

## ANNUAL TOWN MEETING JUNE 6, 2016

Pursuant to the Warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Norman Orrall called the meeting to order at 7:20 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 Richard Scott, Robert Poillucci and Neil Bornstein.

Note: A short recess was taken upon adjournment of the Special Town Meeting; due to the fact a large majority of voters were still waiting to be checked in. The Special Town Meeting adjourned at 6:54 P.M.

Mr. Orrall 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, Gregg Corbo, Town Counsel, Richard Medeiros, Superintendent of Schools, Jaime Viveiros, Lakeville Librarian and Jeremy Peck, Superintendent of Streets, to speak or to be heard- so moved and seconded and passed unanimously. We then proceeded to Article 1.

**Article 1:** It was voted that the Town raise and appropriate \$162,193.00 to pay the salaries of all elected officers as follows:

<b>Selectmen</b> .....Chairman	\$4,995
Second Member	\$4,500
Third Member	\$4,500
<b>TOTAL</b>	<b>\$13,995</b>
<b>Assessors</b> .....Chairman	\$2,000
Second Member	\$1,500
Third Member	\$1,500
<b>TOTAL</b>	<b>\$5,000</b>
<b>Board of Health</b> .....Chairman	\$2,000
Second Member	\$1,500
Third Member	\$1,500
<b>TOTAL</b>	<b>\$5,000</b>
<b>Treasurer/ Collector</b>	<b>\$73,354</b>
<b>Town Clerk</b>	<b>\$64,844</b>
<b>TOTAL</b>	<b>\$162,193.00</b>
<b>Passed by Majority</b>	

Prior to taking up Article #2, Mr. Orrall 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 \$8,995,290.00; appropriate \$224,329.00 from Free Cash; and transfer \$16,515 from the Massachusetts Water Pollution Abatement Trust; and transfer \$50,000.00 from the Sale of Land Proceeds (613 acres on Howland Road) to defray town expenses for the fiscal period July 1, 2016 to June 30, 2017 inclusive.

**ARTICLE 2- TOWN EXPENSES**

**GENERAL GOVERNMENT - 100**

<b>Selectmen Personnel</b>	<b>\$ 257,767</b>
<b>Selectmen Expenses</b>	<b>\$ 17,000</b>
<b>Finance Committee Expenses</b>	<b>\$ 900</b>
<b>Accounting Personnel</b>	<b>\$ 47,919</b>
<b>Accounting Expenses</b>	<b>\$ 165,105</b>
<b>Assessors Personnel</b>	<b>\$ 67,614</b>
<b>Assessors Expenses</b>	<b>\$ 100,750</b>
<b>Treasurer &amp; Collector Personnel</b>	<b>\$ 170,764</b>
<b>Treasurer &amp; Collector Expenses</b>	<b>\$ 50,000</b>
<b>Law Expenses</b>	<b>\$ 40,000</b>
<b>Wage &amp; Personnel Board Expenses</b>	<b>\$ 750</b>
<b>Town Clerk Personnel</b>	<b>\$ 56,243</b>
<b>Town Clerk Expenses</b>	<b>\$ 3,300</b>
<b>Elections Expenses</b>	<b>\$ 17,350</b>
<b>Registration Expenses</b>	<b>\$ 12,310</b>
<b>Conservation Commission Personnel</b>	<b>\$ 33,972</b>
<b>Conservation Commission Expenses</b>	<b>\$ 3,100</b>
<b>Planning Board Personnel</b>	<b>\$ 0</b>
<b>Planning Board Expenses</b>	<b>\$ 150</b>

Appeals Board Expenses	\$ 300
Historic Town House Expenses	\$ 4,500
Town Office & Fire Station Expenses	\$ 320,000
Town Reports Expenses	\$ 600
Cable TV Advisory Expenses	\$ 5,000
Other General Government Expenses	<u>\$ 14,002</u>
<b>TOTAL – GENERAL GOVERNMENT – 100</b>	<b>\$ 1,394,395</b>
<b>PUBLIC SAFETY – 200</b>	
Police Department Personnel	\$ 1,607,220
Police Department Expenses	\$ 192,049
Fire Department Personnel	\$ 1,165,176
Fire Department Expenses	\$ 145,730
Building Inspector Personnel	\$ 141,056
Building Inspector Expenses	\$ 5,900
Gas Inspector Expenses	\$ 11,000
Plumbing Inspector Expenses	\$ 16,500
Sealer of Weights & Measures Expenses	\$ 1,800
Electrical Inspector Expense	\$ 25,000
Special Assistant Health Inspector Expense	\$ 3,000
Animal Inspector Expense	\$ 6,300
Emergency Management Expenses	\$ 8,000
Animal Shelter/Animal Control Officer Personnel	\$ 85,781
Animal Shelter/Animal Control Officer Expenses	<u>\$ 19,000</u>
<b>TOTAL - PUBLIC SAFETY – 200</b>	<b>\$ 3,433,512</b>
<b>PUBLICS WORKS – 400</b>	
Highway Department Personnel	\$ 498,594
Highway Department Expenses	\$ 225,700

<b>Snow &amp; Ice Personnel</b>	<b>\$ 15,000</b>
<b>Snow &amp; Ice Expenses</b>	<b>\$ 37,000</b>
<b>Street Lighting Expenses</b>	<b>\$ 23,000</b>
<b>Cemetery Services Expenses</b>	<b>\$ 12,500</b>
<b>TOTAL – PUBLIC WORKS – 400</b>	<b>\$ 811,794</b>
<b>HEALTH &amp; HUMAN SERVICES – 500</b>	
<b>Board of Health Personnel</b>	<b>\$ 143,897</b>
<b>Board of Health Expenses</b>	<b>\$ 9,914</b>
<b>Board of Health Visiting Nurse Expense</b>	<b>\$ 2,000</b>
<b>Council on Aging Personnel</b>	<b>\$ 138,461</b>
<b>Council on Aging Expenses</b>	<b>\$ 27,380</b>
<b>Veteran's Benefits Personnel</b>	<b>\$ 14,001</b>
<b>Veteran's Benefits Expenses</b>	<b>\$ 203,115</b>
<b>TOTAL HEALTH &amp; HUMAN SERV - 500</b>	<b>\$ 538,768</b>
<b>CULTURE &amp; RECREATION -600</b>	
<b>Library Personnel</b>	<b>\$ 230,554</b>
<b>Library Expenses</b>	<b>\$ 108,625</b>
<b>Historic Library Building</b>	<b>\$ 4,000</b>
<b>Historical Commission Expenses</b>	<b>\$ 500</b>
<b>TOTAL CULTURE &amp; RECREATION -600</b>	<b>\$ 343,679</b>
<b>DEBT SERVICE – 700</b>	
<b>TOTAL - DEBT SERVICE – 700</b>	<b>\$ 830,949</b>
<b>TOTAL -Regional Assessment -800</b>	<b>\$ 1,845</b>
<b>UNCLASSIFIED - 900</b>	
<b>Unemployment Expense</b>	<b>\$ 1,000</b>
<b>Employee Benefits</b>	<b>\$ 1,755,192</b>
<b>Property &amp; Liability Insurance Expense</b>	<b>\$ 108,000</b>
<b>Worker's Compensation</b>	<b>\$ 67,000</b>

<b>TOTAL – UNCLASSIFIED – 900</b>	<b>\$ 1,931,192</b>
<b>GRAND TOTAL/TOWN EXP – 100-900</b>	<b>\$ 9,286,134</b>
<b>RECAP OF TOTALS</b>	
<b>TOTAL- Elected Officials-ARTICLE 1</b>	<b>\$ 162,193</b>
<b>TOTAL-General Fund-ARTICLE 2</b>	<b>\$ 9,286,134</b>
<b>TOTAL-Enterprise Funds-ARTICLES 3, 4 &amp; 5</b>	<b>\$ 825,100</b>
<b>TOTAL- ARTICLES 1,2,3,4&amp;5</b>	<b>\$ 10,273,427</b>
<b>TOTAL-NON BUDGETARY ARTICLES</b>	<b>\$ 17,040,106</b>
<b>GRAND TOTAL:</b>	<b><u>\$ 27,313,533</u></b>

**Unanimous**

**Article 3:** It was voted that the Town appropriate the sum of Two Hundred Forty Five Thousand Five Hundred Forty Five Dollars (\$245,545.00) for the **Park Department Enterprise Fund as follows:** Fifty Eight Thousand Three Hundred Seventy Dollars (\$58,370.00) to be raised from Park Department Retained Earnings and One Hundred Eighty Seven Thousand One Hundred Seventy Five Dollars (\$187,175.00) from Estimated Park Department Receipts, said sums to be allocated between salaries and expenses of the Park Department for the fiscal period July 1, 2016 to June 30, 2017, inclusive, as indicated in the Finance Committee Report.

**ARTICLE 3- PARK ENTERPRISE FUND**

<b>Park Enterprise Personnel</b>	<b>\$ 154,321</b>
<b>Park Enterprise Expenses</b>	<b>\$ 91,224</b>
<b>TOTAL-PARK ENTERPRISE REVENUE</b>	<b><u>(-\$245,545)</u></b>

**Unanimous**

**Article 4:** It was voted that the Town appropriate the sum of Three Hundred Sixty Two Thousand Dollars (\$362,000.00) for the **Landfill Enterprise as follows:** One Hundred Thousand Dollars (\$100,000.00) to

be raised by taxation; Eight Thousand Dollars (\$8,000.00) from the amount appropriated under Article 10 of the Annual Town Meeting held on June 11, 2007; and Two Hundred Fifty Four Thousand Dollars (\$254,000.00) 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, 2016 to June 30, 2017, inclusive, as indicated in the Finance Committee Report.

**ARTICLE 4- LANDFILL/TRANSFER STATION**  
**ENTERPRISE FUND**

Landfill/Transfer Enterprise Personnel	\$	143,798
Landfill/Transfer Enterprise Expense	\$	204,202
Landfill/Transfer Capped Expense	\$	14,000
TOTAL-LANDFILL ENTERPRISE REVENUE		<b><span style="color: red;">(-\$,362,000)</span></b>

**Passed by Majority**

**Article 5:** It was voted that the Town raise and appropriate the sum of Two Hundred Seventeen Thousand Five Hundred Fifty Five Dollars (\$217,555.00) for the **Water Enterprise Fund** said sum to be allocated to the expenses of the Water Department Enterprise Fund for the fiscal period July 1, 2016 to June 30, 2017, inclusive, as indicated in the Finance Committee Report.

**ARTICLE 5- WATER ENTERPRISE FUND**

Water Enterprise Personnel Expense		\$0
Water Enterprise Expense	\$	4,030
Water Enterprise Capital Improvements	\$	213,525
TOTAL-WATER ENTERPRISE REVENUE		<b><span style="color: red;">(-\$,217,555)</span></b>

**Unanimous**

**Article 6 (Submitted by Petition):** To see if the Town will vote to amend the General Bylaws by adding the following new Section, or take any action relative thereto.

**Town of Lakeville Wetlands Protection Bylaw**

## **Section 1: Purpose**

Under this Bylaw the Conservation Commission (hereinafter the Commission), duly appointed by the Board of Selectmen, shall administer and enforce the provisions of the Wetlands Protection Act MGL Ch. 131, Sec. 40 (hereinafter the WPA) and any amendments made thereto, following the current Code of Massachusetts Regulations promulgated by the Department of Environmental Protection 310 CMR 10.00 (Regulations). The Commission shall also administer and enforce the provisions in this bylaw as hereinbelow specified as additional protections to Lakeville's wetland resources.

## **Section 2: Jurisdiction**

Except as permitted by the Commission or as provided for in this Bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter any wetland resource listed in the WPA or specified below:

### Wetland Protection Zone (Zone)

In order to minimize changes to the natural quantity and quality of the flow of ground and surface water to wetlands and to provide a portion of adjacent upland necessary for the survival of most wetland-dependent wildlife, there shall be a 25-foot Wetland Protection Zone on the upland sides of any wetland resource. In this Zone, there shall be no grading, no filling or removal of soil, no dumping of yard waste or other debris, no paving or surfacing of any sort, and no removal or destruction of vegetation except for invasive exotic plants and no planting except for restoration of indigenous plants. Lawns, gardens, landscaped or other developed areas which existed prior to the effective date of this Bylaw, shall not be subject to this Bylaw.

The Commission may permit minor pruning/trimming for vista and/or foot paths, or the placement of non-obtrusive boardwalks, railings, boundary markers or stepping stones in this Zone. Other activities may be permitted on a case by case basis provided the Commission deems the impact of said permitted activities to be minimal.

### Isolated Land Subject to Flooding (ILSF)

Isolated Land Subject to Flooding shall mean an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-foot (10,890 cubic feet) with an average depth of at least six inches. The boundary of

Isolated Land Subject to Flooding is the perimeter of the largest observed or recorded volume of water confined in said area. ILSF shall not be filled except as permitted by the Commission and shall be given the same protection that bordering vegetative wetlands are given in the WPA and its Regulations, including a 100-foot buffer zone with minimum disturbance.

### Vernal Pools

As habitat supporting unique wildlife, Vernal Pools shall be considered wetland resources. No activity will be allowed within 100 feet of the boundary of a Vernal Pool unless it can be shown by the applicant that the activity will bring no harm to the Vernal Pool. The term "Vernal Pool" shall include, in addition to scientific definitions found in WPA Regulations (310 CMR 10.04), any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet (or 0.0046 acre foot) of water at some time during most years, and provides essential breeding and rearing habitat functions for amphibian, reptile or other Vernal Pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for a Vernal Pool shall be the mean annual high-water line defining the depression.

The Commission shall consider evidence that the ponding area does not hold water for at least two continuous months when not in a period of drought, and that Vernal Pool species do not breed or have not bred in the ponding area, due to incompatible persistent conditions at the site.

### **Section 3: Enforcement**

The Commission shall have the authority to enforce this Bylaw, its regulations, and provisions of any permits issued thereunder by violation notices, enforcement orders, under the Town's non-criminal disposition section of its General Bylaws, pursuant to MGL CH. 40, Sec. 21D, and civil and criminal court actions. Any police officer or the Conservation Agent shall have the authority to enforce this Bylaw. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other actions deemed necessary to remedy such violations, or may be fined, or both.

The Commission may (but shall not be required to) waive strict compliance with this Bylaw if the Commission finds that the proposed work, including proposed mitigation, will have no significant adverse impact on interests protected by this Bylaw.

Were the Commission to determine that an activity is in violation of this Bylaw and/or a permit issued hereunder, the Commission may: (1) issue an enforcement order and/or restoration order; and/or (2) hold a public hearing to consider whether the landowner should be fined for the violation. Restoration of the area to its pre-existing condition shall be required under a restoration order. If, after the public hearing, the Commission votes to issue a fine, the fine schedule shall be \$100.00 for the first offense; \$200.00 for the second offense; and \$300.00 for the third and each subsequent offense. Each provision of the Bylaw, its regulations, permits or administrative orders violated shall constitute a separate offense.

#### **Section 4: Exemptions**

The exemptions for agriculture, aquaculture, public utilities, and public safety as are granted under the WPA and its Regulations shall be granted under this by-law.

Any residential, business or institutional building or customary appurtenance thereto such as lawns, gardens, landscaped or other developed areas where such structure or appurtenance existed prior to the effective date of this Bylaw, shall not be subject to the Bylaw.

#### **Section 5: Relation to the Wetlands Protection Act**

This Bylaw utilizes the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act, MGL Ch. 131, Sec. 40 and Regulations thereunder, 310 CMR 10.00

**After a lengthy discussion, a motion was made to table this matter indefinitely, it was seconded, and the motion passed by 2/3rds requirement (222 Yes to 76 No).**

**Article 7 (Submitted by Petition):** To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts **Community Preservation Act**,

by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act, and that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2018, and that the Town hereby accepts the following exemptions from such surcharge permitted under section 3(e) of said Act:

**Exemption 1:** property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act

**Exemption 2:** \$100,000 of the value of each taxable parcel of residential real property

**Exemption 3:** \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of Chapter 59

or take any other action relative thereto.

### **Explanation**

Residents of Lakeville through the years consistently and repeatedly express a wish to preserve our community and its rural character. The Community Preservation Act is a way that we can create a steady funding source for preserving and improving our community's character and quality of life. We are missing out on this opportunity! For the average household, valued at \$245,000, a homeowner would pay about \$20.00 per year. Please place this Community Preservation Act on the November 8<sup>th</sup> ballot.

**Failed by Majority**

**Before hearing Article 8, a motion to waive the reading was made and seconded, and the motion passed by majority.**

**Article 8 (Submitted by Petition):** To see if the Town will vote to approve a **Right to Farm By-Law** in Lakeville.

### **Section 1 Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A, and Chapter 128, Section 1A. We the citizens of Lakeville restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Lakeville by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

### **Section 2 Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- keeping and/or raising of livestock including horses;

- keeping and/or raising of horses as a commercial enterprise; and keeping and/or raising of poultry, swine, cattle, ratites (such as emus, ostriches, and rheas) and camelids (such as llamas and camels), and other domesticated animals for personal use, food and/or other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators, and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### **Section 3 Right to Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Lakeville. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply to all agricultural and farming operations and activities as defined in Section 2 above, which are conducted in accordance with generally accepted agricultural practices. Moreover, nothing in the Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use

regulation, which is properly the subject of state statute, regulation, or local zoning law.

#### **Section 4 Disclosure Notification**

Within 30 days after this By-Law becomes effective, the Board of Selectmen shall prominently post in the Town Hall and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect, and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by agricultural operations including the ability to access water services for such property under certain circumstances."

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall, Town Clerk, and posted in the Lakeville Public Library.

#### **Section 5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

## **Section 6 Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Lakeville hereby declares the provisions of this By-law to be severable.

**After a lengthy discussion, a motion was made to table this matter indefinitely, it was seconded, and the motion passed by majority.**

**Before hearing Article 9, a motion to waive the reading was made and seconded, and the motion passed by majority.**

**Article 9 (Submitted by Petition):** To see if the Town will vote to establish an **Agricultural Commission** to represent the Lakeville farming community.

Said Commission, once appointed, will develop a work plan to guide its activities. Such activities include, but are not limited to, the following: shall serve as facilitators for encouraging the pursuit of agriculture; shall promote agricultural based economic opportunities and education; shall act as a resource for Town boards and residents regarding agricultural issues; shall support agricultural planning needs; and shall work for the preservation of farm land and open space.

The Commission shall consist of seven members all of whom are Lakeville residents, six members to be from the farming community and one member to be a citizen at large. Said members, including alternates, shall be appointed by the Board of Selectmen upon mutual agreement by the Agricultural Commission steering committee. The terms will be three members for three years; two members for two years and three years thereafter; two members for one year and three years thereafter; and up to two alternate members for one year terms. The appointing authority shall fill a vacancy based on recommendations and mutual agreement of the Commission for the duration of the unexpired term of the vacancy in order to maintain the cycle of appointments.

The mission of the Lakeville Agricultural Commission is to be a resource for the community of Lakeville, promote agricultural based economic

opportunities and education, and be ardent in preserving the Town's rural character for future generations

**After a lengthy discussion, a motion was made to table this matter indefinitely, it was seconded, and the motion passed by majority.**

**Before hearing Article 10, a motion to waive the reading was made and seconded, and the motion passed by majority.**

**Article 10:** It was voted that the Town amend the General By-Laws by inserting a new section, entitled "*Agricultural Commission*," in Article III, as section 28, as set forth in the Warrant:

## **AGRICULTURAL COMMISSION**

**Section 1.** An Agricultural Commission is hereby established to represent the Lakeville farming community.

**Section 2.** Said Commission, once appointed, shall develop a work plan to guide its activities. Such activities shall include, but are not limited to, the following: the Commission shall serve as facilitators for encouraging the pursuit of agriculture; shall promote agricultural based economic opportunities and education; shall act as a resource for Town boards and residents regarding agricultural issues; shall support agricultural planning needs; and shall work for the preservation of farm land and open space.

**Section 3.** The Commission shall consist of seven members, all of whom are Lakeville residents, six members to be from the farming community and one member to be a citizen at large. Said members shall be appointed by the Board of Selectmen. The terms of the initial appointments shall be three members for three years; two members for two years; and two members for one year. Upon the expiration of the initial appointments, the term of each member appointed thereafter shall be three years. The Board of Selectmen may appoint up to two alternate members for one year terms. The chairman of the Commission may designate an alternate member to vote in case of the absence, inability to act, or conflict of interest on the part of a member of the Commission, or in the event of a vacancy on the Commission. The Board of Selectmen shall fill a vacancy by appointment for the duration of the unexpired term of the vacancy in order to maintain the cycle of appointments.

**Section 4.** The mission of the Lakeville Agricultural Commission is to be a resource for the community of Lakeville, promote agricultural based economic opportunities and education, and be ardent in preserving the Town's rural character for future generations.

**Passed by Majority**

**Article 11:** It was voted that the Town raise and appropriate for the Trustees for the **County Co-operative Extension Service** the sum of Five Hundred Dollars (\$500.00), and to set the length of the term of the Town Director at one (1) year as provided in MA General Laws Chapter 128, Sections 41 and 42.

**Unanimous**

**Article 12:** It was voted that the Town raise and appropriate the sum of Nine Hundred Forty Four Thousand One Hundred Seventy Dollars (\$944,170.00) as the share of the Town of Lakeville in the **Plymouth County Retirement Association**.

**Unanimous**

**Article 13:** It was voted that the Town raise and appropriate the sum of One Million Six Hundred Seventy Two Thousand Nine Hundred Sixty Eight Dollars (\$1,672,968.00) as the Town's share of the 2016-2017 maintenance and operating budget for the **Old Colony Regional Vocational High School District**, consisting of the Non-excluded Debt Assessment of One Hundred Thirty Thousand Six Hundred Fifty Eight Dollars (\$130,658.00), the Operating Cost Assessment of One Million Three Hundred Seventy Eight Thousand Seven Hundred Ninety Five Dollars (\$1,378,795.00), and the Transportation Assessment of One Hundred Sixty Three Thousand Five Hundred Fifteen Dollars (\$163,515.00) to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett, and Rochester.

**Passed by Majority**

**Article 14:** It was voted that the Town raise and appropriate the sum of Twelve Million Seven Hundred Seventeen Thousand Six Hundred Twenty Four Dollars (\$12,717,624.00) as the Town's share of the 2016-2017 maintenance and operating budget for the **Freetown-Lakeville Regional School District**, consisting of the Excluded Debt Assessment

of Five Hundred Five Thousand Seven Dollars (\$505,007.00), the Operating Cost Assessment of Eleven Million Seven Hundred Ninety One Thousand Three Hundred Dollars (\$11,791,300.00), and the Transportation Assessment of Four Hundred Twenty One Thousand Three Hundred Seventeen Dollars (\$421,317.00) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown.

**Passed by Majority**

**Article 15** It was voted that the Town vote, pursuant to the provisions of G. L. c. 71, sec. 16(d), or any other authority, to approve the bond authorization voted on April 27, 2016 by the *Freetown-Lakeville Regional School District School Committee* in the amount of Five Hundred Ten Thousand Dollars (\$510,000.00) for the purpose of paying costs of ***reconstructing the District's swimming pool***, including payment of all other costs incidental and related thereto, or take any action relative thereto.

**Unanimous**

**Article 16:** It was voted that the Town raise and appropriate the sum of One Hundred Eighty Three Thousand Four Hundred Ninety Three Dollars (\$183,493.00) for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs **other than** at Old Colony Vocational School.

**Unanimous**

**Article 17:** 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*.

**Unanimous**

**Article 18:** It was voted that the Town transfer from Free Cash the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) 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 19:** It was voted that the Town raise and appropriate the sum of Seventeen Thousand Dollars (\$17,000.00) for the purpose of funding the Triennial Recertification of the Town's real estate and personal

property in Fiscal Year 2018, as mandated by the Massachusetts Department of Revenue, and any costs incidental or related thereto.

**Unanimous**

**Article 20:** It was voted that the Town transfer and appropriate from the Settlement Recovery Account the sum of One Hundred Thousand Dollars (\$100,000.00) for the purpose of making **repairs** to the **Assawompset Elementary School**, as may be determined by the Board of Selectmen.

**Unanimous**

**Article 21:** It was voted that the Town raise and appropriate the sum of Fifty Thousand Dollars (\$50,000.00) for the purpose of meeting the new **MS4 Stormwater Permit** requirements, including but not limited to engineering, construction, training and inspection costs.

**Unanimous**

**Article 22:** It was voted that the Town appropriate Four Hundred Thousand Dollars (\$400,000.00) to pay preliminary **design costs** for a **new Police Station**, including but not limited to the site work, hiring of architects, engineers, a Project Manager, and other professionals for the preparation of designs, working drawings, bid documents and related materials; and for all costs incidental and related thereto, 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(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**Carries 2/3rds requirement (151 Yes to 1 No)**

**Article 23:** It was voted that the Town transfer from the Board of Selectmen for the purposes for which it is currently held, to the Board of Selectmen for its current purposes and/or for the purpose of **locating a Police Station** and/or other municipal building thereon, the care, custody, management and control of a portion of the parcel of land known as the Ted Williams Camp as located at 28 Precinct Street in the Town and identified as Assessor's Map 027-Block 002 and Lot 028, said portion as shown on a preliminary plan on file in the Office of the Town Clerk; and further to authorize the Board of Selectmen to submit a petition for special legislation to the General Court under the provisions of Article 97 of the

Amendments to the Massachusetts Constitution, if applicable, authorizing the foregoing transfer.

**Carries 2/3rds requirement (145 Yes to 7 No)**

**Article 24:** It was voted that the Town transfer the care, custody and control of a parcel of land with improvements located at **239 Main Street**, Lakeville, Massachusetts, which land is identified on Assessors' Map 007 Block 002 Lot 006 and described in a deed filed with the Plymouth County Registry of Deeds in Book 8925, Page 232, from the Board of Selectmen for library purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and further, to authorize the Board of Selectmen to convey said property on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town, and to authorize the Board of Selectmen to enter into all agreements and to execute all instruments as may be necessary or convenient on behalf of the Town to affect said conveyance, or take any action relative thereto.

**Carries 2/3rds requirement (139 Yes to 2 No)**

**Article 25:** It was voted that the Town transfer from the Debt Service/Capital Projects Stabilization Fund the sum of Seventy One Thousand Six Hundred Sixty Six Dollars (\$71,666.00) for the purpose of funding the Fiscal Year 2017 principal and interest payments due on the three-year lease for Equipment & Technology for the Town Network as authorized at the June 9, 2014 Annual Town Meeting.

**Carries 2/3rds requirement (134 Yes to 0 No)**

**Article 26:** It was voted that the Town appropriate the sum of \$1,149,500.00 to pay costs of capital improvements and equipment, and all costs incidental and related thereto, as follows:

<b>Police Department</b>	
3 New Police Cruisers w/equipment (less trade-ins)	\$109,500
<b>Fire Department</b>	
1 New Pumper for the Fire Department w/equipment (less trade-in)	\$550,000
1 New Command Vehicle for Fire Chief w/equipment (less	\$ 32,000

trade-in)

**Highway Department**

Highway Garage Roof Replacement	\$ 20,000
1-New one (1) ton Dump Truck w/plow and equipment	\$ 60,000
1 New Backhoe w/equipment	\$100,000
New Office Trailer w/ramp	\$ 70,000

**Transfer Station**

Transfer Station Garage Repairs	\$ 20,000
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**Miscellaneous**

SoftRight Financial or similar software for Accountant, Treasurer, Assessing, and Town Clerk	\$140,000
People GIS Mapping, Complete Streets and Stormwater Software or Similar software for the Highway Department	\$ 38,000
1 New Copier for the Town Offices/Fire Station	<u>\$10,000</u>

**TOTAL                      \$1,149,500**

and that to meet this appropriation, (i) the Treasurer, with the approval of the Selectmen, is authorized to borrow \$650,000 to pay costs for a new Pumper for the Fire Department w/equipment (less trade-in) and a new Backhoe for the Highway Department w/ equipment, including the payment of all costs incidental and related thereto, under and pursuant to Chapter 44, Section 7(9) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, and (ii) \$427,133.90 shall be transferred from Free Cash and (iii) to transfer the following funds from previous Town Meetings:

Article 10 Annual Town Meeting held on May 8, 2006	\$13,609.20
Article 10 Annual Town Meeting held on June 11, 2007	\$ 6,738.93
Article 10 Annual Town Meeting held on May 12, 2008	\$ 2,925.20
Article 10 Annual Town Meeting held on June 15, 2009	\$ 458.73
Article 15 Annual Town Meeting held on June 7, 2010	\$28,037.12
Article 13 Annual Town Meeting held on June 13, 2011	\$18,773.77
Article 13 Annual Town Meeting held on June 4, 2012	<u>\$ 1,823.15</u>
<b>TOTAL</b>	<b>\$72,366.10</b>

and to authorize the Board of Selectmen and other appropriate Town Officials to take such action as may be necessary to effectuate the purposes of this vote.

**Carried by 2/3rds requirement (124 Yes to 2 No)**

**Article 27:** It was voted that the Town accept under the provisions of M.G.L., *Chapter 90*, Section 34, an apportionment in the amount of Three Hundred Seventy Six Thousand One Hundred Sixty Six Dollars (\$376,166.00), or any other amount.

**Unanimous**

**Article 28:** It was voted that the Town transfer from Free Cash the sum of Two Hundred Thirty Three Thousand One Hundred Eighty Five Dollars (\$233,185.00) for the purpose of adding to the Stabilization Fund pursuant to the provisions of M.G.L. Chapter 40, Section 5B.

**Carried by 2/3rds requirement (105 Yes to 0 No)**

**Article 29:** It was voted that the Town transfer from Free Cash sum of Two Hundred Thousand Dollars (\$200,000.00) for the purpose of adding to the *Debt Service/Capital Projects Stabilization Fund* pursuant to the provisions of M.G.L., Chapter 40, Section 5B.

**Carried by 2/3rds requirement- Unanimous**

**Article 30:** It was voted that the Town transfer from Free Cash the sum of Two Hundred Thousand Dollars (\$200,000.00) for the purpose of adding to the *Reserve Fund*.

**Unanimous**

**Article 31:** It was voted that the Town transfer and appropriate the sum of One Hundred Forty Four Thousand Six Hundred Seventy Two Dollars and Six Cents (\$144,672.06) 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.

**Unanimous**

Before hearing Articles 32-38, a motion was made to combine Articles 32-38 as printed in the Warrant and seconded, and the motion passed unanimously. (Article 32- Change of Parcel, Articles 33-38- Change of Language)

**Article 32:** It was voted that the Town amend the Town **Zoning Map**, as identified in *Section 3.2.1 of the Zoning By-Laws*, by changing the zoning from the Residential (“R”) to Business (“B”) district for the following parcel, comprising of approximately 0.74 acres of land:

025-006-006                      142 Bedford Street:

**Carried by 2/3rds requirement (92 Yes to 3 No)**

**Article 33:** It was voted that the Town amend the **Zoning By-Laws**, *Section 1.1 “Purpose of Zoning By-Law”*, as set forth in the Warrant.

delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

1.1 This By-Law, which ~~may~~shall be known and cited as the Lakeville, Massachusetts Zoning By-Law, is hereby adopted for the purpose of promoting health, safety, convenience, morals and/or welfare of the inhabitants of the Town of Lakeville, for lessening the dangers of congestion and fire, to conserve the value of the land and buildings, to encourage the most appropriate use of land and for other purposes stated in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended from time to time.

**Carried by 2/3rds requirement (92 Yes to 3 No)**

**Article 34:** It was voted that the Town amend the **Zoning By-Laws**, *Section 5.2 “Footnotes to Intensity Requirements”*, subsection 5.2.2, as set forth in the Warrant.

delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

5.2.2 Any portion of a lot which is less than fifty (50) feet in width or depth when measured ~~perpendicular to any property line~~from any

point on a property sideline to any other point on an opposite sideline shall not be included in the determination of the required minimum area and/or frontage.

**Carried by 2/3rds requirement (92 Yes to 3 No)**

**Article 35:** It was voted that the Town amend the **Zoning By Laws**, Section 6.1 “Non-Conforming Uses, Structures, and Lots”, subsection 6.1.1, as set forth in the Warrant.

delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

6.1.1 Abandonment/~~Non-Use~~-A non-conforming use, building or structure, other than single and two-family residential structures, which has been abandoned or ~~discontinued~~ not used for a period of two (2) years, ~~shall not be re-established~~ lose its protected status and any future use shall conform with the By-Law, except in the case of land used for agriculture, horticulture, or floriculture, where such non-use shall have existed for a period of five (5) years; provided, however, that by the issuance of a Special Permit, the Zoning Board of Appeals may reestablish the protected nonconforming status of such use, building or structure.

A single or two-family residential structure, which has been abandoned for a period of two (2) years, shall lose its protected status and any future use shall conform with the By-Law; provided, however, that by the issuance of a Special Permit, the Zoning Board of Appeals may reestablish the protected non-conforming status of such use, building or structure.

**Carried by 2/3rds requirement (92 Yes to 3 No)**

**Article 36:** It was voted that the Town amend the **Zoning By-Laws**, Section 6.1 “Non-Conforming Uses, Structures, and Lots”, subsection 6.1.2, as set forth in the Warrant.

delete certain language, shown in strikethrough, and to insert new language, shown underlined, as follows:

- 6.1.2 Limitation on Restoration- A non-conforming structure which has been unintentionally destroyed ~~by fire or other act of God~~ may be reconstructed. The reconstructed structure shall either be placed no nearer ~~to the street~~ any property line than the structure which it replaces, ~~or~~ The reconstructed structure may be extended up to the limits of the Intensity Regulations of Section 5.0 of the current By-Law. Wherever possible, the reconstructed structure shall conform to the Intensity Regulations of Section 5.0 of the current By-Law.

**Carried by 2/3rds requirement (92 Yes to 3 No)**

**Article 37:** It was voted that the Town amend the **Zoning By-Laws**, *Section 6.1 "Non-Conforming Uses, Structures, and Lots"*, subsection 6.1.3, first paragraph, as set forth in the Warrant.

insert new language, shown underlined, as follows:

- 6.1.3 Extension- Pre-existing non-conforming structures or uses may be changed, extended or altered by Special Permit from the Board of Appeals, finding that such change, extension or alteration is not substantially more detrimental than the existing non-conforming structures or uses.

**Carried by 2/3rds requirement (92 Yes to 3 No)**

**Article 38:** It was voted that the Town amend the **Zoning By-Laws**, *Section 7.4 "Special Permits"*, subsection 7.4.1, as set forth in the Warrant.

insert new language, shown underlined, as follows:

- 7.4.1 Certain specific uses, buildings and structures identified in other sections of this By-Law shall be allowed to be located, relocated, altered or substantially expanded in specified districts only upon the issuance of a Special Permit by the Special Permit Granting Authority, as designated herein. Special Permits shall only be issued for uses, buildings and structures which are in harmony with the general purpose and intent of this By-Law and subject to

its general or specific provisions and only if the Special Permit Granting Authority finds that the following conditions are met.

**Carried by 2/3rds requirement (92 Yes to 3 No)**

Check lists were used and 371 voters, including 10 Town Meeting Members, were checked on the list as being present as follows:

	P.1	P.2	P.3	Total
<b>Voter Registration as of 5/17/2016 per Precinct</b>	<b>2,339</b>	<b>2,468</b>	<b>2,623</b>	<b>7,430</b>
<b>371 Voters Checked-in 5% Turn-out</b>	<b>99</b>	<b>197</b>	<b>75</b>	<b>371</b>

Motion to dissolve came at 10:21 PM.

A true copy of the record

Attest:   
\_\_\_\_\_  
Lillian M. Drane, CMC,  
Town Clerk