

SPECIAL TOWN MEETING JUNE 23, 2020

Pursuant to the Warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Katie Goodfellow called the meeting to order at **8:45 PM.** at Apponequet Regional High School Gymnasium when *25% registered voters had checked in of 100. Same tellers from the Annual Town Meeting were appointed and sworn to the faithful performance of their duties by the Town Clerk, Lillian M. Drane. They included Margaret Bethune, Robert Marshall, Geraldine Taylor and Joanne Upham.

Mrs. Goodfellow set her 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, Franklin Moniz, Lakeville DPW Director, Gregg Corbo, Town Counsel, Richard Medeiros, Lakeville-Freetown Superintendent of Schools and Todd Hassett, Lakeville Town Accountant, to speak or to be heard- so moved, seconded and passed unanimously. Then she entertained a motion to waive the reading of the warrant, seconded; unanimous. We then proceeded to Article 1.

Article 1 brought the largest interest and concerns regarding the position of the Treasurer/Collector from an elected position to a position appointed. After a lengthy discussion and explanations from Board of Selectman Chairman LaCamera and Treasurer/Collector Debra Kenney regarding elected vs appointed and no amendments from the floor, we then proceeded with the motion.

ARTICLE 1:

It was voted that the Town authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to change to position of **treasurer-collector from an elected position to a position appointed** by the Board of Selectmen; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, the petition to take the form set forth in the Warrant.

The petition for special legislation shall take the following form:

AN ACT RELATIVE TO THE POSITION OF TREASURER COLLECTOR IN THE TOWN OF LAKEVILLE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 1 of chapter 41 of the General Laws or any other general or special law, rule or regulation to the contrary, there shall be a treasurer/collector for the town of Lakeville. The treasurer/collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town treasurers and town collectors of taxes. The treasurer/collector shall be appointed and may be removed, after the opportunity for a hearing, by the board of selectmen of the town. The board of selectmen may establish an employment contract, subject to annual appropriation, with the treasurer/collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance

of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Upon the effective date of this act, the elected offices of treasurer/collector shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the offices of treasurer/collector on the effective date of this act shall continue to hold such offices and perform the duties of those offices until the expiration of the term for which the town treasurer/collector was elected, unless he or she sooner vacates such offices or until a new treasurer/collector is appointed by the board of selectmen in accordance with section 1 of this act.

SECTION 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of treasurer/collector or the creation of the appointed office and the appointed treasurer/collector shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected treasurer/collector shall be assigned to the office of the appointed treasurer/collector.

SECTION 4. This act shall take effect upon its passage.

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 2:

It was voted that the Town accept the provisions of G.L. c. 40, §57, as amended by Chapter 408 of the Acts of 1993, and **adopt the General By-Law** appearing below, which would permit the licensing authority to deny an application, to revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, or take any other action relative thereto.

**DENIAL, REFUSAL OR SUSPENSION OF LICENSES AND PERMITS OF
DELINQUENT TAXPAYERS**

SECTION 1 List of Persons Neglecting or Refusing to Pay Taxes, Assessments or Municipal Charges. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, and may periodically, furnish to each Department, Board, Commission or Division, hereinafter referred to as the licensing authority that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such a party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

SECTION 2 Denial, Refusal or Suspension of License; Hearing. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law and the party is given a hearing, to be held not earlier than **fourteen (14) days** after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. Any

party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

SECTION 3 Waiver of Denial, Suspension or Revocation. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268A in the business or activity conducted in or on said property.

SECTION 4 Exceptions. This By-Law shall not apply to the following licenses and permits: Open burning, Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 27E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing, hunting, trapping licenses, Section 12 of Chapter 101; marriage licenses, Section 28 of Chapter 207; and theatrical events, public exhibition permits, Section 181 of Chapter 140.

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 3:
It was voted that the Town **amend the Zoning By-Law, Section 8.7 Temporary Licenses** to change the licensing authority for mobile homes and storage boxes from the Board of Selectmen to the Building Commissioner and to make the changes shown in the Warrant:

MOBILE HOME-STORAGE BOXES-TRAILERS

8.7 Temporary Licenses

Notwithstanding the other provisions of this by-law, the owner and occupier of a residence which has been unintentionally destroyed or the owner of a conforming lot under these by-laws and permitted for building a single family residence, may apply for a license from the Building Commissioner to place a mobile home as defined herein and to reside in such home for a period not to exceed twelve months while the residence is being built or rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary Code. Such a license may be issued for a period of six (6) months and may be reserved by written request thirty (30) days prior to expiration for an additional six (6) months due to unforeseen circumstances or other unavoidable delays. *(Adopted June 16, 2003; approved by Attorney General September 9, 2003)*

8.7.1 Upon application from the owner of a parcel of land, the Building Commissioner may issue a temporary license to place a mobile home as defined herein, on such land of the applicant for a temporary residence of transient non-paying guests for a period not to exceed three months. Such license shall be non-renewable. Any such mobile home shall be subject to the provisions of the State Sanitary Code. *(Adopted June 16, 2003; approved by Attorney General September 9, 2003)*

8.7.2 Upon application from the owner of a parcel of land, the Building Commissioner may issue a temporary license to place an unoccupied mobile home as defined herein, for storage on such lot for a period not to exceed one year, but may be renewed annually. *(Adopted June 16, 2003; approved by Attorney General September 9, 2003)*

8.7.3 Upon application from the owner of a parcel of land, the Building Commissioner may issue a Temporary License to place a storage box, as defined herein, on the subject property to be used for storage of vehicles or other personal property for a period not to exceed one year and may be renewed annually subject to review by the **Board Building Commissioner**. *(Adopted June 14, 2004; approved by Attorney General September 16, 2004)*

Mobile Home: Same as house trailer, meaning a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, designed and intended to be moved as a

unit to a fixed location and installed on a permanent or a temporary foundation or support for use as stationary living quarters. This definition shall not include a travel or camping trailer which is a vehicle designed to travel on highways on rubber-tired wheels and used as living quarters for a period not to exceed several weeks at any one location.

Storage Boxes, Trailers: any trailer completely enclosed or covered in any way; shipping containers, also referred to as cargo boxes; and trailers which are or were part of a tractor trailer unit. This definition shall not include a travel or camping trailer which is a vehicle designed to travel on highways on rubber-tired wheels and used for recreational purposes.

Finance Committee- Approved

Planning Board- Approved

The motion carried by 2/3rds requirement, PASSED unanimously

Planning Board member, Barbara Mancovsky gave a Planning Board report on Article 4 as presented in the warrant.

ARTICLE 4:

It was voted that the Town **amend the Town’s Zoning By-Law and Zoning Map** with the respect to the regulation of Marijuana Uses as shown in the Warrant:

- (1) Amend the Town of Lakeville Zoning Map to create a “Marijuana Overlay District” comprised of parcels located within the Town’s Industrial District as shown on the Town’s Zoning Map.

MILLENNIUM CIRCLE – HARDING STREET

Address	Map-Block-Lot
4 Harding Street	022-001-004
8 Harding Street	022-001-003-01
10 Harding Street	022-001-003-05
12 Harding Street	022-001-002

14 Harding Street	022-001-003-07
155 Millennium Circle	022-001-003-03
200 Millennium Circle	022-001-003-04
215 Millennium Circle	022-001-003-09
240 Millennium Circle	022-001-003-06
415 Millennium Circle	022-001-003-02

GREAT PONDS INDUSTRIAL PARK – KENNETH WELCH DRIVE

Address	Map-Block-Lot
Kenneth W Welch Drive	024-006-004C
Kenneth W Welch Drive	024-006-009
Kenneth W Welch Drive	024-006-007
Kenneth W Welch Drive	024-006-009A
Kenneth W Welch Drive	060-008-002D
100 Kenneth W Welch Drive	060-008-017
100 Kenneth W Welch Drive	060-008-018
100 Kenneth W Welch Drive	060-008-018A
170 Kenneth W Welch Drive	060-008-019
175 Kenneth W Welch Drive	060-008-002F
200 Kenneth W Welch Drive	060-008-014A
210 Kenneth W Welch Drive	060-008-014B
220 Kenneth W Welch Drive	060-008-014C
230 Kenneth W Welch Drive	060-008-014F
234 Kenneth W Welch Drive	061-002-009
240 Kenneth W Welch Drive	061-002-003C
260 Kenneth W Welch Drive	061-002-003B
303 Kenneth W Welch Drive	061-003-001A
305 Kenneth W Welch Drive	061-003-001
308 Kenneth W Welch Drive	061-002-003A
310 Kenneth W Welch Drive	061-002-003
475 Kenneth W Welch Drive	024-006-008
520 Kenneth W Welch Drive	024-006-004A
540 Kenneth W Welch Drive	024-006-004

- (2) Amend the Town's Zoning By-Law Section 3.1 Zoning Districts to include the following new provisions shown below in **bold**:

3.1.10 – Marijuana Overly District

3.2.9 – The Marijuana Overlay District shall be comprised of parcels located within the Town’s Industrial District as shown on the Town’s Zoning Map.

- (3) Amend the Town's Zoning By-Law Section 7.4.6 “Marijuana Uses” as follows, with deletions noted in ~~striketrough~~ and additions in **bold** and **underlined**:

Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries
SPGA – Zoning Board of Appeals; ~~Industrial District~~
Marijuana Overlay District.

- A. All Marijuana Uses, including Adult Use Marijuana Establishments, Marijuana Retailers, and Registered Marijuana Dispensaries, shall require a Special Permit from the Zoning Board of Appeals, **and shall only be permitted to locate within the Marijuana Overlay District, as shown on the Town’s Zoning Map.**

- (4) Amend the Zoning By-Law Section 4.1 Table of Use Regulations by striking the following uses from Section 4.1.3 Industrial Uses:

~~Adult Use Marijuana Establishment (not including
Marijuana Retailers)
Adult Use Marijuana Retailers~~

~~Registered Marijuana Dispensary (as defined by MGL~~

~~Finance Committee-Approved~~

~~Planning Board- Approved~~

~~DPW Director- Approved~~

The motion carried by 2/3rds requirement, PASSED unanimously

ARTICLE 5:

It was voted that the Town **accept Satucket Trail** as a Town Way as heretofore laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan entitled *“Street Acceptance Plan Satucket Trail in Lakeville, MA dated December 26, 2018”*, drawn by Allen & Major Associates, Inc., on file with the Town Clerk.

Finance Committee-Approved

DPW Director- Approved

The motion PASSED unanimously.

All business on the Warrant having been acted upon, a motion to dissolve came at **9:12 PM.**

Check lists were used and **161 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 6/12/2020	2,493	2,639	2,931	8,063
Checked-in	40	44	77	161
% Turn-out on 6/23/2020	1.6%	1.6%	2.6%	1.99%
TOTAL	40	44	77	161

- Articles 1 to be sent to General Court for Special Legislation.
- Articles 2 is a General Bylaw amendment, pending approval by the Attorney General
- Articles 3 & 4 are Zoning By-Laws amendments, pending approval by the Attorney General.

***NOTE:** The Board of Selectmen hereby provided notice of its intention to considering an adjustment of the quorum requirements for the June 23, 2020 Annual & Special Town Meeting. House Bill 4777, signed by the Governor on June 5, 2020, and authorizes a Board of Selectmen to reduce the quorum to at least 10% for an Annual or Special Town Meeting, regardless of whether such quorum is set by bylaw or charter. In Lakeville, Chapter II, Section 6 of the General Bylaws, provides for a quorum of 100 voters.

As background, based upon the orders and guidance issued by the Governor and the Commonwealth Department of Public Health, among others, restricting large gatherings and various public functions, and the declaration of a State of Emergency (COVID-19 Pandemic) in the Commonwealth, significant planning was undertaken to hold the Town Meetings at the Apponequet Regional High School-Gymnasium. The intent of such plan was to provide voters with a way to attend the Town Meetings without having to choose between protecting their health and participating as a member of the legislative body of the Town.

One of the most essential jobs of the Town Meeting is to set the budget for the upcoming fiscal year, and the Board of Selectmen and Finance Committee have determined that it is in the Town's best interests to approve a budget for the upcoming fiscal year (rather than administratively approving a 1/12th budget on a monthly basis). Working with the Moderator, Town Administrator and other key staff, the Town has prepared a Town Meeting plan consistent with the advice and guidance of the Governor and the Department of Public Health.

Therefore, to preserve the option for Town Meeting to be held with a lower quorum, the Board hereby provided notice of its intent to meet on a virtual platform on June 12, 2020 at 3:00 PM to discuss whether, with the Moderator's input and approval, it should lower the quorum to ensure that Town Meeting can undertake its responsibilities. Such meeting was conducted via a virtual platform with public access to allow the public to follow the deliberations in real time. (To view this meeting in progress and attend/or participate in the discussion, it can be watch live on Facebook at <https://www.facebook.com/Lakecam/>. This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>.)

In accordance with An Act Relative to Municipal Governance During the COVID-19 Emergency, on June 4, 2020, [at least seven days before the

Board's vote], the Board of Selectmen provided notice of its intention to reduce or otherwise adjust the Annual and Special Town Meetings quorum requirement established by Lakeville's Town Bylaws, Chapter II, Section 6. On June 12, 2020, in compliance with the Open Meeting Law, the Board of Selectmen and Moderator conferred, met and discussed lowering the 100 voter Annual & Special Town Meeting quorum requirement pursuant to the Town's Bylaws, Chapter II, Section 6, to **25% (25) voters**. A copy of the certified vote of said meeting is noted herewith.

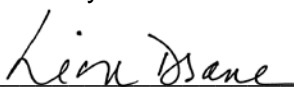
Quorums: Section 7 (a) authorizes a select board or board of selectmen (with the approval of the town moderator) to "prescribe the number of voters necessary to constitute a quorum at any town meeting held during the governor's March 10, 2020 declaration of a State of Emergency at a number that is less than the number that would otherwise be required by law, town by law or town charter; 10 per cent of the number that would otherwise be required. "Section 7 (c) requires: "not less than 10 days after a vote of the select board or board of selectmen to adjust the quorum requirement under this section, the town clerk shall notify the attorney general of the adjusted quorum requirement."

Upon a motion made by Selectman LaCamera and seconded by Chairman Fabian, it was:

VOTED: To reduce the quorum to **25%** for the Annual and Special Town Meetings being held on June 23, 2020.


Roll call vote: Chairman Fabian- aye; Selectman LaCamera- aye.

Attest:



Lillian M. Drane, CMC/CMMC
Town Clerk

A true copy of the record, attest:


Lillian M. Drane, CMC/CMMC,
Town Clerk