

TOWN OF LAKEVILLE
Board of Selectmen
Meeting Minutes
April 27, 2020 – 3:00 PM
REMOTE LOCATION

On April 27, 2020, the Board of Selectmen held a meeting at 3:00 PM remotely from various locations. The meeting was called to order at 3:01 PM by Chairman Fabian. Selectmen present were: Chairman Fabian and Selectman LaCamera. Also present were Maureen Candito, Town Administrator, and 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 April 27, 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 Fabian then read an introduction regarding the need for a remote meeting and how a remote meeting will be conducted.

Selectmen Announcements

Chairman Fabian read the Selectmen Announcements into the record.

Discuss scheduling Board of Selectmen Meeting Dates for May and June

Selectman LaCamera suggested meeting on May 4th, 11th 18th June 1st and June 8th (warrant review). All meetings will be on Zoom and can be seen on LakeCAM. Chairman Fabian noted the time may need to be changed for the June 8th meeting to accommodate Finance Committee.

Review draft timeline for Annual Town Meeting & Special Town Meeting tentatively scheduled for June 22, 2020

The timelines were reviewed for the Annual and Special Town Meeting. Selectman LaCamera said if the Board votes the date now and we can't have it, that creates a problem. It is difficult to move the meeting. We should wait until the next meeting to see what happens.

Review request from Twisted Growers to amend current Host Community Agreement (HCA) to include an adult use retail facility

Dominic DeMartino and Dennis Karjanis, co-owners of Twisted Growers, Brian Salsbury, Esquire, Jamie Bissonnette from Zenith Engineering, and Mitch Suzan, ECM Security were present for the discussion. Selectman LaCamera said the existing HCA calls for cultivation and retail sales at 415 Millennium Circle. Ms. Candito said that the Special Permit is still being drafted and is not recorded yet. Selectman LaCamera asked about the construction status. Mr. DeMartino said they have not begun construction as they are waiting on the Cannabis Control Commission (CCC) to give the Provisional License. Discussion occurred regarding the construction being planned for 415

Millennium Circle. Selectman LaCamera said the applicants are requesting to add retail to the other building. What was the business plan to generate the number of poundage? Mr. Karjanis said there are two (2) buildings that will combine to total 65,000 square foot area. The pilot program is 24,000 square feet to produce 5,080 pounds annually in that space. Selectman LaCamera said is there expansion planned? Mr. Karjanis said they should be able to produce 10,000 pounds a year once things get going.

Selectman LaCamera said you want to operate a retail store at 200 Millennium Circle. Is the product grown at 415 be used at 200? Mr. Karjanis said they anticipate using approximately 50%. Selectman LaCamera said we would have received \$131,000 more without the retail store. Mr. Karjanis said if we send 50% of the product to the retail store, it equals \$419,000 to the Town. Chairman Fabian asked about the other 50%. Mr. Karjanis said the other half will be wholesale or sold to other dispensaries around the State. The store will be a combination of medical and recreational marijuana. Selectman LaCamera said the HCA says the company will pay 3% of the gross sales for marijuana and marijuana products. Isn't that a sales facility? Attorney Salisbury said it does reference sales at the facility, which is inconsistent with the first part of the agreement. He doesn't believe that was in the intent of the HCA when drawn up. Mr. Karjanis said they were going to do the pilot program in the smaller space and then add onto the larger building; they planned on having retail sales eventually. Selectman LaCamera asked if the CCC is approving the license based on the HCA. Attorney Salisbury said in part. We had received the proposal to the Town, made edits, and all edits were rejected. Paragraph 1 on page 2 A1, the Town was looking to make sure they received all the funds they could. He doesn't believe it expressly allows retail sales. Amending the agreement would not be much of a stretch to do. Selectman LaCamera asked what the Special Permit was for. Attorney Salisbury said for a cultivation facility. Mr. Karjanis said processing and manufacturing should be included in the HCA.

Mr. Bissonnette presented the existing site plan. The site presently has a large industrial building and the shaded area is paved. There is a large area for tractor trailers or parking. They need site plan review from the Planning Board and to meet with the Building Commissioner. They may need to make some ADA improvements. The site plan for the building was discussed further. Selectman LaCamera asked if the security plan been provided to the Fire and Police Chiefs. Mr. Suzan said he has been in contact with both Chiefs. He will meet with Chief Perkins closer to opening to review the security plan and work with the Fire Chief as opening gets closer and do a walk through the buildings. Security for the retail store is different than for cultivation. For recreational you need an active license that will be checked before entering the building; there will be a minimum of two (2) guards during the day with one (1) watching cameras and one (1) mobile. Cameras will be 24/7 and will follow CCC guidelines. Access in and out is controlled; doors are locked all the time. People are buzzed in once their license is checked they are allowed into the store. The various areas have key card access for staff. Mr. DeMartino said they will be using approximately 4,700 square feet. The remainder of the building will continue to be leased by Fowler Express. Chairman Fabian asked about a traffic analysis. Attorney Salisbury said there is no traffic analysis yet, but they don't believe there will be a negative impact on traffic.

Selectman LaCamera said we need to get Town Counsel to look at the HCA. Attorney Salisbury said they can work on a new one or amend the existing HCA, which would be the easiest way. Selectman LaCamera said we will bring this to Town Counsel and then get back to you about meeting again. We need to discuss the structure of the HCA. This is going to be two (2) separate special permits, so it may need to be two (2) separate HCAs.

Discuss status of renovations to the Board of Selectmens' Office

Chairman Fabian said lighting is needed in the office. Mr. Darling said some people could come in and work on the weekend. We were discussing a conference room. We may want to look at a design. Ms. Candito said there is a lot of items to be checked off. We need the electrical first and CAT 6 wiring for the phone system. Chairman Fabian asked about the budget for the renovations. Ms. Candito said \$9,000. Chairman Fabian asked to see the breakdown on the funds spent for the renovations.

Discuss FY21 Capital Plan

Selectman LaCamera said the Board has the preliminary Capital Plan. We need to be a bit more conservative on what we purchase. We should try to save some Free Cash, which is about \$1,000,000 in case there is a problem with the FY21 budget in regards to State revenue. The list was reviewed. Ms. Candito noted that the Town has not received the two (2) Police Cruisers that were ordered in 2020, so we may be able to approve the two (2) additional cruisers in the fall. Selectman LaCamera said we could wait on the unmarked cruiser and the Fire Department Pickup Truck until the fall. We need the generator, but we can wait on the small boat. He suggested removing the \$375,000 for the road work. We should consider holding off the Stormwater Management Consulting Services, but need to find out what our requirements are contractually. The Superintendent of Streets has stated he can do without the new skid steer with attachments. He needs the new sweeper, but could wait on it. We can delay the Historical Commission archeological survey until the fall; the sealcoating on the Transfer Station is okay. He asked what is the IT Strategic Plan Budget. Ms. Candito said there is a three (3) year plan, and this is the last of the plan for needed security systems. Selectman LaCamera said that the Building Commissioner doesn't think we need to do the Senior Center flooring, so it can be removed. The Peach Barn Roof needs to be done; there is a large hole and it is a priority. The Air Scrubber for health and safety has to be done. Ms. Candito said she will recalculate the totals. It was noted that the Library printer copier will come out of the IT budget. Ms. Candito said it looks like the items we would like to fund are around \$275,000.

Discuss and finalize date for Annual Town Election

Chairman Fabian said the Board needs to finalize the date for the Annual Town Election. We tentatively set June 16th for the Annual Town Election. At this point, in conversation with the Town Clerk, she would like to try to get Absentee and Early Voting by Mail going, but she needs a date. Freetown has voted in June 16th for their election.

A motion was made by Chairman Fabian and seconded by Selectman LaCamera to reschedule the date for the Annual Town Election on June 16, 2020.

Discussion: Selectman LaCamera said if we vote this in now and it needs to be changed and moved to the end of June, we will need special legislation in order to do that. The Governor was anticipating to have a decision by now about recommending the State to open up. We might want to wait until May 4th on whether he will extend the State of Emergency. Chairman Fabian said whether he extends it or not, there will still be social distancing in place. The requirements have been changed for Absentee Voting. You have to send a request to the Clerk's Office with your signature. She wants to get this campaign going. We can encourage people to submit for an absentee ballot, but we can't post information on it because it needs a firm date for the return. Selectman LaCamera said we have to hold the election if we set the date. If things don't improve in a short period of time, we will have

to postpone the election, so we don't expose workers and residents. Discussion occurred regarding holding off one week to set the date. Chairman Fabian said we can encourage people to get the Absentee Ballot process going. Even if the State of Emergency doesn't get extended, we still have to do social distancing on the lines and plexi glass screens for the workers. Anyone that can vote by mail should do it. Selectman LaCamera said he is not in favor of exposing people if things don't get better. Chairman Fabian said she wants people to have the opportunity to vote.

The roll call vote on the previous motion was Selectman LaCamera – aye and Chairman Fabian – aye.

Discuss FY20 and FY21 Budgets

Selectman LaCamera said we are waiting for the monthly reports for April on the FY20 budgets.

For FY21, we have our budgets pretty much finalized. The problem will be the revenue numbers from the State. Ms. Candito said we will be overspending Firefighter and Ambulance line for salaries. Some will be covered by other salaries and we will try to get reimbursed from FEMA. Department Heads are doing a good job and not making unnecessary expenditures and keeping track of shortages and overages.

Discuss Event Management Contract for Loon Pond Lodge

Chairman Fabian said she has spoken to the Town Clerk about using the Loon Pond Lodge for elections in the smaller room. We need to reflect this need. Ms. Candito said the early voting has been requested for November and there was no issue. She will not be holding Saturday voting. Ms. Drane will submit the next three (3) year schedule for voting so the times can be blocked out. Selectman LaCamera said we will put the dates right in the contract.

Selectman LaCamera said he and Ms. Candito have been working on this since January. This is for the company that manages the events for the Park Commission. There is an extension period allowed or do we go out to bid again. During review, there are things that need to be addressed now. According to the contract, we are supposed to be receiving 20% of catering fees and we are only receiving 18%. We should draft a letter to the management company notifying them of the deficit. According to the contract, they are supposed to be providing certificates of insurance; we have not received one since 2017. We need a certificate now that lists the Town of Lakeville. Chairman Fabian asked who is supposed to follow up on the contract stuff? The Selectmen sign the contract on behalf of the Town, unless we authorize the Town Administrator to sign. In the past, the Selectmen assumed the Park Commission was doing it. Selectman LaCamera said as far as the income breakdown, that should be under the Park Commission. Chairman Fabian said that revenue goes to the Park Commission, not the General Fund. Should we create a policy that the Selectmen follow up on this. Selectman LaCamera said we don't need a policy on this. The Town Accountant makes sure that they have copies of the contracts and verify that they are being enforced. Chairman Fabian said there was talk that when it left the Park Commission it was at 18%, but when it came back from the Selectmen, it was at 20%. Selectman LaCamera said on November 4, 2017 William Fuller attended a meeting with the Selectmen and said it was 20%. The executed contract signed by all parties states 20%. Ms. Candito said we did not see the income documents until we started asking for them. This contract has specific provisions about performance and any type of loss from an event. She would need oversight with that. Selectman LaCamera said we need to make sure that the documentation provided is better. Chairman Fabian said the language regarding elections must be in the contract. If

we can clean up the contract, she is okay with this. We can reach out to them to see how they feel about this. Ms. Candito said going out to bid would be in the spirit of getting the best deal for the Town. We would need to amend the language in the contract. Perhaps better reporting and collection. Ms. Candito said we can reach out to the Park Commission on this.

Selectman LaCamera said there is currently a cleaning service that is cleaning for the events. There is no contract that exists. This needs to be addressed. The cleaning service was hired separately. Ms. Candito said they were hired by Southeast Management. Chairman Fabian asked who pays them. Selectman LaCamera said there is a cleaning fee for the event, which goes to the Town and the Town pays the cleaning service. Chairman Fabian asked if there is a certificate of insurance. Selectman LaCamera said no.

Selectman LaCamera said The Bartending Service of New England had an agreement in May of 2014 which has been year to year because the liquor license is approved annually. The original agreement is supposed to be an amendment, but the only amendment we have is dated April 23, 2016, so there have not been any amendments approved by the Board. There is no amended contract in place right now or a certificate of insurance. We will draft a letter because the procurement for the bartending service is through the Town. We need to fix what is going on right now and take it to the next step for procurement.

Revisit vote regarding Selectman LaCamera being designated as Selectmen's Designee on Police Station Building Committee

Chairman Fabian said at the last meeting it was voted to designate Selectman LaCamera as the Selectmen designee. Aaron Burke was previously serving as the Selectmen's designee. Chairman Fabian said Selectman LaCamera was serving as a member at large. He will now be the Selectmen's designee and Mr. Burke will be the member at large.

Discuss appointment of Americans with Disabilities Act Coordinator (ADA)

Chairman Fabian asked if a Selectman served as the ADA Coordinator. Ms. Craig-McGee said typically it is a member of the Board of Selectmen. Ms. Candito said since she was applying for grants, she became the ADA Coordinator.

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

VOTED: To appoint Maureen Candito as the ADA Coordinator for a term to expire April 1, 2021.

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

Discuss appoint of Selectmen's SRPEDD Commissioner

Chairman Fabian said currently Ms. Candito serves as the Selectmen's SRPEDD Commissioner.

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

VOTED: To appoint Maureen Candito as the Selectmen's SRPEDD Commission for a date to expire May 22, 2021.

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

Review and vote to accept resignation of Richard Hagerman from the Conservation Commission

Chairman Fabian said the Board has received a formal resignation of Richard Hagerman from the Conservation Commission.

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

VOTED: To accept Richard Hagerman's resignation from the Conservation Commission.

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

This position will be advertised; letters of interest will go to the Conservation Commission and they will meet with them and provide a recommendation to the Board.

New Business

Chairman Fabian said it has been suggested that automatic rollover of vacation time be considered. Selectman LaCamera said currently there is a policy in place that you can carry over five (5) days of vacation time. Under certain circumstances through the Department Head you can request to carry over more vacation time. We can consider it if there is a request. Ms. Candito said she told the Department Heads unless there is a specific reason, their expectation is for employees to take their vacations before the end of the fiscal year. If an employee is asked not to take their vacations, then we can consider it.

Ms. Candito asked about scheduling the Special Town Meeting.

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

VOTED: To schedule a Special Town Meeting at 6:30 PM prior to the Lakeville Annual Town meeting, date to be determined and open the warrant for the Special Town Meeting and close the warrant on May 8, 2020 at 12:00 PM.

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

Old Business

Update on former Lakeville Hospital property

Selectman LaCamera said the company that has the Purchase and Sales Agreement is working on proposed plans, but we have not received them.

Update on sale of Lakeville Country Club

Selectman LaCamera said the Board of Assessors are working on the roll back taxes owed if the Lakeville Country Club is sold. We do not have any additional information of proposed plans.

Any other business that may properly come before the meeting

There was no Other Business discussed.

OTHER ITEMS:

1. Letters from FEMA regarding Flood Insurance Rate Maps
Selectman LaCamera said we need to get the article together. Ms. Candito said it is written and needs to go through Town Counsel. Selectman LaCamera said that will need to go to the Planning Board so they can hold a hearing.
2. Letter from Massachusetts Department of Agricultural Resources and copy of Yearly Operational Plan for 2020 from Massachusetts Coastal Railroad
3. Letter from Comcast regarding Programming Changes

At 5:35 PM, upon a motion made by Chairman Fabian and seconded by Selectman LaCamera, it was:

VOTED: To enter into Executive Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Firefighters' Union, Police Union and Laborers' Union if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declares and pursuant to M.G.L. c.30A, §22 (f) to review potential release of Executive Session Minutes from 2016-2019 and pursuant to M.G.L. c.30A, §21a (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Minutes for December 30, 2019; February 10, 2020 (5:00 PM) February 10, 2020; February 13, 2020; March 23, 2020; March 26, 2020 and April 6, 2020 and not to return to Open Session.

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

List of documents provided at the Board of Selectmen Meeting of April 27, 2020

1. Agenda cover page
2. Agenda cover page; list of structural changes to Park Maintenance and Operations; Agreement between Town of Lakeville and The Bartending Service of New England, LLC; Event Management Agreement- Loon Pond Lodge
3. Agenda cover page; memo from Park Commission; bid summaries; emails from Superintendent of Streets regarding reference checks
4. Agenda cover page; proposed motion