

## **SPECIAL TOWN MEETING**

### **November 13, 2017**

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 **7:09 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, M. John Olivieri and Robert Marshall.

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.

We began with the Pledge of Allegiance to the Flag of the United States of America. A motion was made to allow non-residents, Mark Reich, Town Counsel, Todd Hassett, Town Accountant, and Robert Barboza, Middleborough Gazette to speak or to be heard- so moved, seconded and PASSED unanimously.

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 the Town, in accordance with M.G.L. Chapter 150E, Section 7, to approve the following collective bargaining agreements recently negotiated and ratified by the Board of Selectmen, between the:

- Town and the Lakeville Permanent Firefighters Association for the period July 1, 2017–June 30, 2020;
- Town and the Laborers' Union relative to employees in the Library, Highway Department, Office Clerical and Administrative positions and Supervisory positions for the period July 1, 2017-June 30, 2020;

funding for the cost items in the first year of said agreements in the Fiscal Year 2018 line item transfers in Article 3 below.

Finance Committee-Approved

**The motion PASSED unanimously.**

**ARTICLE 2:**

It was voted that the Town increase the salary of the elected **Treasurer/Collector** by the amount of \$2,201.00 and the salary of the elected **Town Clerk** by the amount of \$1,945.00, and transfer from the Wage and Personnel Contractual Obligations line of the Fiscal Year 2018 budget approved by the vote taken under Article 1 of the June 12, 2017 Annual Town Meeting the sum of \$4,146.00 to fund said salary increases.

Finance Committee-Approved

**The motion carried by 2/3rds requirement (131 Yes to 0 No), motion PASSED unanimously.**

**ARTICLE 3:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, certain sums of money in order to defray unanticipated

costs for Fiscal Year 2018 for various accounts in the General Fund, or take any action relative thereto.

Finance Committee-Approved

**ARTICLE 3**  
**SPECIAL TOWN MEETING TRANSFERS- NOVEMBER 13, 2017**

SOURCE OF FUNDS (Transfer from):		USE OF FUNDS (Transfer to):	
GENERAL FUND			
		Prior Year Unpaid Bills	
Taxation	\$15,094.00	Legal Tax Foreclosures	\$14,125.00
		W.B. Mason	\$469.00
		Tristan Medical	\$500.00
Wage & Personnel Contractual Obligations	\$78,885.00	Fire Union Wages	\$17,426.00
		Laborers' Union Raises	\$27,767.00
		Elected Officials Raises/Treasurer & Town Clerk	\$4,146.00
		Non-Union Raises	\$29,546.00
Free Cash	\$250,000.00	OPEB Trust Fund	\$250,000.00 (Amend)
Free Cash	\$149,810.00	Stabilization Fund	\$149,810.00
Free Cash	\$681,351.00	Debt Service/Capital Projects Stabilization	\$681,351.00
Free Cash	\$13,000.00	Water Infrastructure Stabilization Fund	\$13,000.00
Free Cash	\$482,990.00	Paydown Debt Service/Principal & Interest	\$482,990.00 (Amend)
Taxation	\$4,000.00	Property & Liability Insurance	\$4,000.00
Taxation	\$4,000.00	Workers' Compensation Insurance	\$4,000.00
Taxation	\$5,000.00	Community Development Committee (Fireworks)	\$5,000.00 (Amend)
TOTALS :	\$1,684,130.00	TOTALS :	\$1,684,130.00

A motion was made to **amend** the following line items on Article 3- Special Town Meeting Transfers-November 13, 2017 as follows:

**Motion 1- Community Development Committee (Fireworks)**

A motion was made to amend Article 3 line item Community Development Committee (Fireworks) from \$5,000.00 to \$0 (Zero). After much discussion, a vote was taken, seconded and motion PASSED by majority.

**Motion 2- OPEB Trust Fund**

A motion was made to amend Article 3 line item OPEB Trust Fund from \$250,000.00 to \$0 (Zero). After much discussion, a vote was taken, seconded and motion FAILED by majority.

**Motion 3- Paydown Debt Service/ Principal & Interest**

A motion was made to amend Article 3 line item Paydown Debt Service/Principal & Interest from \$482,990.00 to \$0 (Zero). After much discussion, a vote was taken, seconded and motion FAILED by majority.

**Article 3 brought the biggest discussion of the meeting as well all the above motions. With no further discussion from the floor, we then proceeded to vote on the Amended Article 3.**

**AMENDED ARTICLE 3**

It was voted that the Town raise and appropriate and transfer from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2018 for various accounts in the General Fund as shown on the chart as printed on page 5 of the Warrant.

**AMENDED-ARTICLE 3  
SPECIAL TOWN MEETING TRANSFERS- NOVEMBER 13, 2017**

SOURCE OF FUNDS (Transfer from):		USE OF FUNDS (Transfer to):	
GENERAL FUND			
		Prior Year Unpaid Bills	
Taxation	\$15,094.00	Legal Tax Foreclosures	\$14,125.00
		W.B. Mason	\$469.00
		Tristan Medical	\$500.00
Wage & Personnel Contractual Obligations	\$78,885.00	Fire Union Wages	\$17,426.00
		Laborers' Union Raises	\$27,767.00
		Elected Officials Raises/Treasurer & Town Clerk	\$4,146.00
		Non-Union Raises	\$29,546.00

Free Cash	\$250,000.00	OPEB Trust Fund	\$250,000.00
Free Cash	\$149,810.00	Stabilization Fund	\$149,810.00
Free Cash	\$681,351.00	Debt Service/Capital Projects Stabilization	\$681,351.00
Free Cash	\$13,000.00	Water Infrastructure Stabilization Fund	\$13,000.00
Free Cash	\$482,990.00	Paydown Debt Service/Principal & Interest	\$482,990.00
Taxation	\$4,000.00	Property & Liability Insurance	\$4,000.00
Taxation	\$4,000.00	Workers' Compensation Insurance	\$4,000.00
Taxation	\$0	Community Development Committee (Fireworks)	<b>\$0 Amended</b>
<b>TOTALS :</b>	<b>\$1,679,130.00</b>	<b>TOTALS :</b>	<b>\$1,679,130.00</b>

**A motion was made to amend Article 3 as amended. After much discussion, a vote was taken, seconded and motion PASSED by majority.**

#### **ARTICLE 4:**

It was voted that the Town transfer and appropriate from the **Park Enterprise Fund Retained Earnings** the sum of Fifty Thousand Dollars (\$50,000.00) to undertake facility capital improvements the Park Department for the fiscal period July 1, 2017 to June 30, 2018, inclusive.

Finance Committee-Approved

**The motion PASSED unanimously.**

#### **ARTICLE 5:**

It was voted that the Town transfer and appropriate from the **Landfill Enterprise Fund Retained Earnings** the sum of Eight Thousand (\$8,000.00) to operate the Landfill/Transfer Station for the fiscal period July 1, 2017 to June 30, 2018, inclusive.

Finance Committee-Approved

**The motion PASSED by majority.**

**ARTICLE 6:**

It was voted that the Town **rescind the unissued amount of bonds** relative to the **construction of an elevated water storage tank and pump station**, authorized by vote of the Town taken under Article 18 of the Town Meeting of June 15, 2009.

Finance Committee-Approved

**The motion PASSED by majority.**

**ARTICLE 7:**

It was voted that the Town **rescind the unissued amount of bonds** relative to the **construction of a water line to the Town Office Building**, authorized by vote of the Town taken under Article 6 of the Town Meeting of June 13, 2005.

Finance Committee-Approved

**The motion PASSED unanimously.**

**ARTICLE 8:**

It was voted that the Town appropriate (One Million Dollars) \$1,000,000.00 to pay costs of the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners for repayment of project and financing costs by such property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such sum of money under G.L. c. 44 or any other enabling authority, which amount may be borrowed through the Community Septic Management Program offered through the Massachusetts Clean Water Trust, or otherwise, and further to authorize the Board of Selectmen to take any other action necessary to carry out this project.

Finance Committee-Approved

**Carried by 2/3rds requirement, the motion PASSED unanimously.**

Article 9 brought the largest interest and concerns regarding the quorum of the Town. After a lengthy discussion a motion was made to “move the question,” it was seconded, and the motion passed by 2/3rds requirement (140 Yes to 2 No).

**ARTICLE 9:**

To see if the Town will vote to **amend** Chapter II, Section 6 of the Town’s **General By-Laws** by lowering the Town Meeting **quorum** from one hundred (100) to twenty five (25), or take any action relative thereto.

Finance Committee- Do Not Approve

The motion **FAILED** by super majority.

Before hearing Articles 10-14, Moderator Orrall filed a Disclosure (Memo) on Article 10 regarding notice of potentially perceived Conflict of Interest; due to the fact he’s a member of the Lakeville Lions Club, but not a member of the Board of Directors, and have no financial interest in the land owned by the Lions Club on Staples Shore Road and therefore, can perform his duties as Moderator without prejudice.

Planning Board Chairman Brian Hoeg, gave a Planning Board report on Articles 10-14 as presented in the warrant.

**ARTICLE 10:**

It was voted that the Town **amend** the **Town Zoning Map**, as identified in Section 3.2.1 of the Zoning By-Law, by changing the zoning from Business (“B”) to Residential (“R”) for the following parcels identified below by Assessors Map and Parcel number, comprising of approximately 27.4 acres of land; as lots numbered 1-10 on a map showing the affected parcels:

- |    |                       |         |
|----|-----------------------|---------|
| 1. | Staples Shore Road    | 58-8-1A |
| 2. | 9 Staples Shore Road  | 58-8-1D |
| 3. | 11 Staples Shore Road | 58-8-1B |
| 4. | 13 Staples Shore Road | 58-8-1C |
| 5. | 15 Staples Shore Road | 58-8-1E |
| 6. | 17 Staples Shore Road | 58-8-1F |

7.	19 Staples Shore Road	58-8-1G
8.	Rear Staples Shore Road	58-8-1
9.	21 Staples Shore Road	58-8-1H
10.	25 Staples Shore Road	58-8-002

Finance Committee-Approved

**Carried by 2/3rds requirement (127 Yes to 7 No), motion PASSED by requirement.**

#### **ARTICLE 11:**

It was voted that the Town **amend** the **Zoning By-Law**, relative to Accessory Building or Structure as follows::

- A. Amend Section 6.0 “General Regulations” Sub-section 6.3.2, by deleting the language shown in strikethrough and inserting new language, shown underlined as follows:

6.3.2 No accessory building or structure shall be located within the required front, side or rear ~~yard area~~ setback unless a Special Permit is granted by the Zoning Board of Appeals. Where a Special Permit is sought under Section 7.4.6 for an accessory building or structure within the setback on a lawfully pre-existing, nonconforming lot, the Zoning Board of Appeals shall additionally make a finding that the accessory building or structure shall not be substantially more detrimental to the neighborhood than the existing nonconformity.

- B. Amend Section 7.4 “Special Permits”, by adding the following new provisions to the end of Sub-section 7.4.6 “Specific Uses by Special Permit”:

Accessory building or structure located within the required front, side or rear setback

SPGA-Board of Appeals; All Districts

The Board of Appeals may impose certain restrictions including but not limited to size, height and/or number of buildings or structures.



Finance Committee-Approved

**Carried by 2/3rds requirement (122 Yes to 0 No), motion Passed unanimously.**

**Article 12:**

It was voted that the Town **accept Cedar Pond Road** as a Town Way as 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 related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheets 2, 3 and 4 of the plan entitled "Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017.

Finance Committee-Approved

**The motion PASSED unanimously.**

**Article 13:**

It was voted that the Town **accept Quequechan Circle** as a Town Way as 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 related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheet 5 of the plan entitled "Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017".

Finance Committee-Approved

**The motion PASSED unanimously.**

**Article 14:**

It was voted that the Town **accept Ron Circle** as a Town Way as 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 related easements as shown on the road layout plan drawn by Sitec, Inc. on file with the Town Clerk as shown on Sheet 3 of the plan entitled

“Subdivision As-Built Plan, Cedar Pond Preserve in Lakeville, MA dated June 5, 2017.

Finance Committee-Approved

**The motion PASSED unanimously.**

All business on the Warrant having been acted upon, a motion to dissolve came at **8:42 PM.**

Check lists were used for the Special Town Meeting and **153 voters** including 9 Town Meeting Members were checked on the lists as being present as follows:

	P.1	P.2	P.3	Total
<b>Voter Registration per Precinct as of 11/3/2017</b>	<b>2451</b>	<b>2607</b>	<b>2737</b>	<b>7795</b>
<b>Checked in</b>	<b>26</b>	<b>95</b>	<b>32</b>	<b>153</b>
<b>% Turn-out on 11/13/17</b>	1.06%	3.64%	1.16%	1.96%

\*\*\*Articles 10 & 11 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**