

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
March 27, 2023 – 6:00 PM**

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

On March 27, 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 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 and Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Vice Chair Fabian read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcements.

Meet with the Town Clerk to discuss By-law Recodification Project

Town Clerk Lillian Drane was present for the discussion. Ms. Drane said it is time to officially codify and do a complete review of the Town's bylaws. This will be a fully searchable online platform. This will include all amendments through November of 2022. We are ready to launch. We have to go before Town Meeting to accept all the General By-law changes and the Planning Board will have to hold a public hearing to accept the numerical and grammatical changes. Mr. Sky said the draft codification will be posted online. Vice Chair Fabian said if residents go to the Town's website, they will be able to look at this beforehand and submit questions to our office or the Town Clerk's office. The old bylaws are available if people would like to compare line to line. Member Carboni said she looked at Middleborough's by-laws today and the system is easy to use.

Meet with Town Planner to discuss draft Housing Production Plan

Marc Resnick, Town Planner, was present for the discussion. Mr. Resnick said this is the five-year update of the Housing Production Plan. It helps the community set a direction on the type of housing and evaluate the needs of the community. The Planning Board reviewed the plan in March, and SRPEDD made some revisions. That is the plan you have tonight for review. Member LaCamera said he has made some comments already that have been forwarded to SRPEDD. Member Carboni said there is a slight change in the presentation of the document, which is more appealing while reading. She asked about the yellow highlighted text. Mr. Resnick said the yellow highlights are the changes that SRPEDD made since the Planning Board review. Member Carboni asked what is the process now. Mr. Resnick said if the Board is okay with the draft, then the Planning Board meets with SRPEDD on April 13th. If they are okay with the draft as it is, it will go to the Department of Housing and Community Development (DHCD) for review and they

send back comments. Then both Boards will need to vote to accept the final plan. Member Carboni asked about a timeline. Mr. Resnick said it can be submitted anytime, but won't go out until after the April 13th meeting. If modifications are made, he will resubmit the plan back to the Select Board.

Vice Chair Fabian said this is the actual document written by SRPEDD. It has a few questions and there is another suggested edit out there, but it was not approved by the Planning Board. Mr. Resnick said that is the purpose of the meeting coming up. An edited version was produced by one of the Planning Board members. SRPEDD will not submit that document as it does not meet DHCD guidelines. Member Carboni said we are making comments on the SRPEDD draft, which was approved by the Planning Board. Member LaCamera asked if Mr. Resnick verified the numbers that he said were not correct. Mr. Resnick said SRPEDD is using the numbers that DHCD is still using until the final census numbers are released. Member LaCamera said the plan showed that we have sewer in Town, so that needs to be removed. It also speaks about 104 pieces of Town owned property. The majority of those pieces are either preserved as open space or conservation land. You might want to bring that up. Mr. Resnick said they are required to identify Town owned land that may be developed for housing. Member LaCamera said in the 2017 plan, it speaks about inclusionary zoning and an Open Space Bylaw. Both were recommended in the plan and are recommended in the new plan. Why has the Open Space Bylaw not been presented again at Town Meeting. Mr. Resnick said it will most likely be brought forward at the Fall Town Meeting.

Discuss Planning Board's request regarding Kenneth Welch Drive parking

Member Carboni recused herself from the discussion and left the room. Marc Resnick, Town Planner, was present for the discussion. Vice Chair Fabian said the Planning Board has sent a request for No Parking signs to be placed across from 310 Kenneth Welch Drive. The memo speaks to employees of that building parking on the shoulder for over a year due to lack of parking in the parking lot. The Police Chief, Fire Chief, Town Administrator, and Building Inspector have been meeting nonstop with the owners of the property. She doesn't think that No Parking signs are a great solution; she believes it will only add to the problem. They must be enforced by the Police Department, who will write tickets. Then we need to hold hearings for these people that just want to park their cars to go to work. Member LaCamera said No Parking signs are not going to do any good. This has been going on for 1.5 years. The Planning Board gave them temporary parking, which was extended, and it has now expired. The issue he has is that the owners of the building have never told the Town who will be in the building. There are two (2) marijuana facilities in there with SeaTrade. They never told us how many employees are in that building, so how can you decide on a site plan when we don't know that. Parking is only one of the issues with that facility. Mr. Resnick said the temporary parking lot was the expanded lot in front of the building. That was to be a permanent lot. They were supposed to bring the design in by the end of last summer, which they did. It was clear that they needed more spaces, so they expanded the area where the truck bays are. That is the plan that stalled. That plan does include a total parking count of the businesses, which is what they based the expansion on. The biggest problem was that they didn't follow through the process. They have filed with Conservation.

Member LaCamera said they found out after the fact that Nstar could not increase the capacity of the natural gas line, so they took 20-30 parking spaces away in order to run the facility. Do we

put up No Parking Signs throughout the industrial park? He doesn't think it is necessary. We should notify the owner that they can't park there and cars will be ticketed and towed as they are parking on Town property. Matthew Perkins, Police Chief, said if signs go up, they are going to park somewhere else, which can create more problems and hazards. We would write tickets if the signs go up. The Police cannot write tickets unless the signs are in place. Notifying the company doesn't mean the employees would be notified. Member LaCamera said the former Talbots building has a 1,000-space lot; why don't they ask Talbots to use that temporarily. Mr. Sky said Talbots has a new tenant. Vice Chair Fabian said last week's meeting involved the owners, who have been relying on the management people, but now there is a new management company. We need to give them some time, but it has been going on way too long. Fire Chief Michael O'Brien said the site plan isn't anything that would be approved now. It would take only one (1) car to block off the fire access.

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

VOTED: To not to approve No Parking Signs in the area of 310 Kenneth Welch Drive.
Unanimous in favor.

Mr. Resnick said he will keep the Board advised as it moves through the process.

Discuss current matters relating to 310 Kenneth Welch Drive

Member Carboni was still recused from the discussion. Marc Resnick, Town Planner, and Fire Chief Michael O'Brien were present for the discussion. Mr. Sky said there are numerous issues associated with this property: public safety, parking, water issues and septic, which is correlated to the water issue. The meeting last week with the owners clarified our expectations. We still don't have the new water connection request. He shared some of the history on the cannabis companies. Part of the problem is the HVAC system and evaporators. Northeast Alternatives is not using that much water, but Jushi is flushing it away. The owners have been trying to engage with Jushi on the water usage. Technically speaking they just need to recycle the water to get the water usage reduced. Mr. Resnick said they needed to do more analysis. Ed Cullen provided an overview of the limited septic capacity. They are aware they are sharing a septic field. They have installed an above ground tank for excess wastewater. The way to deal with the septic is related to the water issue. Public safety: they have made the greatest progress in this. Chief O'Brien said we had four (4) pages of violations and are down to two (2) violations. The most significant violation was that they tapped into a fire hydrant without his approval. Mr. Sky pointed out that the City of Taunton allowed that. We have been working with the new owner since February 1st. The inability to get the water forces other changes. Vice Chair Fabian noted we have a lot of staff working on this. She would call it a problem property. How long do we go?

Member LaCamera said we have spoken of this property many times. Looking at #2, they are saying cost is an issue; the initial proposal was quoted at \$2 million. This is not going to be done overnight. The water issue was a total surprise to us. They had four (4) wells on site and were not using it effectively, but they are now. In the meantime, they had asked for 50,000 gallons a day and went around our back to get water. Mr. Sky said the owners are placing a lot of blame on the

previous property manager. The tenants did not hook up the water. Member LaCamera said the tenants knew about it. 10s of thousand gallons of water are going in those tanks that get pumped out. In the meantime, they aren't going to pay any money to the Towns for their benefit fees. Mr. Sky said he made it clear to the ownership that this issue is going on. Member LaCamera said the ownership is for the building, not the companies. Mr. Sky said he told the owners that is why the Town is not receptive to the additional water requested. Vice Chair Fabian said she is not sure what their leases look like, but they must have some sort of stipulations in there. Doesn't the ownership have some responsibility to enforce the lease conditions. Nature's Remedy said that they were going to use all kinds of water conservation measures. Member LaCamera said Jushi has done none of the water conservation. Mr. Sky said Northeast Alternatives is doing the right thing with water conservation. The problem is Jushi. This became a problem for the ownership because it became a problem for us. The only reason they have been trying to fix this is we are turning the screws.

Vice Chair Fabian said there are a few hundred people that have jobs and we don't want to put them out of a job. We can't say they can have all the water they want. We only have so many gallons in our allocation. It is a bigger problem than what people think it is. Maybe a different Board won't think it is a big deal, but the problem is not getting better. She was encouraged from the last meeting. She would like to see small amounts of progress on a regular basis. Member LaCamera said they are supposed to be doing a study for water usage. Mr. Sky said it is happening now. They want to give us a study regarding the conservation efforts they want to make to conserve water. Member LaCamera said we should give them a date to get things done. If the parking gets approved by Planning and Conservation, they need to give us a date to get that done.

Discuss and possible vote to approve Donation Agreement with the Residences at LeBaron Hills for construction of an addition for the Department of Public Works Maintenance Facility

Member Carboni rejoined the meeting. Member LaCamera said this is the LeBaron Hills Development agreement that was signed in 2003. The agreement included installing a water line down Precinct Street to connect Assawompset School, Town Hall and Police Station. The second piece was to provide \$250,000 to the Council on Aging through fees associated by building permits issued. The third item was to install a sidewalk down Precinct Street. In 2018 the Select Board at the time voted not to install the sidewalk, because the Town was responsible for the engineering and drainage and it was expensive to do that. The Board of Appeals voted to not do the sidewalk and referred it back to the Select Board to decide how to proceed with the potential funds available. There has been discussions about the possibility of doing something else for the Town. One of the suggestions was building an addition to the maintenance garage at the Department of Public Works (DPW) for offices. The agreement states that they will donate the DPW office addition at no charge to the Town.

Mr. Sky said this is a donation agreement that satisfied the Comprehensive Permit modification to provide an alternative to the sidewalk. Member Carboni asked if this is open ended? Mr. Sky said we have a schematic design. Member LaCamera said there was no number associated with the sidewalk. He said the DPW Director did an analysis on the cost for the sidewalks, the engineering, drainage and moving the telephone poles, which was \$600,000. We would have to

pay some of that. Member Carboni said this would be a betterment for the Town. Member LaCamera said the building is approximately 2,200 square feet. Member Carboni asked if we have to front the money up front? Mr. Sky said no monetary transaction will take place by the Town. We allow them access to the site to build the addition as described. Vice Chair Fabian said we have been planning from an operational standpoint to do something about the office space, but have not been able to make it happen. Our costs might include some furniture and maybe increased utilities. Mr. Sky said we have an appropriation available. He noted there are several notations in the agreement that make it clear that the work has to be done in a manner acceptable to Town staff. Vice Chair Fabian said it's a simple design, but it works. Member Carboni said if the Board agrees to move forward, does it go into effect immediately. Mr. Sky said we do not have an exact date, but they want to move forward while they have crews in the area. They will need to get permits.

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

VOTED: To approve and sign the Donation Agreement with the Residences at Lebaron Hills for construction of an addition for the Department of Public Works Maintenance Facility.
Unanimous in favor.

Member LaCamera said \$225,000 has been appropriated for that addition. He would like to repurpose that money for a septic system, repaving of the parking lot and drainage. If that money is repurposed, we can finally get the DPW settled.

Review and possible vote to approve Memorandum of Understanding for the SouthCoast Public Health Collaborative

Edward Cullen, Health Agent, was present for the discussion. Mr. Cullen said the SouthCoast Collaborative is a group of six (6) Towns joining together. All communities in Massachusetts are in some sort of a collaborative. The Collaborative receives \$300,000 a year from the State which is shared between the six (6) Towns. Member Carboni asked who participates for the Town? Mr. Cullen said he attends the meetings where the members meet to determine how to spend the money. The Collaborative hires people through the Town of Westport. They get an extra fee as they are the lead agency. Member Carboni asked Mr. Cullen if he knew of anything holding us back from participating? Mr. Cullen said some Towns don't get support from their Towns, so that is why the State is doing this.

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

VOTED: To approve and sign the Memorandum of Understanding for the SouthCoast Public Health Collaborative.
Unanimous in favor.

Review and possible vote to approve Public Way License application for Rock Hard Racing for The Mix Tape on April 16, 2023

Mr. Sky said this application came in through the Department of Public Works. However, it came to our attention on Friday that the Park Commission was not consulted on this. The application form will be adjusted to include the Park Commission as needed. This group has used Ted Williams Camp previously. Vice Chair Fabian noted they begin and end at Ted Williams Camp. Mr. Sky noted the Board could approve this, subject to Park Commission approval.

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

VOTED: To approve Public Way License Application for Rock Hard Racing for the Mix Tape Event on April 16, 2023, subject to the Park Commission approval.
Unanimous in favor.

Member LaCamera said these are the type of races that we want in Town as they are non-profit with funds going to charity.

Review and possible vote to approve Select Board Meeting Minutes of March 6, 2023 and March 8, 2023

Member Carboni had a few revisions for the March 6th minutes. She asked that Chairman Brian Day be changed to Finance Committee Chairman Day through the documents. On page 2, first paragraph, third sentence from the bottom, remove “said” prior to the Town. Under the Treasurer/Tax Collector, second to last paragraph, third sentence add at the end “for training”. Last paragraph on page 2, halfway down, the Route 79 project has been slow due to spending. The video will be watched to confirm that reference. On page 3 under Board of Assessors second paragraph, Member Carboni noted “CAI”, she did not see it referenced anywhere for a full company name. Ms. Craig-McGee said she would check it.

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

VOTED: To approve the Select Board Meeting Minutes of March 6, 2023 as amended.
Unanimous in favor.

Member Carboni had a few revisions for the March 8th minutes. She asked for the same revision to Chairman Day as in the March 6th minutes. Some of the references to Vice Chair Fabian were noted as Vice Fabian.

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

VOTED: To approve the Select Board Meeting Minutes of March 8, 2023.
Unanimous in favor.

New Business

Member Carboni presented a proclamation for Select Board Member LaCamera in honor of his last meeting with the Board. She read the proclamation into the record.

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

VOTED: To issue the proclamation declaring March 27, 2023 as Richard LaCamera Day.
Unanimous in favor.

Old Business

FY24 budget update

Mr. Sky said we have reduced the budget by about \$374,000 in expenditures. The assessment estimate for the F/L District has gone down \$239,000; Old Colony is down by \$99,000 and Bristol County is down by \$38,000. The Veterans' budget increased by \$2,000 for grave markers. We balanced the budget by reducing State Aid in the Cherry Sheets. We reduced Local Receipts by \$295,000; this number is now \$214,000 less than in the FY23 budget. State Assessments are down \$3,000 on the Cherry Sheet and State offsets are down by \$1,000. The bottom line is we are in better shape than when we started due to the Governor's proposed budget and pressuring the School Districts to get their numbers down. Member LaCamera said he was happy that the Regional School budget is down. He said the Superintendent sent an email about there being a substantial reduction in health insurance costs. We need to know what that means. Mr. Sky will reach out.

Correspondence

1. Letter from Comcast regarding Channel Lineup Changes

Executive Session

At 7:33 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, §21(a) (2) to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contact negotiations with non-union personnel and pursuant to M.G.L. c.30A, §21(a) (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 bargaining position of the public body and the Vice Chair so declares and pursuant to M.G.L. c.30A, §21(a) (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Minutes for February 28, 2023 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 March 27, 2023

1. Agenda page
2. Agenda page
3. Agenda page; memo from Town Clerk; warrant articles; redline copy of revisions to General Bylaws
4. Agenda page; final draft Lakeville Housing Production Plan
5. Agenda page; memo from Town Planner; memo from Planning Board; emails from Fire Chief and Police Chief
6. Agenda page; memo from Town Administrator
7. Agenda page; memo from Town Administrator; Donation Agreement
8. Agenda page; memo Board of Health; Memorandum of Understanding
9. Agenda page; letter from Rock Hard Racing; Pubic Way License Application; route maps; Certificate of Insurance
10. Agenda page; Select Board Meeting Minutes of March 6, 2023 and March 8, 2023
11. Agenda page
12. Agenda page
13. Agenda page; Comcast Letter; Notice from Keolis Commuter Services
14. Agenda page