



TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:

48-hr notice effective
when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and **posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009)**. Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	<u>Select Board</u>
Date & Time of Meeting:	<u>Monday, January 8, 2024 @ 6:00 PM</u>
Location of Meeting:	<u>Lakeville Police Station</u> <u>323 Bedford Street</u>
Clerk/Board Member posting notice:	<u>Tracie Craig-McGee</u>

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

PLEASE ASK IF ANYONE IS RECORDING THE MEETING AND ANNOUNCE THAT LAKECAM IS RECORDING

A G E N D A

1. Select Board announcements
2. Town Administrator announcements
3. Discuss and possible vote on Select Board Meeting Minutes of December 4, 2023; December 11, 2023 and December 18, 2023
4. Discuss and possible vote to award SERSG Drug/Alcohol Testing Contract
5. Discuss path going forward regarding Planning Department organization and staffing
6. Discuss and possible vote on designee for Union Matters
7. Discuss and possible vote to authorize Town Administrator and Town Counsel to discuss various matters with Interim Town Administrator designee prior to execution of employment agreement
8. Discuss and possible vote regarding Site Plan Review for the property located at 2 & 4 Bedford Street
9. Discuss and possible vote to schedule Select Board Meetings for February, March and April
10. ARPA Water Projects Update with Environmental Partners
11. Building Committee Updates:
 - a. Senior Center Feasibility
 - b. Fire Station Building Committee
 - c. Old Colony Regional Vocational Technical Building Committee
12. New Business
13. Old Business
14. Correspondence
15. Possible Executive Session pursuant to M.G.L c.30A Sec. 21(a)(3) to discuss strategy with respect to litigation (Bountiful Farms v. Town of Lakeville, Plymouth Superior Court CIVIL ACTION NO. 2283CV00230) if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares, and votes may be taken and pursuant to M.G.L c.30A Sec.

21(a)(2) to conduct strategy session in preparation for negotiations with non-union personnel (Interim Town Administrator) and/or conduct contract negotiations with non-union personnel (Interim Town Administrator) and not to return to Open Session.

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Select Board arise after the posting of this agenda, they may be addressed at this meeting.

AGENDA ITEM # 1

JANUARY 8, 2024

SELECT BOARD ANNOUNCEMENTS

Nomination papers for the April 1, 2024 Annual Town Election will be available on Monday, January 8, 2024 at the Town Clerk's Office, by appointment only. The last day to OBTAIN papers is February 8, 2024 and the deadline to RETURN them is February 12, 2024.

Papers can be pulled from the Town Clerk's Office on normal business days from 8:00 a.m. to 4:30 p.m. on Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday by APPOINTMENT ONLY. For more information, call the Town Clerk's Office at (508) 946-8800.

The Treasurer/Tax Collector would like let residents know that the 3rd and 4th quarter real estate tax bills have been mailed. The 3rd quarter taxes are due February 1, 2024.

**AGENDA ITEM #2
JANUARY 8, 2024**

TOWN ADMINISTRATOR ANNOUNCEMENTS

**AGENDA ITEM #3
JANUARY 8, 2024**

**DISCUSS AND POSSIBLE VOTE TO APPROVE SELECT
BOARD MINUTES OF DECEMBER 4, DECEMBER 11 AND
DECEMBER 18, 2023**

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
December 4, 2023 – 5:30 PM**

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

On December 4, 2023, the Select Board held a meeting at 5:30 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 5:30 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.

Discuss and possible vote to approve Select Board Minutes of October 30, 2023 and November 13, 2023

Chairman Day asked if there were any comments on the minutes. Member Carboni said on the November 13th minutes, in the first paragraph the location needed to be changed.

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

VOTED: To approve the Select Board Minutes of October 30, 2023 and November 13, 2023 as revised.
Unanimous in favor.

Liquor License Transfer Hearing – Baldies Pizza – 40 Main Street

Present for the discussion was Michael O'Shaughnessy, Esquire, Boaz McMahon and Ian Neubecker were present for the discussion.

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

VOTED: To open the Liquor License Transfer Hearing for Baldies Pizzeria, dba Baldies Pizza located at 40 Main Street.
Unanimous in favor.

Attorney O'Shaughnessy summarized the transaction and the proposed operation for the new owner. Chairman Day asked why the Hideaway Restaurant information is not included in the financial transaction section. Attorney O'Shaughnessy said it is a different entity. Chairman Day noted the Hideaway transaction included Mr. McMahon and Mr. Neubecker. Attorney

O'Shaughnessy said he would look at that. Chairman Day asked Mr. Neubecker if he had any financial interest in the liquor license for Roza Lyons that is not indicated on the license application. Mr. Neubecker said he is not on the liquor license.

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

VOTED: To close the Liquor License Transfer Hearing.
Unanimous in favor.

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

VOTED: To approve the transfer of the On Premises Restaurant All Alcoholic Beverages License from Baldies Pizzeria, Inc. dba as Baldies Pizza to Baldies Lakeville, LLC, dba Baldies Pizzeria located at 40 Main Street.
Unanimous in favor.

Liquor License Transfer Hearing – Muckey’s Liquors – 13 Harding Street

Present for the discussion were William Seckinger, Jr., Catherine Pereira, and William Seckinger, Sr.

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

VOTED: To open the Liquor License Transfer Hearing for BBP, Inc., dba Muckey’s Liquors located at 13 Harding Street.
Unanimous in favor.

Member Fabian asked if everything is going to remain the same, including the redemption center. Mr. Seckinger Jr. said yes, but it is being run by another family member.

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

VOTED: To close the Liquor License Transfer Hearing.
Unanimous in favor.

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

VOTED: To approve the transfer of the All Alcoholic Beverages Package Store License from BBP, Inc., dba Muckey’s Liquors to ECCO, Inc., dba Muckey’s Liquors located at 13 Harding Street.
Unanimous in favor.

FY24 Tax Classification Hearing

Present for the discussion were John Olivieri, Chairman and David Lamoureux, members of the Board of Assessors and David Golden from Regional Resources Group (attending remotely). Assessors Chairman Olivieri called the meeting to order at 6:47 PM.

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

VOTED: To open the FY24 Tax Classification Hearing.
Unanimous in favor.

Mr. Golden said each year the Select Board holds a public hearing to determine the percentage of the Town's property tax levy to be borne by each major property class. This responsibility and procedure are described in MGL Chapter 40, Section 56. He summarized the 11 steps in setting the tax rate. The Town is looking to raise \$29,210,028 in tax levy. The levy ceiling is 2.5 percent of the full value of the Town. Based on Lakeville's fiscal year 2024 aggregate valuation of \$2,766,900,361, the Town cannot levy taxes in excess of \$69,172,509.

Mr. Golden said the FY24 new growth revenues of \$341,078 have been certified by the Department of Revenue. The Maximum Allowable Levy is calculated by adding 2.5 percent of the previous year's levy limit, certified new growth revenue, and any Proposition 2 ½ voted revenues to be collected to the prior year's levy limit. The maximum allowable levy for FY24 is certified at \$29,210,028. Mr. Golden broke down the FY24 levy limit as the FY23 levy limit of \$27,106,891.00, plus the 2.5% increase of \$677,672; new growth certified for FY24 of \$341,078 and debt exclusions of \$1,084,387 equals the maximum allowable levy of \$29,210,028. Based on a single tax rate of \$10.55 per thousand valuation, there would be an excess of \$19,229. He broke down the property classifications as residential – 88.3497%; commercial – 6.3784%; industrial – 4.10504% and personal property at 1.1215%. The Town is allowed to shift the tax burden away from residential property to the commercial/industrial tax base. However, many communities that have done that are moving back to a single tax rate. Lakeville is not well positioned to shift the burden which would be an 8% increase in the commercial tax rate to yield a 1% reduction in residential taxes. The Board of Assessors has voted to recommend that the Select Board continue to adopt a single tax rate. The \$10.55 tax rate is a 60-cent reduction from last year's tax rate of \$11.15.

Mr. Golden said the average valuation for a home in Lakeville last year was \$499,900 and this year is \$550,500. The average tax will increase by \$234 or an increase of 4.20%. He reviewed a summary of assessment by property type. There is a total taxable valuation of \$2,766,900,361 with a valuation of \$385,989,500 for tax exempt properties.

Assessors Chairman Olivieri said the Assessors met on November 20th and voted unanimously to recommend a single tax rate due to the limited commercial/industrial development in Town. Chairman Day asked is there a split where you would say this is where you would consider a split tax rate. Mr. Golden said where he lives they have a sizable industrial tax base and still have a single tax rate. The Town of Wrentham has a split tax rate due to the Wrentham Outlet Mall. They give a 1% savings to residential properties. Avon has a split tax rate that is heavy on the commercial/industrial side. Businesses will start to abandon the Town for a favorable tax rate in another location. Member Carboni asked Mr. Golden in all the communities you work with, have any community not done the 2.5% increase that they are allowed. Mr. Golden said the 2.5% is added to the levy you can raise. Most communities try to build in some excess tax levy. Member Carboni said if something were to shift where we are able to bring in more commercial or industrial use, there may be opportunity to lessen the burden on the taxpayers.

Chairman Day said the New Growth is significantly less than a few years ago. Mr. Golden said the trend in new growth in Town is small things like sheds, decks and small additions. We have seen a major slowdown in development, particularly in condominiums. There is perhaps a 50-unit addition at LeBaron, but it is not near starting for FY25. He is suggesting a new growth figure of \$50,000 to be realistic. Member Carboni said that year is was \$340,000. Assessors Chairman Olivieri said there were 105 new residential units in FY21; in FY22 there were 83 and in FY23 there were 18 new residential units. Mr. Sky noted that a \$50,000 figure will be lower than in FY12.

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

VOTED: To close the FY24 Tax Classification Hearing.
Unanimous in favor.

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

VOTED: The Lakeville Select Board votes in accordance with M.G.L., Ch. 40, Sec. 56 as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal year 2024 tax rates and set the Residential Factor at 1.0000, with a corresponding CIP shift of 1.0000, pending approval of the Town's annual tax recap by the Massachusetts Department of Revenue.
Unanimous in favor.

Upon a motion made by Assessors Chairman Olivieri and seconded by Mr. Lamoureux, it was:

VOTED: To adjourn the Board of Assessors Meeting at 7:17 PM.
Unanimous in favor.

Meet with Finance Committee for FY25 Budget Outlook Presentation

Present for the discussion from the Finance Committee were: Christopher Plonka, Chairman, Larry Kostant; Katherine Desrosiers; and Maureen Candito attending remotely. Also present was Todd Hassett, Town Accountant. Chairman Plonka called the Finance Committee to order at 7:17 PM.

Mr. Sky presented the preliminary outlook on the FY25 budget. The number of home sales are tailing off. The last few years the big waves of revenue are not to be depended on. He reviewed the history of median house sale prices; employment rates for Lakeville residents, unemployment rates and the Town's revenue versus expenditures. Over time the main driver to increases in costs is education. In FY16, the education budget was \$14.1 million compared to \$19.4 million for FY24. Compared to operating expenditure went from \$7.1 to \$11 million and fixed costs from \$ 2.6 to \$4.81 million. He summarized new growth. The last time we were down to the projected number was in 2012. Mr. Plonka asked if the new growth number of \$340,000 is accurate? Mr. Hassett said it is certified. Mr. Sky said the \$50,000 figure offered by Mr. Golden is for next year. Mr. Sky said under budget consideration: there is one Collective Bargaining Agreement (CBA) under negotiation. A 3% increase for non-union full and part time staff would cost \$100,000 in FY25. Ms. Candito asked what is the potential impact for the CBA under negotiation. Mr. Sky said we

have money in the FY24 budget for the Town's final offer, but it's hard to say what the impact would be. The pension increase is \$130,890 and we have a 5% increase for health insurance but it may be less than that. Ms. Candito asked is that 5% as a change or 2% plus the 3% variation we used to put in there. Mr. Sky said the FY24 budget is a bit high so there is a health insurance holiday in December. The 5% is probably equivalent to a larger number than the actual increase will be. Emphasis will be placed on accommodating increased costs and maintaining levels of service. Budget considerations for the School: ESSER is expiring, which is the School's version of ARPA, where they have several positions assigned to those funds. Special Education expenses are a concern. Old Colony may be okay. He reviewed local receipts and snow removal costs. The Cherry Sheet allocation decreased by \$184,158 due to decreases in the Town's Smart Growth School Reimbursement. Member Fabian asked have we seen any actual figures on the School budget tracking where they are supposed to be. Mr. Sky said he has asked. He has been assured that they are within budget. The bigger concern is that they have a structural problem in FY25. They put in a fair amount of Excess and Deficiency balance to fund laptops and things that we reoccur. Member Fabian said she is concerned if they have added in the bus they cut, which would put them behind \$100,000. Chairman Day asked can they break out the ESSER funding. Mr. Sky said they say it is in the budget book, and it is over \$700,000. Member Fabian said she has heard they hired positions outside of their budget. Mr. Sky said there is no additional source of funding coming their way.

Mr. Sky said in Free Cash, there was a big increase in FY24 due to the one-time cell tower payment of \$2.15 million, which was placed in a reserve fund. Of the \$3.9 million, \$2.15 million was the cell tower. \$271,000 was applied to capital projects. The amount available for appropriation is \$1,587,375 to spend in the spring. He outlined potential uses for the free cash. Member Carboni asked what was the highest paid for snow removal. Mr. Sky said you don't budget for 2015. If you increase it to \$150,000 that is good. He then reviewed the budget calendar. Chairman Day asked is it a mischaracterization to say the Town is in relative stable shape, but the economy is not doing us any favors? Mr. Sky said we are not in a recession. The question is if the revenue we need to sustain operations is going to be enough to keep up with the basic cost of doing business. You have contractual increases in contracts and non-union employees should not be left out. We have the compensation and classification study going on and his recommendation is to look at it and marry up the COLAs to it. Otherwise you will have situations with underpaid employees getting a 10% raise and you can't afford that. The economy is still growing at a reasonable pace and inflation seems to be settling down.

Mr. Hassett said the operating budget is depending on property taxes, State Aid and Local Receipts. Based on certified new growth for FY24, a 2.5% levy is \$703,000 as opposed to \$677,000 this year. We thought that we were coming in with a modest new growth number of \$225,000, but we heard a much lower number from the Board of Assessors tonight. Finance Chairman Plonka asked do you agree with that? Mr. Sky said \$50,000 means the economy has stopped. Mr. Hassett said we will continue to monitor permit activity. We may not have been conservative enough. Under State Aid, the Smart Growth line has been challenging. We took a reduction in FY24 that we worked through prior to setting the tax rate. We have a recommended overall increase of 2.3% increase in State Aid, which is around \$1.7 million. Most of the State Aid goes to the Regional Schools. Member Carboni asked regarding the 40S money, is there a 10-year period that we are able to utilize that or is it indefinite. Mr. Sky said the Town will receive it as long as it is appropriated. Mr. Hassett said the initial outlook revealed by the State today suggested a range 1.7% to 3.2%. We are at 2.3% for State Aid now. Around the third week of January the Governor's budget will be released. Local

Receipts is about \$4 million primarily driven by over \$2 million in motor vehicle excise tax, \$1 million for EMS fees and a variety of other fees. Mr. Sky said the EMS fee is solid. Mr. Hassett said this represents about a 3.7% increase for local receipts from FY24 to FY25. Available new revenue for FY25 is about 3%, which is much smaller than in recent years. If our new growth number is too high, it is under 3%. On expenditures, we quantified what the increases look like for the CBA's for the unions at \$325,000. For non-union employees we have a \$100,000 placeholder; last year the number was \$88,000. This is not allowing a lot of growth based on the results of the Classification and Compensation Study. For insurance, we have budgeted a 5% increase, but we are hoping it will come down. They won't be voting on rates until March. Mr. Sky said personnel benefits and insurance are a little more than the entire next section. Mr. Hassett said the County Retirement System has an actuarial study done every two (2) years. We are in the second year of an existing actuarial study and our cost increase is just under \$131,000 increase for FY25. We are using a 6% increase for property liability and general insurance. This year we came in at 6.3%. For education, these are just placeholders and probably slightly lower than last year at this time. Old Colony, with the shift in enrollment anticipated next year and the School Committee lowering the assessments, we have \$82,000 savings in that line, so there is a modest projected increase. Some of the savings we will need to ask Town Meeting to transfer to cover Bristol Aggie for transportation due to increased costs. We have one (1) student going to Norfolk Aggie. Under Debt Service, we have been relatively flat in recent years. The Assawompset School window and door project is ending and our share is about \$2.1 million that we will be financing. We are paying an interest payment now on temporary borrowing. We will see the impact next year. When we initially approved the project, it was lower estimated cost and we were comfortable we could take this in as other debt fell off. This will be a challenge. We have a decrease in excluded debt of about \$60,000. We have historically allowed for a cost escalation in prior years to enhance services or staffing in prior years. We are even reluctant to put \$50,000 in for that, but there may be some cost increases that are unavoidable. We are about \$225,000 short based on what we see.

Mr. Sky said this is a placeholder outlook and is meant to show you the dynamics in play. He summarized areas that could be better or worse. In the end it is how the Schools come in. Mr. Kostant asked is the new growth based strictly on housing? Mr. Hassett said it could be anything. Mr. Kostant said we need to increase new building here. Mr. Sky said if you look at the new growth in 2022, it was new units, but new growth tailed off all over the Commonwealth. Mr. Kostant asked is there any chance that the Town is looking to draw in new business. Member Carboni said we talk about that all the time. Mr. Sky said if the warehouses had been approved, it would have been under construction and seen building permit revenue, which would be about \$500,000 in revenue. Mr. Kostant said looking forward we can try to get new development. Businesses are looking to get out of high tax rate situation. Regarding the insurance, we had a 6% increase; did we have a high loss level. Mr. Sky said 6% is a standard increase on premiums. There was a desire on going out to solicit for insurance. There was a big increase on premium inflation due to loss.

Member Fabian asked should we send a formal letter to the Regional School Committee about their budget. Finance Chairman Plonka said he would support that. Can we request a preliminary budget? Mr. Sky said he always reaches out after this meeting to the School Districts to get an early on look. It has a bit more authority if it comes from the Select Board. Chairman Day said there is no harm in doing it. Member Fabian said we could ask them to come sit with us. Member Carboni asked Mr. Sky to send a letter on behalf of the Select Board and Finance Committee. Chairman Day said we should relay our concerns on the ESSER money. Mr. Kostant asked if the revenue from

EMS is considered in the adjustments. Mr. Sky said we raised our rates this year, so the lost revenue from Middleborough will be a wash. Mr. Sky said the Fire Department wants to increase staffing. There will be a discussion coming in the next few weeks regarding the situation. Your options to fund it are not in internal revenues. You may need grants, ARPA or an override. Chairman Day said the only kind of development we see coming into Town will be pushing up the EMS need.

Mr. Sky reviewed the detailed budget calendar. Member Carboni said because we moved the Town Meeting out, we should secure that date. Chairman Day said at what point do we have to talk about an override. Mr. Sky said in March. He recommends that your expectation of the Interim Town Administrator is to present options for that. It is extremely important that you have a deliberative process. The School Budget is the biggest unknown. Member Fabian said the way the Regional School Committee voted last year was not to exceed their top amount. Member Carboni said you can always vote down, but not up. They wanted to make sure they had their top amount. Member Fabian said that is why we need to see if they are at the top amount. Has the cut School bus been added back in, which is \$100,000. Mr. Sky said he will reach out to the administration tomorrow. Member Carboni said why doesn't the Regional Finance Committee call a meeting. We should call a meeting. Mr. Sky said he will include in the letter that it is advisable to have a meeting of the Regional Finance Committee at the earliest date. Member Fabian said Old Colony has their bus routes, but she thought she saw a Bristol Aggie bus. How does that apply to transportation?

Chairman Day said when the last election happened, we did not appoint someone as a budget liaison. Mr. Sky said it might be advisable to be ready for when you get an Interim Town Administrator.

Finance Chairman Plonka said the Finance Committee has a set of minutes to approve.

Upon a motion made by Mr. Kostant and seconded by Mr. Beals, it was:

VOTED: To approve the November 6, 2023 Finance Committee Minutes.
Ms. Candito – aye; Ms. Desrosiers – abstained; Mr. Beals – aye; Mr. Kostant – aye and Chairman Plonka – aye.

Upon a motion made by Ms. Desrosiers and seconded by Mr. Kostant, it was:

VOTED: To adjourn the Finance Committee Meeting at 8:10 PM meeting.
Ms. Candito – aye; Ms. Desrosiers – aye; Mr. Beals – aye; Mr. Kostant – aye and Chairman Plonka – aye.

Introduce Jennifer Jones as new Library Director

Nancy LaFave, Chair of the Library Board of Trustees and Jennifer Jones, Library Director, were present for the discussion. Ms. LaFave said the Library Board of Trustees formed a search committee comprised of staff members, a member at large and members of the Friends of the Lakeville Library group. There were 12 applicants, which were narrowed down to 3. The names were sent to the Trustees and were interviewed and the Trustees offered the position to Jennifer Jones. Ms. Jones has worked in Plymouth for 15 years moving up the hierarchy. She has been at Mattapoisett for the last 3 years. Ms. LaFave invited the community to attend an open house on December 14, 2023 at the Library from 4:00 PM to 7:30 PM to drop in and meet Ms. Jones.

Discuss and possible vote to sign Letter of Engagement with Powers & Sullivan for FY2024-2026 audits

Mr. Sky said this is an extension of the contract with the current auditor. He is very happy with their work.

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

VOTED: To approve the letter of engagement with Powers & Sullivan for the FY2024-2026 audits and authorize the Town Administrator to sign it.
Unanimous in favor.

Discuss and possible vote on request to connect to Taunton Water for 15 Main Street

Mr. Sky said we held this because there was back and forth on what the project would look like. The project has been approved by the Planning Board. Chairman Day said the system is designed for 5,600 gallons per day. Mr. Sky said the typical load would be 2,800 gallons per day and that is what we can take off of our allocation.

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

VOTED: To approve the application for Taunton Water for 13/15 Main Street for a water allocation of 2,800 gallons per day with a peak of 5,600 gallons per day.
Unanimous in favor.

Discuss and possible vote to approve renewal of Lakeville Animal Shelter boarding contracts with the Towns of Acushnet; Berkley; Bridgewater; Carver; East Bridgewater; Freetown; Halifax; Hanson; Raynham; Rochester and Wareham

Mr. Sky said the Board was provided with last year's contract with fees of \$25.00 per day board fee and a \$20 drop off fee. We have had to perform work on the shelter this, which has been completed. Going forward it would be nice to have a reserve fund for this. We could levy a capital fee and put it in a capital fund for the Animal Shelter for repairs. We also had some issues with the Massachusetts Department of Agriculture Resources. We obtained an opinion from Town Counsel, which he has shared with the Board, regarding the legality of the Town continuing to house and adopt animals from other municipalities and feels we are able to continue this. Mr. Sky recommended a capital fee of \$250 annually per Town. Member Carboni said that is not in the agreement. Mr. Sky said it is not; that is last year's agreement. You could vote to have us add that to the current agreements. Member Carboni said we are getting into the budget cycle with other municipalities, so they can build it into their budget. Chairman Day said it is a small amount. We need to make sure that Towns don't leave their dogs for a long time. Board could start at \$25 per day for an amount of time and after that it goes up. He is fine with the \$250 fee. Member Carboni said our Animal Control Officer does a good job on adoptions. Have there been any long-term dogs? Member Fabian said so if there is a court issue and the judge says the dog has to stay at the shelter, you are saying the fees would increase, but not once we take the dog for adoption. Chairman Day said not once it is ours. Member Fabian said the only long-term boarders were Court related issues.

Member Carboni asked what is the threshold. Member Fabian said she is happy seeing the \$250.00 capital fee. Member Carboni said we could collect some data and next year look at the time period for long term dogs. Chairman Day said the Animal Shelter received nearly \$50,000 in donations last year and that goes a long way towards what we put into it.

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

VOTED: To approve the renewal of the Lakeville Animal Shelter boarding contracts with the Towns of Acushnet, Berkley, Bridgewater, Carver, East Bridgewater, Freetown, Halifax, Hanson, Raynham, Rochester and Wareham and institute a \$250.00 annual capital fee.

Unanimous in favor.

Discuss and possible vote to renew Annual Liquor Licenses (see attached list of locations)

Chairman Day said asked if all applicants had renewed and if all information had been received. Ms. Craig-McGee responded that all had renewed.

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

VOTED: To approve renew the following annual liquor licenses all with expiration dates of December 31, 2024 with addresses and hours of operation as listed in the packet: **Package Store Wine & Malt:** Joe & Chloe's Gas, dba Joe's Gas.; **Package Store All Alcohol:** Mahant NE Sang Corp., dba Lakeville Liquors and Market; BBP, Inc., d/b/a Muckey's Liquors; Tamarack Wine & Spirits, Inc. and Aarav Liquors, Inc., dba Star Liquor Market; **Restaurant All Alcohol:** Hawaii Corp, d/b/a/ Orchid of Hawaii Restaurant; Poquoy Brook Golf Club, LLC, dba Poquoy Brook Pub; Lakeville Golf Club, Inc., dba Lakeville Golf Club; LeBaron Operating Company, LLC dba LeBaron Hills Country Club; B9 Club, Inc, dba The Back Nine Club; Baldies Pizzeria, Inc. and Ken & L Inc., dba Saga Sushi; **Club All Alcohol:** Lakeville Fraternal Order of Eagles, Aerie No. 3994; **General On-Premise Wine & Malt:** Lakeville Virtual Entertainment Group, Inc., dba The Broken Tee Virtual Golf Club and **General on Premise All Alcoholic Beverages:** 58 East Grove Inc., dba Boston Tavern and Red Hand Brewing Company, Inc, dba Red Hand Brewing. Unanimous in favor.

Chairman Day said one (1) of our liquor licenses has contingencies on it that no one else has. In 2009 when the license was issued, there were four (4) contingencies placed on the Lakeville Virtual Entertainment Group, Inc., dba The Broken Tee Virtual Golf Club License: acceptable water tests and approval of the Public Water Supply and Title 5 by the Board of Health and Department of Environmental Protection; hours of operation: seven days a week, 11:00 AM to 10:00 PM, last call is 9:45 PM, all patrons out by 10:15 PM; this license is for the virtual golf business only; and building occupancy is not to exceed 16 people at any one time. The capacity requirements are enforced through Building and Fire inspections. Member Fabian asked if we knew why they had an occupancy load. Ms. Craig-McGee said when they started their business, the Board of Selectmen had a capacity of 26, but after six (6) months the capacity was reduced. According to Ed Cullen, Health Agent, on Condition 1, he felt additional testing is not required as they have testing mandated

by the Department of Environmental Protection. The hours for operation are listed on the actual license. Member Carboni said she has no issue removing the special conditions. Further discussion occurred on the building capacity. Member Fabian said she was also in agreement in removing the special conditions.

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

VOTED: To approve the removal of the special conditions 1-3 for the alcohol license for Lakeville Virtual Entertainment Group, Inc., dba The Broken Tee Virtual Golf Club and subject to Building and Fire confirming that the building occupancy is 16 because of the Building and Fire Codes and not because of the Special Conditions on the License.

Unanimous in favor.

Discuss and possible vote to approve transfer of Common Victualler License for the property located at 40 Main Street – Baldie’s Pizzeria

Boaz McMahon, applicant, was present for the discussion. Chairman Day said we have an application for the transfer of the Common Victualler License for Baldie’s Pizzeria. Do we need to condition this upon the approval of the liquor license? Ms. Craig-McGee said they have not closed on the property, so they would not be able to operate the restaurant as we would have taken away the Common Victualler License from Mr. Mastrangelo. Chairman Day said so the closing will not happen until the Liquor License is approved. He asked if the members wanted to postpone this until the closing is closer? Member Fabian said she would be more comfortable doing that. Member Carboni said we can approve this and make it contingent upon the applicant getting approval of the liquor license. This would be null and void if the transfer of the ownership does not take place.

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

VOTED: To approve the transfer of the Common Victualler License for the property located at 40 Main Street – Baldie’s Pizzeria contingent upon the transfer of ownership.

Unanimous in favor.

Discuss and possible vote to accept Town Administrator’s resignation and discuss next steps

Chairman Day said on November 16, 2023 we received notification that Mr. Sky has accepted a new role in another jurisdiction. Member Carboni said when someone leaves it is always a sad time; Mr. Sky has served us well over the last three (3) years, but Watertown is very lucky to have you. Member Fabian said for the better part of two (2) years, she probably spoke to Mr. Sky every day. She is probably a better Select Board Member with more knowledge, and she thanked him for that. Lakeville has strong opinions and Mr. Sky was a very good manager and she is sad to see him go. Chairman Day said there have been a number of things that he didn’t know what it was and Mr. Sky broke it down for him.

Chairman Day said January 19, 2024 is Mr. Sky’s last day. We have a lot of things to discuss like whether to put an interim in place; do we look for a new Town Administrator in the near term or wait until after the election. Member Carboni said it would be in our best interest to identify an interim to carry us through until we advertise for a new Town Administrator. As we are moving to

a 5-member board, it may be prudent to wait to appoint the next Town Administrator until they are on board. We have 120 days from the date of notification to identify an Interim Town Administrator. Chairman Day said getting an interim on board and Mr. Sky has said he will work with an interim. Mr. Sky said he will be reachable and do what he can to help. It is possible to start your process for permanent Town Administrator without getting into the decision process. You could appoint a search committee so the time you get to April you will have some candidates. The Special Act requires you to name an interim for six (6) months only. Chairman Day said that would carry us into the election time frame. Member Carboni said an interim who can assist us getting that process together. Mr. Sky said you can reach out to a firm to help find an Interim Town Administrator. Member Carboni asked Mr. Sky to put contacts together for the three (3) main search firms. Is there a cost associated with obtaining a list of possible candidates for interim? Then we could bring that back to the next meeting. Member Fabian said we need to get going. Member Carboni said maybe for the next meeting we can get information on what those firms would provide and a recommendation. Mr. Sky said you can appoint someone from the Board to reach out to these firms. Member Fabian said she would be happy to reach out to MRI. Mr. Sky said you can post it on MMA for an interim. Member Fabian said we need to ask a few of the search firms how long the search is taking now. Member Carboni said she will reach out to Community Paradigm. Chairman Day asked that the Human Resources Director be copied on conversations. Member Fabian said all communication went through the Human Resources Director the last time.

VOTED: To accept the resignation of the Town Administrator, effective January 19, 2024.
Unanimous in favor.

Building Committee Updates:

Senior Center Feasibility Study

Member Fabian said they have a meeting on December 13, 2023. We received some new estimates for construction to discuss.

Fire Station Building Committee:

Member Carboni said they are meeting on December 6th at the Library and will meet with the architect. The first item on the agenda will be discussion on the site update.

Old Colony Feasibility Study

Chairman Day said they have narrowed down the Owner's Project Manager selection from eight (8) candidates to three (3). They will meet on Friday with the three (3) candidates to make a recommendation to the Old Colony School Committee.

New Business

There was no New Business discussed.

Old Business

There was no Old Business discussed.

Correspondence

1. Letter from the Massachusetts Association of Conservation Commissions
2. Thank you letters from the Lakeville Arts Council
3. Letter from Comcast regarding Programming Advisories
4. Notice from Comcast regarding fee increases

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 8:11 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of December 4, 2023

1. Agenda page
2. Agenda page; Town Administrator announcements
3. Agenda page Select Board Minutes of October 30, 2023 and November 13, 2023
4. Agenda page; legal ad; ABCC application for transfer of license and associated documents
5. Agenda page; legal ad; ABCC application for transfer of license and associated documents
6. Agenda page; FY24 tax rate presentation from Board of Assessors
7. Agenda page; budget presentation document
8. Agenda page
9. Agenda page; letter of engagement for audit services
10. Agenda page; Taunton Water application; letter from Zenith Consulting Engineers
11. Agenda page; sample agreement; memo from Town Administrator; financial summary from Town Accountant
12. Agenda page
13. Agenda page; application for Common Victualler license-40 Main Street
14. Agenda page; letter of resignation from Town Administrator
15. Agenda page
16. Agenda page
17. Agenda page
18. Agenda page with correspondence

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
December 11, 2023 – 5:30 PM**

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

On December 11, 2023, the Select Board held a meeting at 5:30 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 5:30 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 was attending remotely. 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.

Discuss and possible vote to approve Select Board Minutes of November 29, 2023

Chairman Day asked if there were any comments on the minutes.

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

VOTED: To approve the Select Board Minutes of November 29, 2023 as presented.
Unanimous in favor.

Liquor License Transfer Hearing – LeBaron Hills Country Club – 183 Rhode Island Road

Craig Medeiros, attorney for the applicant and Brian Conefrey, applicant, were present for the discussion. Chairman Day read the legal notice into the record.

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

VOTED: To open the Liquor License Transfer Hearing for LeBaron Hills Country Club.
Unanimous in favor.

Chairman Day swore in Attorney Medeiros and Mr. Conefrey. Attorney Medeiros summarized Mr. Conefrey's golf course ownership experience. He said once the transfer is approved by the Alcoholic Beverage Control Commission (ABCC) a new manager application will be submitted for Poquoy Brook. We are working on setting up a closing date based on approval of the liquor license by the ABCC process. Attorney Medeiros noted that the golf course is usually closed from end of September through April/May, but the restaurant is open on a limited schedule during the winter months. Chairman Day asked if it will be the same operating hours?

Attorney Medeiros said yes; the property will remain a private golf club. Member Fabian asked if one of the dining rooms is open to the public. Attorney Medeiros said there is a function facility and a center room open to the public. There is a member's bar that is private.

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

VOTED: To close the Liquor License Transfer Hearing for LeBaron Hills Country Club.
Unanimous in favor.

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

VOTED: To approve the transfer of the On Premises Restaurant All Alcoholic Beverages License from LeBaron Operating Company, LLC, dba LeBaron Hills Country Club to LeBaron Hills Country Club, LLC, dba LeBaron Hills Country Club located at 183 Rhode Island Road.
Unanimous in favor.

Discuss and possible vote to approve ARPA funding requests from the Park Commission for the Gamache Playground and North Fields Parking Lot project

Melisa Turcotte, Chair and Michael Smith, members of the Park Commission were present for the discussion. Park Commission Chair Turcotte said the walkway around the Gamache playground is the big piece that is left; it can be either concrete or pavers inside the playground. The other walkway is bigger than you think. It is approximately 80' and we would be okay with concrete there. Mr. Moniz has recommended the concrete and we won't need additional funds for that. Chairman Day asked if this will get us to the finish line. Park Commission Chair Turcotte said the Dellarocco family is donating the sign and it is being worked on. Member Fabian asked is there any thought for sponsored pavers. Park Commission Chair Turcotte said originally on Lakeville Day we were going to have a stand and sell the bricks, but Mr. Sky said they cannot. Mr. Sky said there would need to be a friends group doing that according to Town Counsel.

Mr. Smith distributed information to the Board. They have started grading the parking lot area at the new fields. We ran into a roadblock as we can't put any drainage in because it will drain into the environmental area. We are supposed to give Natural Heritage a report every four (4) years, so we will do a turtle sweep and then install the drainage. Southeast Fence won the bid for the fencing for \$23,190. The entrance sign will need to be set back like our Ted William Camp sign on Bedford Street. We need two (2) stop signs and the brush will be cleared for line of sight. \$3,500 was put in for that. There will be 2 slow signs installed. The dotted lines indicate a 100' x 100' area where the mobile restroom from John Paun Park and picnic tables. There will be handicapped signs for parking and bleachers which will be easily accessible. The bleachers will be inside the fenced area. The parking lines will be limed. We are asking for a total of \$35,000. Mr. Sky said there is almost \$15,000 left in the budget. Member Carboni asked to the right of the driveway is a catch basin? Mr. Smith said it's a hill. The catch basin is to the left. Park Commission Chair Turcotte said the area was designed to sit on the hill and see the games. Member Carboni said perhaps a speed bump could be put in where the slow sign is. Mr. Smith said maybe a rubber one because it is gravel. The telephone poles will be removed once the fencing is installed.

Chairman Day asked if the engineer is okay with the vehicles being able to pass each other in the parking area. Mr. Smith said yes. Member Fabian asked how you line gravel spaces? Park Commission Chair Turcotte said there is a line that gets put down and it is supposed to last for three (3) months. Member Fabian said so that would that be a maintenance item. Mr. Smith said yes. We have talked about no lines, just for handicapped parking. Chairman Day said handicapped spots have to be paved and lined. Mr. Smith said no; he met with Nate Darling and the contractor. We cannot pave there because of Natural Heritage. It will be graded gravel and rolled. It is 20' to 30' from the bleachers. Chairman Day said when we spoke about the charging stations, we talked about moving the handicapped spaces to a dirt area and were told the spaces needed to be paved. Maybe the Americans with Disabilities Act Officer should look at this. We need to solidify this. Park Commission Chair Turcotte said parking will only be a problem for a tournament and all fields are being used. Mr. Smith said we will have parkers there for that.

Member Carboni asked if we need to put in another request for \$35,000. Mr. Sky said this would come from the Town's ARPA funds. Member Carboni asked if this is within our awards. Mr. Sky said yes. Chairman Day said he would prefer \$30,000 with no parking lot lines. Member Carboni said parking lines are a maintenance item and she is not inclined to use ARPA funds, which is supposed to be one-time fund items .

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

VOTED: To approve an additional \$30,000 in ARPA funding for the North Fields, which does not include the \$5,000 for parking lines.
Unanimous in favor.

Discuss and possible vote to approve additional staffing for the Fire Department

Michael O'Brien, Fire Chief, was present for the discussion. Chairman Day said this goes back quite a way. Mr. Sky provided an overview of the costs to fund the requested additional staffing. It is one (1) additional staff member per shift. The costs would be \$172,708 for the remainder of FY24 and \$348,651 for FY25 and \$372,156 for FY26. These figures include benefits. We could fund with a Proposition 2 ½ override of 10 to 15 cents adding \$70 per year to the average tax bill. Funding this with ARPA would require all your ARPA monies that is left. We can apply for a SAFER Grant and designate ARPA funding in the interim, but that would be a risk if we don't receive the grant. Chief O'Brien said these cost estimates are the worst possible scenario with the assumption that the new hires would be paramedics. We struggled with providing the corresponding savings. We staff with three (3) firefighters around the clock for a total of 26,280 hours. We are asking for an additional 8,760 hours. If we had those numbers we would have cancelled out 4,000 hours of overtime. From a financial standpoint, he could control the overtime a little better. From a budget the likelihood of him coming to the Board for transfers would be less unless major happened; not for call volume and leave. Currently we have one (1) ambulance staffed with a third person. Recently we had a CPR situation and we had six (6) people dedicated to that call. We deal with the unknown on whether people will be able to come in from off duty. With the additional staff member, we could have (2) ambulances staffed for routine and one for trauma. This would be a huge upgrade operationally. For a fire, we have one (1) truck with three (3) people on board. With four (4) people we have two (2) pieces of equipment. Employee wellness: there are a bunch of people that contribute

a little and some not enough and a small group of people that will exhaust themselves. As the appointed and elected leadership of the Town, he has a problem pushing people to that point. We know that the rate of call volume has escalated significantly. We have seen 20% in car accidents and medical calls go up. We are averaging a 10% increase in calls each year. We are getting to a crisis situation now; not even considering some of these projects being floated around. One of those will add 400 calls a year to us. Something is going to break. He knows it is expensive, but he is optimistic about a SAFER grant. The cost you see before you is the worst-case scenario and doesn't include the 4,000 of overtime not needed. Right now it doesn't matter when someone takes leave, it means overtime. With that additional person only one (1) person will be able to schedule vacation at a time. The people that stand to lose the most money is the core group that are in approval of this. They know that the current situation is not tenable. SAFER grants are for three (3) years and pay salary and benefits. In our case, we are not compliant with two (2) out and two (2) in and we cannot comply because we do not have four (4) people at all times. That is what he will be calling out in the grant application. You can apply again after three (3) years to extend.

Chairman Day asked when is the next round of grant opportunity open and when are they typically awarded. Chief O'Brien said January or early February with announcements in the summer. Chairman Day asked what would he use for numbers? Chief O'Brien said he would ask the Chief network if he could submit for the cost of monthly trainings and clothing allowance, but he would do his homework so the grant is not rejected for bad numbers. Mr. Sky said they usually don't fund everything. You are required to supply a budget; overtime is not eligible. Chief O'Brien said your way of succeeding is to connect with compliance for with the standard, like two (2) in, two (2) out. Chairman Day said it would be summer/fall to hire. Member Fabian said residents have commented on mutual aid. You have worked on making our Department efficient. Freetown has four (4) on duty and she doesn't think they have the same call volume. Going to four (4) becomes a necessity regarding a plan for 400 more housing units. She thinks we need to plan how to get there, but it's not a question of getting there. There is a memory care and assisted living component in the new development at Lakeville Hospital. Chief O'Brien said Freetown went from two (2) to four (4) within two (2) years for the same things we are dealing with. The data is a bit old, but we were 35th out of 41 comparables so we are at the bottom percentage of staffing. Our call firefighter core has changed. The call firefighters used to be Town residents that dropped everything when something went wrong. Now he has some really experienced call firefighters and kids building resumes to be a full-time firefighter. There is a gap in the middle. Member Carboni said Member Fabian mentioned that she spoke to other places? Member Fabian said Select Board Members that she knows. She did speak to Carlos in Freetown and he said they are at four (4). Chief O'Brien said Freetown does about 75% of the calls that we do. Member Fabian said we reduced our mutual aid to Middleborough, which was a big responsibility. We believe in mutual aid; she doesn't know how we get people the services they want if we don't start working on it now. Chairman Day said after last week, we are \$250,000 negative and that does not include the schools. Is there any value to two (2) people? Chief O'Brien said we used to have an impact shift, which did not make sense because they worked during the day. In the day, the Deputy Chief Pam and I take the second ambulance out until relieved. If you put them in at night when the worst of the worst calls and we are responding from home, we are delayed and they are not getting the training or exposure. We are struggling to recruit and retain. Why would they want to work this awful shift when they can go next door and work a normal shift and make equal or more money. We can have two (2) groups of four and two (2) groups of three (3). We would be crazy 50% of the time and a bit more secure and stable the

other 50% of time. Member Fabian asked would that help with scheduling? If a vacation or day off request comes in, now you are back to filling that shift. Chief O'Brien said expenses go down, but the overtime expenses go up so we cancel out budget predictability. He explained his operational structure. Chairman Day said your staff should know that you constantly go to bat for them. For a SAFER grant we would have to carry about \$350,000.

Chief O'Brien said when he came to Lakeville, he was aware that he was heading to a department in crisis. The staffing issue is not a surprise. He sees the behavioral aspects due to stress and what it is doing to our mission capability which make us less optimistic about our future. Member Fabian said in some cases it's okay to throw overtime money into a budget for an anomaly, but this is consistent. Chief O'Brien said we have workers that do not come back for calls. When we throw overtime at this problem, it is the same few people that carry that burden. Chairman Day asked if the Board is comfortable allowing the Chief to apply for a SAFER Grant. Mr. Sky said that would not solve the problem right now. Chief O'Brien said this an immediate need. He spoke about response situations. He said the callback system is inefficient and is not the way to staff the Fire Station. Chairman Day said we have had level service budgets the last few years so there is not much to cut. He is not a fan of using one-time monies for staff, but the need is now and most of the options don't get you what you need right now. How much of the reserve fund did we use? Mr. Sky said we had about \$120,000 left last year. Chairman Day said we could consider that with some ARPA funds. Mr. Sky said that might help with FY24, but not FY25. Chief O'Brien said he think people understand how he is juggling and doing the best they can with what they have. Chairman Day said the Town has grown at a rate that our services haven't. If we did float an override, that would be for FY25? Mr. Sky said yes. Chairman Day said between now and FY25 is the issue. Chief O'Brien spoke about the staff turnover. Member Carboni said we should pursue the SAFER Grant and we have to flush out the rest on what we can do this year. Chairman Day said ARPA money must be appropriated by December of 2024. Mr. Sky said the Park Commission has some ideas for ARPA projects on Clear Pond and John Paun Park. The funding source has not been determined yet. Chairman Day said we approved the money at Town Meeting for engineering at John Paun Park. Mr. Sky said that will probably take six (6) to eight (8) month process. Chairman Day said it's scary in case we don't get the SAFER Grant. Mr. Sky said you can go for the SAFER Grant and plan for an override in FY26 if you get the grant. You wouldn't be committing all the ARPA money.

Member Fabian said when you call for an ambulance, it's a scary three (3) to four (4) minutes. Chairman Day said asked when was the last time a staff member was added. Chief O'Brien said during COVID; we had 2 people a shift and added a .5 person per shift. Chief O'Brien said we are ahead of our last year income for EMS because of the rate changes and policy changes at the State. We have a 95% reduction in Middleborough mutual aid calls, but have made up for that with Lakeville calls. Member Carboni asked how many call firefighters there are. Chief O'Brien said 20. Member Carboni asked what is your comfortable level. Chief O'Brien said he has some call that come back a few times and some come back a lot; we usually stay within our budget. It has become a farm system for our full-time positions. Chairman Day said do you have people interested in applying for the positions. Chief O'Brien said he has people ready to go. He has lined people up. Among the group he is looking at is two (2) medics and firefighters coming from other Department and some that have Call Academy Certificates. He is forced to hire medic students because there is a shortage. We have had significant improvement in turnover. Member Carboni said we should

direct the Chief to apply for a SAFER Grant and talk to the Finance Committee. Member Fabian asked if we have enough ARPA funds for one (1) year? Mr. Sky said yes. Chairman Day said we agree using one-time funds for operations is a bad policy, but we could float an override and then go for the SAFER Grant and hopefully get it. Chief O'Brien said you don't have to bite the whole apple off at once regarding ARPA. You can get me to a decision point where we decide if we are going for an override, continue with ARPA or we get the SAFER Grant. The budget is going to change drastically and he is guessing the overtime expense; now we would know solid numbers. We can consider what the next year is going to be. We have a critical need right now for knowing what is going to come. People are going to be coming in tonight to cover calls. The next six (6) months are usually the most expensive for coverage as people take leave. We need to right size the budget after this. Further discussion occurred about funding options. Member Carboni said we are looking at \$173,000 for FY24. She is willing to support going through the analysis. Mr. Sky said it could be a pilot project. Chief O'Brien said he will have his SAFER application in by early spring. Member Fabian said when we added the COVID position, it was similar to this. We understood what he was doing dividing the groups so they didn't go down. She knows this has to happen, but she feels willing to take a risk because she sees what is going to be happening in FY26. Chief O'Brien said after 31 years, he knows that bad things happen and staffing makes all the difference in these situations. Chairman Day said there is no other massive ARPA request coming. If it is between burning out our firefighters or getting new swings, he knows where he is going. Mr. Sky said you should fund through December 31, 2024 if you are building this on the SAFER Grant. It would be \$172,708 for FY24 and \$175,877 for FY25 which totals \$348,651. Chairman Day said then we need to entertain an override for FY25 if SAFER doesn't come through we are then in the middle of FY25 looking for more money. He would feel more comfortable going through FY24 analysis phase and get a sense if we have to raise the override flag and see where people stand. Mr. Sky said if you don't get the SAFER Grant, you can continue to fund through FY25 and do an override or say you can't go any further. Member Carboni said she is comfortable going through FY24 and encourage the Chief to submit the SAFER Grant application. Mr. Sky said the benefits are included on the Town Accountant's spreadsheet with a number of \$172,708. Mr. Sky said if you get the SAFER Grant, it would be FY28 so you would be able to realize overtime offsets. Member Fabian said we can't count on it, but keep it in the back of our mind. Chairman Day said this is a one-time Funding and is not a typical thing, but to prevent burnout and get real data and cost savings. Mr. Sky said you are creating a challenge for the Board in the budget process. Chief O'Brien said it has been a desperate battle trying to get the Department back to reasonable.

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

VOTED: To allocate \$172,708 in ARPA Funding as a pilot project to expand Fire Department staffing to add one (1) position to each shift.
Unanimous in favor.

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

VOTE: To authorize the Fire Chief to apply for a SAFER Grant.
Unanimous in favor.

Discuss process and possible vote regarding appointment of an interim Town Administrator
Discuss process and possible vote regarding appointment of permanent Town Administrator

Chairman Day said Members Carboni and Fabian reached out to some search firms. Member Fabian said she was successful reaching out to MRI who we used for Mr. Sky's search. We have had some informative emails on how many hours that retired Town Administrators could work. Some of them start timing out in August or September. As far as names, she received one (1) or two (2), but have not been able to vet them. She doesn't know them so doesn't want to hire sight unseen. The average simple search for a permanent Town Administrator is \$9,500 and they would provide us with a list of finalists and we would do the interviews. Over \$10,000 puts us into a bidding scenario so if you can put together a committee in place the sooner you can start the process in January. One of us should focus with the Human Resources Director in moving the permanent search forward while we focus on finding an interim. Chairman Day asked about the time frame. Member Fabian said four (4) to six (6) months and that may or may not include any notice that a person was leaving their position, which could be 90 days. Chairman Day said so the same process with Mr. Sky. Member Fabian said yes. Member Carboni said a lot of the work was done when we hired Mr. Sky, so it may not be that much. Member Fabian said we had reviewed the job description; salary; and special legislation because the job hadn't been filled in over 17 years. We should put a search committee in place and have MRI start sooner than later. She did reach out to the other search firm, but did not get in touch with them.

Member Fabian said we will have an update tomorrow on the classification and compensation study. Instead of working on getting an interim and then don't start our search until March, we could have someone timing out and then having to look for another interim. Chairman Day said we have two (2) more members coming on; do we time it so that the finalists are figured out? Member Fabian said we don't even know what the makeup of the board will be, but we could offer participation by making two (2) at large positions on the search committee. Discussion occurred on the makeup of the search committee. Chairman Day said we don't want to have candidates have to wait until after the election. We should get it going. Member Fabian said we could go out to bid and then start the process and it would be advertised for a few weeks. Then we would work with the company on the job description, salary, etc. so that would be a few more weeks. Then it would be advertised for a few weeks. Chairman Day said we can have them give us two (2) time out scenarios where we start now and where we don't want this part of the search to happen until date. Member Fabian said we have had some talk about the expanded Board with MRI and he didn't think we could wait that long to start the search. A lot of people make their move to be in place July 1st. Chairman Day asked if Member Fabian should work with Ms. Marshall on this. Member Carboni said she would like to see the packet for the last search. Member Fabian said Human Resources should have all that. Mr. Sky said it might be worthwhile having a conversation on what you want for this position. Chairman Day said maybe we can have a Department Head meeting to discuss that. We could bring the packet back to the 18th. Member Fabian will work with Ms. Marshall on a proposed committee membership.

Member Fabian said as far as an interim, some names have been suggested. At a minimum we should speak to a few people who might be interested. Do we need to post? Member Carboni said she reached out to a retired Town Manager to see if they are interested. This is an important and timely matter. She is hoping for at least a week's transition period. Chairman Day said we are

looking for five (5) to six (6) months from a candidate. We would like someone to get us through Town Meeting. We don't have time to do a huge process. We do have some names. Hopefully we can have these discussions and get someone in here quickly. He also had names suggested to him. Member Carboni said the candidate that she is talking to is familiar with a 5-member Board and has a strong financial background. Member Fabian said we could do a quick post; can we just invite people to come speak to us. Chairman Day said over the next week or so we can reach out and invite the candidates in to meet with us. We have 30 business days left with Mr. Sky. We need someone in by the 10th of January. Member Carboni said she does not want to put out a post; she would like to reach out to the individuals and invite them in. Chairman Day said we can send out the names to Ms. Marshall and ask her to confirm potential candidate interest. We can reach out to the individuals also and invite them in to meet with us. Mr. Sky asked if the Board wanted him to invite people. Chairman Day said he can give Mr. Sky names and he can invite them to a meeting. Mr. Sky said if you have names you can just put them on an agenda. Chairman Day said he would like Mr. Sky to reach out to them and ask if they are interested as they may have questions for him. Member Fabian will speak to Ms. Marshall next week.

Discussion on anything learned about the potential 43 Main Street (Lakeville Hospital) project from the December 5th informational meeting

Chairman Day said all three (3) members attended the meeting. Member Carboni said the company handling the assisted living and memory care was at the meeting. She asked about the apartment building if Lakeville residents would have preference. The response was whoever puts a deposit down. She will circle back to the Planning Board to see if there is a way to have Lakeville resident preference. Chairman Day asked about a timeline and they said they hoped to file their subdivision plan in the next quarter and hoped to break ground in 2024. The 40B units are all rentals; the active adult units are for sale. They are planning this in phases. Member Fabian said she asked what they are building first and they said probably the assisted living because they have the company on board and also the apartments. The other cottages may possibly change with talks with the Planning Board. They did say that they were going to try to do some kind of a cost analysis for the Town. A few residents spoke to them and they spoke of the Bridge Street intersection. If any residents have concerns, they should attend the Planning Board Meetings. Chairman Day said he did not realize that they own the parcel of land that aligns with Bridge Street. They would have to come out between the storage units and funeral home. He was asked about whether we should take a look of expanding the Smart Growth Overlay District to that space with a potential limitation on residential units. If you know a 40B is coming a 40R defines where it can go and might give the Town additional 40S money and upfront money per units. Should we have a joint meeting with the Planning Board; there are 2- and 3-bedroom units in that 40B. Member Carboni said it is definitely worth have a conversation. Member Fabian said her parents are in assisted living and she interviewed several facilities that are out of Town. She is aware of the number of times ambulances are called there. This is a community need and she thinks it will happen quickly.

Discuss designating a member of the Select Board as FY25 Budget Liaison

Chairman Day said we had left this open when we reorganized. Member Fabian said she could be the liaison. Member Carboni asked how much time this would take. Mr. Sky said it depends on how much deference you would provide to the Interim Town Administrator. The Board passed a by-law which was adopted by Town Meeting for the Town Administrator to develop and present the

budget. It is the Board's call whether the Interim Town Administrator will be developing the budget. Member Carboni said if the Town Administrator is presenting the budget, it would be to the entire Board. Member Fabian said she can see an Interim asking for historical information, which could be gotten from the Town Accountant. Chairman Day is fine going without the liaison. Member Fabian said we can always revisit this.

Review and possible vote to approve annual Class I and Class II License Renewals

Chairman Day said the Board had a list of the annual Class I and Class II License renewals and a memo from the Director of Inspectional Services.

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

VOTED: To approve the following Class I and Class II License Renewals to expire January 1, 2025: Chris Altieri, dba C&E Enterprises – 43 Freetown Street; Leonardo Solana, dba Solana auto Sales – 18 Staples Shore Road; Andrews Family Automotive – 79 Main Street; Linda Bury & Jason Bury dba Elite Auto Sales – 431 Bedford Street; Grigis Automotive – 35 Bedford Street; and David Rose, dba Dave's Auto – 67 Main Street and the renewal of the Class I Licenses for Rousseau's Recreation Rentals – 150 Bedford Street and Route 44 Collision Center RV's & Boats – 8 Harding Street. Unanimous in favor.

Review and possible vote to approve annual Common Victualler License Renewals

Chairman Day noted that Baldie's Pizzeria and LeBaron Hills Country Club renewals are for the present ownership as the transfers are contingent upon Alcoholic Beverages Control Commission approval of the transfer of liquor licenses. He asked if the licensee that we are always looking for submitted a license renewal. Ms. Craig-McGee replied yes, however, the vendor for the Regional Schools has not sent in their renewals. She reached out to the cafeteria director and notified her; they hope to have it in this week.

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

VOTED: To approve the renewal of the Common Victualler Licenses for the following, all having an expiration date of December 31, 2024: Baldies Pizzeria, Inc. – 40 Main Street; Royal Pizza – 68 Main Street; Tand, Inc., d/b/a Subway – 330 Bedford Street; Nexdine, LLC (for Ocean Spray) – One Ocean Spray Drive; The B9 Club, LLC, dba The Back Nine Club – 17 Heritage Hill Road; Poquoy Brook Golf Club, LLC d/b/a Poquoy Brook Pub – 20 Leonard Street - Hawaii Corp., dba Orchid of Hawaii Restaurant – 201 Bedford Street; Lakeville Aerie #3994 Fraternal Order of Eagles, Inc. – 217 County Street; Lakeville Golf Club, Inc. dba Lakeville Golf Club – 44 Clear Pond Road; Assawompset Golf Company, LLC/dba LeBaron Hill Country Club – 183 Rhode Island Road; Ken & L Inc., dba Saga Sushi – 13 Harding Street; J & J's Seafood Drive-in – 197 County Street; MAJTT Properties, LLC, dba Fat Cousins – 166 County Street and Sandy LLC (Dunkin Donuts) – 330 Bedford Street. Unanimous in favor.

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

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

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

VOTED: To approve the Livery License for JP’s Limousine Service (1 vehicle) – 16 North Precinct Street with an expiration date of December 31, 2024 and

To approve the Dancing on Weekdays Licenses with expiration dates of December 31, 2024: LeBaron Operating Company, LLC, dba LeBaron Hills Country Club; Hawaii Corp., dba Orchid of Hawaii; Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. and Lakeville Aerie #3994 Fraternal Order of Eagles, Inc. and

VOTED: To approve the Coin Operated Amusements Licenses with expiration dates of December 31, 2024: Lakeville Aerie 3994, Fraternal Order of Eagles, Inc. (2 machines) and Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. (1 machine) and

VOTED: To approve the Public Entertainment on Sundays Licenses with expiration dates of December 31, 2024: LeBaron Operating Company, LLC, dba LeBaron Hills Country Club; Hawaii Corp., dba Orchid of Hawaii; Lakeville Golf Club, Inc., dba Lakeville Golf Club, Inc. and Lakeville Aerie #3994 Fraternal Order of Eagles, Inc.
Unanimous in favor.

Discuss and possible vote on request for a Dancing on Weekdays License and Public Entertainment on Sundays License-The Back Nine Club – 17 Heritage Hill Drive

Craig Medeiros, Attorney was present for the discussion. Chairman Day said an application had been received from The Back Nine Club for Dancing on Weekdays and Public Entertainment on Sundays Licenses.

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

VOTED: To approve the Dancing on Weekdays and Public Entertainment on Sundays License for The Back Nine Club to expire December 31, 2024.
Unanimous in favor.

Discuss and possible vote to approve a change of manager for The Back Nine Club – 17 Heritage Hill Drive

Craig Medeiros, Attorney, and the proposed manager, Holly Mello, were present for the discussion. Chairman Day asked the members if they had any questions, but there were none. He noted that Ms. Mello has years of experience in the field. Ms. Mello noted that she had been working there for 2.5 years.

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

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

Building Committee Updates:

Senior Center Feasibility Study

Member Fabian said there is a meeting on Wednesday. Mr. Sky noted there will be updated pricing and some scope clarification.

Fire Station Building Committee

Member Carboni said the Committee met with the architect to discuss next steps and working on a timeline. We designated a subcommittee to look at the space needs for a future Fire Station. She asked the Board members for their input of what they would like to see in a new facility. The subcommittee is meeting on the 18th to begin their work and she asked the Board members to send an email to Christina Cotsonidis with any thoughts. Chairman Day asked if there have been recommendations on other facilities to look at. Member Carboni said Chief O'Brien has given them some communities to look at a Taj Mahal station and functional stations.

Old Colony Feasibility Study

Chairman Day said that on December 8th they held interviews for the Owner's Project Manager and PMA Consultants has been selected to move forward to the Old Colony School Committee. They are currently working with BP Vocational School. The project director is from Rochester and the project manager is from Carver. They will present that on December 20th and submit by January 10th to MSBA for final approval.

New Business

There was no New Business discussed.

Old Business

Chairman Day asked when the Board would discuss the Loon Pond Contract. Mr. Sky said December 18th. Chairman Day said the Arts Council reached out to not having to pay a room fee for use of the Loon Pond Lodge. Member Fabian said isn't it reflected that the Select Board makes that call. Mr. Sky said yes.

Correspondence

1. Copy of letter from Lakeville Arts Council to Zoning Board of Appeals

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 7:50 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of December 11, 2023

1. Agenda page
2. Agenda page; Town Administrator announcements
3. Agenda page Select Board Minutes of November 29, 2023
4. Agenda page; legal ad; ABCC application for transfer of license and associated documents
5. Agenda page; memo from the Town Administrator; memos from the Park Commission
6. Agenda page; memos from Town Administrator and Fire Chief; financial analysis from Town Accountant; ARPA funding summary
7. Agenda page
8. Agenda page
9. Agenda page
10. Agenda page
11. Agenda page; memo from Building Commissioner
12. Agenda page
13. Agenda page
14. Agenda page; application form
15. Agenda page; ABCC Change of Manager Application
16. Agenda page
17. Agenda page
18. Agenda page
19. Agenda page; correspondence items

**TOWN OF LAKEVILLE
Select Board Meeting Minutes
December 18, 2023 – 5:30 PM**

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

On December 18, 2023, the Select Board held a meeting at 5:30 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 5:31 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 thanked the Department of Public Works for the work they did today with the storm. He also spoke of the Fire Department and Police Department accompanying Santa around the Town yesterday.

Town Administrator announcements

Mr. Sky said the Town Offices will be closed on December 22nd, December 25th and January 1 for the holidays.

Discuss and possible vote to award Loon Pond Lodge Management contract to 58 East Grove Street, Inc., dba Cranberry Catering/Boston Tavern

Melisa Turcotte, Chair of the Park Commission, was present for the discussion. Chairman Day said the contract for the Loon Pond Lodge Management had been send out to the members and asked for any comments or questions. He then opened the floor to Park Commission Chair Turcotte for questions/comments. Park Commission Chair Turcotte said under 4.1 on Page 3, the manager shall make available the areas designated for event function space for parties upon request. Town Elected or Appointed Boards or Committees, (including use for Federal, State and Local Elections and Town-sponsored events) shall be permitted to use the event/function space for no fee, with approval of the Select Board. She suggested changing that to the Park Commission or the Town. Prior to that under 1.2 it says the Property shall remain under the custody and control of the Town, acting by and through the Park Commission. Why would the Board want to take over that? Member Fabian said originally it was done that way because the Select Board and the Town Administrator knows who deposits the funds with the Town. Chairman Day asked how many requests were there to use the building with waived fees. Member Fabian said the Arts Council. Park Commission Chair Turcotte said other entities get the fees waived due to the day/time that they want to hold their functions. Member Fabian said she didn't know others were getting waived fees. Chairman Day said we also rule on things like insurance waivers for events. All buildings are under the control of the Select Board. Park Commission Chair Turcotte said would the Board make the fee waiver decision or would you speak to the Park Commission first. Member Carboni said the way it currently is that the entity would come in front of the Park Commission and request a fee waiver. Park Commission Chair Turcotte said they would submit a letter. The Arts Council paid up to three (3) years ago and when Boston Tavern took over, they stopped paying. They did not come before the

Park Commission on that; they just told Boston Tavern they were not paying. The Arts Council last year took four (4) weekend days without paying. This year it was only two (2) days. Due to the season, we lost money for Christmas parties. Chairman Day said the only difference would be the room fee as we are going to a monthly fee, not percentage. Park Commission Chair Turcotte said the room fee goes to the Park Department. Member Carboni said if anyone is going to waive a fee, they should not be coming before the Select Board; they should go to the Park Commission. We could adjust the wording to have the Park Commission confirm with the Select Board if it is a Town entity. Member Fabian said originally Boston Tavern would sell food and then the Park Commission would get those funds. The Arts Council provides community interaction that you cannot put a price tag on. The Town has been generous to the Park Commission over the past four (4) years. If the Park Commission feels that they would be better off with the \$4,000 from the Lakeville Arts Council, she disagrees. We have given a lot of ARPA funding, have given the Department of Public Works to the Parks for care of the parks and have paved parking lots. Prior to 2019 the Select Board felt that it was an enterprise fund and would not provide money. Because it's a Town entity, they shouldn't pay so they can put on another event. Park Commission Chair Turcotte said on the events that they held at Ted Williams Camp they broke even. The Town has been very generous over the past years, but now it says it goes through the Select Board. Chairman Day said we are generally the Board that hears requests for waivers and discounts; the precedent is that this is the Board that handles this. Park Commission Chair Turcotte said are you going to do the league fees. Where is the line? Chairman Day said we are signing the contract. Member Fabian said the leagues are not an actual Town entity. We are asking for elections and the Art Council events. Park Commission Chair Turcotte said we see the value of the Arts Council and asked them to try to move it off of a Friday and Saturday. Chairman Day said the new structure helps us not lose money for an event. We could consider the Park Commission's suggestions on waivers. Member Fabian said she would like to see the Arts Council work with the Park Commission to put on some of these events. Member Carboni said we should keep an eye on how it works out.

Mr. Sky said he received an email from Mr. Moniz estimating the trash usage. The Park uses a shared dumpster, so we did a 60/40 split. Mr. Moniz thinks it may be 30% depending on the time of year that the Town uses the dumpster. Park Commission Chair Turcotte said we have not had to get an extra dumpster.

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

VOTED: To award the Loon Pond Lodge Management Contract to 58 East Grove Street, Inc., dba Cranberry Catering/Boston Tavern as reviewed by Counsel. This contract is from March 29, 2024 through March 29, 2027.
Unanimous in favor.

Discuss and possible vote to approve the request of the Board of Health to appoint Keven Desmarais as a Special Assistant Health Agent

Chairman Day said the Board received a request from the Board of Health to appoint Keven Desmarais as a Special Assistant Health Agent.

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

VOTED: To appoint Keven Desmarais as Special Assistant Health Agent for a term to expire July 31, 2024.
Unanimous in favor.

Discuss and possible vote on request from Town Clerk to approve April 1, 2024 Election Warrant

Chairman Day said the Board received a request from the Town Clerk to approve the April 1, 2024 Election Warrant. He read the positions available for the election.

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

VOTED: To approve the April 1, 2024 Election Warrant to be held at Ted Williams Camp, 28 Precinct Street, Lakeville, MA from 12:00 PM to 8:00 PM.
Unanimous in favor.

Discuss and possible vote to renew Common Victualler License for Aramark Educational Services, LLC for: Apponequet High School, 100 Howland Road; F/L Middle School, 96 Howland Road; George R. Austin Intermediate School, 112 Howland Road, and; Assawompset Elementary School, 232 Main Street

Chairman Day said we received a request for the renewal of the Common Victualler Licenses for Aramark Educational Services, LLC. Aramark needs to do a better job on the renewal of these licenses.

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

VOTED: To approve the Common Victualler Licenses for Aramark Educational Services, LLC for Apponequet High School, 100 Howland Road; F/L Middle School, 96 Howland Road; George R. Austin Intermediate School, 112 Howland Road, and; Assawompset Elementary School, 232 Main Street to expire December 31, 2024.
Unanimous in favor.

Building Committee Updates:

Senior Center Feasibility

Member Fabian said we had a meeting this week and the last in person with the project managers before our final meeting where the contract should be fulfilled. We would do that before the Select Board perhaps in January. Chairman Day asked did they have the updated pricing. Member Fabian said yes. We have had five senior citizens who have participated in the process and are concerned about the proposed development from Rhino that would bring more seniors into Town.

Fire Station Building Committee

Member Carboni said the group meeting for the space needs was today. She will update the Board once she is updated about the meeting outcome.

Old Colony Feasibility Study

Chairman Day said there are no new updates. They will be bringing the Owner Project Manager to the School Committee on December 20th.

Interview Interim Town Administrator candidates:

Chairman Day said Mr. Sky is leaving the Town. The Town Administrator states that any vacancy over 30 days we need to appoint an Interim Town Administrator. We reached out to some people to see if they had any interest in being appointed. We have two (2) candidates that are very qualified.

Robert Nunes

Chairman Day said we are not sure how long the interim term will be. We are probably looking for someone to get us through the budget cycle and Town Meeting. Mr. Nunes said he had 40 years of service in both Local and State Government. He served as Mayor of Taunton for 11 years; Deputy Commissioner of Revenue overseeing the Division of Local Services; was Fiscal Overseer of the City of Lawrence and for eight (8) years Town Manager in Middleborough retiring in October of 2022. He is aware of the duties of the Town Administrator. He understands that the Board will be increasing to five (5) members. It is critical that you have someone experienced in working with a five (5) member Board to help guide the Town through that process. It is the role of the Town Administrator to develop a budget and present it to the Board. He has a lot of experience in developing budgets and the necessary requirements that need to be submitted to the Department of Revenue. He will have an open dialogue and communicate with Department Heads and citizens and have an open-door policy. He will keep the Board up to date on issues and have day to day contact with the Select Board Members.

Member Fabian said we have had to make a couple of requests to our Regional School District for financial and budget information. How would you approach a situation like that? Mr. Nunes said he would work with the Superintendent and do his best working with the local officials to convince the stakeholders on what an adequate budget is for Lakeville. Member Carboni said you said you worked with the economic development in Middleborough. We have an Economic Development Committee that we need to get back to the table with direction. We might be challenged as far as commercial entities coming into Town due to zoning. What did you do to help Middleboro? Mr. Nunes said he has many years of experiences in economic development. What is important that all Departments communicate and also with stakeholders in the community. He created Project Review Committee and found many of the Departments were working in vacuums. When a project came to express interest, he would get the Departments together with the developer to address anything that would affect the project. Many of the projects came to fruition due to the communication. There were a number of projects, including recreational marijuana, and Middleborough now has a number of cannabis establishments. It is good to be proactive, but the community needs to have a voice. Everyone needs to be at the table and the developer needs to know what the requirements of the Town are. He would do some outreach on some of the big projects.

Chairman Day asked what are some of the things that are challenging for the next budget cycle and what could catch us by surprise. Mr. Nunes said Local Aid is challenging; the Town has ARPA

money, but that will be drying up. It is important to expand the tax base. As an Interim position, it will be a challenge to get something in during the next month. He would start the process on potential projects to create new growth. It is important that municipalities have a good relationship with the Legislators and work with Massachusetts Municipal Association. Departments will be lobbying for their slice of the pie; he always encouraged the Department Heads to present their wish list. Staffing could be beefed up, especially public safety, and that is challenging. If you have open communication with the Department Heads working together with the Select Board and Finance Committee, it can be done even with some resources lacking.

Richard LaCamera

Mr. LaCamera said he has lived in Lakeville almost 50 years and has been very involved in the community with coaching Little League, basketball, softball, the Apponequet Boosters, and is a long-time member of the Lakeville Lions Club. He has been involved in municipal government for 40 years: 12 years on the Select Board; 16 years on the Finance Committee and was a Library Trustee. He was the Town Administrator in Rochester for seven (7) years and was an Interim Town Administrator in Hanson with a 5-member Board. He has served on a number of building committees for the F/L Middle School; the Senior Center and the Library. He served on the Lakeville Development Corporation, which developed the industrial park. He served on the F/L Regional Finance Committee; the Assawompset School Study Committee; SRPEDD, Capital Expenditures Committee and the Feasibility Study Committee for the Fire Station. He has had a positive working relationship with the Departments Heads, which is very important and he knows how to work with them. There would not be a learning curve and he is familiar with all the Boards and Committees and has long term relationships with the Town's State Senator and Representative. He was the Board's union representative for the negation for the last contracts and also for the three (3) previous budget cycles. He was involved in the current eight (8) to ten (10) projects that are currently going on and need completion. He obtained a commitment from a developer to swap previous mitigation for a new office building at the DPW, saving \$600,000. He proposed a financial solution for the F/L School Committee which prevented layoffs and was approved by Town Meeting in both Towns. Those relationships are very important. He has team-oriented leadership skills and ability to analyze and issue and propose a solution and present to the Town Boards and town Meeting are important to the successful tenure of an Interim Town Administrator. In addition to extensive financial knowledge, the important tools in the potentially challenging budget cycle ahead of us. The Town Administrator reports to the Select Board and is the facilitator for the day to day operation of the Town and provides input to the Select Board to make all the decisions. The Select Board must analyze and vote on all important issues for the Town.

Member Fabian said the Board is not getting enough information from the Region. How would you handle that? Mr. LaCamera said he hopes that the Regional School Committee is able to get the information. They have not been providing that information on a timely basis and should be called out it saying we need the information now. A lot of School Districts have already met with their Select Boards. This coming budget is going to be a serious situation. You don't want to have to file a Freedom of Information Act request. There should be monthly budget reports or at least a six (6) month snapshot of the budget. There are some problems with that budget. At the meeting we had last year, we told them that this budget is not sustainable. We don't receive a lot of State Aid to subsidize our budget. The State already said they have a deficit. The District received \$60 per student which is \$300,000 on a 45 million budget. The Town is going to have to pick up the

difference. The salary increases alone are \$1.2 million, which it is a difficult situation. We need to make sure our State Representative and Senator are aware of how difficult it is. We aren't the only School District that is having this problem. It is going to be a challenge. Member Carboni said the Economic Development Committee has just been around, but has not met. What would you do to get it up and running and help drive some economic development. Mr. LaCamera said we do not have commercial development like Middleborough. We don't have any additional zoned areas to create any commercial development. The industrial park is full; the one at the train station is completely full with 60% of it being housing. The industrial park on Route 44 is completely full. We need to look at if the Town wants commercial development and where will it go. If they don't, that is okay, but the taxpayers will pick up most of the burden for services. He would meet with the Planning Board and look at the Master Plan. The key thing is protecting the rural character of the Town and that is okay if that is what they want to do. Then you can look at the commercial development. We can't sustain our budget. The new growth number was discussed at a previous meeting and that will be a challenge. Chairman Day asked what are the challenges for the Town that we know about and may surprise us. Mr. LaCamera said the Town's budgets are okay; we can make some adjustments. You still have COLA increases by contract. We have to look at what we can do to protect the Town services we already have. We can start looking at the current budget; do we have anything that can be reduced now for the following year. Hopefully we won't have to talk about positions, but we may have to. We can try to invite in our Legislators. The Town has been very good at maintaining Stabilization Accounts and Free Cash. You shouldn't use Free Cash for employees. He would look at the budget as a 2-year thing, especially with the Region. Building has pretty much stopped. We do have some developments, LeBaron has 150 units left and 250 units on Freetown Street and the Lakeville Hospital site with a substantial amount of housing that will have effects on the School System. This will be probably take three (3) to five (5) years that can give us some breathing room. We need to try to increase our new growth. Member Carboni said because you served on this Board, how do you see yourself taking direction from the Board. Mr. LaCamera said the responsibilities of the Interim Town Administrator will be to facilitate the day to day operations of the Town and provide the information to the Board so they can make decisions. He doesn't make the decisions; the Board does.

Discuss and possible vote to appoint Interim Town Administrator

Chairman Day thanked the candidates. Member Carboni said we have a challenge ahead of us looking for a new Town Administrator. You both have the experience to be here this evening. You both know the challenges we will be facing. She wanted to make a motion to appoint Robert Nunes as Interim Town Administrator. Chairman Day asked Member Carboni asked if Member Fabian could speak first. Member Fabian said one of the issues with the Town staff is consistency. Right now, they are feeling insecure. Having two (2) great candidates is great, but we need to provide some consistency which would be the candidate that has worked with the Department Heads. She didn't know the Board was making motions or she would have made a motion for Mr. LaCamera. Member Carboni said she can respect the consistency with the Department Heads. For our community because we are moving into a new arena with a 5-member Board, things are changing. She is ready to start with the change and move Lakeville forward. Member Fabian said with all the changes going on, it is really important to provide a familiar face. We have an issue right now with the Joint Labor Management Committee (JLMC) and one (1) of the candidates has had a good relationship with the Police. She thinks it would be beneficial to have a friendly face there if one of us is not participating.

Chairman Day said the two (2) outstanding candidates and both have the chops to do this. He had spoken to Department Heads that think both can do the job well. The Interim would be a part time job and we are looking to get through the budget, the election and JLMC. He thinks that the Interim Town Administrator position would somehow hamstring Mr. LaCamera's talents. We can use your talents in other places. Perhaps we can keep both candidates engaged with moving the Town forward. Chairman Day said we have many appointments that could utilize Mr. LaCamera's strengths. He asked if Mr. LaCamera would be interested in helping with some of the appointments that Mr. Sky holds. Mr. LaCamera said that would be complicated. The next three (3) months are critical for the budget process and he knows the inside and out on the existing budget and the Regional School budget better than anyone else. He is not sure how you put two (2) people in the position to do that. Chairman Day said we have members that we appoint to different committees that your talents would be prime. Mr. Sky's leaving will open a lot of seats. Mr. LaCamera said he assumes that the Interim Town Administrator would be appointed to some of those committees. Chairman Day said not necessarily. Mr. LaCamera said he is not sure what the relationship would be that meet monthly and the day to day operation of the Town. Discussion occurred about positions within the Town.

Nancy Yeatts asked if the Board was taking comments tonight. Chairman Day said not this evening, but the Board will upon the appointment of the next Town Administrator. We need to appoint someone to come up with a contract. Member Carboni said we need at least a week's transition to work with Mr. Sky. Mr. Sky said you relieve him of his position earlier or appoint an Interim Administrator later with the understanding that there is transition. It was decided that Chairman Day will work on a contract.

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

VOTED: To appoint Robert Nunes as Interim Town Administrator, upon successful contract negotiations, effective January 19, 2024.
Member Carboni – aye; Chairman Day – aye and Member Fabian – nay.

New Business

There was no New Business discussed.

Old Business

Chairman Day said that Town Counsel reached out to him about the JLMC meeting at the end of January and they asked with Mr. Sky's departure, who would like to attend. This will be discussed at the January 8th Select Board Meeting.

Lacey Marshall, Human Resources Director, was present for the discussion. Member Fabian said we had two (2) meetings regarding the Class and Compensation study and the Human Resources Director is working to make sure all positions are included in the study. We have found one (1) position that was not in the study. We forgot to send a few others. Ms. Marshall said there were approximately 74 positions with different job titles. Ms. Marshall said if you filter out elected officials, it brings us down to 67; there are 11 that are just firefighters. She excluded some seasonal workers. They had 40 positions originally and she has added 7 positions. A few are showing as a full-time salary were part time workers and some of them are minimal part time positions. Member

Fabian said we will probably still finish on time in January. We spoke with the Town Accountant about part time salaries that were annualized. There are some concerns because our comparable Towns while we may overlap in median income and population, we were compared to Wrentham with a 50 million budget and Wareham with a 70 million budget. In the final report, some of our concerns will be brought up. We spoke about some policy recommendations. We will probably have this for the last meeting in January.

Ms. Marshall said in the contract there was talk about looking at regulatory guidance of having the Select Board members being the Wage and Personnel Board. There is no room for a grievance. Who does she speak to if she is going to the same people that made the rules? She would like to know who are other Towns Wage and Personnel Board. What is the moving forward on a grievance who do we go to. Member Fabian said that has been a sticking point with her for a while. The same Board is not the same one that hires and creates a job description. Should we be deciding that or wait for two (2) more people to decide that. Chairman Day said he doesn't want us to be frozen until April. Did they indicate when they might be done? Member Fabian said it depends on what she is going to do and whether we want to submit them. Mr. Sky said the new Town Administrator will have to grab hold of this. Ms. Marshall said the added positions shouldn't take a lot of time to add those in. Member Fabian said she doesn't expect a change order for the fact that we added more positions. Member Carboni said she is interested in getting information seeing what other communities are doing for Wage & Personnel. Member Fabian said they are suited to do the information gathering our day to day and will be providing information on the longer narrative.

Member Fabian said Ms. Marshall found all of Ms. Dunphy's notes from the other search for a Town Administrator. Ms. Marshall said she has one (1) company that responded back with a proposal.

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 6:57 PM.
Unanimous in favor.

List of documents provided at the Select Board Meeting of December 18, 2023

1. Agenda page
2. Agenda page; Town Administrator announcements
3. Agenda page; copy of Event Management Agreement – Loon Pond Lodge
4. Agenda page; legal ad; memo from the Board of Health Agent
5. Agenda page; memo from Town Clerk
6. Agenda page; Common Victualler License applications
7. Agenda page
8. Agenda page; resumes from candidates for Interim Town Administrator
9. Agenda page
10. Agenda page
11. Agenda page

**AGENDA ITEM #4
JANUARY 8, 2024**

**DISCUSS AND POSSIBLE VOTE TO AWARD SERSG
DRUG/ALCOHOL TESTING CONTRACT**

SERSG went out to bid for drug/alcohol testing services and are asking the Board to award the contract to Advantage Drug Testing of Andover, MA.

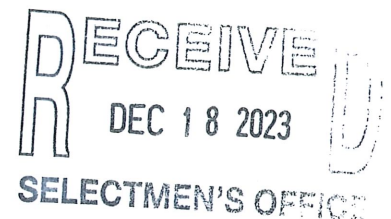
The Town currently uses Advantage for our testing services.

Southeastern Regional Services Group
Drug Alcohol Testing Services for 1/1/24-12/31/26
CONTRACT AWARD

The Select Board of the Town of **Lakeville** voted at their meeting held on _____, 20__ to award a contract to **Advantage Drug Testing**, 62 Elm Street, Andover, MA 01810 Phone 978-475-1312 for a three-year period from January 1, 2024 to December 31, 2026 for the administration of a Drug and Alcohol Testing Program for Municipal Employees in accordance with the requirements set out in the SERSG Request for Proposals. This award is conditioned upon the receipt of signed contracts and a certificate of insurance with the appropriate coverages from Advantage. The SERSG Regional Administrator will collect these documents on behalf of the Town Manager and present them for final approval and signature.

Price Structure	Price	
<u>Fixed Unit Cost for specimens collected at Collection Sites designated by the Proposer, or On-Site with additional charges stated below:</u>		
Alcohol Testing	\$45.00	per screening test
Alcohol Testing	\$0.00	per confirmation test
Drug Testing	\$ 70.00	per test
DESIGNATED LOCATIONS: Partners Urgent Care, Canton; Care Central Urgent, Bridgewater, N. Easton, and Stoughton; Tristan Medical, Brockton, Norton.		
<u>Additional Charges for testing with a mobile unit brought On-site, to the emergency room, or to the scene of an accident:</u>		
Scheduled On-Site fee (7 AM - 5 PM)	\$ 100.00	per appointment
Scheduled On-Site fee (5 PM - 7 AM)	\$ 165.00	per appointment
Emergency On-Site fee (24 x 365)	\$ 250.00	per appointment
All drug & alcohol tests are \$65 for drug and \$40 for alcohol PLUS on-site fee as listed.		
Fixed fee for the service of purchasing and submitting blind samples to the certified laboratory in accordance with the Act	\$0.00	per blind sample
Fixed fee for the basic DOT/FMCSA pre-employment physical performed on prospective employees covered by the Act at Care Central Urgent Care facilities: Bridgewater, N. Easton, & Stoughton. (Alternate locations may be arranged with Advantage, and may incur additional fee.)	\$ 100.00	per exam
Fee per municipal employee for evaluation by a licensed substance abuse professional following a positive drug or alcohol test, 3 hour minimum	\$ 550.00	per employee
Fee per municipal employee for re-evaluating an employee who has completed a treatment and rehabilitation program and who wishes to return to duty (3 hour minimum)	\$0.00	included in evaluation charge
Fixed fee per two hour training session for supervisors on the symptoms that give rise to reasonable suspicion drug or alcohol testing	\$300.00	per training class
Fixed fee for Employee information training session	\$200.00	per training class
Split specimen re-test by a second laboratory.	\$175.00	per split specimen re-test
Mileage charge for trainers traveling to and from training sessions	\$0.00	per mile
One-time fee for establishing or updating the random SERSG pool	\$0.00	one time fee
Random Drug Selection Administrative Fee	\$0.00	per employee per draw
No hourly charges. No mileage charges. No Administration charges.		

Chair, Select Board _____ Date _____



Southeastern Regional Services Group Award of Contract for Drug & Alcohol Testing Services 1/1/24-12/31/26
 The Awarding Authority of the Town of Lakeville hereby awards a contract to:

ADVANTAGE DRUG TESTING PO BOX 546, ANDOVER, MA 01810

At the following prices:

Price Structure	Price	
Fixed Unit Cost for specimens collected at Collection Sites designated by the Proposer, or On-Site with additional charges stated below:		
Alcohol Testing	\$45.00	per screening test
Alcohol Testing	\$0.00	per confirmation test
Drug Testing	\$ 70.00	per test
DESIGNATED LOCATIONS: Partners Urgent Care, Canton; Care Central Urgent, Bridgewater, N. Easton, and Stoughton; Tristan Medical, Brockton, Norton.		
Additional Charges for testing with a mobile unit brought On-site, to the emergency room, or to the scene of an accident:		
Scheduled On-Site fee (7 AM - 5 PM)	\$ 100.00	per appointment
Scheduled On-Site fee (5 PM - 7 AM)	\$ 165.00	per appointment
Emergency On-Site fee (24 x 365)	\$ 250.00	per appointment
All drug & alcohol tests are \$70 for drug and \$45 for alcohol PLUS on-site fee as listed.		
Fixed fee for the service of purchasing and submitting blind samples to the certified laboratory in accordance with the Act	\$0.00	per blind sample
Fixed fee for the basic DOT/FMCSA pre-employment physical performed on prospective employees covered by the Act at Care Central Urgent Care facilities: Bridgewater, N. Easton, & Stoughton. (Alternate locations may be arranged with Advantage, and may incur additional fee.)	\$ 115.00	per exam
Fee per municipal employee for evaluation by a licensed substance abuse professional following a positive drug or alcohol test, 3 hour minimum	\$ 550.00	per employee
Fee per municipal employee for re-evaluating an employee who has completed a treatment and rehabilitation program and who wishes to return to duty (3 hour minimum)	\$0.00	included in evaluation charge
Fixed fee per two hour training session for supervisors on the symptoms that give rise to reasonable suspicion drug or alcohol testing	\$350.00	per training class
Fixed fee for Employee information training session	\$200.00	per training class
Split specimen re-test by a second laboratory.	\$275.00	per split specimen re-test
Mileage charge for trainers traveling to and from training sessions	\$0.00	per mile
One-time fee for establishing or updating the random SERSG pool	\$0.00	one time fee
Random Drug Selection Administrative Fee	\$0.00	per employee per draw
No hourly charges. No mileage charges. No Administration charges.		

CONTRACT FOR DRUG & ALCOHOL TESTING SERVICES

This Agreement (the "Contract") made and entered into this _____ day of _____, 2023 Between the **Town of Lakeville** (herein referred to as the "City or Town") and **Advantage Drug Testing** herein referred to as the "Contractor").

Recitals:

The Contractor has bid successfully to provide the services described in the Scope of Work section of the Request for Proposals for Drug and Alcohol Program Administration attached hereto and incorporated herein by reference for a three-year period commencing on January 1, 2024 until December 31, 2026. Incorporated by reference and specifically made a part of this Contract are the terms in the Request for Proposals and the Proposal, Technical and Price, of the Contractor.

Now, therefore, the City or Town and the Contractor agree as follows:

Covenants, Warranties and Representations

1. The Contractor covenants, warrants and represents to the City or Town as follows:
 - a. Contractor's Proposal is in all respects bona fide, fair and made without collusion or fraud with any other person.
 - b. The price charged to the City or Town for Drug and Alcohol Program Administrative and Testing Services is equal to or less than the price currently charged to any other customer for services of an identical or comparable nature.
 - c. Contractor has and will maintain in full force and effect all permits and approvals necessary for the performance of this Contract.
 - d. Contractor has now and will maintain during the term of the Contract control over the equipment necessary for the performance of this Contract.
 - e. Contractor has now and will maintain sufficient personnel who shall be certified and appropriately equipped to perform the Contract.
 - f. Contractor is now and will remain during the term hereunder duly organized, validly existing and in good standing under the laws of the Commonwealth of Massachusetts and Contractor has taken all necessary action to authorize the execution and delivery of this Contract on behalf of the Contractor. This Contract when executed and delivered by a signatory on the Contractor's behalf will be valid and binding on the Contractor.
 - g. Contractor has complied with all the laws of the Commonwealth of Massachusetts relating to the filing of State tax returns and payment of all State taxes required under said laws.
2. Contractor agrees to perform fully all the terms and provisions of this Contract in accordance with applicable federal and state laws and regulations, more specifically Contractor covenants to:
 - a. Provide the Administrative and Testing Services listed in the Scope of Work on an as-needed basis to the reasonable satisfaction of the City or Town, and
 - b. Keep and maintain during the term of this Contract with insurers satisfactory to the City or Town the policies of insurance listed herein. At least fifteen (15) days prior to the Commencement Date of this Contract, Contractor shall deliver to the City or Town a Certificate of Insurance showing the City or Town as an additional insured on all such policies.
 - c. Maintain books, records and other compilations of data in such detail as shall properly substantiate claims for payment under the Contract. All such records and reports shall be kept for a period of six (6) years starting on the first day after final payment under this Contract.
 - d. Maintain records of testing necessary to satisfy the reporting requirements of 49 CFR 40.

Term of Contract

This Contract shall commence when signed by both parties and remain in effect until fully performed or earlier terminated. Contractor's Administration of the Drug and Alcohol Testing Program hereunder shall commence on January 1, 2024 (the "Commencement Date") and continue until December 31, 2026 unless sooner terminated as provided herein. Any subsequent year of this Contract is contingent upon monies required by this Contract being appropriated by Town Meeting.

Compensation

In consideration of the faithful performance of the Contract by the Contractor, the City or Town promises to pay the Contractor for administrative and testing services provided according to the rates and amounts specified in Contractor's Price Proposal. The City or Town's maximum obligation under this Contract shall not exceed \$5,000.00. Payments under this Contract shall be made by the City or Town to the Contractor upon the submission of monthly invoices detailing the services rendered for the previous month. Invoices shall detail the service rendered, the date, who performed the test or services, and where the service was rendered.

Indemnity

Contractor hereby agrees to defend, indemnify and hold harmless the Town from and against any or all claims, demands or loss arising out of or related to the negligent or willful acts of the Contractor, its agents, servants and sub-contractors in connection with Contractor's performance of this Contract.

Key Personnel

Contractor represents that the individuals identified in Contractor's Proposal are its full-time employees and will be assigned to complete the Contractor's obligations under this Contract. In the event that, for any reason, Contractor proposes to replace or substitute any individual(s) previously identified, advance notice shall be provided by the Contractor to the City or Town so as to permit the City or Town to review the qualifications of the proposed personnel. Any proposed replacement or substitution shall possess like or comparable qualifications to those of personnel previously assigned by the Contractor. The City or Town reserves the right to disapprove any such replacement(s) or substitution(s).

Record-Keeping

- a. All reports, notes, test data, estimates and other documents, data or information prepared by the Contractor pursuant to the Scope of Work shall become the property of the Contractor and the City or Town, and each shall have an unlimited right to use, duplicate or disclose such data or materials, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so to the extent consistent with the confidentiality requirements of 49 CFR 40.
- b. Contractor shall maintain books, records and other compilations of data pertaining to the performance of the provisions and requirements of this Contract to the extent and in such detail as shall properly substantiate claims for payment under this Contract.
- c. In the case of either (a) or (b) above, all such records shall be kept for a period of six (6) years or for such longer period as is specified herein. All retention periods start on the first day after final payment under this Contract. If any litigation, claim, negotiation, audit or other action involving the records is commenced prior to the expiration of the applicable retention period, all records shall be retained until completion of this action and resolution of all issues resulting therefrom, or until the end of the applicable retention period, whichever is later.
- d. In the case of either (a) or (b) above, all such records shall be available to the City or Town at the Contractor's office during office hours upon reasonable notice being given to Contractor and copies will be provided to the City or Town upon request by the City or Town.

Termination

This Contract may be terminated under the following conditions:

a. For Cause: If the Contractor fails to fulfill its obligations pursuant to the terms and conditions of this Contract, the City or Town may terminate this Contract by giving written notice to the Contractor at least seven (7) calendar days prior to the effective date of termination stated in the notice. The notice shall state the circumstances of the alleged breach and may state a reasonable period, not less than thirty (30) calendar days, during which the alleged breach may be cured, subject to the approval of the City or Town.

b. Emergency: The City or Town may terminate or suspend this Contract by providing written notice to the Contractor stating the grounds for the City or Town's action in the form of a certified letter, hand-carried letter or other appropriate written means, if the City or Town determines that immediate action is necessary to protect public funds or property, or to protect any person from injury. Such termination or suspension shall be effective upon receipt of notice of either suspension or termination by the Contractor. In the case of a suspension under this paragraph, the notice shall be accompanied by instructions from the City or Town specifying requisite action(s) by the Contractor to remove the suspension, a proposed timetable for meeting those requirements and a description by the City or Town of allowable activities and costs, if any, during the suspension period. Failure by the Contractor to remedy the stated deficiencies according to the timetable prescribed by the City or Town shall be cause for immediate termination.

c. Failure to Appropriate Funds.

(1) The obligations of the City or Town under the Contract or under any amendment to the Contract for any fiscal year or any part thereof, are subject to the appropriation, allocation and allotment to the City or Town of funds sufficient to discharge the City or Town's obligations which accrue in that fiscal year, the continuation of such funds so appropriated, allocated and allotted and authorization to spend such funds for the purposes of the Contract.

(2) If for any fiscal year, or any part thereof, during the term of the Contract, funds for the discharge of the Town's obligations under the Contract are not appropriated, are reduced or eliminated, or the required authorization to expend such funds is withdrawn or funds so appropriated, allocated, allotted and authorized are insufficient for that purpose, then the Town shall give notice to the Contractor and the Contract shall terminate as of the date specified in the notice which shall be not less than seven days from the date of the notice. Upon receipt of a notice of termination, the Contractor shall prepare and forward to the Town an invoice for all conforming work under the Contract done prior to the termination date for which the Contractor has not been paid. The Town shall process such final invoice for payment in accordance with its usual processes.

(3) The City or Town agrees to make reasonable efforts to obtain funding and all necessary authorizations, and to notify the Contractor promptly when they have been obtained or when it appears certain they will not be obtained or when it appears certain that funding will be either reduced or eliminated. If partial funding sufficient for a clearly segregatable unit(s) or task(s) should be made available, the parties may agree to perform their respective obligations relative to such units or tasks and the Contract shall be amended accordingly.

d. In the event of termination for Default (including an Emergency which ripens into a default), the Contractor shall not be relieved of liability to the City or Town for injury or damages sustained by the City or Town by virtue of any breach of this Contract by the Contractor and the City or Town shall be free to pursue all of its remedies at law or in equity.

Notices

Any notice hereunder shall be in writing and shall be deemed delivered and received when given in person to either party, or when received by fax, express mail, certified mail return receipt requested, regular mail postage prepaid. The notice shall be addressed to the persons and addresses indicated below:

For the City or Town: **Attention:** _____

Town of Abington, 500 Gliniewicz Way, Abington, MA 02351

For the Contractor

Brett Urquhart

Advantage Drug Testing

PO Box 546

Andover, MA 01810

Obligations in Event of Termination

- a. Upon termination, all documents, finished or unfinished, data, studies, and reports prepared by the Contractor pursuant to this Contract shall become the property of the City or Town.
- b. The City or Town shall promptly pay the Contractor for all services performed to the effective date of termination provided the Contractor is not in default of the terms of this Contract and submits to the City or Town properly completed invoices, with supporting documentation covering such services no later than two (2) months after the effective date of termination.

Insurance

The Contractor, prior to the performance of services pursuant to this Contract, shall furnish the City or Town with acceptable insurance certification showing the following: the name and address of the insurer and of the insured, the policy period, the details of coverage including limits of liability.

Contractor shall provide for the following coverages and the City or Town must be named as an additional insured thereon:

- a. General Liability Insurance including Bodily Injury, Personal Injury, Property Damage and Professional Liability: One million dollars (\$1,000,000.00) combined single limit.
- b. Motor Vehicle Liability Insurance including Non-owned and Hire Auto Liability: One million dollars (\$1,000,000.00) bodily injury and one million dollars (\$1,000,000.00) property damage.

Confidentiality

The Contractor acknowledges that in performance of this Contract, Contractor may acquire or have access to "personal data" and become a "holder" of such personal data as defined in M.G.L. Chapter 66A or other information deemed confidential. The Contractor shall comply with all laws and regulations relating to confidentiality and privacy, including but not limited to, any rules or regulations of the City or Town. The Contractor agrees that it will inform each of its employees having involvement with personal data or other confidential information of the laws and regulations relating to confidentiality.

Conflict of Interest

- a. No officer or employee of the City or Town and/or the City or Town shall participate in any decision relating to this Contract which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested. No officer or employee of

the City or Town shall have any interest, direct or indirect, in the Contract or any proceeds thereof.
b. The Contractor understands that any person individually named to provide services under this Agreement may become a special state employee subject to the provisions of Chapter 268A of the Massachusetts General Laws and agrees that all such personnel shall comply with the provisions of that chapter.

Assignment by Contractor

The Contractor shall not assign, in whole or in part, or otherwise transfer any interest in this Agreement without the prior written consent of the City or Town, which consent shall not be unreasonably withheld.

Subcontracting

Except as provided in Contractor's Technical Proposal, none of the services to be provided by the Contractor pursuant to this Contract shall be subcontracted or delegated, in whole or in part, to any other organization, association, individual, corporation, partnership or other such entity without the prior written approval of the City or Town. No subcontract or delegation shall relieve or discharge the Contractor from any obligation or liability under this Contract. The City or Town shall have the right to obtain a copy of the subcontract upon request.

Fair Employment Practices

The Contractor shall not discriminate against any qualified employee or applicant for employment because of race, color, national origin, ancestry, age, sex, religion or physical or mental handicap. The Contractor agrees to comply with all applicable federal and state statutes, rules and regulations prohibiting discrimination in employment including: Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1993, Massachusetts General Laws Chapter 151B, and all relevant Administrative Orders and Executive Orders.

Force Majeure

Neither party shall be liable to the other nor deemed to be in breach of this Contract for failure or delay in rendering performance occasioned by unforeseeable causes beyond the control of and without the fault or negligence of either party. Such causes may include, but are not limited to: Acts of god or the public enemy, wars, fires, floods, epidemics, quarantine restrictions, strikes, unforeseen freight embargoes or unusually severe weather. Dates or times of performance shall be extended to the extent of delays excused by this section, provided that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

Examination/Audit of Books/Records

The City or Town may, at reasonable times, examine and audit the books and/or records of the Contractor where such books and/or records relate to the performance and payments due thereunder for the Contract or subcontract entered into by the Contractor. Such books and records shall be kept in conformity with generally accepted accounting principles and maintained by the Contractor for a period of six (6) years from the date of final payment under the prime contract or subcontract.

Contract Manager/Contract Officer

The Contractor designates Brett Urgent to act as Contract Manager. He or she, or any successor to this role designated in writing, will act to ensure the Contract provisions and Scope of Work are being adhered to and will work with the City or Town to facilitate the performance of the Contract.

The City or Town designates _____ to act as Contract Officer. He or she shall have the responsibility for coordinating the performance of the City or Town's obligations under the

Contract and interacting with the Contract Manager.

Employee Insurance

The Contractor agrees, during the term of the Contract, to maintain at the Contractor's expense all insurance required by law for its employees, including disability, workers compensation, and unemployment compensation.

Entire Agreement

The City or Town and the Contractor agree that all of the terms stated herein and any attachments hereto constitute the total and complete agreement between the parties with respect to the subject matter hereof and supersedes all prior written agreements, representations, negotiations and undertakings not set forth or incorporated herein.

Amendments

No amendment to this Contract shall be effective or binding upon the parties unless in writing and signed by the City or Town and the Contractor.

Severability

If any provision of this Contract is found to be illegal, then both parties shall be relieved of their obligations under that provision. The remainder of the Contract shall continue in force.

Choice of Law

This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Contractor agrees to bring any action relating to or claim arising from the Contract, whether pursuant to state or federal law, in a court of competent jurisdiction within the Commonwealth of Massachusetts. This paragraph shall not be construed to limit any rights a party may have to intervene in any action, wherever pending, in which the other is a party.

IN WITNESS WHEREOF, the parties hereto set their hands and seals the day and year below written.

For the Town of Lakeville:

Date

By

Signature

Printed Name and Title of Authorized Agent

For the Contractor, Advantage Drug Testing:

12/15/23
Date

By:

BT
Signature of Authorized Agent

Brett Archer Operations Manager
Printed Name and Title of Authorized Agent



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/20/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McGriff Insurance Services 1825 Barrett Lakes Blvd #320 Kennesaw, GA 30144 770 429-0482	CONTACT NAME: Paula D. Layton
	PHONE (A/C, No, Ext): 770 429-0482
	FAX (A/C, No): 8669257122
	E-MAIL ADDRESS: PD Layton@mcgriff.com
	INSURER(S) AFFORDING COVERAGE
	INSURER A : Evanston Insurance (Jencap)
	NAIC # 35378
INSURED Advantage Drug Testing LLC PO Box 546 Andover, MA 01810	INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional			MKLV2PSM000862	01/14/2023	01/14/2024	\$1,000,000 Each Claim \$3,000,000 Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Covered Operations/Services: Medical Review Officer Svcs, Drug & Alcohol Testing Services, Training/Consulting on Drug & Alcohol Testing, Finger printing & Ordering Background & MVR Checks, DNA, TB & HIV Testing, First Aid & CPR Training, Request for Release of Drug & Alcohol Test Results, Physical Examinations, Medical Review Officer Services; Claims Made; Retro Date: 01/14/09; Deductible: 0 Each Claim; Healthcare Provider: Nancy McHugh; Retro Date: 07/18/18; (TERM DATE 01/14/19)

CERTIFICATE HOLDER Town of Lakeville - 508-946-8803 346 Bedford Street Lakeville, MA 02347	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Paula D. Layton</i>
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**AGENDA ITEM #5
JANUARY 8, 2024**

**DISCUSS PATH GOING FORWARD REGARDING
PLANNING DEPARTMENT ORGANIZATION AND STAFFING**

Attached is a memo from the Town Planner on the status of Planning Department Tasks he had been working on.



Town of Lakeville
PLANNING DEPARTMENT
346 Bedford Street
Lakeville, MA 02347
774-776-4350

Date; January 3, 2024

Memo To: Ari Sky, Town Administrator

Memo From: Marc Resnick, Town Planner

Re: Planning Department Tasks

The following memo details some of the tasks I have recently been working on with various Boards and Committees in Lakeville.

Planning Board

Housing Production Plan: The HPP is currently being reviewed by the Planning Board. The initial comments from the State Review of the draft required that two Town owned sites should be identified for future housing developments. The Planning Board has decided that they would like the Towns former landfill to be included as one of the sites. The State has required additional information, an environmental evaluation of the site, and a schedule for the issuance of an RFP for housing, prior to its approval of this location. The Board determined that they would work on the items requested by the State. An additional site will also need to be submitted. They have suggested the Town owned property on the Rhode Island Rd. side of the State Hospital property be submitted as the second site. This property is largely wetlands and may be unbuildable. The revised HPP will also need to be reapproved by the Select board prior to resubmittal to the State.

Priority Development Areas/Priority Protection Areas: In January or February SRPEDD will be contacting the Planning Board and Select Board to review the previous plan. The PDA/PPA plans were authorized to be completed as part of the South Coast Rail project. They are not required by Statute, nor do they have any regulatory authority. They were only intended to be a planning document to assist communities to think about these types

of areas and adjust their zoning as necessary to offset the impacts of the opening of the South Coast Rail. The first plan was approved by Lakeville in 2008 and the first revision in 2013.

Lakeville State Hospital: The Planning Board will be responsible for the review of the site plan for three of the four housing components at the former hospital property. This planning review should not only review the technical engineering components of the project but should also look at issues related to building design, site design, connectivity within the development and to the surrounding properties and uses, pedestrian and vehicular access, lighting, park design and layout, landscaping, and buffering. The next Town Planner should work closely with the developers of the property to review all the details of the development.

Open Space Residential Development: The Planning Board has decided that they will revise the OSRD by-law which they submitted to the Fall Town Meeting, on their own and bring it to Town Meeting in the Spring.

Planning Board Goals: The Board has developed their own list of goals and a timeline for completion.

Planning Board Rules and Regulations These should be one of the next items that the Planning Board considers reviewing and revising. This was last completed in April of 1987.

Zoning Board of Appeals

Comprehensive Permits (Chapter 40B developments):

The Residences at Lebaron -Phase 5 This phase was approved for 35 town house units in four buildings. Construction on this phase is expected to begin early spring.

North Bedford Crossing This is a 12-unit development approved for 109 Bedford Street. The development will be 12 single family homes on small lots. Construction is expected to begin shortly.

The Residences at Lebaron -Phase 6 – this phase was filed in 2022 however it was withdrawn as the developer focused his efforts on the phase 5 submittal. It is anticipated that this phase will be refiled in the next few months.

Rocky Woods This development off County Street is proposed for 200 housing units. This project has received its Project Eligibility letter from Mass Housing, and I would expect that an application may be submitted to the ZBA within the next 12 months.

State Hospital A 200-unit 40B development will be proposed as part of the redevelopment of the hospital property. The state hospital redevelopment concept

plans, which were presented at a community forum, show this portion of the development as a single building.

Comprehensive Permit Rules of the Zoning Board: These were last amended by the Board in 2004 and may only need some minor revisions. The rules set fees and authorize the use of consultants; however, they could be improved, and I would recommend that these be reviewed by a planning consultant and revised as necessary.

ZBA Rules and Regulations: These Regulations were last revised in September of 1988. They should also be revised however this may be a longer project than the Comprehensive Permit Rules due to their age.

Open Space Committee

Open Space Plan: This plan is almost completed. The final draft needs to be submitted for comment to the Select Board, Planning Board, and SRPEDD. After written comments are received from the Boards and SRPEDD the plan may be submitted to the State. The Open Space Committee had thought that they might need SRPEDD hours to complete the Draft Plan. However, it appears that they currently do not need to use them. I would recommend that the Select Board retain their 20 hours so that SRPEDD can be available to address any comments after the initial State Review. This will ensure that the plan is completed in a timely manner so that the Town will be eligible for certain State grants that require an approved Open Space Plan.

Open Space Acquisition: The Committee has been evaluating different areas in the Town to prioritize for land acquisition. The Open Space Committee is supportive of the Cristolini land acquisition. The committee has had discussions with the Wildland Trust acquisition team to help identify additional properties for acquisition.

Community Preservation Committee

Three projects were approved for CPC funding at the Fall Town Meeting. These projects are:

Lakeville Cemetery Commission – The commission will receive \$10,000.00 to restore several headstones at Thompson Hill Cemetery

Lakeville Parks Commission submitted a proposal for the design of improvements to John Paun Park. These improvements would include a redesigned parking lot, drainage improvements, a preliminary bathroom building design, a septic system, and improvements to make the facility fully accessible.

Lakeville Historical Commission was awarded \$30,000.00 to be used towards the completion of repairs at the Old Town House. The Town appropriated 30k and received an additional 30K as a grant from the Massachusetts Historical Commission (MHC).

However, due the uncertain condition of the roof it was recommended by MHC that additional funds be made available should costs run over the projected 60k project cost.

These three Commissions have received letters notifying them of their awards and that they will have to sign a Grant Agreement with the CPC. A draft agreement has been sent to town counsel and once reviewed it will be submitted to the CPC for their approval.

Christolini Property. A Step 1 application was submitted for the property owned by Glen Christolini. Mr Christolini's property is off Highland Road. He is proposing to sell 30 acres to the Town as open Space. The Wildlands Trust has preliminarily agreed to hold a conservation restriction on the property. The Wildlands Trust is assisting Mr. Christolini in preparing the information necessary to bring the project to the Select Board and then the CPC. The property is an important property to consider for land acquisition. The property is the headwaters of a brook which feeds into Long Pond. It also abuts the property of Joan Morton on which the Trust holds a Conservation Restriction. The Christolini property also abuts the Viggars property. By acquiring this property, a trail connection can be made from Pickens Street to Highland Road. Trails in the Viggars property already go to the Christolini ropery.

Update to the annual plan. This year the committee may make a few minor adjustments to the annual plan. In the future the committee should consider hiring a consultant to update the plan to a five-year plan.

Master Plan Committee

I have been attending the Master Plan Committee meetings since I started working in Lakeville. Many of the items in the plan require ongoing efforts by the planning department. Some of the completed items include revising the Town's sign by-law and the site plan review by-law to include design guidelines for commercially zoned properties.

The next planning item in the Master Plan that the Town should focus on are several of the economic development recommendations.

Other Projects

Zoning Map Update: SRPEDD has produced an updated zoning map. Final review for accuracy is being completed by the Building Commissioner, Nathan Darling.

Abutter Lot Program: This program had been submitted to the Select Board for review. After comments revisions were made to the program. It is recommended that this program be adopted and the properties which are currently under the control of the Select Board, several of the smaller lots in Clark Shores, be offered to the abutters.

Stormwater By-Law: A Draft Stormwater By-Law was completed by Environmental Partners. This should be reviewed by Public Works and submitted for approval after review.

Free-Lake Capital Sub-Committee: I was appointed by the Select Board to this committee. The committee hired an Architectural firm, Habeeb & Associates to conduct a space needs assessment, review the condition of the existing school buildings, and provide construction estimates for either renovations or new construction. This process is ongoing as the space analysis and building condition review should be completed next summer.

Bettys Neck Peach Barn: I have been assisting the APC Manager, Nancy Yeatts; Facilities Manager, Paul Nee; Building Commissioner Nathan Darling, and Town Administrator, Ari Sky in finalizing the scope of work at the Peach Barn. The current plan is to restore and make accessible the education/visitors center in the west end of the building, replace windows and add shutters, replace siding and trim as needed.

Clear Pond Park I have been assisting the Town Administrator in defining a scope of work with Environmental Partners for improvements to Clear Pond Park. Environmental Partners should be providing a revised scope of work shortly.

**AGENDA ITEM #6
JANUARY 8, 2024**

**DISCUSS AND POSSIBLE VOTE ON DESIGNEE FOR UNION
MATTERS**

**AGENDA ITEM #7
JANUARY 8, 2024**

**DISCUSS AND POSSIBLE VOTE TO AUTHORIZE TOWN
ADMINISTRATOR AND TOWN COUNSEL TO DISCUSS
VARIOUS MATTERS WITH INTERIM TOWN
ADMINISTRATOR DESIGNEE PRIOR TO EXECUTION OF
EMPLOYMENT AGREEMENT**

**AGENDA ITEM #8
JANUARY 8, 2024**

**DISCUSS AND POSSIBLE VOTE REGARDING SITE PLAN
REVIEW FOR THE PROPERTY LOCATED AT 2 & 4
BEDFORD STREET**

Attached is an application for Site Plan Review for the property located at 2 & 4 Bedford Street and email from the Planning Department.

Tracie Craig-McGee

From: Cathy Murray, Appeals Board Clerk
Sent: Tuesday, January 2, 2024 4:49 PM
To: Edward Cullen; Ari Sky; Tracie Craig-McGee; Nathan Darling, Building Commissioner & Zoning Enforcement Officer; rjbouchard@verizon.net; Franklin Moniz, DPW Director; Michael P. O'Brien, Fire Chief; Matthew Perkins, Lakeville Chief of Police; Amy Knox
Cc: Fran Lawrence, Part time Board of Health Clerk; Clorinda Dunphy; Lori Canedy; Jennifer Jewell, DPW - Administrative Assistant; Pamela Garant, Fire Deputy Chief; Kristen Campbell, Administrative Assistant, Lakeville Police Department
Subject: Site Plan Review-2 & 4 Bedford Street
Attachments: 2 & 4 Bedford St-Application.pdf; 2 & 4 Bedford St-Site Plan.pdf

Hi everyone,

Happy New Year!

Attached is a Site Plan that has been received for 2 & 4 Bedford Street. This will be on the 1/25 meeting agenda of the Planning Board. Please forward me any comments you may have regarding this Site Plan at your earliest convenience. If you would prefer a hard copy, let me know as I do have some in the office.

Thank you.

Cathy



Town of Lakeville
Planning Board
346 Bedford Street
Lakeville, MA 02347
508-946-3473

APPLICATION FOR SITE PLAN REVIEW

Name of Applicant: Twin Boys, LLC
Street: 2613 Middleboro Rd.
City/Town: Freetown State: MA Zip: 02717
Telephone: (508) 889-2908 Email: cody.velozo@gmail.com
Property Owner Name: Same as applicant
Street: _____
City/Town: _____ State: _____ Zip: _____
Telephone: _____ Email: _____
Contact Person's Name: Nyles Zeger, ZCE, LLC
Telephone: (508) 947-4208 Email: nyles@zcellc.com

SITE INFORMATION

Street and number: 2 + 4 Bedford St
Zoning District: Business Map 24 Block 8 Lot 1 + 2
Lot size: 89,067 sf Frontage: 337.67'
Current use: previously a restaurant, no vacant


PLAN INFORMATION


Plan Title: Contractor Bay Site Plan
Prepared by: Zenith Consulting Engineers, LLC
Date prepared: 12-5-23 Revision date (s): _____

Detailed Description of proposed work: Construction of 4 contractor
Bay buildings totaling 18,000 SF w/
associated parking lot, utilities, drainage and
landscaping

TO THE LAKEVILLE PLANNING BOARD:

The undersigned, being the APPLICANT named above, hereby applies for review of the above SITE PLAN by the Planning Board and certifies that, to the best of the APPLICANT'S knowledge and belief, the information contained herein is correct and complete and that said PLAN conforms with the requirements of the Rules and Regulations of the Lakeville Planning Board and the Zoning By-Law of the Town of Lakeville.

Applicant's Signature:  Date: 12-18-23

Property Owner's Signature:  Date: 12-18-23
(if not Applicant)

Will you have a representative other than yourself? Yes No

Name: Zenith Consulting Engineers, LLC

Telephone: (508) 947-4228 Email: nyles@zcellc.com

To be completed by Planning Board staff:

Distributed to: Board of Health, Board of Selectmen, Building Department, Conservation Commission, Fire Chief, Highway Surveyor, Open Space Committee, Police Chief


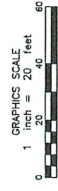
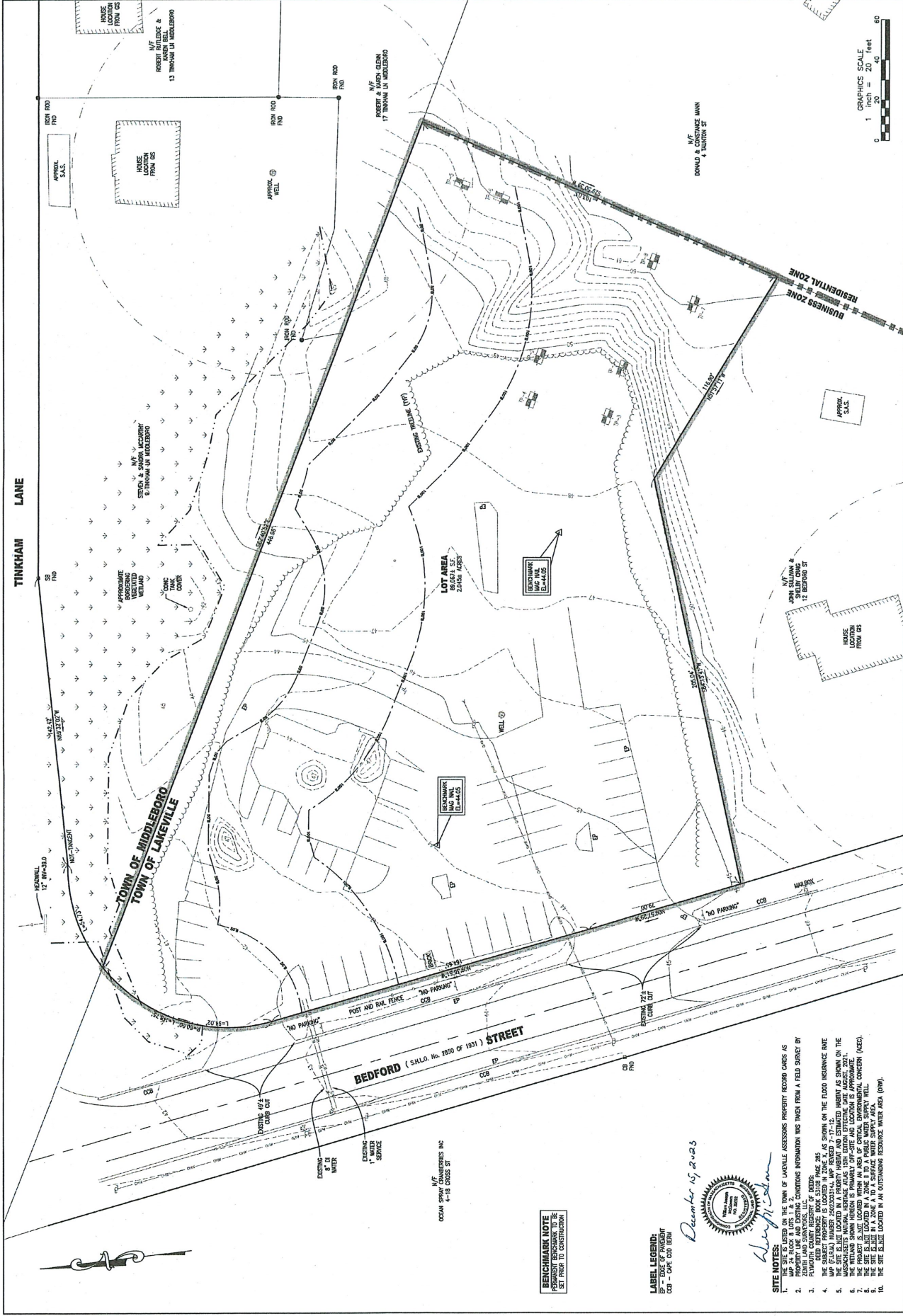
Date/initials: _____

PROJECT NAME:	CONTRACTOR BAY SITE PLAN
PROJECT SITE:	2 & BEDFORD STREET LAKEVILLE, MASSACHUSETTS
OWNER NAME:	TWIN BOYS, LLC 2618 MIDDLEBORO ROAD FREETOWN, MASSACHUSETTS 02717

DATE:	12-5-23
REVISION:	REV. DATE DESCRIPTION
BY:	
APP.:	

ZCE
ZENITH CONSULTING ENGINEERS, LLC
3 MAIN STREET LAKEVILLE, MA 02347
PHONE: (508) 947-4208

P. E. STAMM

- SITE NOTES:**
1. THE SITE IS LOCATED ON THE TOWN OF LAKEVILLE ASSESSORS PROPERTY RECORD CARDS AS MAP 24, BLOCK 8, LOTS 1, 2 & 3.
 2. THE SUBJECT PROPERTY IS LOCATED IN ZONE R, AS SHOWN ON THE FLOOD INSURANCE RATE MAP.
 3. THE SITE IS JUST LOCATED IN A PRIORITY WETLAND AND ESTIMATED WETLAND AS SHOWN ON THE WETLAND Delineation Map.
 4. THE PROJECT IS SITUATED WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC).
 5. THE SITE IS SITUATED IN A ZONE A TO A SURFACE WATER SUPPLY AREA.
 6. THE SITE IS JUST LOCATED IN AN OUTSTANDING RECREATION WATER AREA (ORWA).

December 15, 2023



P. E. Stamm

BENCHMARK NOTE
PROVISIONAL BENCHMARK TO BE SET PRIOR TO CONSTRUCTION

LABEL LEGEND:
CBP - ONE CUBIC YARD

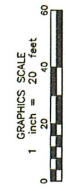
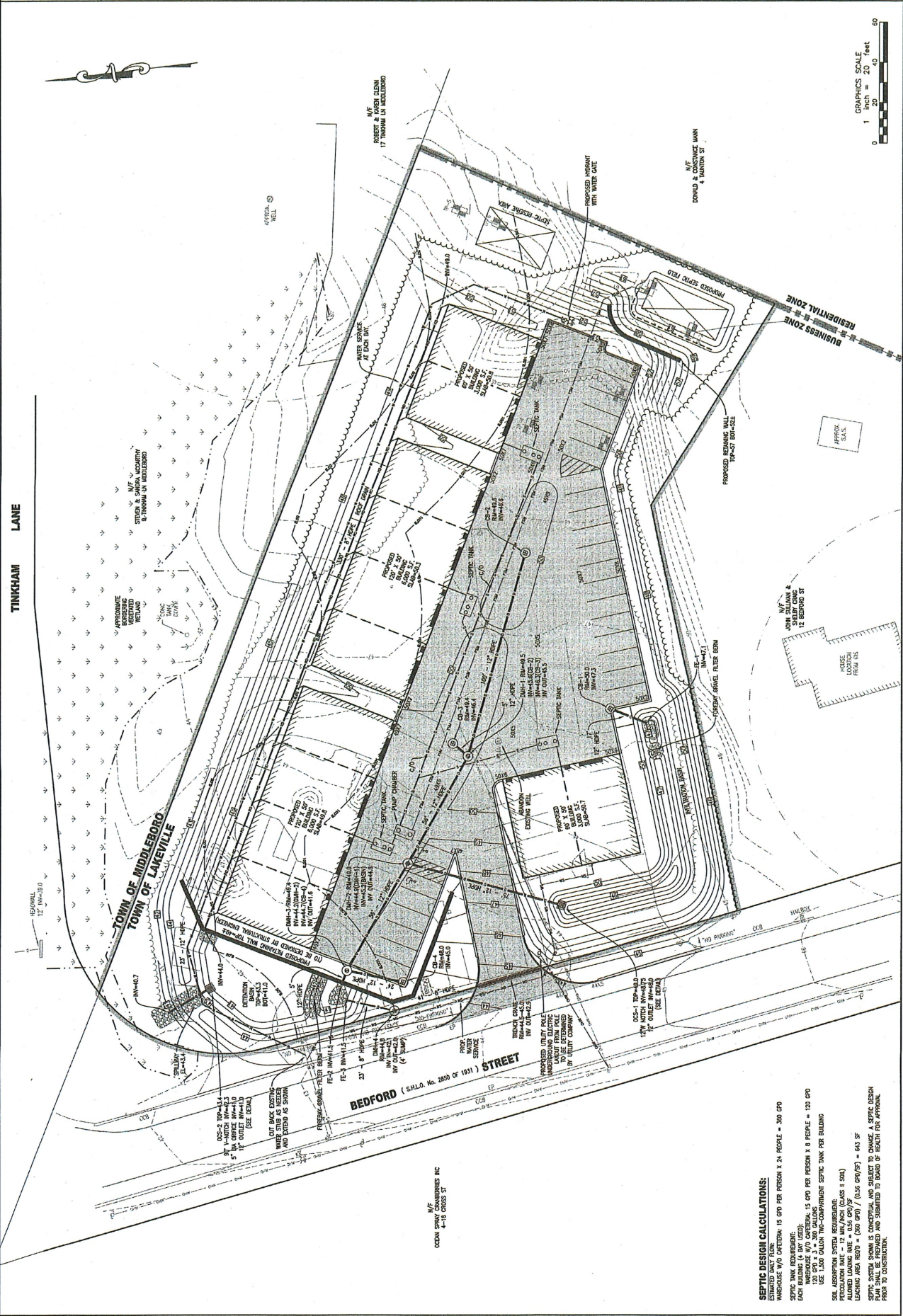
M.F. OCEAN SPRAY CONCRETE INC. 4-18 CROSS ST.

TINKHAM LANE

TOWN OF MIDDLEBORO
TOWN OF LAKEVILLE

BEDFORD (SHALL. NO. 7850 OF 1931) STREET

PROJECT NAME:	CONTRACTOR BAY SITE PLAN	
PROJECT SITE:	2 & 4 BEDFORD STREETS LAKEVILLE, MASSACHUSETTS	
CLIENT NO.:	TWIN BOYS, LLC 2018 MIDDLEBORO ROAD FREETOWN, MASSACHUSETTS 02717	
DESIGNED BY:	PROJECT NUMBER:	DATE:
DATE:	12-5-23	12-5-23
REV. NO.:	DATE:	DESCRIPTION:
0		
APPROVED BY:	SHEET NO.:	0
DATE:	1	207
DRAWING SCALE:	1" = 20'	



SEPTIC DESIGN CALCULATIONS:
 ESTIMATED DAILY FLOW: 15 GPD PER PERSON x 24 PEOPLE = 360 GPD
 SEPTIC TANK VOLUME: 150 GALLON TWO-COMPARTMENT SEPTIC TANK PER BUILDING
 WAREHOUSE 1/3 CAPACITY: 15 GPD PER PERSON x 8 PEOPLE = 120 GPD
 EACH BUILDING (6 BAY USED):
 SOIL ABSORPTION SYSTEM REQUIREMENTS:
 PERCOLATION RATE = 12 MIN/INCH (CLASS # 504)
 LYSING AREA REQ'D = 630 SQFT / (12.5 GPD/SQFT) = 643 SQ'
 SEPTIC SYSTEM SHALL BE CONSTRUCTED AND SUBJECT TO CHANGE A SEPTIC DESIGN PLAN SHALL BE PREPARED AND SUBMITTED TO BOARD OF HEALTH FOR APPROVAL PRIOR TO CONSTRUCTION.



TINKHAM LANE

TOWN OF MIDDLEBORO
TOWN OF LAKEVILLE

APPROXIMATE
RESTORED
WETLAND

PROPOSED WAREHOUSE
WITH WATER GATE

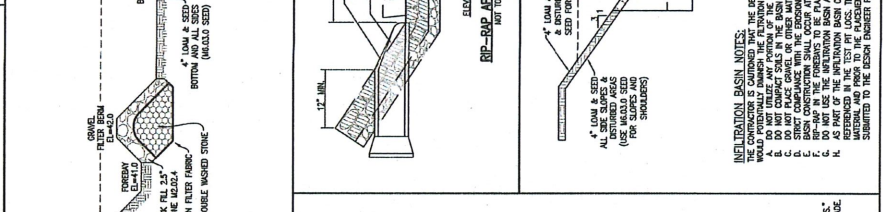
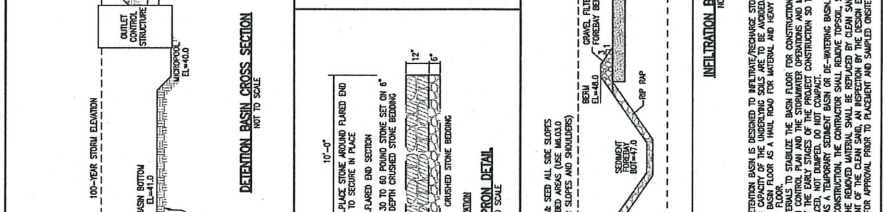
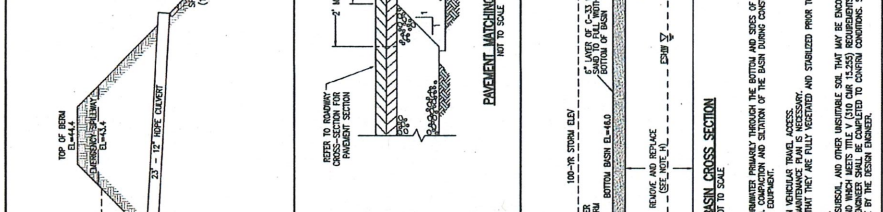
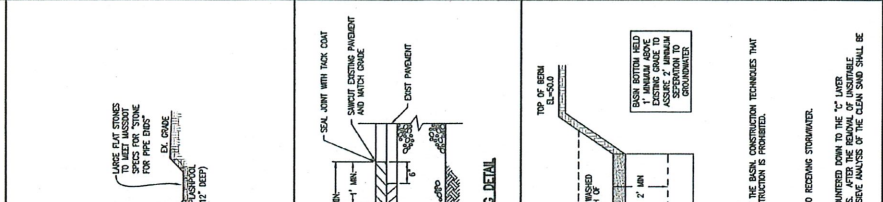
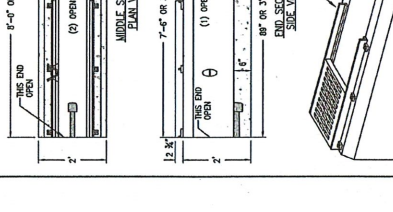
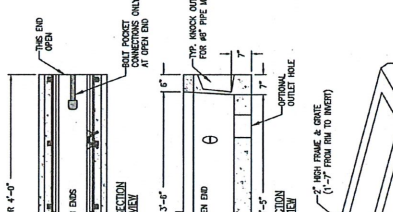
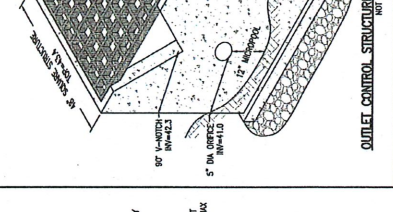
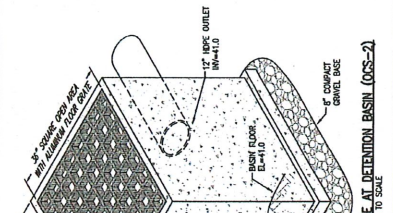
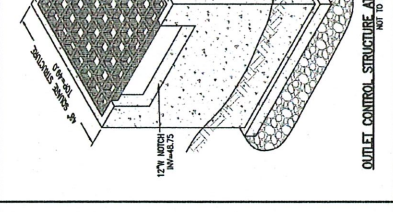
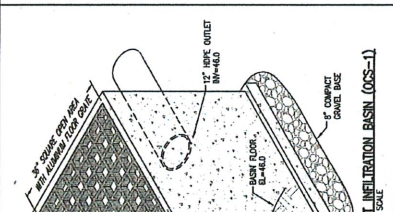
PROPOSED WAREHOUSE
WITH WATER GATE

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WITH WATER GATE

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WITH WATER GATE

PROPOSED WAREHOUSE
WITH WATER GATE



AGENDA ITEM # 9
JANUARY 8, 2024

**DISCUSS SCHEDULING SELECT BOARD MEETING DATES
FOR FEBRUARY, MARCH AND APRIL**

Suggested dates for February, March and April are:

February 12 and February 26, 2024 (avoids President's Day)

March 11 and March 25, 2024

April 8 and April 22, 2024

**AGENDA ITEM #10
JANUARY 8, 2024**

**ARPA WATER PROJECTS UPDATE WITH
ENVIRONMENTAL PARTNERS**

Attached is a memo from Environmental Partners regarding the water system improvements at Town Facilities.

MEMORANDUM

Date: December 21, 2023

To Ari Sky, Town Administrator

From Paul C. Millett, P.E.,

CC Nathan Darling, Lakeville Building Commissioner

Franklin Moniz, Lakeville Department of Public Works Director

Sabrina Castaneda, Environmental Partners

Subject Water System Improvements at Town Facilities
Lakeville, MA

Background

Environmental Partners Group, LLC (Environmental Partners) is currently under contract with the Town of Lakeville (Town) to perform engineering services related to the proposed Water System Improvements at Town Facilities project. Environmental Partners' responsibilities include field investigation, preparation of plans and specifications, permitting, and bidding services. The proposed improvements are a result of a water study submitted by Environmental Partners in February of 2023. Environmental Partners has been providing follow-on design and engineering services for the Water System Improvements project since April of 2023.

The proposed work focuses the following three sites in Town: John Paun Park, Ted Williams Camp, and Old Town Hall. A map of the project sites is shown below in Figure 1.

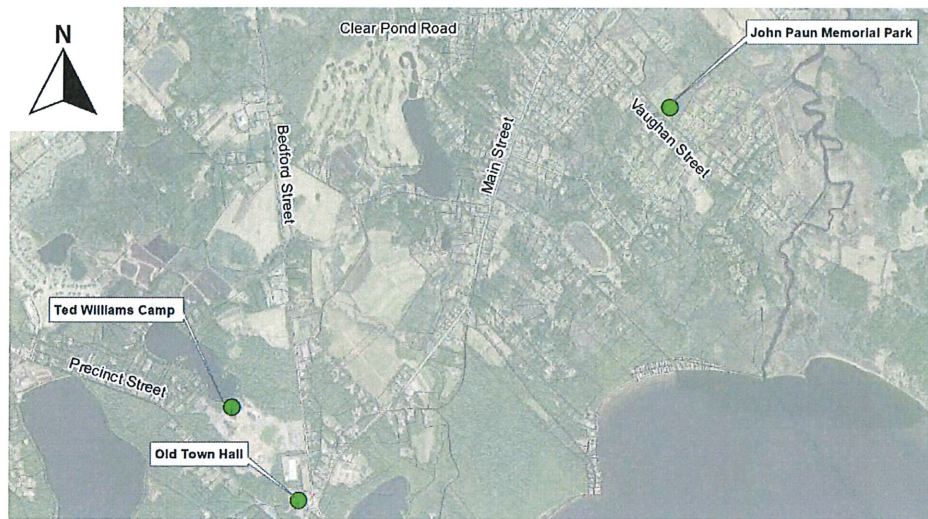


Figure – Proposed Project Sites

In October of 2023, Environmental Partners provided a project update to the Town of Lakeville Select Board. This memorandum discusses changes that have occurred since the October presentation.

Current Project Status

To date, Environmental Partners has conducted several site visits to gather survey data, acquired the necessary permits for Ted Williams Camp, and completed 95% design plans and specifications. In addition, Environmental Partners has communicated with the City of Taunton (City), the Town, and other property owners as required for the proposed improvements.

John Paun Park

John Paun Memorial Park is recreational park located off of Vaughn Street that contains several baseball and softball fields. The Town aims to address the current lack of potable water to the park, and Environmental Partners has proposed connecting to an existing City of Taunton water main that runs through the parcel that abuts the northwestern edge of the park. To avoid disturbing the forested area between the two parcels, directional drilling is the proposed installation method.

In order to perform the work, an access agreement would be required with the owner of the abutting parcel, RPI Blueberry, LLC (RPI). In addition, the City of Taunton would have to provide input on the final connection to verify that it complied with City standards. Environmental Partners began communication with RPI in May of 2023 in order to reach an understanding on what would be required to make the connection. RPI was receptive to conversation and initially expressed interest in the proposed layout and construction method, as shown below in Figure 2. However, RPI did express concerns about how this connection could impact their existing agreement with the City of Taunton, including payments and maintenance of the Town of Lakeville's proposed segment of water main.

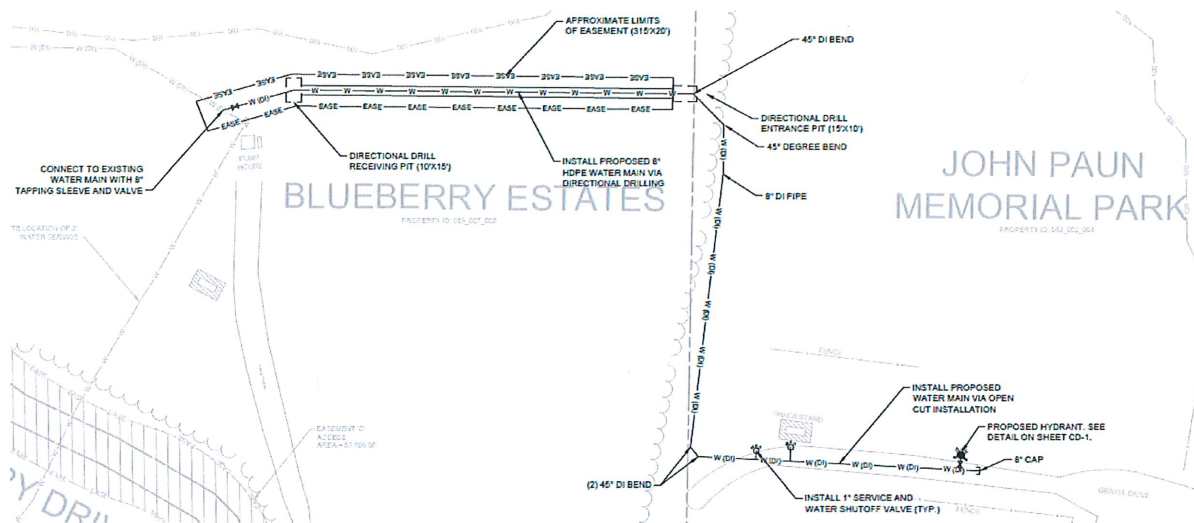


Figure 2 – Proposed Connection to John Paun Memorial Park

In May of 2023, Environmental Partners reached out to the City of Taunton to discuss RPI’s concerns and what role the City would play in the proposed design. After a site visit and several discussions, the City presented the proposed design to their law department in September of 2023. On October 31, 2023, the City stated that, because the proposed connection would be after the City’s master meter, they had no intention of changing any existing rules or regulations nor amending any existing agreements. This information was shared with RPI.

At this point, the design documents had been brought to 95% completion. In order to finalize the design and acquire the required permits, a finalized agreement was needed between RPI and the Town. On November 9, 2023, Environmental Partners sent the City a letter detailing our understanding of the project and how the Town would connect to the RPI parcel, handle metering and payment, and address maintenance issues.

The City responded to this letter on December 4, 2023, and they confirmed all but one of Environmental Partners’ statements in the original letter. The City stated they would not be responsible for maintenance of the extension of the main. While this was not ideal, it did not prohibit moving forward with the proposed design. However, the letter also prompted RPI’s legal counsel to reach out and communicate with the Town’s legal counsel, Jonathan D. Eichman from KP Law.

Mr. Eichman spoke with RPI’s legal counsel on December 8, 2023. During this conversation, RPI’s counsel stated that they wanted the Town to connect to the existing water main before the master meter (not after as had previously been discussed). RPI had not previously expressed that this would be a requirement, and all efforts prior to this discussion had focused on connecting after the master meter location. RPI remains willing to grant the Town an easement through the property, allowing for the connection at a different location. RPI provided Mr. Eichman with their preferred alignment. Figure 3 below shows the change in connection location and alignment.

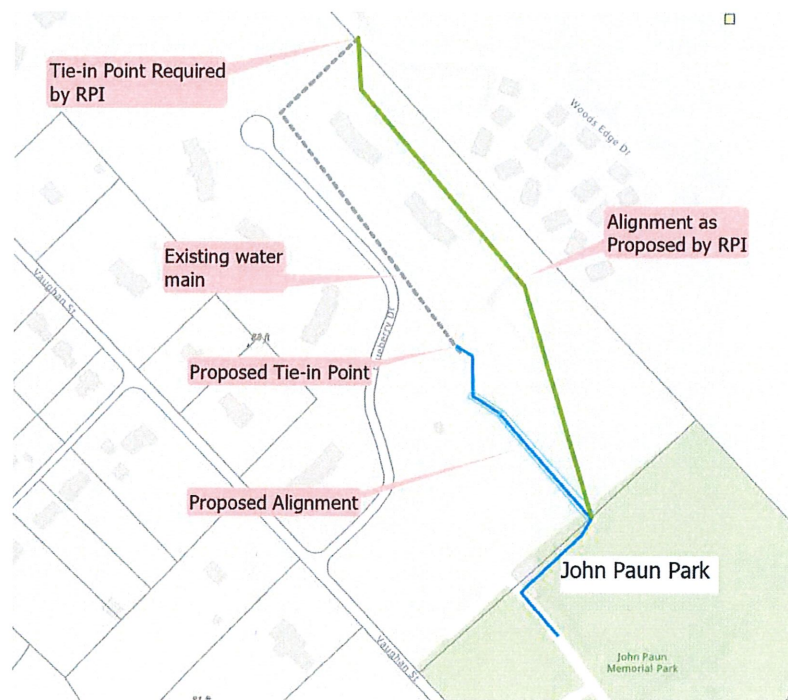


Figure 3 – Updated Connection Location per RPI

The newly proposed alignment would add an additional 750' of water main to the design, as well as require additional directional drilling. The newly proposed location also runs through wetlands, increasing the level of permitting required. The increase in project cost is approximately \$115,000. This increase would be in excess of the total project budget that was approved by the Plymouth County American Rescue Plan Act, which was \$332,800 for all three projects discussed herein.

As a result of these changes, Environmental Partners has halted work on this portion of the design until the Town determines next steps.

Ted Williams Camp

The pump house near Ted Williams Camp was erected a number of years ago, and it originally served to house equipment and treatment processes for the existing 2-inch main and a well. In more recent years, the Town has erected a new pump house and well in another location, rendering the old pump house redundant. The existing 2-inch water main runs through the existing pump house, limiting access to approximately 15' of the water main. The Town is proposing relocation of this segment of pipe to allow for demolition of the old pump house, as well as the demolition of 210 linear feet of chain link fence and an existing, inactive utility pole. The project is located within the 100' wetland buffer.

On December 14, 2023, Environmental Partners presented to the Town of Lakeville Conservation Commission and received a negative determination of applicability on the project. The Conservation Commission has required that native grass mix is used during site restoration. In addition, Environmental Partners submitted the project to the National Heritage and Endangered Species Program and received a letter confirming that the proposed project would not result in a prohibited Take of state-listed rare species. No additional permitting is required for the project.

Environmental Partners is in the process of finalizing the design plans and specifications for this site. Pending direction from the Town, these documents will be bid ready in January of 2024.

Old Town Hall

Currently, the City of Taunton provides Old Town Hall with irrigation water, but the Town would like to connect Old Town Hall to potable water to allow the addition of public restrooms in the future. When initially evaluating this project site, Environmental Partners determined that it would be feasible to connect to the existing water main on Bedford Street and run a service to Old Town Hall. However, during the course of design, Environmental Partners acquired record drawings that showed an existing 16-inch water main running through the yard behind Old Town Hall. The location of this water main was confirmed by the City of Taunton.

The updated and current design proposes connecting to this 16-inch water main with a 1.5" tap and running approximately 150' of copper tubing to Old Town Hall. This design will require less restoration and materials. No permitting is required for this site.

Environmental Partners is in the process of finalizing the design plans and specifications for this site. Pending direction from the Town, these documents will be bid ready in January of 2024.

Recommendations

It is Environmental Partners' opinion that the change in alignment and related increase in cost to the John Paun Park water connection are not feasible and are cost prohibitive. Revisiting the February 2023 water study, two additional options were presented to provide water to the park.

The first option is to install a new groundwater well for potable water. Prior to construction, site exploration work and a pumping test would have to be performed, subject to MassDEP approval. In accordance with MassDEP requirements, the Town would be required to monitor the well to remain in compliance with MassDEP drinking water standards. This would include hiring a certified operator to maintain and sample the well. Environmental Partners estimates that these requirements would cost approximately \$5,000 a year.

The second option is to convert the existing groundwater well to a potable water well and drill a new irrigation well. The conversion would require the Town to take water quality samples from the existing well to determine if the water is of suitable quality. Similar to the first option, a pump test would be required and subject to MassDEP approval before the conversion could take place. The converted drinking water well would also require maintenance by a certified operator, at a cost similar to the first option. Site investigations would also need to take place prior to digging the new irrigation well.

Environmental Partners recommends that the Town review and consider which alternatives are most appropriate for the seasonal use of the park as well as the Town's future vision of the park.

Environmental Partners recommends moving forward with the bidding of the Ted Williams Camp and Old Town Hall projects.

**AGENDA ITEM #11
JANUARY 8, 2024**

BUILDING COMMITTEE UPDATES:

- A. SENIOR CENTER FEASIBILITY STUDY**
- B. FIRE STATION BUILDING COMMITTEE**
- C. OLD COLONY FEASIBILITY STUDY**

**AGENDA ITEM #12
JANUARY 8, 2024**

NEW BUSINESS

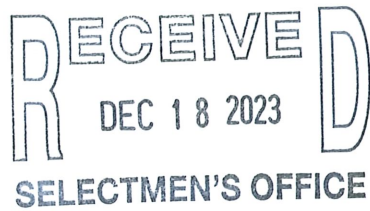
**AGENDA ITEM #13
JANUARY 8, 2024**

OLD BUSINESS

**AGENDA ITEM #14
JANUARY 8, 2024**

CORRESPONDENCE

1. Letter from Comcast regarding programming advisory



December 11, 2023

Board of Selectmen
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

RE: Programming Advisory

Dear Members of the Board:

As part of our on-going commitment to keeping you and our customers informed about changes to Xfinity TV services, we wanted to notify you that the DW Deutsch+, and the Z Living channels are ceasing operations on December 31, 2023. As a result, the DW Deutsch+ and Z Living channels will no longer be available as part of our lineup.

As a function of this change, we have implemented channel slates (advising of unavailability) on the channels and activated www.xfinity.com/programmingchanges to help keep our customers informed during this period.

Please do not hesitate to contact me should you have questions at Michael_Galla@comcast.com.

Sincerely,

Michael Galla

Michael Galla, Sr. Manager
Government & Regulatory Affairs

**AGENDA ITEM #15
JANUARY 8, 2024**

POSSIBLE EXECUTIVE SESSION PURSUANT TO M.G.L C.30A SEC. 21(A)(3) TO DISCUSS STRATEGY WITH RESPECT TO LITIGATION (BOUNTIFUL FARMS V. TOWN OF LAKEVILLE, PLYMOUTH SUPERIOR COURT CIVIL ACTION NO. 2283CV00230) IF AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE LITIGATING POSITION OF THE PUBLIC BODY AND THE CHAIR SO DECLARES, AND VOTES MAY BE TAKEN AND PURSUANT TO M.G.L C.30A SEC. 21(A)(2) TO CONDUCT STRATEGY SESSION IN PREPARATION FOR NEGOTIATIONS WITH NON-UNION PERSONNEL (INTERIM TOWN ADMINISTRATOR) AND/OR CONDUCT CONTRACT NEGOTIATIONS WITH NON-UNION PERSONNEL (INTERIM TOWN ADMINISTRATOR) AND NOT TO RETURN TO OPEN SESSION