

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
March 21, 2022 – 6:30 PM
REMOTE LOCATION**

On March 21, 2022, the Select Board held a meeting at 6:30 PM remotely from various locations. The meeting was called to order at 6:30 PM by Chair Fabian. Members present were Chair Fabian, Member LaCamera and Member Carboni. Also present was Ari Sky, Town Administrator, and Tracie Craig-McGee, Executive Assistant. LakeCAM was recording the meeting for broadcast.

In accordance with provisions allowed by Chapter 20 of the Acts of 2021, the March 21, 2022 public meeting of the Lakeville Select Board will be held remotely. **However, to view this meeting in progress, please go to 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/>.**

Select Board Announcements

Chair Fabian read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator announcements.

Meet with Finance Committee to possibly approve FY23 Budget; FY23 Capital Plan and Debt Schedule

Present for the discussion were members of the Finance Committee: Darren Beals, Chairman; Brian Day; Adam Lynch; Larry Kostant and Katie Desrosiers. Also present were Todd Hassett, Town Accountant and Christina Cotsoridis, Assistant to the Town Administrator. Chairman Beals called the Finance Committee meeting to order at 7:06 PM.

Mr. Sky said there is no one time money in the budget and it is sustainable going forward based on conservative estimates. In the capital plan, the Department of Public Works Building (DPW) is no longer in FY23. The budget document will be produced and posted on line prior to Town Meeting once the Finance Committee and Select Board approve it. Mr. Hassett said there is a small increase to the Assessors' expenses for a software upgrade, which is for maintenance. The Region has made reductions to the assessments for both communities. The budget hearing is April 6th where the School Committee will formally vote on it. Mr. Hassett said there may be an increase in the Chapter 70 per pupil cost and unrestricted aid as the Legislature moves forward on their budget. New Growth has been increased approximately \$29,000 for a total of \$479,000. The Board of Assessors have confirmed \$500,000 is a comfortable number for New Growth. It is a balanced budget and is funded through taxes, State Aid and Local Revenues.

Mr. Hassett said we hope to bring the DPW Building forward in the fall or spring of 2023. There was a placeholder of \$500,000 for the project that we are recommending to go to the Stabilization Fund. The Capital Plan is fully funded. The Capital Expenditures Committee met and voted to support the plan as presented for FY23. Mr. Sky noted that they voted to approve the Capital Plan with the DPW Building in. The removal was a late item.

Mr. Day asked about the current cost of the mobile offices at the DPW? Mr. Sky said the rentals are coming out of the Facilities Budget. Chairman Beals asked what happens to the excess income. Mr. Hassett said if additional State Aid is received and we do nothing after setting the tax rate, it would be unused tax levy for the next year. With the Schools, it would require a vote of the School Committee to reduce the assessment. We would have a choice to leave the budget as voted or ask Town Meeting to reduce the assessment and possibly use it for something else or use it for excess levy. Member Carboni asked about the Park tennis courts, was that last year? Mr. Hassett said it was approved for \$28,000 by Town Meeting last year. They are having a tough time getting an estimate for that amount, so it has not moved forward.

Upon a motion made by Mr. Day and seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee recommend the FY23 Budget and Capital Plan as presented.

Roll call vote: Mr. Kostant – aye; Ms. Desrosiers – aye; Mr. Day – aye; Mr. Lynch – aye and Chairman Beals – aye.

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

VOTED: To recommend the FY23 Budget and Capital Plan as presented.

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

Discussion: Member Carboni asked when the line item budget will be put on the website. Mr. Sky said in a week or two (2).

The roll call vote on the previous motion was Member Carboni – aye; Member LaCamera – aye and Chair Fabian – aye.

Chairman Beals said the Finance Committee had a set of meeting minutes to approve. Mr. Lynch noted that he was identified as Mr. Young in several locations.

Upon a motion made by Mr. Day and seconded by Ms. Desrosiers, it was:

VOTED: To approve the March 7th Finance Committee Meeting Minutes as amended by replacing Mr. Young with Mr. Lynch.

Roll call vote: Ms. Desrosiers – aye; Mr. Lynch – aye; Mr. Day – aye; Mr. Kostant – aye and Chairman Beals – aye.

Adjournment of Finance Committee Meeting

Upon a motion made by Chairman Beals and seconded by Ms. Desrosiers, it was:

VOTED: To adjourn the Finance Committee Meeting at 7:26 PM.

Roll call vote: Ms. Desrosiers – aye; Mr. Lynch – aye; Mr. Day – aye; Mr. Kostant – aye and Chairman Beals – aye.

Discuss and possible vote to comment on SRPEDD recommendations for Assawompset Pond Complex project phasing

Present for the discussion were Helen Zincavage from SRPEDD and Nancy Yeatts, Manager of the Assawompset Pond Complex. Ms. Zincavage said she is working with the Assawompset Pond Complex (APC) Management Team on grants working toward a watershed management plan for the APC and Nemasket River. The plan will be done the end of June. We have received additional funding of \$250,000 allocated to SRPEDD for the existing problems. We have put together the core action items and are trying to get this endorsed by the stakeholders so it can go in the management plan. We looked at three (3) phases: work that is high priority and actionable; work that is high priority but requires some further study or antecedent actions and work that would be most disruptive to status quo and needs ongoing study and consideration. Under phase 1 includes address sedimentation build-up in the Nemasket River; removal of weeds from Long Pond and Nemasket River; install automatic pond level loggers and signage plan, including installation and monitoring. Phase 2 includes removal of Wareham Street dam; permeable reactive barrier/buffer strip Long Pond; installation of boat washing station at the Freetown boat ramp; replacing the Snake River culvert; buying high priority preservation land and amending local by-laws with low impact development principals on both ponds. Phase 3 includes the APC dam upgrade/reconfiguration and initiating a property buy-out program.

Member LaCamera said we have been studying this for two (2) years. His most important priority is to prevent flooding like in 2010. Looking at the list, \$250,000 is not a lot of money. The culvert was estimated at a cost of \$1,000,000 to fix. Between ARPA and infrastructure money, there is plenty of money available. We aren't moving fast enough to get these things done. The legislature approved \$1 million to DEP for weed eradication. Why hasn't that money been used? Ms. Zincavage said we are hoping to use some of the funding to leverage additional funding. A portion of the \$250,000 will go to renting the Ecoharvester machine, but we need permitting for that. Each area of the river requires its own permit. Member LaCamera said the boat ramp is owned by the State. If the boat ramp is not addressed, the weeds will keep coming back.

A motion was made by Member Carboni and seconded by Member LaCamera to accept the SRPEDD recommendation for future project phasing, Items 1-12 and to move forward for the June 2022 proposed deadline for submittal.

Discussion: Member LaCamera said this is pretty broad, but he would like more definite information. Chair Fabian asked if Middleborough agreed on this, even with the dam removal. Ms. Zincavage said yes. There is an issue about a public well location, but other than that it was supported.

A roll call vote on the previous motion was Member Carboni – aye; Member LaCamera – aye and Chair Fabian – aye.

Revisit discussion and possible vote regarding increase in Assawompset Pond Complex Assessment for FY22 and FY23

Nancy Yeatts, APC Manager, was present for the discussion. Ms. Yeatts said she would like to increase the budget for the APC Rangers. When COVID hit, we were overrun with people on the APC. In the past, we laid people off or cut hours in the winter to make it through the rest of the year. This past year, she volunteered her time instead of collecting her salary. She could not cut any hours this winter and that is why we ran out of money. Now that people have discovered the APC, they are

going to keep coming back. She has asked for an extra \$3,000 from Taunton, New Bedford and Lakeville. Taunton and New Bedford have already agreed. That would be an \$9,000 for the FY23 budget. However, she needs it for FY22 also. April 1st she sends out an invoice for services already provided. Mr. Hassett said we have \$6,000 earmarked in FY22. Ms. Yeatts said she is asking for an additional \$3,000 in FY22. Member LaCamera said the extra \$3,000 was included in FY23. He asked why all the APC members don't pay for the rangers. Ms. Yeatts said in the original management plan it was Taunton, New Bedford and Lakeville. Middleborough never put the Morgan Property into the APC. APC land located in Middleborough is owned by New Bedford, so we provide ranger service for the land that New Bedford owns. Member LaCamera said FY22 started off with a \$16,396 balance. However, the money for the rangers is not here in the revenue projections. Mr. Hassett said the communities are invoiced in the spring towards the end of the Fiscal Year. Ms. Yeatts said Taunton and New Bedford were invoiced March 1st. Member LaCamera said this be on a fiscal year cycle. Ms. Yeatts will speak to Taunton and New Bedford about the billing cycle.

Member LaCamera asked about the hay sale revenue. Ms. Yeatts said that is due before June 30th for the next year. Discussion occurred regarding the current funding and anticipated funding for FY23. The money from the hay field should be used for maintenance of the Peach Barn. Member Carboni said we need to discuss this during budget planning. Ms. Yeatts said we are already patrolling 40 hours a week because the weather is getting nicer. Chair Fabian said this should be part of the regular budget process. Member LaCamera asked if Taunton issues the Boat Permits for Assawompset Pond. Ms. Yeatts said they do, but last year, they didn't have staffing, so they asked APC to do it again and receive the fees. Member LaCamera said if APC rangers are doing the Boat Permits, who is the enforcement agency. Ms. Yeatts said there is no enforcement agency. Chair Fabian said the goal is to have more ranger coverage, especially on the weekends. That is why New Bedford and Taunton agreed to pay more. Ms. Yeatts will meet with the Town Accountant to review the accounts.

Discuss and possible vote to forward four (4) Zoning By-Law amendments to Planning Board for hearing

Marc Resnick, Town Planner, was present for the discussion. Mr. Resnick summarized the proposed changes to the current Site Plan By-law. Member LaCamera said under 6.7.5.2 Hearings, he is not sure that seven (7) days for the abutters is enough time. Mr. Resnick said it is shorter than subdivision control or applying for a variance, which is two (2) weeks prior to the hearing. Currently a public hearing is not required, and there is no State statute for site plan review notification. Member LaCamera said under Peer Review, for larger projects we did the peer review, but did not follow up that the construction and engineering is being done properly. Mr. Resnick said they added a section on site inspections. We will begin to inspect construction to ensure that things are built to the approved plan. Member Carboni said on abutters notice, we should be clarifying the distance of abutter notification. Mr. Resnick said only direct abutters will be notified. Member Carboni asked if this has gone to Town Counsel. Mr. Resnick said the Town Administrator said all articles will go to Town Counsel after the Select Board's review.

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

VOTED: To refer the Site Plan Review Bylaw article to the Planning Board to hold a hearing.
Roll call vote: member Carboni – aye; Member LaCamera – aye and Chair Fabian – aye.

Mr. Resnick said we will be looking to delete the current Sign By-law and adopt the new by-law in its entirety. Member Carboni noted that when changing the by-laws, we usually do strike-through to see the changes. Mr. Resnick noted that the Building Commissioner has reviewed the bylaw and did not make any comments.

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

VOTED: To refer the proposed Lakeville Sign By-law to the Planning Board to hold a public hearing.

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

Mr. Resnick said the Open Space Residential Development allows the same number of lots as they could do conventionally. This would allow them to have smaller lots in order to reduce roadway, drainage and would provide open space/recreation land for the community. It has been used successfully around the Commonwealth. Houses would be closer together to provide neighborhood housing.

A motion was made by Member LaCamera and seconded by Member Carboni to refer the Open Space Residential Development By-law to the Planning Board to hold a public hearing.

Discussion: Chair Fabian said on Page 3, #2, use for open space, who is responsible for the maintenance. Mr. Resnick said when the land is transferred to the Town, the Town will be responsible for the maintenance. That would only apply to subdivisions of 25 or more lots. Member LaCamera said since they would be allowed to use less land, we need to make sure that all the maintenance of the drainage and roadway be the responsibility of the homeowner's association. Mr. Resnick said there may not be a private homeowner's association. If they build to subdivision control laws with low maintenance drainage, the road may be accepted as a Town road. Public access will be required for the parkland. Member LaCamera said with the cost of maintaining roads and drainage, this is a major consideration. We are giving the developer a significant benefit from 70,000 square foot lots to 30,000 square foot lots. That is a major cost savings. Developers walk away from drainage lots and then we are responsible. Mr. Resnick said it needs to be clear who is responsible for street lights, drainage and roadways. That happens during the review process. If the responsibility is laid out from the beginning, all parties understand who will be accepting the responsibility. It should never continue to be the developers land; it should be a homeowner association or a Town road. Member LaCamera said the Town has accepted roads and drainage in the past that we should not have accepted. This is a major concern. Member Carboni said we need to be able to protect the Town and be very clear on how we vet these developments.

The roll call vote on the previous motion was: Member Carboni – aye; Member LaCamera – aye and Chair Fabian – aye.

Mr. Resnick said in 2018, there was a zoning change in the use chart to change auto boats sales, rental or service to be a special permit in the Business District and remove it from the Industrial District. However, under special permits further in the by-law, there is a long list of uses that are in the use chart, and the change was not made there.

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

VOTED: To refer the amendment to the Zoning Bylaw 7.4.6 Uses by Special Permit to the Planning Board to hold a public hearing.

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

Discuss request from Planning Board for comments on Site Plan – 2 Bedford Street

Marc Resnick, Town Planner, was present for the discussion. Mr. Resnick said the property is being developed into a commercial building with offices, retail and a restaurant with a lot of parking. The applicant's representative submitted a modified plan today with many of the same issues. The applicant is asking to continue the meeting with the Planning Board for a few weeks. Member LaCamera said according the plan, they are asking for municipal water. If it is Taunton Water, the Select Board needs to approve the tie in.

Discuss proposed Town Values Statement

Chair Fabian said that the Town Administrator had submitted a memo regarding the development of a Town Values Statement. Member LaCamera said we had been doing this in the past, and it is good to have it documented. Mr. Sky said this is about defining, in tangible form, values that drive our organization forward. We can use this as a leadership tool and for managing staff. This is the first step in the process. We will be looking at employee evaluation processes and marrying up these values with our strategic planning and objectives going forward.

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

VOTED: To adopt the Statement of Values as presented

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

Discuss request from Twin Coach Estates Homeowner's Association for Rent Increase

Chair Fabian said the homeowners have approved their own rent increase. However, since we still have a Rent Control Bylaw, they needed to come to the Rent Control Board to get pre-approval for their capital improvement project. Member Carboni said first, as the Select Board, will we assume the role of the Rent Control Board as there are no members currently.

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

VOTED: To appoint the Select Board Members to the Rent Control Board.

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

Ms. Craig-McGee read the process for the Capital Improvement Project from the Rules and Regulations for Mobile Home Park. The Rent Control Board needs to issue a pre-approval for the work and once the work is completed, a public hearing will be held to approve the rent increase to pay for the Capital Improvement Project. Mr. Sky noted that Twin Coach should have come to the Rent

Control Board with the plan first before securing financing. Chair Fabian said she drove through Twin Coach and there are some parts of the road that need repair.

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

VOTED: To pre-approve the Capital Improvement Project for Twin Coach Estates Homeowners' Association.

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

Chair Fabian said we have to wait to schedule a hearing until the work is completed. Since we need to hold the hearing, we can discuss the need for the Rent Control Board, but we have to wait to dissolve it until the project is finished.

Discuss and possible approval of job descriptions for Clear Pond: Park Director; Park Attendant and Life Guard/Swimming Instructor

John Viarella, Human Resources Director, was present for the discussion. Mr. Viarella said the job descriptions are a bit more reflective of the actual duties. Chair Fabian said for the Director, we are requiring Safe Serve Certification to run the concession stand. Discussion occurred regarding the need to have a Safe Serve Designation prior to the job offer and whether a Food Handler License was needed.

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

VOTED: To approve the job descriptions for Clear Pond Park Director; Part Attendant and Life Guard/Swimming Instructor.

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

Discuss and possible vote to approve Public Way License for The Mix Tape Event – April 10, 2022

Chair Fabian said the organizers asked about the fee being reduced as it is a fundraiser for Boston Children's Hospital. Mr. Sky said you can go to \$250 for a non-profit agency. Chair Fabian said she would like to reduce the fee. Member LaCamera said he spoke to the organizer and they are not a non-profit. He noted there will be approximately 300 participants for the event.

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

VOTED: To approve the Public Way License for the Mixed Tape Event scheduled for April 1, 2022.

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

Discuss and possible vote regarding assignment of \$1,500 donation from Sun Multisports

Chair Fabian said Sun Multisports has offered a \$1,500 donation from the Patriot Triathlon. The Board needs to decide where it should go. Perhaps some of the funding could go towards funding a 20th anniversary celebration for Betty's Neck.

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

VOTED: To divide the \$1,500 donation as follows: \$500 to Betty's Neck Donation; \$500 to Friends of the Library and \$500 to Friends of the COA.

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

Discuss and possible vote to accept letter of resignation from Adam Young from Open Space Committee

Chair Fabian said the Board has received a letter of resignation from Adam Young from the Open Space Committee. Member Carboni asked that a letter of thanks be sent.

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

VOTED: To accept the letter of resignation from Adam Young from the Open Space Committee.

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

Review and possible vote to approve Select Board Meeting Minutes of March 7, 2022

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

VOTED: To accept the Select Board Meeting Minutes of March 7, 2022.

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

New Business

There was no New Business discussed.

Old Business

There was no Old Business discussed.

Any other business that can properly come before the Select Board

There was no other business discussed.

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 9:00 PM.

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

Other Items

1. Letter from Commonwealth of Massachusetts regarding Grant Award for Capital Improvement
2. Notice from Plymouth County Registry of Deeds regarding 2021 CPA Surcharge Funds
3. Notice from MMA – Key Local Government Priorities for Fiscal Year 2023
4. Letter from Comcast regarding channel changes

List of documents provided at the Select Board Meeting of March 21, 2022

1. Agenda sheet
2. Agenda sheet
3. Agenda sheet; updated FY23 budget pages, FY23 Capital Plan; Debt Schedule
4. Agenda sheet; project phasing sheet
5. Agenda sheet; fund balance information
6. Agenda sheet; memo from Town Planner; proposed zoning articles
7. Agenda sheet; memo from Town Planner; site plans; building drawings; site plan review application; Order of Conditions
8. Agenda sheet; memo from Town Administrator; proposed Town Values Statement
9. Agenda sheet; emails from Town Administrator and Town Counsel; Rules and Regulations for Mobile Home Park Accommodations, Rents and Evictions; Twin Coach Estates Homeowner's Association Annual Meeting; property conditions report; work estimate
10. Agenda page; memo from HR Director; proposed job descriptions
11. Agenda page; email from Race Organizer; letter from Rock Hard Racing; proposed route map; Public Ways License Application; Certificates of Insurance; MA DOT Event Notification Form
12. Agenda page; letter from Sun Multisport
13. Agenda page; letter of resignation
14. Agenda page; Select Board Meeting Minutes of March 7
15. Agenda page
16. Agenda page
17. Agenda page