

TOWN OF LAKEVILLE
Board of Selectmen and Wage & Personnel Board, as applicable
Meeting Minutes
November 16, 2020 – 6:30 PM
REMOTE LOCATION

On November 16, 2020, the Board of Selectmen held a meeting at 6:30 PM remotely from various locations. The meeting was called to order at 1:00 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 November 16, 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.

Selectmen's Announcements

Chairman LaCamera read the announcements.

Discuss and vote to reduce quorum for Special Town Meeting on November 30, 2020

Kathryn Goodfellow, Town Moderator, was present for the discussion. Chairman LaCamera said at the last meeting, the Board spoke to the Town Moderator about a reduced quorum of 25 voters for the Special Town Meeting.

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

VOTED: That the Board of Selectmen establish a quorum of 25 registered voters for all Town Meetings held during the state of emergency declared in response to the COVID-29 pandemic, including but not limited to, the upcoming November 30, 2020 Special Town Meeting.

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

7:00 PM Meet with Finance Committee, Town Moderator and Town Clerk for Warrant Review for Special Town Meeting – November 30, 2020

Present from the Finance Committee were: George Vlahopoulos; Darren Beals; Lawrence Kostant; Jennifer Sipiora and Adam Lynch. The Finance Committee meeting was called to order at 7:00 PM. Also present for the discussion was Kathryn Goodfellow, Town Moderator.

Chairman LaCamera read Article #1 and explained the article.

Upon a motion made by Mr. Beals and seconded by Mr. Kostant, it was:

VOTED: To approve Article #1 of the Special Town Meeting Warrant.
Roll call vote: Mr. Kostant – aye; Mr. Lynch – aye and Mr. Beals – aye.

Chairman LaCamera read Article #2 and explained the article.

Upon a motion made by Mr. Beals and seconded by Mr. Kostant, it was:

VOTED: To approve Article #2 of the Special Town Meeting Warrant.
Roll call vote: Mr. Kostant – aye; Mr. Lynch – aye; Ms. Sipiora - aye and Mr. Beals – aye.

Chairman LaCamera read Article #3 and explained the article.

Upon a motion made by Mr. Beals and seconded by Ms. Sipiora, it was:

VOTED: To approve Article #3 of the Special Town Meeting Warrant.
Roll call vote: Mr. Kostant – aye; Mr. Lynch – aye; Ms. Sipiora - aye and Mr. Beals – aye.

Chairman LaCamera read Article #4 and explained the article.

Upon a motion made by Mr. Beals and seconded by Mr. Lynch, it was:

VOTED: To approve Article #4 of the Special Town Meeting Warrant.
Roll call vote: Mr. Kostant – aye; Ms. Sipiora – aye; Mr. Lynch – aye; Mr. Vlahopoulos – aye and Mr. Beals – aye.

Chairman LaCamera read Article #5 and explained the article.

Upon a motion made by Mr. Beals and seconded by Ms. Sipiora, it was:

VOTED: To approve Article #5 of the Special Town Meeting Warrant.
Roll call vote: Mr. Kostant – aye; Ms. Sipiora – aye; Mr. Lynch – aye; Mr. Vlahopoulos – aye and Mr. Beals – aye.

Upon a motion by Mr. Beals and seconded by Ms. Sipiora, it was:

VOTED: To adjourn the Finance Committee meeting at 7:15 PM.
Roll call vote: Mr. Kostant – aye; Ms. Sipiora – aye; Mr. Lynch – aye; Mr. Vlahopoulos – aye and Mr. Beals – aye.

Discuss request from The Back Nine Club located at 17 Heritage Hill Drive for a Change of Manager

Mark White, owner of The Back Nine Club was present for the discussion. Chairman LaCamera said Mr. White is requesting that he be designated as the Back Nine Club for the present. The Club is open approximately 50 hours a week for the winter season. He is committed to 20 hours a week.

Mr. White said someone else will be in charge when he is not on site. They feel the hours may be reduced due to Covid; that is why they haven't hired a manager.

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

VOTED: To appoint Mark White as the manager of The Back Nine Club.

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

Revisit and vote to approve the transfer of Lot D from Riverside Lakeville, LLC to Riverside Crossing, LLC for the Residences at Nemasket River

Robert Poillucci and Michael O'Shaughnessy, Esquire were present for the discussion. Mr. Poillucci said there is a lot of discussion and emails about this. There was talk about the riverfront being ruined. There is a 200' buffer from the Nemasket River and we have not gone near it. Mr. Poillucci said he has not proposed changing the units to low income or Section 8. We have followed the process that DHCD told us to do. We were to go to Planning Board first, then the Board of Selectmen. We are talking about the exact same units and project in every way and the Town gets units toward affordable housing count. We are just talking about who is living in the units. Just because people can't afford to buy the unit, doesn't mean they shouldn't be able to live there. He wanted to keep the ability to change the rental units to for sale units at a later date.

Chairman LaCamera said when you went to the Planning Board, you asked for a minor change to change the units to duplexes. There was no discussion about changing the units to rental. On July 1st Attorney O'Shaughnessy sent a letter to the Planning Board telling them that they needed to revote this as a minor change to have them vote for rental units. Attorney Shaughnessy said that was to formalize the change to duplex units and see if the Planning Board would approve a change from for sale to rental. Chairman LaCamera said according to Town Counsel, the first part was a minor change. According to the minutes, that was a major change and should have required a public hearing. Attorney Shaughnessy said that is within the Planning Board's authority to deem if it was a substantial change. Chairman LaCamera said they did not have a final plan to vote on at the July 9th meeting. Attorney Shaughnessy said there was a plan in front of them that they reviewed. Chairman LaCamera said in order for this to happen, the Board of Selectmen needed to approve this change. Didn't you need a new affordable housing restriction agreement? Attorney Shaughnessy said we need to modify the agreement to duplexes. Chairman LaCamera said we had no idea this was going on; the municipality was supposed to be notified of what was going on. Attorney Shaughnessy said there was intention to slight the Board of Selectmen; the Planning Board is the approval authority. We knew we needed to go before the Board of Selectmen for a new agreement. Chairman LaCamera said what was presented on August 31st was not an affordable housing plan. Once you change ownership, you need to have a new plan. Attorney Shaughnessy said we asked to change to the new LLC under exiting affordable housing agreement. The plans are distributed through the approval authority. Chairman LaCamera said the July 1st letter did not have a formal plan. You asked for a waiver for providing information less than 14 days prior to the meeting, which meant no other entities could review this. We have residents that are upset about the market value for sale units becoming rentals.

Attorney Shaughnessy said two (2) weeks ago the Board wanted to do due diligence on this. Chairman LaCamera asked if an analysis had been done on market value units versus rental units. Attorney Shaughnessy asked why would that be required. Chairman LaCamera said the Board would have required it. Attorney Shaughnessy said the Town Meeting voted on the overlay by-law, which

included market units for sale and rentals. Chairman LaCamera said this has to do with the Planning Board and Board of Selectmen approval. Attorney Shaughnessy said if you want to join in a rental agreement, we will work it out with Town Counsel. Selectman Fabian said DHCD said they would approve this once the new agreement is done. She has been speaking to residents that feel like they were told it was going to be one thing and is now turning into something else. The net gain is one (1) affordable unit. Attorney Shaughnessy said there would be two (2) additional affordable units. If the Town was to agree, as far as counting units towards affordable housing, all units would count. Almost 50% of the units constructed there would be eligible to be counted on the SHI.

Selectman Day said we are talking about a low net change when the units change back from rentals. The numbers are based on the 2010 census. We are at 6.5% to 7% now, but it will drop down to about 5% in the 2020 census. He has been responding to residents concerns about this. There was a common message that they were never told that rentals were a possibility; they bought their units based on the plan presented to them. The owner is planning on retaining 25 of the 31 units on Lot D, which could be rentals. Attorney Shaughnessy said when Mr. Poillucci originally thought about rentals, he wanted to be able to switch to for sale units. If this change were to occur, the 31 units would always count as they would remain rentals. There was always talk about Lot D being a rental project in some way. These units are close to the train and it is a nice area. If the SHI is going to drop, that is a lot of space for another 40B project to come in. If the change is approved, it would help get the Town to be able to negotiate a 40B. Mr. Poillucci said his property line shares with over 200 rentals units. He didn't see why changing these would be offensive. They are going to be nice units and attract good people. No one will know the difference from the outside. To say that you wouldn't move there with 30 units, but the 200 units doesn't bother them, he doesn't understand it.

Chairman LaCamera said the development was approved for "for sale" units and the price point of the units is what the Town needs. We don't have a lot of for sale ownership units for that price point. You have not had a problem selling these units. Mr. Poillucci said not the market ones; just the affordable ones. He was always going to keep some of these and rent them. He wanted to keep the back road separate so that one road was rentals, but DHCD and Town Counsel said he couldn't do it. There are a lot of affordable units there that are nice. There is no list. 9 Beverly is on the first phase with a garage and it has been empty. He had some of them sold, but Covid happened and it affected people that wanted to buy them. Even LeBaron is having trouble selling their affordable units because people that these have been designed for have lost their jobs. He was concerned about trying to sell the other affordable units. There are a lot of people looking for apartments, but not to buy. The Planning Board did not meet for a few months, so they requested to be on the first meeting when they resumed meeting. We had presented the plan, but it was subject to the review engineer confirming that no stormwater calculations had been changed. The review was done, and there were no changes. Selectman Fabian said the 10% affordable is always going to change. Every time a single-family home is built, it changes. Town Counsel said safe harbor is not as high as what Mr. Poillucci and Attorney O'Shaughnessy are stating.

Selectman Fabian said do we want to break this down to the name change. Selectman Day said the Selectmen's role is strictly on the new Affordable Housing Restriction. At this time, we are not looking to amend the Affordable Housing Restriction Agreement for a change from market value units to rental units. Selectman Day said if you are going to keep 25 units for rentals, there must be an educational effort. He has no problems with rentals or 40B developments, but people were not aware of this. Chairman LaCamera said we have to amend the agreement due to the name change. We should say we are not in support of Lot D being rentals and making the market units into rentals and provide a new condominium association agreement as well for that site because it is different

than the other ones. Attorney Shaughnessy said they will do that for Lot D. Chairman LaCamera said this needs to be reviewed by the Planning Board. The Planning Board should rescind their vote based on the rental units.

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

VOTED: That the Board of Selectmen is not in favor of entering into a new Affordable Housing Restriction Agreement containing a change from market value units into rental units for Lot D.

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

Discuss request from Historical Commission to appoint Kathleen Barrack, Robert Barrack and Felicia Carter to the 175th Anniversary Committee

Chairman LaCamera said the Historical Commission has requested that Kathleen Barrack, Robert Barrack and Felicia Carter be appointed to the 175th Anniversary Committee.

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

VOTED: To appoint Kathleen Barrack, Robert Barrack and Felicia Carter to the 175th Anniversary Committee for terms to expire July 31, 2021.

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

Discuss request from COA Director to appoint Robert Brady as delegate to the Old Colony Planning Council and GATRA Advisory Board

Chairman LaCamera said the Board received a request to appoint Robert Brady as delegate to the Old Colony Planning Council and GATRA Advisory Board.

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

VOTED: To appoint Robert Brady as delegate to the Old Colony Planning Council and GATRA Advisory Board for terms to expire July 31, 2021.

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

Review Site Plan for 202 Main Street (Elliot Farms) as requested by the Planning Board

Chairman LaCamera said Elliot Farms is going to move the farm stand into the barn and have on-site parking to take parking off Main Street. Selectman Day said he had a concern about the entrance/exit and would like to see it more to the left because it is after a crest in the road. Chairman LaCamera said the Planning Board can request that the State look at that.

Review and vote on 2021 Holidays

Chairman LaCamera said Christmas falls on a Saturday in 2021. The Town Offices are closed on the 24th. Usually a Saturday holiday is celebrated the Friday before or Monday after. This hasn't happened in 10 years. In the past, there is a floating holiday. The recommendation is to have the 23rd off.

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

VOTED: To approve the holiday schedule as presented with December 23rd being the Christmas holiday.

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

Review and vote to approve Board of Selectmen Meeting Minutes of October 19, 2020 and November 2, 2020

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

VOTED: To approve the Board of Selectmen Minutes of October 19, 2020 and November 2, 2020.

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

New Business

Vote to award Drug and Alcohol Testing Program for Municipal Employees to Advantage Drug Testing of Andover, MA

Chairman LaCamera said the Board needs to award the drug and alcohol testing program as bid out by SERSG.

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

VOTED: To award the Drug and Alcohol Testing Program for Municipal Employees to Advantage Drug Testing of Andover, MA for a three (3) year period from 1/1/21 to 12/31/23.

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

Schedule Meetings for December and January

The meetings were scheduled for December 2, 2020; December 14, 2020; December 28, 2020; January 11, 2020 and January 25, 2020.

Old Business

Update on former Lakeville Hospital property

Chairman LaCamera said the first public hearing will be held on December 3, 2020. He requested that Ms. Craig-McGee post the meeting so the Selectmen can attend.

Discuss FY21 Budget and Capital Plan

No discuss occurred.

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 8:03 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 November 16, 2020

1. Agenda page
2. Agenda page
3. Agenda page; email from Town Counsel
4. Agenda page; Special Town Meeting Warrant
5. Agenda page; ABCC application
6. Agenda page; Selectmen minutes from November 2, 2020
7. Agenda page; letter from Historical Commission
8. Agenda page; letter from Council on Aging Director
9. Agenda page; memo from Planning Board; site plan
10. Agenda page
11. Agenda page; Selectmen minutes from October 19, 2020 and November 2, 2020
12. Agenda page; award sheet from SERSG
13. Agenda page
14. Agenda page