

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
March 13, 2023 – 6:00 PM**

**Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA**

On March 13, 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.

Town Administrator Announcements

Mr. Sky read the Town Administrator announcements.

Public hearing to review and possibly vote to sign the Cable Television Renewal License granted to Verizon New England, Inc.

Members of the Cable Advisory Committee (CAC) included Robert Marshall, Chairman; Thomas Cirignano and Walter Healey, Jr. William August, Esquire, legal counsel for the CAC, was also present. CAC Chairman Marshall opened the CAC meeting at 6:15 PM. Vice Chair Fabian read the legal notice in the record.

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

VOTED: To open the Verizon New England, Inc. Cable Television Renewal License hearing.
Unanimous in favor.

CAC Chairman Marshall said that the proposed Verizon renewal is not perfect, but we think it is the best we can get at this time. PEG Grant Funding is the largest amount of money that the cable companies pay to the Town. Comcast is paying 4.5% to the Town, but Verizon is paying 4.75%. LakeCAM is funded through the contributions from the cable companies. The Comcast license is a ten (10) year license and we have always wanted Verizon to do the same, but they would not hear of it for the last renewal or for this one. Attorney August said that is true nationally. CAC Chairman Marshall said capital funding has decreased; it was \$82,500 over five (5) years and is now \$62,500 over three (3) years, but they will pay in four (4) earlier installments. The decrease is due to subscriber loss. Definitions were changed; the major one was we used to refer to LakeCAM as the access corporation; now it is the access designee. Section 2.4 under termination: allows Verizon to terminate the license within three (3) years if they give six (6) months' notice. Their rationale is that technology is changing rapidly and they want the flexibility to change with it. We were unsuccessful in getting them to change it. Item #6 is the studio and

Police Station interconnection; we were able to strengthen and clarify the language regarding the connection between the studio and Police Station regarding the equipment they are obligated to provide, as well as, the process of how it will be connected. Item #7 - customer service office: we spent a great bit of time discussing how residents can access a person instead of a computer. We were given some tips on how to reach a person, and they will be on file with the Select Board's office and posted. We spent a long time talking about having a location where people can return equipment. They said the Middleborough store near Trucchi's is likely to stay, but they would not commit to it absolutely. CAC Chairman Marshall said the Town can request a proprietary copy of the service area, which is supposed to be the entire Town. He recommends that the Board make that request. If we don't have a map that shows clearly where all of the service is being provided, we can't tell for sure if that person is in that area.

CAC Chairman Marshall said this next item bothered the committee. There was language that Verizon proposed that the Town would have to indemnify Verizon for any damages due to Lakeville's willful misconduct or negligence. We said no. The next item was a typo regarding the performance bond. The bond in the existing license was \$100,000. They had written in \$50,000 so they changed it to \$100,000. Regarding Public rights of way: we discussed Verizon's obligation to provide cable television service. Their position is that they are only obligated to provide services to public ways and not to private ways. LeBaron Hills is a private development and we discussed this a great deal. They are clear on our position that you have to provide service to the entire Town, regardless of the roadway being private or public. They would not consider it. We think it is critical that all builders, developers and homebuyers know that in a private development they may not be able to get Verizon television. Because of the help we received from Chief O'Brien, Kevin McMenamy and Niall O'Connor from Verizon, we are told by Verizon that the wiring required has now been done in LeBaron Hills. Residents there can now get Verizon cable television service. Section 2.7: we were unable to get them to keep our old language that said that any language in our existing license would continue if the State or Federal laws changed, which can happen. The language is now whatever State or Federal Law says, that is what they go with. The Department of Telecommunications and Cable (DTC) has a requirement that requires bargaining between the Town and cable companies three (3) years prior to the contract expiration. Verizon was absolutely unwilling to start until one (1) year prior to the expiration. We could have gone to DTC, but Attorney August recommended not doing that. Having only one (1) year made the time frame too compressed and more anxious than it should have been.

CAC Marshall said at their February 16, 2023 meeting, the CAC voted to recommend to the Select Board to accept and sign the renewal license with Verizon. He noted that there are vacancies on the CAC and asked for residents interested to join.

Member LaCamera said this contract is only for cable and not for internet. CAC Chairman Marshall said we have no jurisdiction over them providing internet service. Member LaCamera asked if Comcast provides service for private ways? CAC Chairman Marshall said there have been no examples of Comcast not providing service. Comcast was in LeBaron Hills as soon as it was built wiring and connecting units. Vice Chair Fabian asked about Item #9. CAC Chairman Marshall said Verizon wanted to include language which would force the Town to indemnify Verizon due to the Town's willful conduct or negligence. There was no need to include that language and it is not there. Member Carboni asked what the three (3) year opt out clause meant.

CAC Chairman Marshall said if Verizon wants to terminate the license, they would have to give us notice of termination 2.5 years in. Attorney August said we have checked every single Verizon license over the last four (4) years since they started that policy. No one has got Verizon to back off that, but they have never exercised it. Member Carboni asked has any municipality asked for the same opportunity to terminate the contract at the 2.5-year mark. Attorney August said that is not in our contract and he is not aware of any municipality seeking that. The general position of the Town is wanting competition for the subscribers. However, we have the power in the license to revoke it. There may be situations where we would want to terminate, but it would have to be based on non-compliance of terms of the license. They kept the language that they will indemnify the Town for anything and everything arising under the license, and there is language that their only remedy against the Town is seeking conjunctive relief. They are prohibited from seeking monetary damages from the Town, which is very favorable to the Town.

A motion was made by Member Carboni and seconded by Member LaCamera to close the Verizon New England, Inc. Cable Television Renewal License hearing.

Discussion: Mr. Cirignano said CAC Chairman Marshall is adamant about public meeting coverage by LakeCAM and it is important to keep that funded. Member Carboni said it is not a requirement that meetings be broadcast, but people rely on that. CAC Chairman Marshall said that happens because we have a license that funds that. Mr. Cirignano asked if internet is not under the umbrella of cable service, is there a contract in place that keeps certain standards in place for internet service. Mr. Sky said Federal communication law does not allow us to regulate internet service. Attorney August said internet service is mostly deregulated by Federal law. It is like a 20-year model from when internet first came on the scene. That is why there is chaos about social media. The items that Niall Connors and Paul Trane from Verizon could not move on were not their choice; that came out of New York. The things that they could move on they brought back to the CAC.

The vote on the previous motion was unanimous in favor.

Upon a motion made by Vice Chair Fabian and seconded by Member Carboni, it was:

VOTED: Finding that the cable franchise renewal proposal of Verizon of New England (Verizon) reasonably meets the franchise and cable-related renewal needs and interests of the public and Town of Lakeville, and, finding that Verizon's financial and technical qualifications and local programming channels, facilities, and services are reasonable to meet Town cable franchise needs,

And, in accordance with the recommendation of the Town of Lakeville Cable Advisory Committee in favor of approval of the Verizon Renewal License on February 16, 2023,

I move that the Select Board, as Issuing Authority for the Town, vote to accept and approve the Renewal License agreement with Verizon effective May 5, 2023 and execute the renewal license.

Unanimous in favor.

Upon a motion made by Mr. Healey and seconded by Mr. Cirignano, it was:

VOTED: To adjourn the Cable Advisory Committee Meeting at 7:13 PM.

Polled vote: Mr. Healey – aye; Mr. Cirignano – aye and CAC Chairman Marshall – aye.

Facilities Projects Update

Paul Nee, Facilities Director and Nathan Darling, Building Commissioner were present for the discussion. Vice Chair Fabian said there were a lot of projects going on and not a lot of bandwidth to get them all done. We realized we needed someone to help out Mr. Darling. Since Mr. Nee has been here, some of these projects have been moved ahead and completed. She wanted to get an update on the status of the projects.

Mr. Nee said he prepared a project overview touching on all the projects and current status. Member Carboni said the list is well put together. Member LaCamera said the Veterans' Memorial sign at the Town House needs to be rebuilt. Mr. Darling said he spoke to Joan Morton about that today. Member LaCamera said we put together a procedure to follow to fill out forms for work orders. We need to continue following that. He felt that the Board should get a report monthly on the project list. Mr. Sky said the wheelchair ramp for the Historic Library Building is not on here. The Owner's Project Manager is working on that. Member LaCamera said now that we know what the ramp will look like, we can schedule the work on the stairs. It would be a good idea to ask the Historical Commission for their thoughts. Mr. Sky said there is more work to be done on the Town House inside and out, including the roof which we have applied for grant funds. Member Carboni said the Veterans sign could be a nice Eagle Scout project. Member LaCamera said the framework could be done, but the lettering is unique. Member Carboni asked Mr. Nee to keep the Scouts in mind for potential projects. Vice Chair Fabian said there was some internal work done at the Senior Center. Mr. Nee said some trim work needs to be replaced and some painting done. Vice Chair Fabian said the Fire Station restroom looks much better, but is not finished yet. There is work being done on the second floor upstairs, which is being converted into offices. Mr. Nee said the bid for the demolition of the fieldhouse at John Paun Park has been awarded to Francesco Demolition. Member LaCamera asked if the Park Commission know the fields cannot be used the day of demolition. Mr. Nee said the schedule is not final yet. Vice Chair Fabian said there has been a lot of work on the lighting at John Paun Park due to a pole falling. Mr. Nee said hopefully all the poles will be up next week. Vice Chair Fabian said we had a large area that Accounting and Human Resources were sharing. Now the Human Resources office area is enclosed and that project is completed. For the Clear Pond Park Shed Project, Mr. Sky said that was in the Capital Plan for FY23. The specifications are being worked on.

Vice Chair Fabian said the Town Planner is looking for grant money for the repairs for the Betty's Neck Peach Barn. Mr. Resnick has spoken to Fisheries and Wildlife, who hold a conservation restriction on the property. Mr. Nee said we gained access today at the Peach Barn to the back area and we will draw up some plans. Joan Pierce from Fisheries and Wildlife was there last week and they spoke about the renovations, including the restroom, some electricity and about doing work to the road up to the Peach Barn. Mr. Sky said the bid came in high for the

Town House Pavillion, so we are looking at some adjustments to see if we can get the bid down.

Vice Chair Fabian said there was an inspection done by the State at the Animal Shelter and there were some things identified to do. Mr. Sky said they are mostly small things. We will come back to the Board when we have a plan. There is a large amount of money in the donation account that can fund some of that. We will have to come back to the Board for the roof and possibly the HVAC system, but there may be some Green Communities funding for that. Member Carboni asked if this inspection is done annually. Mr. Sky said it was an unannounced inspection. Member Carboni asked when did they come out. Mr. Sky said two (2) or three (3) weeks ago. Mr. Sky said he wanted to come back to the Board with solutions, not just problems. Member Carboni said it would have been nice to know that the inspection took place. Mr. Sky said he would have made sure the Board knew if it was a functional issue.

Vice Chair Fabian reviewed a few other miscellaneous issues at various buildings. She would like to see a proactive schedule once the projects get caught up for preventative maintenance. Member Carboni asked if there is an issue with sediment for the restrooms? Mr. Darling said the Senior Center and Police Station are on Taunton municipal water. Taunton had flushed the hydrants and the toilets clogged. The Police Station is located on a dead end waterline with no loop. It might be prudent to put sediment filters in to be proactive.

Discuss and possible vote to schedule a Special Town Meeting to occur commensurate with the Annual Town Meeting on May 8, 2023 and to open the Warrant

Vice Chair Fabian said the Board needs to schedule a Special Town Meeting for May 8th and open the warrant. Mr. Sky said since we gave you the calendar for the Annual Town Meeting, the Town Accountant has identified some issues.

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

VOTED: To schedule a Special Town Meeting for May 8, 2023 at 6:30 PM at Apponequet High School and open the warrant to close on March 27, 2023 at 4:00 PM.
Unanimous in favor.

Vice Chair Fabian said for the Annual Town Meeting, there are six (6) budget articles; Community Preservation Committee budget reserves; community septic management program; the Old Colony Vocational feasibility study; an article to make the Town Moderator a three (3) year term; an article to increase the demand fee from \$15 to 20 from the Treasurer/Tax Collector; a recodification of the Town's by-laws; a citizens petition article for a zoning change; and a citizens recall petition that was delivered today at the Town Clerk's Office. Mr. Sky said Town Counsel is reviewing the petition.

Discuss and possible vote to approve Stipulation Agreement with Bristol County Agricultural School

Vice Chair Fabian said we have previously discussed this. Mr. Sky said it has been a very frustrating process, and we still don't have the information to determine the validity of their assessment. He had forwarded to the Board the latest information late this afternoon, which

provided an estimate for what the assessment would look like per pupil, but it did not do what we needed it to do. He would recommend that the Board sign the Stipulation Agreement, which would allow us to pay for now, but retains the right for us to object and dig into this. He has spoken to the other jurisdictions that we are working with and they feel the same way. This is a problem when a School District is allowed to develop an assessment without running it through the Department of Elementary and Secondary Education (DESE) and having it properly certified. Member LaCamera said this is regarding Bristol County Agricultural School. Mr. Sky said we are not a member of the School District, but we have students that attend that we pay tuition for. Usually the tuition is approved by the State, but they developed a capital assessment that was not approved or run through the State, so we are looking for some transparency. Vice Chair Fabian read the first paragraph of the letter to Bristol County Agricultural School.

A motion was made by Member Carboni and seconded by Member LaCamera, to approve the Stipulation Agreement with Bristol County Agricultural School.

Discussion: Member LaCamera said we are paying the \$65,000 for last year with no backup documentation. Why should we sign this with no documentation? He is not happy with the letter from the Superintendent threatening to remove our students. The email received today is not a proper document. They used a debt chart from the State; they should have an actual debt chart because they have to borrow the money. Member Carboni asked is there any legal standing for the current students. Member LaCamera said they can't throw them out. Vice Chair Fabian said they wouldn't let new students in. Member LaCamera said they cannot discriminate if someone applies. The Towns have stood firm on about not having any input or vote and now you are charging an assessment with no backup. Member Carboni asked what is Town Counsel's take on this. Mr. Sky said we were working with Rochester's Town Counsel on this and we are figuring out what the next steps would be. Mr. Sky said until the threat came from the School, we were continuing to fight. If they are going to deny our students entry, do we want to continue to fight. The consensus is not to hold the students hostage, but to continue the fight. The Towns he has been speaking with agree that Bristol Agricultural's approach lacks transparency and merit. We went to DESE and the Department of Revenue about this, but didn't get much resolution. DESE said they can do this, but it should be part of the tuition assessment. Member LaCamera said the State sets the tuition. Mr. Sky said they are supposed to certify this number, but DESE doesn't seem to be worried about it. Member Carboni asked what if we just paid the tuition. Mr. Sky said we have been doing that all along. It came to a head when the Superintendent decided to send the letter. Vice Chair Fabian said she doesn't approve of using kids as leverage; that is disgraceful. Member Carboni said if we are continuing to pay the tuition for our students and they gave us the information we are requesting to identify the assessment, we could prorate the assessment back. We are not a community that is not paying our bill.

Vice Chair Fabian said the Board doesn't have to approve the agreement. Mr. Sky said approving this agreement puts us in a position to legally push forward. Vice Chair Fabian said if it is determined that the number was wrong, they would have to reimburse us. Mr. Sky said the payment has already happened as we had no choice.

The vote on the previous motion was unanimous in favor.

Discuss and possible vote to approve the Park Commission's Public Way License Application for Lakeville Day – March 26, 2023

Melisa Turcotte, member of the Park Commission, was present for the discussion. Vice Chair Fabian said this is an application for a Public Way License from the Park Commission for Lakeville Day.

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

VOTED: To approve the Park Commission's request for a Public Way License for Lakeville Day.
Unanimous in favor.

Discuss and possible vote to approve Outdoor Entertainment Permits for The Back Nine Club, 17 Heritage Hill Drive, on May 7, 2023 and May 29, 2023

Vice Chair Fabian said the Board had applications for Outdoor Entertainment Permits for the Back Nine Club on May 7, 2023 from 1:00 to 4:00 PM for a birthday party and May 29, 2023 from 12:00 to 3:00 PM for a beer tasting.

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

VOTED: To approve the Outdoor Entertainment Permits for the Back Nine Club for May 7, 2023 and May 29, 2023.
Unanimous in favor.

Discuss and possible scheduling of April 2023 Select Board Meetings for April 10, 2023 and April 24, 2023

Vice Chair Fabian asked if the proposed meeting dates would be good for Member Carboni. She responded yes. Mr. Sky said we will schedule further out from those meetings when the new member is elected.

Review and possible vote to approve Select Board Meeting Minutes of February 28, 2023

Member Carboni said on page 1, there are three (3) different spots where the word "Vice" needs to be inserted in front of Chair Fabian. On page 2, second paragraph, $\frac{3}{4}$'s of the way down, where it says Jamie Bissonnette, she requested to add the business name. On page 2, last paragraph under Site Plan Review for 13 Main Street, Mr. Sky said it would be Middleborough water. She said that Member LaCamera had noted it was Taunton Water. She asked for it to be reflected in the minutes.

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

VOTED: To approve the Select Board Meeting Minutes of February 28, 2023 as amended.
Unanimous in favor.

New Business

Member Carboni said the Fire Station Building Committee held their first meeting. Mr. Sky is preparing a Request for Qualifications to go out for an Owner's Project Manager. We will be meeting again May 10, 2023.

Old Business-FY24 Budget Update

Mr. Sky said we are meeting March 16th. He believes he shared the latest numbers for the Schools. Member LaCamera said he will be attending the public hearing for their budget.

Correspondence

1. Letter from Governor Healey's Office regarding FY24 Chapter 90 Allocation
2. Letter from Comcast regarding increase in fees for HBO and HBO Max

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 7:48 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of March 13, 2023

1. Agenda page
2. Agenda page
3. Agenda page; legal ad; proposed draft of renewal license with Verizon
4. Agenda page; memo from Town Administrator; summary of projects since December 5, 2022
5. Agenda page; draft Special Town Meeting timeline
6. Agenda page; letter from Town Administrator to Bristol County Agricultural High School; Stipulation Agreement with Bristol County Agricultural School
7. Agenda page; public way license application
8. Agenda page; application for outdoor entertainment permits
9. Agenda page
10. Agenda page; Select Board Meeting Minutes of February 28, 2023
11. Agenda page
12. Agenda page
13. Agenda page; letter regarding FY24 Chapter 90 Allocation; letter from Comcast regarding HBO increases