

TOWN OF LAKEVILLE
Select Board Meeting Minutes
January 23, 2023 – 6:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA

On January 23, 2023, the Select Board held a meeting at 6:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 6:00 PM by Vice Chair Fabian. Members present were Vice Chair Fabian, Member LaCamera and Member Carboni. Also present was Ari Sky, Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Vice Chair Fabian read the Select Board announcements. Member Carboni asked when the new legislation would be ready? Vice Chair Fabian said for the 2024 election.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcements. Member LaCamera said he would like to see the budget and Capital Plan before the February 13th meeting. Discussion occurred regarding this. Vice Chair Fabian asked Mr. Sky to send the budget and Capital Plan to the Board if it is ready prior to the meeting. Member LaCamera asked Mr. Sky to provide a copy of the Request for Proposals for the Gamache Playground project before it goes out. This is important and he would like to see what is being proposed. Member LaCamera said in regards to the Clear Pond Shed, is it the same specifications as approved at Town Meeting. Mr. Sky said they are going to have a larger shed than was envisioned at Town Meeting and are working within the funding that was approved. Member LaCamera asked what is the cost for the wall being installed between Human Resources and Accounting. Mr. Sky said the work is being done in house. It is a few thousand to relocate the HVAC unit. Member LaCamera asked about the bathroom at the Fire Station. It says we are using the available balance on the project. Mr. Sky said there is about \$30,000 left

Member LaCamera said he attended the Historical Commission meeting to discuss the banners being proposed. Vice Chair Fabian asked if that was in Mr. Sky's announcements. Mr. Sky said it was not. Member LaCamera said on the Historical Commission's agenda, they were going to approve the bathroom for the Town House and are looking for a plan. Mr. Sky said he was not sure why they put that on the agenda. Member LaCamera said there are three (3) options that have been put together for the handicap ramp for the Historic Library, but they have not been presented to the Historical Commission yet. Mr. Sky said Mr. Darling was going to meet with Nancy LaFave about the options. Member LaCamera said they expected to discuss it at their meeting and it was on their agenda. The original ramp proposal was \$41,000 and the lift was well over \$100,000. Mr. Sky said the Historical Commission has approved the idea of the ramp, but not which ramp they prefer. Vice Chair Fabian said we are speculating what their concerns are, so we can invite them in to meet with us. Mr. Sky said they approved the idea of the ramp. Mr. Darling was going to show the options to the Commission to see which one was preferable.

Member LaCamera said the Owner's Project Manager (OPM) met with Lori Fahey, COA Director, about the Senior Center addition project. Why isn't the feasibility study part of the process? Mr. Sky said you asked us to get a scope of work so the OPM met with her to do that. Member LaCamera said isn't that the Feasibility Study Committee's job. Mr. Sky said he was asked to get a scope of work prior to appointing the committee. Member LaCamera said we were supposed to appoint a feasibility study committee. Member Carboni said the OPM should continue with the scope of work. Vice Chair Fabian said we will appoint the Feasibility Study Committee on the 13th.

Member LaCamera said regarding the Route 79 project, the Article 97 issue was brought to our attention months ago. What needs to be done? Mr. Sky said it is in the hands of the Taunton City Solicitor. There is a section called King Pond that is under a Conservation Commission Restriction with Taunton. There are substantial new easements required for a drain outlet and swale. Taunton considers this to be a substantial modification and therefore it would be an Article 97 issue. The Taunton Conservation Commission would need to transfer the property and City Council would need to vote to transfer the property. Then special legislation is needed to approve the sale and then there would need to be mitigation for the land. There will need to be an Intermunicipal Agreement to determine how to move forward. Member LaCamera said so the chances of this happening are slim? Mr. Sky said Taunton did not say no. Member Carboni asked is there anything we can do. Mr. Sky said at some time we will need to communicate with Taunton. Member LaCamera said a bill should have already been submitted. Mr. Sky said that is step #3. They can do it early in the 2024 session. Member LaCamera said they need to submit the bills by a certain date for the 2023 session. Mr. Sky said Taunton needs to determine if they can move forward with this in time to get onto the 2024 Transportation Improvement Plan (TIP). Member LaCamera asked what level are we at for project design. Mr. Sky said 75% design. Easements are being defined and, in the spring, we will be ready to begin reaching out to homeowners regarding acquisitions of the easements. Member LaCamera said the TIP begins on October 1st of 2023. Mr. Sky said it depends on whether the City moves fast enough.

Vice Chair Fabian said she didn't want to put these topics under Old Business because it is her intention to put all the projects on an agenda in March to get an update on every project.

Discuss and possible vote to schedule the Annual Town Meeting

Vice Chair Fabian said Mr. Sky was concerned about not having the budget numbers from the State, so he created two (2) schedules for Town Meeting. Mr. Sky said he will present a budget on February 13th regardless of what you decide for Town Meeting. The budget meetings will be in March after the Governor presents her budget. If you go for a later Town Meeting, there is a little less risk of uncertainty on the actual State and School numbers. We will probably have some sort of reconciliation at the Fall Town Meeting. Vice Chair Fabian said she feels that it a bit more feasible to go with a later Town Meeting date. The by-laws call for an Annual Town Meeting in May, but the Select Board can change it. We have the schedule for a May 8th or June 12th meeting date. Member Carboni asked if there were cons if we wait until June? Mr. Sky said you will have more certainty on the House and Senate numbers. Member LaCamera said the Governor said she realizes the importance for State Aid numbers for the School and would get it out well before March 1st. If she doesn't do that, the Regional School District have their own datelines for budget

approval. He feels she will come out with a foundation budget because the legislation passed was a five (5) year package. The question is the Chapter 70 funding. We only received \$60 per student last year. Based on that, he doesn't think it will be a large increase in income. He doesn't think the Annual Town Meeting date should be changed.

Member LaCamera said the bylaws say the warrant articles must be received by the second Monday in March, which is March 13th. The schedule for June 12th calls for an April deadline. Mr. Sky said you can change the date for articles. He can ask Town Counsel for an opinion. Member LaCamera said we have not changed the submission date of the warrant articles; we have changed the date for Town Meeting. That is why you have the Special Town Meeting to include articles that did not make the March 13th date.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To schedule the Annual Town Meeting for May 8, 2023.
Unanimous in approval.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To open the warrant for Annual Town Meeting for May 8, 2023 and to close the warrant on March 13, 2023 at 4:00 PM.
Unanimous in approval.

Discuss American Rescue Plan Act funding and potential uses

Mr. Sky said there are two (2) streams of American Rescue Plan Act (ARPA) money. The direct funding from the Federal Government to the Town was \$1,210,073. So far, the Board has designated \$100,000 for COVID response; \$44,785 for the Ted Williams Camp Tennis Courts project and \$170,000 for the Gamache Playground project, leaving \$895,288. The Board has asked him to apply to the County for the funding for the Gamache Playground, so the \$170,000 would be added back into the Federal funds. The irrigation wells at the Police Station and Historic Library are unfunded at a cost of \$83,800. Plymouth County deemed these to be ineligible for funding, so they could be funded using the Town's ARPA allocation. At the January 9th meeting, the Plymouth County Treasurer stated the Town will be eligible for up to \$2,077,294 in County COVID funding, subject to approval regarding project eligibility. To date the Town has applied for \$332,800 in water projects; \$183,700 for the Historic Town Hall restroom improvements and \$170,000 for the Gamache Playground project. He summarized the eligible uses for ARPA projects outside of the revenue replacement category.

Vice Chair Fabian said there are three (3) or four (4) communities that have decided that they are not going to use their revenue reimbursement funding. We should make a decision on that. Member Carboni asked about the Town's GIS system; can we funnel overlays through this funding. Mr. Sky said they would not be covered. We have used up most of the revenue replacements funding from the County. Member LaCamera said the Assessors have control over that. There are a number of layers that they were supposed to put in place. He is not sure where

that is. Mr. Sky said he has spoken to the Town Planner about that. Member LaCamera said Taunton water has overlays that are available. We just need to get them and add them on.

Mr. Sky said he met with Michael Smith regarding the Park Commission's Capital Plan and they have a larger project for the fields, which could be \$100,000. That is a project we could look at. Money has to be obligated by the end of 2024 and spent by mid-2025. Vice Chair Fabian said if any of the Board members come up with any projects to please forward them to Mr. Sky. Member LaCamera asked what is the price for the Town House restroom. It is listed for \$183,000; is that for the septic system and restroom. Mr. Sky said it was to allow flexibility on whether we would build the restroom adjacent to the Town House or inside the Town House. It will be less than \$183,000 if it is inside. Member LaCamera said does this include the septic system? Mr. Sky said no; that was included in the County money. The \$183,000 was for an outside structure. Member LaCamera said for water and sewer projects, we submitted \$544,000 in Phase I and \$544,000 in Phase II, but only \$332,000 has been approved. The additional \$183,000 plus Gamache Playground at \$170,000 is being proposed to come out of Phase I allocation. Mr. Sky said the applications have been submitted. It is at Level 3 review. We could check with Cable Advisory Committee to see if there are any broadband issues. Member LaCamera asked if the fiber optic grant to connect the Town Buildings had any additional costs with that. Mr. Sky said it has to be community broadband. It is going to be a challenge to find projects that fit within the vision of what the Board wants for the Town.

Member Carboni asked what would the cost be to get water out to Betty's Neck? Member LaCamera said there are no pipes there. Vice Chair Fabian asked if John Paun Park has water. Mr. Sky said they have well water. There is a single well for drinking and irrigation. The proposal was to install an irrigation well and convert the existing well to drinking alone. The County wanted us to put in a drinking water well, which will cost double. Member LaCamera asked about any updates on Clear Pond in the Capital budget. Mr. Sky said there were a number of items for Clear Pond, including a playground, basketball courts and the snack bar. Member LaCamera asked about updating the bathrooms. Mr. Sky said we could look at that, but it wouldn't be paid by the County.

Discuss and possible vote to appoint the Fire Station Building Committee

Vice Chair Fabian said the Board needs to appoint members to the Fire Station Building Committee. The Town Administrator, Fire Chief and Building Commissioner are listed as members in the charge for the Committee.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To appoint Ari Sky, Michael O'Brien and Nathan Darling to the Fire Station Building Committee with an expiration date of July 31, 2023.
Unanimous in favor.

Vice Chair Fabian and Member Carboni said they were both interested in serving as the Select Board's representative.

Upon a motion made by Member LaCamera with Vice Chair Fabian stepping down to second, it was:

VOTED: To appoint Lorraine Carboni as the Select Board representative to the Fire Station Building Committee for a term to expire July 31, 2023.
Unanimous in favor.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To appoint Lawrence Kostant as Finance Committee Member to the Fire Station Building Committee with an expiration date of July 31, 2023.
Unanimous in favor.

Vice Chair Fabian said that Board Members had submitted their four (4) top candidates for the at-large members. Member Carboni said there were 14 candidates interested in the at large member position. Each candidate brought to the table varied qualifications and experience. Her top four (4) candidates were based on the qualifications that the Board was looking for. Vice Chair Fabian said the Board was given very good candidates to choose from with a lot of expertise.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To appoint Peter Conroy, Michael McCullough, Kate Shing and Matthew Simon to the Fire Station Building Committee as the four (4) at large members with an expiration date of July 31, 2023.
Unanimous in favor.

Discuss and possible vote to approve Fire Chief's request to apply for an Assistance to Firefighters Grant

Michael O'Brien, Fire Chief, was present for the discussion. Chief O'Brien said he would like to apply for a grant to replace the Department's cardiac monitors, which are almost 10 years old. The approximate cost of the project would be \$150,000 with a 5% match from the Town of \$7,500. Member Carboni asked if the Town funding has to be in place prior to receiving the grant. Chief O'Brien said no.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To approve the Fire Chief's request to apply for the Assistance to Firefighters Grant with an approximate Town Match of \$7,500.
Unanimous in approval.

Discuss request from Fire Chief to declare 37 SCBA bottles; 18 Scott X3 self-contained breathing apparatus units; 16 Scott 4.5 self-contained breathing apparatus units and 32 SCBA masks as surplus

Michael O'Brien, Fire Chief, and Ryan Silvia, Lieutenant, were present for the discussion. Chief O'Brien said the Department received a grant to replace the end of life Self Contained Breathing Apparatus (SCBA). There is no trade in opportunities for this equipment, so the Town would have to dispose of the equipment, which is problematic. There are a few non-profit organizations that would take the equipment to send to fire departments in other countries. Member LaCamera said he is a bit concerned about sending equipment overseas to fire departments that isn't okay for use in our country. Chief O'Brien said it is the regulatory oversight that mandates replacement for us, but other countries don't have that and this represents an upgrade for them. Lt. Silvia explained the standards that the equipment must meet in the United States.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To declare the following firefighter equipment as surplus: 37 SCBA bottles (air tanks); 18 Scott X3 self-contained breathing apparatus units; 16 Scott 4.5 self-contained breathing apparatus units and 32 SCBA masks.
Unanimous in approval.

Discuss Select Board hours at the Senior Center

Vice Chair Fabian said the Select Board used to hold open hours at the Senior Center. She wanted to know if the Board would like to resume the Select Board hours at the Senior Center. It would be the second Friday of the month from 9:00 AM to 12:00 PM. One member of the Board would be there and it is open to all residents. Residents could email the Board and make an appointment if they would like. This will begin in February. The other Board members agreed.

Discuss and possible vote to appoint Dakota Jones and Shawn Robert as Police Officers/Constables

Chief Perkins said there were two (2) vacancies to be filled. After reviewing all the applications, he is requesting that Sean Robert and Dakota Jones be appointed as Police Officer/Constables. He reviewed both applicants' qualifications.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To appoint Sean Robert as Police Officer/Constable, effective February 5, 2023, with a probationary term to expire February 5, 2024.
Unanimous in favor.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To appoint Dakota Jones as Police Officer/Constable, effective February 5, 2023, with a probationary term to expire February 5, 2024.
Unanimous in favor.

Discuss and possible vote to reappoint Kenneth W. Upham, Sr. as Constable

Vice Chair Fabian said we have a request from Kenneth Upham to be reappointed as a Constable. The Police Chief reports no issues.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To reappoint Kenneth W. Upham, Sr as a Constable for a term to expire January 18, 2024.
Unanimous in approval.

Discuss and possible vote to accept resignation of James Kenney from the Energy Advisory Committee

Vice Chair Fabian said we have a resignation letter from James Kenney from the Energy Advisory Committee He has done a tremendous amount of work for the Town. Member Carboni asked that a thank you letter be sent to Mr. Kenney for his years of service.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To accept the resignation letter from James Kenney from the Energy Advisory Committee.
Unanimous in approval.

Discuss and possible vote to accept resignation of Michael Smith from the Community Preservation Committee

Vice Chair Fabian said the Board has received a resignation letter from Michael Smith from the Community Preservation Committee. The Park Commission will need to designate someone to serve on this Committee.

Upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To accept the resignation letter from Michael Smith from the Community Preservation Committee.
Unanimous in approval.

Discuss and possible vote to approve FY23 Host Community Agreement Charitable Contribution Proposals

Member Carboni recused herself from the discussion and left the room. Mr. Sky said we received \$40,000 in charitable contributions, of which there is \$24,491 remaining. At the December 5th meeting, the Board opened up the application period for funding. There were nine (9) applications received, which Mr. Sky summarized, for a total of \$22,947. Vice Chair Fabian said she is not sure what the Bedford Street banners are for. Member LaCamera said last year we were talking about banners on the telephone poles on Bedford Street. We needed permission from Middleborough Gas & Electric to do that and we received approval. The second issue was installation. We were hoping that Middleborough Gas & Electric would install them, but they don't want to do that. The Highway Department does not want to do the installation, so we have found a company to install them. They would go on every third telephone pole starting at the Town Office Building up to the Police Station and up Main Street just past Assawompset School. The banners are 40" x 30". The Historical Commission is going to look at options for what to put on the banners. Originally, we were going to do American Flags, but they don't last long with the wind. Vice Chair Fabian asked why isn't this coming from the Historical Commission. Member LaCamera said because he has been trying to get this addressed for over a year. Vice Chair Fabian said banners will be work for the Department of Public Works and she is not in favor of doing banners. Member LaCamera said the company that installed the banners would do any replacement work. Vice Chair Fabian said that is a lot of money to spend on banners. She is not ready to approve that right now. She would like to get the other applications approved and wait on the banners. Member LaCamera said other Towns are putting up banners and the Historical Commission is excited about doing this. It would make the Town look nice and promote our Town. Vice Chair Fabian said she would like to speak to the Historical Commission about this.

Member LaCamera made a motion to approve the HCA Charitable Project Proposals for FY23. Vice Chair Fabian asked if this included the banners and Member LaCamera said yes. The motion failed due to lack of a second.

Vice Chair stepped down to make a motion to approve the HCA Charitable Project Proposals for FY23, with the exception of the Bedford Street banners. The motion failed due to lack of a second.

Review and possible vote to approve Select Board Meeting Minutes of January 9, 2023

Member Carboni said she had two (2) amendments: page 7, there is only one (1) "s" in Melisa's name and page 9: fourth line from bottom, add "there" after the semicolon.

Upon a motion made by Member Carboni with Vice Chair Fabian stepping down to second, it was:

VOTED: To approve the January 9, 2023 Select Board Meeting Minutes as amended.
Unanimous in approval.

New Business

Member LaCamera said he had asked Mr. Sky to do an analysis on the cost to provide health insurance for the 12 elected officials. Vice Chair Fabian said we are not going to discuss that as it is not on the agenda. Member LaCamera said Mr. Sky told me to call Vice Chair Fabian and ask why it is not on the agenda. Vice Chair Fabian said she told Mr. Sky that we are going to finish all we can before the election. If the new Board after April wants to address it, then it can be addressed. Member LaCamera said this has to do with the budget. Vice Chair Fabian said it is in the budget. Member LaCamera said we can go to Town Meeting and unvote it. Vice Chair Fabian said Town Meeting voted for it and she is not going to undo it. We were clear that this is a financial burden, but Town Meeting voted for it.

Old Business

John Benatti of 436 Bedford Street asked if the Board had received his letter that was sent by certified mail. Mr. Sky said it is a matter for the Building Commissioner. Mr. Benatti said he has tried to contact the Building Commissioner since Labor Day, but he has not received any response. Vice Chair Fabian said we have been informed that the Building Commissioner is investigating. Mr. Benatti said this violation has been on the books for 30 years. No one has given him a response except for Mr. Sky. Vice Chair Fabian said it is with the Building Commissioner and it is his purview as the Zoning Enforcement Officer. Mr. Benatti said he will have to get an attorney to force a response. Vice Chair Fabian said the Board cannot make a decision to get involved. Mr. Benatti said it has been almost five (5) months. Vice Chair Fabian said all three (3) Board members have reached out to Mr. Sky to make sure that work is being done on this.

At 7:45 PM, on a motion made by Member Carboni and seconded by Member 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 with PBA Local 185 and not return to Open Session.

Roll call vote: Member Carboni – aye; Member LaCamera – aye and Vice Chair Fabian – aye.

List of documents provided at the Select Board Meeting of January 23, 2023

1. Agenda page
2. Agenda page
3. Agenda page; memo from Town Administrator; draft schedules for May 8th and June 12th Annual Town Meeting
4. Agenda page; memo from Town Administrator; chart of ARPA funding from Plymouth County
5. Agenda page; email from Town Administrator
6. Agenda page; memo from Fire Chief
7. Agenda page; memo from Fire Chief; letter from Amedicausa, Inc.

8. Agenda page
9. Agenda page; memos from Police Chief
10. Agenda page; letter from Kenneth W. Upham, Sr.; email from Police Chief
11. Agenda page; letter from James Kenney
12. Agenda page; letter from Michael Smith
13. Agenda page; memo from Town Administrator; HCA Charitable Contribution Application
14. Agenda page; Select Board Meeting Minutes of January 9, 2023
15. Agenda page
16. Agenda page
17. Agenda page