

TOWN OF LAKEVILLE
Select Board Meeting Minutes
August 29, 2022 – 6:00 PM
Lakeville Police Station Meeting Room
323 Bedford Street, Lakeville, MA

On August 29, 2022, the Select Board held a meeting at 6:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 6:00 PM by Chairman LaCamera. Members present were Chairman LaCamera, Member Fabian and Member Carboni. Also present was Ari Sky, Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Chairman LaCamera read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcement.

Presentation by Watermark on Assawompset Elementary School Renovation Project

Alan Strauss, Superintendent of Schools; Kara Lees, Director of Finance and Joe Spangenburg from Watermark and Greg Hill from SLAM Collaborative attending remotely were present for the discussion. Chairman LaCamera said this process was started a few years ago, and we were approved by the Massachusetts School Building Authority (MSBA) for the project. Mr. Spangenburg explained what MSBA does and their Accelerated Repair Program, which the Town is using. The reimbursement has been calculated at 53.53% from the MSBA. He explained that as the project is to replace the windows and doors at Assawompset School, anything that is touching the window or door could potentially be eligible for reimbursement. Mr. Hill reviewed the existing conditions assessment of the school. He noted that the school was built in four (4) phases. The oldest windows in the building are 57 years old. The current windows do not meet building codes for energy efficiency or safety. He reviewed the recommended scope of work. Mr. Spangenburg said that conversations have been had with Police, Fire and the Building Commissioner regarding safety. He reviewed the project schedule with target construction in the summer/fall of 2023. The total project budget is \$4.22 million with MSBA funding of \$2.26 million and Town Funding of \$1.96 million.

Chairman LaCamera asked if the window being proposed has been reviewed with the staff? Ms. Lees said Greg Goodwin, Director of Facilities, has been involved with the project. She is not sure if the teachers have seen the proposed windows, but the principal is aware of the type of window. Mr. Strauss said teachers will be more concerned about safety. Mr. Hill said the windows will be similar to what you have now. Chairman LaCamera said would like to know what the window will look like. Mr. Spangenburg said we cannot dictate the manufacturer of the window. We can put out the specifications, but the manufacture is selected by the contractor. Member Fabian said will we know by Town Meeting what the window will look like? Mr. Spangenburg said not until the bids come in and a contractor is selected. Chairman LaCamera said the

specifications will call out what the window will look like. Will they open and be screened? Mr. Hill said yes. The trim will be reimbursable and prefinished metal with a historic look. The more modern windows will be a pre-finished metal. The 1949 building will have wood trim on the inside. Mr. Hill said door will be FRP panel in the bottom and upper laminated safety glazing on the top which cannot be punched through. Discussion occurred regarding security on the doors.

Chairman LaCamera said design services are 15% on this project, which seems high. Mr. Spangenburg said the actual amount is 8.91%. The MSBA includes 15% as a basis. Additional discussion occurred regarding the Design Fees and Owner's Project Manager (OPM) Fees. Ms. Lees said we are in the process of negotiating the OPM Fee. There will be information provided to share at the Special Town Meeting.

Discuss and possible vote to schedule the November 14, 2022 Special Town Meeting and open the warrant

Chairman LaCamera said the Board needs to schedule the Special Town Meeting and open and close the warrant.

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

VOTED: To schedule the Special Town Meeting at Apponequet High School for November 14, 2022 at 6:30 PM and to open the warrant and close the warrant on September 22, 2022 at 3:00 PM.
Unanimous in favor.

Chairman LaCamera reviewed the draft schedule for the Special Town Meeting. He would like to consider putting the legal ad in the Nemasket Week newspaper.

Presentation by Problem Properties Working Group

Christina Cotsoridis, Assistant to the Town Administrator, was present for the discussion. Ms. Cotsoridis summarized the goal and composition of the Problem Properties Working Group. The group focuses on abandoned buildings; junk/blighted properties; unsafe/unsanitary occupied buildings; old farm/rural properties; unkempt commercial properties; and lodging houses. They have recommended six (6) articles for the Special Town Meeting to help deal with blighted or abandoned properties. After Town Meeting, the Group will request that the Board consider adopting the Abutter's Program, which does not need to go to Town Meeting. That would allow the Town to transfer to an abutter an adjacent property worth less than \$35,000. However, the transfer of properties to abutters would require Town Meeting vote.

Member Carboni said she did not recall discussing this as a Board before tonight. How did this get started? Ms. Cotsoridis said there were a number of conversations about specific properties that ignited this. Right now, there is no formal process beyond a complaint coming in. Member Carboni asked if the Health Agent was involved; she understands there is a certain element of health concerns for some of the situations. Ms. Cotsoridis said he was. Chairman LaCamera said there are many properties to be looked at. That is why the Town Administrator went forward with

this. Member Fabian said when EMS has gone to some of these properties to provide assistance, it has been quite concerning. This is a great start. Chairman LaCamera said we can assess fines and lien properties without having to go to Town Meeting.

Update on potential November 14, 2022 Special Town Meeting Articles

Marc Resnick, Town Planner, was present for the discussion. Mr. Sky reviewed the articles received so far. Mr. Resnick spoke on the articles from the Planning Board. They are to adopt the Mullins Rule; requesting an Alternate Member; remove Off Premise Signs Bylaw; remove the Development Opportunities District (DOD) Bylaw; an article to rezone an area to Industrial; article is to modify setbacks and lot coverages for commercial properties for greater amount of land use by special permit and the Open Space Residential Bylaw, which may be deferred after concerns expressed by the Board of Health and Conservation Commission.

Chairman LaCamera said the DOD is going to be completely removed so why is the Planning Board talking about a DOD in targeted area. Mr. Resnick said it would be in Industrial Zones. Chairman LaCamera said the Attorney General's Office has asked for an extension on the previous passed sign by-law; will this affect the off-premise sign article. Mr. Resnick said he doesn't think this will be affected. Mr. Sky said there may be a road acceptance, along with an article from the Town Clerk to change the Town Clerk to an appointed position upon her leaving the position. We have two (2) citizens petitions, and perhaps another regarding zoning. Mr. Resnick explained the potential zoning petition. Mr. Sky said we will start putting the articles together for the September 13th meeting.

Member Carboni said regarding Community Preservation Committee, specifically the Housing Authority Member, she has done a draft rewording the article to include a member of the Council of Aging. Discussion occurred about the removal of the Housing Authority from the current by-law and the wording proposed in the bylaw. Ms. Spieler said she did not think that the Housing Authority could be removed as it is part of the MGL. Mr. Sky said that is not what Town Counsel said. Member Fabian said we need clarification.

Discuss Facilities Management Function and possible vote to approve Facilities Manager Job Description

John Viarella, Human Resources Director, was present for the conversation. Mr. Sky said he has had conversations with Nate Darling, John Viarella, Frank Moniz and Board Members regarding the Facilities Manager. The Special Act had assigned facilities management to Inspectional Services. There needs to be dedicated management to facilities. A job description has been developed, and we have looked at ways to get through short term. Non-personnel funds added to Facilities budget can be used to hire project management services under Chapter 149, which allows us to bring someone on line as long as the projects are less than \$30,000. We will advertise the Facilities Manager position. He discussed possible funding to be brought before Special Town Meeting. Member Fabian asked if the Special Act needs to be repealed? Mr. Sky said no. The Special Act establishing the Department of Inspectional Services states that the Director will serve as facilities manager, unless a separate facilities manager is designated by the Board of Selectmen. Member Carboni said we have spoken of hiring an Assistant Inspector so

that individual could support Nate on inspections. Have we considered that in this job description? Mr. Sky said we have an assistant inspector funded in his budget. Chairman LaCamera said Mr. Darling is using that money to hire people to fill in when he is out. He has chosen not to hire an assistant building inspector at this point.

Mr. Sky said with the inventory of projects outstanding, we need someone dedicated to this role. Member Carboni said there was a proposed \$75,000 a year salary for this position. A Construction Supervisor License allows an individual to do some of the work. Mr. Sky said he would like to have the MCPPO certification. Chairman LaCamera disagreed and felt the Builder and Trade License was more important. Discussion occurred regarding the MCPPO and Professional Builder and Trade Licenses qualification. Chairman LaCamera said there are about 30 items on the project list. If the Fire Station, Council on Aging and Town Hall project move forward, they will require a Building Committee each. It is important that Mr. Darling serve on these building committees and the Facilities Manager could keep the buildings running day to day. We may have to offer more money or change the job description. Mr. Sky said Inspectional Services needed to provide the specifications but did not, so the Fire Station project did not move forward. Member Fabian said she doesn't know if we are going to find a person with either requirements because a good facilities manager doesn't usually swing a hammer. They could do the prep work for procurement and touch base with Town Counsel or our procurement person.

Chairman LaCamera said a facilities manager should have the capability to fix things and would need a license. Mr. Sky said we don't want Inspectional Services issuing a permit on work that they oversee. Member Fabian said she didn't think these qualifications were what we were looking for. Member Carboni said this is more facilities driven and the list is more project driven. Mr. Sky said this is a snapshot right now; there are a bunch of park projects coming. Chairman LaCamera said he has wanted the building licenses all along. Further discussion occurred regarding the required duties of the position. Chairman LaCamera said the licenses should be a requirement. Member Fabian said is not inclined to make a motion to mandate either the MCPPO certification or the licenses. Member Carboni said she is okay with saying MCPPO is preferred, but not required. Chairman LaCamera said someone with these licenses would know the building code. Member Carboni said people with the Construction Supervisor License don't necessarily swing a hammer, but they can.

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

VOTED: Under qualifications, to leave the MCPPO certification as preferred and add Construction Supervisor License required.
Member Carboni and Chairman LaCamera were in favor with Member Fabian opposed.

Chairman LaCamera said regarding the work environment, there is no talk of hours. A facility manager is potentially on call 24 hours/7 days a week. Mr. Viarella said it does state availability to be on call. If we are going to require a Construction Supervisor License, we may need to adjust the salary or leave it blank. Chairman LaCamera said it does say plus or minus. Mr. Viarella said there is wording on hours may require evenings or weekends in the job description.

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

VOTED: To approve the final job description for Facilities Manager as amended.
Member Carboni and Chairman LaCamera were in favor with Member Fabian opposed.

Discussion and possible vote to assign ARPA funding for the Ted Williams Camp Tennis Courts project

Michael Smith, Park Commission member, was present for the discussion. Mr. Smith said the Park Commission received \$24,000 to do the tennis court project, but bids were over \$40,000. He was asked to get more bids, which were all higher than \$24,000. They received a bid of \$44,785. He is asking for the Board to approve ARPA funds for the total amount. Chairman LaCamera said in order to do this right, additional funding is needed. It gets confusing when you mix ARPA funds and Town funds, so we will use the Town money later for the Park Department.

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

VOTED: To approve the use of ARPA money for the Ted Williams tennis courts in the amount of \$44,785.
Unanimous in favor.

Review surplus property list and possible vote to declare items on the list as surplus

Chairman LaCamera said the Town has been in the process of cleaning out three (3) storage containers at Town Hall. Two (2) were emptied and this is what is left. We must declare the property surplus so we can dispose of it. He summarized the list of items.

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

VOTED: To declare the property listed as surplus.
Unanimous in favor.

Discuss and possible vote on Notice of Intent to Layout Ledgewood Drive

Chairman LaCamera said the Board received a request to accept Ledgewood Drive as a public way. Mr. Sky said this just gets the process moving. We are meeting with the applicant's attorney this week.

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

VOTED: That the Select Board vote its intention to lay out Ledgewood Drive as a public way, all as shown on a plan entitled Ledgewood Drive Roadway As Built Plan, "Ledgewood Estates", a Residential Subdivision off Pierce Avenue in Lakeville Massachusetts, dated August 28, 2020, prepared by Outback Engineering,

Incorporated, which plan is on file with the Town Clerk, and to forward this vote and the plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§81G and 81I.

Unanimous in favor.

Discuss request from MBTA Advisory Board and possible vote to appoint a designee to represent Lakeville

Member Fabian said she doesn't know why the position is coming up as vacant as she has been attending the meetings.

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

VOTED: To appoint Evagelia Fabian as the Town's MBTA Advisory Board representative.
Unanimous in favor.

Discuss future Select Board Meeting Dates

Chairman LaCamera reviewed the suggested meeting dates for the next few months. They are: September 13th; September 29th; October 11th; October 24th; November 7th; November 21st; December 5th; and December 19th. All members were agreeable to the dates.

Review and possible vote to approve Select Board Meeting Minutes of August 15, 2022

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

VOTED: To approve the Select Board Meeting Minutes of August 15, 2022.
Unanimous in favor.

Discussion and possible vote regarding retail cannabis applications

Member Carboni recused herself from the meeting at 8:21 PM. Mr. Sky said the Town put out a Request for Information for marijuana companies that would like to be in Lakeville. We received three (3) proposals: two (2) retail and one (1) for delivery. We had a subcommittee of himself, Member Fabian and Town Counsel to review the proposals. We decided to pause on a recommendation pending publishing new rules from the Cannabis Control Commission (CCC). The new law significantly alters the cannabis approval process. Future benefits of the Town would be limited to excise taxes and property tax revenue. The subcommittee decided that the playing field has changed and to go back to the full Board to discuss the approach going forward.

Member Fabian said we met with all three (3) respondents and that was prior to the CCC changing impact fees and charitable contributions. Do we want to go forward? We don't have to entertain any more companies. Chairman LaCamera said we have restricted marijuana businesses to the Lakeville Industrial Park and the Industrial Park on Route 44. If you look at our current parks, outside of existing buildings, there is some space besides Talbots, but other than that, there is no space unless you use an existing building. The Board of Selectmen back in 2017 and 2018

signed seven (7) Host Community Agreements (HCA). Only two (2) of them are in business. The others have not started. Looking at the legislation passed in July 31, 2022, outside of retail, they have lifted all the restrictions for impact fees, except the local 3% sales tax for retail only. For all of the cultivation facilities, we receive only property taxes. Mr. Sky said we currently receive impact fees and that is under dispute and will go away when the current HCAs expire. Charitable contributions in HCAs are not allowed now. It is unclear if the CCC will grandfather that for current HCAs. Chairman LaCamera said we need to make this decision soon as the HCAs need to be renegotiated within a year of their expiration dates. We will not renew any HCAs for people not doing anything. We don't know if we can ask for mitigation. The agreements with Bountiful Farms and Jushi have not generated a lot of money for the Town, approximately \$200,000.

Member Fabian said she is less inclined to enter into an HCA with the delivery only application. She would like to see a retail facility, but the two (2) that we received would be next door to each other. Chairman LaCamera said he does not have a problem with retail use. Chairman LaCamera said the HCA agreements that the previous Board signed did not have end dates for approvals. Should we have Town Counsel draft up an HCA for retail. Member Fabian said yes. It was decided not to move forward with the delivery application. Member Fabian said the two (2) retail companies were more impressive. Mr. Sky said he will get back to the Board with the renewal dates. Member Fabian said we should ask Town Counsel if we give HCAs to both retail companies and let them decide if they want to compete.

Brian Wall said the charitable contribution cannot be in the HCA, but we can just make a separate donation to the Town outside of the HCA. Mr. Sky said what you do of your own volition is your choice; we cannot require it. Mr. Wall said he considers the 3% is the cost of doing business. We have written to the CCC to clarify the language. We would commit to opening within a year and would love to be part of Lakeville. If your process allows us, we would be located at 8 Harding Street. Do you have a timeline? Chairman LaCamera said within the next few weeks. Mr. Sky said he thinks it may be longer.

New Business

There was no New Business discussed.

Old Business

Chairman LaCamera said at the last meeting, the Board gave its opinion on the LeBaron Hills project with some of the issues we may have. Member Fabian said she watched the last Planning Board Meeting. Michelle MacEachern brought up the fact that in an agreement, the LeBaron Developers had offered to build a sidewalk from Fern Avenue down to the Senior Center. She said that the Select Board turned down the offer. It was not this Board; the decision was made in June 26, 2018 by a previous Board. She is not happy Ms. MacEachern never called anyone to ask what had happened. Chairman LaCamera read the following from minutes of June 26, 2018: "It was determined that the Town no longer wishes to install a sidewalk on Precinct Street. Mr. Atani stated he is getting bids on building the sidewalk and is willing to give cash to the Town in lieu of the sidewalk. Attorney Kwesell stated the sidewalk provision can be changed in the Permit Modification. She can work on the mitigation with Atty. Mather and Atty. Friedman. It does not

have to be finalized before the next Zoning Board of Appeals' (ZBA) Meeting. The Selectmen can enter into a mutually agreeable Host Community Agreement to modify the prior agreement concerning mitigation. Attorney Mather will forward the Selectmen the accounting of the \$200,000.00 for the Senior Center."

Chairman LaCamera said he was designated by the Board to act as the liaison for the LeBaron project. He set up a meeting to discuss the cost of a sidewalk from Fern Avenue down to the Senior Center. The estimate was \$300-\$350,000. The DPW Director has looked at the cost for the sidewalk. The Town would be responsible for the drainage, design services and moving the telephone poles, which was approximately \$500,000. This issue will have to be discussed by the Board on what they want to do. Chairman LaCamera said over the next month, there will be communication with the developer to decide what we want to do. This will give us funding to do other things. Chairman LaCamera said the mitigation back to 2003 was to install a water line for 1.2 miles from Precinct Street to Assawompset School. That has been completed and included the Senior Center and Library. Member Carboni asked if the money for the Senior Center is still there? Chairman LaCamera said the developer agreed to make a charitable contribution to the endowment fund for the Senior Center. The previous Selectmen never decided how the payment would be made. When speaking to the developer, Chairman LaCamera told him we needed to do it by unit. They are up to date and there is \$130,000 paid so far. We will end up with \$200,000.

Chairman LaCamera said there were a few other things discussed at the Planning Board meeting. The Town allocated 70,000 gallons of water per day for the 386 units and the country club. They are way under that allocated amount. What was said that they need additional allocation. They are only using 14,000 gallons per day and will probably use 30-36,000 gallons per day when the project is finished. Another thing was, this project was approved in 2003-2004 for 386 units. That amount cannot be changed. The Planning Board believed that they could reduce that number. The Zoning Board of Appeals approved the design for Phase 5 and Phase 6.

Chairman LaCamera said regarding safe harbor from 40B developments, there are three (3) conditions are you have to have for safe harbor: (1) 10% of current housing in Town must be for affordable housing; we are at 6% and with the new numbers, we will be at 4-4.5%. (2) Having to do with land that 40B projects are on, if the land area is greater than 1.5% of your total land area, you can try to stop the projects, but we are nowhere close to that. (3) The other thing has to do with so many units per project; it would be 250 units for a project for us. One of the Planning Board Members thought that we could reduce it based on that. These numbers are already approved. If a developer has 50 acres of land and develops ten (10) acres with 250 units, they can do that. Then they can subdivide the land and put another 250 units on that lot.

Member Fabian said the State is in a housing crisis and has made it possible for 40B's and different type of housing development to go in. It is not something that we or previous Boards made the rules for. We cannot deny housing projects. Chairman LaCamera said he relayed his request to Mr. Resnick for written clarification from Town Counsel.

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 8:40 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of August 29, 2022

1. Agenda page
2. Agenda page
3. Agenda page; Power Point Presentation Slides
4. Agenda page; draft schedule for Special Town Meeting
5. Agenda page; memo from the Assistant to the Town Administrator
6. Agenda page; draft articles for Special Town Meeting
7. Agenda page; memo from Town Administrator; list of funded projects; draft job description for Facilities Manager
8. Agenda page; memo from Town Administrator
9. Agenda page; list of proposed surplus property and photographs
10. Agenda page; letter from Attorney O'Shaughnessy; As-built Plan; Public Way Layout and Acceptance Procedural Checklist; memo from Town Counsel; Select Board's Procedure for Layout and Acceptance of Public Ways;
11. Agenda page; letter from MBTA Advisory Board
12. Agenda page
13. Agenda page; Select Board Meeting Minutes of August 15, 2022
14. Agenda page; memo from Town Administrator
15. Agenda page
16. Agenda page; information on LeBaron Hills project