

TOWN OF LAKEVILLE
Select Board Meeting Minutes
August 15, 2022 – 5:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA

On August 15, 2022, the Select Board held a meeting at 5:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 5:00 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 Select Board & Town Administrator. LakeCAM was recording the meeting for broadcast.

Executive Session

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

VOTED: To go into Executive Session pursuant to M.G.L. c.30A, §21(a) (3) to discuss strategy with respect to litigation concerning Scott v Knox et al. (Lakeville Planning Board), Land Court C.A No. 21 MISC 000245 and Jenkins v Knox et al. (Lakeville Planning Board), Land Court C.A No. 21 MISC 000252, because I declare that discussion the matter in open sessions may have a detrimental effect on the litigating position of the Board and to return to Open Session.
Roll call vote: Member Fabian - aye; Member Carboni - aye; and Chairman LaCamera – aye.

Chairman Knox opened the Planning Board meeting at 5:03 PM.

Upon a motion made by Mr. Conroy and seconded by Ms. McEachern, it was:

VOTED: To go into Executive Session pursuant to M.G.L. c.30A, §21(a) (3) to discuss strategy with respect to litigation concerning Scott v Knox et al. (Lakeville Planning Board), Land Court C.A No. 21 MISC 000245 and Jenkins v Knox et al. (Lakeville Planning Board), Land Court C.A No. 21 MISC 000252, because I declare that discussion the matter in open sessions may have a detrimental effect on the litigating position of the Board and not to return to Open Session.
Roll call vote: Mr. Conroy - aye; Ms. McEachern - aye; and Chairman Knox – aye.

The Select Board went back into Open Session at 6:12 PM.

Select Board Announcements

Chairman LaCamera read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcements.

Discuss and possible vote to approve the Natural Hazard Mitigation Plan

Michael O'Brien, Fire Chief, was present for the discussion. Chief O'Brien said the plan came about approximately three (3) years ago when the Town could not apply for a grant for a generator as we did not have a Natural Hazard Mitigation Plan. The plan is good for five (5) years, so in four (4) years we will need to fund a new plan. We are now qualified to apply for grants for natural disasters.

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

VOTED: WHEREAS, the Town of Lakeville established a Committee to update the Town's local Hazard Mitigation plan; and

WHEREAS, the Town of Lakeville participated in the update of the Town of Lakeville's local Hazard Mitigation Plan; and

WHEREAS, the Town of Lakeville Hazard Mitigation Plan update contains several potential future projects to mitigate potential impacts from natural hazards in the Town of Lakeville, and

WHEREAS, a duly-noticed public meeting was held by the Select Board on August 15, 2022 for the public and municipality to review the Town of Lakeville Hazard Mitigation Plan update prior to consideration of this resolution; and

WHEREAS, the Town of Lakeville authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan, and

NOW, THEREFORE BE IT RESOLVED that the Town of Lakeville Select Board formally approves and adopts the Town of Lakeville Hazard Mitigation Plan Update, in accordance with M.G.L. c. 40.

ADOPTED AND SIGNED this 15th day of August, 2022 by the Lakeville Select Board.

Unanimous in favor.

Update from SRPEDD on Assawompset Pond Complex matters

Helen Zincavage and William Napolitano from SRPEDD and Thomas Barron from the Middleborough/Lakeville Herring Fishery Commission were present for the discussion. Member Fabian said this has been a two (2) year planning process for the Assawompset Pond Complex (APC). A list of 12 items that stakeholders deemed to be the most important to help prevent flooding in the future has been prepared. Ms. Zincavage said Senator Rodrigues has obtained some ARPA Funds to help us get started on the list. The top five (5) priorities are: address sedimentation build up; invasive weed removal from Long Pond and the Nemasket River; Middleboro Wareham Street dam removal; installation of boat washing station at the Freetown Boat ramp and replacing the Snake River culvert. Ms. Zincavage said the Long Pond Association received a permit for weed removal, which is happening now. The permit is good for five (5) years. Mr. Napolitano said we are going to use the seven (7) days of the permit; it is \$7,000 per

day including everything for the weed removal. Chairman LaCamera asked how many acres of water has weeds in it. Mr. Napolitano said up to 200 acres, but the pond survey shows some sparse and some dense areas. We did the 10 densest acres. Chairman LaCamera said we are not doing anything to prevent it from happening, especially at the boat ramp. Ms. Zincavage said the boat wash station is #7. The \$250,000 ARPA funds are the focus of items 1 and 2. We did receive another \$250,000 to move forward. High priority items for the additional funding is design and engineering for the boat wash station and looking at engineering to replace the culvert between Long Pond and Assawompset Pond. Chairman LaCamera asked about applying for Federal Funds. Ms. Zincavage said she is not sure about that. Chairman LaCamera said the Federal funding is available right now for water infrastructure. Ms. Zincavage said they tried to request design and engineering and construction funds for the culvert. The Federal representatives need a Federal program to channel the money through. The best way is to go through FEMA. Chairman LaCamera said in the infrastructure bond bill there is \$3 million. What can we do to get funding? The culvert and the dam are problems. Member Fabian said if the engineering is done for the culvert, we would be ready to apply for funds. Chairman LaCamera asked who would be responsible for the project. Mr. Napolitano said SRPEDD in partnership with MassDOT. Now that the Hazard Mitigation Plan is done, you are eligible for BRIC funding. If we can get the engineering done and then apply for construction, we would be in pretty good shape. The river is a problem and getting rid of the sedimentation is big.

Ms. Zincavage said regarding the Middleboro Wareham Street dam removal, there was a public meeting last month to talk about things that came out of studies. The dam removal would help keep the river moving. We are doing an initial feasibility study now. The bridge would need to be widened if the dam were removed. We hope the study will allow us to apply for grants. Member Fabian asked if the herring ladder will be kept. Ms. Zincavage said no, since the dam won't be there it would be part of the stream channel. We would have to do some bank adjustment and the park would change drastically. Discussion occurred regarding a booklet for the residents of Long Pond to protect the pond. Member Fabian said when Conservation gives out a permit, they do hand out materials for good stewardship, but there is no enforcement. She has spoken to members of the Long Pond Association about this issue, but they have said they have not heard anything about stewardship. Member Carboni said it might be advantageous to consider putting together a maintenance plan to make sure that we mitigate things from happening again. Mr. Napolitano said a management plan will be a stewardship plan. Mr. Barron asked where the weeds were going. Mr. Napolitano said they are going to a sawmill and being laid out in winrows. We need to monitor the winrows to make sure there is nothing in them. Mr. Barron asked about the Assawompset Dam. Mr. Napolitano said the detailed study was 600' from the dam, but they did probes down 1,800'. Mr. Barron read information from Outback Engineering regarding the riverbed. The Assawompset Dam has no water getting to it. When there is high water, no water flows out.

Discussion and possible vote to designate the Lakeville Select Board as the applicant to obtain a Notice of Intent (NOI) from the Lakeville Conservation Commission for a project to remove obstructive sediment from the first 1,200 feet of the Nemasket River below the APC Dam

Helen Zincavage and William Napolitano from SRPEDD were present for the discussion. Ms. Zincavage said permits are needed from both the Middleborough and Lakeville Conservation Commissions to dredge the river area near the Assawompset Dam. ARPA money will be funding the work, but it is not appropriate that SRPEDD be the applicant. We are hoping that both Boards will serve as the applicants for the permits needed.

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

VOTED: To apply to the Lakeville Conservation Commission for a project to remove obstructive sediment from the first 1,200 feet of the Nemasket River below the Assawompset Pond Dam.
Unanimous in favor.

Discuss and possible vote to schedule a Fall Special Town Meeting-November 14, 2022

Chairman LaCamera said we have a proposed schedule for the Special Town Meeting to be on November 14, 2022. He would like to vote to schedule the meeting on August 29th, open the warrant on August 29th and close the warrant on September 22nd. There are specific articles that we should talk about on the 29th.

Discuss and possible vote the Intent to Layout Ledgewood Drive as a public way

Marc Resnick, Town Planner, was present for the discussion. Chairman LaCamera said we have received a request to vote the Board's intent to layout Ledgewood Drive as a public way. The Planning Board needs to adopt regulations for the acceptance of public ways. We don't have the engineer and DPW Director look at the road until later in the process, but he feels it should be done sooner. Mr. Resnick noted the road had been inspected on January 20, 2021 by Environmental Partners and aside from a few issues regarding a swale and outlet structure, there were no problems with it. Mr. Resnick said he went out there a month ago and walked the site and there was nothing significant. He will go back out and submit a memo. Member Fabian said she thought that the Town was not going to accept any more roads. Member Carboni said it is up to the Board, but there are some communities that are not accepting any more public roads, but Lakeville has not done it. Chairman LaCamera said we did tell the Planning Board that we would not accept the roads on smaller subdivisions. Mr. Resnick said there will be another road coming before the Board that has been constructed to the standards of the subdivision regulations.

Discuss and possible vote to approve request of the Lakeville Arts Council to place signs for the Annual Arts & Music Festival

Chairman LaCamera said we have received a letter from the Lakeville Arts Council regarding signage advertising for the Annual Arts & Music Festival.

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

VOTED: To approve the request from the Lakeville Arts Council to place a sign for the Annual Arts & Music Festival at the intersection of Precinct Street and Rhode Island Road and a banner at Dickran Diran Square.
Unanimous in favor.

Discuss and possible vote to issue proclamation in honor of Elizabeth Bryant's 100th birthday

Chairman LaCamera said the Board has received a request to issue a proclamation in honor of Elizabeth Bryant's 100th birthday. Member Fabian said she attended her birthday celebration on Friday at the Senior Center. She read the proclamation into the record.

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

VOTED: To issue the proclamation in honor of Elizabeth Bryant's 100th birthday.
Unanimous in favor.

Discuss and possible vote on request for Outdoor Entertainment Permit-76 Kingman Street – September 24, 2022

Chairman LaCamera said the Board has received a request from Jonathan Harris for an Outdoor Entertainment Permit for September 24, 2022 at 76 Kingman Street. This permit has been issued for several years, and the Police Chief reports no issues. Member Fabian said two (2) Saturdays past we had an issue with another Outdoor Entertainment Permit that the Board had issued. Going forward, we need to ask more specific questions. They ended up having a live band on a stage with a light show requiring generators and there was an altercation with neighbors. She spoke to the Health Agent who said there is a noise ordinance in place. We may need a policy.

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

VOTED: To approve an Outdoor Entertainment Permit for the property located at 76 Kingman Street on September 24, 2022.
Unanimous in favor.

Discuss and possible vote on request from Richard Coletti to be reappointed as a Constable

Chairman LaCamera said the Board has received a request from Richard Coletti to be reappointed as a constable.

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

VOTED: To appoint Richard Coletti as a Constable for a term to expire August 12, 2023.
Unanimous in favor.

Discuss and possible vote on Town Administrator Review and FY23 Goals

Chairman LaCamera said the goals for the Town Administrator had been discussed at a previous meeting.

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

VOTED: To approve the goals for FY23 for the Town Administrator.
Unanimous in favor.

Member Fabian said the Board had the FY22 goals, so we had something to rate the Town Administrator on that was objective. A copy of the evaluation forms will be in the Town Administrator's personnel file and perhaps in the Town Clerk's office. Member Fabian said she gave Mr. Sky a very favorable review across the board and read some of the narrative from her evaluation. Member Carboni said Mr. Sky has generally met expectations on the majority of the expectations. Areas of improvement needed are verbal communication and interpersonal skills. She said Mr. Sky met the expectations of the review. Chairman LaCamera said in 99% of the expectations, Mr. Sky was excellent. Important items that were achieved were getting the Town's operating budget done earlier than it has ever been and available to the residents. The Capital Improvement plan was updated. Union contracts have been negotiated; health insurance plans updated; grants have been coordinated and the Town has received a significant amount of grant money. Mr. Sky supervises daily operations extremely well and has very important strong relationships at the State and Local level. He has made significant improvements in technology. A challenge has been overseeing the maintenance of Town facilities. Improvements have been made, but we are not where we should be. Chairman LaCamera said Mr. Sky is always out-front dealing with issues. Areas of improvement is updating the Board more regularly on Town projects; needing to get more involved in planning items and decisions in Town; and work on improving policy and procedure for Boards and Committees. Mr. Sky thanked the Board for their feedback.

Discuss and possible vote to accept Frederick Frodyma's resignation from Open Space Committee and Conservation Commission

Chairman LaCamera said the Board had received a letter from Frederick Frodyma resigning from the Open Space Committee and Conservation Commission.

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

VOTED: To accept Frederick Frodyma's resignation from the Open Space Committee and Conservation Commission.
Unanimous in favor.

Discuss and possible vote to accept Paula Frodyma resignation from the Council on Aging and as representative to the Old Colony Planning Council Area Agency on Aging Advisory Board

Chairman LaCamera said the Board had received a letter from Paula Frodyma resigning from the Council on Aging Board of Directors and as representative to the Old Colony Planning Council Area Agency on Aging Advisory Board.

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

VOTED: To accept Paula Frodyma's resignation from the Council on Aging Board of Directors and as representative to the Old Colony Planning Council Area Agency Advisory Board.
Unanimous in favor.

Discuss request from Zoning Board of Appeals for comments regarding modification to the comprehensive permit– The Residences at LeBaron Hills

Marc Resnick, Town Planner, was present for the discussion. Chairman LaCamera said the owners are modifying the project. Mr. Resnick said the public hearing will be opened on August 18th. Chairman LaCamera asked if the wastewater treatment plant can handle the changes. Mr. Resnick said the owner has indicated it can, but we do not have documentation from the engineer. Chairman LaCamera said we should get the documentation. Regarding the water allocation, he would like confirmation that they are within the allocation issued by the Town. Chairman LaCamera noted that the owner would like access to Fern Avenue. If they are going to use Fern Avenue, they need to completely reconstruct Fern Avenue, including drainage and sidewalks. He has told the owner that he would like plans for this. School busses will be able to go there as they are proposing a cul-de-sac for a bus turnaround. Member Carboni asked about the pressure on Precinct Street if there is going to be full access from Fern Avenue. Mr. Resnick said it will help disburse the traffic from the development. Member Carboni said when we start the project on Route 79, they may re-route traffic through Fern Avenue onto Precinct Street. Mr. Resnick said we can have a traffic study done. Member Fabian said we have two (2) residents that have been vocal about their water bill. Chairman LaCamera said they have a condo association that sets the fees. Mr. Resnick said the Appeals Board is asking for comments on things you may be aware of.

Review and possible vote to approve Select Board Meeting Minutes of July 11, 2022 and July 25, 2022

Member Carboni noted on the July 11, 2022 minutes, Kathryn Beals needed to be changed to Kathryn Goodfellow.

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

VOTED: To approve the Select Board Meeting Minutes of July 11, 2022 (as amended) and July 25, 2022 as presented.
Unanimous in favor.

New Business

Mr. Sky said the future meeting dates discussion will be on the August 29th agenda.

Old Business

Member Carboni said the Board received a letter from the Open Space Committee regarding the Open Space Residential Development By-law asking to be involved in this. Why wouldn't they be involved. Chairman LaCamera said the Planning Board is in charge of this. Open Space just needs to request a meeting with them. Mr. Sky said Open Space Committee doesn't really have a formal role in the by-law development process. Chairman LaCamera said they were given an opportunity to comment, but they did not.

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 7:45 PM.
Unanimous in favor.

OTHER ITEMS

1. Letter from Open Space Committee regarding Open Space Residential Development By-law
2. Email from M/L Herring Fishery Commission regarding herring counts
3. Letter from Comcast regarding channels

List of documents provided at the Select Board Meeting of August 15, 2022

1. Agenda page
2. Agenda page; drought flyer; flyer regarding Nemasket Week
3. Agenda page; email from Town Counsel; Warrant for August 8th Special Town Meeting
4. Agenda page; memo from Fire Chief; Natural Hazard Mitigation Plan
5. Agenda page
6. Agenda page
7. Agenda page; draft timeline; potential articles; memo from Town Counsel; citizen petitions;
8. Agenda page; notice of intent to layout; letter from Michael O'Shaughnessy, Esquire; procedure for layout and acceptance of public ways;
9. Agenda page; letter from Lakeville Arts Council
10. Agenda page; proclamation
11. Agenda page; application for outside entertainment permit; email from Police Chief
12. Agenda page; letter from Richard Coletti; email from Police Chief
13. Agenda page; Town Administrator Annual Performance Evaluation; FY23 Town Administrator Goals
14. Agenda page; email from Frederick Frodyma
15. Agenda page; email from Paula Frodyma
16. Agenda page; email from Planning Board Clerk; letter from Robert Mather, Esquire; site plans
17. Agenda page; Select Board Minutes of July 11, 2022 and July 25, 2022