

**TOWN OF LAKEVILLE**  
**Select Board Meeting Minutes**  
**December 5, 2022 – 6:00 PM**  
**Lakeville Police Station Meeting Room**  
**323 Bedford Street, Lakeville, MA**

On December 5, 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 Vice Chair Fabian. Members present were Vice Chair Fabian, Member LaCamera 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**

Member Carboni read the Select Board announcements.

**Town Administrator Announcements**

Mr. Sky read the Town Administrator's announcements. He will request that Tom O'Brien attend the December 19<sup>th</sup> Select Board Meeting.

**Annual Tax Rate Classification Hearing**

*Present for the discussion were John Olivieri, Jr., Chairman of the Board of Assessors, and Harald Scheid and David Golden from Regional Resources Group were attending remotely.*

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

VOTED: To open the FY23 Tax Classification Hearing at 6:45 PM.  
Unanimous in favor.

Mr. Scheid reviewed the presentation submitted to the Board for the FY23 Tax Classification Hearing. A full revaluation was conducted for FY23. DOR does a yearlong audit of assessment practices and proposed valuations on properties. The new valuations reflect an estimate of the value on January 1, 2022. We review the 12-month sales period proceeding that date and there was a considerable surge in property values. In 2021, the increase has to be reflected in the new assessments. Mr. Golden said residential property values appreciated about 11.1% overall; 11.5% for industrial properties; 11.1% for commercial properties and 14.2% for personal property. There are two (2) factors to determine taxes: assessment and tax rate. When valuations go up, there is a compensating reduction in the tax rate. Residents should anticipate an increase in their tax bills. The FY23 tax levy is \$28,305,745. The residential tax base is approximately 87.57%. It takes a significant increase in commercial/industrial/personal property tax to yield a modest residential rate decrease. The Board of Assessors has recommended against implementing a split tax rate. We have recommended a FY23 tax rate of \$11.15 per thousand valuation, down from \$12.07 per thousand for FY22. The FY22 average home assessment was \$449,200 for a tax of \$5,422; for FY 23 it has increased to \$499,900 for an average tax bill of \$5,574, which is a tax increase of

\$152. Vice Chair Fabian said some residents had suggested that we charge warehouses more taxes. Can you explain why that is not possible. Mr. Olivieri said that question has arisen prompted by the Lakeville Country Club. What are the limitations that the Town has regarding picking certain industries to charge them a different tax rate. Can we charge new businesses more? Mr. Scheid said the system is pretty straightforward; it is a function of market value. There are no special opportunities to somehow increase a class of properties values arbitrarily to achieve a beneficial effect. It all comes down to market value. Mr. Olivieri said so the tax rate stays the same. Mr. Scheid said part of the valuation process deals with equitable treatment; that is what the audit works on. Mr. Olivieri noted there could be two (2) different tax rates; one for residential and the other for commercial/industrial. Mr. Scheid said if the Town adopted a split tax rate, the higher rate would apply to privately owned open space land, like cranberry bogs. Member Carboni asked where would a split tax rate be beneficial. Member Carboni mentioned the section regarding shifting the tax burden within the document that was provided. Mr. Olivieri said communities with more commercial development may have a split tax rate. However, more and more communities that had a split rate are working their way back to a single tax rate.

Member LaCamera said personal property valuations went up 14.2%; is that based on the valuations or new personal property valuations. Mr. Golden said it is both, although personal property has a depreciation value applied to it. There have been increases in value and new growth is included. Member LaCamera said what was the increase in new personal property. Harald: 90-95% of the increase is new taxable assets. Member LaCamera said you are saying the valuation has increased 14.2% which really is not correct. Mr. Scheid said personal property is different from real estate. Member LaCamera said marijuana properties in Town have had significant increases in personal property. How much was 310 Kenneth Welch Drive's increase? Mr. Scheid said he would have to look at that account and answer it later. Member LaCamera if there is \$31 million in personal property for commercial/industrial is low. He asked if every single commercial/industrial personal property that has been taxed? Mr. Scheid said personal property taxation is unique in Massachusetts. Whether or not your assets are taxable it contingent upon your business form. Corporations are largely exempt from taxation on everything from inventory to refrigerated equipment. Industrial personal property is totally exempt. The lions share of personal property tax is on the mom and pop businesses. Member LaCamera said he disagreed; the marijuana faculties are being taxed on personal property. Mr. Scheid said it depends on the business form. The larger the company and the more industrial in nature it is, the lower the personal property tax liability. Member LaCamera asked if RRG checks these. Mr. Scheid said we retain a specialty firm, RRC, that canvases the Town and works out the personal property valuations. Member LaCamera said the \$113,000,000 in industrial property valuation. Is that valuation or a combination of new construction. Mr. Scheid said there is some growth in that, but the lions share is reassessment. Member LaCamera said if they make any modifications, does that get added to the base. Mr. Olivieri said we do keep an eye on facilities in Town and they get increased for modifications. Member LaCamera said 310 Kenneth Welch Drive was assessed for \$10,000,000 and sold for \$26,000,000. How do you change that assessment to have the right assessment on that property, which was probably undervalued. That is significant and can affect the tax rate. You have sales information; doesn't that apply to other industrial areas? Mr. Scheid said you are dealing with a complex situation when you have a sale of a marijuana facility. There are 3 components of value: real estate, personal property value and the value of the going concern. That is captured in the sale price. Member LaCamera said they just sold the building. Mr. Golden

said that property is unique; a building comprised of commercial condominiums which were held by a single owner and bought by a single owner. That would render the sale invalid for statistical analysis. Our approach is to take into account the business enterprise as well. Member LaCamera said the business was sold separately. Mr. Golden said there were multiple condominium units that were sold. Member LaCamera said he believes the personal property taxes are low.

Upon a motion made by Member Carboni with Vice Chair Fabian stepping down to second, it was:

VOTED: To close the tax classification hearing at 7:33 PM.  
Unanimous in favor.

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

VOTED: That the Lakeville Select Board votes in accordance with MGL C.40, Section 56 as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2023 tax rate and set the Residential Factor at 1.0 with a corresponding CIP shift of 1.0, pending approval of the Town's annual tax recap by the Massachusetts Department of Revenue.  
Unanimous in favor.

### **Discuss formation of a Fire Station Building Committee**

*Michael O'Brien, Fire Chief, was present for the discussion.* Vice Chair Fabian said the money for schematic design for a Fire Station was approved at Town Meeting. The Town Administrator has made some suggestions on the composition of the Fire Station Building Committee. The Police Station Building Committee had 11 members, which is a bit cumbersome, but 5 is too low. Chief O'Brien said you are trying to strike a balance between too small and too large of a committee. There should be representation from the Fire Department (full time and volunteer) along with the Fire Chief. Vice Chair Fabian said she had spoken with Mr. Sky to add the Building Commissioner, Select Board Member, Town Administrator; and a member of the Finance Committee. Member LaCamera said it is important to note that for the Police Station Building Committee, there was a subcommittee that the Fire Department staff could be involved with. On the Police Station, Council on Aging and Library Building Committee, there were members at large with construction, engineering, and project manager experience that added tremendous value. We need at least three (3) members at large with experience. Member Carboni thought there should be someone with an IT perspective. Mr. Sky said we would bring them in as needed.

Vice Chair said the committee should include the Fire Chief, Building Commissioner, Finance Committee Member, a member of the Select Board, Town Administrator, and three (3) members at large. Mr. Sky said we could start soliciting letters of interest for members at large with technical experience and then decide how many members at large should be on the committee. Member LaCamera noted this is a 2-2.5 year commitment. Chief O'Brien asked would it be appropriate for him to have a stand in if he is not able to attend a meeting. Mr. Sky said we could designate that in the vote. Vice Chair Fabian said we will put this on the agenda for December 19<sup>th</sup>. Mr. Sky will put together the draft charge for the Fire Station Building Committee.

### **Discuss and possible vote to approve Host Community Agreement Charitable Contribution Recommendations**

*Member Carboni recused herself from the meeting and left the room.* Vice Chair Fabian said we have a list of allocations that have been made to date. Mr. Sky said he is asking if the Board wants to begin the application process. Several of the people that were on the review committee are not available. We would need more members or does the Board want to consider applications as they come in. Member LaCamera noted that there were some items that were not approved that are still out there. He wanted to put banners on the poles going down the street. Discussion occurred about the process to consider the applications. Mr. Sky suggested that advertise that applications are available.

Upon a motion made by Member LaCamera with Vice Chair Fabian stepping down to second, it was:

VOTED: To have the Town Administrator advertise for applications of interest for the Host Community Agreement Charitable Contributions Fund.  
Unanimous in favor.

### **Discuss request from the Back Nine Club for Change of Manager**

Vice Chair Fabian noted that where there is a liquor license, a change of manager needs approval from the Select Board. The Back Nine Club has requested a change of manager.

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

VOTED: To approve the change of manager to Karen Donahue for The Back Nine Club.  
Unanimous in favor.

### **Discuss request from Planning Board for comments on 415 Millennium Circle Site Plan**

*Member Carboni recused herself from the discussion and left the room.* Vice Chair Fabian noted the hearing is scheduled for December 8<sup>th</sup>. Member LaCamera said it doesn't say how many employees there will be. Vice Chair said she spoke to the Town Planner who said it would be one (1) less employee than the number of parking spots. Member LaCamera said there is only 21 parking spaces and this is a concern. Is this a 24/7 operation. He doesn't see anything about water requirements. Mr. Sky said we have not received a water connection application yet. Member LaCamera said he is worried about how much water they are going to use. Discussion occurred on a similar property at 310 Kenneth Welch Drive and their water use. Member LaCamera asked why don't we ask them to drill a well. Mr. Sky asked it is probably appropriate to advise against approving the site plan until we know what the water situation is. Member LaCamera said we need to fix this process, so that the Boards can have enough time to review some of these plans. Member LaCamera said the applicant needs to submit their application for review. Vice Chair said so our comments are: how many employees and our concerns on parking; if this is a 24/7 operation; if they will be reclaiming water and to advise against approving this plan until we know

what the water requirements will be. Mr. Sky said we will reach out to Taunton to see if they have applied for water. Member LaCamera said the applicants needs to apply to us. Mr. Sky said we had a situation where an applicant submitted their application to Taunton directly, that is why we check with Taunton. Member LaCamera said we shouldn't be calling Taunton until we have the water information. The Planning Board should insist on the water information prior to approval.

### **Discuss renewal of boarding contracts with various Towns regarding the Lakeville Animal Shelter**

*Member Carboni returned to the meeting.* Vice Chair Fabian said boarding fees were raised to \$25.00 per day. Over \$8,000 has been raised in boarding fees so far this year. She has spoken to David Frates and he feels the rates are appropriate. Member LaCamera said you have 11 communities that do not need to pay for an Animal Shelter. Every community should pay a minimum charge towards the running of the animal shelter, plus board. Member Carboni said last year there was discussion on boarding rates and a survey was done. This is not an Enterprise Account, so we do fund the shelter. We still use our shelter for Lakeville animals. If the ACO feels that an increase in boarding fees should be looked at next year we can. Vice Chair Fabian said we use the Animal Shelter for Lakeville animals. Member LaCamera said we have had significant increases in energy costs and expect more. Mr. Sky said the majority of the cost are for personnel, about \$80,000. The net cost is about \$50,000. Member LaCamera said we have to feed and clean. Member Carboni said as we are entering budget time, we will have conversations regarding that budget. This discussion is about the renewal of the contracts. Member LaCamera said #10 on the contract: we just had a bad incident there with a dog attacking their owner. That is unacceptable. Vice Chair Fabian said that entire situation was difficult from day one. Member Carboni said the Town that has the animal is still responsible for that situation and Lakeville is not held harmless if the dog is not surrendered. Vice Chair Fabian said that dog was ordered to be put down and someone filed an injunction and lawyers got involved. If a dog is ordered to be euthanized by another Town, it should be put down. Can we add a clause in the contract that if a dog is ordered euthanized by the boarder Town, it should be done. Member Carboni asked what would trigger one of the Town's boarding a dog to surrender it to Lakeville. Mr. Sky said we changed the language in #11 to help address that. He is not sure about the language in #10. Ms. Craig-McGee said a dog from a boarder Town cannot enter our adoption program unless it is surrendered to Lakeville. The Carver dog was not surrendered to Lakeville. Member Carboni said she wants to make sure the Town is protected. Mr. Sky said we can run this by Town Counsel again. This will be on December 19<sup>th</sup> meeting.

### **Review and discuss possible comments on revised Comprehensive Plan for 109 Bedford Street**

Vice Chair Fabian said this project has been revised from 20 multifamily units to 12 single family units. This will be going to the Zoning Board of Appeals (ZBA) on December 15<sup>th</sup>. Member Carboni said the road is larger. The Board had concerns about the buildings being close to the abutters and that seems to be corrected. Member LaCamera said this is a significant change to the original plan. Has this gone to MassHousing? Mr. Sky said he is not certain. Member LaCamera said it should go to MassHousing prior to going to the ZBA. All the units are on individual 10,000 square foot lots or less (except for one (1) lot. Three (3) of the lots still do not

meet the setback requirements and as they are on individual lots, they should conform. They are requesting 46 waivers from the bylaws, which is pretty significant. Vice Chair Fabian said we can note that we have a concern on all the requested waivers. Member Carboni noted that 25% of the units will be affordable (3) and nine (9) at market rate.

**Review and possible vote to approve annual Dancing on Weekdays; Public Entertainment on Sundays; Livery; and Coin Operated Amusement Licenses**

Chair Fabian said the it was time to renew the annual Dancing on Weekdays; Public Entertainment on Sundays; Livery; and Coin Operated Amusement Licenses.

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

VOTED: To approve the Livery License for JP's Limousine Service (1 vehicle) – 16 North Precinct Street with an expiration date of December 31, 2023.  
Unanimous in favor.

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

VOTED: To approve the Dancing on Weekdays Licenses with expiration dates of December 31, 2023: LeBaron Operating Company, LLC, dba LeBaron Hills Country Club; Hawaii Corp., dba Orchid of Hawaii; Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. and Lakeville Aerie #3994 Fraternal Order of Eagles, Inc.  
Unanimous in favor.

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

VOTED: To approve the Coin Operated Amusements Licenses with expiration dates of December 31, 2023: Lakeville Aerie 3994, Fraternal Order of Eagles, Inc. (2 machines) and Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. (1 machine)  
Unanimous in favor.

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

VOTED: To approve the Public Entertainment on Sundays Licenses with expiration dates of December 31, 2023: LeBaron Operating Company, LLC, dba LeBaron Hills Country Club; Hawaii Corp., dba Orchid of Hawaii; Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. and Lakeville Aerie #3994 Fraternal Order of Eagles, Inc.  
Unanimous in favor.

**Schedule January, February and March Select Board Meeting Dates**

Vice Chair Fabian reviewed the proposed meeting schedule. Member LaCamera noted that he did not like going three (3) weeks between meetings. Mr. Sky said budget presentations are tentative for the week of March 6<sup>th</sup>.

Upon a motion made by Member Carboni with Vice Chair Fabian stepping down to second, it was:

VOTED: To approve the January, February and March Select Board Meeting Dates as January 9<sup>th</sup> and 23<sup>rd</sup>; February 13<sup>th</sup> and 27<sup>th</sup>; and March 13<sup>th</sup> and 27<sup>th</sup>.  
Unanimous in favor.

### **Review and possible vote to approve Select Board Meeting Minutes of November 22, 2022**

Member LaCamera said regarding the reorganization of the Select Board, it does not mention that he asked for a motion to appoint a new Chairman and that was not done. Also, under New Business, it said that the Board voted to have Member Carboni be on the Safety Committee for the Regional School District. Mr. Sky's email to the Board said that the School Committee has not yet made a decision on the Safety Committee, but it is not on their agenda. The ratification of the New Business vote will be placed on the next agenda.

Upon a motion made by Member Carboni with Vice Chair Fabian stepping down to second, it was:

VOTED: To approve the November 22, 2022 Select Board Meeting Minutes as amended.  
Two (2) in favor; one abstention (Member LaCamera).

### **New Business**

Member LaCamera said the Board had previously discussed a committee regarding Betty's Neck. He would like to have that on the agenda for December 19<sup>th</sup>. We could submit for ARPA funding for repairs.

Member LaCamera mentioned that a feasibility study for the Council on Aging building should be done. We need a committee to begin that.

### **Old Business**

There was no Old Business discussed.

At 7:42 PM, upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To enter Executive Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically with PBA Local 185; IAFF Local 3188 and Laborer's International Union, if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares and not to return to Open Session.  
Roll call vote: Member Carboni – aye; Member LaCamera – aye and Vice Chair Fabian – aye.

**List of documents provided at the Select Board Meeting of December 5, 2022**

1. Agenda page
2. Agenda page
3. Agenda page; FY23 Tax Classification Hearing presentation
4. Agenda page; memo from the Town Administrator
5. Agenda page; memo from the Town Administrator
6. Agenda page; ABCC application for a change of manager-The Back Nine Club
7. Agenda page; email from Planning Board Clerk; application for Site Plan review; site plans for 415 Millennium Circle
8. Agenda page; sample boarding contract; total boarding fees 1/22 thru 11/22
9. Agenda page; email from Zoning Board of Appeals Clerk; revised Comprehensive Permit Site Plan-109 Bedford Street
10. Agenda page
11. Agenda page
12. Agenda page; Select Board Meeting Minutes of November 22, 2022
13. Agenda page
14. Agenda page
15. Agenda page