

SPECIAL TOWN MEETING November 14, 2022

Pursuant to the Warrant issued by the Select Board, duly served and legally posted by a constable of the Town, Moderator Katie Goodfellow called the meeting to order at 6:35PM at Apponequet Regional High School Auditorium when 100 registered voters had checked in. Tellers had been appointed and sworn to the faithful performance of their duties by Town Clerk, Lillian M. Drane. They included in the Auditorium: Maria Perrone-Martin, John Olivieri and Thomas Barron with the overflows in the cafeteria, Assistant Moderator Gordon Goodfellow and teller Niko Fabian and Gymnasium with Assistant Moderator Paul Meleedy and teller Chawner Hurd.

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 and then a motion was then made to allow non-residents; Amy Kwesell, Town Counsel, Alan Strauss, Lakeville-Freetown Superintendent of Schools, Todd Hassett, Lakeville Town Accountant, Ari Sky, Town Administrator, Franklin Moniz, Superintendent of Streets, Mark Resnik, Town Planner and Tyler Murphy, Rhino Capital to speak or to be heard.

After a lengthy discussion, there was opposition from the floor regarding Tyler Murphy from Rhino Capital to be able to speak or be heard. A motion to “CALL THE QUESTION” was moved and seconded, motion PASSED by majority (258 Yes to 316 No).

We then made a motion to allow everyone as non-resident as stated above, but NOT allow Tyler Murphy from Rhino Capital to allow to speak or be heard- so moved, and seconded, motion PASSED by majority.

Then she 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 transfer \$11,975.43 from Free Cash and \$362.57 from Park Retained Earnings to pay the following unpaid bills from the **prior fiscal year** as shown in the warrant:

| Unpaid Bill No | Department | Vendor | Amount | Purpose |
|----------------|-------------------|---------------------------------------|--------------------|--|
| 1 | Select Board | Country Press | \$384.04 | Town Reports |
| 2. | Assessors | Real Estate Research Consultants, Inc | 9,200.00 | Personal Property Listing & valuations |
| 3. | Human Resources | WB Mason | 96.38 | Office Supplies |
| 4. | Human Resources | WB Mason | 69.99 | Office Supplies |
| 5. | Town Offices | Ricoh | 82.02 | Copier Maintenance |
| 6. | Facilities | Advance Lock & Key | 425.00 | Service Call |
| 7. | General Insurance | J.K. Olivieri Insurance, Inc | 1,718.00 | Year-end auto |
| 8. | Park Enterprise | Auto Zone | 65.22 | Auto Supplies |
| 9. | Park Enterprise | New England Ice Cream | 297.35 | Clear Pond concession |
| TOTAL | | | \$12,338.00 | |

Finance Committee- Approved

The motion carried by 9/10ths requirement (683 Yes to 7 No).

ARTICLE 2:

It was voted that the Town raise and appropriate from taxation the sum of \$70,000 to supplement appropriations that were previously voted in Article 1 of the May 9, 2022 Annual Town Meeting for the Fiscal Year beginning July 1, 2022 for various Town Departments as shown in the warrant.

| Line No | Department | Budget Line Item | Amount | Purpose |
|--------------|------------|------------------|-----------------|---------------------|
| 28. | Facilities | Salaries | \$50,000 | Facilities Manager |
| 35. | Fire | Expenses | \$20,000 | Protective Clothing |
| TOTAL | | | \$70,000 | |

Finance Committee- Approved

The motion PASSED by majority.

ARTICLE 3:

To see if the Town will vote to raise and appropriate from available funds, borrow or otherwise a sum of money for capital improvements and equipment shown in the warrant and all costs incidental or related thereto, and to authorize Town Officials to take such action and execute all documents as may be necessary to effectuate the purposes of this vote, or take any action relative thereto.

| Line No | Project/Purpose | Town Meeting | Amount | Funding Source |
|----------------|------------------------|----------------------|------------------|-----------------------|
| 1. | Police | Firearms replacement | \$30,000 | Free Cash |
| 2. | Fire Station | Schematic Design | 220,000 | Free Cash |
| 3. | Town Hall | Schematic Design | 205,000 | Free Cash |
| | | TOTAL | \$455,000 | |

Finance Committee- Approved

DIVIDE ARTICLE:

After much discussion, a motion was made from the floor to **DIVIDE the article** by Seven (7) voters to three (3) parts to be debated and voted upon as separate items as follows:

- 3A- 1: Police (*Firearms Replacement- \$30,000*)
- 3B- 2: Fire Station (*Schematic Design- \$220,000*)
- 3C- 3: Town Hall (*Schematic Design- \$205,000*)

We then proceeded to item **#3A-1: Police Firearms Replacement- \$30,000.** After much discussion a vote was taken, a motion was made and seconded, motion **PASSED by majority.**

We then proceeded to item **#3B-2: Fire Station Schematic Design- \$220,000.** After a lengthy discussion a motion was made from the floor to have this item as a "SECRET BALLOT". A motion was made and seconded, motion **FAILED by majority for a secret ballot.** We then

proceeded with item #3B-2: Fire Station Schematic Design. Ari Sky, Town Administrator presented a presentation regarding Town Hall/ Fire Station Study Schematic Design Funding. He explained the project's background, its current conditions and recommendations. After a lengthy discussion and explanations from the Select Board and Fire Chief, a motion was made and seconded, motion **PASSED by majority**.

We then proceeded to item **#3C-3: Town Hall Schematic Design- \$205,000.** After much discussion and concerns from the floor, a motion was made and seconded, motion PASSED by majority (382 Yes to 370 No).

2nd RECOUNT:

After concerns from the floor regarding the motion passing by a majority vote, a **RECOUNT** was demanded from the floor and was brought forward by ten (10) voters, to have item 3C-3 recounted- so moved, and seconded, we then proceeded with the RECOUNT on item #3C-3. A motion was made and seconded, motion **FAILED by majority (321 Yes to 469 No).**

| Line No | Project/Purpose | Town Meeting | Amount | Funding Source |
|---------|-----------------|----------------------|-------------------------|----------------|
| 1. | Police | Firearms replacement | \$30,000- PASSED | Free Cash |
| 2. | Fire Station | Schematic Design | 220,000- PASSED | Free Cash |
| 3. | Town Hall | Schematic Design | 205,000- FAILED | Free Cash |
| | | TOTAL | \$455,000 | |

ARTICLES OUT OF ORDER:

A motion from the floor was made to have the following articles out of order as follows: #14, 15, 26 and 25- so moved and seconded, motion PASSED by majority. After much discussion and consideration on the amended motion was made for NEW articles out of order as follows: **#4, 14, 16, 15, 26 and 25 and all others following-** so moved and seconded, motion **PASSED by majority**, we then proceeded with Article #4.

ARTICLE 4: (Assawompset Elementary School)

It was voted that the Town appropriates an amount of Four Million, One Hundred Thirty Two Thousand, Two Hundred Ninety Four Dollars (\$4,132,294) for the purpose of paying costs of replacing windows and exterior doors at the **Assawompset Elementary School located at 232 Main Street, Lakeville**, Massachusetts 02347, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Town of Lakeville. To meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-three and fifty-three hundredths percent (53.53%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Finance Committee- Approved

The motion PASSED by 2/3rds requirement (760 Yes to 28 No).

Planning Board Chairman Mark Knox, gave a Planning Board report on Articles #14, 16, and 15 as presented in the warrant.

ARTICLE 14: (Removal of DOD)

It was voted that the Town remove in its entirety Section 7.9 Development Opportunities (DO) District from the Town of Lakeville Zoning By-Law.

Finance Committee- Approved

Planning Board- Approved

The motion PASSED by 2/3rds requirement (755 Yes to 14 No).

ARTICLE 16:

To see if the Town will vote to **amend** the Town of **Lakeville Zoning Map**, by rezoning 155.4 Acres located on County Street, as shown on the attached map entitled “Zoning Amendment Plan of Land in Lakeville, MA” from the Residential District to the Industrial District.

Finance Committee- No Recommendation

Planning Board- Do not Approved

A motion was made that the Town vote to **INDEFINITELY POSTPONE** Article 16, as the Planning Board has recommended against approval of this article and the owner of the property has requested its withdrawal, it was seconded, motion **PASSED by majority**.

A lengthy discussion a motion was made and seconded for Article 15 be a “SECRET BALLOT”, after much discussion, motion FAILED by majority. After a lengthy discussion and “POINT OF ORDER” from the floor, a motion was made and seconded to “CALL THE QUESTION” on Article 15, motion PASSED by majority.

We then proceeded on Article 15 with a presentation from Planning Board, Chair Mark Knox, regarding the conditions of the Lakeville Hospital. NOTE: Tyler Murphy of Rhino Capital was not allowed to speak or be heard, regarding the presentation.

ARTICLE 15:

To see if the Town will vote to **amend** the Lakeville Zoning Bylaw by modifying the following sections:

1. Section 7.5.1 (Title and Purpose) to delete the words “*each as in effect as of June 16, 2003*” in the second sentence of the last paragraph thereof.

2. Amend Section 7.5.3 (Permitted Principal Uses) to add a new Subsection (6) as follows: *“6) Warehouse, Offices or Facilities for Distributing Merchandise.”*
3. Amend Section 7.5.5.2 (Buffer Zones) to delete the existing text thereof and replace it with the text as follows: *“Developments in the Mixed Use Development District shall be subject to Section 5.2.5 of this Bylaw notwithstanding underlying zoning districts. The provisions of Section 5.2.5 of this Bylaw shall not apply to zoning boundaries internal to the Mixed Use Development District.”*
4. Amend Section 7.5.5.3 (Lot Coverage for Office and R&D Uses) to replace the existing Section with the following: *“Lot Coverage– For all office; warehouse, offices or facilities distributing merchandise; and R&D uses located in the Mixed Use Development District, a maximum of 60% of the upland area of the lot may be covered by structures, parking and paved areas.”*
5. Amend Section 7.5.5.7 (Site Plan Approval) to insert the following at the end thereof: *“, provided that the Planning Board may grant exemptions from the provisions in Section 6.7.7 as set forth and based on the factors in the introductory paragraph to such Section or based on the type of structure proposed in the Mixed Use Development District.”*
6. Amend Section 7.5.5.8 to add a new sentence at the end thereof as follows: *“Notice of the public hearing shall be provided as required by M.G.L. c. 40A s. 11.”*

Finance Committee- Approved

Planning Board- Approved

The motion FAILED by 2/3rds requirement (272 Yes to 497 No).

After a lengthy discussion and concerns from two Select Board members and from the floor to the citizens’ petition to expand the board, a motion was made to “CALL THE QUESTION” on Article 26- so moved, and seconded, motion PASSED by majority. We then proceeded on Article #26.

ARTICLE 26: (Citizen’s Petition- Select Board 3 to 5 members)

It was voted that the Town 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.

SECTION 1. Notwithstanding any general or special law to the contrary, the number of members on the Lakeville Select Board shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members.

SECTION 2. At the first Ballot Election to occur following the effective date of this act, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term. The candidate receiving the second highest number of votes shall serve a two (2) year term. The candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Select Board members expire, successors shall be elected for terms of three (3) years.

SECTION 3. This act shall take effect upon its passage.

Finance Committee-DO NOT recommend approval

The motion PASSED by majority.

ARTICLE 25: (Citizen’s Petition- Recall of Elected Officials)

To see if the town will vote to authorize the Select Board to petition the General Court for special legislation to provide for recall of officials elected solely by the voters of Lakeville, and, further, to authorize the General Court to make changes of form only to such legislation unless approved by Select Board prior to enactment, and, further to authorize the Board to approve such changes as are within the public purposes of this petition or take any other action relative thereto. Subject to the above-stated rights of the General Court and the Select Board to make certain changes, the proposed special legislation shall include the following provisions relative to the recall of elected Town officials:

Recall of an Elected Official

A. RECALL DESCRIPTION

1. Any holder of an elected office in the Town of Lakeville may be recalled therefrom by registered voters of the Town as hereinafter provided.
2. The recall of an elected official will consist of a 3-step process.
3. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term.

B. INITIATION OF THE RECALL AFFADAVIT - (Step one) The Affidavit

1. Any 100 registered voters of the Town of Lakeville may initiate a recall petition by filing an affidavit with the Town Clerk.
2. The Select Board may appoint a Temporary/ Interim Town Clerk to handle the recall process and Election should the Town Clerk be the Elected official subjected to the recall.

C. THE PETITION - (Step two) The Petition

1. If the affidavit process has been completed in compliance with the requirements of Section B of this Chapter, the Town Clerk shall provide a sufficient number of copies of petition blanks demanding such recall (printed forms of which shall be kept on hand) to the voters who made the affidavit. The blanks shall be issued by the Town Clerk and bear the Clerk's signature and Official Seal; they shall be dated and addressed to the Select Board and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, and shall demand the election of a successor to such office.
2. Such blanks must be provided within five Town hall business days during regular business hours.
3. Said recall petition shall be returned and filed with the Town Clerk on the 28th day after the requesting voter receives the blank petitions from the Town Clerk.
4. In the event that the Town hall is not open on the 28th day, the petition may be filed during normal business hours on the next Town hall business day.
5. The petition, before being returned and filed, shall be signed by 200 qualified voters of the Town. Every signature must be accompanied by the signer's place of residence, giving the street and number.
6. Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the recall petition sheets to the board of registrars of

voters and the board of registrars of voters shall verify the number of signatures which are names of registered voters of the town.

D. THE RECALL ELECTION - (Step three) The Recall Election

1. If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit it with the certificate to the Select Board. The Select Board shall forthwith give written notice to said official of the receipt of said certificate and, if the official sought to be removed does not resign within seven calendar days, shall order an election to be held on a day fixed by them not less than 45 days nor more than 60 days after the date of the Town Clerk's certificate that a sufficient petition is filed. However, if any other Town election is to occur within 90 days after the date of said certificate the Select Board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.
2. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.
3. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF THE
[NAME OF OFFICER] ()
AGAINST THE RECALL OF THE
[NAME OF OFFICER] ()

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a place to mark a vote.

E. DUTIES OF THE INCUMBENT

1. The incumbent shall continue to perform the duties of his/her office until the recall election.

2. If the official is not recalled, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall as before, as provided in this act.

F. VOTING RESULTS

1. If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted.
2. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office.
3. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.
4. If the official is recalled in the recall election, he/she shall be deemed removed upon the election of his/her successor, who shall hold office during the unexpired term.
5. If the successor fails to take office within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

G. CANDIDATES TO SUCCEED THE ELECTED OFFICIAL

1. Any elected official sought to be recalled may not be a candidate to succeed himself/herself.
2. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

H. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL

1. Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within 4 years after such removal or such resignation.
2. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 3 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

I. EFFECTIVE DATE

This act shall take effect upon its passage.

Finance Committee- DO NOT Approved

AMENDMENT:

After much discussion, a motion was made to AMEND Article 26 as shown as follows in ~~strikethrough~~ (underlined), so moved, and seconded, motion PASSED by majority:

- A. RECALL DESCRIPTION: #3- An initial recall affidavit shall not be filed against an officer within 3– 6 months after the officer takes office or within the last 3 6 months of the term.
- B. INITIATION OF THE RECALL AFFIDAVIT: #1- Any 100 200 registered voters of the Town of Lakeville may initiate a recall petition by filing an affidavit within the Town Clerk.
- C. THE PETITION: #5- The petition, before being returned and filed, shall be signed by 200 500 qualified voters of the town. Every signature must be accompanied by the signer’s place of residence, giving the street and number.
- H. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL: #1- Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within 4– 2 years after such removal or such resignation.

After much discussion, a motion was made to “CALL THE QUESTION” – so moved, and seconded, motion PASSED by majority. We then proceeded on the AMENDED ARTICLE 26.

The motion FAILED by majority (171 Yes to 193 No).

ARTICLE 5: (Community Preservation Fund)

It was voted that the Town appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2023, as shown in the warrant, with each item to be considered a separate appropriation:

Appropriations:

From FY 2023 estimated revenues for Committee Administrative Expenses \$ 8,750

Reserves:

| | |
|--|-----------|
| From FY 2023 estimated revenues for Historic Resources Reserve | \$ 17,500 |
| From FY 2023 estimated revenues for Community Housing Reserve | \$ 17,500 |
| From FY 2023 estimated revenues for Open Space Reserve | \$ 17,500 |
| From FY 2023 estimated revenues for Budgeted Reserve | \$113,750 |

Finance Committee- Approved

The motion PASSED by majority (141 Yes to 45 No).

ARTICLE 6:

It was voted that the Town amend Section 13 of Chapter III of the Town’s General Bylaws relative to the Select Board, Section 16 of Chapter II of the Town’s General Bylaws relative to the Finance Committee and Section 25(e) of Chapter III of the Town’s General Bylaws relative to the Capital Improvements Committee, all for the purpose of making the timeline for establishing the annual town budget more consistent with the Town Administrator Bylaw and the timeline used in recent years, as shown in the warrant with additions shown in **bold** and deletions shown in ~~strikethrough~~.

Part I – Select Board

Section 13. **(a) Each year** the Select Board **shall establish a budget calendar for the ensuing fiscal year.** All boards, committees, heads of departments or other officers of the town authorized by law to expend money, shall furnish ~~directly to the Select Board to the Town Administrator and Finance Committee~~ by January 31st of each year **by a date established by the Select Board**, detailed estimates of the amounts necessary for **salaries, and expenses necessary** for the proper maintenance of the departments under their jurisdiction for the ensuing **fiscal** year with explanatory statements as to any changes from the amounts appropriated for the same purposes in the ~~preceding~~ **then current fiscal** year, ~~and an estimate of amounts necessary for outlays or permanent improvements.~~ They shall also prepare estimates of any income likely to be received by the town during the ensuing **fiscal** year in

connection with the town's business or property entrusted to their care. ~~The Select Board shall include in their estimate the salaries and expenses connected with their own office, and the salaries of all other town officers shall be included in the estimate for the office, department or branch of the public service of which they are in charge.~~ The Treasurer shall, in addition to ~~his~~ **the** estimate of the amount required for the maintenance of ~~his own~~ **their** office, prepare a separate statement indicating the amounts required for the payment of interest on the town debt and for the payment of such portions of the town debt as may become due during the ~~succeeding~~ **ensuing** fiscal year. (Adopted May 13, 1974; approved by Attorney General June 6, 1974)

(b) Upon receipt of the budget submissions from the various departments, the Town Administrator shall assemble, prepare and present to the Select Board, by a date established by the Select Board, a proposed annual operating budget for each department for the ensuing fiscal year. The Town Administrator's proposed budget shall also include the annual report of the Capital Expenditures Committee. The Select Board shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the Select Board and the Capital Expenditures Committee to the Finance Committee by a date established by the Select Board.

(c) If the Select Board shall fail to establish an annual budget calendar by January 1, the calendar used to establish the budget for the then current fiscal year will be used to establish the budget for the ensuing fiscal year.

Part II – Finance Committee

Section 16. All articles in any warrant for a town meeting shall be referred to the finance committee for its consideration. ~~The Select Board~~ **Town Administrator** shall transmit **by a date established by the Select Board**, ~~immediately~~ a copy thereof to said committee; after due consideration of the subject matter of such articles, by the committee, they shall report thereon to the town meeting, in writing, such recommendations as it deems best for the interest of the town and its

citizens. Said committee shall investigate the financial needs of the town, and its departments, and shall prepare and submit in writing at the annual town meeting, a budget and recommendations of the committee thereon.

Part III – Capital Improvements Committee

Section 25(e)(1) For the purposes of this Section, a capital improvement is defined as a physical betterment, including but not limited to the construction of new buildings or facilities and the alteration of buildings or facilities now or hereafter existing, the purchase of land, or items of equipment, provided that any such physical betterment having a cost of less than \$10,000, and which in the judgment of the committee is not of an unusual or non-recurring nature, shall not be considered a capital improvement.

(2) It shall be the duty of the committee to ascertain annually what expenditures for capital improvements, as herein defined, will be required by the Town during the ensuing five years, and in making its determination shall confer with the Finance Committee and the Town Accountant, any Town boards, commissions, committees, officers, employees, and other agencies and departments of the Town involved in making expenditures for capital improvements in the Town, all of which shall co-operate with the committee. All such agencies and departments or other authorities of the Town authorized by law to make such expenditures shall furnish detailed estimates of the expenditures necessary for capital improvements under their jurisdiction for the ensuing five years in conjunction with their annual budget requests **presented to the Town Administrator.**

(3) Upon receipt of the capital expenditure submissions from the various departments, the Town Administrator shall assemble, prepare and present to the committee, by a date established by the Select Board, a proposed capital budget for each department for the ensuing five years. The committee shall use the Town Administrator's report to prepare annually a program of expenditures for capital improvements, including recommendations for the scheduling of such expenditures and the financing thereof and the probable impact of such improvements on the tax rate of the Town and shall furnish such report and recommendations to the ~~Finance Committee and Select Board~~ **Town Administrator** on or before ~~the second Monday in April annually a~~ **date established by the Select Board** for use in preparing it's the

annual budget recommendations ~~to the Town~~ **for the ensuring fiscal year**. Copies of such report and recommendation shall be deposited with the Town Accountant and with the Town Clerk and copies shall be made available by the Town Clerk upon request. The capital program for the following five years, shall be published with the Capital Expenditures Committee report and included in the Annual Town Report. Such capital program shall be presented to the annual town meeting for acceptance in principle, subject to final action at subsequent town meeting(s).

Finance Committee-Approved

The motion PASSED by majority.

ARTICLE 7: (Old Town Hall- 2 Precinct Street)

It was voted that the Town authorize the Select Board to grant to the Massachusetts Historical Commission or any other qualified entity a historic preservation restriction on the **Town-owned property located at 2 Precinct Street, Lakeville, and the Old Town Hall** building thereon, on such terms and conditions and for such duration, which may be in excess of thirty years, as the Select Board deems in the best interests of the Town, and, further, to authorize the Select Board to apply for, accept and expend any and all gifts, grants and/or reimbursement of funds from federal, state, and local sources, without limitation, any grants and/or reimbursements under the Commonwealth's Preservation Projects Fund, for the preservation of the Old Town Hall and costs incidental or related thereto, and to execute any and all agreements, restrictions and other documents necessary or convenient to accomplish the foregoing.

Finance Committee- Approved

The motion PASSED by 2/3rds requirement (148 Yes to 1 No).

ARTICLE 8: (Community Preservation Committee Bylaw)

To see if the Town will vote to amend the Town's Community Preservation Committee Bylaw, to delete references to the Housing Authority, as shown in the warrant:

1. Delete the sixth paragraph of Section 1 in its entirety, which currently reads “One member of the Housing Authority as designated by the Authority for an initial term of two (2) years and thereafter for a term of three (3) years.”
2. Amend the eighth paragraph of Section as shown here, with additions in **bold** and deletions in ~~strikethrough~~:

~~Three~~ **Four** members to be appointed by the Select Board, one member to be appointed for a term of one (1) year and thereafter for a term of three years and ~~two~~ **three** members to be appointed for a term of two (2) years and thereafter for a term of three (3) years, **provided that one of the two-year appointments shall be an individual with experience in the areas of clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in a land assembly and redevelopment projects, including the preservation, restoration or relocation of historical buildings.**

3. Amend the second sentence of Section 2(1) as shown here, with additions in **bold** and deletions in ~~strikethrough~~:

The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, **and** the Park Commission ~~and the Housing Authority~~, or persons acting in those capacities or performing like duties, in conducting such studies.

Finance Committee- No Recommendation

AMENDMENT #1:

After much discussion, a motion was made to AMEND Article 8 as shown as follows in ~~strikethrough~~ and ADDITIONS in red, so moved, and seconded, motion FAILED by majority (49 Yes to 73 No):

- #2 ~~Three~~ **Four Lakeville resident-at-large** members to be appointed by the Select Board, one member to be appointed for a term of one (1) year and thereafter for a term of three years and ~~two~~ **three** members to be appointed for a term of two (2) years and thereafter for a term of three (3) years, **provided that one of the two-year appointments shall be an individual with interest in the area of housing.**

~~experience in the areas of clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in a land assembly and redevelopment projects, including the preservation, restoration or relocation of historical buildings~~

AMENDMENT #2

After much discussion, a motion was made to AMEND Article 8 as shown- so moved, and seconded, motion PASSED by majority:

- #2 After the word “Four” add/modify “Lakeville Residents-at-large” members, to be appointed by the Select Board for a term of one (1) year and thereafter for a term of three years and three members to be appointed for a term of two (2) years and thereafter for a term of three (3) years, provided that one of the two-year appointments shall be an individual with interest in the area of housing.

After much discussion, a motion was made on the AMENDED Article as amended- so moved, and seconded, motion PASSED by majority.

Planning Board Chair, Mark Knox gave a Planning Board report on Articles 9, 10, 11, 12, and 13, as presented in the warrant.

ARTICLE 9:

It was voted that the Town **amend** the Town of Lakeville Zoning By-Laws to add a new section to Section 7.4 Special Permits to create the position of Associate Planning Board Members as authorized by G.L. c. 40 A, §9, as set forth below, or take any other action relative thereto:

7.4.4.1 Planning Board Associate Member

There shall be one Associate Member, recommended by the Planning Board and appointed annually by the Select Board for a one-year term. The Chair may designate the Associate Member to sit on the Board for purposes of acting on special permit applications in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

Finance Committee- No Recommendation

Planning Board- Approved

The motion PASSED by 2/3rds requirement (108 Yes to 30 No).

ARTICLE 10: (Acceptance of MGL c39, §23D)

It was voted that the Town accept, for the following boards, committees, or commissions holding adjudicatory hearings in the Town, the provisions of **Massachusetts General Laws Chapter 39 Section 23D**, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met.

Boards & Committees Affected:

- Planning Board
- Zoning Board of Appeals
- Conservation Commission

Finance Committee- No Recommendation

Planning Board- Approved

The motion PASSED by majority (No oppositions).

ARTICLE 11:

It was voted that the Town **amend** the Lakeville Zoning Bylaw, Section 7.4.6 Specific Uses by Special Permit to:

~~Remove: Signs, Off-Premise~~

~~SPGA – Board of Appeals; All Districts Applies to signs not exempt from local regulation by Chapter 93 of General Laws and not advertising the premises on which located or the occupant thereof or the goods and services available thereon; must advertise a business commodity or service available in Lakeville; shall not exceed 12 square feet in area; must be found to be appropriate for the location; Special Permit to be limited to a time period of not less than 3 years and subject to renewal.~~

Finance Committee- Approved

Planning Board- Approved

The motion PASSED by 2/3rds requirement (136 Yes to 0 No).

ARTICLE 12:

It was voted that the Town **amend** the Lakeville Zoning Bylaw, Section 5.0 Intensity Regulations, 5.2 Footnotes to Intensity Requirements to:

Add Section 5.2.8. In the Business District one side or rear yard setback, on a non-conforming lot abutting another businesses district property, may be reduced by 50% by a Special Permit issued by the Planning Board. This may be only Granted if the applicant can show to the satisfaction of the Board that the reduced setbacks are necessary to allow for the most desirable and efficient site design due to the nonconformity of the lot.

Finance Committee- No Recommendation

Planning Board- Approved

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

ARTICLE 13:

It was voted that the Town **amend** the Lakeville Zoning Bylaw to:

Add to Section 4.1.3 Industrial Uses

| | <u>R</u> | <u>B</u> | <u>I</u> | <u>I-B</u> |
|---|----------|----------|----------|------------|
| Warehouse, offices or facilities for distributing merchandise over 100,000 Sq. Ft | N | N | SP | SP |

and

Add to Section 7.4.6 Specific Uses by Special Permits

Warehouse, offices or facilities for distributing merchandise over 100,000 Sq. Ft

SPGA – Planning Board

A single building or combination of buildings that exceed a total of 100,000 square feet, located on one lot, shall require a Special Permit from the Planning Board.

Finance Committee- No Recommendation

Planning Board- Approved

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

ARTICLE 17:

To see if the Town will vote to **amend** the Lakeville Zoning Bylaw by adding to **Section 2.0 definitions**: Reusable Materials or Equipment: Used yard maintenance equipment, tools, car parts, construction materials wood, metal, bicycles, ~~toys~~, furniture, (excluding farm equipment).

On residential property outdoor storage of Reusable Materials or Equipment shall be kept in one area and shall not exceed 500 sq. ft. The storage area shall be screened from view from the street and abutting properties. No Reusable Materials or Equipment shall be stored in any front yard, whether screened or not.

Finance Committee- No Recommendation

Planning Board- Do Not Recommend Approval

After a short discussion, a motion was made to INDEFINITELY POSTPONE Article 17, consistent with the Select Board's vote of November 7, 2022- so moved, seconded, motion to postponed indefinitely PASSED by majority.

ARTICLE 18:

It was voted that the Town vote to **amend** the Lakeville Zoning Bylaw, Section 4.9 Use Regulations by:

Adding to Section 4.1.2 Business Uses

| | R | B | I | I-B |
|--|----------|----------|----------|------------|
| Licensed junk dealers (Pursuant to the Town of Lakeville General Bylaws) | N | Y | N | N |

Finance Committee- No Recommendation

Planning Board- Approved

NOTE: This article adds the business use of “Licensed Junk Dealers (pursuant to the Town of Lakeville General Bylaws)” to the zoning use chart. This new use would only be allowed in the Business Zone. This would restrict the issuance of new licenses to those properties located in the Business Zone.

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

ARTICLE 19:

It was voted that the Town amend the current General Bylaw for Junk, Old Metals or Secondhand Articles to amend Section 2 to the inspection of the books of sales, and to add a new section 5 mandating that junk dealers show commercial activity annually as a requirement for license renewal as shown below with additions shown in **bold**.

Section 2. A book required to be kept pursuant to Section 1 shall be open at all reasonable times to inspection by any police officer of the Town of Lakeville. Any person who has possession or control of a book required to be kept pursuant to Section 1 shall permit such inspection. **Copies of the portion of the book pertaining to the current calendar year shall be presented to the Select Board along with any application for renewal of an existing license.**

Section 5. A holder of a license is required to prove that the license is being utilized for an active business. For purpose of this Bylaw, a business will be considered active only when the license holder can demonstrate more than three sales of “junk” at a cost of fifty dollars or greater, or bartered for with property valued at fifty dollars or greater, within each six month period of the license. Such sales shall be recorded in the book described in Section 1 of this Bylaw.

Finance Committee- No Recommendation

The motion PASSED by majority.

Building Commissioner, Nathan Darling gave a report on Article 20 as presented in the warrant.

ARTICLE 20: (Acceptance of MGL c40, §58)

It was voted that the Town accept the provisions of **Massachusetts General Laws, Chapter 40, Section 58**, to authorize the Town to assess a municipal charges lien on any real property in the Town for the following types of municipal fees and charges that have not been paid by their due date; or take any other action relative thereto.

Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Plymouth County Registry of Deeds, assessed in accordance with the following provisions and not paid by their due date shall constitute a lien on the real property of the person assessed:

1. Any provision in Section V of the Town’s General Bylaws;
2. Any provision in the Town’s Zoning Bylaws;
3. Any bylaw, statute or regulation enforced or administered by the Board of Health;
4. Any bylaw, statute or regulation enforced or administered by the Conservation Commission;
5. Any bylaw, statute or regulation enforced or administered by the Building Inspector;
6. Any bylaw, statute or regulation enforced or administered by the Fire Department;
7. Any bylaw, statute or regulation enforced or administered by the Department of Public Works

8. Any bylaw, statute or regulation enforced or administered by the Zoning Board of Appeals; and
9. Any bylaw, statute or regulation enforced or administered by the Planning Board

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Finance Committee- Approved

The motion PASSED by majority.

ARTICLE 21: (Public Auction of Properties)

It was voted that the Town transfer the care, custody and control of the parcels of land identified below, acquired by the Town by tax title foreclosure, from the Treasurer/Collector for the purpose of **sale at public auction** to the Select Board for the purpose of conveyance and for general municipal purposes, and to authorize the Select Board to convey

such parcels on such terms and conditions as the Board may deem appropriate, said parcels being described as follows, or take any other action relative thereto.

| Property Address | Assessors Map, Lot |
|---------------------------|---------------------------|
| Meadow Lane/Clark Street | 042-004-008 |
| Grove Street/Clark Street | 042-004-007 |
| 9 Violet Street | 042-014-005 |
| 10 Helen Street | 042-018-011 |
| Evergreen Road | 042-004-003 |

Finance Committee- Approved

The motion PASSED unanimously.

Fire Chief, Michael O’Brien gave a report on Article 22 as presented in the warrant.

ARTICLE 22: (Acceptance of MGL c148, §26H & MGL c148, §26I)

It was voted that the Town accept the provisions of Massachusetts General Laws, Chapter 148, Section 26H to require that every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; and to also accept the provisions of Massachusetts General Laws, Chapter 148, Section 26I to require that any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code; For purposes of these statutes, a boarding / lodging house is defined as a building with six or more persons living together not within the second degree of kindred. “Second degree of kindred” means a father, mother, brother, sister, son, daughter, spouse, grandparent, grandchild, brother- or sister-in-law, son- or daughter-in-law, father- or

mother-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, or stepdaughter.”

Finance Committee- No Recommendation

The motion PASSED by majority (91 Yes to 31 No).

ARTICLE 23: (Acceptance of Ledgewood Drive)

It was voted that the Town accept the layout of **Ledgewood Drive** as a public way, as heretofore laid out by the Select Board and shown on a plan of land entitled “Roadway Acceptance Plan ‘Ledgewood Estates’ on Ledgewood Drive in Lakeville, Massachusetts,” dated August 28, 2020, prepared by Outback Engineering Incorporated, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee to or easements in said roadway for all purposes for which public ways are used in Lakeville and any access, drainage, utility and other easements incidental or related thereto, or take any other action relative thereto.

Finance Committee-Approved

The motion PASSED by 2/3rds requirement (119 Yes to 4 No).

ARTICLE 24: (Special Legislation- Town Clerk from Elected to Appointed)

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation, as set forth below, to change to position of Town Clerk from an elected position to a position appointed by the Select Board; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

The petition for special legislation shall take the following form:

AN ACT RELATIVE TO THE POSITION OF TOWN CLERK 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 town clerk for the town of Lakeville. The town clerk 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 clerks. The town clerk shall be appointed and may be removed, after the opportunity for a hearing, by the select board of the town. The select board may establish an employment contract, subject to annual appropriation, with the town clerk 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 office of town clerk shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of town clerk on the effective date of this act shall continue to hold such office and perform the duties of that office until the expiration of the term for which the town clerk was elected, unless he or she sooner vacates such office or until a new town clerk is appointed by the select board 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 town clerk or the creation of the appointed office and the appointed town clerk shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected town clerk shall be assigned to the office of the appointed town clerk.

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

Finance Committee- Approved

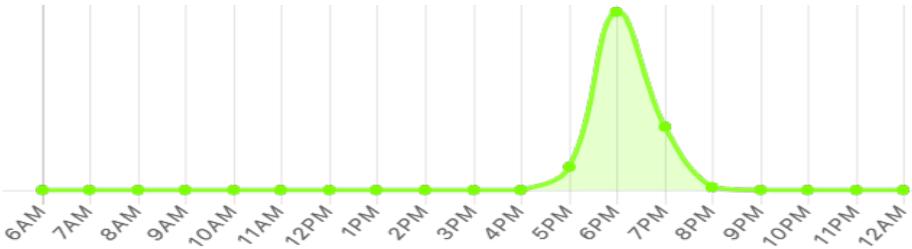
The motion FAILED by majority (34 Yes to 83 No).

DISSOLVED:

All business on the Warrant having been acted upon, a motion to dissolve came at 12:37AM Tuesday.

Check lists (POLL PADS) were used and **870 voters**, including **10** Town Meeting Members were checked on the lists as being present as follows:

Voter Turnout (11/14/2022 5:00PM - 11/14/2022 11:00PM)



| | P.1 | P.2 | P.3 | Total |
|--|-------------|-------------|-------------|-------------|
| Voter Registration per Precinct as of 11/4/2022 | 3024 | 3274 | 3085 | 9383 |
| Checked-in | 301 | 258 | 311 | 870 |
| % Turn-out on 11/14/2022 | 9.95% | 7.88% | 10.08% | 9.27% |
| TOTAL | 301 | 258 | 311 | 870 |

Articles to be acted upon for submittals as follows:

- **Articles 10, 20 & 22;** to be sent to Secretary of State- Acceptance of MGL Chapter Acceptance.
- **Articles 6, 8, and 19 (General Bylaw) and**

- **Articles 9, 11, 12, 13, 14, & 18 (Zoning By-Laws);** to be sent to Attorney General's Office- pending approval by the AG's Office.
- **Articles 26;** to be sent to the General Court for Special Legislation- pending approval by the Legislation.
- **Article 23-** Road Layout approval

A true copy of the record,

ATTEST:



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

NOTE: New Procedure to Check-In at the Special Town Meeting

To accelerate the check-in process at Lakeville's Special Town Meeting this year, check-in will now be accomplished by use of electronic Poll Pads. The use of these tablets will allow our election officers to check in a voter:

1. By manually entering the first three (3) letters of the voter's first and last name;
or
2. By scanning the bar code on the back of the voter's driver's license. In this case, the Poll Pad matches the name and birth date of the person on the voter list with the name and birth date it reads from the bar code on the back of the license. No information from the scanned license is retained by the Poll Pad.

The Commonwealth of Massachusetts does not require that a voter present a license to check in at any Elections and Town Meetings.

The Poll Pads immediately talk to one another, eliminating any chance of a voter checking in more than once.

