

SPECIAL TOWN MEETING

December 8, 2008

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Gordon W. Goodfellow called the meeting to order at 7:08 P.M. at Apponequet High School Auditorium when 100 registered voters had been checked in. Tellers had been appointed and sworn in by Town Clerk, Janet L. Tracy. They included Marilyn Hunt, Daniel Hopkins and Linda Grubb.

We began with Pledge of Allegiance to the Flag and we held a brief moment of silence in memory of **HOWARD M. REYNOLDS**- Assistant Dog Officer -1985; Animal Control Officer- 1986-2004; Assistant Animal Inspector- 1992-1994; Inspector of Animals-1995-2004; Constable-1992-2002. We also had a brief moment of silence for the families and victims of the terrorist attack in Mumbai, India.

Gordon read his usual ground rules of identifying oneself, going to the microphone to speak and submitting motions in writing. Then he entertained a motion to waive the reading of the entire warrant – so moved.

Article 1: It was voted that the Town transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for fiscal year 2009 for various accounts in the General Fund, the Park Enterprise and Landfill Enterprise, all as set forth on the document entitled, “Article #1 Special Town Meeting Transfers December 8, 2008.

Transfer/Appropriate From: Sources		Transfer/Appropriate To:	
GENERAL FUND			
Spec Revenue/ Reserve For Appropriation	\$100,000.00	Selectmen Expense	\$100,000.00
Treasurer Hourly Wages	\$870.00	Town Clerk Wages	870.00
Raise & Appropriate	\$1,500.00	Cemetery Commission Expenses	\$1,500.00
TOTAL	\$102,370.00	TOTALS	\$102,370.00
	PARK ENTERPRISE FUND		
TOTALS	0	TOTALS	0
	LANDFILL ENTERPRISE FUND		
TOTALS	0	TOTALS	0

Majority

Article 2: It was voted that the Town vote to transfer and appropriate from the Out-of-District funds a sum of Thirty Five Thousand Three Hundred Eighteen Dollars (\$35,318.00) for the payment of Special Education programs in the general appropriation

Unanimous

Article 3: It was voted that the Town ratify the Collective Bargaining Agreement with the Lakeville Permanent Firefighters' Association and transfer a sum of Twenty Two Thousand Four Hundred Thirty Seven Dollars (\$22,437.00) from Employee Benefits for health insurance to wages for the Fire Department.

Majority

Article 4: It was voted that the Town ratify the Collective Bargaining Agreement with the Lakeville Police Association and transfer a sum of

Thirty Seven Thousand Twenty Seven Dollars (\$37,027.00) from Employee Benefits for health insurance to wages for the Police Department

Majority

Article 5: It was voted that the Town authorize leasing one (1) postage meter for a term of five (5) years for use by the Town.

Majority

Article 6: It was voted that the Town charge for each written demand issued by the Collector a fee of Fifteen Dollars (\$15.00) to be added and collected as part of the tax, as authorized by Massachusetts General Laws, Chapter 60, Section 15, effective as of January 1, 2009.

Majority

Article 7: It was voted that the Town pursuant to General Laws, Chapter 40, Section 5b, to create a special purpose stabilization fund for the payment of costs associated with water infrastructure improvement projects, to be known as the Water Infrastructure Improvements Stabilization Fund, and further, to transfer a sum of One Million Seven Hundred Twenty One Thousand Seven Hundred Thirty Two Dollars and Six cents (\$1,721,732.06) from the Special Revenue/ Reserve for Appropriation Account to the stabilization fund created hereunder.

106 to 0

Article 8: To see if the Town will vote to appropriate a sum of money for the construction of an elevated water storage tank and pump station; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.

It was voted to postpone this matter indefinitely.

Unanimous

Article 9: It was voted to approve the disposition by the Park Commission and the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 30B, of surplus materials from the Ted Williams Camp property, which materials are to be removed in order to expand recreational facilities. It is anticipated that the proceeds of sale of such materials will be appropriated at a future Town Meeting to expand recreational facilities and repair structures at the Ted Williams Camp and other Park facilities.

Unanimous

Article 10: It was voted to amend the Lakeville Demotion General By-Law Section 1.0 Intent and Purpose by deleting the text “*without*” and adding the text “*within*” in the first sentence of the first paragraph so that, as amended, this section reads as follows, or take any action relative thereto:

1.0 Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant structures **within** the Town which are outside Historic Districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such structures rather than demolish them.

Unanimous

Article 11: It was voted to amend the General By-Law regarding Outdoor Lighting by adding to Section 5.0 the following Section 5.3:

Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official (or his designee), together with adequate information to assure compliance with this code, which must be received prior to substitution.

Unanimous

Article 12: It was voted that the Town adopt the following General By-Law:

EXCAVATION AND TRENCH SAFETY

In conformity with the provisions of 520 CMR 14.00, the Town of Lakeville hereby establishes the following procedures:

1. The Superintendent of Streets shall be charged with the responsibility of issuing trench permits for all work involving excavation in a public way by any Town agency, Town contractor, private utility, or other legitimate entity. Such excavation permit shall be additional to the required street opening permit issued by the Board of Selectmen.
2. The Board of Health shall be charged with the responsibility of issuing trench permits for all qualifying septic system installations.
3. The Building Commissioner shall be charged with the responsibility of issuing trench permits for all qualifying excavations conducted by any party in a private way or private common drive, as well as qualifying, non-septic excavations of any description on private or public property.
4. The Board of Selectmen shall have the authority to establish fees for the issuance of such permits.

Majority

Moderator entertained a motion to waive the reading of Article #13. So moved.

Article 13: It was voted that the Town adopt the following By-Law, as authorized by the vote on Article 16 of the Annual Town Meeting of May 8, 2006 and as provided for in Chapter 269 of the Acts of 2006:

To amend the Town's General By-Laws by adding the following new provision at the end of the last provision of the existing General By-Laws:

MANUFACTURED HOUSING COMMUNITIES RENT CONTROL BY-LAW

Section 1. In accordance with the authority of Chapter 269 of the Acts of 2006, the Town hereby adopts this Manufactured Housing Communities Rent Control By-law. In so doing, the Town finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the Town, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located therein, that unless manufactured housing community rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly.

Section 2.

A. The Town hereby regulates for the use or occupancy of manufactured housing accommodations in the Town, and establishes a Rent Control Board for the purpose of regulating rents, minimum standards for use or occupancy of manufactured housing communities and eviction of tenants therefrom, and requiring registration by owners of manufactured housing communities.

B. The Rent Control Board shall consist of three (3) members, all of whom shall be registered voters in the Town, and shall be appointed by the Board of Selectmen. At the time of the initial appointments, one member shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years and one (1) member for a term of three (3) years. Thereafter, all members shall be appointed for terms of three (3) years.

C. These rents, standards and evictions may be regulated by the Rent Control Board so as to remove hardships or correct inequities for both the owner and tenants of such manufactured housing communities.

D. The Rent Control Board shall have all the powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of manufactured housing communities, under penalty of perjury, require the provision of information relating to the manufactured housing communities, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such manufactured housing communities.

E. Violations of this By-Law or any order of the Rent Control Board shall be punishable by a fine of not more than \$1,000.00.

Section 3. In regulating rents for such manufactured housing communities, the Rent Control Board established under Section 2 may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for manufactured housing communities in the Town are established at levels which yield to owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the Rent Control Board, on the basis of evidence presented before it deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the Rent Control Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

Section 4. The provisions of Chapter 30A of the General Laws, insofar as applicable, shall be applicable to the Rent Control Board as if the Rent Control Board were an agency of the Commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

Section 5.

A. The Plymouth Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court, of all petitions for review of decisions and orders of the Rent Control Board brought pursuant to Section 14 of Chapter 30A of the General Laws.

B. The Superior Court shall have jurisdiction to enforce the provisions of this By-Law and any regulations or orders made thereunder and may restrain violations thereof.

Section 6. The Rent Control Board may regulate evictions and issue orders providing that a certificate of eviction shall be required as a condition prior to the commencement of an action in summary process to recover possession from a tenant in a manufactured housing community. A certificate of eviction may be issued by the Rent Control Board upon a

finding that (a) the tenant has failed to pay the rent to which the owner is entitled; or (2) the tenant is in substantial violation of a valid and enforceable rule of the manufactured housing community; or (3) the tenant is in violation of a law which protects the health and safety of other residents of the manufactured housing community; or (4) the owner in good faith and in compliance with all other applicable laws and regulations discontinues the manufactured housing community; or, (5) other just cause that the Rent Control Board may establish by regulation. Such certificates of eviction or orders shall be reviewable as provided in this By-Law, Section 5.

Section 7. The personnel of the Rent Control Board established shall not be subject to Section 9A of Chapter 30 of the General Laws or Chapter 31 of the General Laws.

In the event any portion of this Manufactured Housing Communities Rent Control By-law is declared invalid, such invalidity shall not affect the validity of any other provision.

Majority

Article 14: To see if the Town will vote to amend the Zoning By-Law Section 7.5.3 by deleting the text for 4) and replacing it with the following text, or take any action

7.5.3 Permitted Uses as Principal Activities in the Mixed Use Development District

- 4) Limited occupancy housing, which the Planning Board determines as part of site plan review, is designed for adult-targeted households and; (i) reflects an attractive design and architectural features customarily found in adult-targeted households and; (ii) provides for any recreational amenities to be oriented toward an adult population and shall not include playgrounds.

This section currently states:

- 4) Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit.

It was voted to postpone and refer the Article to the Planning Board for further study.

Unanimous

Motion to dissolve came at 7:57 p m.

A true copy of the record.

Attest: **Janet L. Tracy, Town Clerk**