

TOWN OF LAKEVILLE
Select Board Meeting Minutes
June 26, 2023 – 6:00 PM

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

On June 26, 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 Chairman Day. Members present were Chairman Day, Member Fabian and Member Carboni. Also present were Ari Sky, Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Chairman Day read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator Announcements.

Discuss and possible vote to approve Host Community Agreement Amendment for Bud's Goods & Provisions Corp.

Phillip Silverman, Esquire was present for the discussion. Chairman Day noted the Host Community Agreement needs revision due to a name change of the business from Bud's Goods and Provisions Corp. to Bud's Goods & Services MA Corp. Member Carboni said on Page 1 of the second amendment, 1st paragraph it references the Board of Selectmen. When the Host Community Agreement was originally signed, it was the Board of Selectmen.

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

VOTED: To approve the amendment to the Host Community Agreement for Bud's Goods & Services MA Corp. as amended.
Unanimous in favor.

Discuss and possible vote to approve draft Housing Production Plan

Marc Resnick, Town Planner, was present for the discussion. Mr. Resnick said the Planning Board has voted to approve the latest version of the Housing Production Plan, which has been submitted for your approval. Both Boards needs to approve and vote to send the Plan to the State for their review and approval. This is an update of the 2017 plan. The plan can be updated every five (5) years. Chairman Day said the plan highlighted the challenges about what can and can't be done regarding development in Town. Member Fabian asked that the Board be notified if the plan is approved. Mr. Resnick said if there are changes that the State wants, it will have to come back to both Boards for approval.

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

VOTED: To approve the 2023 Housing Production Plan as presented.
Unanimous in favor.

Discuss and possible vote to approve Select Board Minutes of June 12, 2023

Member Carboni said on Page 9 under Fire Station 4th line down, “Member Carboni said once SOCOTEC’s Feasibility Study was accepted, we were on the same page”, that was Member Fabian that said that.

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

VOTED: To approve the Select Board’s Meeting Minutes of June 12, 2023 as amended.
Unanimous in favor.

Discuss and possible vote to waive insurance requirements for use of the Historic Town House by the Friends of the Lakeville Council on Aging for December 3, 2023 wreath sale

Linda Ewell, President of the Friends of the Lakeville Council on Aging, was present for the discussion. Ms. Ewell asked for a one-time exception to the Town Office Building Use Policy regarding insurance. The sole purpose of the Friends is to raise money for the Council on Aging. Member Fabian said she would like to have the insurance requirement waived. Chairman Day said we will be reviewing this policy.

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

VOTED: To issue a waiver from the insurance requirements for the use of the Town House for the Friends of the Council on Aging for their wreath sale on December 3, 2023.
Unanimous in favor.

Select Board Policies review update:

John Viarella, Human Resources Director was present for the discussion. Chairman Day said at our last meeting, we asked Mr. Sky to bring a set of Select Board policies to the Board for review. Mr. Sky said Mr. Viarella has some thoughts on the first four (4) policies listed. We need to look at the Town Property Use Policy. We should have the DPW Director look at Recycled Product Procurement and Residential and Business Driveway Curb Cuts.

Mr. Viarella said we have an employee handbook and a series of addendums. It would be nice to have the employee handbook encompass the addendums. Member Carboni said would we include these in our employee handbook in lieu of having them being Select Board policies. Mr. Sky said these are approved by the Select Board as the Wage and Personnel Board. Mr. Viarella said we would have to negotiate with the unions to have them recognize the policies. The addendums are based on Federal and State law and we have to abide by them regardless of them being in a formal document. Chairman Day said for the CORI policy that covers not just employees, but also

contractors and vendors. Mr. Viarella said that should not be part of the Employee Handbook. There are certain requirements to do a CORI check.

Member Fabian said the policies are going to require input from staff and Departments Heads, but the Select Board should be doing the bulk of the work, except for the Personnel ones. She suggested a work meeting to work on some of these policies. On the Information Technology Use, she did not have time to compare this to what is in the Employee Handbook. Mr. Sky said perhaps we could have Bob McNally review it also. Mr. Sky said the Social Media and Information Technology Use policies address some of the same issues, but they come from a different time. He doesn't think we want to integrate them together. For the recycled policy, it was a Federal/State directive in 1997 that required us to have this policy to comply with recycling requirements at the time. Member Fabian asked are we purchasing what we are supposed to be purchasing. Mr. Sky said WB Mason has a class of paper that they provide to governments which complies with this policy by default. Chairman Day said we should have a work session to work on these. Mr. Sky said he would like to speak to the DPW Director about curb cuts. Member Carboni said red line versions are very helpful. Mr. Sky asked if the Board wants us to take a shot at a new Employee Handbook. Chairman Day said it seems that Mr. Viarella is already working on that. He suggested under the HIPAA Policy that the contact person's name be changed to his. Member Carboni said perhaps that should be the Human Resources Director. Chairman Day suggested having a generic email address.

Discuss Strategic Planning Process and possible meeting dates

Chairman Day said Mr. Sky introduced him to Katie Gilfeather of AllOne Health, which is an Employee Assistance Program. They offer organizational reviews. He would like to have Board members meet with Ms. Gilfeather independently. It was decided to hold a meeting on July 25th to discuss this. Member Fabian asked if there is a draft of any information that we can get from Ms. Gilfeather. Mr. Sky said it would be helpful to have her speak to you first. He will ask her to get something to the Board a week before.

Update on Town Administrator's evaluation and possible vote to appoint a designee to compile review materials

Chairman Day said we have the forms from last year and Mr. Sky has provided his goals for the current year. It is on us to fill the forms out and get them to Mr. Viarella. We can vote to designate someone to compile the forms. Member Fabian said the designee should be Mr. Viarella as advised by Town Counsel last year. Mr. Sky said Mr. Viarella would be providing a summary back to the Board. Member Carboni asked for an email that has the evaluation tool, goals that originally were set for this year and goals for next year. Mr. Sky said he has not done goals for next year.

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

VOTED: To have the Human Resources Director compile the Town Administrator review comments from the Board Members.
Unanimous in favor.

Building Committee Updates

Senior Center Feasibility Study

Member Fabian said there was one (1) meeting and the Owner's Project Manager is on task to provide the Committee with additional material, interviews and structural findings by July 5th. The next meeting is July 12th. Member Carboni asked about feedback from the Select Board? Member Fabian said after we meet on the 12th, she can bring back the findings and ask the Board for any comments.

Fire Station Building Committee:

Discuss overall project and possible vote to amend the Committee's charge to include identifying a fire station location.

Member Carboni said at the last Select Board meeting, she notified the Board that she was going to bring up possibly amending the charge of the Committee. There have been numerous discussions about the location of the Fire Station. During the feasibility study, there were three (3) locations discussed and there was a recommendation, however, nothing has been solidified that it would be a particular location. She is asking the Board to consider amending the charge to include the language where the Committee could work with the project manager and architect to identify a preferred location from the three (3) potential sites identified in the project's feasibility study.

Member Fabian said there were three (3) different options from the Owner's Project Manager (OPM) candidates and one (1) thought there was a preferred location, one did not question the location and the other was somewhere in the middle. All three (3) of them answered the question about the actual site and all three (3) said it is part of their job to make sure the location is a good location for the Fire Station. She is not opposed to changing the charge, but she feels that is part of the OPM's job to review the location and doesn't want to spend more time as we already have the feasibility study. Whoever the OPM is will do a good job assessing the site. Member Carboni said having the language in the charge provides clarity in the scope. She would ask that the language be inserted into the charge.

Chairman Day said he is not against the committee further investigating to see if any of the other location options fit. We never asked SOCOTEC what a combined Fire Station/Town Hall Building would look like. We are looking at \$16.3 million for Fire and \$10.9 million for Town Hall. In comparing the 2022 report to the 2007 report, Precinct Street is marked as a Police Station, which wouldn't be a quality of life thing as Police cars don't typically come out of the station with sirens going. Putting a Fire Station in there seem problematic for quality of life. Bedford Street has issues also. We have not had a discussion with the Park Commission and need to talk to Natural Heritage about what the cost would be for mitigation. He wants to be able to tell residents that we have turned over every rock and this is our best option. He would be open to the committee identifying that one of the options might work if we can acquire do a land acquisition next door. We should talk to the Board of Health about a phased approach that better the current situation at Town Hall. Member Fabian said the Board did have that conversation with them about any type of major expansion, including a Fire Station. They said that could not happen there and they did not see themselves

approving a new septic system. Chairman Day said he had some recent conversations with the Board of Health that led him to believe that if we could go in with a better performing septic system, there may be something workable. He asked if a full response analysis has been done for various locations in Town. The Town really needs a substation to be able to respond to the Schools. Member Fabian said the Freetown substation would get the call.

Member Carboni said this would be making sure that the Committee does its due diligence and looks at the bigger picture because we are looking out at least 20 years in the future to make sure we are addressing our needs. Member Fabian said do you want to do a new feasibility study? If that is the case, we shouldn't be hiring a new OPM. Do we want to go forward with this project? Chairman Day said the SOCOTEC feasibility study left out the option of using the existing building. Member Fabian said are we asking the OPM to do a new feasibility study? Chairman Day said he would prefer that. He read a section of Page 5 of SOCOTEC's study stating that Option 2 was not desirable and spoke of sensitivities for the original pump house section. Sensitivities should not come into the situation. That is why we do not have a combined Public Safety Building. Member Fabian said she is disappointed that the Police Station was not a combined building. Member Fabian said the new language seems to her that it would mean to look at the three (3) proposed sites and figure out which one (1) would fit a protentional Fire Station. Mr. Sky said the architect and OPM would have to look at the potential sites to see which one would be the best fit. The reason why option 2 was not chosen to renovate the Fire Department and build a new Town Hall is that the feeling was there was no way to build a modern Fire Department on that location. They assumed that no one would want the pump house torn down due to its historic nature. Member Fabian said at Town Meeting residents made it pretty clear that they were not interested in any money going towards a new Town Hall. Chairman Day said he is putting his concerns out there. There were two options in the 2007 study that were not considered in SOCOTEC's study. The top preferred option in the 2007 study was not even considered by SOCOTEC. He is concerned that we are not doing the most financially responsible thing with a lack of information. We can ask the OPM if any of these sites have the capability to support a Fire Station and Town Hall. Mr. Sky said there has been no approval by Town Meeting to move forward with Town Hall. If we don't get the money to renovate Town Hall, then you have a half-abandoned building. Chairman Day asked would we be demolishing the existing Fire Station? Would that cost more in the end that re-purposing it. Mr. Sky said you can bring it back before another Town Meeting. CHA suggested instead of coming back with a \$16 million project, obtain the money for full design, then go out to bid and come back to Town Meeting with a bid in hand. You can go for the full design and say as part of that, we want to look at remediation for Town Hall. Mr. Sky said the feasibility study committee didn't want to spend money where we didn't have to so there was an aversion about spending money on land acquisition. Chairman Day said the decision was not based on a full investigation.

Member Carboni said when the SOCOTEC feasibility study was done, she had questions about the location. We did not look at land acquisition or other options. Member Fabian said we also discussed adding a second floor at the Fire Station, but that was not an option. Member Carboni said the current structure of bays would not support the second floor. Mr. Sky said bigger bays are also needed. Chairman Day asked how long did SOCOTEC study take? Mr. Sky said it was \$75,000 and it was about six (6) months. Chairman Day said identifying the OPM is the first step. We could ask them to take a swipe at a few things and maybe we throw out a few more options. Mr. Sky said he cannot promise that the appropriation will be enough. It would be within the scope of that to talk

about the location of the Fire Station, but the appropriation was supposed to be for schematic design. Member Fabian said do we want to go with what we have and build a Fire Station at one of the three (3) locations or do we want to abandon this. She would like to see the Fire Station built. The Townspeople said they wanted to build a new Fire Station. Chairman Day asked is it worth having a conversation with the OPM to see if between now and Fall Town Meeting within the Fire Station project is there is opportunity for the use of space. Member Fabian asked if that would nullify the bid process for the OPM. Mr. Sky said no, it is an hourly rate, but it will cost more money. Member Fabian said we should have stakeholders in the room if we are going to have that conversation with the OPM.

Chairman Day said he is not looking to kill anything; he wants to make sure we investigate everything. Member Carboni said we have not explored to the critical level of our options. Each candidate for OPM did speak about the location. Chairman Day asked can the OPM bring combined projects to the table? Member Fabian said it sounded like Chairman Day wants to start over from the beginning, which will be problematic for the Fire Department. Member Carboni said if we were to say we are starting over, what does that look like. The money at Town Meeting was for schematic design for the Fire Station. Chairman Day asked do we know if the currently allocated money will cover it. Mr. Sky said the \$220,000 was estimated with a little padding by SOCOTEC for the schematic design on the preferred alternative. Mr. Sky said the Board needs to provide some definition on the parameters. The \$220,000 cannot support a Town Hall design. Chairman Day said if we wanted to move forward with a solo Fire Station, two (2) areas at the Ted Williams Camp have been identified. Once that land is developed, it takes away area for Ted Williams Camp. What are the Park Commission's plans for expansion? What are the mitigation costs? He would like to see an option for the current location with potential land acquisition. Member Fabian said that she was not sure you can do that with this OPM hired for this specific project. Mr. Sky said the language you have here will provide the opportunity for the Building Committee to ask the OPM to look at the three (3) sites and make recommendations. It is a judgement call if 346 Bedford Street with a land acquisition next door is part of that or not. It was not originally looked at. Member Fabian said that is not the right path to go down. Even our Hazardous Mitigation Plan stated that it is not the right place for a Fire Station as it is within a flood zone and you can't build within 600' of the water. Chairman Day said the three (3) locations are Precinct, Bedford Street and the existing location. Has the present location been ruled out? Member Carboni said it was as existing. Mr. Sky said the sites in the Park were previously identified for public use a long time ago. The Fire Department would prefer not to exit onto Route 18. That is a problem right now. Chairman Day said he would like to ask the OPM what would go into identifying a preferred location and what would we do with the results. Member Fabian said all three (3) companies were willing to do that and Pomroy suggested it from the start.

Chairman Day said he is okay adding this language to the charge. He asked Mr. Sky to speak to the OPM about adding this. Mr. Sky said we will make sure the work plan includes what we want. Member Fabian said she is okay with the language as it specifies the three (3) sites. Chairman Day said he is looking for the best financial interest for the Town and to provide Fire with what they need because their run rates are going through the roof. Member Fabian said she doesn't want to delay the project. Chairman Day said he is okay with delaying if it is better for the Town's financial health going forward. Is there harm in saying identify preferred location? Mr. Sky said suggested keeping the three (3) locations in there. Chairman Day said the Committee should be given the ability to

consider if the acquisition of surrounding properties bumps a location to the front of the list. We won't know that unless we do a deeper investigation as to how ready are these sites. We need to have conversations with the Park Commission and Board of Health. Member Fabian said she is concerned about delays and an increase in the cost. Chairman Day said if it costs us another \$100,000 and nine (9) months of time, but saves us a few million in interest, he would be comfortable standing up saying that the Board wants to tap the brakes due to the information that has come forward. However, residents could go forward and put something on for Town Meeting. Mr. Sky said the Board needs to decide how to approach this.

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

VOTED: To amend the charge for the Fire Station Building Committee to insert: 2. Work with the Project Manager and Project Architect to identify a preferred location from the three potential sites identified in the 2022 feasibility study.
Unanimous in favor.

Discuss and possible vote to approve the Building Committee's recommendation for selection of an Owner's Project Manager (OPM)

Member Carboni said the Committee interviewed three (3) viable candidates from the pool of five (5). Each of the candidates made a presentation and the Committee had seven (7) questions to ask each candidate. There was a lengthy discussion and Pomroy was the firm that was chosen to move forward to the Select Board. It was a vote of eight (8) in favor and one (1) against. She felt all three (3) firms interviewed were all qualified, but it was felt Pomroy would bring the project to success. Mr. Sky said he did reference checks on Pomroy and there were a few things here and there, but nothing major. One major thing was that with the Police Station, the Town Accountant reported an issue with how Pomroy reported the financials and how they worked in MUNIS. Sandwich also reported the same issue. In most cases, Pomroy does not have the resources to do public advocacy campaigns. If we ask them, they will appear at Town Meeting. As long as we pick the right architect, that will be fine. Member Fabian said in 2019, we didn't have all the procurement documents in our office; we know now that we need that. Mr. Sky said we can tell Pomroy the way we want to do things. Chairman Day said they did the Police Station and it came out well. We did learn some things from the Police Station project.

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

VOTED: That the Select Board approve the Fire Station Building Committee's recommendation for the selection of the Owner's Project Manager of Pomroy Associates.
Unanimous in favor.

New Business

There was no New Business discussed.

Old Business

Member Fabian reminded residents to sign up for MBTA Construction updates from the Town's website.

Executive Session

At 7:57 PM, upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To enter into Executive Session pursuant to M.G.L c.30A Sec. 21(a)(3) to discuss strategy with respect to collective bargaining, specifically with the Laborer's International Union, if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares and pursuant to M.G.L. c.30A Sec. 21(a)(7) to comply with the Open Meeting Law, M.G.L. c.30(a) Sec. 22(f): approval of Executive Session Minutes for February 10, 2023, and April 24, 2023 and not to return to Open Session.

Roll call vote: Member Fabian – aye; Member Carboni – aye and Chairman Day – aye.

List of documents provided at the Select Board Meeting of June 26, 2023

1. Agenda page
2. Agenda page
3. Agenda page; draft amendment to Host Community Agreement
4. Agenda page; draft Housing Production Plan; memo from Town Planner
5. Agenda page; Select Board draft minutes of June 12, 2023
6. Agenda page; letter from Friends of the Lakeville Council on Aging
7. Agenda page; Select Board policies: CORI; Domestic Violence Leave; HIPAA Privacy; Information Technology Use; Social Media; Property Use; Recycled Product Procurement and Residential and Business Driveway Curb Cuts
8. Agenda page
9. Agenda page
10. Agenda page; Fire Station Building Committee charge; Pomroy Associates OPM presentation
11. Agenda page
12. Agenda page
13. Agenda page