

TOWN OF LAKEVILLE
Select Board Meeting Minutes
August 21, 2023 – 6:00 PM

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

On August 21, 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 and Tracie Craig-McGee, Executive Assistant to the Select Board and 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.

Public hearing for transfer of Off Premises Wine & Malt Package Store license for 33 Bedford Street – Joe's Gas

Present for the discussion was the applicant, Gilbert Issa. Chairman Day read the legal notice into the record, which was published on August 10, 2023.

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

VOTED: To open the public hearing for the transfer of the Off Premises Wine and Malt Beverages Package Store located at 33 Bedford Street.
Unanimous in favor.

Chairman Day swore Mr. Issa in. Mr. Issa summarized the application and his intentions. Ms. Craig-McGee noted that four (4) certified mail notices were sent out and two (2) were received back. Mr. Issa confirmed he will keep the same hours as the current license. Member Carboni asked about the annual license fee. With the transfer of the new owner and the fee was already paid by the previous owner, how does that work. Ms. Craig-McGee said the fee will not be paid by Mr. Issa until the ABCC has approved the license. The Town does not refund the present owner for their license fee.

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

VOTED: To close the public hearing for the transfer of the Off Premises Wine and Malt Beverages Package Store located at 33 Bedford Street.
Unanimous in favor.

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

VOTED: To approve the transfer of the Off Premises Wine and Malt Beverages Package Store License from Gulf Resources, Inc., dba Joe's Gas to Joe & Chloe Gas, Inc., dba Joe's Gas.
Unanimous in favor.

Discuss and possible vote to approve Select Board Minutes of July 10, 2023 and July 31, 2023

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

VOTED: To approve the Select Board Meeting Minutes of July 10, 2023.
Unanimous in favor.

Chairman Day noted on Page 3 of the July 31st minutes, under the Abutter Lot program discussions, the third sentence from the bottom should read "Mr. Sky will incorporate" instead of Chairman Day.

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

VOTED: To approve the Select Board Meeting Minutes of July 31, 2023 as amended.
Unanimous in favor.

Discuss and possible vote to approve contract with Town Accountant

Mr. Sky said this a three (3) year contract for the Town Accountant Financial Services. The information is identical to the previous contract, except for the change in the billing rate.

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

VOTED: To approve the contract with the Town Accountant for a three (3) year period beginning July 1, 2023 and ending June 30, 2026.
Unanimous in favor.

Update on Assawompset Elementary School Windows and Doors Project

Joseph Spangenberger from Watermark; Nathan Darling, Building Commissioner; Michael O'Brien, Fire Chief and Deidre Farrell Welch, Interim Finance Director for the Regional School District, were present for the discussion. Mr. Spangenberger said the project is on schedule. By the time school opens, approximately 175 windows out of the 283 total and a portion of the doors will be installed. The completion date is October 20, 2023 and the contractor's on track to meet that date or possibly improve on it. The classrooms in the priority area will have their windows installed. Any spaces that need natural light that are not finished will have temporary windows installed. The window delivery was delayed by four (4) to six (6) weeks. Progress is a bit ahead right now.

Chairman Day said we are all concerned about the safety of the students when they go back to school. Member Fabian asked for an update on the specifics of the air quality testing that will need to take place. Mr. Spangenberger said the testing is related to the asbestos work. That is completed

and reports were prepared by an asbestos monitor; the report found no release . They have done ambient air monitoring and found no releases in the air or environment. Member Fabian asked if the classrooms and furniture been cleaned according to AIA. Mr. Spangenberg said the abatement areas are contained by plastic. Each area is cleaned under the direction of an asbestos monitor. The monitor confirms that there is no asbestos and takes samples analyzed under a microscope to certify that there are no asbestos fibers in the work area. Ambient air monitoring is done in the hallways and spaces around and all tests have come back negative. As far as cleaning the rest of the building, there is a normal process that Greg Goodwin does prior to the kids coming back to school and they are coordinating with him. Mr. Goodwin said there is a normal state of cleaning at this time of the year. Prior to the project starting, they went through the priority areas and gave them a thorough cleaning so that way the majority of the heavy lifting will be done. All touch surfaces will be cleaned. We feel we are on target with that and transferred our crew to Assawompset.

Member Fabian said we knew that this was not going to be completed by the time school went back, but she doesn't remember hearing that we would have to put in temporary windows. She thought it was just the doors that would not be completed. Mr. Spangenberg said the approach the contractor took was to remove the windows to get the abatement done and put up plywood. Preliminary work was done so when the windows were delivered the crews could move faster. The priority areas are the classrooms on the first floor; cafeteria and all the outside windows will be done prior to school opening. At this point, the project team has identified that there may be other spaces occupied where natural light is required. If there are, the contractor will cut in temporary windows as needed. Member Fabian asked where does the second floor fall on the priority list. Mr. Spangenberg said they have the main priority list and then the rest of the project. Chairman Day asked if that will happen between school opening and October. Mr. Spangenberg said the work will be after hours after August 30th beginning at 4:00 PM to midnight. All areas have to be put back together and ready for occupancy the following day. The doors will be installed and operable the following day. There will never be a situation where a door is not operable. Chairman Day asked if the security system will be hooked up. Mr. Spangenberg said yes. Member Carboni asked as far as occupancy sign-off, will the Fire Chief and Building Commissioner be providing sign off prior to occupancy. Mr. Darling said he requested prioritizing from a building commissioner's perspective to make sure the students are healthy and safe. We have received the asbestos report today. Through SLAM Collaborative we requested a final affidavit that it is suitable from a core perspective for temporary occupancy. Once he receives it, we will be clear for temporary occupancy. The asbestos abatement is complete on the windows, but we have the doors. We have requested final clearance before the kids go in. Any abatements work after school starts is limited to doors and on weekends so they have time to do the abatement and clearance testing. Chairman Day asked have you figured out what the process will be if we don't receive the clearance. Mr. Darling said he would not allow school to go forward if he does not receive the clearance. He will establish a cut off time and notification list for Sundays.

Chairman Day said we have a few pictures from residents about gaps in the windows. Mr. Spangenberg said everything is within tolerance. The architect is inspecting the installation to be sure that all work is being done to manufacturer's specifications and that it meets plans and specifications. Work may not be completed on any given window so the spacing may look odd. Mr. Darling said he would like to take a site walk to see the work that has been done. If SLAM is able to verify that the gaps are within tolerance, that would be sufficient. With the plywood on the second floor, we need to make sure the fastenings are sufficient for a storm. Chairman Day said

there is an area that the flashing and trim do not match the windows. Mr. Spangenberg said all the color choices were made by the District.

Chief O'Brien said this is a unique situation, but the process is the same each year. He goes in prior to school opening every year and communicates his expectations for combustibles and egress. We practice egress within the first week of school. The variable is that the teachers start to decorate the space and that traditionally is what calls for him to take corrective action. Chairman Day asked if things are going in the right direction. Chief O'Brien said any obstructions or limitations on access will have to be corrected. He will be checking that. Member Fabian said right now there are materials on the basketball courts. Is that one of the places that the kids go out for a fire drill. Does the school need to update this? Chief O'Brien said they will have to update their egress plan. He will look at the plan and test it. We can compare the new data with previous data. Member Fabian asked if he has worked with the principal on this? Chief O'Brien said that is not something that he discusses with the principal, but he can verify at the meeting tomorrow. Member Fabian asked if the second floor not being finished was problematic for him. Chief O'Brien said if a portion is not occupied, it is not relieved from the fire code. The school is obligated to let him know if life safety changes. They will then go inspect the situation. If he is not satisfied with the times, the plan will change. Ms. Farrell Welch said she asked the Chief about the annual inspections. The Middle School's plan was not up to what we want to happen. Anytime there is a physical building change, the school must update all their plans. If it is temporary, we have to go back and redo the plan and re-drill the students. These are mandated by law.

Chairman Day said the Sunday before Labor Day was the target, but the week of August 28th is new teacher mentoring. Mr. Spangenberg said the goal for the priority areas was to have them done prior to children returning to school. It was not around the date that the teachers return, which is August 29th. Ms. Farrell Welch reviewed the District's school calendar for teachers and students. She said this is a phased occupied construction project and it was brought to Town Meeting that way. We are ahead of schedule. All the classrooms on the first floor are priority areas. We made a decision as a team not to educationally service students on the second floor by bringing art and music into the classrooms. The natural light in the classrooms is stunning. The commissioning agent is required by MSBA and oversees the project from the perspective of commissioning. MSBA pays 100% of this fee and windows are commissioned by running water all day long to make sure gaps are not there. If it fails, we come up with a punch list. Member Fabian asked if commissioning has been done yet. Mr. Spangenberg said the commissioning agent has been involved since the beginning. They are now involved in the progress meetings and they have a six (6) to eight (8) visit calendar for this project. They are ensuring that the project is meeting the plans and specifications.

Member Fabian asked why did the District not create a contingency plan in case we are not done in time? Ms. Farrell Welch said school starts September 5th and we are moving forward with a September 5th opening. Member Fabian asked if the school is not ready, what would the plan be. Ms. Farrell Welch said she is not prepared to discuss that without the School Committee having a conversation. There have been preliminary conversations that would have been increased had the new schedule not been submitted last Tuesday. Chairman Day said we cannot control everything, but was there any thought given to what might happen. Ms. Farrell Welch said she is the wrong person to ask, but conversations have occurred with the project team, and there was no cause for concern about elevating a delayed start. Member Fabian said according to the Regional Agreement, we are responsible for the school, but we are not responsible for a contingency plan if it does not

open. Ms. Farrell Welch said this is a phased occupied construction project that went to Town Meeting in 2022 and is ahead of schedule. Member Fabian said she wouldn't want to be a parent who finds out next week that their child will not be going to school September 5th.

Richard LaCamera of Old Powderhouse Road said he is a bit confused. It sounds like only 60% of the windows would be installed before school starts. Chairman Day said we have been told that the priority areas will be done before school opening. We were informed that doors will be after the fact. The upper floor needs to be redone after school opening. This is the first time we have received a work schedule. The priority plan will be completed before September 5th. Mr. LaCamera said the superintendent has said many times to the parents that the windows will be complete prior to school opening. Now we are hearing that is not the case. If you are putting windows in the plywood, what is going in there. Chairman Day said we have been told plexiglass. Mr. LaCamera said the students and the teachers in those classrooms will have no ventilation. Mr. Spangenberg said the windows open. Chairman Day said the District has said in numerous newsletters that the project would be complete. Mr. LaCamera asked if screens are available for the ones already installed. Mr. Spangenberg said yes. The shades will be installed on the south facing windows prior to the students return. We will try to get them all done prior to the kids returning. Mr. LaCamera asked what is included in the contract regarding the cleaning of the building. Mr. Sky said the contract requires them to mediate the space and clean it to make it usable. Chairman Day said Mr. Goodwin feels confident that all the tasks will be completed.

Member Fabian asked about substantial completion in the contract; it was supposed to be substantial completion before the kids go back to school. She reads the contract as all the windows to be in. In speaking to Mr. Darling, he said the architect determines substantial completion. Mr. Darling said for the purposes of closing a permit for him, everything is done. When he is requested for a final inspection, he receives all the documentation on all components on the project. Mr. Sky said according to the contract, substantial completion is October 20th. Sherry Barron of 6 Sassamon Circle said as a former teacher, she is concerned about the timing for the teachers to get in the building. Mr. Spangenberg said you can occupy the building before that date, but some windows may not be in. The teachers will get the time they need, as Ms. Farrell Welch confirmed. Chairman Day asked Ms. Barron how long do teachers need. Ms. Barron said usually three (3) weeks. The Freetown Elementary teachers are already in there. Ms. Farrell Welch said she has held August 28, 29th and 30th for the teachers to set up their classrooms. Chairman Day said so best case they have a week. Ms. Farrell Welch said it is a bit compressed.

Discuss and possible vote to approve Town Administrator FY24 goals

Chairman Day said this is a summary of the last discussion. He reviewed the goals and looks like everything we discussed is there.

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

VOTED: To approve the Town Administrator FY24 Goals.
Unanimous in favor.

Discuss and possible vote to issue Commonwealth of Massachusetts Warrant to Animal Control Officers

Chairman Day said this is a standardized warrant from the Commonwealth which defines what the Animal Control Officers are supposed to do in the line of duty. Member Carboni asked about the Towns that are listed for the Animal Control Officers. Ms. Craig-McGee said the Towns are where they live. Chairman Day asked about an expiration date. Ms. Craig-McGee replied there is not a required expiration date; she has placed this on the calendar for May of next year.

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

VOTED: To issue the Commonwealth of Massachusetts Warrant to the Lakeville Animal Control Officers.
Unanimous in favor.

Discuss and possible vote to award SERSG bids for Department of Public Works Supplies; Paper and Office Supplies

Member Carboni said this is an annual award.

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

VOTED: To award the following Southeast Regional Services Group (SERSG) contracts for Department of Public Works Supplies, Paper and Office Supplies with pricing as noted on bid award sheets all commencing on July 1, 2023
Unanimous in favor.

Discuss and possible vote on time for Special Town Meeting on November 13, 2023

Chairman Day noted that the Board needed to vote on a time for the November 13, 2023 Special Town Meeting.

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

VOTED: To approve the time for the Special Town Meeting to start at 6:30 PM.
Unanimous in favor.

Discuss and possible vote on job description for Sealer of Weights and Measures

Nathan Darling, Building Commissioner, is present for the discussion. Mr. Darling said David Enos has been with us for 21 years and he is looking to move on. He will stay on until the position is filled. We were unable to find a job description for this position, so a description was drafted. It is required to have a Sealer and Measures by the State. We will pro-rate the current pay throughout the year. Mr. Enos has reached out to other sealers who are interested in applying. Member Carboni

said on the last page, the last line, she would like to keep the contact general, using Human Resources Department with the phone number.

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

VOTED: To approve the job description as presented for the Sealer of Weights and Measures.
Unanimous in favor.

Discuss and possible vote to appoint Open Space Committee representative to the Community Preservation Committee

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

VOTED: To appoint Amy Knox to the Community Preservation Committee for a term to expire July 31, 2026
Unanimous in favor.

Susan Spieler asked about the Housing seat for the Community Preservation Committee, that was approved by the Attorney General in February, but we have not heard anything yet. Chairman Day asked if the Board had received any letters of interest for this position. Ms. Craig-McGee noted that we can add it to the list of vacancies. Ms. Spieler asked if a letter of interest had been submitted last week. Ms. Craig-McGee said she had not received a letter.

Discuss and possible vote to designate a Select Board representative to the Library Director Search Committee

Chairman Day asked if a member was interested in being on the Committee. Member Fabian said she could step in if Chairman Day could not attend due to his schedule. Chairman Day said he would like to serve, but if he was unable to, he would bring it back to the Board.

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

VOTED: To appoint Brian Day as the Select Board's Representative to the Library Director Search Committee.
Unanimous in favor.

Discuss and possible vote on request from the Lakeville Arts Council 2023 Festival Committee to place a sign at the intersection of Rte 79 and Precinct Street and a banner at Dickran Diran Square

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

VOTED: To approve the request from the Lakeville Arts Council 2023 Festival Committee to place a sign at the intersection of Route 79 and Precinct Street and a banner at Dickran Diran Square.
Unanimous in favor.

Discuss recent meeting between Rhino Capital and Town of Lakeville regarding the former Lakeville Hospital site

Mr. Sky said there was a meeting on August 1st between himself, the Town Planner and a representative from Rhino Capital. It was mainly about the process going forward for a mixed-use development, 40B housing; age restricted living and assisted living development. They were advised to prepare a site plan to bring forward. A plan was not presented at the meeting. Chairman Days said we put this on here to let people know about any meetings taking place. Member Fabian said typically a 40B development goes to the Zoning Board of Appeals, but these others would go to Planning Board. Mr. Sky said if they want to subdivide, they would go to the Planning Board. These are all permitted uses under current zoning. John Gregory of Bartelli Road asked if Rhino presented any plans with warehouse use. Mr. Sky said they said they will probably build when they have a tenant. Noelle Rilleau asked how the status of remediation of the property. Are they beholden to the State Department of Environmental Protection (DEP) or the Town? Chairman Day said no plans have been presented to the Planning Board, so when plans are presented, then people would step in to say when that would have to happen. Ms. Rilleau asked if the State would have to sign off on any remediation. Member Fabian said the DEP has been involved with the process all along. Mr. Sky said the buildings are in the process of remediation and then there is a landfill. They may be able to get a cap and restricted use and that would be from the State. Susan Spieler of 10 Valley Road spoke about the building's broken windows. Emails were sent to Seth Picking and he said he would speak to the Building Commissioner. Mr. Sky said Mr. Darling has had some involvement with DEP. Ms. Spieler said there are open windows that means people are in the building. Rhino said they would maintain the property and they have not touched the lawn since they owned it.

Discuss and possible vote on revisions to Annual Town Meeting Article 14 (Recall of an Elected Official) as requested by House Counsel

Norman Orrall, House Representative and Michelle Randazzo from KP Law were present for the discussion. Representative Orrall said he has been in discussion with Senator Rodrigues to get the legislation passed. He wanted to be present to explain the process. The petition article was placed on Town Meeting. That article included language that if the article passed Town Meeting, it would go to the Legislature and if changes were necessary, they could be approved by the Select Board. Town Counsel had expressed some concerns at Town Meeting with some of the language, but Town Meeting wanted to move forward and send it to the Legislature. He submitted the language approved by Town Meeting to House Counsel. Both House and Senate Counsel review the language. The House Counsel sent in comments to the Select Board and then to Town Counsel and they came up with an additional change on the first paragraph on whether the District School Committee could be included in a recall. That is the only major change to the article. From the Legislature's standpoint, we want to file what the intent of the townspeople and officials are. We are not weighing in on whether they should be included. It is up the Select Board to discuss and vote on a version that you would like to file. Senator Rodrigues wanted to make the Board aware that Senate Counsel will review the language and it may have to come back for additional changes. This is a normal process, but requires a bit more effort because it wasn't drafted by Town Counsel. Chairman Day asked if we have to send it back to the House if the Senate Counsel has changes and we approve them. Representative Orrall said if the Senate adopts different language than the House adopts, it

will go back to the House Counsel for review. We would try to work it out. If you can give us an indication that you are okay with the language, we can run it by Senate Counsel. If the Senate came up with changes, it would go back to the Select Board for approval. The legislation needs to go through the three (3) branches.

Attorney Randazzo said she identified some issues at Town Meeting and the amendments addressed those. Regarding the School Committee, the Regional District is a separate entity. The School Committee Members are officials of the district, not of a single town. The intent is putting that in is to avoid confusion when someone wants to take out a recall petition for members of the Regional School Committee. There is no actual provision in State law for recall. To have a recall provision, there would need to be support from both Towns and the Regional School District Committee. Attorney Randazzo said we don't view this as a Town Official position; it is a position on the Regional School District. It would require changing your District Agreement, which needs to be approved by the State and possibly rescinding the 2012 Act regarding electing School Committee Members. It was a good idea to make it clear; when you say any Town Official, people will assume it includes the Lakeville Regional School Committee members, but we will say no, it doesn't include them. Member Carboni said outside of changing the Regional Agreement, what if the District puts forth a petition. Attorney Randazzo said under the Home Rule amendment, the ability to exercise Home Rule is for cities and towns. Representative Orrall asked could the Region submit an article to each Town asking each Town Meeting, perhaps even a joint Town Meeting. Member Fabian said this was from a petitioner. Representative Orrall said the language says any elected official in the Town. You are trying to clarify that the language does not include Regional School District Members. Attorney Randazzo said almost every recall bylaw states any elected official in Town. The Special Act in 2012 and the Regional School District Agreement were reviewed, which spells out how the members are elected.

Chairman Day asked about the path to make this possible. Attorney Randazzo said the most efficient way would be for legislators to request a bill. If you ask the legislature to pass something that involves another town., they don't want to adopt something with a significant pushback. Representative Orrall said we would all need to be on the same page to request our colleagues to vote for this and then the Governor. He would suggest a memorandum from Town Counsel back to himself and Senator Rodrigues and we can speak to House and Senate Counsel and kick this around and come up with the best version. The way the Regional Agreement sets up the voting including both towns is to give both towns the feeling that they were both electing School Committee Members. Chairman Days said if it has to have buy-in from the School Committee, we have no path. Member Fabian said that is why she is questioning as a Board whether we should adopt the changes. If we adopt the change, people will find out that we changed the language so that they cannot recall a School Committee Member. Representative Orrall said this has not been filed; it is an effort to get the language the best we can before filing. Member Fabian said the original petition states "qualified", but it most likely meant "registered". Representative Orrall said even with the language changes, which can be misleading, we can move forward with it or we can clarify it, as suggested by Town Counsel. We can make it known that it was not done to eliminate it, but to clarify that they are not considered to be an elected official of the Town. This legislation is not how you would get a recall. Member Fabian said Attorney Randazzo brought this up at Town Meeting and explained that it was a glitch and could be an issue. No one had a problem, so should we change it. Chairman Day said at the end of the day there is a legal entity of Lakeville and Freetown, and

then the Region. Member Fabian said maybe Town Meeting would want to clarify the language and accept that it does not apply to School Committee Members. We told the residents this would come up and they wanted to go with it. Member Carboni asked how can we adopt something that is misleading. Member Fabian said it happened. Member Carboni said yes, but not knowing there was an option to change it. Member Fabian said she has heard from people that it should go back to Town Meeting. Representative Orrall said he doesn't know that Town Meeting vote is necessary. If it is deemed that because the School Committee Members are Regional officials and this legislation does not cover that, there is something different to do that. It would be better to go to Town Meeting that deals with a Region recall. Attorney Randazzo said that could be as simple to see if the Town would authorize the Select Board to pursue this. Member Fabian asked why wouldn't House Counsel have suggested it. Representative Orrall said the language as originally written is okay because it is understood that the Region is not included. House Counsel said it is fine as it speaks to Lakeville officials. The change that Town Counsel proposed was to clarify this and spell it out that Regional School Committee members are not included. Attorney Randazzo said House Counsel does not go this far down looking at Regional Agreements.

Member Carboni asked what the process is that would need to take place to amend the Regional School Agreement. Attorney Randazzo said there is a Special Act that would need to be rescinded or amended. Then the District Agreement would need to be renegotiated by both Towns and then the State will have to approve the changes. Election Officials would have to look at this, and both Towns would have to be on board and the Regional School District has an attorney also. If we change the manner of voting and change the Act and the District Agreement and the voting was set up in a certain way, we could get the Legislature to agree that the School Committee Members could be a Town elected official for purposes of the recall act. You can then leave the language the way it is. Chairman Day asked if the request to file legislation can be withdrawn. Representative Orrall said the bulk of this recall is figured out. If you take the Regional School Committee Members out, the language has been figured out with the language for the rest of the Town officials being there. The Regional School Committee Members will require something else for recall as they are Regional officials, but we can move forward with the rest. Chairman Day said we need to figure out how to make this happen and have discussions with Freetown. Member Fabian said she would have liked Senate Counsel's opinion on how it was written. Representative Orrall said House Counsel looked at it and said it is okay to leave the language. Then they looked at Town Counsel's language and said its okay. You have legislation that does not include the Regional School District Committee Members. Do we want to take the language out or specify it? Attorney Randazzo said recall doesn't exist in State law. The ability to hold an election and hold a recall election is derived by what the Legislature allows. Chairman Day said he has a few minor comments on whether upper case or lower case for Select Board. Attorney Randazzo said the legislature likes the small case. Chairman Day asked what about gender pronouns. Attorney Randazzo said she is not sure. Representative Orrall said it looks like the Regional School Committee Members would have to be a separate legislation because it will not happen with this one.

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

VOTED: To accept the edits from both House Counsel and Town Counsel to then be sent back to House Counsel for further review and further discussions with the Senate.
Unanimous in favor.

Attorney Randazzo said you have to speak to Freetown. We represent both communities and we can work with both communities to research this. If Freetown is not on board, not sure how this can go. Mr. Sky will speak with the Freetown Town Administrator about a joint meeting. Representative Orrall said for everyone watching, the intent is to get to every Elected Official; it just may not be through this petition.

Building Committee Updates:

Senior Center Feasibility Study

Member Fabian said that the Council on Aging Director has put together a sub-committee for input on the future use of the building.

Fire Station Building Committee

Member Carboni said they are meeting on August 23rd with the Owner's Project Manager to discuss the request for a Geotech survey. Mr. Sky had reached out to the Park Commission Chair about meeting with them, but there was confusion as it got on their agenda to discuss the site location. There will be a future meeting with the Park Commission. Member Fabian said a few meetings ago, she has spoken about the septic system at the existing Town Hall Building. We have received an informational memo about it from the Health Agent and she spoke to two (2) of the three (3) Board of Health Members. She did not mean to imply that they were trying prevent from anything happening, she apologizes. She was trying to get across her concerns about the existing location.

Old Colony Feasibility Study

Chairman Day said there are no new updates.

Update and discussion on Classification & Compensation Study

Mr. Sky said the job questionnaires are underway and the compensation benchmark study is set to go out. Chairman Day said there were questions on positions being included or not included. Member Fabian said she was pretty sure the Human Resources Director had said all non-union positions would be studied and there were no exceptions. Now we are finding out that is not the case; there are some positions excluded. Mr. Sky said the Human Resources Director asked him that question. Mr. Sky told him if they are not included in the Wage & Personnel Policy then probably not. If the Board wants to have them in, there was a reason that he provided to the Board and cautioned about having those positions in the study. We can add them in if the Board would like. Chairman Day said he forgot that we were not including the positions outside of the Wage & Personnel Policy. Member Carboni said she was under the impression that it was all non-union. She is not opposed to have from the top down. Member Fabian said she can envision most employees getting their interviews on the clock, but are there some that would have to do this outside of their regular hours. Mr. Sky said we have a very small number of non-union positions in Police and Fire. Member Fabian asked can we figure out the cost to have them fill it out. Mr. Sky said the limited number of non-union positions are mostly salaried employees. There are some lower level non-union employees that would have to do it. There was a consensus from the Board to add the positions into the study that were originally excluded.

New Business

There was no New Business discussed.

Old Business

There was no Old Business discussed.

Correspondence

There was no Correspondence.

Executive Session

At 8:42 PM, a motion was made by Member Carboni and seconded by Member Fabian it was:

VOTED: To enter into Executive Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to litigation, (Bountiful Farms, Inc. vs. Town of Lakeville), votes may be taken, if an open meeting may have a detrimental effect on the litigating position of the public body, and the Chairman so declares, and not to return to Open Session.

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

List of documents provided at the Select Board Meeting of August 21, 2023

1. Agenda page
2. Agenda page
3. Agenda page; ABCC application for transfer of license and associated documents
4. Agenda page; Select Board Meeting Minutes of July 10, 2023 and July 31, 2023
5. Agenda page; proposed contract for Town Accountant and previous contract for Town Accountant
6. Agenda page
7. Agenda page; list of FY2024 Town Administrator Goals
8. Agenda page; warrant to Animal Control Officers
9. Agenda page; bid award pages from SERSG
10. Agenda page
11. Agenda page; memo from Building Commissioner; proposed job description
12. Agenda page; email from Amy Knox
13. Agenda page; letter from Library Board of Trustees
14. Agenda page; letter from Lakeville Arts Council
15. Agenda page

16. Agenda page; approved Article #14 from Town Meeting; redlined edited copy of Article #14;
email chain regarding the revisions
17. Agenda page
18. Agenda page
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