

SPECIAL TOWN MEETING

November 13, 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 **7:01 P.M.** at Apponequet Regional High School Auditorium when 100 registered voters had been checked in. Tellers had been appointed and sworn in by the Town Clerk, Lillian M. Drane. They included Lorraine Carboni, Sylvester Zienkiewicz and Kimberly Borge.

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.

We began with the Pledge of Allegiance to the Flag of the United States of America. Then he entertained a motion to waive the reading of the warrant, seconded; unanimous. We then proceeded to Article #1.

ARTICLE 1:

It was voted that under Article 1 be **DIVIDED** by considering the appropriation for payment of bills from prior fiscal years separately from the remainder of the articles.

Finance Committee- Approved

The motion PASSED unanimously.

**ARTICLE #1
SPECIAL TOWN MEETING TRANSFERS-
November 13, 2018**

SOURCE OF FUNDS (Transfer from):		USE OF FUNDS (Transfer to):	
GENERAL FUND			
Taxation	\$ 12,845.96	Prior Year Unpaid Bills:	
		-Legal Tax Foreclosures	\$ 4,889.26
		-MG&E	\$ 1,468.00
		-Property & Liability Ins.	\$ 1,374.00
		-Maple Leaf Landscaping	\$ 4,000.00
		-Spillane Nursery	\$ 143.85
		-Mass RI Veterinary	\$ 171.85
		-Unemployment	\$ 600.00
		-Police	\$ 199.00
Landfill Enterprise Expenses	\$ 27.60	-Miller Recycling	\$ 27.60
Subtotal	\$ 12,873.56	Subtotal	\$ 12,873.56
Fire Chief Wages	\$ 2,500.00	Emergency Management Director	\$ 2,500.00
Taxation	\$ 20,000.00	IT Director Wages	\$ 20,000.00
Taxation	\$ 37,500.00	Town Administrator Wages	\$ 37,500.00
Taxation	\$ 10,000.00	Selectmen Contracted Services	\$ 10,000.00
Taxation	\$ 66,000.00	IT Expenses- Munis Modules	\$ 66,000.00
Taxation	\$ 69,862.00	Debt Service/interest New Police Station	\$ 69,862.00
Free Cash	\$ 291,500.00	Debt Service/Capital Projects Stabilization	\$ 291,500.00
Free Cash	\$ 400,000.00	OPEB Contribution	\$ 400,000.00
Free Cash	\$ 400,000.00	Highway Department Contracted Services	\$ 400,000.00

Free Cash	\$ 50,000.00	Reserve Fund	\$ 50,000.00
Subtotal	\$1,347,362.00	Subtotal	\$1,347,362.00
TOTALS :	<u>\$1,360,235.56</u>	TOTALS :	<u>\$1,360,235.56</u>

It was voted that the Town raise and appropriate the sum of \$12,845.96 and transfer the sum of \$27.60 from Landfill Enterprises, for a total appropriation of \$12,873.56, for the payment of bills from prior fiscal years, as set forth on the chart printed on Page 6 of the Warrant.

Finance Committee- Approved

The motion carried by 9/10ths requirement, PASSED Unanimously.

It was voted that the Town raise and appropriate the sum of \$203,362.00, transfer the sum of \$2,500.00 from Fire Chief Wages, and transfer from Free Cash the sum of \$1,141,500.00, for a total appropriation of \$1,347,362.00 to defray unanticipated costs for Fiscal Year 2019 for the various accounts in the General Fund as shown on the chart on Page 6 of the Warrant.

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 2:

It was voted that the Town transfer and appropriate from the **Park Enterprise Fund Retained Earnings** the sum of Seventy Five Thousand Dollars (\$75,000.00) for the construction of new athletic fields on Town-owned land and all costs incidental and related thereto, and Two Thousand Five Hundred Dollars (\$2,500.00) for the purchase of a new Bunker Rake.

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 3:

It was voted that the Town appropriate the sum of **\$119,910.00** to pay costs of **capital improvements**, and all costs incidental and related thereto, as follows:

<u>Police Department</u>	
One (1) new Boat and Equipment	\$ 40,500.00
<u>Highway Department</u>	
One (1) new Fuel System and Equipment	\$ 26,000.00
One (1) new Storage Building, Foundation, and all cost incidental to installation	\$ 21,410.00
Two (2) new Oil Tanks, Pumps, Piping, other Material and Equipment, and all costs incidental to installation	<u>\$ 32,000.00</u>
TOTAL	\$119,910.00

and that to meet this appropriation (i) \$108,500.00 shall be transferred from Free Cash and (ii) \$11,410.00 shall be transferred from the unexpended balance of Article 5 Annual Town Meeting held on June 4, 2018 where all the projects set forth in said Article 5 have been completed and no further obligations remain outstanding; 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 PASSED unanimously.

ARTICLE 4:

It was voted that the Town transfer and appropriate from the Freetown-Lakeville Regional School District Settlement Account the sum of \$68,025.00 for the purpose of making repairs to the **Assawompset Elementary School**, as may be determined by the Board of Selectmen.

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 5:

It was voted that the Town authorize the Board of Selectmen to enter into a payment-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H (b), Chapter 164, Section 1, or any other enabling authority, for a term of years and upon such other terms and conditions as the Board shall deem in the best interest of the Town, for the personal property associated with a **solar photovoltaic facility** on a parcel of privately-owned land (Map 26, Block 4, Lot 4) located at **129 Crooked Lane** upon which such facility is located, and to take all actions necessary to implement such agreement.

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 6:

It was voted that the Town transfer the care, custody and control of a parcel of land with improvements located at **296 Bedford Street, Lakeville, Massachusetts**, which land is identified on Assessors' Map 058 Block 001 Lot 014 and described in a deed filed with the Plymouth County Registry of Deeds in Book 5170, Page 204, from the officer, board or commission currently having custody and control of said parcel 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.

Finance Committee- Approved

Carried by 2/3rds requirement (131 Yes to 2 No), motion PASSED Unanimously.

ARTICLE 7:

It was voted that the Town transfer the care, custody and control of a parcel of land with improvements located at **Cherry Street**, Lakeville, Massachusetts, which land is identified on Assessors' Map 042 Block 012 Lot 015A and described in a deed filed with the Plymouth County Registry of Deeds in Book 28349, page 188, from the officer, board or commission currently having custody and control of said parcel, 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.

Finance Committee- Approved

Carried by 2/3rds requirement (131 Yes to 2 No), motion PASSED Unanimously.

Planning Board chairman Brian Hoeg gave Planning Board reports on Articles 8 & 9 as presented in the warrant.

ARTICLE 8:

It was voted that the Town **amend** the **Zoning By-Law** relative to Filling Station as follows:

Amend Section 4.1 "Table of Uses Regulations" Sub-Section 4.1.2 Business Uses to delete certain language, shown in strikethrough, and insert new language, shown **bold** and underlined, as follows:

4.1.2	<u>Business Uses</u>	R	B	I	I-B
	Filling station <u>Station</u> Allowed only in areas served by municipal water. <i>(Adopted 5/8/2006; Approved by Attorney General 6/14/2006)</i>	N	SP	SP <u>N</u>	N

Finance Committee- Approved

Planning Board– Recommends approval

Carried by 2/3rds requirement (127 Yes to 4 No), motion PASSED Unanimously.

ARTICLE 9:

It was voted that the Town **amend** the **Zoning By-Law** Section 7.0 ‘Special Regulations’ Sub-Section 7.4.6 Specific Uses by Special Permit to delete certain language, shown in strikethrough, and insert new language, shown underlined and **bold** as follows:

7.4.6 Specific Uses by Special Permit

Filling ~~or service s~~Station ~~or automotive repair garage~~

SPGA – Board of Appeals; All Business Districts

The petitioner shall demonstrate: ~~An automotive repair garage shall be subject to an annual license by the Board of Selectmen and shall be found to be compatible with nearby uses, and shall include provisions for parking and screening. A gasoline service station shall be subject to an annual license or permit by the Board of Selectmen and to the following conditions or findings. 1) Evidence of reasonable public need not adequately met by existing service stations within 1 mile of the proposed location. 2-1) That the proposed service filling station will cause no traffic hazard, congestion or interference with the flow of traffic especially at and near intersections. 3 2) That adequate provisions will be made to minimize pollution due to oil, gasoline and other chemical spills, fumes and particulates; and 4) That the numbers of vehicles served will be limited to those specified in the permit. 5 3) That there will be no outdoor storage of materials except as provided by the Special Permit and no parking of unregistered or wrecked vehicles.~~

Finance Committee- Approved

Planning Board– Recommends approval

Carried by 2/3rds requirement (133 Yes to 0 No), motion PASSED Unanimously.

Article 10-brought the largest interest and concerns from the floor regarding Adult Marijuana Retailers in town. After much discussions and explanation from Town Counsel Corbo regarding the Massachusetts Cannabis Regulations, we then proceeded with the Article 10.

ARTICLE 10 (by Citizen Petition):

To see if the Town will vote to amend the Zoning By-Law for Adult Marijuana Retailer. Lakeville Zoning Districts section 4.1.3 Industrial Uses. Change Adult Use Marijuana Retailers from ‘Sp’ to ‘N’. Section 7.4.6 Specific Uses by Special Permit. Adult Marijuana Establishments and Marijuana Retailers.

DELETE ALL REFERENCES TO MARIJUANA RETAILERS IN SECTION A-G.

Finance Committee- **Do not** recommend approval

Planning Board held the required hearing on Thursday, November 8, 2018 and voted to recommend approval of the Petition. The vote was three (3) aye, one (1) nay, and one (1) abstention.

After a lengthy discussion and no amendments from the floor, we then proceeded with the motion.

Motion FAILED by 2/3rds requirement (54 Yes to 81 No).

ARTICLE 11 (by Citizen Petition):

To see if the Town will vote to petition the General Court for Special Legislation. Notwithstanding chapter 43B section 13 of the General Laws or any General or Special Law to the contrary. To request that the Town of Lakeville vote to increase its Board of Selectmen from three (3) members to five (5) members, with such increase to be implemented as follows: ***At the 2019 Annual Town Election**, the Town will elect three (3)* new selectmen, one will be elected for a one (1) year term, one for a two (2) year term, and one (1) for a three (3) year term, so that the positions appropriately cycle in accordance to state law. Thereafter, as the term of each selectman ends, his/her successor will be elected for the regular term of three (3) years. ***In 2019**, one position for selectmen will be up for election, and two new positions will be created.

Finance Committee- **Do not** recommend approval

MOTION TO AMEND:

After much discussion regarding the General Court for Special Legislation not having sufficient time to act on this petition, a motion to amend Article 11 by the Petitioner to change as follows: *At the 2019 or 2020 Annual Town Election and *In 2020, was made and seconded. After a lengthy discussion, the motion to amend Article 11 passed by majority.

Amended- Article 11:

To see if the Town will vote to petition the General Court for Special Legislation. Notwithstanding chapter 43B section 13 of the General Laws or any General or Special Law to the contrary. To request that the Town of Lakeville vote to increase its Board of Selectmen from three (3) members to five (5) members, with such increase to be implemented as follows: ***At the 19 or 2020 Annual Town Election**, the Town will elect three (3)* new selectmen, one will be elected for a one (1) year term, one for a two (2) year term, and one (1) for a three (3) year term, so that the positions appropriately cycle in accordance to state law. Thereafter, as the term of each selectman ends, his/her successor will be elected for the regular term of three (3) years. ***In 2020**, one position for selectmen will be up for election, and two new positions will be created.

Motion FAILED by majority vote (53 Yes to 73 No).

Article 12 also brought the largest interest and concerns from the floor regarding health insurance benefits for town employees and part-time elected officials.

Article 12 (by Citizen Petition):

To see if the Town will vote to petition the General Court for special legislation notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, part-time elected officials in the Town of Lakeville who receive a stipend shall not be eligible for participation in the town's contributory health and life insurance benefit plan, nut part time elected officials who receive a stipend and who pay the full monthly cost to the town, plus any administrative costs that may be assessed by the Board of Selectmen, shall be eligible to participate.

Finance Committee- **Do not** recommend approval

MOTION TO AMEND:

After much discussion regarding health insurance to part-time elected officials, a motion to amend Article 12 by the Petitioner to change as follows: ***To be in effect at the end of the Fiscal Year 2019, June 30, 2019**, was made and seconded. After a lengthy discussion, the motion to amend Article 12 passed by majority.

Amended –Article 12:

To see if the Town will vote to petition the General Court for special legislation notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, part-time elected officials in the Town of Lakeville who receive a stipend shall not be eligible for participation in the town's contributory health and life insurance benefit plan, but part time elected officials who receive a stipend and who pay the full monthly cost to the town, plus any administrative costs that may be assessed by the Board of Selectmen, shall be eligible to participate. **To be in effect at the end of the Fiscal Year June 30, 2019.**

Motion FAILED by majority vote.

All business on the Warrant having been acted upon, a motion to dissolve came at **10:03 PM.**

Check lists were used for the Special Town Meeting and **145 voters** including **9** 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 11/02/2018	2,508	2,608	2,787	7,903
Checked-In	38	68	39	145
% Turn-out on 11/13/18	1.51%	2.60%	1.40%	1.83%

**Articles 8 & 9 are Zoning By-Law amendments, pending approval by the Attorney General.

A true copy of the record.

Attest:



**Lillian M. Drane, CMC/CMMC,
Town Clerk**