

TOWN OF LAKEVILLE
Select Board Meeting Minutes
October 24, 2022 – 6:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA

On October 24, 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 the 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 announcements.

Warrant Review for November 14, 2022 Special Town Meeting

Present for the discussion from the Finance Committee were: Brian Day, Chairman; Katherine Desrosiers; Adam Lynch and Christopher Plonka. Also present were Kathryn Goodfellow, Town Moderator, Lillian Drane, Town Clerk, and Marc Resnick, Town Planner. The Finance Committee's meeting was called to order at 6:10 PM.

Chairman LaCamera reviewed the individual articles on the Warrant.

Article #1 is for invoices that came in after July 31st. Article #2 is to supplement salary needed to hire a Facilities Manager for a partial year and \$20,000 for protective clothing for the Fire Department. Mr. Day asked does this include benefits? Chairman LaCamera said they are included in a separate budget. Article #3 is capital expenditures for a total of \$455,000. Ms. Desrosiers asked what was the total Free Cash for FY22? Chairman LaCamera said \$2.1 million.

Article #4 is to borrow funds for the replacement of exterior windows and exterior doors at Assawompset School. Alan Strauss, Superintendent of F/L Regional School District said studies were done in 2020 and 2016 which indicated the windows needed replacement. The total estimate for the exterior door and window replacement is \$4,222,294. School Building Assistance Program will reimburse the Town \$2,260,194 and Lakeville's share is \$1,962,100. The project is scheduled between August 25th through December 12th, 2023. It is possible that we can start at the end of June, which would help save money on overtime.

Article #5 is funding for the Community Preservation Committee based on estimated reserves. When the tax rate is set at the end of the year, the exact numbers will be available. Mr. Sky said Article #6 is taking sections of the general bylaws and putting in calendar dates for the budget and

capital expenditures processes. Mr. Day asked if the process we have previously used will basically be the same. Mr. Sky said mostly. He will propose a budget calendar, and the Board will adopt it and we will use that. The by-law also clarifies some of the roles. It will be similar to last year. Article #7 is something that the Historical Commission has been working on for years. We found out that the Board needs to do this and no special legislation is needed. We can apply for Federal and State Grants going forward with this designation.

Article 8 is modifying the Community Preservation Committee Bylaw because the Town does not have a Housing Authority. Instead of three (3) members, the Select Board will appoint four (4) members with one (1) member being experienced with the areas of clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in land assembly and redevelopment projects, including the preservation, restoration or relocation of historical buildings.

Article 9 is the Planning Board asking for an Associate Member. An Associate Member can be appointed to fill in for a member for purposes of acting on special permit applications. Article #10 will allow members of the Planning Board, Zoning Board of Appeals and Conservation Commission to miss a hearing meeting and still be able to vote by watching the recording or reading minutes. Article #11 is to remove the provisions relating to Signs, Off-Premises in Section 7.4.6 of the Zoning Bylaws. Mr. Resnick said the Town adopted a new sign by-law last spring. Off-Premises Signs were removed elsewhere in the Zoning By-law, but it was not removed from the Special Permit Granting section. Article #12 is to amend Section 5.0 Intensity Regulations, 5.2 Footnotes to Intensity Requirements. Mr. Resnick said in the Business District, there are many small non-conforming lots. This allows some flexibility in site design by allowing the Planning Board to reduce one (1) of the setbacks when abutting another business property.

Article #13 it to amend Section 4.1.3 Industrial Uses. Mr. Resnick said currently this use is by right, however, this will make it require a special permit for construction of a warehouse, office or distribution facility more than 100,000 square feet. Anything up to 99,999 square feet would be by right. Richard Scott of Rush Pond Road asked how this bylaw will affect the Lakeville Hospital site, Lakeville Country Club and the potential industrial zoned site on the warrant later. Mr. Resnick said the proposed industrial area on County Street would have to comply. Lakeville Country Club would not have to comply as they have predisposed zoning due to the subdivision plan. He is unsure on the Lakeville Hospital property because they would have to re-file their new site plan. Chairman LaCamera said if they go ahead with the project, it doesn't apply. If they withdraw the project, it would apply. Mr. Scott asked when an article is passed at Town Meeting, does it become effective immediately or the not until Attorney General approval. Mr. Resnick said immediately, but there is a risk that the Attorney General's Office may not approve it.

Article #14 was previously on the Annual Town Meeting and was withdrawn. The Planning Board has brought it back to remove the Development Opportunities District. Mr. Scott asked is there an opportunity to move this article ahead of others as this is important to Article 15. They need to go in the proper sequence. Ms. Goodfellow said unless the assembly voted to move an article out of order, we do them in the order outlined by the Select Board. Mr. Scott said could someone amend that article to keep Article #14 and 15 together. Ms. Goodfellow said yes. Mr. Day asked if this is in effect at the close of Town Meeting. Ms. Goodfellow said once an article

has passed it is effective then. As long as Town Meeting is still happening, something could be brought back on the floor. When a motion has been approved or fails, at that moment it is effective. If we lose a quorum, all the business before that dissolution it is valid. She will not accept a motion to reconsider as a parliamentary ploy because residents have left.

Article #15 has to do with the Lakeville Hospital property and the multi-use district. This only affects the Lakeville Hospital property. This will allow warehouse and distribution use at Lakeville Hospital. Currently warehouses can go there in association with a principal use. Mr. Scott said by allowing warehouse, isn't this a single use instead of multi-use. Mr. Resnick said CVS, a funeral home, a mini warehouse storage building, and a residential development in the rear on Route 79 are all located in the multi-use district. Chairman LaCamera said there is one (1) lot besides the storage facility and one (1) at the white house that are available to build on that are big enough for warehouses. Mr. Scott asked since the Development Agreement kind of supplements the special permit, how does this fit in. Chairman LaCamera said the Development Agreement will be discussed later in the agenda. Mr. Scott asked about Item 5, the Planning Board may grant exemptions. What does this envision. Mr. Resnick said in Section 6.7.7 under the new Site Plan Review, this would allow an exemption from architectural standards, which are geared towards a New England Style building. Mr. Scott said Mixed Use is sometimes called Smart Growth. We are using Mixed Use to allow warehouses of large stature. If the County Road 155 acres fails to be Industrial, it could be rezoned Mixed Use. We are setting precedence allowing large scale warehouses, which are allowed in Industrial zones.

Article #16 is to rezone 155.4 acres on County Street to Industrial. Mr. Resnick said the Planning Board looked at areas along the highway exits for additional industrial zoning. They held several meetings with the buyer, who agreed to rezone an area Industrial. However, the Planning Board voted to not recommend approval of the article. Chairman LaCamera noted this property is on County Road and Route 140.

Mr. Sky said Articles #17, 18, 19, 20, 21 and 22 are in reference to problem properties to give the Town tools to address blighted properties. Chairman LaCamera said Article #17 adds to Section 2.0 definitions. Mr. Spratt asked where did these come from? The Board of Health already has public health bylaws to address nuisance properties. Mr. Sky said the Problem Properties Group (Health Agent, Building Commissioner, Fire Chief, Treasurer/Collector, Assistant to the Town Administrator, Town Administrator, and Town Planner) worked on these articles. Several of these were proposed by the Health Agent. Mr. Day asked how do prevent spiteful neighbors calling in complaints because they do not like an Adirondack chair. Mr. Cullen said an Adirondack chair is not a health issue; a recliner where pests can live and multiply is. It really is a case by case basis.

Article #18 is to amend the junk dealer bylaw to not allow junk dealers in residential areas. The current ones are grandfathered, but going forward, they are only allowed in business areas. Article #19 is to amend the current general by-law titled Junk, Old Metals or Secondhand Articles. This allows us to enforce the requirements on sales books. Article #20 is to accept provisions of MGL Chapter 40, Section 58 to allow the Town to assess a municipal charge lien on real property in Town for charges, penalties, fines or fees that have not been paid. Article #21 is to transfer foreclosed on properties from the Treasurer/Collector to the Select Board to auction these off. The

goal is to sell them to adjacent neighbors. They will not be able to be developed as house lots. Article #22 is in regards to various residential properties requiring automatic sprinkler systems. The Fire Chief asked for this so he can enforce installing automatic sprinkler systems. Ms. Desrosiers asked if this applies only to new properties. Chief O'Brien said no; it could apply to existing properties if they are being used as a use described in the by-law.

Article #23 is to see if the Town will accept Ledgewood Drive as a public way. Mr. Day asked if there were any concerns from Fire or Department of Public Works. Chairman LaCamera said a peer review engineer provided a report on the roadway. Chief O'Brien stated that the road was inspected for turning radius and it is acceptable. Mr. Sky said the Department of Public Works Director is okay with the road. Article #24 is a request from the Town Clerk to change the elected Town Clerk to an appointed position. Lillian Drane, Town Clerk, said the Town Clerk position has been elected since 1853. The Town has grown to over 12,000 residents, and the position has grown and is more complex. Going forward this position needs to be appointed to be able to attract qualified candidates and to be able to participate in benefits that the Town offers, like sick days, vacation, worker's compensation, etc.

Member Carboni said in April 30, 2018 this article was brought up at Town Meeting and Ms. Drane spoke eloquently about this remaining as an elected official. Ms. Drane said at that time, she was passionate about this not being an appointed position. Member Carboni said in 2018, the Finance Committee did not support the article and it was defeated unanimously. She said in 2018, Ms. Drane had said the Town Clerk was neutral as an elected position; if appointed, there may be hidden agenda. Do you still feel that way? Ms. Drane said no. The Board in 2018 had an agenda; she felt she would be reporting to the Selectman or Town Administrator. The Town Clerk should always be neutral. Ms. Drane said the Town needs someone who understands the position and knows the role. Ms. Donahue asked about having a pool of candidates for the position and letting them be voted on at an election. Member Fabian said she didn't think we could limit people from pulling election papers. Ms. Drane said any resident can pull papers to be Town Clerk. Ms. Rilleau asked if something could be negotiated regarding the Town Clerk receiving all the benefits that employees receive. Chairman LaCamera said elected officials cannot receive the same employee benefits.

Ms. Desrosiers asked if this an annual or multi year term. Chairman LaCamera said it would probably be a three (3) year appointment. Mr. Day asked Ms. Drane what would you say if you are an appointed Town Clerk and the Town Administrator or Select Board want something done. Ms. Drane said you have to follow the law. Mr. Day said an appointed position would have multiple bosses at the State and Local Level. Member Carboni noted that Ms. Drane had said many appointed Town Clerks lost their jobs due to standing up to the Board of Selectmen doing the lawful thing. Ms. Drane said that is a risk.

Article #25 is a petition article for recall of elected officials. Noelle Rilleau said this is a bylaw to be put in place to have a way to remove elected officials. Member Fabian asked who submitted this to the Town Clerk's Office. Ms. Rilleau said her husband did, but will not be able to present it. Member Fabian asked why was 100 the number of people picked to start the process and how was the time period picked? She asked why 90 days was selected to be able to recall an elected official when other towns it is six (6) months. Chairman LaCamera said you can have someone

that gets elected in April and does something that people don't like, then you can have a recall election 90 days later. Ms. Donahue said that is not reasonable and it would need to be an extreme case. Ms. Rilleau said it is good to have a bylaw that if someone in an elected position is doing something wrong, they can be removed. Chairman LaCamera said other recall bylaws state specifically what the recall can be for; this does not. Ms. Donahue said this is to establish accountability for elected officials. Member Fabian said if this recall petition passes as is, it basically is a revolving door for Select Board Members and you will have members that are afraid to make decisions. That causes instability in an organization and that does not play out well for employees. Ms. Rilleau said people would not be capricious; you need to trust the people that elected you.

Ms. Desrosiers asked if the petition was vetted by an attorney? Ms. Rilleau replied it was. Ms. Desrosiers said so Step 1 is 100 voter signatures to initiate a recall petition; then 200 voters need to sign it to initiate the election. If the official is not recalled, can this start again? Ms. Donahue said there is a certain amount of time before it can be started again. Member Fabian noted in other communities, it is 10% of the registered voters in each precinct to start the process. Ms. Donahue said based on recent elections, 100 is about 10% of the total people that vote. Getting signatures from each precinct requires you to have a supporter base in each precinct. There were people that didn't care about Lakeville Country Club, so people are ambivalent if things don't affect them. Chairman LaCamera said this petition applies to all the elected boards, including Board of Health, Planning Board, Park Commission, and Finance Committee. If someone gets recalled, they could not serve on a Board, Committee or Commission for four (4) years.

Ms. Desrosiers asked where the petition came from? Ms. Donahue said from a Town that passed a recall article recently and it was adjusted for Lakeville. Ms. Desrosiers said in Section H if someone resigns before the recall election, now they can't serve in any capacity for four (4) years. That is a huge disservice to the Town, potentially bullying someone out. Ms. Donahue said it takes 300 people to do this. Member Fabian spoke about potential issues that could arise if a certified member of the Board of Assessors was recalled due to residents being unhappy with assessments. Ms. Donahue asked can the article be amended? Ms. Goodfellow said if you are trying to change like the four (4) years on not serving in office, that could be amended by majority vote. Mr. Day asked Ms. Drane about the election costs. Ms. Drane said close to \$4,500 for poll workers, \$1,200 for the voting machines; police officers and printing of the ballots, about another \$2,200. Recall elections are not in her budget. Mr. Day said he is not against a well-crafted recall election, but has some of the same questions already asked. The 100 signatures are just over 1% of registered voters. It is easy to get people to sign papers because they don't read them. It is easy to try to recall people, which can lead to people not running for elected positions. Perhaps there should be some modifications. Ms. Donahue said she will try to address some of these concerns.

Article #26 is a petition article to change the Select Board from three (3) members to five (5). Ms. Donahue said the expansion has been previously proposed. This will help when a member has to recuse themselves. Chairman LaCamera said he doesn't understand going to five (5) members as residents are not running for office. Ms. Donahue said it offers a difference in opinion. Chairman LaCamera said there are costs associated with an expanded Board. He reviewed previous years' elections where people did not run for vacant spots or incumbents ran unopposed. This expansion has been voted down eight (8) times, most recently in 2018. Member Fabian said

she ran unopposed for the Board of Assessors for both terms and unopposed for Selectman her first term. Not until her 4th election did she have an opponent. She would rather have three (3) people that participate all the time than have people that don't show up or resign. Mr. Scott said being a Select Board Member is almost a full-time job. Having more members, you have the ability to spread out the work.

Discussion regarding the Town Hall/Fire Station Feasibility Study

Present for the discussion was Michael O'Brien, Fire Chief; Nathan Darling, Building Commissioner; Christopher Spratt, Board of Health Chairman; Edward Cullen, Health Agent and Jennifer DosSantos from SOCOTEC. Member Carboni said the Board received a feasibility study regarding the Town Hall/Fire Station. There were three (3) options: to renovate the existing building; renovate the existing building to serve as a Fire Station only and build a Town Office Building separately; and to renovate the existing building as a Town Hall only and construct a Fire Station at another location. We all know we need a new fire station. Her question was where does it go and can it be done on the existing location? Why is the current location not a viable option for a new facility? SOCOTEC responded with a letter and provided a good synopsis of a Fire Station at a new location and to renovate the Town Hall. There was no follow up on the costs if we expanded or developed a new station at the current location. We need to understand if it is viable. The Board discussed that the septic system would not support additional usage. We currently have 26 employees in the facility. There were 33 people there prior before moving the Inspectional Services Department out. If we aren't expanding the septic flow, why is that not an option.

Chairman LaCamera said the goal was to bring Inspectional Services back into Town Hall. Mr. Spratt said the plan called for a conference room, which will add to the septic system flow. Member Carboni asked if we removed the conference room, would there still be a concern. Mr. Spratt said any increase in flow would be on an emergency basis. No one on the Board of Health is in favor of an increase in flow. Member Carboni said the Fire Department wants to have a training facility for the firefighters. If the staff wanted to utilize the training quarters during the day, it wouldn't increase the flow. We could not hold a public meeting there; just for staff use. Member Fabian asked what if we increased Fire Department staff. Mr. Spratt said the Board of Health would be okay with one (1) or two (2) more employees. Member Fabian asked what is the potential for growth with the septic system. Mr. Spratt said he would be concerned especially with the wetlands behind and water in front and the water line location.

Mr. Sky asked Mr. Cullen about the viability of the current septic system.? Mr. Cullen said the current system designed in 1997. The tanks were not replaced so they are probably 35 years old. The existing system could not handle any increase in flow. The Fire Department is probably 80% of the use. Taking them out would make it last longer. Member Fabian noted we are lacking a decontamination area. Chief O'Brien said when they come back from a messy call, standard practice is to decontaminate before leaving. They don't do that currently as we don't have the facility. It would be good to have them shower and wash their uniforms. We will be using more water if we start doing that. Member Carboni said if we are investing in a new fire station, it needs to be sustainable for years to come. If the system does fail, we need to replace it. Do we have the ability to make it stronger to handle the current load in the station? Mr. Cullen said if you

upgraded, it would be more expensive due to environmental conditions. He would recommend advanced treatment. Member Carboni asked based on the current footprint and the land that it is on, if we added on, how much space could we add. Mr. Darling said we are at about 50% lot coverage; which is as of right. We could go to the Planning Board or go to the Zoning Board of Appeals. This is all hinged on the septic system.

Member Fabian asked Member Carboni what she was trying to determine? Member Carboni said we need a new Fire Station. It's about the location on where we build it. The cost was \$17 million projected located at another location. She is looking at it from the best return on the investment. If we were able to build at the current location with addition and renovation and do it for less, why would we not use that option. We don't have a cost analysis for that. Chairman LaCamera said this property is in a flood zone, which was a problem in 2010. The Fire Department had to leave the station to service the residents. Mr. Sky said we are only asking for money to advance schematic design. We don't know what the project will cost or the details of the design. Chairman LaCamera said when the Town built the Council on Aging, Library and Police Station, they each had a feasibility design and the costs came down once we had it. All SOCOTEC said was this is the potential square footage needed and the cost of building now. We can't make a decision on a design without the schematic design.

Mr. Day said he was surprised that the Finance Committee wasn't part of the feasibility study. Chairman LaCamera said they will be for the next step. Mr. Day said if we are looking 10-15 years out, if the long-term goal is to put employees in one (1) spot, have we looked at a new Fire Station/Town Hall combination and leaving the present location. Ms. Desrosiers asked about a proposed location. Chairman LaCamera said the recommendation is besides the Council of Aging. Mr. Spratt asked if SOCOTEC gave a dollar amount to renovate the building. Chairman LaCamera said we need to hire an architect to figure that out. The next step is to look at the design. Ms. DosSantos said when we did the feasibility study, it was determined to not be viable to renovate the Fire Station. That is why there is not a detailed cost estimate to renovate to keep both the Fire Station and Town Hall. Renovating this building to continue to serve as a Town Hall is more straight forward to try to retrofit than existing current codes and seismic codes for a Fire Station, which would require substantial upgrades to the existing facility. Mr. Sky said there is a section discussing why option 1 is not viable.

Mr. Darling said we are falling under the constraints of Title 5 setbacks for an addition to the building. We would need a lot of investigation. The pipe from Assawompset Pond still comes right under the building. Ms. Donahue said in 2007 there were 11/12 locations considered. She asked why the former nursing home property was not considered. Chairman LaCamera said that was previously brought to Town Meeting and it was voted down. It is not for sale now. Ms. Donahue asked about approaching the owner about purchasing it or taking it by eminent domain. Chairman LaCamera said the flood zone is a problem.

Discuss draft Development Agreement for 43 Main Street Redevelopment

Chairman LaCamera said the Planning Board and Select Board put together a draft development agreement. It is a contract between the Town and Developer that states what they have to do. It is based on the special permit that was issued prior to the appeal. We are hoping this will be signed

before Special Town Meeting. It will be placed on the website page for Lakeville Hospital Redevelopment. On November 7th, the Board will discuss this and vote on it. Mr. Scott asked why this wasn't being discussed in detail like the articles for Special Town Meeting? There are significant omissions in this agreement from the Special Permit. Chairman LaCamera said this is not a Town Meeting Article. Mr. Scott said that it is tied into Article #15. Just sending questions to the Town Administrator is not close to open discussion. There are things that need to be put back in. You put in \$1,000,000 and that is not close to cleaning up the site if Rhino can't do the job. Chairman LaCamera said the \$1,000,000 is to secure and maintain the property. Mr. Scott said we should have an opportunity to discuss in detail. Chairman LaCamera said there will be an opportunity to discuss this at the November 7th meeting. He asked Mr. Scott to put his questions and concerns in writing. There will be an opportunity under Site Plan review to make conditions. Mr. Scott said back up alarms and no enforcement on idling over five (5) minutes are not in the development agreement. Chairman LaCamera said we can't put a process in the development agreement that says they have to do this and this. We can't ask them to eliminate back up alarms because it is a safety issue. Mr. Scott said the special permit said there would be a noise mitigation. Chairman LaCamera said that is part of Site Plan Review. Mr. Scott asked why wasn't the Special Permit put in the agreement. Chairman LaCamera said Town Counsel reviewed it and the Planning Board agreed on it.

Discuss and possible vote to approve 2023 Holiday Schedule

Mr. Sky said that there is no date on the list for Christmas Eve as it falls on a Sunday this year. It is the Board's discretion if you want to the Friday before a holiday for Christmas Eve. Chairman LaCamera said the Board will revisit this at the next meeting.

Review and possible vote on the request from Middleborough/Lakeville Herring Fishery Commission for appointment of Ronald Burgess as warden and Cynthia Gendron as Volunteer Observer

Chairman LaCamera said the Board has received a request from the Middleborough/Lakeville Herring Fishery Commission for a warden and volunteer observer appointment.

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

VOTED: To appoint Ronald Burgess as Warden for the Middleborough/Lakeville Herring Fishery Commission for a term to expire September 30, 2025.
Unanimous in favor.

VOTED: To appoint Cynthia Gendron as a Volunteer Observer for the Middleborough/Lakeville Herring Fishery Commission for a term to expire September 30, 2023.
Unanimous in favor.

Review and possible vote to approve the request from the Friends of Lakeville Council on Aging to place a sign at the intersection of Route 18/Precinct Street for a Christmas wreath sale

Chairman LaCamera said the Friends of the Lakeville Council on Aging are requesting permission to place a sign for a Christmas Wreath Sale at the intersection of Route 18/Precinct Street.

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

VOTED: To approve the request from the Friends of Lakeville Council on Aging to place a sign at the intersection of Route 18/Precinct Street for a Christmas wreath sale.
Unanimous in favor.

Review and possible vote to approve Select Board Meeting Minutes of October 11, 2022

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

VOTED: To approve the October 11, 2022 Select Board Meeting Minutes.
Unanimous in favor.

New Business

There was no New Business discussed.

Old Business

There was no Old Business discussed.

Adjournment

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

VOTED: To adjourn the Finance Committee Meeting at 8:45 PM.
Unanimous in favor.

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

VOTED: To adjourn the Select Board Meeting at 8:45 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of October 24, 2022

1. Agenda page
2. Agenda page
3. Agenda page; November 14, 2022 Special Town Meeting Warrant
4. Agenda page; letter from Socotec
5. Agenda page; draft Memorandum of Agreement – 43 Main Street
6. Agenda page; draft 2023 Holiday Schedule
7. Agenda page; letter from Middleborough/Lakeville Herring Fishery Commission
8. Agenda page; email from Friends of the Lakeville Council on Aging
9. Agenda page; draft Select Board Meeting Minutes – October 11, 2022
10. Agenda page
11. Agenda page