

**TOWN OF LAKEVILLE**  
**Board of Selectmen**  
**Meeting Minutes**  
**December 28, 2020 – 6:30 PM**  
**REMOTE LOCATION**

On December 28, 2020, 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 December 28, 2020 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.

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

*Philip Silverman, Esquire, from Vincente Sederberg; Amy Kwesell, Esquire from KP Law; and Edward Phipps; Jason Lutz and Ali Hopey from Boston Botanical were present for the discussion regarding Boston Botanical.* Attorney Silverman shared a Powerpoint presentation regarding Boston Botanical, who is looking to operate a marijuana cultivation and product manufacturing business at 475 Kenneth Welch Drive. This property was previously approved for a marijuana business, but the company did not choose to move forward. The business timeline and floor plan were reviewed. Mr. Phipps estimated there will be 3,000 to 3,500 pounds of flower annually, not counting the auxiliary products. Chairman LaCamera asked Attorney Kwesell if the Trichrome Host Community Agreement (HCA) needs a Board vote to transfer that site over to Boston Botanical? Attorney Kwesell said yes; also depending on the changes being made from what was permitted in the Special Permit, that may also have to be addressed. Attorney Silverman said a hearing has not been scheduled yet with the Zoning Board of Appeals (ZBA) for the change of use. Selectman Day asked what would the 5,000 square feet addition space be for. Mr. Phipps said to provide for significant operations growth. Selectman Fabian asked about their plans to assist with management at this facility. Mr. Phipps said they will use the Standard Operating Procedures they have in Maine. It allows control and management over the sites from afar. Selectman Fabian said what are you using for electricity. Mr. Phipps said for now, the local electric company. Selectman Day asked if the draft HCA is based on materials they may import. Attorney Kwesell said yes. Attorney Silverman said the draft HCA has a conflict; it talks about a one (1) time \$50,000 community payment, then it says it is due annually? Selectman Day said the \$50,000 is a one-time donation after a certain period of time that the first sale is made, then the community impact fees go forward. Attorney Silverman said we need to clarify the language on the \$50,000 payment. Attorney Kwesell said that was left in in case the Board wanted to implement a smaller annual fee. Paragraph 1 is clear about it being a one-time payment. Attorney Kwesell said the Board needs to be comfortable with page 2, paragraph 1 regarding the one-time \$50,000 fee and the annual charitable non-profit contribution. Are there any

affiliated companies in Massachusetts with Boston Botanical? Attorney Silverman said no. Attorney Kwesell said we can tie up the loose ends and finalize the agreement and come back to the Board for signature. This is not Trichome's HCA; a new HCA was created for cultivation, so the payments are different.

Attorney Kwesell asked if the Board wanted to offer the company direction on the charitable donation? Some communities change the charity annually based on needs. Chairman LaCamera said the Town would decide annually where the donation would go. The donation would come to the Town. Selectman Fabian said if the company finds that they are fond of a local organization, they could suggest to the Board where the money could be donated to. Chairman LaCamera asked if on the \$12.5 million projected annual revenue, the Town would receive 3%. Attorney Silverman said yes. Chairman LaCamera said the Town would prefer quarterly payments on the impact fee. Selectman Day said regarding the raw materials that are purchased from others, do we get the community impact fee on the markup? Otherwise they would be assessed 3% on what they have already paid for. Attorney Silverman said a lot of the time they are growing their own product and manufacturing it to sell. They may have had to purchase other product and do additional manufacturing and sales. In calculating the 3%, can the cost they paid be deducted. Discussion occurred regarding this. Attorney Kwesell said if you buy a strain from another company, how does the Town guarantee they are getting the 3% on the wholesale or the markup. Attorney Silverman said we would have to show the invoice. They should be able to deduct their cost to purchase it or they won't bother to do it as it would not be profitable. Attorney Kwesell asked how they can process more than what they grow. Attorney Silverman said they will process what they can, extract and sell flower and still be able to create other products. Selectman Day said he would be up for 3% on the markup if sourced by another Lakeville cultivator. Mr. Phipps said the 3% would be a consideration to decide if it worth their time. They would be open to 3% on the markup using Lakeville companies. Chairman LaCamera said this needs to be discussed with Town Counsel. Mr. Phipps said they are happy to do 3% on the total. Attorney Kwesell asked if there are any other licenses that will be needed. Mr. Phipps said there are no plans at this time. Chairman LaCamera said this will be revisited at the next meeting.

*Philip Silverman, Esquire, Amy Kwesell, Esquire from KP Law; and Dominick DeMartino from Twisted Growers were present for the discussion.* Selectman Day said Twisted Growers is looking for a cultivation and retail HCA. Attorney Kwesell said the Board needs to be cognizant that there are two (2) separate HCAs that are connected by references to each other. The cultivation one has the same general comments as Boston Botanical. Attorney Kwesell asked if this is a one-time \$50,000 donation for each HCA or is the Board treating them as one (1) company with one (1) \$50,000 payment. Selectman Day said the retail and cultivation are being done in two (2) separate buildings. Chairman LaCamera said we had a situation that was supposed to be cultivation with a retail store and they sold the store to another company. He is concerned that if they want to sell the retail, we will not get the \$50,000 one-time payment. Further discussion occurred regarding this issue. Chairman LaCamera said with two (2) separate locations, it should be two (2) \$50,000 payments. Mr. DeMartino said he is one (1) company and should have to pay the \$50,000 one time. Selectman Fabian said both businesses have to be inspected by the Town; we don't have to do less work because it is one (1) company. Selectman Fabian said she would like to charge (2) separate \$50,000 payments for the cultivation and retail. Selectman Day said he would rather see one (1) \$50,000 payment and place the additional \$50,000 in escrow. Once the second location is successful, it would be returned. Mr. DeMartino said he liked the idea of an 18-month escrow for the second \$50,000 which can be refunded back, or it can be used as a payment for the \$10,000 charitable donation. He would agree

to the \$10,000 per the cultivation and dispensary for community donation. Attorney Kwesell said it is within the Board's discretion to alter the payment however you see fit.

Attorney Kwesell said the next point is obtaining product from other facilities that is being manufactured and sold by Twisted Growers. Do you want 3% on the markup or the total. Mr. DeMartino said in cultivation, your costs are your costs. If you have a dispensary and are buying products from other cultivation facilities, we can try to buy from Lakeville companies, but we would be double taxed. Attorney Kwesell said this is a fee, not a tax. Further discussion occurred regarding this issue. Selectman Fabian asked about their estimate for the cultivation facility production. Mr. DeMartino said 4,000 to 5,000 pounds annually. Selectman Fabian said she needs to think about the differences between the dispensary and cultivation on the 3%. Mr. DeMartino asked if he wanted to use the rest of 200 Millennium for cultivation, would he be charged another \$50,000. Attorney Kwesell said the HCA would need to be amended to address the change of size and that would be up to the Board. Selectman Day asked if that would be a third HCA. Attorney Kwesell said another HCA and Special Permit would be needed. Chairman LaCamera said this will be discussed at the January 11th meeting.

**Meet with the Agricultural Commission to review the proposed Right to Farm Bylaw and vote to refer the bylaw to the Planning Board to hold a public hearing**

*David Thomas and Cynthia Barber from the Agricultural Commission were present for the discussion.* Chairman LaCamera said this bylaw was originally supposed to be on the May 2020 Annual Town Meeting, but it was deferred to the Fall Town Meeting, which did not happen. We would like to place this on the May 2021 Annual Town Meeting. A public hearing was not held by the Planning Board. He asked if Town Counsel has reviewed the by-law. Mr. Thomas said he was not sure. Chairman LaCamera asked why does the Town need this b-law. Mr. Thomas said this law is in effect in Massachusetts. The bylaw is copied from the law, except at the end, with notice going to renters and property buyers notification and send it to Town Hall. The State version stated 21days; but this version is 30 days. That is the only change. Lakeville always has been an agricultural Town and we are one of the very few communities that doesn't have a right to farm bylaw. Chairman LaCamera asked about a restriction for night operations. Mr. Thomas said farms already have this protection from the State law. Chairman LaCamera asked how does the Town know if a Purchase and Sales Agreement has been entered into. Mr. Thomas said he was not sure. Chairman LaCamera asked that Mr. Thomas reach out to other communities to see how they deal with that issue.

Selectman Day asked if the Board can make the State law more lenient. Chairman LaCamera said this will be a general bylaw; we aren't accepting the MGL chapter/section. We will have Town Counsel review this. Chairman LaCamera said regarding notification, it says a copy will be given on a Town form. How do we enforce that? Mr. Thomas said he will reach out to other Towns and prepare a notification like theirs. The real estate companies involved in Lakeville would be the ones to give the notification to the buyer. Chairman LaCamera said we have to send the notification each FY by mail? Mr. Thomas said anyone purchasing a property in the Town would get a copy of the notification that Lakeville is a right to farm town. Chairman LaCamera asked every year. Mr. Thomas said he will check on that. Chairman LaCamera said the next step is to refer to the Planning Board for a hearing. Mr. Thomas said he will remove that sentence about annual notification. Selectman Day said Page 1 – definition of farm: do these have to be parcels coded by the Assessors? Who does this protect? Mr. Thomas said if you are making income off of your farm that would be the deciding factor. Selectman Day said it states primary purpose. Selectman Fabian said she would

like to know what we can or can't change. Chairman LaCamera said we will have Town Counsel review after clarification on the notifications.

### **Selectmen Announcements**

Chairman LaCamera asked residents to please continue to wear masks. He has spoken to Department Heads about people coming into the building. No access will be allowed to the Tax Collector/Treasurer's office. Tax bills can be paid on line or by mail or drop in the drop off payment box. They are not accepting cash. The same is for the dog license renewals. Burning permits will only be done online or done by mail. There will be no access to the Fire Department, the Building Department and Board of Health. The Assessors will be putting the abatement application online to be mailed back or dropped in the drop box. The Library is only allowing 20 people in the building at a time. Selectman Fabian said if you are not sure about something, please call. People like to use cash, but need to use the online system. Chairman LaCamera asked residents to please have patience as this is a very busy time for these Departments.

### **Discuss and vote to award a contract to Green Rivers for Information Technology Services**

Selectman Day said we put out a Request for Quotes for a few months to administer the Town's IT needs. After reviewing the responses, Green Rivers met the Town's needs and provided the most responsive quote.

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

VOTED: To award the contract to Green Rivers and have the Chairman sign the contract.  
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

### **Discuss and vote to issue an Invitation to Quote for Event Management Services for Loon Pond Lodge**

Selectman Fabian said we are working on changing the management company at the Loon Pond Lodge. Chairman LaCamera said we are meeting with the Park Commission on January 4, 2021 to discuss this.

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

VOTED: To issue the Invitation to Quote for Event Management Services for Loon Pond Lodge.  
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

### **Discuss application for a Common Victualler License for Fat Cousins at 166 County Street**

Chairman LaCamera said that MMJJTK Properties, Inc. has applied for a Common Victualler License for 166 County Street. Currently Cisco Pizza is located there. Discussion occurred about the paperwork required for the Common Victualler License.

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

VOTED: To issue a Common Victualler License to MMJTK Properties, LLC, dba Fat Cousins for 166 County Street.  
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

### **Review and vote to approve annual Class I and Class II License Renewals**

Chairman LaCamera said the Board needed vote to approve the eight (8) Class II and three (3) Class I Dealer Licenses as presented with expiration date of January 1, 2022. All locations have been inspected by the Zoning Enforcement Officer.

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

VOTED: To approve the renewal of the Class I Licenses for Rousseau's Recreation Rentals – 150 Bedford Street; Route 44 Collision Center RV's & Boats – 8 Harding Street and Bradford Trailer Sales – 10 Harding Street and the following Class II Licenses: Salvatore Cucinotti, dba SC Auto – 19 South Kingman Street; United Automotive Services – 298 Bedford Street; Chris Altieri, dba C&E Enterprises – 43 Freetown Street; Leonardo Solana, dba Solana auto Sales – 18 Staples Shore Road; Andrews Family Automotive – 79 Main Street; Linda Bury & Jason Bury dba Elite Auto Sales – 431 Bedford Street; Grigis Automotive – 35 Bedford Street; and David Rose, dba Dave's Auto – 67 Main Street, all with expiration dates of January 1, 2022.  
Roll call vote: Selectman Fabian – aye; Selectman Day – aye and Chairman LaCamera – aye.

### **Review and vote to approve annual Common Victualler License Renewals**

Chairman LaCamera said the Board needs to renew the Common Victualler Licenses with expiration dates of December 31, 2022. He noted that Somethin's Brewin needs to be removed from the list.

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

VOTED: To approve the renewal of the Common Victualler Licenses for the following, all having an expiration date of December 31, 2021: Baldies Pizzeria, Inc. – 40 Main Street; Aramark Educational Services, LLC For the F/L School System – 96, 100, and 112 Howland Road and 232 Main Street; The Sunshine Café – 12 Harding Street; Royal Pizza – 68 Main Street; Tand, Inc., d/b/a Subway – 330 Bedford Street; Nexdine, LLC (for Ocean Spray) – One Ocean Spray Drive; The Back Nine Club, LLC, dba The Back Nine Club – 17 Heritage Hill Road; Poquoy Brook Golf Club, LLC d/b/a Poquoy Brook Pub – 20 Leonard Street - Hawaii Corp., dba Orchid of Hawaii Restaurant – 201 Bedford Street; Lakeville Aerie #3994 Fraternal Order of Eagles, Inc. – 217 County Street; Lakeville Virtual Entertainment Group dba The Broken Tee Virtual Golf – 166 County Road; Lakeville Golf Club, Inc. dba Lakeville Golf Club – 44 Clear Pond Road; Assawompset Golf Company, LLC/dba LeBaron Hill Country Club – 183 Rhode Island Road; Sandy LLC (Dunkin Donuts) – 330 Bedford Street; J&J's Seafood Drive-in –

197 County Street; Saga Sushi – 13 Harding Street and Corporate Chefs, Inc. (Talbots) – 175 Kenneth Welch Drive.

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

**Review and vote to approve annual Dancing on Weekdays; Public Entertainment on Sundays; Livery; and Coin Operated Amusement Licenses**

Chairman LaCamera said the Board needs to vote on the renewal of the annual Dancing on Weekdays, Public Entertainment on Sundays, Livery and Coin Operated Amusement Licenses.

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

VOTED: To approve the following licenses with expiration dates of December 31, 2021: Livery License: JP's Limousine Service (1 vehicle) – 16 North Precinct Street; Dancing on Weekdays Licenses: LeBaron Operating Company, LLC, dba LeBaron Hills Country Club; Lakeville Aerie #3994 Fraternal Order of Eagles, Inc.; Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc.; and Hawaii Corp., dba Orchid of Hawaii; Coin Operated Amusements Licenses with an expiration of December 31, 2020; Lakeville Aerie 3994, Fraternal Order of Eagles, Inc. (2 machines) and Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. (1 machine); and Public Entertainment on Sundays Licenses with an expiration of December 31, 2020: LeBaron Operating Company, LLC, dba LeBaron Hills Country Club; Hawaii Corp., dba Orchid of Hawaii; Lakeville Aerie #3994 Fraternal Order of Eagles, Inc. and Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc.

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

**Discuss and vote to renew Animal Shelter Contract with the Town of Hanson**

Chairman LaCamera said the Town of Hanson has sent in their contract to renew services with the Animal Shelter.

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

VOTED: To approve the renewal of the contract with the Town of Hanson to board animals with the Lakeville Animal Shelter.

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

**Discuss request from Fire Chief to change employment status of Nathan Gagnier from Temporary Full Time Firefighter to Call Lieutenant and to promote David Shaw from Call Firefighter to Temporary Full Time Firefighter**

*Michael O'Brien, Fire Chief, Nathan Gagnier and David Shaw are present for the discussion.* Chief O'Brien said that Nathan Gagnier's IT job has increased, and he can no longer serve as a Temporary Full Time Firefighter, but he would like to return to a Call position. Because of his experience and leadership, Chief O'Brien is requesting that Mr. Gagnier be appointed as a Call

Lieutenant. Chief O'Brien is requesting that David Shaw be promoted from Call Firefighter to Temporary Full Time Firefighter.

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

VOTED: To change the position for Nathan Gagnier from a Temporary Full Time Firefighter to a Call Lieutenant for a term to expire July 31, 2021.

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

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

VOTED: To promote David Shaw from a Call Firefighter to a Temporary Full Time Firefighter.

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

**Review and vote to accept resignation letter from Timothy LaChapelle from the Lakeville Police Station Building Committee**

Chairman LaCamera said the Board has received an email from Timothy LaChapelle resigning from the Lakeville Police Station Building Committee.

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

VOTED: To accept Timothy LaChapelle's resignation from the Lakeville Police Station Building Committee.

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

**New Business**

Chairman LaCamera said the meeting with the Master Plan Implementation Committee needs to change from January 11<sup>th</sup>.

Chairman LaCamera said the Town Accountant has requested permission to deficit spend for FY21.

**Old Business**

**FY22 Budget**

Chairman LaCamera said the budget request has been sent out to Department Heads with the budget forms. On the back sheet is the tentative budget calendar. Selectman Fabian will work with the Animal Control Officer on his budget; Selectman Day will work on the IT budget. Chairman LaCamera said he can do the other budgets.

### FY22 Capital Plan

Chairman LaCamera said the Town Accountant has provided forms for the Department Heads to fill out. We have some things we need to discuss having to do with building projects. We also need to speak about the old Library. Somethin's Brewin has closed, and the Selectmen need to look at it prior to deciding what we are going to do with that building. The other thing is the Town Office Building/Fire Station. There might be a short term, middle and long-term solution with some issues. It is overcrowded and there are issues in the Fire Department. Selectman Day asked about the Route 79 project. Chairman LaCamera said the State is holding the public hearing in February. The next step is going to TIPS for review. Mass Highway is recommending this project.

### Phone System

Chairman LaCamera said he has found the details on the contract for the new phone system.

### Town Administrator Search update

Selectman Fabian said the Search Committee had technical difficulties on the first meeting. We nominated the HR Director to be the primary contact person with MRI. We will meet next week.

### CARES money

Chairman LaCamera said the stimulus bill was signed. CARES money already allocated can be used until December of 2021.

### **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 Selectmen's Meeting at 8:44 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 December 28, 2020**

1. Agenda Page
2. Agenda Page; Host Community Agreements for Twisted Growers and Boston Botanical
3. Agenda Page; Right to Farm By-law
4. Agenda Page
5. Agenda Page; quotes from Green River Associates and Hub Tech; email from Selectman Day regarding review of quotes
6. Agenda Page; draft Invitation to Quote document
7. Agenda Page; application; building interior sketch; Operating Agreement; Internal Revenue Service Employer Identification Number confirmation; Certificate of Organization; Driver's License; Business Certificate Information; Worker's Compensation Affidavit
8. Agenda Page; memo from Nathan Darling
9. Agenda Page
10. Agenda Page
11. Agenda Page; contract for Town of Hanson
12. Agenda Page; memo from Fire Chief
13. Agenda Page; email from Timothy LaChapelle
14. Agenda Page
15. Agenda Page; FY22 Budget Memo and Capital Plan memo