

TOWN OF LAKEVILLE
Select Board Meeting Minutes
July 25, 2022 – 6:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA

On July 25, 2022, 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 LaCamera. Members present were Chairman LaCamera, Member Fabian and Member Carboni. Also present was Ari Sky, Town Administrator and Tracie Craig-McGee, Executive Assistant to Select Board & Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Chairman LaCamera read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcement.

Warrant Review for Special Town Meeting – August 8, 2022

Present for the discussion were Kathryn Goodfellow, Town Moderator, and Gregg Corbo from KP Law. Chairman LaCamera said the Town is required to have warrant review for a Town Meeting to give residents a chance to review the warrant and ask any questions. The Board cannot explain the petition article. The petition had over 200 signatures, requiring the Board to call a Special Town Meeting. Ms. Goodfellow said we have received a statement from Town Counsel that she would like to include in the warrant packet distributed at the Special Town Meeting. It will help explain the situation with this article. Chairman LaCamera said he was hoping that the petitioner would be here to discuss it and find out what they are going to do next. We don't want to have three (3) Special Town Meetings in a row. He would like Mr. Sky to call the petitioner and ask for a petition with 100 signatures that would require the Board to put it on the next Special Town Meeting. Susan Spieler of 10 Valley Road said if there is a quorum and this is voted on, it cannot be acted on. Attorney Corbo said the issue is that in order for the Town to enact a recall procedure you need to have a charter or have an act of the legislature. This proposal does not propose either of those things. If approved at Town Meeting, it would go to the Attorney General, who would likely disapprove it as there is no enabling legislation. Ms. Spieler asked if it could be amended. Attorney Corbo said the amendment must be within the scope of the article and in compliance with the Town's by-laws. If there were an amendment for special legislation, the Town bylaw requires the amendment to be advertised 14 days prior to the meeting. Ms. Spieler asked if we want to tell people not to show up on August 8th? Attorney Corbo said if the Town Moderator determines that there is no quorum, she can dissolve it. The meeting will be considered to be held.

Meet with Park Commission for discussion and possible vote to appoint two (2) members to the Park Commission

Scott Holmes, Chairman, Paula Houle and Michael Smith, members of the Park Commission, were present for the discussion. Chairman Holmes called the Park Commission to order at 6:30 PM. Chairman LaCamera said there are two (2) vacancies on the Park Commission and they received three (3) letters of interest. A vacancy on an elected body requires the remaining members of the body with the vacancy to make the appointments with the Select Board.

Upon a motion made by Chairman Holmes and seconded by Mr. Smith, it was:

VOTED: To appoint Melissa Turcotte and Michael Cassani to the Park Commission for terms to expire April 3, 2023.

Unanimous in favor (three (3) Select Board Members and three (3) Park Commission Members).

Upon a motion made by Chairman Holmes and seconded by Mr. Smith, it was:

VOTED: To adjourn the Park Commission at 6:01 PM.

Unanimous in favor.

Update on Town Administrator's FY22 review and FY23 Goals

Chairman LaCamera said Member Fabian has provided an update on the Town Administrator's FY22 review and proposed goals for FY23. Member Fabian said she wasn't prepared to discuss specific goals tonight. She has provided the Board with a newer review form that is being used by a lot of the municipal management groups. Chairman LaCamera said he would like to discuss the goals. We can start with the FY22 goals and what has been accomplished. Member Carboni said she is fine with the status of the goals at this point. Member Fabian said Mr. Sky has been moving along with goals that he thinks should be accomplished. Member Carboni said the economic development piece is moving forward; everything else looks like the goals have been met. Member Fabian said Goal #2 – Town Government infrastructure projects is not complete, but it is not for a lack of trying, like the DPW Building. Chairman LaCamera said we need funding for the DPW Building. Member Fabian said we could have a conversation on the reformed personnel systems. Chairman LaCamera said we have Town Planner in place and have reduced legal expenses from prior years. Member Fabian said under potential projects, in FY23, we have American with Disabilities Act (ADA) and Park Grants. She would like to see continued grant development. Member Carboni said Mr. Sky has done a good job of making sure that things that he felt should be included are here. The flow from FY22 to FY23 is inclusive.

Chairman LaCamera reviewed the FY23 list of goals, which consisted of Advance Infrastructure Projects; Acquire Grants and Implement Grant-Funded Projects; Personnel System Priorities; Continue to Strengthen Internal Operations; and Economic Development Priorities. #1 – the main projects being worked on were discussed. #2 - grant funding – Chairman LaCamera said there are grants coming up that can be applied for, especially for the Park properties. Member Fabian asked if it is worthwhile to try to identify a few more people on the Town staff to train for grant writing.

#3 – personnel – Chairman LaCamera said the oversight structure of Wage & Personnel Board and the plan needs to be reviewed and updated. There are three (3) personnel contracts to be negotiated. Member Fabian said there are plusses and minuses with the Select Board being the Wage & Personnel Board. She is not inclined to make a drastic change. Chairman LaCamera said we can add training for employees under personnel systems. Mr. Sky said we can put that under #4. Member Carboni asked to have a training class on improving communication skills. Chairman LaCamera said we can identify Human Resources training programs for the employees under #3. Chairman LaCamera said #4 - the budget was on time and available to the public. Mr. Sky said we can post more on line and be more transparent to the public. Open Meeting Law could be part of this. Chairman LaCamera said a number of the committees are violating the Open Meeting Law. Discussion occurred regarding using the Town's social media and the new newspaper, Nemasket Weekly to get information out to residents. Chairman LaCamera said do we want to add something on how to address concerns with the Open Meeting Law regarding agendas; how meetings are run and minutes. Mr. Sky said he has met with LakeCAM, the Town Clerk and staff regarding LakeCAM coverage and having minutes taken. Chairman LaCamera said every Board, Committee and Commission should have a clerk for minutes. We need to figure out the meeting space because everyone is all over the place. For #5 – Mr. Sky said we may want to discuss Taunton water allocations. Member Carboni said she would like to develop a clear process on properties coming out of Chapter land. Member Fabian said she had finished a policy it and developed a checklist to make sure each Department is talking to each other.

Members Fabian and Carboni asked to see a final typed up list prior to voting. Chairman LaCamera said he would like to vote tonight. Mr. Sky will update the goals adding five (5) items and distribute it to the Select Board. Member Carboni said if we all complete this form and send it to Member Fabian to tally, does that violate the Open Meeting Law. Attorney Corbo said yes. You should send it to a non-Board member who can then compile the results. Member Fabian said the Human Resources Director is willing to help us compile the results. Chairman LaCamera said each member should just bring your notes and do the review. Member Carboni said we can bring it back on August 15th to vote on the review form since we can't vote on the form tonight. Discussion occurred regarding whether the review form could be voted on. Attorney Corbo said he doesn't believe a vote is needed on the form. At the next meeting, you can discuss the various ratings. Member Fabian said she would like to discuss on an agenda a formal process in place for the annual review using the services of the Human Resources Director. Member Fabian asked the members to bring the completed form on August 15th.

Update on Facilities Management Discussion

Nathan Darling, Building Commissioner, was present for the discussion. Chairman LaCamera said he had emailed Mr. Darling on July 18th asking about the status of seven (7) specific things. Mr. Darling said for #1, one (1) unit has been installed in the Board of Health/Conservation area and a window air conditioner has been purchased. He has received an estimate for the handicap ramp for the Old Library (Item #2), Chairman LaCamera said Mr. Sky will send it out for additional bids and a contract can be drawn. Mr. Darling said the cost for #3 is between \$5,000 to \$7,000. There is a bottom beam that needs to be fixed prior to the stair repair. It is not scheduled yet. Mr. Darling said for #5, we had a contractor scheduled to start July 1st but ran into a licensing issue. We are going to split the jobs apart to get them going. Mr. Darling said for #6, an asbestos

survey has been done and there is no asbestos present. Mr. Darling said he has spoken with a contractor for #7 and has sent him site and building plans. He will coordinate a site walk on the site. Mr. Darling said for #4, the stock is on site for all framing. Flooring and electrical contractors are lined up. We had some licensing issues with the contractor that was going to do the work. We met with a company, Blue Sky Restoration, to do the framing. We are waiting on a price proposal. Chairman LaCamera said is there anyone else local that can do the framing if that doesn't happen. Mr. Darling said he has reached out to some local crews and they aren't comfortable working on municipal projects due to prevailing wage rates and insurance requirements. We may have to bid publicly to get someone.

Discuss and possible vote on request from Town Clerk to approve and sign the Warrant for the 2022 State Primary – September 6, 2022

Chairman LaCamera said the Board has received a request to approve the Warrant for the 2022 State Primary on September 6, 2022.

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

VOTED: To approve and sign the Warrant for the 2022 September 6, 2022 State Primary.
Unanimous in favor.

Discuss and possible vote on request from Town Clerk to designate the Police Chief the authority to assign specific and sufficient number of Police Officers for all elections going forward

Chairman LaCamera said in the Votes Act of 2022, the Legislature has changed the authority of the Town Clerk to decide how many Police Officers the Town Clerk needs at the polls and leaves it to the Select board. The Town Clerk is requesting that the Board give the Police Chief the authority to assign the officers.

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

VOTED: That the Select Board designate the Police Chief the authority to assign specific and sufficient number of Police Officers, according to scheduling and available for all elections going forward, as required by Section 72 of the Votes Act of 2022.
Unanimous in favor.

Discuss and possible vote to approve request from Elliot Farm – 202 Main Street for a one (1) day beer and wine special license – October 8, 2022

Chairman LaCamera said Elliot Farm has requested a One-Day Special License for Beer and Wine for October 8, 2022.

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

VOTED: To approve the request from Elliot Farm – 202 Main Street for a One-Day Beer and Wine Special License on October 8, 2022 from 12:00 PM to 7:00 PM.
Unanimous in favor.

Discuss and possible vote to approve addition of a rain date of September 18th to Lakeville Lions Outdoor Entertainment Permit and One-Day Beer and Wine Liquor License

Chairman LaCamera said the Lakeville Lions have requested a rain date to be added for their September 17th event in case of bad weather.

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

VOTED: To approve the addition of a rain date of September 18th to the Lakeville Lions Outdoor Entertainment Permit and Special One-Day Beer and Wine Liquor License for September 17, 2022.
Two (2) in favor; one (1) abstention (Chairman LaCamera).

Discuss and possible vote to rescind the appointment of Gail Fish to the Lakeville Arts Council

Chairman LaCamera noted that Gail Fish was mistakenly reappointed to the Lakeville Arts Council.

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

VOTED: To rescind the appointment of Gail Fish to the Lakeville Arts Council.
Unanimous in favor.

Discuss and possible vote to approve Select Board Meeting Minutes of June 27, 2022 and June 29, 2022

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

VOTED: To approve the Select Board Meeting Minutes of June 27, 2022 and June 29, 2022.
Unanimous in favor.

New Business

There was no New Business discussed.

Old Business: Update of 310 Kenneth Welch Drive property

Member Carboni recused herself from the discussion. Mr. Sky said the Town received a request for a 32,000 gallons per day Taunton water allocation for 310 Kenneth Welch Drive. Part of that

application includes installation of an 8" water main. They are planning for future expansion up to 80,000 gallons per day. Two (2) of the tenants are marijuana companies. We received further clarification from the engineer working for the project manager for a maximum usage of 281,000 gallons per day. He has asked about a meeting to discuss this.

Mr. Sky said he will be meeting with the Water Superintendent and his assistant. The Intermunicipal Agreement was updated in 2009 with a limit of 300,000 gallons and did not differentiate between residential and commercial. We need to discuss if they will allocate more water. Chairman LaCamera said when the new IMA was signed, it was to allocate an additional 300,000 new gallons and everything else was grandfathered. If not, we have already exceeded the limit. Mr. Sky said we have been trying to scour our records of the allocations and cannot find them. Taunton doesn't have them either. They have told us that we are using about 140,000 gallons based on usage. It is unclear why they are not thinking about using well water. Chairman LaCamera said we have six (6) or seven (7) Host Community Agreements. Out of those, four (4) are cultivation facilities. These are two (2) facilities, one (1) which has been in operation for a few years and the other has not started yet. Mr. Sky said Bountiful Farms consumption is far less. Chairman LaCamera said the previous Board voted the allocation. Jushi has a water chiller that has been leaking and ran a hose off the hydrant. Mr. Sky said they are still doing that. We cannot allocate this much water to this one (1) facility. Mr. Darling said we spoke to their engineer and asked them questions about their water use and equipment. Chairman LaCamera said we can't give them more water unless the IMA gets revised. Mr. Sky said the engineer raised the possibility of excluding commercial properties from the allocation. Chairman LaCamera said if they are meeting with the Planning Board for a waiver from parking, they probably should delay the decision. We need to figure out the water situation prior to Planning Board approval. Member Fabian said are we within our power to say they can't upgrade to a 8" main. Mr. Darling said a design professional needs to confirm the number. We should also use a peer review. Member Fabian said she would like to know what their projection is. Mr. Sky said he has asked for this. We know what the usage is for the building; not for the individual three (3) tenants.

Any other business that may properly come before the Select Board

There was no Other Business discussed.

Executive Session

At 7:55 PM, upon a motion made by Member Carboni and seconded by Member Fabian, it was:

VOTED: To enter Executive Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to pending and potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chairman so declares; and pursuant to M.G.L. c.30A, §21a (2) to discuss negotiations with non-union personnel; and pursuant to M.G.L. c.30A, §21a (6) to consider the purchase, exchange, lease or value of real property; and pursuant to M.G.L. c.30A, §21a (7) to comply with the Open Meeting Law, MGL Chapter 30A, §22(f): approval of Executive Session Minutes for June 29, 2022 and not to return to Open Session. Roll call vote: Member Carboni – aye; Member Fabian – aye and Chairman LaCamera – aye.

OTHER ITEMS

1. Memo from Fire Chief regarding on-call firefighter appointments
2. Letter from Middleborough Fire Department regarding Lakeville Fire Department
Letter from City of Taunton Mayor regarding Lakeville Fire Department
3. Revised Preliminary Plan for 44 Clear Pond Road Golf Course

List of documents provided at the Select Board Meeting of July 25, 2022

1. Agenda page
2. Agenda page
3. Agenda page; email from Town Counsel; Warrant for August 8th Special Town Meeting
4. Agenda page; letters of interest from Melissa Turcotte; Mike Cassani and Aimee Avila
5. Agenda page
6. Agenda page; email from Chairman LaCamera
7. Agenda page; Warrant for September 6, 2022 State Primary; email from Town Clerk
8. Agenda page; memo from Town Clerk; copy of Votes Act of 2022
9. Agenda page; application for one day Beer and Wine License; email from Dee Elliot
10. Agenda page; email from Lakeville Lions Club
11. Agenda page
12. Agenda page; Select Board Meeting Minutes of June 27, 2022 and June 29, 2022
13. Agenda page
14. Agenda page Taunton Water Application
15. Agenda page
16. Agenda page