

SPECIAL TOWN MEETING

June 21, 2021

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 6:37pm. at Apponequet Regional High School Gymnasium when 100 registered voters had checked in. Tellers had been appointed and sworn to their faithful performance of their duties by the Town Clerk, Lillian M. Drane. They included Mary Fronzaglia, Nancy Yeatts, Michele MacEachern and Joanne Upham; with the possibility of an overflow in the cafeteria, Assistant Moderator Gordon Goodfellow was also appointed and sworn to the faithful performance of his duties by the Town Clerk, Lillian M. Drane.

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.

We began with the Pledge of Allegiance to the Flag of the United States of America. She then introduced members of the Town seated upon the stage: Board of Selectmen, Lorraine Carboni, Richard LaCamera, and Lia Fabian, Ari Sky, Town Administrator, Gregg Corbo, Town Counsel, Lillian Drane, Town Clerk, Darren Beals, Finance Committee Chair, Adam Lynch, Finance Committee and she noted Finance members Brian Day and Katherine DesRosiers will be speaking from the floor and will be abstaining as Finance Committee members.

A motion was then made to allow non-residents who may own property on Long Pond and Gregg Corbo Town Counsel, 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 (Citizen's Petition)

To see if the town will put forth legislation to establish the Freetown Lakeville Lake District in the Towns of Lakeville/Freetown. The District's purpose is to use sustainable and appropriate environmental practices to encourage biodiversity in the plant and animal communities that use the lakes in the District while controlling nuisance or damaging species in Long Pond, take appropriate action to protect and maintain integrity of the water quality of the pond so as to protect public and private water supplies, or take other action relative thereto. We understand that in carrying out the purpose of the district, an assessment fee shall be collected from Town residents abutting and/or having deeded access to Long Pond on an annual basis. Without the Lake District, Long Pond and associated facilities will experience problems of declining resource use and deficiencies of environmental control that threaten the ecological, economical, public safety and health, and recreational values of these bodies of water within the district and subsequently the Assawompset and Nemasket River watershed area.

A motion was made by Kathleen Loftus of 88 Lakeside Avenue, Lakeville, to see if the town of Lakeville to vote to put forth legislation as it appears in the packet that was distributed this evening to establish the Freetown Lakeville Lake District in the Towns of Lakeville/Freetown as printed in the warrant dated June 3, 2021, so moved and seconded.

Petitioner Loftus then asked for the Freetown/Lakeville District Co-Committee members to present the PowerPoint presentation brought forth to town meeting. Presenters were Tom Forcier and James Sarcia from Freetown- PowerPoint Presentation included the following:

1. Tonight's Format
2. Why are we here today?
3. Lake District Charter
4. How does the District Work?
5. Lake District's Plan
6. Frequent asked Questions
7. Answers to the Frequent asked Questions:
 - Why not raise boat launch fees & boat wash?

- Why not go after New Bedford and Taunton Water works funds?
 - Why not go to the Massachusetts Legislature for funds?
 - Why not request Federal Funds?
 - Why not have more fundraisers or find private donors?
 - Why not form a non-profit instead of a District?
 - Why aren't you asking everyone in Freetown or Lakeville to pay?
 - Why are you using assessed value and a percentage instead of a fixed fee?
 - What will it cost to eradicate the weeds, and what are the guarantees?
 - How is it determined who is a proprietor?
 - Are the District Board positions salary based or voluntary?
8. Efforts over the Past Twenty (20) years
 9. The Risk of Doing Nothing
 10. Proprietor Fee examples from Freetown & Lakeville

Presentation can be found at: <https://fild.org>

After a lengthy discussion and explanations from James Sarcia regarding the efforts to combat invasive species and its desire to solve the problem at Long Pond, Moderator Goodfellow asked to speed up the presentation and the need to start discussion on the Legislation presented to town meeting.

Moderator Goodfellow asked for the following recommendations or comments from the Boards:

Finance Committee - **No recommendations**

Board of Selectmen - **No recommendations or comments**

We then proceeded to the LEGISLATION and open the floor for discussions, explanations and amendments:

MOTIONS TO AMEND LEGISLATION:

Motion 1

A motion was made by Maria Perrone-Martin of 207 Cedar Drive, Lakeville, to amend SECTION 2: to strike last sentence: "Persons or entities that jointly own 1 or more separately assessed parcels within the district shall collectively constitute a proprietor for the purposes of this act." and substitute last sentence to "*Each assessed parcel is entitled to one vote.*" After much discussion of this amendment from the floor and explanations, a vote was taken, seconded and FAILED by majority.

Count: 113 YES to 150 NO

Moderator Goodfellow opened the floor for discussion on the Legislation, we then proceeded with the next motion.

Motion 2

After much discussion and explanation, a motion was made by James Kenney of 5 Parkhurst Drive, Lakeville, to amend SECTION 3: by inserting the following language in the opening sentence: The district, upon establishing in the manner herein set forth, "*for the primary purpose of maintaining, enhancing and protecting the recreational use of Long Pond (e.g., fishing, swimming, boating, canoeing, kayaking, and including water sports such as skiing, tubing, wakeboarding, jet skiing, and the like).*" Shall have the following powers. After much discussion of this amendment from the floor and explanations, a vote was taken, seconded and PASSED by majority.

Count: YES 230 YES to 65 NO

Moderator Goodfellow opened the floor to discuss the AMENDED Legislation.

After a lengthy overview, respectfully opposed Robert Stephanian of 1 Court Circle, Lakeville, expressed the following concerns:

- Questions the warrant- 1st paragraph regarding an assessment fee shall be collected?
- 1998 Assessment of a private district was sent to the House of Representative (Case#07851) -discriminatory tax on proprietors.

- MGL, Chap 21, §37C: State Assistance to Municipalities or Agencies for Aquatic Nuisance Control -does not mention Lake Districts.
- 2001 Senator Mark Pacheco, filed SB2025 amended Lake District, -failed to pass
- 2006 MA Study from FLLD (website) Pg.19 regarding “Establish Pond Committee or Lake Association,” -does not state to form a Lake District or Government entity.
- MA Congress of Lakes and Ponds assist group in training and support, 7 Districts mention by petitioner that are members of MA Congress of Lakes and Ponds Associations -7 of 112 the majority are associations/non-profits. Example Lake Wequaquet in Cape Cod is a non-profit -should not be modeling a plan on minority.
- Questions the District forming and becoming a government entity.
- Chapter 209, Acts of 2018- 1 million to DEP to address the weeds in Long Pond -there has been continued efforts.
- Long Pond Association -poorly managed Non-Profit, should explore a professional Non-Profit Organization.

Motion 3

After much discussion and explanation, a motion was made by Brian Day of 8 Elders Pond, Lakeville, to amend SECTION 4, sentence 8: by striking “For the purpose of the initial meeting a quorum shall be not less than 100 proprietors or a majority of the proprietors whichever is less,” and inserting the following: *“For the purpose of the initial meeting a quorum shall be not less than two-thirds the proprietors.”* After much discussion of this amendment from the floor and explanations in relation to the quorum of the initial meeting, a vote was taken, and seconded.

Moderator Goodfellow opened the floor for discussion on the amendment to Section 4.

Motion to Amend Motion 3

After much discussion, James Sarcia explained the difficulties of obtaining a quorum on the District regarding the new 2/3rds requirement amendment of the 1,000 proprietors.

Town Counsel then questioned Mr. Day, if his amendment also included the hand written words "*Lake District*"- between initial and meeting, he stated to strike the words, since it was not added to the initial legislation.

After much discussion, James Sarcia asked for the record how many registered voters are present at tonight's town meeting. Assistant Town Clerk, Jessie Berry gave a count of 348 registered voters. He then entertained a recommendation to amend the motion of Mr. Day's quorum from 2/3rds to 500 proprietors. Moderator Goodfellow recommended a Lakeville registered voter would have to bring forth the amendment in writing.

Moderator Goodfellow opened the floor for discussion on the amendment to motion 3 while we waited for Ms. Loftus' motion of 88 Lakeside Avenue, Lakeville.

Vincent Troiani of 24 Langlois Pines, Lakeville asked what are the procedures regarding amendments? Town Counsel Corbo, explained the procedural of amendments to the amendments for Town Meeting and the powers of the Town Moderator, General Rules of Parliamentary Procedures and Time Meeting Time.

Norman Orrall of 110 Crooked Lane, Lakeville asked whether Town Bylaws, Pg. 3, Section 2 regarding proposed amendments to large numbers applies to this amendment. Town Counsel Corbo explained "Time Meeting Time" states that it applies to budgets but can be considered by the Moderator's discretion.

After much discussion, a motion was then made by Kathleen Loftus of 88 Lakeside Avenue, Lakeville, *"For the purpose of the initial meeting a quorum shall not be less than 500 proprietors with the majority of the proprietors whichever is less.* After much discussion, a vote was taken, seconded and FAILED by majority.

Count: 118 Yes to 191 No

Moderator Goodfellow opened the floor for discussion and explanations. After a lengthy discussion from the floor, a motion was made to "**CALL THE QUESTION**," it was seconded and voted, the motion PASSED by required 2/3rds requirement.

Count: 298 Yes to 0 No

With no discussions from the floor, we then proceeded to vote on **Motion 3**, Mr. Day's- 2/3rds requirement on the proprietors: To amend SECTION 4 sentence 8: by striking "For the purpose of the initial meeting a quorum shall be not less than 100 proprietors or a majority of the proprietors whichever is less." And inserting the following: *"For the purpose of the initial meeting a quorum shall be not less than two-thirds the proprietors."* It was seconded previously, a vote was taken, the motion PASSED by majority.

Count: 199 Yes to 92 No

Moderator Goodfellow opened the floor for discussion on the amended Legislation, a motion was made to "**CALL THE QUESTION**" to suspend "Debate" and move to a vote on the amended "Legislation", it was seconded and voted, the motion PASSED by required 2/3rds requirement.

Count: Yes 265 to 34 No

With the end of "Debates" from the floor, we then proceeded on the AMENDED LEGISLATION for a vote to ADOPT the Legislation as amended this evening, the motion FAILED by majority.


Count: 81 Yes to 203 No

All business on the Warrant having been acted upon, a motion to dissolve came at 8:40pm.

Check lists were used and 350 voters, including 10 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 6/11/2021	2,591	2,787	3,220	8,598
Checked-In	119	200	31	350
% Turn-out on 6/11/21	4.6%	7.2%	1.0%	4.1%
TOTAL	119	200	31	350

A true copy of the record, attest:


Lillian M. Drane, MMC/CMMC,
Town Clerk