

TOWN OF LAKEVILLE
Board of Selectmen
Meeting Minutes
January 11, 2021 – 6:30 PM
REMOTE LOCATION

On January 11, 2021, the Board of Selectmen held a meeting at 6:30 PM remotely from various locations. The meeting was called to order at 6:30 PM by Chairman LaCamera. Selectmen present were: Chairman LaCamera, Selectman Fabian and Selectman Day. Also present was Tracie Craig-McGee, Executive Assistant. LakeCAM was recording the meeting for broadcast.

In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the January 11, 2021 public meeting of the **Board of Selectmen** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

Chairman LaCamera then read an introduction regarding the need for a remote meeting and how a remote meeting will be conducted.

Selectmen Announcements

Chairman LaCamera read the Selectmen announcements.

Meet with Town Counsel to review and vote on Host Community Agreements for Twisted Growers

Present for the discussion was: Amy Kwesell, Town Counsel, Dominck DeMartino and Philip Silverman, Esquire. Attorney Kwesell said she received comments from the Board regarding some of the financial terms. We need a consensus on the financial terms. One of the changes were the community impact fee would be 3% with a minimum of not less than \$150,000. This is a 5-year term. If for some reason \$150,000 is over 3%, the overage would be considered a donation from the company. The other changes are just clarifications that the \$50,000 is a one-time payment and that the \$50,000 will be attached to each Host Community Agreement for a total of \$100,000. Any product that goes out of the cultivation facility would be charged a 3% impact fee. Selectman Day said we agreed with that; we only discussed if it was one payment per company or one per Host community Agreement. Whatever is decided should be our policy going forward. Attorney Silverman said his clients are fine with the cultivation having a minimum of \$150,000 on the 3% and fine with having a one-time \$50,000 fee per Host community Agreement. They are also fine with the 3% on the full sales price. He has seen the new language in the agreements yet.

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

VOTED: For the Cultivation Host Community Agreement to approve the \$50,000 one-time payment; the \$150,000 minimum with 3% on all sales and the charitable donation will go to the Town and the Town will disburse the monies, contingent upon Town Counsel and Attorney Silverman agree on the Host Community Agreement CA language.
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Attorney Kwesell said on the retail HCA for Twisted Growers, there are the same changes that we agreed on the cultivation HCA. We need to determine if there is a \$10,000 charitable donation to the retail HCA. It was her understanding that it did. We need to determine the 3% fee when the product comes from Twisted Growers. The \$50,000 one-time payment is all set. She carried over the \$150,000 minimum payment in the retail HCA. Chairman LaCamera said they should be the same. Attorney Silverman said he is fine on the cultivation HCA. The retail sale is a different thing. No one has an issue meeting the \$150,000 on the cultivation HCA. They are proposing selling more than \$5,000,000. However, on the retail HCA, there is substantial competition from stores and delivery companies. This location is challenging with no drive by traffic, and it will be very difficult to guarantee \$150,000. We are happy to pay 3%, but with a minimum of \$60,000. Mr. DeMartino said with the \$5,000,000 figure for retail, that is \$100,000 a week, which is a lot of sales in an industrial park with no car traffic. Chairman LaCamera said if you are proposing a minimum of \$60,000, we can consider that. Mr. DeMartino said as supply and demand starts to catch up, these fees are going to put people out of business or force us to be in a real retail location. Attorney Kwesell said Nature's Remedy was paying 3% on their retail HCA. A minimum amount is not new. You would like to see facilities that will work and be successful for the Town. That is the basis for a minimum. Attorney Silverman said we are happy to do the minimum, but not be overburdened in a way that will harm their business. \$60,000 is fair.

Selectman Fabian said we were saying 3% on all the retail sales and it was suggested that was doing the 3% twice. If there is no estimate on the retail numbers we need to go with a straight 3% across the board on everything. Selectman Day said he would entertain a lower minimum as Twisted Growers has agreed to the \$50,000 one-time payment on both HCA's and a lower minimum would be appropriate. Attorney Kwesell said we have a cultivation facility with a separate HCA and a retail facility, but one company. If we did 3% on cultivation and 3% on retail, the Town would be getting 6%. However, if you have a company that has cultivation in Lakeville and a retail facility in the next Town, they would be paying 6% between both Towns. Attorney Kwesell said the Town could implement a 3% fee on each HCA. The concern is if it is an arm's length transaction. To forego that, we came up with a formula that ensures that the Town gets something whether is it an arm length transaction. The opinion is to have 3% on cultivation no matter where it goes and 3% on retail or 3% on retail and a formula that if they sell to themselves, it would be 50% of the retail value that they charge each year would be the cost of them selling to themselves. Chairman LaCamera said we want to make sure the Town is protected. Attorney Silverman said if we produce an ounce of marijuana and sell it at our retail store, you will get 3% of the retail HCA; what should you get under cultivation? He is proposing 3% on the wholesale price. The question is what is the wholesale price. Take 50% of the retail price and that will be the wholesale price, and then pay 3% on the wholesale price. He still thinks it is double dipping on the same marijuana as it is an internal transfer. Mr. DeMartino said we are talking about 30% markup right now. Attorney Kwesell said the reasoning behind why she doesn't think it is double dipping is because you have two (2) facilities in Lakeville. This is a community impact fee. Having both in Town is a community impact. Chairman

LaCamera asked what happens if Twisted Growers decides to sell the retail business. Attorney Silverman said then he will be selling wholesale, only be a cultivator and would be paying 3%. Selectman Fabian said the new company would be obligated to pay the Town 3%. Attorney Kwesell said the cultivation HCA references the retail HCA and vice versa. If either side was sold, that connection would be broken and both would be subject to whatever percent the Board negotiates. That is the difference from the past HCA when there was only one HCA for cultivation and retail. The other financial provision is the \$10,000 charitable donation to go the Town for them to decide where it goes. The retail facility has a \$5,000 contribution for the negotiation of this and payment of all of the peer review consultants. You need to decide on the minimum amount and vote on whether is it 3% of all wholesale sales and 3% on retail sales. She has to come up with wording on how the transfer of product from wholesale to retail is captured or we can do 3% of the markup.

Selectman Day said he agrees that 3% on both sides is agreeable. He would entertain that we use the lower minimum. Chairman LaCamera said we agree to lower the minimum of \$60,000. Chairman LaCamera said there would be a one-time donation of \$50,000 for both HCAs. Then regarding the wholesale part to be sold to the retail, it would be the markup between purchase price and sales price, provided the company provides the Town with documentation evidence of the purchase price. Attorney Silverman said he is fine with that. Attorney Kwesell said in the event that the marijuana product produced at cultivation and is otherwise transferred for sale to the retail establishment is not subject to an arm length transaction, the value of such product is 50% of the fair market retail value of the product produced by the establishment or the highest whole price charged by the company during the preceding 12-month period, whatever is less. It is within the Board's purview to say whatever is more? Selectman Day said does that turn into 1.5% if it stays within the company. Attorney Kwesell said 1.5% of the highest wholesale price over 12 months.

Mr. DeMartino said Nature's Remedy sold off the retail to another company; does that cultivation facility pay 3%? Chairman LaCamera said we get the 3%, not the wholesale piece. Their agreement says that anyone that has a facility in the Town of Lakeville does not have to pay the 3% cultivation fee to the Town. Mr. DeMartino said so Nature's Remedy does not pay the 3%, only the dispensary does, which means one of our competitors isn't paying a HCA payment. Attorney Kwesell said all of the licensees have a HCA and they pay something. The issue is that the cultivator does not pay 3% for what they transfer within the Town of Lakeville. If they transfer product out of Town, they pay it. The Selectman have the discretion to determine how you want the community impact fee to come in and how much they want up to 3% and where you want it to go.

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

VOTED: For a minimum of \$60,000 Community Impact Fee payment and when selling to the retail facility owned by the Company located within the Town of Lakeville, the 3% will be based on seventy-five percent (75%) of the fair market retail value of the product produced by the Establishment; or (ii) the highest wholesale price charged by the Company in any arms-length transaction during the preceding twelve (12) months, whichever is less.

Roll call vote: Selectman Day – aye; Chairman LaCamera – aye and Selectman Fabian – nay.

Chairman LaCamera asked the two attorneys to finalize the language and then the Board will review and sign the HCAs.

Meet with Town Counsel to review and vote on Host Community Agreement for Boston Botanical

Attorney Kwesell said there is a \$50,000 one-time payment; \$150,000 minimum per year on the 3%, and a \$10,000 annual charitable donation directed to the Town for them to choose the recipient.

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

VOTED: To approve the Host Community Agreement revisions for Boston Botanical as stated by Town Counsel.

Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Chairman LaCamera said the next step is to get the HCA to Attorney Silverman.

Discuss number of finalists to interview for Town Administrator Search

Chairman LaCamera said the Board needs to discuss the number of finalists to interview for the Town Administrator Search. Selectman Fabian said at the Search Committee meeting last week, everyone felt five (5) finalists should be produced with two (2) alternates, so that ultimately four (4) to five (5) candidates could be interviewed. The Search Consultant is talking about giving the Search Committee 12-15 prospects; then there will be semi-finalist interviews done in Executive Session. Only the final interviews are done in public. Selectman Day asked if the finalists will be ranked. Selectman Fabian said she doesn't know if they will be ranking 1-5 or just top 5. Discussion occurred about how many finalists should be interviewed. Selectman Day felt that the Search Committee should send no less than four (4) finalists to the Selectmen and if someone drops off, they can replace that candidate.

Discuss the closing of Somethins' Brewin and options to lease and renovations required

Chairman LaCamera said the company that was leasing the Library has gone out of business. They are leaving the end of February. In the lease, there was language that the monies associated with the lease would be used for improvements in the building, which did not happen. We need to put a handicapped ramp on the building, whether it is leased or the Town uses it and a handicapped restroom will need to be added. We can have the Building Commissioner make a list of improvements needed. Selectman Fabian said the building needs a good cleanout, but part of the storage area downstairs is organized. Selectman Day said the Building Commissioner is estimating that the cost would be \$80,000 plus just for the ramp and bathroom. Chairman LaCamera said these improvements have to be done for the Town to use the space or lease it out. Selectman Fabian said if renting it out, the Town should charge a more current rent. Selectman Day said the main floor is approximately 1,500 square feet, and the lease was written so that the business was only supposed to use that floor, but they ended up using part of the basement also.

Chairman LaCamera said it can't be a restaurant without major renovation and the Historical Commission will not allow it. The Town is hurting for space. It doesn't make sense for us to rent it out when we need the space ourselves. Does it make sense for the Town to rent it out? We have been talking about additional space for Town Hall. If we moved Inspectional Services over there and gave that space to the Fire Department, it would give them needed space. We want to expand the file archive. We need to decide soon because if we are asking for money for renovations at Town

Meeting, we need to know what that number is. Selectman Fabian said she will reach out to the Economic Development Committee to look at prices for average retail spaces to see what we are giving up for rent.

Review and vote to approve revised warrant for the Town’s Annual Election – April 5, 2021

Chairman LaCamera said the Board needs to approve the warrant for the Annual Election.

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

VOTED: To approve the Annual Election Warrant of April 5, 2021 as presented, which includes the addition of a one-year term for the Park Commission.

Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Discuss scheduling the Annual Town Meeting for May 10, 2021 and open the Warrant

Chairman LaCamera said according to the General Bylaws, the Annual Town Meeting is scheduled for the second Monday in May.

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

VOTED: To call the Annual Town Meeting for May 10, 2021 and open the Warrant, which will close on March 8, 2021 at 4:00 PM.

Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Discuss and vote to renew Animal Shelter Contracts with the Towns of Berkley and Freetown

Chairman LaCamera said the Board had received the contracts from Berkley and Freetown for use of the Animal Shelter.

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

VOTED: To approve the contracts for the Animal Shelter with the Towns of Berkley and Freetown.

Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Request from Planning Board to review site plan for 271 Bedford Street

Chairman LaCamera said we have a request from the Planning Board to review the site plan for 271 Bedford Street. Selectman Day said this is a simple change to the building to allow for material storage. The Board had no comments.

Request from Kenneth Upham, Sr. to be reappointed as a Constable

Chairman LaCamera said Kenneth Upham, Sr. had requested to be reappointed as a Constable.

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

VOTED: To re-appoint Kenneth Upham Sr. as a Constable for a term to expire on January 15, 2022.
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Request from Council on Aging Director to appoint members to the Council on Aging

Chairman LaCamera said the Council on Aging Director has requested that the Board appoint members to the Council on Aging Board of Directors.

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

VOTED: To appoint Brenda Carter as an Associate Member to expire July 31, 2021; Deveney Reis-Boyadjian, Paula Houle and Paula Frodyma to expire July 31, 2022 and Donna Adams to expire July 31, 2021.
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Schedule Board of Selectmen Meetings for February and March

It was decided to hold the February and March Selectmen Meetings on February 8, February 22, March 8 and March 22, 2021.

Review and vote to approve Board of Selectmen Meeting Minutes of November 12, 2020; November 16, 2020; November 19, 2020; November 23, 2020 and December 2, 2020

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

VOTED: To approve the following Board of Selectmen Meeting Minutes as presented: November 12, 2020; November 16, 2020; November 19, 2020; November 23, 2020 and December 2, 2020.
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

New Business

Chairman LaCamera said MassDOT did a road safety audit of the intersection of 18 and 105. They agree going left onto Route 18 is dangerous and there are problems that need to be addressed.

Chairman LaCamera said the Selectmen need to meet with the Master Plan Implementation Committee. If we need to address funding or bylaws, we need to find out what we need to do this fiscal year. He would like to meet with them January 25th at 7:30 PM.

Chairman LaCamera said Selectman Day is working on IT budget and Selectman Fabian is working on the Animal Shelter. He is working on the Selectmen Departments. Last February we spoke to the Planning Board about a Town Planner. That is still on the table and we need at least a part time shared Planner. If not an employee, we should get a consultant. We will eliminate the Town Coordinator position and replace it with the part time Planner for \$50,000. Selectman Fabian asked if the Board has received a decision from the Planning Board? Chairman LaCamera said the Board needs to address this. Other than that position, we don't have any proposed new employees.

Selectman Day said we renewed the contract for IT services. As we go forward, we should get feedback on how that is going to see if we want an in-house position or stick with a consultant. Chairman LaCamera said it seems to be going well. Selectman Day said if Department Heads are looking to make software purchases, they need to let us know if there is a recurring fee for maintenance or a license fee.

Chairman LaCamera said the quarterly financial report has been prepared. It was decided to meet with the Town Accountant and Finance Committee on January 25, 2021 at 6:00 PM.

Old Business

FY21 Budget

Chairman LaCamera noted that there is \$1,071,000 available in Free Cash after the Annual and Special Town Meetings.

Capital Plan

Chairman LaCamera asked if there is anything that the Board would like on the Capital Plan? Selectman Fabian said perhaps the kitchen at the Loon Pond Lodge.

Discuss Loon Pond Agreement; Park Commission Budget; Capital Plan and Maintenance of Property

Chairman LaCamera said the Town Accountant has drafted a letter to SEM regarding the money owed to the Town. Did we resolve the Loon Pond Lodge website? Selectman Fabian said she has not heard back from SEM on whether they have renewed the host agreement and have not heard back on the domain name. They have been made aware that they cannot use the domain name. Some of the hosting contracts automatically renew, so they are reviewing their records on that. Selectman Day said the domain information is Loon Pond Lodge, which expires in 2023. They have it registered to themselves and will have to transfer it. Chairman LaCamera said the website is up and people are emailing.

Chairman LaCamera said because they didn't want to hire anyone to be an event manager, the Park Commission insisted that we send out an Invitation to Quote (IFQ) for event management. We did that and have had three (3) very good companies that are in the restaurant business interested. One of them has responded; they are saying why are you doing this? You should include the catering and bartending. Selectman Fabian said the site visit with two (2) of the companies on Friday was eye opening. She discussed the issues with hiring an event coordinator. Right now, we have an IFQ, but the feedback we are receiving is that it does not make sense. She would like to rescind the IFQ and go to bid to get one (1) company to do catering, bartending and event management. The Park Commission is split on this. If we can find one company to provide a variety of menus and consistency to do it all, that is better. The Park Department asked if we could send out Request for

Qualifications for priority vendors, but what do we do with no one to run the event. It will be more successful with one (1) company.

Chairman LaCamera said he was disappointed when a Park Commission Member said they did not receive the documents when it was sent out December 22nd. We did not receive any comments back from the Park Commission. Now they are saying they want to do something different. We have been discussing this way too long. Selectman Fabian said the two (2) companies said what is most important is the actual bookings we already have and if someone has already chosen a vendor, they will work with that person. Selectman Day said having the same company will be great. He would like to see them respect the choices already made for events to have that. Are those companies eager to jump into this? Selectman Fabian said yes because they aren't planning on events for several months. These companies are professionals. They will work with functions already booked. Selectman Day said he would like to see whatever relationship to be performance based. Chairman LaCamera said they are ready to accommodate for vendors that have a different product that they can't produce. Do we want to rescind the IFQ? Selectman Fabian we should rescind the IFQ for Event Management and put out a bid for everything: food, event management and liquor. Selectman Day agreed, but the scope of services will be different. Chairman LaCamera said the Park Commission needs to realize that we are doing this correctly. Selectman Fabian said people are looking to book their events in the fall of 2021 and 2022. We need to figure this out. Chairman LaCamera said he has spoken to Town Counsel about this and he would work with us to get a contract together. We need to make sure that the criteria are spelled out, etc.

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

VOTED: To rescind the IFQ and notify the three (3) vendors that it has been sent to.
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

Chairman LaCamera said he will call the three (3) vendors and come back with a different approach.

Chairman LaCamera said regarding the Park Commission budget, we need some different alternative to address issues with Clear Pond. We need numbers so we know what we will charge, but they haven't discussed that. The DPW Director is working on maintenance items with a lot of cleanup at Clear Pond. Further discussion took place about the budget issues. Selectman Day asked if we can move some of costs into the appropriate budget. Selectman Fabian said we are in favor of trying to help the Park Commission. The next Board may not have that as an interest. Chairman LaCamera said all of the maintenance items are coming out of the Town's side of the budget. The demolition of the Haunted House is a capital item. The equipment budget should be part of the Highway Department. We will try to address some of the capital budget items.

Selectman Day asked is Clear Pond a maintenance issue or capital budget? Selectman Fabian said hopefully Clear Pond will be open this summer and see a huge difference. We can't expect the Park with a part time maintenance person to get things done. Selectman Day asked if the DPW Director is okay with staff. Chairman LaCamera said we have one (1) more open position for a full-time person that we can't get filled. The DPW Director wants the staff at Clear Pond to report to him. This is a great time to use his staff to do projects. We need to address this.

Any other business that may properly come before the meeting

There was no other business discussed.

Adjournment

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

VOTED: To adjourn the Board of Selectmen’s Meeting at 9:20 PM.

Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

List of documents provided at the Board of Selectmen Meeting of January 11, 2021

1. Agenda page
2. Agenda page; memo from Police Chief
3. Agenda page; email from Selectman Day; draft Host Community Agreement for Twisted Growers
4. Agenda page; draft Host Community Agreement – Boston Botanical
5. Agenda page; Search Committee Policy
6. Agenda page
7. Agenda page
8. Agenda page
9. Agenda page
10. Agenda page; memo from Planning Board; site plan
11. Agenda page; letter from Kenneth Upham, Jr.
12. Agenda page; letter from Council on Aging Director; letter of interest for vacancy on COA Board
13. Agenda page
14. Agenda page; Board of Selectmen Meeting Minutes November 12, 2020; November 16, 2020; November 19, 2020; November 23, 2020; and December 2, 2020
15. Agenda page
16. Agenda page
17. Agenda page