

ANNUAL TOWN MEETING JUNE 10, 2013

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Norman Orrall opened the meeting immediately upon adjournment of the Special Town Meeting, using the same tellers, assistant town moderator and rules.

Mr. Orrall read his usual ground rules of identifying oneself, going to the microphone to speak and submitting motions in writing.

A motion was then made to allow non-residents to speak or to be heard- so moved and seconded and passed unanimously. Then he entertained a motion to waive the reading of the entire warrant, so moved, seconded and passed unanimously.

Article 1: It was voted that the Town raise and appropriate \$145,207.00 to pay the salaries of all elected officers as follows:

Selectmen.....	Chairman	\$2,000
	Second Member	\$1,500
	Third Member	\$1,500
	TOTAL	\$5,000

Assessors.....	Chairman	\$2,000
	Second Member	\$1,500
	Third Member	\$1,500
	TOTAL	\$5,000

Board of Health.....	Chairman	\$2,000
	Second Member	\$1,500
	Third Member	\$1,500
	TOTAL	\$5,000

Treasurer/ Collector	\$68,501
Town Clerk	\$61,706

TOTAL	\$145,207.00
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Unanimous

Prior to taking up Article #2, 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 2: It was voted that the Town raise and appropriate \$7,486,617, appropriate \$141,444, from Free Cash; transfer and appropriate \$49,355 from Article #8 Annual Town Meeting 6/13/11; transfer and appropriate \$16,515 from the Massachusetts Water Pollution Abatement Trust, transfer and appropriate \$25,000 from the General Fund tax levy to Park Enterprise; transfer and appropriate \$31,705 from Park Retained Earnings, appropriate Estimated Receipts of \$96,020 to Park Enterprise, transfer and appropriate \$100,000 from the General Fund tax levy to Landfill Enterprise; appropriate Estimated Receipts of \$267,000 to the Landfill Enterprise, transfer and appropriate \$246,000 from Water Enterprise Retained Earnings to defray town expenses for the fiscal period July 1, 2013 to June 30, 2014.

ARTICLE 2-TOWN EXPENSES

GENERAL GOVERNMENT - 100

Selectmen Personnel	\$216,618
Selectmen Expenses	\$12,600
Finance Committee Expenses	\$900
Accounting Personnel	\$119,200
Accounting Expenses	\$75,105
Assessors Personnel	\$134,748
Assessors Expenses	\$36,710
Treasurer & Collector Personnel	\$132,363
Treasurer & Collector Expenses	\$36,600
Law Expenses	\$40,000
Wage & Personnel Board Expenses	\$700
Town Clerk Personnel	\$52,893
Town Clerk Expenses	\$1,900
Elections Expenses	\$14,700
Registration Expenses	\$9,780

Conservation Commission Personnel	\$25,065
Conservation Commission Expenses	\$1,800
Planning Board Personnel	\$2,000
Planning Board Expenses	\$150
Appeals Board Expenses	\$300
Historic Town House Expenses	\$4,500
Town Office & Fire Station Expenses	\$146,000
Town Reports Expenses	\$600
Cable TV Advisory Expenses	\$2,000
Other General Government Expenses	\$14,002

TOTAL – GENERAL GOVERNMENT – 100	\$1,081,234
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PUBLIC SAFETY – 200

Police Department Personnel	\$1,329,354
Police Department Expenses	\$143,350
Fire Department Personnel	\$891,738
Fire Department Expenses	\$104,471
Building Inspector Personnel	\$117,405
Building Inspector Expenses	\$5,200
Gas Inspector Expenses	\$11,000
Plumbing Inspector Expenses	\$16,500
Sealer of Weights & Measures Expenses	\$1,600
Electrical Inspector Expense	\$22,000
Animal Inspector Expense	\$6,000
Emergency Management Expenses	\$5,000
Animal Shelter/Dog Officer Personnel	\$78,182
Animal Shelter/Dog Officer Expenses	\$17,725

TOTAL - PUBLIC SAFETY – 200	\$2,749,525
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PUBLICS WORKS – 400

Highway Department Personnel	\$426,091
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Highway Department Expenses	\$134,305
Snow & Ice Personnel	\$10,000
Snow & Ice Expenses	\$30,000
Street Lighting Expenses	\$20,000
Cemetery Services Expenses	\$10,000
TOTAL – PUBLIC WORKS – 400	\$630,396
 HEALTH & HUMAN SERVICES – 500	
Board of Health Personnel	\$133,908
Board of Health Expenses	\$9,164
Board of Health Visiting Nurse Expense	\$2,000
Council on Aging Personnel	\$104,812
Council on Aging Expenses	\$19,470
Veteran's Benefits Personnel	\$12,910
Veteran's Benefits Expenses	\$21,250
TOTAL HEALTH & HUMAN SERV - 500	\$303,514
 CULTURE & RECREATION -600	
Library Personnel	\$202,370
Library Expenses	\$88,115
Historic Library Building	\$3,500
Historical Commission Expenses	\$450
TOTAL CULTURE & RECREATION -600	\$294,435
 DEBT SERVICE – 700	
TOTAL - DEBT SERVICE – 700	\$875,153
TOTAL -Regional Assessment -800	\$1,713
 UNCLASSIFIED - 900	
Unemployment Expense	\$1,000
Employee Benefits	\$1,591,961
Property & Liability Insurance Expense	\$165,000

TOTAL – UNCLASSIFIED – 900	\$1,757,961
GRAND TOTAL/TOWN EXP – 100-900	\$7,693,931
PARK ENTERPRISE / EXPENSE	
Park Enterprise Personnel	\$99,950
Park Enterprise Expenses	\$52,775
TOTAL-PARK ENTERPRISE REVENUE	(-\$152,725)
LANDFILL/TRANSFER ENTER EXPENSES	
Landfill/Transfer Enterprise Personnel	\$147,000
Landfill/Transfer Enterprise Expense	\$210,000
Landfill/Transfer Capped Expense	\$10,000
TOTAL-LANDFILL ENTERPRISE REVENUE	(-\$367,000)
WATER ENTERPRISE EXPENSES	
Water Enterprise Personnel Expense	\$0
Water Enterprise Expense	\$32,453
Water Enterprise Capital Improvements	\$213,547
TOTAL-WATER ENTERPRISE REVENUE	(-\$246,000)
GRAND TOTAL:	\$23,126,654

Unanimous

Article 3: It was voted that the Town raise and appropriate for the use of the Trustees for the *County Co-operative Extension Service* the sum of Two Hundred Dollars (\$200), and to set the length of the term of Town Director at one year as provided in MA General Laws Chapter 128 Sections 41 and 42.

Unanimous

Article 4: It was voted that the Town raise and appropriate the sum of Eight Hundred Seventy Seven Thousand Three Hundred Seventy Six Dollars (\$877,376.00) as the share of the Town of Lakeville in the *Plymouth County Retirement Association*.

Unanimous

Article 5: It was voted that the Town raise and appropriate the sum of One Million Eighty Thousand Fifty Dollars (\$1,080,015) as the Town's share of the 2013-2014 maintenance and operating budget for the *Old Colony Regional Vocational Technical High School District* to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett and Rochester:

Unanimous

Article 6: It was voted to approve the establishment by the Old Colony Regional Vocational Technical High School District of so-called "*Stabilization Fund*" consistent with M.G.L. Chapter 71, Section 16G ½ and as previously approved by the Old Colony Regional Vocational Technical High School District.

Unanimous

Article 7: It was voted that the Town raise and appropriate the sum of Twelve Million One Hundred Six Thousand Nine Hundred and Sixty Six Dollars (\$12,106,966) as the Town's share of the 2013-2014 maintenance and operating budget for the *Freetown-Lakeville Regional School District*, consisting of the Non-excluded Debt Assessment of Forty Eighty Thousand Six Hundred Forty Five Dollars (48,645.00) the Excluded Debt Assessment of Four Hundred Seventy Two Thousand Five Hundred Twenty Five Dollars (\$472,525), the Operating Cost Assessment of Eleven Million Thirty Five Thousand Eight Hundred Twenty Eight Dollars (\$11,035,828), and the Transportation Assessment of Five Hundred Forty Nine Thousand Nine Hundred Sixty Eight Dollars (\$549,968) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown.

Unanimous

Article 8: It was voted that the Town raise and appropriate the sum of One Hundred Eighty Eight Thousand Four Hundred Eighty Four Dollars (\$188,484) for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs **other than** at *Old Colony Vocational Technical School*.
Unanimous

Article 9: It was voted that the Town raise and appropriate the sum of Twenty Thousand Dollars (\$20,000) to cover the cost of contractual obligations upon *retirement of Town Employees*.
Unanimous

Article 10: It was voted that the Town raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) for the purpose of adding to the *Other Post Employment Benefits Liability Trust Fund (GASB 45)*, pursuant to the provisions of M.G.L. Chapter 32B Section 20.
Unanimous

Article 11: It was voted that the Town raise and appropriate the sum of Eighteen Thousand Seven Hundred and Fifty Dollars (\$18,750.00) for the purpose of funding the *Fiscal Year 2015 Recertification of Values* as mandated by the Massachusetts Department of Revenue.
Unanimous

Article 12: It was voted that the Town appropriate One Hundred Fifty Thousand Dollars (\$150,000) to pay all or a portion of the costs of the following items of capital equipment:

<u>ITEM</u>	<u>Amount</u>
Three (3) Police Cruisers and Equipment (less trade-ins) for the Police Department.....	\$105,000
One (3/4) Ton Dump Truck with Plow Set up and Equipment for the Highway Department.....	\$ 40,000
One (1) Brush Chipper for the Highway Department (Partial Payment).....	<u>\$ 5,000</u>
TOTAL	<u>\$150,000</u>

and that to meet this appropriation, \$150,000 is transferred from the amount previously borrowed to pay costs of Police Station design, as approved by vote of the Town adopted under Article 4 of the Warrant at the June 11, 2007 Annual Town Meeting, which amounts are no longer

needed to pay costs of this project, in accordance with the provisions of Chapter 44, Section 20 of the General Laws.

Unanimous

Article 13: It was voted that the Town appropriate the sum of Two Hundred Fifty Three Thousand Five Hundred Dollars (\$253,500) to pay costs of the various capital improvements and equipment as follows:

Equipment and Technology for Town Network.....	\$ 87,500
Emergency Generator Fire Dept/Town Offices.....	\$ 17,000
Equipment for Fire Dept.-Hoses, Nozzles, etc.....	\$ 10,000
Brush Chipper for the Highway Department (Partial Pymt)....	\$ 30,000
Two (2) 30 Yard Waste Containers for the Transfer Station...	\$ 9,000
Window Replacement for Town Offices/Fires Station.....	<u>\$100,000</u>
TOTAL	<u>\$253,500</u>

and to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The amounts set forth above for each capital improvement or item of equipment are approximate in nature, and so long as sufficient funds are available to accomplish each capital improvement or acquire each item of equipment described above, the Selectmen may allocate amounts among the various capital improvements or items of equipment as needed to fully carry-out the purposes of this motion.

Unanimous

Article 14: It was voted that the Town accept under the provisions of General Laws, *Chapter 90*, Section 34, an apportionment in the amount of Five Hundred Fifty Six Thousand Five Hundred Ninety Four Dollars (\$556,594).

Unanimous

Article 15: 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.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 16: It was voted that the Town raise and appropriate the sum of Eighty Thousand Dollars (\$80,000) for the purpose of adding to the *Debt Service/Capital Projects Stabilization Fund* pursuant to the provisions of General Laws, Chapter 40, Section 5B.

Unanimous

Article 17: It was voted that the Town raise and appropriate One Hundred Thousand Dollars (\$100,000) to the *Reserve Fund*.

Unanimous

Article 18: It was voted that the Town vote to transfer and appropriate the sum of Fourteen Thousand Nine Hundred Fifty Six Dollars (\$14,956) 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.

Unanimous

Article 19: It was voted that the Town amend the General By-laws, Curb Cut By-law, to insert new language, shown underlined, in the first paragraph, as follows:

No person shall construct any opening, driveway or entrance in or on any town way, for any purpose, without a written permit, therefor from the Board of Selectmen, or its designee and in accordance with regulations adopted by the Board of Selectmen

Unanimous

Before hearing Article 20, a motion to waive the reading of the motion was made, the motion was seconded, and it passed unanimously.

Article 20: It was voted that the Town amend the Zoning By-laws, by adding a new Section 7.9, Temporary Moratorium On Medical Marijuana Treatment Centers, that would provide as follows, and further to amend

the Table of Contents to add Section 7.9, “Temporary Moratorium on Medical Marijuana Treatment Centers:”

7.9 Temporary Moratorium on Medical Marijuana Treatment Centers

7.9.1 Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law’s effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

7.9.2 Definition

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only,

registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

7.9.3. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Unanimous

Article 21: To see if the Town will amend the Zoning By-laws, Section 2.0 to delete the current definition of “Mobile Home” and “Storage Boxes, Trailer” and insert the following definition as follows:

Trailer, House – SEE Trailers, Residential.

Trailer, Office – a portable enclosed trailer to be used as a temporary office.

Trailer, Residential – a house trailer, mobile home; a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, designed and intended to be moved to a location and installed on a temporary or permanent foundation

and used as living quarters. This definition excludes camping or travel trailers.

Trailer, Sales – a trailer used for retail sales of food or other products.

Trailer, Storage – a portable structure, including a storage box, ground storage container, shipping container, tractor-trailer body, cargo box, or construction container, primarily used for the storage of goods, materials and/or personal items.

Trailer, Travel or Camping – a vehicle designed to travel on highways on rubber-tired wheels and used as living quarters for a period not to exceed ninety (90) days at any one address or location.

or take any action relative thereto.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 22: To see if the Town will amend the Zoning By-laws, Section 8.7, Temporary Licenses to delete the text in its entirety and replace it with the following:

8.7 TRAILERS

8.7.1 Residential Trailer/Mobile Home

A residential trailer may be permitted by the Building Commissioner, subject to the following conditions:

1. A residential trailer shall be used on a temporary basis as living quarters on a lot on which the primary dwelling is undergoing substantial renovations or being rebuilt.
2. The residential trailer permit shall be effective for 180 days and is renewable, at the discretion of the Building Commissioner for consecutive periods

only. Under no circumstances shall permits be issued for a period of more than 12 months.

3. Residential trailer installation shall be approved and inspected by the Board of Health, Conservation Commission and the Building Department for location, installation and connections as applicable.
4. Residential trailer installation shall conform to the Dimensional Regulations herein, unless circumstances warrant waiver by the Building Commissioner.
5. All applicable permit fees shall apply.

8.7.2 Travel or Camping Trailer

A travel trailer may be used as temporary living quarters for recreational or vacation use on private property with the owner's permission, subject to the following conditions:

1. The trailer shall have a current registration.
2. Under no circumstances shall a travel trailer be occupied for a period of more than 90 consecutive days or 90 days in a calendar year, whichever is greater, at any one address or location.

8.7.3 Storage Trailer

A storage trailer may be permitted by the Building Commissioner, subject to the following conditions:

1. No more than three (3) storage trailers may be permitted on any one address or location in a residential zone.
2. The installation of more than three (3) storage containers in a business or industrial zone may require site plan approval through the Lakeville Planning Board.

3. In no instance will any storage trailer contain hazardous materials unless approved by the Lakeville Fire Department.
4. Storage trailer installations shall conform to all dimensional regulations.
5. Installation of storage container shall be approved and inspected by the Building Commissioner before commencing use.
6. Storage trailers used for the housing of any animal shall require Board of Health approval before commencing use.
7. All applicable permit fees shall apply.

8.7.4 Office Trailer & Sales Trailer

An office or sales trailer may be permitted by the Building Commissioner, subject to the following conditions:

1. Office or sales trailers may be permitted on active construction sites or other locations as approved by the Building Commissioner.
2. The permit shall be effective for a 180 day period and may be renewed for consecutive periods at the discretion of the Building Inspector.
3. All applicable permit fees shall apply.

or take any other action relative thereto.

A motion was made to postpone this matter indefinitely, it was seconded, and the motion passed unanimously.

Article 23: It was voted that the Town amend the Zoning Map, as identified in Section 3.2.1 of the Zoning By-laws, to rezone the following parcel, identified both by Assessors Map and Parcel and street address from the Residential (“R”) to Industrial (“I”) district:

10. 024-006-004A 520 Kenneth Welch Drive

105 Yes to 0 No

A motion was made to waive the reading of the list on Article 24- so moved, seconded and passed unanimously.

A motion to amend Article 24 to strike out numbers 6-31 was made and seconded. -Fails by Majority

A second motion was made and seconded to amend the Article to remove number 8 on the list. Another motion was made and seconded to remove the amended motion which passed by majority.

A motion to move the question was seconded and passed by 2/3rd Majority.

Article 24: It was voted that the Town amend the Zoning Map, as identified in Section 3.2.1 of the Zoning By-laws, to rezone the following parcels, identified both by Assessors Map and Parcel and street address (as available) from the Residential (“R”) to Business (“B”) district:

- | | | |
|-----|--------------|---------------------|
| 1. | 024-008-001 | 2 Bedford Street |
| 2. | 024-008-002 | 4 Bedford Street |
| 3. | 024-008-003 | 12 Bedford Street |
| 4. | 024-008-004 | 14 Bedford Street |
| 5. | 024-008-005 | 8 Taunton Street |
| 6. | 024-007-009 | 28 Bedford Street |
| 7. | 024-007-008 | 30 Bedford Street |
| 8. | 024-007-010 | 2 Tyler's Way |
| 9. | 061-001-002 | Rear Conrail RR Bed |
| 11. | 023-001-002 | Bedford Street |
| 12. | 024-003-021A | Bedford Street |
| 13. | 024-003-021B | Bedford Street |
| 14. | 024-003-021 | 10 Taunton Street |

15.	024-003-020	12 Taunton Street
16.	024-003-020A	16 Taunton Street
17.	024-004-008	23 Taunton Street
18.	025-003-012A	139 Bedford Street
19.	025-003-012	131 Rhode Island Road
20.	025-004-002	149 Bedford Street
21.	025-004-003	132 Rhode Island Road
22.	025-004-004	134 Rhode Island Road
23.	025-005-002	126 Rhode Island Road
24.	025-005-002A	124 Rhode Island Road
25.	025-003-004	1 Lakeville Business Park
26.	025-003-008B	Lakeville Business Park
27.	025-003-022H	9 Lakeville Business Park
28.	024-005-008A	8 Lakeville Business Park
29.	024-005-007	6 Lakeville Business Park
30.	024-005-006	4 Lakeville Business Park
31.	024-005-005	2 Lakeville Business Park

58 Yes to 39 No (Article 23 Failed)

Motion to dissolve came at 9:12 PM.

A true copy of the record

Attest: Janet Tracy, Town Clerk