

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
June 12, 2023 – 6:00 PM**

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

On June 12, 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. Member Fabian asked about the pavilion structure for the stage. Mr. Sky said we had as built plans that indicated Taunton Water lines were in the area. Paul Nee is working with Joanne Upham on the concerts.

Discuss and possible vote to approve Select Board Minutes of May 22, 2023 and May 31, 2023

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

VOTED: To approve the May 22, 2023 and May 31, 2023 Select Board Minutes as presented.
Unanimous in favor.

Meet with the Finance Committee to discuss end of the year transfer requests

Present for the discussion were members of the Finance Committee: Christopher Plonka, Chairman; Katherine Desrosiers; Larry Kostant; Maureen Candito and Darren Beals. Also present for the discussion was Todd Hassett, Town Accountant. The Finance Committee meeting was called to order at 6:20 PM.

Reserve Fund transfers (MGL Ch. 40, Sec. 6)

Mr. Nee was present for the discussion. Mr. Hassett said there is a transfer for the Facilities Department due to work done at the Animal Shelter. Mr. Nee's budget is depleted, but he still has a few small jobs he would like to do. We would like to transfer \$15,000 from Facilities Salaries in Custodial to Building Maintenance in the expense budget. Mr. Nee said we have two (2) air conditioning units from the Accounting Office renovation that we would like to use for the Old Library. Chairman Day asked if this is savings from unfilled positions. Mr. Sky said yes. Mr. Kostant asked \$15,000 just for air conditioners? Mr. Nee said there are multiple air conditioning projects going on. Member Fabian said some of the Animal Shelter repairs were unexpected due to a surprise inspection by the State.

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

VOTED: To approve the FY23 Reserve Fund Transfer for \$15,000 from Facilities Wages to Expenses as presented.

Roll call: Member Fabian – aye; Member Carboni – aye; Chairman Day and Finance Committee Members: Ms. Desrosiers – aye; Mr. Beals – aye; Ms. Candito – aye; Mr. Kostant – aye and Chairman Plonka – aye.

Departmental transfers (MGL Ch. 44, Sec. 33B)

Mr. Hassett said there is \$139,055 in the Reserve Fund and we are asking for three (3) transfers totaling \$87,500. The transfer for Legal Services is for \$45,000. We have had some on-going litigation and this will help us get through June. Ms. Candito asked is this just for KP Law? Mr. Sky said yes.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Ms. Desrosiers, it was:

VOTED: To transfer \$45,000 from the Reserve Fund to Legal Services .

Roll call vote: Ms. Desrosiers – aye; Mr. Beals – aye; Ms. Candito – aye; Mr. Kostant – aye and Chairman Plonka – aye.

Mr. Hassett said the next transfer is for Animal Control salaries of \$22,500 primarily relating to covering the absence of the Animal Control Officer due to illness.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Ms. Desrosiers, it was:

VOTED: To transfer \$22,500 from the Reserve Fund to Animal Control Officer Salaries.
Unanimous in favor.

Franklin Moniz, Department of Public Works Director, was present for the discussion. Mr. Hassett said the next transfer is for the Transfer Station. We experienced some excess costs due to bulky waste and recycling. The FY24 budget was adjusted accordingly, but we believe we will be short this year. The transfer request is for \$20,000. Mr. Hassett noted that the Select Board has approved rate increases for FY24. Ms. Candito asked if the rate increase is just to keep up? Mr. Moniz said right now just to keep up to be fair to the public. We raised the bags and sticker prices in regards to the increase in cost to get rid of the municipal solid waste. We increased the construction bulky waste and that keeps going up. We have seen a large spike in commercial waste. There was also a large increase in disposal of mattresses. Finance Committee Chairman Plonka asked about the recycling costs? Mr. Moniz said we just started making money on cardboard this past month.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Mr. Kostant, it was:

VOTED: To transfer \$20,000 from the Reserve Fund to cover the expenses at the Transfer Station.
Unanimous in favor.

Member Carboni asked what the balance of the Reserve Fund was. Mr. Hassett said \$51,000.

Mr. Hassett said there are five (5) Department transfers. The first one is under Select Board to transfer \$610 from Select Board Expenses to Salaries for a contractual step increase that was not included in the budget. We would like to transfer \$14,500 from Town Offices Expenses to the Assessors Expenses to cover revaluation services of \$12,500 and technology/GIS services for \$2,000. They just budgeted for a normal update year for revaluation services, but this needed to be done for Department of Revenue approval. Chairman Day asked how often they had to do the revaluation? Mr. Hassett said it used to be every three (3) years, but now it is five (5) years. Under Fire Overtime the transfer is due to service calls. We adjusted the budget going forward, but this is a proposal to transfer \$25,000 from Police Salaries to Fire Department overtime to cover some of the callback overtime. He was just notified that we have additional firefighters out, so we may be back for a modest adjustment in July. There is a transfer to Norfolk Agricultural High School of \$54,584 for tuition and transportation. We had savings in both the other Regional School Districts so will use \$45,000 from Freetown/Lakeville and \$9,584 from Old Colony. Mr. Hassett noted we are not reducing the budgets; we paid the full assessment for both Schools. We set the budget at a higher level and it was amended by their School Committees. We are requesting \$2,500 to be transferred from the Employee Benefits area to Property Liability Insurance. Mr. Sky said the litigation is handled by the insurance carrier, but we have a deductible.

Mr. Hassett said the transfer for Norfolk Agricultural is for a student that couldn't be serviced at Bristol Agricultural. Most of the expense is from transportation. The cost is higher than that. Member Fabian asked if the student drives themselves, do we have to reimburse them. Mr. Hassett said we would negotiate something, but it would be less than the transportation, which is \$260 per day plus tuition. Member Fabian asked if the Board has been informed about the litigation deductible. Mr. Sky said yes.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Ms. Desrosiers, it was:

VOTED: To approve the transfers between the accounts as presented.
Roll call: Member Fabian – aye; Member Carboni – aye; Chairman Day and Finance Committee Members: Ms. Desrosiers – aye; Mr. Beals – aye; Ms. Candito – aye; Mr. Kostant – aye and Chairman Plonka – aye.

Finance Committee Chairman Plonka said the Finance Committee had other business to conduct.

Discuss and possible appointment of a Finance Committee member to serve on the Capital Expenditure Committee and appointment of a Finance Committee member to serve on the Regional School Committee Finance Committee

Finance Committee Chairman Plonka noted the Finance Committee needed to appoint a member to the Capital Expenditures Committee and the F/L Regional School Finance Committee. He said that Mr. Kostant serves on the Fire Station Building Committee; Ms. Desrosiers serve on the Council on Aging Building Addition Committee and he serves on the Old Colony Building Committee.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Ms. Desrosiers, it was:

VOTED: To appoint Maureen Candito as a member of the Capital Expenditures Committee.
Unanimous in favor.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Mr. Kostant, it was:

VOTED: To appoint Darren Beals as a member of the Regional School Finance Committee.
Unanimous in favor.

Discuss and possible vote to approve the Finance Committee Meeting Minutes of May 31, 2023

Ms. Candito noted that there was no need to have language about the Chairman stepping down to make motions. Finance Committee Chairman requested that the language be removed.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Ms. Desrosiers, it was:

VOTED: To accept the May 31, 2023 Finance Committee Meeting Minutes as amended.
Roll call vote: Ms. Desrosiers – aye; Mr. Kostant – aye; Chairman Plonka – aye;
Mr. Beals – abstain and Ms. Candito – abstain.

Upon a motion made by Finance Committee Chairman Plonka and seconded by Mr. Kostant, it was:

VOTED: To adjourn the Finance Committee Meeting at 6:49 PM.
Unanimous in favor.

Revisit and possible vote on application for Outside Entertainment from Alexander Koroskenyi – 1 Cedar Pond Road – July 22, 2023

Mr. Sky said we have an opinion from Town Counsel that there is no statute that grants the Board authority to issue licenses for entertainment on private property, unless admission is charged for a public event. If there are complaints, the Police Department and Board of Health would address that. Chairman Day said as far as we know, there is no charge for either event. Member

Carboni said this is basically an honor system. Mr. Sky said we found that the Selectmen started issuing these licenses in 1995 and it could be connected to the split of the Board of Health off of the Board of Selectmen. A government entity does not have regularity authority on what people do on their property.

Member Fabian said by continuing to issue these permits we are taking away the tools that the Police have in place by law to handle noise or other problems. This happened in the past because the property owner had a permit. Member Carboni said if someone charges admission and they don't apply for a permit, how do you police that. Mr. Sky said the Police Department. Chairman Day said only if we set a fee for this license can we get involved. Member Fabian said if someone's party goes out of control at 8:00 PM, the Police can handle it, but if there is a permit allowing it, they can't do anything. She would be interested in what other communities do.

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

VOTED: To take no action on this application.
Unanimous in favor.

Discuss and possible vote on application for Outside Entertainment from Joanna Rodrigues – 26 Dunbar Road – August 19, 2023

Chairman Day said the Board had received another application for outside entertainment.

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

VOTED: To take no action on this application.
Unanimous in favor.

Discuss and possible vote on request from Plymouth County Retirement Association Board to accept Chapter 269 of the Acts of 2022

Mr. Sky said an act (Chapter 269) was passed in November to allow a one-time COLA of 5% instead of 3%. We estimated that the cost would be \$24,000 to \$40,000 based on information received today. Plymouth County had said the cost basis is at \$18,000, but we factored at \$16,000. This has to be adopted by June 30th. In order for this to pass, 2/3's of the Plymouth County governing bodies and the Plymouth County Retirement Board (PCRB) need to approve it. Local government employees don't receive social security, so the only COLA they get would be from their pension. Member Carboni said PCRB voted on this April 13th and we received it May 31st. They want a vote by June 30th. Member Fabian said she didn't understand why it was sent out so late. She noted that Social Security went up more than 5%. Mr. Sky said the increase is only on the first \$16,000.

Chairman Day asked the Board if they would you like to table this until June 26th to make sure we have all the information. Member Carboni said she is not opposed to supporting this, but she is okay with waiting to the 26th. Member Fabian said she is in support of deciding on this tonight. Susan McCusker of 107 Nelsons Grove Road said it would be \$320 per retiree for one time. We already receive the 3% increase, so it is just 2% more. If this is not passed by 2/3's of the communities, it goes nowhere. PERAC notified everyone of this in November of last year. We

are hoping for your support on this. Charles Armanetti, Chairman of The Middleborough Retirees Insurance Group, said that as retirees pass away, that goes away. New retirees do not get this. There are 23 towns in Plymouth County and we need 16 in the affirmative to pass this. The teachers already received this and the State worker retirees also. This group of Town retirees will not receive this if it does not pass. Also, retirees of less than a year do not receive this. Mr. Sky said we are using the numbers PERAC provided. The actuarial report said it was based on \$16,000. Mr. Armanetti said as of July 1, 2023, they voted it on \$18,000.

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

VOTED: To approve the request from Plymouth County Retirement Association Board to accept Chapter 269 of the Acts of 2022.
Unanimous in favor.

Discuss and possible vote to approve the policy for consideration process of Chapter Land

Marc Resnick, Town Planner was present for the discussion. Mr. Sky said the revised sections of the policy are in yellow. We incorporated comments from the last meeting. Mr. Resnick said we added a sentence to clarify that the Board may enter into Executive Session for the purpose of negotiating. Member Carboni asked who monitors the checklist. Mr. Sky said our office will take care of it. Member Fabian asked if Town Counsel reviewed the revisions. Mr. Sky said they reviewed the original one. Member Fabian asked if the Assessors reviewed this as they have their own Chapter 61 policies. Mr. Sky said it was shared with them and they are okay with it.

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

VOTED: To adopt the Town of Lakeville Select Board Chapter 61 Right of First Refusal Policy and Procedures.
Unanimous in favor.

Discuss and possible vote on request from Town Clerk to send State Political Committees a letter regarding appointment of election workers

Chairman Day said the Town Clerk has requested that the Board send the annual letters to the State Political Committees.

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

VOTED: To send a letter to the State Political Committees regarding the appointment of election workers.
Unanimous in favor.

Discuss and possible vote to approve request to connect to Taunton Water – 310 Kenneth Welch Drive

Mr. Sky said this has been going on since last August. The facility was given a temporary connection to a hydrant by City of Taunton. We have been working with the ownership to tackle water issues and recycling. They are now requesting 15,000 gallons per day. We have over

204,672 gallons left of allocation per day from Taunton. There are still a couple of major issues with this facility. Northeast Alternatives has obtained offsite parking. The parking is not perfect on Kenneth Welch Drive, but it is better. The guard rail should deal with that. There is an issue with the wastewater and the engineering with the new septic field. They need to speak to Conservation. The Fire Department issues are mostly resolved. Member Carboni asked if this application is from the owner of the building? Mr. Sky said yes as the water flow is billed to the building. They already have an allocation of 5,000 gallons, so they are requesting an additional 10,000 gallons. Chairman Day asked if this is for all tenants of the building. Mr. Sky said the current 5,000 gallons is being replaced by 15,000 gallons.

A motion was made by Member Carboni and seconded by Member Fabian to approve the application to connect to Taunton Water for the property located at 310 Kenneth Welch Drive for a daily allocation of 15,000 gallons per day.

Discussion: Member Fabian said we have 204,672 gallons of allocation from Taunton, so this will be taken from the allocation. Mr. Sky said giving them an additional 10,000 gallons is reasonable for the size of this building. Chairman Day asked if Taunton is okay with the peak demand. Mr. Sky said they require a flow analysis as part of the application. Member Fabian said she is concerned about the increase in requests for connections. Mr. Sky said this began in 2007 and we have used a third of our allocation. This does not include the connections approved prior to 2007. Member Fabian asked if the small 40B development on Bedford Street is included. Mr. Sky replied yes. LeBaron was approved for 70,000 gallons per day, but are only using 40,000 to 50,000 gallons per day. We spoke to Taunton about looking at expanding our allocation. At first they were interested, but after a recent conversation, they became less willing to expand our allocation. Member Fabian said a conversation about water needs to take place in the upcoming years.

The vote on the previous motion was unanimous in favor.

Discuss and possible vote to approve request to connect to Taunton Water – 235 Main Street

Mr. Sky said this house was connected to Taunton Water at one time.

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

VOTED: To approve the application to connect to Taunton Water for the property located at 235 Main Street for a daily allocation of 260 gallons per day.
Unanimous in favor.

Discuss and possible vote to approve renewal of Junk Dealer and Junk Collector – 330 Bedford Street – Steve Davoli – The Antique Mall

Chairman Day said the applicant has provided the Town Clerk with evidence of activity. Discussion occurred regarding the expiration date of the license.

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

VOTED: To approve the renewal of the Junk Dealer and Junk Collector application for 330 Bedford Street with an expiration date of May 1, 2024.
Unanimous in favor.

Discuss and possible vote on employment agreement for Erika Correia, Treasurer/Collector

Mr. Sky said the Special Act establishing the appointed Treasurer/Collector allows for a contract. Ms. Correia's contract expires June 30, 2023. This is basically the same agreement with updates on the probation language and corrects the salary. Member Carboni said on Page 2, Compensation under #1 it shows \$85,000 and then says \$90,177 in parentheses. Are we approving the salary of \$90,177? On Page 3 under Severance Pay #7, it needs to say Select Board. Chairman Day said "after successful completion of probation" needs to be removed. Member Carboni said on Page 4, #8 – under voluntary termination, Board of Selectmen needs to be changed to Select Board. On Page 2, Fringe Benefits at the bottom, "vacation approved, but not used is forfeited". Why is this in the document. Mr. Sky said we need to fix that language to add the carryover of five (5) days. Member Fabian asked that a revised copy be emailed to the Board.

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

VOTED: To approve the Employment Agreement for Erika Correia as Treasurer/Collector with the proposed amendments.
Unanimous in favor.

Update on Historic Library ramp procurement

Mr. Sky said we estimated \$50,000 for the installation of the handicap ramp. We experienced some things that we did not anticipate with the IT improvements and additional work stations and storage cabinets needed. There is approximately \$30,000 left in the budget. We also need masonry work for the ramp. We can go to Fall Town Meeting for additional funding, fund with ARPA money or we can submit the project through the State's ADA Grant. That grant process opens for applications in August. From an aesthetic option, a lift is an option. That would require alteration to the building that the Historical Commission would not want to do. We can do powdered coats on the metal to help it blend in with the building. Chairman Day asked if we have done any ADA projects. Mr. Sky said we applied to replace the sidewalks at the elementary school, but were denied. Member Carboni asked what is the turnaround time for the ADA Grant. Mr. Sky said the end of the fall. Member Carboni said she doesn't want to tie up Free Cash if we can fund it somewhere else. Discussion occurred regarding a possible lift. Member Carboni said she doesn't want to go back to the drawing board. She would suggest going through the ADA Grant and then we could look at the other two (2) options if we did not receive the grant. Mr. Sky said if we do not get the ramp through the ADA Grant, he would recommend using the ARPA funding. Mr. Sky said he would apply for a grant for the entire project.

Select Board Policy Review discussion

Chairman Day said the Board wanted to look at a list of policies already in effect to see if updates were needed. Mr. Sky said they have all been updated from Board of Selectmen to Select

Board. The Town Property Use policy should be updated. He recommends taking the oldest and moving them up. Member Carboni said we should have a standard format for our policies and have them available electronically. Chairman Day said he would like a change log on the policies noting the date of update and why. Mr. Sky said perhaps we can have a meeting on just policies. Member Fabian said some of them would take up a lot of time to do doing a regular Board meeting. Discussion occurred regarding how to handle the review of policies.

Member Carboni said if there is a legislative change, policies can be updated. Policies are often brought up due to an issue. We could review them as we go along. Mr. Sky said some of the policies could be part of the personnel policy. Member Fabian asked if Human Resources covers some of these? Chairman Day said to ask the Human Resources Director to take a look at the CORI, HIPAA, Social Media and Domestic Violence Leave policies. He would like to start with Curb Cuts, Property Use and Recycled Product Procurement. Member Carboni asked to have the policies scanned and send them to the Board. Mr. Sky said we are working on the Social Media Policy for the next meeting and we can come back with the other three (3).

Fire Station Building Committee update

Member Carboni said she would like to see the Fire Station Building Committee (FSBC) updates always on the agenda. The Building Committee has received the Owner's Project Manager (OPM) submittals. We ranked them individually on a scale of 1-5 and the rankings were combined to come out with the top three (3) candidates on Wednesday, June 21st and the committee will vote to endorse the OPM. She was not sure if it would be at the same meeting. She had asked that the charge for the FSBC be included. Because we haven't had a solidified location for the proposed Fire Station, it would be prudent to establish a procedure on how to establish that. We can adjust the FSBC Charge to have the Committee identify with the OPM a recommended location to vote on. Discussion occurred regarding the next FSBC agenda.

Member Carboni said she wants the information to be out there for the public. Member Fabian asked why is the location coming up for review? By looking at locations again and not going with the site identified in the Feasibility Study, we are delaying the project. She doesn't want to come up against other projects that need to be funded. Member Fabian said once SOCOTEC's Feasibility Study was accepted we were all on the same page. Member Fabian said you are interviewing OPMs with no location. There is no way we are going to get a design project for Town Meeting in the Fall. We are taking a chance asking taxpayers to approve the Old Colony project and a Fire Station at the same time. Member Carboni said the FSBC is moving forward, and she does not want to rush the project. Chairman Day said we will have a bigger discussion at an upcoming meeting. Member Fabian said as the Chair of the Committee you should want to speed up the process. Its more expensive to put the station somewhere else. We already have the feasibility study. Member Carboni asked for Chairman Day to put a discussion on for the June 26th agenda. We are targeting June 21st for interviews. Hopefully we will have an answer by June 26th.

New Business

There was no New Business discussed.

Old Business

Member Fabian said Item #15 on the agenda was a bit vague. She was unsure of what we were going to be discussing. When she received the packet, there was a list included, but she didn't know what we were supposed to do. The same thing on Item #16; she wasn't expecting the charge to be in the packet. If this was to request to change the charge, it should have said that. Member Carboni said she wanted to put the Select Board on notice that she was going to be looking to amend the FSBC charge. Member Fabian said if it was known that there was going to be a request for the charge to be amended, we could have done that tonight.

Mr. Sky said one (1) proposal was received for the Classification and Compensation Study from Government HR USA. We should put together a small steering group including a Select Board Member. He would like to include Member Fabian since she is the union negotiation liaison. The project will take about four (4) months. Member Fabian said she would let Mr. Sky know.

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 8:14 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of June 12, 2023

1. Agenda page
2. Agenda page
3. Agenda page; Select Board Meeting Minutes of May 22, 2023 and May 31, 2023
4. Agenda page; FY2023 Operating Budget Transfers; FY2023 Transfer of Appropriations
5. Agenda page; application form; email from applicant; email from Police Department; email from Town Counsel
6. Agenda page; application form; email from applicant; email from Town Counsel
7. Agenda page; letter from Plymouth County Retirement Association Board; copy of Chapter 269 of Acts of 2022; letter from PERAC; Actuarial Valuation from Plymouth County Contributory Retirement System as of January 1, 2022 and email from Town Accountant
8. Agenda page; draft Policy for Consideration Process of Chapter Land
9. Agenda page; email from Town Clerk; draft letters to State Political Committees
10. Agenda page; application for Taunton Water connection
11. Agenda page; application for Taunton Water connection
12. Agenda page; Daily Sales report for March 2023
13. Agenda page; draft Employment Agreement for Treasurer/Collector and previous Employment Agreement for Treasurer/Collector
14. Agenda page; memo from Town Administrator

15. Agenda page; list of Select Board policies
16. Agenda page; Fire Station Building Committee Charge
17. Agenda item
18. Agenda item