Table of Use Regulation**, as set forth below.

Amend the Zoning By-Law, **Section 2.0 Definitions** to insert the following new definition:

Adult Use Marijuana Establishment: a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-

related business, as such uses are or may be defined in 935 CMR 500.02. For purposes of this By-Law, Adult Use Marijuana Establishment shall not include a Marijuana Retailer or a Registered Marijuana Dispensary.

Amend the **Table of Use Regulations, Section 4.1.3** to insert “Adult Use Marijuana Establishment (not including Marijuana Retailers)” as a use allowed by Special Permit in the Industrial Zoning District as follows:

4.1.3 Industrial Uses	R	B	I	I-B
Adult-Use Marijuana Establishment (not including Marijuana Retailers)	N	N	SP	N

Finance Committee-Approved

Planning Board- Approved

The motion carried by 2/3rds requirement (68 Yes to 15 No).

ARTICLE 11:

It was voted that the Town **Amend Section 7.4.6 Specific Uses by Special Permit** by inserting the following language immediately following the Section regulating “**Adult Bookstore/Adult Motion Picture Theater**”:

Adult Use Marijuana Establishments and Marijuana Retailers

SPGA – Planning Board; Industrial District

- A. Adult Use Marijuana Establishments and Marijuana Retailers shall require a Special Permit and Site Plan Approval from the Planning Board.
- B. Adult Use Marijuana Establishment and Marijuana Retailers shall not be located within 500 feet of a public or private school providing education in kindergarten or grades 1 through 12. The distance under this Section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or Marijuana Retailer is or will be located.

- C. Cultivation and Manufacturing Establishments shall be separated from adjacent uses by a 50-foot buffer strip, unless the Applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.
- D. Adult Use Marijuana Establishments and Marijuana Retailers shall be located only in a permanent building and not within any mobile facility, with the exception of the transporting of marijuana and marijuana products under a Marijuana Transporter license.
- E. The Application for an Adult Use Marijuana Establishment or Marijuana Retailer Special Permit shall include the following:
 - 1. A detailed floor plan of the proposed Adult Use Marijuana Establishment or Marijuana Retailer that identifies the square footage available and describes the functional areas of the facility;
 - 2. Detailed Site Plans that include the following information:
 - a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this By-Law;
 - b. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress to and from the site;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 - d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises;
 - e. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.

- f. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - g. Adequacy of water supply, surface and subsurface drainage and light.
 - 3. A copy of the Written Operating Procedures as required by 935.500.105, which shall include, at a minimum, the following:
 - a. Security measures in compliance with 935 CMR 500.110, to the extent such information may be made publicly available;
 - b. Employee security policies;
 - c. Proposed hours of operation and after-hours contact information;
 - d. Proposal for storage of marijuana;
 - e. Emergency procedures, including a disaster plan in case of fire or other emergencies;
 - f. Policies and procedures for preventing the diversion of marijuana to individuals younger than 21 years old;
 - g. Policies and procedures for energy efficiency and conservation in accordance with 935 CMR 500.105, and a plan for implementation of such policies;
 - 4. A copy of proposed waste disposal procedures; and
 - 5. A copy of the provisional license issued by the Cannabis Control Commission, and any additional materials submitted to the Cannabis Control Commission by the Applicant for purposes of obtaining a provisional license.
- F. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality and odor control, and significant environmental resources, preserve the character of the surrounding area, and ensure the Adult Use Marijuana Establishment or Marijuana Retailer is operating under best management practices for energy use, waste disposal and

environmental impact. In addition to any specific conditions applicable to the Applicant's Adult Use Marijuana Establishment or Marijuana Retailer imposed by the Planning Board, the following conditions shall apply to any Special Permit granted under this By-Law, unless otherwise stated by the Planning Board:

1. The Planning Board may set the hours of operation, but if none are specifically specified in the special permit, hours of operation shall be limited to 8:00 AM – 6:00 PM.
2. The Adult Use Marijuana Establishment or Marijuana Retailer shall not generate outside odors from the cultivation, processing or manufacturing of marijuana or marijuana products.
3. The Security Plan and Emergency Procedures shall be approved by the Police Chief and Fire Chief prior to commencing operations. The Applicant shall be required to certify to Police Chief and Fire Chief on an annual basis that there are no changes to the Security Plan and Emergency Procedures for the Adult Use Marijuana Establishment or Marijuana Retailer.
4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
5. The Adult Use Marijuana Establishment or Marijuana Retailer may not operate, and the Special Permit will not take effect, until the Applicant has obtained all final license approvals from the Cannabis Control Commission.
6. Adult Use Marijuana Establishments or Marijuana Retailer may not operate, and the Special Permit will not be valid, unless the Applicant has entered into a Host Community Agreement with the Town relative to any Adult Use Marijuana Establishment or Marijuana Retailer permitted under this By-Law.
7. A Special Permit granted under this Section shall have a term limited to the duration of the Applicant's ownership

and use of the premises as an Adult Use Marijuana Establishment or Marijuana Retailer. A Special Permit may be transferred only with the approval of the Planning Board in the form of an amendment to the Special Permit.

8. The Special Permit shall lapse upon the expiration or termination of the Applicant's license by the Cannabis Control Commission.

- G. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the Adult Use Marijuana Establishment or Marijuana Retailer's expiration or termination of the permit holder's license with the Cannabis Control Commission.

Finance Committee-Approved

Planning Board- Approved

The motion carried by 2/3rds requirement (82 Yes to 1 No).

ARTICLE 12:

It was voted that the Town accept the provisions of **M.G.L. c.64N, §3** to impose excise local sales tax on the sale or transfer of marijuana or marijuana products by a Marijuana Retailer operating within the Town to anyone other than a **Marijuana Establishment at the rate of 3%** of the total sales price received by the Marijuana Retailer as consideration for the sale of marijuana or marijuana products.

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE13 (by Citizen Petition):

It was voted that the Town accept the provisions of M.G.L., **Chapter 41, Section 19K** which thereby provide additional compensation for up to a maximum of \$1,000.00 to a **Town Clerk** who completes the necessary training and received certification as a Massachusetts Municipal Clerk, and to provide said additional compensation for Fiscal Year 2019 in the

amount of \$1,000, which sum is included in the Town Clerk’s salary line item in the Town Budget as voted pursuant to Article 1 at this June 4, 2018 Annual Town Meeting.

Finance Committee-Approved

The motion PASSED unanimously

All business on the Warrant having been acted upon, a motion to dissolve came at 9:34 PM.

Check lists were used and 131 voters, including 11 Town Meeting Members were checked on the lists as being present as follows:

	P.1	P.2	P.3	Total
Voter Registration per Precinct as of 5/15/2018	2,423	2,564	2,709	7,696
Checked-in on 6/4/2018	45	44	42	131
% Turn-out on 6/04/2018	1.85%	1.71%	1.55%	1.70%
TOTAL	45	44	42	131

** Articles 9-11 are Zoning By-Laws amendments, pending approval by the Attorney General.

*** Articles 12-13 are Accepted MGL Chapters to be sent to DOR & Secretary of State.

A true copy of the record.

Attest:
Lillian M. Drane, CMC/CMMC,
Town Clerk