

AGENDA
Board of Selectmen and acting as the Wage &
Personnel Board as needed
Remote Location Meeting
October 25, 2021 – 6:30 PM

PLEASE ASK IF ANYONE IS RECORDING THE MEETING
AND ANNOUNCE CABLE TAPING (IF PRESENT)

1. In accordance with provisions allowed by Chapter 20 of the Acts of 2021, the October 25, 2021 public meeting of the Lakeville Board of Selectmen will be held remotely. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
2. 6:30 PM Warrant Review for Special Town Meeting November 8, 2021
3. 7:00 PM Presentation from SRPEDD regarding Lakeville Americans with Disabilities Act Facilities Study
4. 7:30 PM Presentation by BETA Group on the Lakeville Hazardous Mitigation Plan
5. Board of Selectmen Announcements
6. Town Administrator Announcements
7. Discuss and possible vote regarding whether to exercise Chapter 61A Right of First Refusal for the purchase of the property located at Assessors Map 18, Block 1, Lot 2B (corner of Barstow and Montgomery Streets, Harold B. Card owner)
8. Discuss and possible vote to appoint John Viarella as Human Resources Director
9. Discuss and possible vote to appoint Jasmin Farinacci as Town Planner
10. Discuss and possible vote regarding Employee Holiday Schedule for 2022
11. Review and possible vote to approve Board of Selectmen Minutes of October 12, 2021
12. New Business
13. Old Business
14. Any other business that can properly come before the Board of Selectmen

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

**AGENDA ITEM #1
OCTOBER 25, 2021**

In accordance with provisions allowed by Chapter 20 of the Acts of 2021, the October 25, 2021 public meeting of the Lakeville Board of Selectmen will be held remotely. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**

**AGENDA ITEM #2
OCTOBER 25, 2021**

**WARRANT REVIEW FOR SPECIAL TOWN MEETING
NOVEMBER 8, 2021**

Attached is the warrant for the Special Town Meeting on November 8, 2021.

Kelly Howley will be present to speak to the article regarding lowering the number of members on the COA Board of Directors. She has provided the attached letter for your review.

COMMONWEALTH OF MASSACHUSETTS

Town of Lakeville

Special Town Meeting

Monday, November 8, 2021

To any of the Constables of the **TOWN OF LAKEVILLE,**

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet in the

**APPONEQUET REGIONAL HIGH SCHOOL AUDITORIUM
100 HOWLAND ROAD, LAKEVILLE, MA**

On Monday, November 8, 2021 at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to transfer the sum of \$4,361.87 from Free Cash and \$155.00 from Park Retained Earnings to pay for the following unpaid bills from the prior fiscal year; or take any other action relative thereto.

Unpaid Bill No.	Department	Vendor	Amount	Purpose
1	Town Offices	Ricoh	\$353.37	Copier services
2	Legal Services	KP Law	3,938.50	Tax Title Services
3	Police	M&S Automotive Repair, Inc.	70.00	State Inspection
3	Park	Mr. Cesspool	155.00	Portable Restroom Rental
	Total		\$4,516.87	

Proposed by Board of Selectmen

ARTICLE 2: To see if the Town will vote to raise and appropriate from taxation the sum of \$87,000 and transfer from Septic Loan Fund the sum of \$15,000 to supplement the appropriations stated below that were previously voted in Article 1 of the May 10, 2021 Annual Town Meeting for the Fiscal Year beginning July 1, 2021 for various Town Departments; or take any other action relative thereto.

Line No.	Department	Budget Line Item	Amount	Purpose
1	Selectmen/ Administration	Salaries	\$62,000	Asst Town Admin / Town Planner
2	Selectmen/ Administration	Expenses	20,000	Housing Production Plan
9	Treasurer/ Collector	Salaries	(9,500)	New Treas/Coll started mid-October
10	Treasurer/ Collector	Expenses	9,500	Interim Treas/Coll Contracted Services
30	Cable TV Advisory	Expenses	5,000	Verizon contract negotiation
65	Debt Service	Principal	15,000	Septic Loan Program
	Total		\$102,000	

Proposed by Board of Selectmen

ARTICLE 3: To see if the Town will vote to rescind the borrowing authority for \$95,163 which constitutes the balance that is not going to be borrowed for the Police Station construction; Article 9 of the June 12, 2017 Annual Town Meeting; or take any other action relative thereto.

Proposed by Board of Selectmen

ARTICLE 4: To see if the Town will vote to appropriate the sum of \$90,000, or any other sum, to be expended under the direction of the Board of Selectmen to pay the costs of developing a Feasibility Study and schematic design for the purpose of studying options for repairs, replacements and/or additions to the Assawompset Elementary School Building; and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44 of the General Laws, or any other enabling authority and issue bonds and notes of the Town therefor, and provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payments of costs approved by this vote in accordance with G.L. c.44 §20, thereby reducing by

a like amount the amount authorized to be borrowed to pay such costs; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA; or take any other action relative thereto.

Proposed by Board of Selectmen

ARTICLE 5: To see if the Town will vote pursuant to Massachusetts General Law Chapter 41, Section 110A, to allow the Office of the Town Clerk to remain closed on Saturdays and to treat Saturday as a legal holiday for the purposes of calculating the time frame for filing or taking other action required by law, or take any other action relative thereto.

Proposed by Town Clerk

ARTICLE 6: To see if the Town will vote to amend Lakeville General Bylaws, Chapter II, by adding the following new section 18 Articles Seeking Special Legislation, to provide as follows:

To enable adequate time for review, no article appearing on a warrant for an Annual or Special Town Meeting, requesting a petition to the General Court to enact special legislation shall be in order for consideration by Town Meeting unless the text of the special legislation sought is included as part of the article or as an appendix to the warrant, or is on file with the Town Clerk at least fourteen (14) days prior to the date of a Special Town Meeting and seven (7) days prior to the date of an Annual Town Meeting at which it will be considered; or take any other action relative thereto.

Proposed by Town Clerk

ARTICLE 7: To see if the Town of Lakeville will vote to accept sections 3 to 7, inclusive, of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, (hereinafter "the Act"), and beginning in Fiscal Year 2023, to assess a one percent (1%) surcharge on real property for the purposes permitted by said Act, which include enabling the town to (1) acquire, create and preserve open space, which includes land for parks,

recreational uses, conservation areas and the protection of drinking water supplies; (2) create and rehabilitate local parks, playgrounds, and athletic fields; (3) acquire, preserve, rehabilitate and restore historic buildings and resources; and (4) create and preserve affordable housing; and further to adopt the following exemptions from the surcharge: (a) property owned and occupied as a domicile by a person who qualifies for low income housing or low or moderate income senior housing in the Town of Lakeville, as defined in Section 2 of said Act; (b) \$100,000 of the value of each taxable parcel of residential property; and (c) \$100,000 of the value of each taxable parcel of class three, commercial property, and class four industrial property as defined in GLc.59, section 2A. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in the surcharge; or take any other action relative thereto.

Proposed by Board of Selectmen

ARTICLE 8: To see if the Town will vote to reaffirm the vote at the June 13, 2005, Annual Town Meeting to adopt the Town's Community Preservation Committee bylaw, as published on the Town's website and on file at the Office of the Town Clerk, and by amending Section-6 of said bylaw by striking its text, and replacing it with the following; or take any other action relative thereto.

Section 6: Effective Date (Current Text)

Provided that the Community Preservation Act is accepted by the voters at the 2006 Annual Town Election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL Chapter 40 Section 32 have been met.

Section 6: Effective Date (Proposed Amendment)

This Bylaw shall take effect upon the Town's acceptance of the Community Preservation Act in accordance with the procedures set forth in Chapter 44B of the General Laws and after all requirements of MGL Chapter 40 Section 32 have been met.

Proposed by Board of Selectmen

ARTICLE 9: To see if the Town will vote to amend the Bylaws of the Town of Lakeville to change the title of the "Board of Selectmen" to "Select Board" as follows, or take any other action relative thereto:

1. Amend Chapter III of the Town's General Bylaws, by changing the tile from "Selectmen" to "Select Board"

2. Delete the text of Section 9 of Chapter III and replace it with the following:

Current Text

Section 9. The Selectmen shall have general direction and management of property and affairs of the town in all matters not otherwise provided for by law or these by-laws.

Proposed Amendment

Section 9. The Select Board shall have all the powers and duties of a Board of Selectmen for purposes of the General Laws and any special acts applicable to the Town of Lakeville. The Select Board shall have general direction and management of property and affairs of the town in all matters not otherwise provided for by law or these by-laws.

3. Delete the words "Board of Selectmen" or "Selectmen" in each place they appear in the Town's General and Zoning Bylaws and insert in their place "Select Board".

Proposed by Board of Selectmen

ARTICLE 10: To see if the Town will vote to amend Lakeville General Bylaws, Chapter 1, Section 27, to change the composition of the Council on Aging from an eleven (11) member board with one (1) alternate, to a nine (9) member Board with two (2) alternates, as shown below with additions in **bold** and deletions in ~~strike through~~; or take any other action relative thereto.

COUNCIL ON AGING

Section 27

Section 1. The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in the Town of Lakeville, which shall include, but not be limited to, identifying the needs of the elderly population of the town; educating the community and enlisting support and participation of all citizens about these needs; and designing, promoting and implementing services to fill these needs.

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of Eleven (11) Members and One (1) alternate; **provided, however, that upon the effective date of an amendment to this By-law, the membership of the Council on Aging shall be changed to Nine (9) Members and Two (2) alternates.** Upon the effective date of **an amendment to this** By-law, the appointed incumbents serving at the time of adoption shall continue to serve for the remainder of their terms, unless the incumbent resigns or is removed prior to the end of their term,

and expiring terms and vacant seats shall not be re-filled until the membership reaches Nine (9) members. Thereafter, the Board shall appoint Members for three-year terms. Members can be re-appointed for concurrent terms determined by the discretion of the Board and Appointees acceptance. The Members of the Council shall serve without pay.

The Alternates shall be appointed for a three (3) year term. The Chair may designate **the either or both** Alternates to sit on the Council in the case of absence, inability to act or conflict of interest of any Member, or in the event of a vacancy on the Council until the vacancy is filled.

Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 11. When an opening in the full membership occurs, an Alternate may be considered for appointment to full membership and a replacement Alternate may be appointed.

Section 3. The Council on Aging at its first annual meeting and thereafter, annually in June of each year, shall elect from its membership Chair, Vice Chair, Secretary and Treasurer. All members shall assist the Council on Aging Director in carrying out the business of the Council as needed.

Proposed by Council on Aging

ARTICLE 11: To see if the Town will vote to amend the Lakeville Zoning Bylaw, Section 7.4.6 “Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries SPGA – Zoning Board of Appeals; Marijuana Overlay District” Sub-section A by adding the following shown in underline below; or take any other action relative thereto.

- A.** All Marijuana Uses, including Adult Use Marijuana Establishments, Marijuana Retailers, and Registered Marijuana Dispensaries, shall require a Special Permit from the Zoning Board of Appeals, and shall only be permitted to locate within the Marijuana Overlay District, as shown on the Town’s Zoning Map. **All allowed uses and special permit uses in the underlying district shall remain allowed by right or by special permit as designated in Section 4.1, Table of Use Regulations.**

Proposed by Board of Selectmen

ARTICLE 12: To see if the Town will vote to amend the Lakeville General Bylaws, Chapter 5, by deleting the section titled "Earth Removal" and replacing it with a new section entitled "Earth Work," as set forth below, or take any other action relative thereto.

CHAPTER V

EARTH WORK.

Section 1. Definitions.

Board – the Town of Lakeville Board of Selectmen

Earth – any form of soil, rock or dirt, including but not limited to sod, loam, peat, humus, clay, sand, stone, gravel, rock, and ledge.

Earth Removal - removal of Earth from its present location to another location by any means, including but not limited to, stripping, excavating, mining or blasting.

Earth Work – any Earth Removal, Stockpiling or Fill operation.

Fill – the use of Earth from another location for the purpose of changing the topography of a site.

Stockpiling – the keeping and storage of Earth brought to a site from another location for the purpose of using it.

Section 2. Permit Required.

No person, firm or corporation shall perform Earth Work in the Town of Lakeville without first obtaining a permit from the Board, as provided in this Bylaw.

Notwithstanding the provisions of the preceding paragraph, the following Earth Work projects may be undertaken without a permit:

1. Earth Work by any governmental entity, including but not limited to the Town of Lakeville;
2. Earth Work involving less than 5,000 cubic yards of earth in a single calendar year;
3. Earth Work in connection with agricultural use of land, including cranberry bog maintenance operations;
4. Earth Work that is merely incidental to the construction or installation of buildings, structures, swimming pools, septic systems, utilities, fences, athletic courts, driveways, parking lots, walkways and other construction or installations occurring on the site from which the earth is removed; provided that the project is being done in accordance with all required permits and approvals, the amount of earth removed does not exceed the amount

needed for the construction or installation and the removal of earth does not result in topographical changes to the surrounding land; and

5. The transfer of earth from one portion of a parcel to another portion of the same parcel for purposes of improving the same.

Section 3. Procedure

An application for an Earth Work Permit shall be in writing, on a form provided by the Board, and shall include but not be limited to the following information:

1. The location of the proposed work.
2. The legal name and address of the owner of the property involved.
3. The legal name and address of the applicant (if different than the owner).
4. A plan and representative profiles of the area, prepared by a Registered Professional Engineer, from which final grades may be established.
5. The anticipated amount (in cubic yards) of earth work involved.
6. The reason for the project.
7. The type of work – Earth Removal, Stockpiling or Fill.
8. Previous earth removal activities on the property.
9. The source of Earth for Stockpiling and Fill projects

Upon receipt of a completed application and payment of applicable fees, the Board may conduct a public hearing on the application. Notice of said hearing shall be provided, at the applicant's expense, to all abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred feet, and by publication in a newspaper of general circulation in the Town once, at least seven days prior to the hearing.

If the Board finds, based on the facts adduced at said hearing, that the permit may result in a nuisance or that it will otherwise create a risk of harm to public health, safety or welfare, the Board may deny the application.

In approving the issuance of a permit, the Board may impose reasonable conditions, designed to protect public health, safety and welfare, which may include but not be limited to the following:

1. The finished leveling and grading shall be indicated on the approved plans as indicated and submitted to the Board, but in no event shall any grade be below the grade of any abutting and established way open to the public or private use, except that if on the authority of a Registered Civil Engineer it is determined by the Board that such a change in grade below the existing grade is advantageous to the proposed change in topography.
2. No Earth Work permit shall be approved by the Board if the work extends within four hundred (400) feet of a way open to the public whether public or private, or within one hundred (100) feet of a building or structure or property line, unless the Board is satisfied

that such removal will not undermine the way or structure, or prove detrimental to the neighborhood.

3. The placing of topsoil and planting necessary to restore the area to usable condition. Cover of topsoil of not less than 4 inches in depth shall be replaced or allowed to remain.
4. The duration of the operation.
5. The construction of necessary fencing and other protections against nuisances and/or erosion.
6. Methods for the work.
7. Temporary structures.
8. Hours of operation.
9. Routes of travel or transportation of material.
10. Control of temporary or permanent drainage.
11. Disposition of boulders and tree stumps.
12. Set and maintain permanent monuments at each property corner.
13. Slopes shall not be steeper than 4 to 1.
14. Imported earth material and/or fill may not contain debris, rebar, concrete, other building materials, clay, seashells, asphalt, glass or any solid waste of any kind. Imported materials must be soil and/or clean fill.

The Board may require a bond, or at the election of the applicant, the deposit of money into an escrow account to enforce performance of conditions imposed pursuant to this bylaw. The total amount of the bond or security deposit shall be determined by the Board and shall be based upon the extent of the operations as indicated on the plans submitted by the applicant.

The Board may adopt, and may from time-to-time revise, regulations to implement the provisions of this bylaw relative to conducting public hearings and establishing criteria for determining whether a project is likely to result in a nuisance or that it will otherwise create a risk of harm to public health, safety and welfare.

Section 4. General Conditions.

Permits shall be in effect for a period of one (1) year from the date of issue.

All Earth Work operations shall be conducted in accordance with the requirements of this bylaw, regulations of the Board adopted pursuant thereto and all conditions imposed by the Board.

All Earth Work operations shall be conducted in accordance with applicable federal, state and local laws concerning the operation, including but not limited to the requirements of the Conservation Commission. It shall be the applicant's responsibility to ensure compliance with such laws and the issuance of a permit by the Board shall not authorize any Earth Work operation undertaken in violation of any other applicable statute, rule or regulation.

Section 5. Permit Renewals

An application for renewal of an Earth Work Permit shall be in writing, on a form provided by the Board, and shall be submitted to the Board at least forty-five (45) days prior to expiration of the permit, along with the applicable renewal fee.

Any application for renewal not submitted within the time required by this bylaw shall be treated as a new application.

Each renewal application includes all of the information required by the Board, and shall specify the number of cubic yards of material removed during the prior permit term and shall be accompanied by an elevation plan on a 50-foot grid prepared by a Registered Civil Engineer, showing before, after and proposed final elevations.

Upon receipt of a completed application and payment of the applicable fee, the Board may renew the Earth Work Permit without first conducting a public hearing, provided that all conditions of the permit and this bylaw have been complied with and the Applicant has not changed the scope of the project as originally approved. In all other cases, a public hearing shall be required in accordance with the procedure set forth in Section 3 of this bylaw.

Section 6. General Administration

The Board or its designated representatives may enter upon the premises involved from time to time to inspect and ensure proper conduct of the work.

The Board may adopt and may from time-to-time revise a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Board may engage engineers, scientists, financial analysts, planners, attorneys or other appropriate professionals, who can assist the Board in analyzing a project or application to ensure compliance with all relevant laws, bylaws, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.

The Board may adopt and from time-to-time revise regulations for the imposition of reasonable fees for the employment of such outside consultants as set forth in M.G.L. c. 44, §53G.

The Board or its designated representatives reserve the right to inspect the applicant's records at any time.

Section 7. Enforcement

The Board may modify, suspend or revoke any permit issued pursuant to this bylaw for any violation of this bylaw, regulations of the Board adopted pursuant thereto or any conditions imposed by the Board. Such modification, revocation or suspension may take place after a hearing held by the Board of which the permit holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.

This bylaw may be enforced by the Town's Building Commissioner or his designee. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If noncriminal disposition is elected, then the non-criminal fine for each such violation; if not otherwise specified, shall be:

First Offense:	\$100
Second Offense:	\$200
Third and Subsequent Offenses:	\$300

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Board shall not preclude enforcement through any other lawful means.

Section 8. Severability

If any provision of this bylaw shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions.

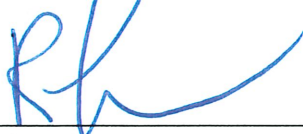
Proposed by Board of Selectmen

You are directed to serve this warrant by posting an attested copy hereof fourteen (14) days at least before the day appointed for the Special Town Meeting at the following places: Town Office Building, Baldies Pizzeria, Fat Cousins, the Clark Shores Association Bulletin Board, Apponequet Regional High School, Lakeville Senior Center, and Assawompset Elementary School.

Hereof fail not and make return of the warrant with your doings hereon at the time and place of said meeting.

Given under our hands this 15th day of October, 2021.


Evagelia Fabian, Chair


Richard LaCamera


Lorraine Carboni

LAKEVILLE BOARD OF SELECTMEN

A true copy, Attest:

Constable

Lakeville, MA _____ 2021

MOTION 1 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to transfer \$4,361.87 from Free Cash and \$155.00 from Park Retained Earnings to pay the unpaid bills from prior fiscal years as set forth in Article 1 of the Warrant.

Requires 9/10ths Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 2 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to raise and appropriate from taxation the sum of \$87,000 and transfer from Septic Loan Fund the sum of \$15,000 to supplement the appropriations stated in Article 2 of the Warrant.

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 3 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to rescind the borrowing authority for \$95,163 which constitutes the balance that is not going to be borrowed for the Police Station construction as voted in Article 9 of the June 12, 2017 Annual Town Meeting.

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 4 - BOARD OF SELECTMEN – [NAME]

I move That the Town appropriate the amount of Ninety Thousand Dollars (\$90,000) for the purpose of paying costs of developing a feasibility study and schematic design for the purpose of studying options for repairs, replacements and/or additions to the Assawompset Elementary School, located at 232 Main Street in Lakeville, including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of Board of Selectmen. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payments of costs approved by this vote in accordance with G.L. c.44 §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. The Board of Selectmen is authorized to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA

Requires 2/3rds Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 5 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote pursuant to Massachusetts General Law Chapter 41, Section 110A, to allow the Office of the Town Clerk to remain closed on Saturdays and to treat Saturday as a legal holiday for the purposes of calculating the time frame for filing or taking other action required by law

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 6 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to amend Lakeville General Bylaws, Chapter II, by adding a new section 18 to be titled, Articles Seeking Special Legislation, to require advance notice of the content of any request for special legislation, as set forth in Article 6 of the Warrant.

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 7 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to accept the provisions of Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act and to further accept the exemptions set forth in Article 7 of the Warrant.

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 8 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to reaffirm the vote at the June 13, 2005, Annual Town Meeting to adopt the Town’s Community Preservation Committee bylaw, as published on the Town’s website and on file at the Office of the Town Clerk, and by amending Section-6 of said bylaw as set forth in Article 8 of the Warrant.

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 9 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to amend the Bylaws of the Town of Lakeville to change the title of the “Board of Selectmen” to “Select Board”, as set forth in Article 9 of the Warrant.

Requires 2/3rds vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 10 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to amend Lakeville General Bylaws, Chapter 1, Section 27, to change the composition of the Council on Aging from an eleven (11) member board with one (1) alternate, to a nine (9) member Board with two (2) alternates, as set forth in Article 10 of the Warrant.

Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 11 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to amend the Lakeville Zoning Bylaw, Section 7.4.6 “Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries SPGA – Zoning Board of Appeals; Marijuana Overlay District” Sub-section A, as set forth in Article 11 of the Warrant.

Requires 2/3rds Vote

FINANCE COMMITTEE RECOMMENDS _____

MOTION 12 - BOARD OF SELECTMEN – [NAME]

I move that the Town vote to amend the Lakeville General Bylaws, Chapter 5, by deleting the section titled “Earth Removal” and replacing it with a new section entitled “Earth Work,” as set forth in Article 12 of the Warrant.

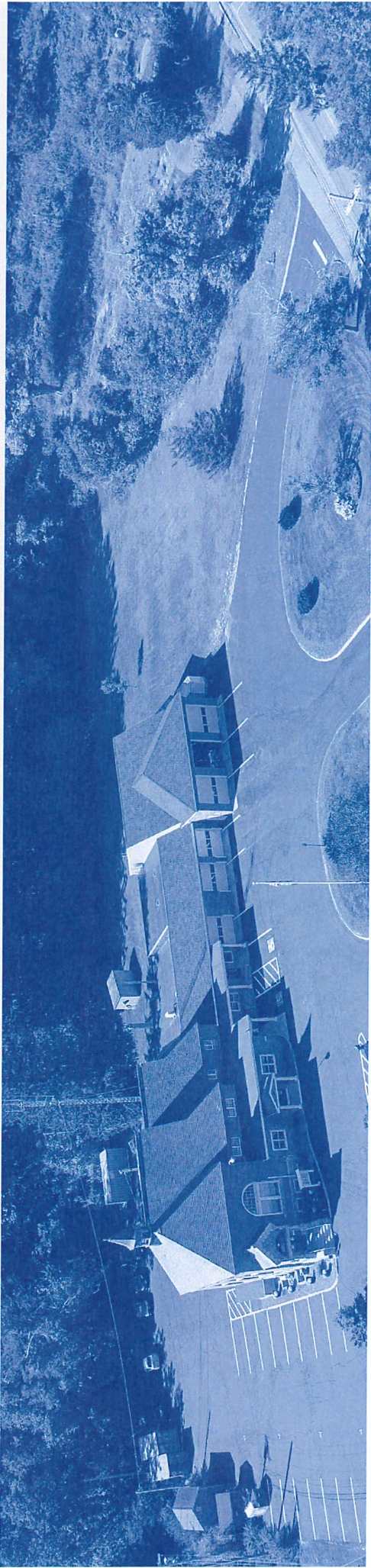
Requires Majority Vote

FINANCE COMMITTEE RECOMMENDS _____

**AGENDA ITEM #3
OCTOBER 25, 2021**

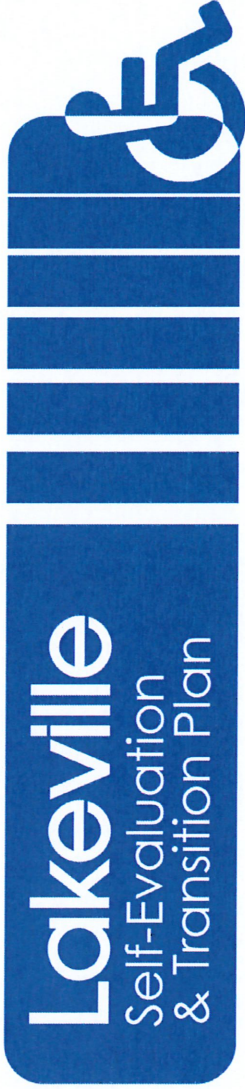
**PRESENTATION FROM SRPEDD REGARDING
LAKEVILLE AMERICANS WITH DISABILITIES
ACT FACILITIES STUDY**

Lizeth Gonzalez from SRPEDD will be presenting the attached presentation for the Board.



Lakeville

Self-Evaluation
& Transition Plan



Agenda

Introduction

Process

Sample Findings & Recommendations

Methodology

Next Steps

Questions?



SRPEDD

The Southeastern Regional Planning & Economic Development District serves the local communities.

- Our work is place-based and community-focused
- We work to formulate and implement plans that will achieve real quality of life improvements on the ground
- Ensure that these plans reflect the expressed needs of civically engaged local communities

ADA Self-Evaluation & Transition Plan

Why are we here?

Americans with Disabilities Act (ADA) of 1990

- Prohibits discrimination on the basis of disability in public services, programs and activities, as well as accommodations

MOD offers the Municipal Americans with Disabilities Act (ADA) Improvement Grant Program

- MOD awarded a planning grant (\$35,000) to the Town of Lakeville to complete both a “Self-Evaluation” and a “Transition Plan” as required under Title II of the ADA



ADA Self-Evaluation & Transition Plan

The Process

Survey of Lakeville's public facilities

- Including quarter-mile "walkshed"

Overview of communication practices and general policies in



Surveys & Feedback

- Self-assessment
- Inventory of policies and procedures
- Staff survey revealed
 - Need for expanded capacity
 - Training
 - Tools

ADA Effective Communication Survey

As part of the Lakeville ADA Self-Evaluation & Transition Plan, the town's communications practices will be assessed. Your Department's responses will recommend improvement that will be in plan.

Many people have low vision, hard of hearing, other communication disabilities are participating

General Nondiscrimination

Public Entity: _____ Contact Person: _____ Email: _____ Date: _____
 Phone: _____

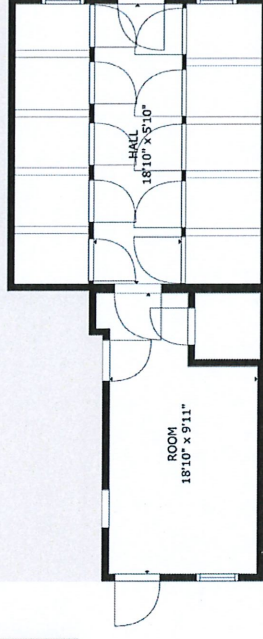
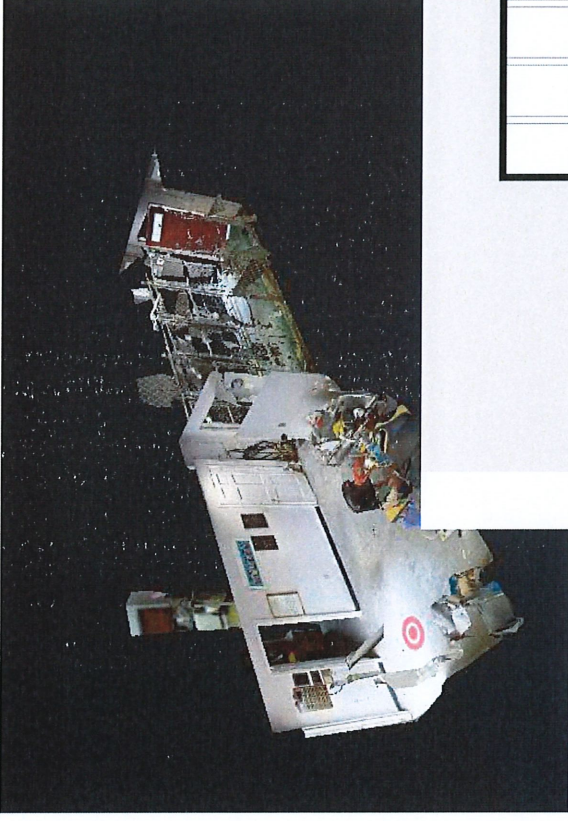
Title II of the ADA requires that people with disabilities are assured an equal opportunity to participate in the services, programs and activities offered by public entities. This part of the Title II regulations covers a wide range of issues as you will see from the questions below.

Questions	Comments	Next Steps
1. Do policies, practices and procedures provide an equal opportunity for people with disabilities to participate in services, programs and activities; that is, do policies not discriminate against people on the basis of disability? Examples: A school district requires that students with autism have a parent accompany them on school trips. This is a discriminatory practice. A city has a policy that applicants for a business license have a valid, state-issued driver's license. This is a discriminatory policy.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Are there circumstances in which the participation of a person with a disability would be excluded or restricted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. If yes, are the exclusions or restrictions necessary to the operation of the program or to the safety of other participants? Please explain:	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Site Visits

Assessed all town-owned facilities for ADA violation finding that:

- Facilities constructed within the last 20 years comply with ADA
- Buildings with little to no public use, lack accessible restrooms
- Historical and abandoned buildings require significant improvements



LOGO: INTERNA...
TOTAL: 134 sq. ft.

10/20/18

Matterport

Public Library

Built: 2004

ADA Compliance: High

- All services on one floor
- Counters and aisles appropriate height and width
- Minor “maintenance” improvements in restrooms



Loon Pond Lodge

Built: 19XX

ADA Compliance: Medium

- All services on one floor
- Accessible parking requires significant improvements
- Minor improvements in restrooms required



Department of Public Works

Built: 1995

ADA Compliance: Low

- Lacks any accessible parking
- DPW office accessible only by stairs
- Accessible parking requires significant improvements
- No public or employee restroom available

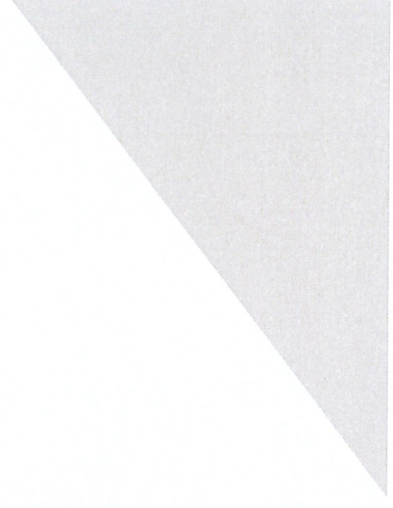


Methodology

Cost Estimates Ranges

Prioritization Model

- Priority 1 - Facility Access
- Priority 2 - Interior Navigation
- Priority 3 - Restroom Access
- Priority 4 - Additional Amenities



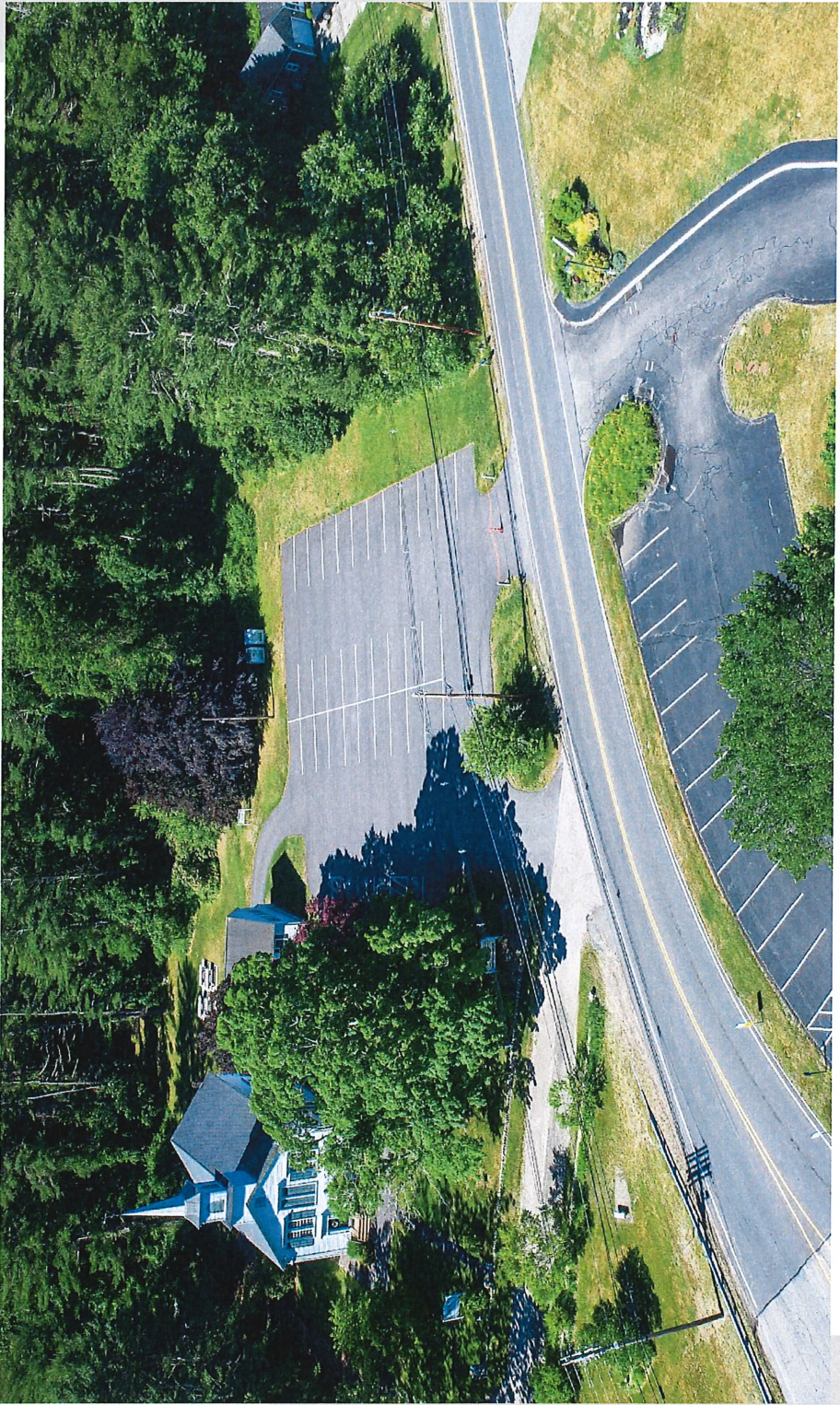
Drone Flights

Quarter-mile Walkshed

- Repaving of sidewalk for grade and condition
- Tactile warning panels
- Additional crosswalks

State and Local roads considered, though the town is only responsible for making improvements upon roads it owns and maintains.



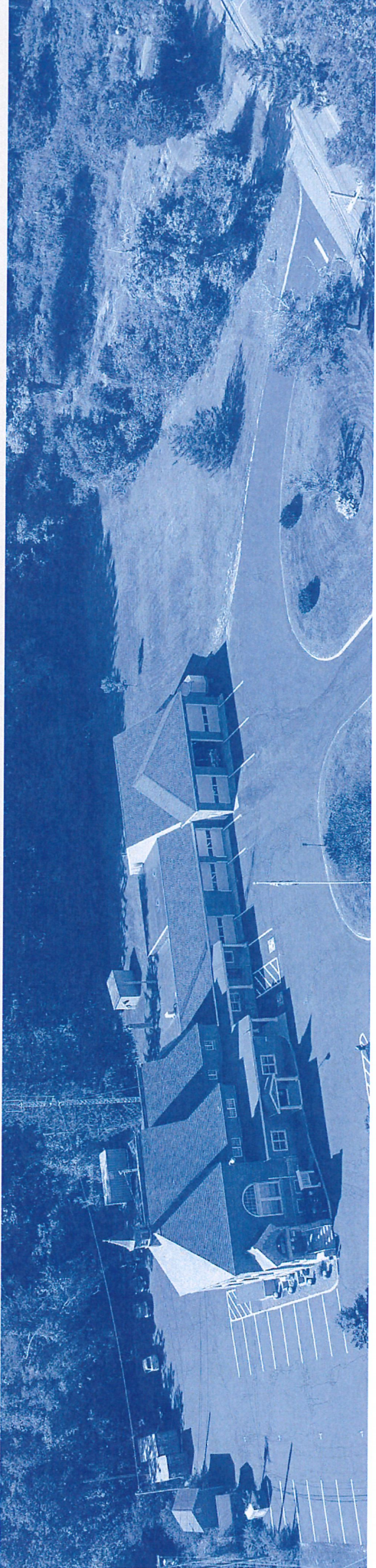


Next Steps

MOD offers Project Grants as part of the Municipal Americans with Disabilities (ADA) Improvement Grant Program FY2023 Program opens late Summer 2022

- Take action on recommendations including:
- Training
- Technology and Resource services

7/20/2022



Questions?



**AGENDA ITEM #4
OCTOBER 25, 2021**

**PRESENTATION BY BETA GROUP ON THE
LAKEVILLE HAZARDOUS MITIGATION PLAN**

BETA Group will be present to review the Town's Hazardous Mitigation Plan, which is attached.

LAKEVILLE, MA HAZARD MITIGATION PLAN (HMP) UPDATE

OCTOBER 25, 2021

2019 PDM



TODAY'S TOPICS

- Overview and benefits of hazard mitigation planning
- Plan update process
- Identified hazards and risk elements
- Questions and discussion



WHAT IS HAZARD MITIGATION?



FEMA

“Any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazards.”



Examples:

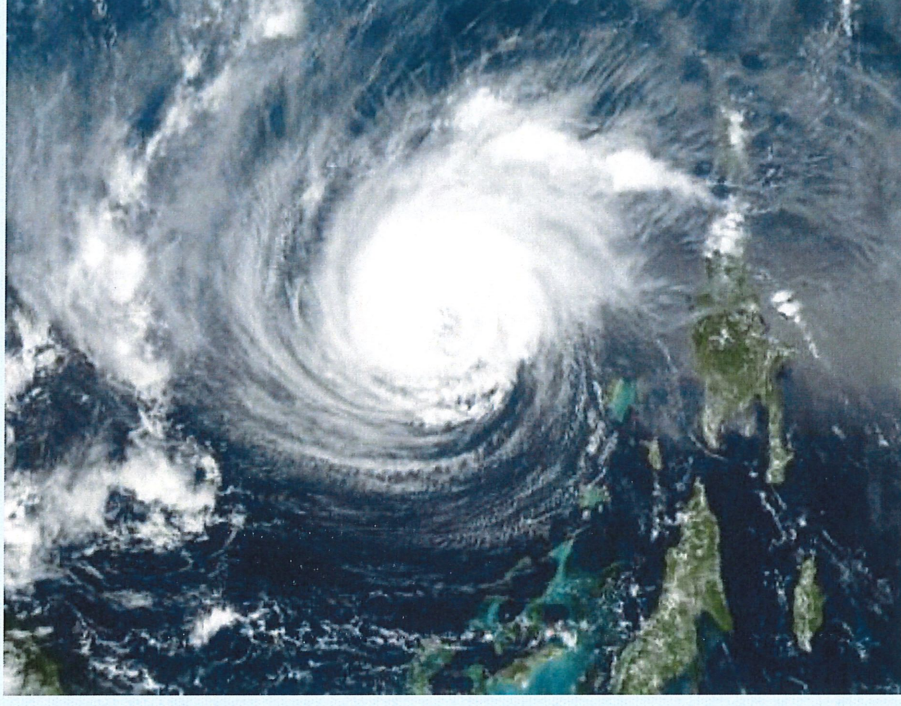
- Limiting development in high-risk areas
- Retrofitting structures to protect them from floods, high winds, etc.
- Drainage improvements or other flood control projects in areas of localized flooding
- Fire safety education

BENEFITS OF HAZARD MITIGATION

A Local Mitigation Plan demonstrates the jurisdiction's commitment to reducing risk and serves as a guide for decision makers as they commit resources to minimize the effects of natural hazards.

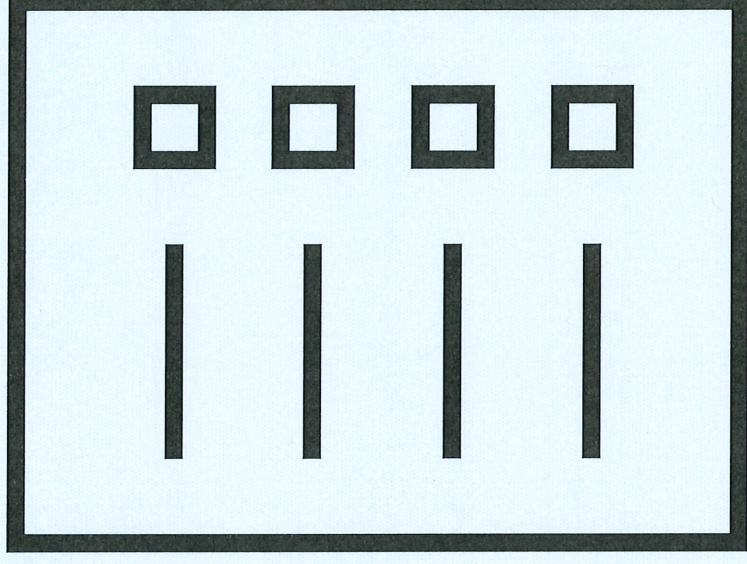
The mitigation plan will:

- **Help prepare for and mitigate the effects of natural hazards**
- **Build a more resilient community**

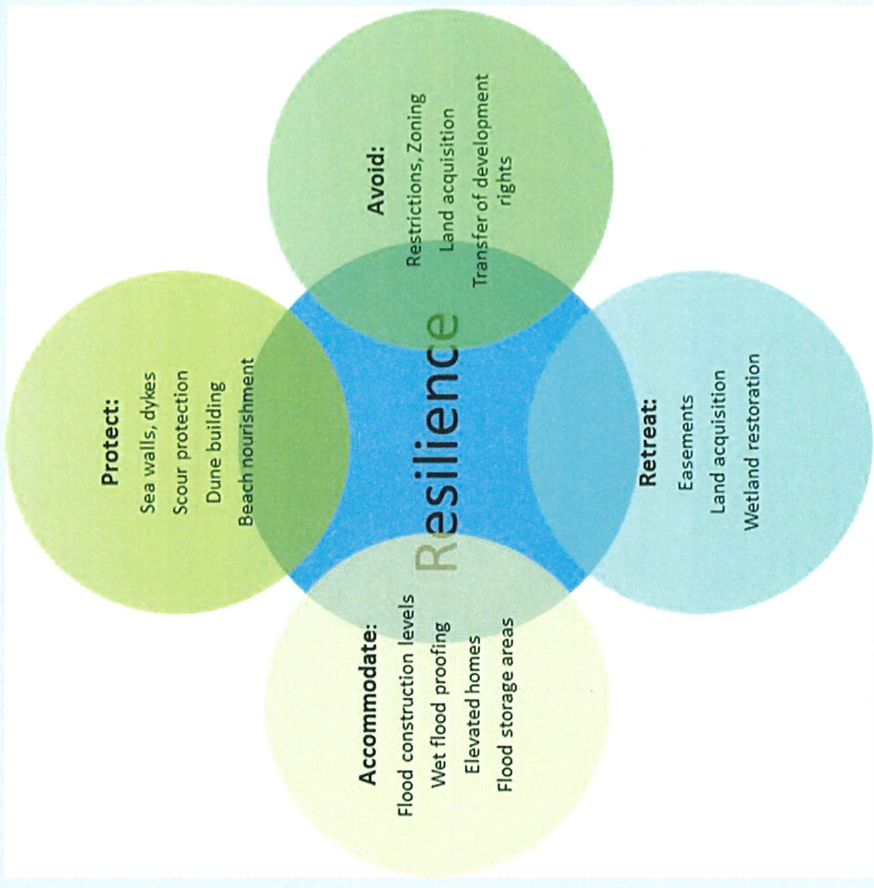
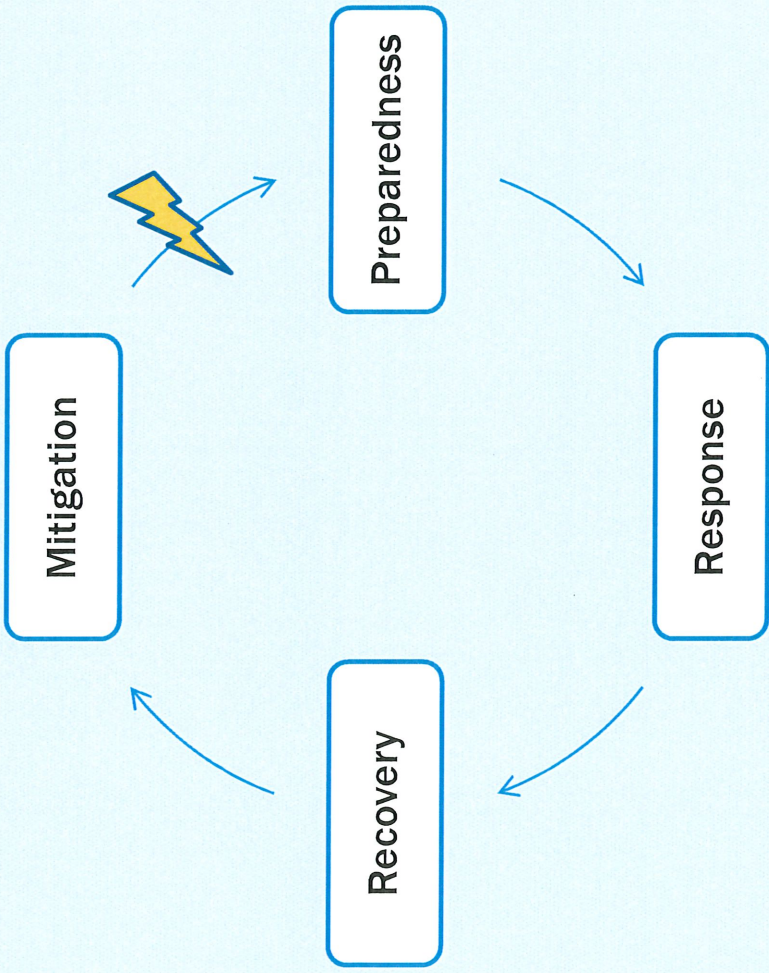


LAKEVILLE AND DMA 2000

- Make Lakeville eligible for pre- and post-disaster recovery and mitigation funding - Hazard Mitigation Assistance (HMA) Programs
 - Building Resilient Infrastructure and Communities (BRIC) Grant, Flood Mitigation Assistance (FMA), and Hazard Mitigation Grant Program (HMGP)
- Support National Flood Insurance Program (NFIP) compliance and, potentially, policy rate reduction efforts



EMERGENCY MANAGEMENT CYCLE



MITIGATION VS. EMERGENCY PREPAREDNESS

Hazard Mitigation

Planning and zoning

Open space preservation

Education and outreach

Drainage improvements


Preparedness

Evacuation plans and
emergency shelters

Radio communications
equipment

Emergency response
drills

PLANNING PROCESS

Planning Timeline	September	October
<p>Task 1 - Plan review and data collection</p>	<p>Review existing related documents and data collected including the Lakeville MVP Summary of Findings Report, Master Plan, Open Space and Recreation Plan, Comprehensive Emergency Management Plan, and files from the SRPEDD hazard mitigation planning process.</p> <p>Generate an online public survey, if needed</p>	
<p>Task 2 - Stakeholder meetings/phone interviews, as needed (maximum of 5).</p>		<p>One presentation of plan process to town board and HMP committee to solicit feedback.</p> 
<p>Task 3 - Draft Plan Update</p>		<p>Meetings with Mayor, EMA Dir. & Town Staff</p>
<p>Task 4 - Public Meeting</p>		
<p>Task 5 - Final Draft Plan submittal</p>		
<p>Task 6 - Final Plan</p>		

PLANNING PROCESS

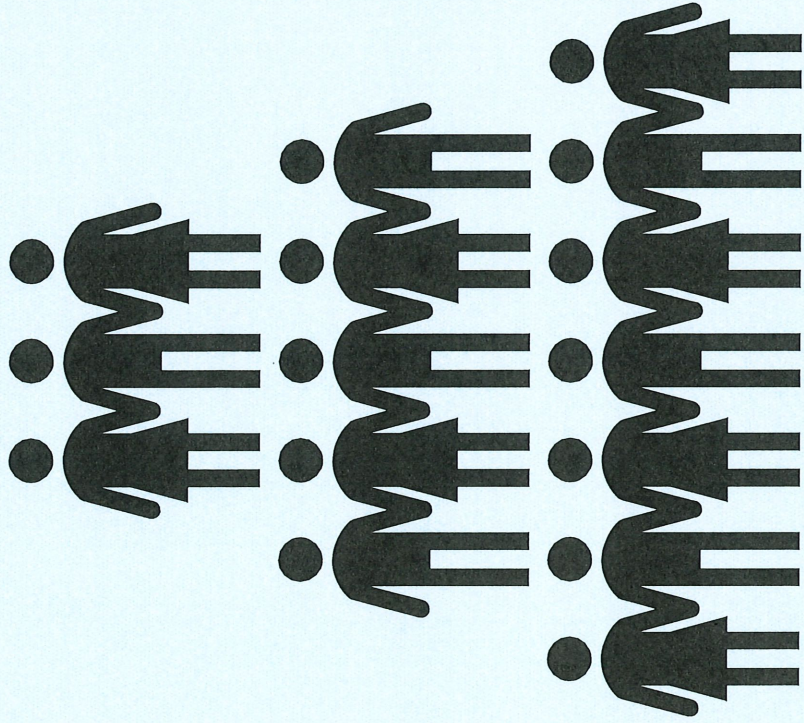
Project Timeline	October	November	December	February
Task 1 - Plan review and data collection				
Task 2 - Stakeholder meetings/interviews.				
Task 3 - Draft Plan Update	Use information collected in the task above, as well as from the committee and public meetings to develop a first draft Lakeville Hazard Mitigation and Climate Adaptation Plan.			
Task 4 - Public Meeting		Prepare and attend one virtual public meeting to gather input on mitigation strategies.		
Task 5 - Final Draft Plan submittal			Prepare Final Draft Plan, along with FEMA Mit. Plan. Review Tool, and submit to Town and MEMA for conditional approval	
Task 6 - Final Plan				Address FEMA conditional approval comments, present Final Plan to Town Officials for local adoption.

ORGANIZATION OF THE PLANNING GROUP

- Federal, State, Regional and Local Agencies: Southeastern Region Planning and Economic Development District, Lakeville FD, planning, public health, emergency management
- Business and Civic Groups
- Academic Institutions
- Other “local governments”: utilities, neighboring municipalities
- Municipal Vulnerability Preparedness (MVP) program committee
- The Public

*Engage a Wide Range
of “Stakeholders”*

LOCAL MITIGATION PLANNING TEAM



Michael P. O'Brien, Fire Chief

Robert (Bob) Bouchard, Conservation Agent/ Commission Chair

Pete Conroy, Planning Board

Edward Cullen, Health Agent

Nathan Darling, Building Commissioner and Zoning Officer

Pamela Garant, Fire Deputy Chief

Kelly Howley, Council on Aging Director

Christina Cotsoridis, Asst to the Town Administrator

Franklin Moniz, DPW Director

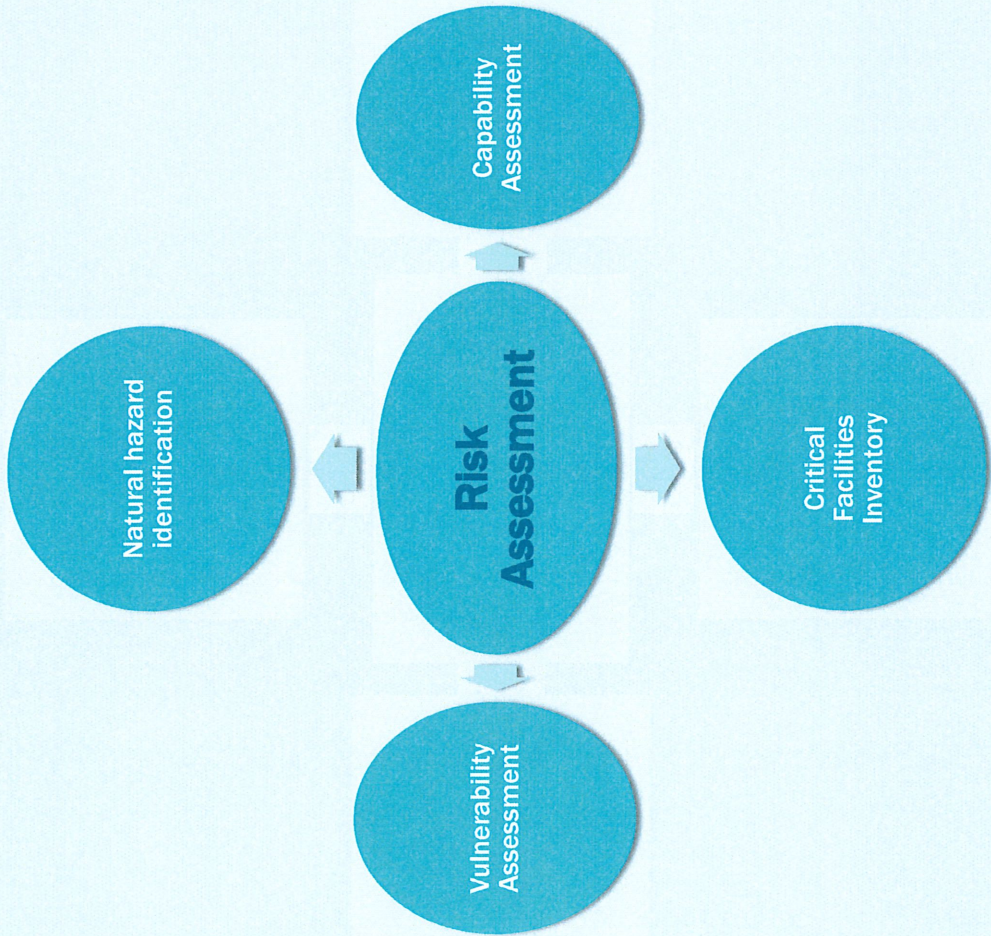
Matthew Perkins, Chief of Police

Ari Sky, Town Administrator

Jayne Viveiros, Library Director

New Town Planner

COMPONENTS OF A HAZARD MITIGATION PLAN



- **Hazard Identification**
 - What are the hazards in Lakeville?
- **Capability Assessment**
 - What are your current mitigation capabilities, and how effective are they?
- **Vulnerability Analysis**
 - How do these hazards impact the town, and what populations are particularly vulnerable?
- **Critical Facilities Inventory**
 - What buildings, and infrastructure are critical for town operation?

REQUIREMENTS FOR LOCAL MITIGATION PLANS

Mitigation Strategy

A blueprint for reducing losses identified in the risk assessment.

- What strategies have been implemented already?
- What new strategies should be pursued?

Southeastern Regional Planning & Economic Development District
Natural Hazard
Pre-Disaster Regional Mitigation Plan
2004

MITIGATION:
ANY ACTION TAKEN TO REDUCE OR ELIMINATE THE LONG TERM RISK TO HUMAN LIFE AND PROPERTY FROM NATURAL HAZARDS.

Lakeville, MA

Municipal Vulnerability Preparedness (MVP) and Community Resilience Building (CRB) Workshop Summary of Findings

March 2019

Submitted by:

SRPEDD
The Nature Conservancy
manomet

Lakeville 2030
A Plan for the Future

MASTER PLAN APPENDIX
July 2020

SRPEDD
Town of Lakeville

SRPEDD
WATERSHED PLANNING

APC & Nemasket River Watershed Management and Climate Action Plan

The integrity of the Assawampet Ponds Complex (APC) and Nemasket River depends upon the quality of their surrounding watershed and managing our uses and impacts.

ABOUT SRPEDD

CLIMATE CHANGE PROJECTIONS AND RELATED NATURAL HAZARDS

Climate Changes	Related Natural Hazards	Projections by the end of this century
Changes in precipitation	<ul style="list-style-type: none"> - Inland flooding - Drought - Landslide 	<ul style="list-style-type: none"> - Annual precipitation: Increase up to 16% (+7.3 inches) - Days with rainfall accumulation 1+ inch: Increase by 4 days (from baseline of 8 per year) - Consecutive dry days: Increase of up to 4 days (baseline of 17) - Summer and Fall precipitation COULD decrease
Rising temperatures	<ul style="list-style-type: none"> - Average/extreme temperatures - Wildfires - Invasive species 	<ul style="list-style-type: none"> - Average annual temperature: Increase up to 22% (+10.5 degrees Fahrenheit) - Days/year with daily minimum temperatures below freezing: Decrease up to 43% (-68 days) - Days/year with daily maximum temperatures over 90 degrees Fahrenheit: Increase more than 1,000% (+65 days) - Cooling degree days: increase by nearly 200% by 2100 - Growing degree days: Increase by more than 70% by 2100
Extreme weather	<ul style="list-style-type: none"> - Hurricanes/tropical storms - Severe winter storms/nor'easters - Tornadoes - Other severe weather 	<ul style="list-style-type: none"> - Frequency and magnitude: Increase

LET'S GET STARTED!

"Past flooding in Lakeville's shorefront communities has created concerns about dense development with inadequate septic management, and about water level control in local ponds."

- Lakeville MVP CRB Report



ASSESSING NATURAL HAZARDS

Hazard Identification and Risk Analysis (from SRPEDD Analysis and Results of HMP Survey)

Type of Hazard	Likelihood/Frequency of Future Events
Inland Flooding	Likely
Dam Overtopping/Failure	Possible
Drought	Likely
Landslide/ Sink Hole/ Subsidence	Possible
Wildfire/Brushfire	Possible
Average/ Extreme Temperatures	Likely
Invasive Species	Likely
Severe Snow/Ice Storms (Including Nor'Easter)	Likely
Hurricane/ Tropical Storm	Likely
Tornado/ Microburst/ Severe Wind (including thunderstorms)	Likely
Earthquake	Unlikely

Public Survey

- Top Hazards of Concern: Severe snowstorm, hurricane/ tropical storm, flooding
- “Droughts and power outages effect water supply”
- “The invasive weeds are a real problem for water flow and flood levels also.”

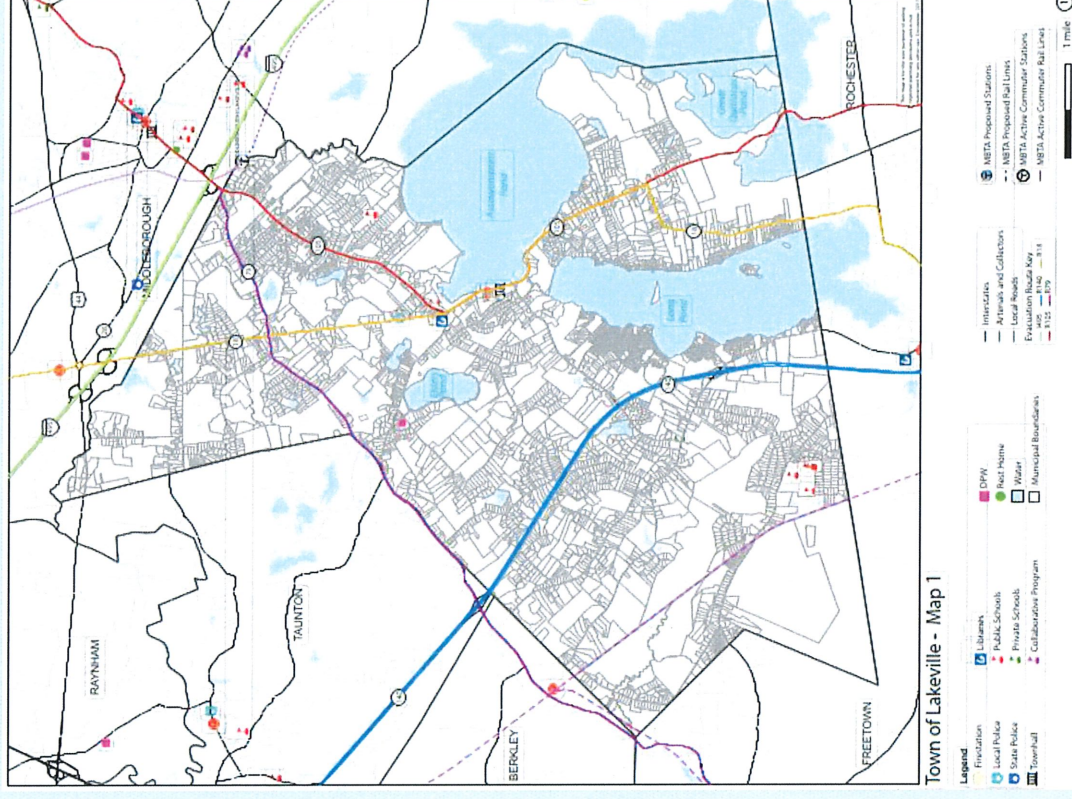
INVENTORY ASSETS AND CRITICAL FACILITIES

What is at risk?

People, Property, Economy, Environment

- Population and Demographics
- Building Stock
- Facilities (critical facilities, utilities, transportation, etc.)
 - Police, Fire, Emergency Services
 - Hospitals and Medical Care Facilities
 - Schools and Care Facilities
 - Sheltering Facilities
 - Infrastructure (Transportation, Utilities, MassDOT Roads)

What other facilities are critical to life in Lakeville?



EXISTING MITIGATION CAPABILITIES

Zoning Ordinance

Maintenance of Drainage
Facilities

Master Plan 2020

Open Space and
Recreation Plan, 2012 -
due for update

Nemasket River
Watershed 208 Plan
(SRPEDD)

Assawompsett Ponds
Complex Management
Plan; Assawompsett
Ponds Committee (APC)

Mass Audubon/TRWA -
Stream Continuity
Assessment (517 culverts,
8 in Lakeville flagged)

Capital Improvement
Planning Committee in
place

Local Stormwater
Coordinator and Illicit
Discharge Bylaw

Construction Site Run-off
Control Bylaw (Erosion
Control)

Routine Tree
Maintenance Program

Green Infrastructure
Network Maps and
Assets (SRPEDD)

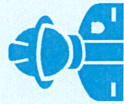
New FEMA Flood Maps
effective 6/6/21
and floodplain bylaw

MVP Planning Program

LakeCam

Other relevant
Ordinances as identified
(Code, etc.)

PUBLIC SURVEY



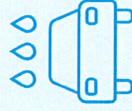
Where is the nearest Lakeville emergency shelter?"



Need wetlands bylaw and land protection focused on aquifer management.



Need more work on potential flooding issues. Also, more awareness to fire prevention in drought conditions.



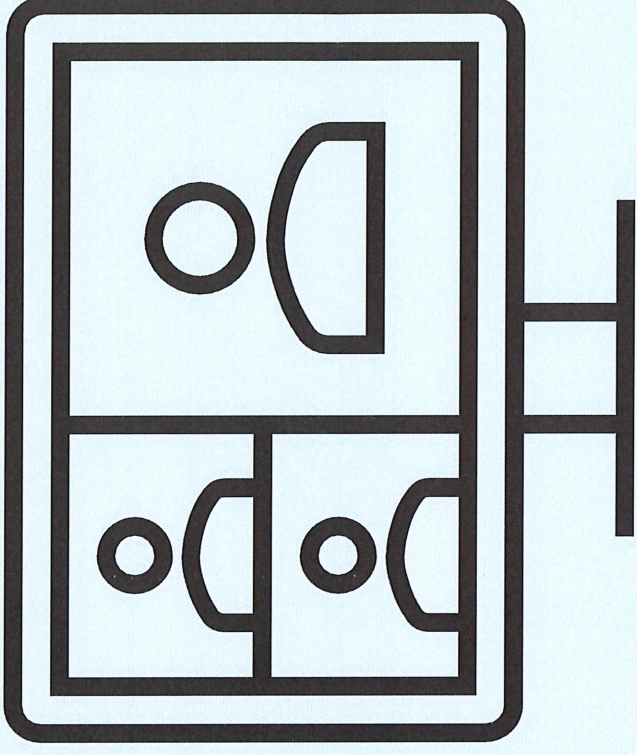
Storm drains need to either be cleaned regularly or add more in flood prone areas.



Tackle the invasive weed problems in local streams, ponds, lakes, rivers to allow them to flow better during heavy rains to prevent flooding.

NEXT STEPS

- **Additional Committee Meetings**
- **Virtual public meeting to gather input on mitigation strategies**
 - November TBD
- **After meetings, the plan will be revised with comments incorporated and submitted to MEMA and FEMA for comment**
- **Board of Selectmen/women will then adopt**



THANK YOU!

Town of Lakeville, Massachusetts
Hazard Mitigation Plan
2022



315 Merewood Park South
2nd Floor
Needham, Massachusetts 02062
781.253.1482
www.BETA-inc.com



Questions?

For more info, or to share photos
of damage or hazardous
conditions from past storms,
contact:

Emily Slotnick
BETA Group, Inc.
eslotnick@BETA-inc.com

**AGENDA ITEM #5
OCTOBER 25, 2021**

**BOARD OF SELECTMEN
ANNOUNCEMENTS**

Friday, October 29, 2021 until 8:00 PM is your final opportunity to register to vote for the November 8, 2021 Special Town Meeting. Please visit the Town Clerk's page to get more information.

A Special Town Meeting is being held on November 8, 2021 at 7:00 PM at Apponequet Regional High School. The warrant can be found on the Town's webpage under News and on the Town's Facebook page.

**AGENDA ITEM #6
OCTOBER 25, 2021**

TOWN ADMINISTRATOR ANNOUNCEMENTS

**AGENDA ITEM #7
OCTOBER 25, 2021**

DISCUSS AND POSSIBLE VOTE REGARDING WHETHER TO EXERCISE CHAPTER 61A RIGHT OF FIRST REFUSAL FOR THE PURCHASE OF THE PROPERTY LOCATED AT ASSESSORS MAP 18, BLOCK 1, LOT 2B (CORNER OF BARSTOW AND MONTGOMERY STREETS, HAROLD B. CARD OWNER)

Attached is the request letter and documentation from Harold Card requesting to remove the above property from Chapter 61A. The property contains 1.61 acres of land.

I have attached memos from the Conservation Commission, Planning Board and the Open Space Committee for your review.

I am waiting on the calculation of the rollback taxes. If it is not received prior to the copying of the agenda packet, I will email it to you as soon as it is received.

If the Board does not wish to exercise the right of first refusal to purchase the property, the motion would be:

To not exercise the Town's Right of First Refusal to purchase the property identified on Lakeville Assessors Map 18, Block 1, Lot 2B.

August 21, 2021

RECEIVED
AUG 25 2021
SELECTMEN'S OFFICE

Harold B. Card
8 Barstow St.
Lakeville Ma
02347

5089478361

Lakeville Board of Assessors
Lakeville Board of Selectmen
Lakeville Planning Board
Lakeville Conservation Commission.

Dear Board Members,

I intend to sell a portion of my property registered under Chapter 61A, for the purpose of residential development. The property under discussion is that identified as map 18, block 1 lot 2B., Montgomery St. Lakeville Ma. See attached plot plan.

I am notifying the Town of Lakeville so you can act on the First Right of Refusal for this property or release it so it can be sold.

Enclosed please find plot plan and copies of the Purchase and Sales Agreement.

Respectfully,


Harold B. Card

STANDARD RESIDENTIAL PURCHASE AND SALE AGREEMENT [#503]
(With Contingencies)

The parties make this Agreement this 1 day of Aug, 2001. This Agreement supersedes and replaces all obligations made in any prior Contract To Purchase or agreement for sale entered into by the parties.

1. **Parties:** Harold B. Carol the "SELLER," agrees to sell and Kris J. Fabroski the "BUYER," agrees to buy, the premises described in paragraph 2 on the terms set forth below. BUYER may require the conveyance to be made to another person or entity ("Nominee") upon notification in writing to SELLER at least five business days prior to the date for performance set forth in paragraph 5. Designation of a Nominee shall not discharge the BUYER from any obligation under this Agreement and BUYER hereby agrees to guarantee performance by the Nominee.

2. **Description Of Premises.** The premises (the "Premises") consist of:
(a) the land with any and all buildings thereon known as Lot 1 Corner of
Sawtooth & Montgomery, Lakewood
Map 16, Block 1, Lots 213 & 214, as more specifically described in a deed recorded in the _____ Registry of Deeds at Book _____, Page _____, [Certificate No. _____], a copy of which is / is not [choose one] attached; and

(b) all structures, and improvements on the land and the fixtures, including, but not limited to: any and all storm windows and doors, screens, screen doors, awnings, shutters, window shades and blinds, curtain rods, furnaces, heaters, heating equipment, oil and gas burners and fixtures, hot water heaters, plumbing and bathroom fixtures, towel racks, built-in dishwashers, garbage disposals and trash compactors, stoves, ranges, chandeliers, electric and other lighting fixtures, burglar and fire alarm systems, mantelpieces, wall-to-wall carpets, stair carpets, exterior television antennas and satellite dishes, fences, gates, landscaping including trees, shrubs, flowers; and the following built-in components, if any: air conditioners, vacuums systems, cabinets, shelves, bookcases and stereo speakers, and _____ but excluding _____
[insert references to refrigerators, dishwashers, microwave ovens, washing machines, dryers or other items, where appropriate]

3. **Purchase Price:** The purchase price for the Premises is \$ 139,450.00 (_____ dollars) of which 150,000 - Engineer Fee = 139,450.00 were paid as a deposit with Contract To Purchase; and
\$ _____ are paid with this Agreement;
\$ _____ are to be paid _____; and
\$ _____ are to be paid at the time for performance by bank's, cashier's, treasurer's or certified check or by wire transfer.
\$ _____ Total

4. **Escrow.** All funds deposited or paid by the BUYER shall be held in a non-interest bearing escrow account, by _____, as escrow agent, subject to the

KJS
BUYER'S Initials

[Signature]
BUYER'S Initials

[Signature]
SELLER'S Initials

SELLER'S Initials



terms of this Agreement and shall be paid or otherwise duly accounted for at the time for performance. If a dispute arises between the BUYER and SELLER concerning to whom escrowed funds should be paid, the escrow agent may retain all escrowed funds pending written instructions mutually given by the BUYER and the SELLER. The escrow agent shall abide by any Court decision concerning to whom the funds shall be paid and shall not be made a party to a lawsuit solely as a result of holding escrowed funds. Should the escrow agent be made a party in violation of this paragraph, the escrow agent shall be dismissed and the party asserting a claim against the escrow agent shall pay the agent's reasonable attorneys' fees and costs. *[If interest is to accrue on escrowed funds, indicate to whom it shall be paid.]*

5. **Time For Performance.** The SELLER shall deliver the deed and the BUYER shall pay the balance of the purchase price at 9 o'clock m. on the Nov 1 - 2021 day of , , at the Registry of Deeds, or at such other time and place as is mutually agreed in writing. *Upon a Building Permit KS* TIME IS OF THE ESSENCE AS TO EACH PROVISION OF THIS AGREEMENT. Unless the deed and other documents required by this Agreement are recorded at the time for performance, all documents and funds are to be held in escrow, pending prompt rundown of the title and recording (or registration in the case of registered land). SELLER'S attorney or other escrow agent shall disburse funds the next business day following the date for performance, provided that the recording attorney has not reported a problem outside the recording attorney's control.

6. **Title/Plans.** The SELLER shall convey the Premises by a good and sufficient quitclaim deed running to the BUYER or to the BUYER'S nominee, conveying good and clear record and marketable title to the Premises, free from liens and encumbrances, except:

- (a) Real estate taxes assessed on the Premises which are not yet due and payable;
- (b) Betterment assessments, if any, which are not a recorded lien on the date of this Agreement;
- (c) Federal, state and local laws, ordinances, bylaws, rules and regulations regulating use of land, including building codes, zoning bylaws, health and environmental laws;
- (d) Rights and obligations in party walls;
- (e) Any easement, restriction or agreement of record presently in force which does not interfere with the reasonable use of the Premises as now used;
- (f) Utility easements in the adjoining ways;
- (g) Matters that would be disclosed by an accurate survey of the Premises; and
- (h) _____

[insert in (h) references to any other easement, restriction, lease or encumbrance which may continue after title is transferred]
If the deed refers to a plan needed to be recorded with it, at the time for performance the SELLER shall deliver the plan with the deed in proper form for recording or registration.

7. **Title Insurance.** BUYER'S obligations are contingent upon the availability (at normal premium rates) of an owner's title insurance policy insuring BUYER'S title to the premises without exceptions other than the standard exclusions from coverage printed in the current American Land Title Association ("ALTA") policy cover, the standard printed exceptions contained in the ALTA form currently in use for survey matters and real estate taxes (which shall only except real estate taxes not yet due and payable) and those exceptions permitted by paragraph 6 of this Agreement.

8. **Closing Certifications and Documents.** The SELLER shall execute and deliver simultaneously with the delivery of the deed such certifications and documents as may customarily and reasonably be required by the

KS
BUYER'S Initials BUYER'S Initials

[Signature]
SELLER'S Initials SELLER'S Initials

BUYER'S attorney, BUYER'S lender, BUYER'S lender's attorney or any title insurance company insuring the BUYER'S title to the Premises, including, without limitation, certifications and documents relating to:

(a) parties in possession of the premises; (b) the creation of mechanics' or materialmen's liens; and SELLER'S satisfaction of requirements concerning UFFI imposed upon residential sellers by statute and applicable regulations; (c) the HUD-1 Settlement Statement and other financial affidavits and agreements as may reasonably be required by the lender or lender's attorney; (d) the citizenship and residency of SELLER as required by law; and (e) information required to permit the closing agent to report the transaction to the Internal Revenue Service. At the time of delivery of the deed, the SELLER may use monies from the purchase to clear the title, provided that all documents related thereto are recorded with the deed or within a reasonable time thereafter acceptable to the BUYER and, provided further, that discharges of mortgages from banks, credit unions, insurance companies and other institutional lenders may be recorded within a reasonable time after recording of the deed in accordance with usual conveyancing practices. The SELLER'S spouse hereby agrees to release all statutory, common law or other rights or interest in the Premises and to execute the deed, if necessary.

9. **Possession And Condition Of Premises.** At the time for performance the SELLER shall give the BUYER possession of the entire Premises, free of all occupants and tenants and of all personal property, except property included in the sale or tenants permitted to remain. At the time for performance the Premises also shall comply with the requirements of paragraph 6, and be broom clean and in the same condition as the Premises now are, reasonable wear and tear excepted, with the SELLER to have performed all maintenance customarily undertaken by the SELLER between the date of this Agreement and the time for performance, and there shall be no outstanding notices of violation of any building, zoning, health or environmental law, bylaw, code or regulation, except as agreed. The BUYER shall have the right to enter the Premises within forty-eight (48) hours prior to the time for performance or such other time as may be agreed and upon reasonable notice to SELLER for the purpose of determining compliance with this paragraph. At the time of recording of the deed, or as otherwise agreed, the SELLER shall deliver to BUYER all keys to the Premises, garage door openers and any security codes. Until delivery of the deed, the SELLER shall maintain fire and extended coverage insurance on the Premises in the same amount as currently insured.

10. **Extension Of Time For Performance.** If the SELLER cannot convey title as required by this Agreement or cannot deliver possession of the Premises as agreed, or if at the time of the delivery of the deed the Premises do not conform with the requirements set forth in this Agreement or the BUYER is unable to obtain title insurance in accordance with paragraph 7, upon written notice given no later than the time for performance from either party to the other, the time for performance shall be automatically extended for thirty (30) days, except that if BUYER'S mortgage commitment expires or the terms will materially and adversely change in fewer than thirty (30) days, the time for performance set forth in paragraph 5 shall be extended to one business day before expiration of the mortgage commitment. SELLER shall use reasonable efforts to make title conform or to deliver possession as agreed, or to make the Premises conform to the requirements of this Agreement. Excluding discharge of mortgages and liens, about which the SELLER has actual knowledge at the time of signing this Agreement, the SELLER shall not be required to incur costs or expenses totaling in excess of one-half (1/2) of one percent of the purchase price to make the title or the Premises conform or to deliver possession as agreed. If at the expiration of the time for performance, or if there has been an extension, at the expiration of the time for performance as extended, the SELLER, despite reasonable efforts, cannot make the title or Premises conform, as agreed, or cannot deliver possession, as agreed, or if during the period of this Agreement or any extension thereof, the SELLER has been unable to use proceeds from an insurance claim, if any, to make the Premises conform, then, at the BUYER'S election,

KS
BUYER'S Initials

BUYER'S Initials

HL
SELLER'S Initials

SELLER'S Initials

any payments made by the BUYER pursuant to this Agreement shall be immediately returned. Upon return of all such funds, all obligations of the BUYER and SELLER shall terminate and this Agreement shall automatically become void and neither the BUYER nor SELLER shall have further recourse or remedy against the other.

11. **Nonconformance Of Premises.** If the Premises do not conform to the requirements of paragraph 9 because they have been damaged by fire or other casualty (occurring after the date of this Agreement) that is covered by insurance, then the BUYER shall have the right to elect whether or not to proceed to accept the Premises and take title. If BUYER elects to proceed BUYER shall have the right to elect to have the SELLER pay or assign to the BUYER, at the time for performance, the proceeds recoverable on account of such insurance, less any cost reasonably incurred by the SELLER for any incomplete repairs or restoration. If the SELLER, despite reasonable efforts, has neither been able to restore the Premises to its former condition nor to pay or assign to the BUYER the appropriate portion of insurance proceeds, the BUYER shall have the right to elect to have the SELLER give the BUYER a credit toward the purchase price, for the appropriate amount of insurance proceeds recoverable less any costs reasonably incurred by the SELLER for any incomplete restoration.

12. **Acceptance Of Deed.** The BUYER shall have the right to accept such title to the Premises as the SELLER can deliver at the time for performance and if extended, shall have such right at the time for performance, as extended. The BUYER shall also have the right to accept the Premises in the then current condition and to pay the purchase price without reduction of price. Upon notice in writing of BUYER'S decision to accept the Premises and title, the SELLER shall convey title and deliver possession. Acceptance of a deed by the BUYER or BUYER'S nominee, if any, shall constitute full performance by the SELLER and shall be deemed to release and discharge the SELLER from every duty and obligation set forth in this Agreement, except any duty or obligation of the SELLER that the SELLER has agreed to perform after the time for performance. Notwithstanding the foregoing, the warranties, if any, made by the SELLER shall survive delivery of the deed.

13. **Adjustments.** At the time for performance of this Agreement adjustments shall be made as of the date of performance for current real estate taxes, fuel value, water rates, sewer use charges, collected rents, uncollected rents (if and when collected by either party), security deposits, prepaid premiums on insurance if assigned. The net total of such adjustments shall be added to or deducted from the purchase price payable by the BUYER at the time for performance. If the real estate tax rate or assessment has not been established at the time for performance, apportionment of real estate taxes shall be made on the basis of the tax for the most recent tax year with either party having the right to request apportionment from the other within twelve months of the date that the amount of the current year's tax is established. *[If tenants will continue to occupy the Premises, use of the Rental Property Addendum to Purchase And Sale Agreement should be considered.]*

14. **Acknowledgment Of Fee Due Broker.** The SELLER and BUYER acknowledge that a fee of _____ (\$ _____) for professional services shall be paid by the SELLER to None, the "BROKER", at the time for performance. In the event of a conflict between the terms of this Agreement and a prior fee agreement with BROKER, the terms of the prior fee agreement shall control unless BROKER has expressly agreed to a change in writing. The BUYER and SELLER acknowledge receipt of a notice from BROKER, pursuant to 254 of the Code of Massachusetts Regulations Section 3.0 (13), regarding any agency

KS

BUYER'S Initials

BUYER'S Initials

[Signature]

SELLER'S Initials

SELLER'S Initials

Form No. 503

MASSFORMS™
Statewide Standard Real Estate Forms

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Page 4 of 7



relationship of the BROKER with the BUYER and/or the SELLER. The BUYER and SELLER understand that _____, a real estate broker, is seeking a fee from _____, for services rendered as a seller's subagent / buyer's agent / facilitator (non-agent) [choose one]. The BUYER further represents and warrants that there is no other broker with whom BUYER has dealt in connection with the purchase of the Premises.

15. **Buyer's Default.** If the BUYER or BUYER'S Nominee breaches this Agreement, all escrowed funds paid or deposited by the BUYER shall be paid to the SELLER as liquidated damages. Receipt of such payment shall constitute the SELLER'S sole remedy, at law, in equity or otherwise, for BUYER'S default. The BUYER and SELLER agree that in the event of default by the BUYER the amount of damages suffered by the SELLER will not be easy to ascertain with certainty and, therefore, BUYER and SELLER agree that the amount of the BUYER'S deposit represents a reasonable estimate of the damages likely to be suffered.

16. **Buyer's Financing.** (Delete If Waived) The BUYER'S obligation to purchase is conditioned upon obtaining a written commitment for mortgage financing in the amount of \$_____ at prevailing rates, terms and conditions by _____. The BUYER shall have an obligation to act reasonably diligently to satisfy any condition within BUYER'S control. If, despite such diligent efforts, the BUYER has been unable to obtain such written commitment, the BUYER may terminate this Agreement by giving written notice that is received by SELLER or SELLER'S agent by 5:00 p.m. on the calendar day after the date set forth above. In the event that notice has not been actually or constructively received, this condition is deemed waived. In the event that due notice has been received, all monies deposited or paid by the BUYER shall be returned and all obligations of the BUYER and SELLER pursuant to this Agreement shall cease and this Agreement shall become void. In no event shall the BUYER be deemed to have used reasonable efforts to obtain financing unless the BUYER has submitted at least one (1) application to a licensed mortgage lender by _____ and acted reasonably promptly in providing any additional information requested by the mortgage lender.

17. **Inspections/Survey.** Buyer has had an opportunity to conduct all inspections and accepts the condition of the property as is, subject to any work expressly agreed in writing to be performed at the expense of Seller. Notwithstanding the foregoing, the Buyer has _____ days from the date of this Agreement to complete inspection of _____ by consultant(s) regularly in the business of conducting said inspections, of BUYER'S own choosing, and at BUYER'S sole cost. If the results are not satisfactory to BUYER, in BUYER'S sole discretion, BUYER shall have the right to give written notice received by the SELLER or SELLER'S agent by 5:00 p.m. on the calendar day after the date set forth above, terminating this Agreement. Upon receipt of such notice this Agreement shall be void and all monies deposited by the BUYER shall be returned. Failure to provide timely notice of termination shall constitute a waiver. In the event that the BUYER does not exercise the right to have such inspection(s) or to so terminate, the SELLER and the listing broker are each released from claims relating to the condition of the Premises that the BUYER or the BUYER'S consultants could reasonably have discovered.

18. **Lead Paint Laws.** For premises built before 1978 BUYER acknowledges receipt of the "Department of Public Health Property Transfer Notification" regarding the Lead Law, acknowledges verbal notification of the possible presence of lead hazards and the provisions of the Federal and Massachusetts Lead Laws and regulations, including the right to inspect for dangerous levels of lead. Occupancy of premises containing dangerous levels of lead by a child under six years of age is prohibited, subject to exceptions permitted by law. BUYER further acknowledges that neither the SELLER nor any real estate agent has made any

JS
BUYER'S Initials BUYER'S Initials

[Signature]
SELLER'S Initials SELLER'S Initials



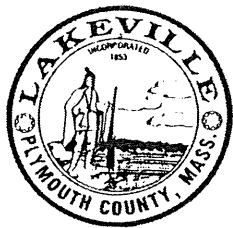
Tracie Craig-McGee

From: Bob <rjbouchard@verizon.net>
Sent: Wednesday, September 15, 2021 9:14 AM
To: Tracie Craig-McGee
Subject: hand property

Hi Tracie,

The commission voted last night against accepting the offer to purchase the Hand property.

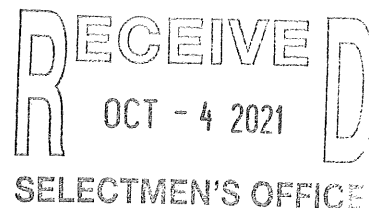
Bob



Mark Knox, Chairman
Peter Conroy, Vice-Chair
John Lynch
Michele T. MacEachern
Barbara Mancovsky

Town of Lakeville

PLANNING BOARD
346 Bedford Street
Lakeville, MA 02347
508-946-3473



MEMORANDUM

TO: Board of Selectmen

FROM: Planning Board

DATE: October 4, 2021

SUBJECT: Montgomery and Barstow Street, M018-B001-L02B – First right of refusal

At their Thursday, September 9, 2021, meeting, the Planning Board reviewed the above referenced correspondence from Mr. Harold Card notifying the Town of their right of the First Right of Refusal. After deliberation, the Planning Board voted unanimously to send a letter to the Board of Selectmen to recommend that they do not exercise their right of first refusal on this lot.

Tracie Craig-McGee

From: Adam Young <adamyoungphd@gmail.com>
Sent: Tuesday, October 12, 2021 11:35 AM
To: Tracie Craig-McGee
Subject: Re: Harold Card property

Scanned my inbox and answered my own question. We have determined it is not a priority property and have no intent of purchasing this property or otherwise contesting its removal from 61A, although we do intend to ensure that any appropriate fees from early ch61A removal are collected.

Adam

Sent from my iPhone

On Oct 12, 2021, at 11:32 AM, Adam Young <adamyoungphd@gmail.com> wrote:

What is the address? The name is not familiar, unfortunately.

Thanks,
Adam

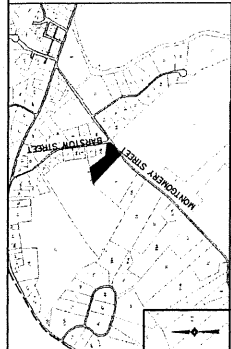
Sent from my iPhone

On Oct 12, 2021, at 10:03 AM, Tracie Craig-McGee <tcraig-mcgee@lakevillema.org> wrote:

Hi Adam,

Did the Open Space Committee have a recommendation on this 61A property?

*Tracie Craig-McGee
Executive Assistant - Board of
Selectmen & Town Administrator
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
508 946-8803*



1-HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

21-461

AZU O. C. ETORIRU, P.L.S.
MA REGISTERED LAND SURVEYOR #49203



Plymouth County Registry of Deeds
PLAN BOOK 65 PAGE 779

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

DATE: 8/14/21

TOWN OF LAKEVILLE PLANNING BOARD

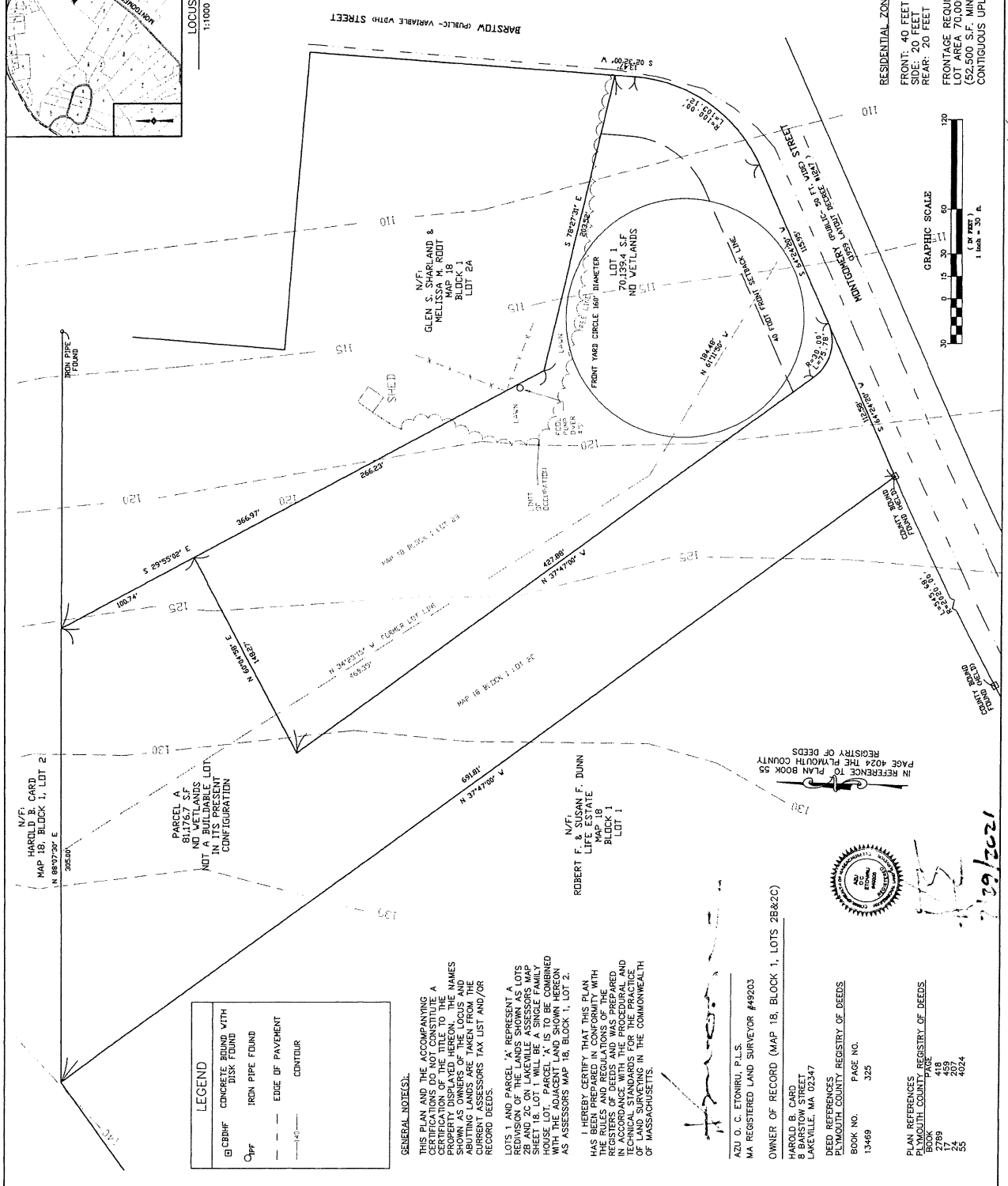
ENDORSEMENT OF THIS PLAN BY THE PLANNING BOARD SHALL CONSTITUTE THE PLAN AS SHOWN ON THE LOTS SHOWN HEREON TO THE TOWN OF LAKEVILLE IN ACCORDANCE WITH THE ZONING BYLAWS AND ORDINANCES, AND IT DOES NOT CONSTITUTE ITS ENDORSEMENT OF ANY SPECIFIC LOT DEVELOPMENT PLAN FOR WHICH SITE PLAN OR SPECIAL PERMIT AND/OR ORDER OF CONDITIONS MAY BE REQUIRED.

APPROVAL NOT REQUIRED
PLAN OF LAND
LAKEVILLE, MA
PLYMOUTH COUNTY
0 MONTGOMERY STREET
(MAP 18, BLOCK 1, LOTS 2B & 2C)

PREPARED FOR
KRIS FABROSKI
P. O. BOX 290
BRIDGEWATER, MA 02333

PREPARED BY
E.T. ENGINEERING & ENTERPRISES, INC.
PROFESSIONAL CIVIL AND ENVIRONMENTAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
46 BRIDGEWATER, MA 02334-3152
(508) 877-1451
PHONE: 508-877-5215 FAX: 508-877-1451
DATE: JUNE 15, 2021 SCALE: AS NOTED
PROJECT: 802-007
DRAWING: ARCH D
FILE: 607-007/DWG/ANR.DWG

RESIDENTIAL ZONE
FRONT: 140 FEET
SIDE: 20 FEET
REAR: 20 FEET
FRONTAGE REQUIRED: 175 FEET
LOT AREA 70,000 S.F.
(52,500 S.F. MIN.
CONTIGUOUS UPLAND)



GENERAL NOTES:
THIS PLAN AND THE ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF THE TITLE TO THE PROPERTY DISPLAYED HEREON. THE NAMES OF THE ADJACENT LANDS AND THE ADJUTING LANDS ARE TAKEN FROM THE CURRENT ASSESSORS TAX LIST AND/OR RECORD DEEDS.
LOTS 1 AND PARCEL 'A' REPRESENT A REDIVISION OF THE LANDS SHOWN AS LOTS 2B AND 2C ON LAKEVILLE ASSESSORS MAP 18, BLOCK 1. ALL LOTS TO BE COMBINED WITH THE ADJACENT LAND SHOWN HEREON AS ASSESSORS MAP 18, BLOCK 1, LOT 2.
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS AND THE TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

IN REFERENCE TO PLAN BOOK 55 PAGE 4024 THE PLYMOUTH COUNTY REGISTER OF DEEDS

LEGEND
 [Symbol] CONCRETE BOUND WITH DISK FOUND
 [Symbol] IRON PIPE FOUND
 [Symbol] EDGE OF PAVEMENT
 [Symbol] CONTOUR

PARCEL A
81,176.7 SF
NO WETLANDS
NOT IN ITS PRESENT CONFIGURATION

IRON PIPE FOUND
MAP 18, BLOCK 1, LOT 2
N 89°07'20" E
305.50'

N 29°59'02" E
100.74'
S 29°59'02" E
366.97'
N 12°52'10" W
468.59'
N 12°52'10" W
468.59'
N 80°14'41" E
108.08'

DEED REFERENCES
PLYMOUTH COUNTY REGISTER OF DEEDS
BOOK NO. PAGE NO.
13469 325

PLAN REFERENCES
PLYMOUTH COUNTY REGISTER OF DEEDS
BOOK NO. PAGE NO.
17289 418
17289 459
17289 4024

OWNER OF RECORD (MAP 18, BLOCK 1, LOTS 2B&2C)
HAROLD B. CARD
200 MONTGOMERY STREET
LAKEVILLE, MA 02347

1201/2021

CHAPTER 61

DECISION OF THE BOARD OF SELECTMEN

CHANGE OF USE OF CLASSIFIED LAND

Harold B. Card
8 Barstow Street
Lakeville MA 02347

The Board of Selectman of the Town of Lakeville, Massachusetts, having receive a "Notice of Intent" from Harold B. Card to sell land classified as Agricultural or Horticultural and taxed under the provisions of Massachusetts General Law Chapter 61.

Description of the land pertaining to this notice:

That certain parcel of land located on Montgomery Street, Lakeville MA consisting of 70,319.4 square feet shown as Lot 1 on the Approval Not Required Plan of Land in Lakeville, MA recorded in Plymouth County Registry of Deeds Plan Book 65, Page 779. Said Lot is Lot 2B on Lakeville Assessor's Map 18, Block 1.

Owner of Record: Harold B. Card

Under Chapter 61A, the Town of Lakeville has the option to purchase said land intended for sale as agricultural land. This notice is to inform you that the Lakeville Board of Selectmen on _____ has voted not to exercise said option.

Lakeville Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

October 2021

Then personally appeared the above-named Evagelia Fabian, Richard LaCamera and Lorraine Carboni and acknowledged the foregoing instrument to be their free act and deed and the free act and deed of the Town of Lakeville, before me.

Tracie L. Craig-McGee, Notary Public

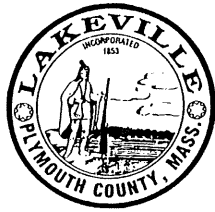
My commission expires: February 22, 2024

**AGENDA ITEM #8
OCTOBER 25, 2021**

**DISCUSS AND POSSIBLE VOTE TO APPOINT JOHN VIARELLA AS
HUMAN RESOURCES DIRECTOR**

Attached is a memo from the Town Administrator recommending the appointment of John Viarella as the Town's Human Resources Director.

Also attached is Mr. Viarella's letter of interest and resume for your review.



TOWN OF LAKEVILLE

Town Administrator's Office

346 Bedford Street
Lakeville, MA 02347
(508) 946-8803

October 18, 2021

TO: Board of Selectmen

FROM: Ari J. Sky, Town Administrator *aj*

SUBJECT: Human Resources Director

The Human Resources Director was widely advertised on municipal job listing and placement sites, social media and on the Town's website. The Town received 76 resumes, 22 of which were full applications. Two candidates subsequently withdrew.

Interviews were held beginning the week of September 13th. The interview panel consisted of Town Clerk Lillian Drane, Fire Chief Michael O'Brien, Police Chief Matthew Perkins, Public Works Director Franklin Moniz, Human Resources Director Clorinda Dunphy and me. I am pleased to inform you that the panel unanimously recommended John Viarella (resume and cover letter attached) for the position.

John has been the Director of Human Resources for the City of Revere since 2017. His previous experience includes seven years as the Human Resources Manager for a government consulting firm and two years as an HR Business Partner with Booz Allen Hamilton. I respectfully request that, in acknowledgement of his extensive government experience and to maintain competitiveness with his current compensation, that the Town offer John a salary of \$87,000. In addition, John earns three weeks' annual vacation in his current position: I would also request that he be provided the same in Lakeville to maintain his current rate of accrual.

Thank you for your consideration. Please do not hesitate to let me know if you have any questions or would like to discuss this position.

Attachments

September 3, 2021

John Viarella
675 Revere Beach Blvd
Revere, MA 02151

To Whom It May Concern:

I am writing to express my interest in the position of HR Director. Although, I live just outside of Boston I am looking to relocate to your area. As you can see from my attached resume, I have the personal attributes, experience, and skills that you are seeking.

Over the past twenty years I have accumulated significant experience in virtually every HR discipline including but not limited to employee relations, performance management, retention strategy development, compensation planning, benefit program design and implementation, benefit administration, recruiting, training development and facilitation, legal compliance, investigations, HR data system management, and payroll.

In addition to practical expertise, my career has helped me develop valuable personal attributes such as flexibility and adaptability as well as the ability to prioritize, multitask, and work in a fast paced environment. I have also learned how to coordinate with employees and managers in different time zones, and develop positive working relationships with a wide range of people from diverse backgrounds. Throughout my career I have demonstrated my ability to balance day to day operations with long-term initiatives.

I believe that my resume shows that I have in depth knowledge in many areas of human resource management. My prior background in customer service has taught me to take a service-oriented approach to my work, which I believe is a critical component to my success.

I would greatly appreciate the opportunity to elaborate on my professional accomplishments and demonstrate how they can be put to use for you. If you would like to discuss my qualifications in greater detail, please contact me at your earliest convenience at telephone number, (540) 848-0105 Thank you for your time and consideration of my candidacy: I look forward to hearing from you in the near future.

Sincerely,

John Viarella

John Viarella, MBA / SHRM SCP
675 Revere Beach Blvd., MA 02151
Mobile: 540.848.0105
johnviarella@gmail.com

Profile:

Over twenty years of experience in Human Resources culminating in a diversified background with strengths in legal compliance, recruiting, employee and labor relations, project management, benefits selection, and administration, as well as managing compensation and payroll. I am an energetic and professional facilitator, with excellent interpersonal skills and have the proven ability to manage long term projects while still fulfilling day to day obligations.

Experience:

Director of Human Resources, City of Revere:

July 2017 – Present

Job Responsibilities

- Has overall responsibilities for all human resource activities and programs
- Creates, implements, and administers all human resource programs and policies
- Manages a staff of two full time employees
- Ensures compliance with all state and federal employment laws
- Directs hiring and onboarding activities
- Prepares and administers the Human Resource Department Budget
- Manages employee relations, progressive discipline and labor relations issues including responding to grievances
- Negotiates collective bargaining agreements on behalf of the City
- Creates and manages a suite of job descriptions and salary classifications
- Ensures that salary schedules remain up to date
- Functions as the City's designated agent and acts as an advisor to management in such matters as FMLA, Sexual Harassment, Workplace Violence, Affirmative Action/EEO, ADA HIPAA, FLSA and USERRA
- Performs EEO reporting activities and creates Affirmative Action Plans
- Administers workers compensation and other leave programs

Selected Accomplishments

- Hired as the first HR Director in 25 years for a city that had a Human Resource Department for only a brief period during the 1990's
 - Was tasked with building a Human Resource Department from the ground up
- Implemented an entire suite of human resource policies and procedures including but not limited to recruitment, onboarding, record keeping, progressive discipline, promotions and leave administration
- Introduced a new recruitment program based on best practices in recruitment and behavioral interviewing techniques
- Created an employee handbook which had to be negotiated with five different labor unions
- Greatly improved labor relations by meeting and working collaboratively with union leadership
- Renegotiated eight union contracts without arbitration or mediation
- Implemented policies and procedures to ensure compliance with all federal and state labor laws
- Worked with the Innovation and Technology Department to create an online employee filing system greatly reducing the number of paper files and documents
- Currently in the process of creating online forms and documents which will eliminate paper forms
- Collaborated with a third-party vendor to create efficiencies in the City's workers compensation management program resulting in reduced workload for Human Resources, Auditing and Treasury departments

- Contracted to bring EAP services to the City for the first time
- Redesigned the onboarding process to include a welcome email and online assistance so that new employees were well informed and prepared for their first day of work
- Collaborated with the Innovation and Technology Department to update and improve the Human resource Department website

HR Manager, DAI:

Aug. 2010 – July 2017

Job Responsibilities:

- Ensured compliance with federal and state laws including ADA, EEO, AA, HIPAA, COBRA, FLSA and USERRA
- Was responsible for EEO 1 reporting and the creation of affirmative action plans
- Performed recruiting activities for high volume and/or difficult to fill positions within a short time frame
 - Effectively used social media and other emerging practices to find qualified candidates at a low cost
- Wrote position descriptions and designed recruitment strategies to ensure effectiveness
- Managed the recruitment function and supervise two full time recruiters
 - Trained recruitment staff in the use of contingent sourcing and hiring techniques
- Advised managers on matters such as diversity, equal employment opportunity and sexual harassment issues and offer recommendations to improve communications, policies, procedures, and training
- Wrote and maintained all company policies and employment practices
- Worked with the Director of Marketing on an internal web portal where employees can communicate with one other and find vital HR information such as benefits information, forms and policies, current happenings, and training materials
- Created and maintained the human resource budget
- Was responsible for the creation and presentation of training materials that cover topics such as Sexual Harassment Prevention, FMLA and Legal Hiring Practices

Selected Accomplishments:

- Developed a new behavioral based interview process to increase the quality of hiring decision and reduce turnover
 - Created a behavioral based process for conducting interviews
 - Worked with management to develop core competencies for all positions which were incorporated into the interview process
 - Developed interview guides to ensure that interview questions were relevant to the position
 - Implemented an unbiased scoring system to properly evaluate candidates
 - Designed a training program for all employees including a tutorial on legal issues when conducting an interview, how to ask behavioral questions, press for answers and role play activities
- Developed new and improved benefits programs based on competitive market data and employee feedback resulting in superior benefits at a lower cost to both the employees and the organization
- Convinced the executive staff of the need to redesign the 401(k) plan and move to a new vendor based on high administrative costs, low returns, and a poor participation rate of roughly 30%
 - Interviewed potential vendors and explored plan design and investment options
 - Selected a vendor and implemented the new plan and educate employees on the new program resulting in reduced costs, better investment options and a participation rate of over 90%
- Created a coaching program whereby employees used education development funds for personal coaching
- Designed a new objective-based performance management process this included development of an overall strategy, standard operating procedures, forms, and training materials
- In conjunction with the new performance management process designed a merit and bonus structure designed to reward employees at all levels
- Worked with a SharePoint developer to design an automated in-house performance management system

- Guided the SharePoint developer regarding user interface design by incorporating management and employee feedback
- Designed test scripts and recruited volunteers to thoroughly test the system before implementation
- Created a user guide and training materials which were used to train employees at all levels
- Saved 100k in software costs and received the first ever Shout Out Award for excellence
- Designed a complete compensation strategy including job leveling, pay grades, and salary ranges
 - This strategy included a salary band structure and salary ranges based on competitive data
 - Implemented a reward system designed to reward employees based on relative contribution
 - Created a Career Path Matrix (CPM) providing employees with a line of sight between their current position and the education, experience, and qualifications necessary for advancement
 - Worked with the management team to develop an Individual Development Plan template so that employees could work toward their career goals with the help of their manager

Senior HR Business Partner, Booz Allen Hamilton: May 2008 – Aug. 2010

Job Responsibilities:

- Ensured compliance with all federal, state, and local regulations including ADA, EEO, HIPAA, COBRA, and USERRA
- Interviewed potential new hires and made hiring recommendations
- Implemented the firm’s people strategies, assessments, investigations, and resolution of employee relations issues, performance management, and management and administration of all HR policies
- Provided senior-level HR support in the areas of career management, employee relations and retention, employee motivation, organizational policies, and compensation
- Provided career management guidance and one-on-one counseling in the areas of writing assessments, mentoring, career discussions, professional development plans, and salary management
- Provided leadership and education on the firm’s core values, ethics and compliance, and overall HR policies, educated and counseled managers on employee relations issues Advised managers on compensation decisions through job analysis and determination of internal and external equity
- Served as an adjunct facilitator for the firm’s courses on career development

Selected Accomplishments:

- Implemented a new assessment process resulting in reduced time spent on assessments while decreasing quarterly costs of 150k
- Coached, mentored, and wrote assessments for junior staff
 - Was instrumental in the promotion of a coworker I mentored from an administrative role into an entry level HR specialist position
 - Worked on an employee relations case review program to provide junior employees with practical employee relations experience necessary to move into higher level HR functions

Education:

Suffolk University, Boston, MA		May 2021
Graduate Certificate in Local Government Leadership & Management		
University of Phoenix: Braintree, MA	GPA 3.6	December 2003
MBA		
Curry College: Milton, MA	GPA 3.8	October 2000
Bachelor of Arts in Business Management		

Northeastern University: Boston, MA

GPA 3.8

June 1997

Associate of Science Degree in Human Resource Management

Member Golden Key National Honor Society

SPHR Certified & SHRM SCP Certified

June 2009

Computer Skills:

MUNIS, PeopleSoft, Microsoft Office (Word, Excel, and PowerPoint), Microsoft Outlook, ADP PC Payroll for Windows, ADP Report smith. SharePoint

Human Resource Professional: 1997 – 2008

- Held a series of human resource positions at companies both large and small
 - Industries worked in include retail, wholesale distribution, office supplies, technology and software companies, trade show production and consulting

Retail, Sales and Customer Service Professional: 1987 – 1997

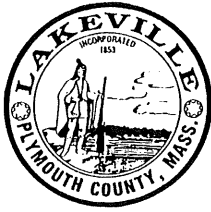
- Prior to beginning a career in human resources held positions in sales, retail store management and customer service

**AGENDA ITEM #9
OCTOBER 25, 2021**

**DISCUSS AND POSSIBLE VOTE TO APPOINT JASMIN FARINACCI
AS TOWN PLANNER**

Attached is a memo from the Town Administrator recommending the appointment of Jasmin Farinacci as the Town's Planner.

Also attached is Ms. Farinacci's letter of interest and resume for your review.




TOWN OF LAKEVILLE

Town Administrator's Office

346 Bedford Street
Lakeville, MA 02347
(508) 946-8803

October 18, 2021

TO: Board of Selectmen

FROM: Ari J. Sky, Town Administrator 

SUBJECT: Town Planner Position

The Board of Selectmen approved the position description for the Town Planner on June 14, 2021. The position was widely advertised on municipal job listing sites, social media and on the Town's website. The Town received 11 applications, three of whom subsequently withdrew.

Several interview rounds were held over the course of the summer. The interview panel consisted of Planning Board Chairman Mark Knox, Zoning Board of Appeals Chairman John Olivieri, Building Commissioner Nathan Darling, Human Resources Director Clorinda Dunphy and me. I am pleased to inform you that the panel unanimously recommended Jasmin Farinacci (cover letter and resume attached) for the position.

Jasmin is currently the Assistant Planner for the Town of Bridgewater, and her previous experience includes three years in the Town of Wareham's planning department. The panel was very impressed with Jasmin's demeanor and approach to the profession, and she has completed all preemployment checks. Given that she is currently in the process of completing her degree, I respectfully request that the Town offer Jasmin a salary of \$72,000, with a \$5,000 increase to be provided upon the completion of her degree in urban planning.

Thank you for your consideration. Please do not hesitate to let me know if you have any questions or would like to discuss this position.

Attachments

Jasmin Farinacci

340 Williams Street, Mansfield, MA 02048

508-933-7906

jasmin.lace@yahoo.com

September 8, 2021

Town of Lakeville
Clorinda Dunphy
Human Resources
346 Bedford Street
Lakeville, MA

Dear Ms. Dunphy,

I am writing to express my interest in the position for Town Planner in Lakeville. My knowledge of Urban Planning, Community Development, and its processes, as well as my established experience and education, make me a qualified candidate for this position. I am interested in working in Lakeville because I have noticed the efforts to maintain open space, update infrastructure and roadways, and other admirable projects within town.

I have over eight years of planning experience. In my career I have successfully applied for grants through Green Communities, Complete Streets, HMP, MVP, and many others totaling over 3 million dollars. I excel at conducting successful public hearings and listening sessions. I have strong working relationships with groups such as Woods Hole, MA Dept. of Fish and Game, SRPEDD, OCPC, Mel King, and other partners. I have worked through multiple zoning re-codifications as well as written multiple by-laws.

I am experienced with bidding and the process entailed in obtaining contractors. I have thorough knowledge of state and local Laws, case law, and am adept and quick at learning Town By-Laws as well as Zoning By-laws. I have extreme success in identifying and working with community stakeholders. I hold discussions with the appropriate amount of tact and discretion, and understand the political nature of this field.

I take immense pride in my work and knowledge of my profession, and strive to excel in it. Thank you for taking the time to review my application and resume. I am available for discussion or questions at any time. I look forward to hearing from you.

Respectfully,

Jasmin Farinacci

SUMMARY Successful Planner with strong background in Economic Development projects. Compiles, analyzes, and models information from diverse sources to build data-driven resource bases for effective planning. Well-versed in planning trends and needs. Communicates proactively to coordinate projects and align logistics with objectives. Astute problem-solver with exceptional critical thinking and workflow coordination skills.

- SKILLS**
- Land utilization
 - Feasibility reviews
 - Research background
 - Project Management
 - Data Management
 - Information analysis
 - Critical thinking
 - Team management
 - People Skills
 - GIS

EXPERIENCE **ASSISTANT PLANNER** | 07/2019 to Current

Town of Bridgewater – Bridgewater, MA

- Recommended approval, denial, or conditional approval of proposals.
- Drafted multiple zoning bylaws, completed multiple zoning codifications and re-writes as well as master plan updates.
- Completed and submitted grant applications to seek funding for projects, bringing in more than \$1,000,000.00 in two years.
- Processed zoning and project permits, verifying information against established standards to make accurate approval or denial judgments.
- Created graphic or narrative reports on land use data, including land area maps overlaid with geographic variables such as population density.
- Skilled with 53G accounts, bonds, sureties, and various forms of accounting software.

OFFICE ADMINISTRATOR | 01/2016-07/2019

Town of Bridgewater – Bridgewater, MA

- Developed and wrote content for long-range planning documents, including area plans and subcommunity plans.
- Identified opportunities or developed plans for sustainability projects or programs such as MVP, HMP, Complete Street, Green Communities, MDI, and many others.
- Studied urban trends and impacts to effectively target development and renewal plans.
- Liaised between planning teams and outside departments to build solid partnerships and accomplished shared goals.
- Created graphic or narrative reports on land use data, including land area maps overlaid with geographic variables such as population density.
- Recommended approval, denial or conditional approval of proposals.
- Designed and administered government plans or policies affecting land use, zoning and public utilities.
- Devised and updated official regulatory documents, zoning codes and city plans.

- Provided city leaders, developers, lawyers and general public with plans for community spaces by delivering presentations in public meetings.
- Completed and submitted grant applications to seek funding for projects, bringing in more than \$2,000,000.00 in under three years.
- Coordinated city redevelopment efforts and resolved zoning disputes.

OFFICE ADMINISTRATOR | 07/2013-11/2015

G.A.F. Engineering, Inc., Wareham, MA

- Interacted professionally with customers and inside personnel, answering questions and responding to phone and email inquiries.
- Maintained company accounting records by entering accounts payable, accounts receivable, invoices and expense reimbursements.
- Managed office paperwork, including scanning documents and routing business correspondence.
- Processed financial documents, contracts, expense reports and invoices.
- Coordinated schedules, administrative functions, quality assurance and process improvements to bolster operational output.
- Coordinated with project engineer on final as-built drawings so department and customer had accurate record of final design implemented on site.
- Aided the Engineer in preparing for public meetings
- Reading and recording of land use plans

**EDUCATION AND
TRAINING**

Arizona State University – AZ

Bachelor of Science

Urban Planning – **Enrolled (estimated graduation 2022)**

Cape Cod Community College

Teaching Certificate

Early Childhood Education – **05/2007**

**AGENDA ITEM #10
OCTOBER 25, 2021**

DISCUSS AND VOTE ON HOLIDAYS FOR 2022

The proposed holidays for 2022 are as follows:

Friday, December 31, 2021

**In observance of New
Year's Day 2022 (voted last
year)**

Monday, January 17, 2022

Martin Luther King, Jr. Day

Monday, February 21, 2022

Presidents' Day

Monday, April 18, 2022

Patriots' Day

Monday, May 30, 2022

Memorial Day

Monday, June 20, 2022

In Observance of
Juneteenth Independence
Day (approved in 2021)

Monday, July 4, 2022

Independence Day

Monday, September 5, 2022

Labor Day

Monday, October 10, 2022

Columbus Day

Friday, November 11, 2022

Veterans' Day

Thursday, November 24, 2022

Thanksgiving

Friday, November 25, 2022

Day after Thanksgiving

Friday, December 23, 2022

In Observance of
Christmas Eve Day

Monday, December 26, 2022

In Observance of
Christmas Day

Monday, January 2, 2023

In Observance of New
Years' Day 2023

**AGENDA ITEM #11
OCTOBER 25, 2021**

**REVIEW AND VOTE TO APPROVE BOARD OF SELECTMEN
MEETING MINUTES OF OCTOBER 12, 2021**

TOWN OF LAKEVILLE
Board of Selectmen, acting as the Wage &
Personnel Board as needed
Meeting Minutes
October 12, 2021 – 6:30 PM
REMOTE LOCATION

On October 12, 2021, the Board of Selectmen held a meeting at 6:30 PM remotely from various locations. The meeting was called to order at 6:30 PM by Chair Fabian. Selectmen present were: Chair Fabian and Selectman LaCamera. Also present was Ari Sky, Town Administrator, Tracie Craig-McGee, Executive Assistant and Christina Cotsoridis, Assistant to the Town Administrator. LakeCAM was recording the meeting for broadcast.

In accordance with provisions allowed by Chapter 20 of the Acts of 2021, the October 12, 2021 public meeting of the Lakeville Board of Selectmen will be held remotely. **However, to view this meeting in progress, please go to [facebook.com/lakecam](https://www.facebook.com/lakecam) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>.**

Meet with Town Moderator to discuss and/or vote on reduction of the November 8, 2021 Special Town Meeting Quorum

Present for the discussion was Town Moderator Kathryn Goodfellow. Chair Fabian said the Board was considering whether to reduce the quorum for the upcoming Special Town Meeting. Ms. Goodfellow recommended that the quorum not be reduced. We have the Community Preservation Act on the warrant, which will impact a large number of voters. All Board Members felt that the regular quorum would be fine. The Special Town Meeting will take place at Apponequet Regional High School at 7:00 PM on November 8, 2021. Chair Fabian said the quorum will be 100 voters.

Meet with Finance Committee for joint appointment of Lawrence Kostant to Finance Committee vacancy

Present for the discussion were members of the Finance Committee: Darren Beals; Brian Day; and Katie Desrosiers. Chairman Beals called the Finance Committee Meeting to order at 6:51 PM. The Finance Committee would like to recommend Lawrence Kostant to the Finance Committee for appointment.

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

VOTED: To appoint Lawrence Kostant to the Finance Committee for a term to expire April 4, 2022.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

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

VOTED: To appoint Lawrence Kostant to the Finance Committee for a term to expire April 4, 2022.
Roll call vote: Ms. Desrosiers – aye; Mr. Day – aye; and Chairman Beals – aye.

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

VOTED: To adjourn the Finance Committee at 6:54 PM.
Roll call vote: Ms. Desrosiers – aye; Mr. Day – aye; and Chairman Beals – aye.

Meet with Town Clerk to review and possible vote on 2020 Precinct Re-Precincting Map, Legal Descriptions for Boundaries for 3 Precincts and Official Block Listings

Present for the discussion was Lillian Drane, Town Clerk. Ms. Drane said according to the 2020 Federal Census, Lakeville had 11,523 residents. The precinct populations will be: Precinct 1 - 3,794; Precinct 2 – 3,906 and Precinct 3 - 3,823 residents. Ms. Drane read the legal boundary description into the record. She noted that 126 residents will be changing precincts. Mr. Sky said the legislature came out with the draft maps for the legislative districts today. We are split between the 8th and 12th Bristol District; Precincts 1 and 2 are in the 8th and Precinct 3 is in the 12th district.

Upon a motion made by Chair Fabian stepping down and seconded by Selectman Carboni, it was:

VOTED: To accept as presented by the Town Clerk the 2020 Re-Precincting Plan for the Town of Lakeville, including the map, legal description and block listings.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Board of Selectmen Announcements

Chair Fabian read the Board of Selectmen announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator announcements.

Review and vote on Final Warrant for Special Town Meeting – November 8, 2021

Selectman LaCamera said the articles were read at the last meeting. Chair Fabian summarized Articles 1-12.

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

VOTED: To approve the final Warrant for the Special Town Meeting on November 8, 2021 at 7:00 PM at Apponequet High School.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Discuss and possible vote to accept final draft of Board, Commission and Committee Handbook

Chair Fabian asked the Board members for comments on the handbook. Selectman Carboni said she has some grammatical corrections to send in. She has spoken to the Town Clerk about adding in what the Boards, Committees and Commissions do. We will have to make changes to the document if the Board changes to Select Board, so we can make the changes after the Town Meeting. Selectman LaCamera the document makes clear the responsibilities of each Board, Committee and Commission. We have not had the discussion on how to make sure that their responsibilities get implemented. We

should wait to vote on this. One of the things that has been a constant problem is minutes and the responsibility on who should do what. It should not be the Selectmen's Office making sure that minutes are up to date. It is more of a responsibility of the Town Clerk's Office. Ms. Drane said it should not be her office's responsibility. It is the responsibility of the clerks of the Committees, Boards and Commissions to do that. Selectman LaCamera said he doesn't disagree, but if you look at the Town's website, 25-30% of the minutes are not on the website. Chair Fabian asked if there is a committee that is not submitting their minutes, whose responsibility is it to remind them. Selectman LaCamera said this has been an ongoing problem for a while. We need to figure out how to change this. Who is responsible for this? Chair Fabian said that Mr. Sky and Ms. Drane can get together the list of responsibilities and we can have an internal conversation on who is responsible for getting the minutes done. Selectman LaCamera said perhaps the description of what the Boards, Committees and Commissions do can be an addendum.

Discuss and possible vote to approve 2021-2022 contract plow rates

Franklin Moniz, DPW Director, was present for the discussion. Mr. Moniz explained that the plow rates were adjusted two (2) years ago, and we are going along with the MassDOT rates to stay competitive.

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

VOTED: To approve the 2021-2022 contract plow rates as presented.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Discuss and possible vote to approve DPW request to provide a stipend for CDL licensed emergency snowplow drivers.

Franklin Moniz, DPW Director, was present for the discussion. Mr. Moniz spoke about the need for seasonal emergency snow plow drivers with CDL endorsements. He believes a \$5.00 per hour stipend is fair for a driver with a CDL license. His current emergency snow plow drivers only drive the one-ton trucks and pick-up trucks. He has one (1) individual that is interested in the position.

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

VOTED: To approve the recommendation of the DPW Director to include a stipend of \$5.00 per hour for a CDL License for Emergency Snow Plow Drivers.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Mr. Sky said we should note that this is specifically for an Emergency Highway Operator with a CDL License. Selectman LaCamera asked if this needs to be posted? Mr. Moniz said yes.

Discuss and possible vote to approve snow plow rate change for the Freetown/Lakeville Regional School District

Franklin Moniz, DPW Director, is present for the discussion. Mr. Moniz said the last time we updated the rates that we charge the School Department was done was in 2011/2012. We plow Assawompset School regularly and sometimes help with the School Complex. Right now, the Region

pays a lower rate than we pay our contractors; this would even out the rates. The sanding rate would remain the same. This is just to increase our current rates.

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

VOTED: To approve the recommended increase in rates for the snow plow rates for the Freetown/Lakeville Regional School District for the 2021/2022 season.

Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Update on the American Rescue Plan Act and possible vote to designate contacts for Plymouth County applications.

Mr. Sky said we are operating on the interim final rule from the Treasury. The Town's biggest revenue loss was in the Park Enterprise Fund, but we had growth in the General Fund, which offset our loss. Plymouth County held a webinar met on reporting to ARPA and there was confusion on capital projects. Town Meeting approval is not required. The rule that applies is the same rule on any grant, which the Board of Selectmen approves the use of the money. There are two (2) pots of funding: direct funding of \$1,210,073 from the Federal Government. In addition, we may be eligible for up to \$2,000,000 from Plymouth County, but it is unknown how much will be reduced by Plymouth County for their own purpose. Mr. Sky said the final reporting to the Federal Treasury for non-entitlement units was supposed to be due in November, but it is extended it to April 30th. There are four (4) things those funds can be used for: to respond to public health emergencies with respect to Covid-19 or its negative economic impacts; provide premium pay to employees providing essential work during the Covid-19 public health emergency; provide government services to the extent of the government's reduction in revenue due to Covid-19 and invest in water, sewer or broadband infrastructures. Park improvements are considered appropriate if you can justify that work would have been done, but did not have the funds to do it due to the pandemic. We can probably start looking at ideas. We can also look at water issues in the Parks regarding extension of water, layout and design.

Selectman LaCamera asked what is Plymouth County taking the money for. Mr. Sky said for administration and for a pool of money if additional funding is needed for another community. Selectman LaCamera said this is not right. Discussion occurred regarding the County's website. Mr. Sky said Plymouth County's position is that they have been far more generous than the State. They are allowed to hold on to a piece of the funds at their discretion. The only leverage we have to challenge it is perhaps from our legislators. Mr. Sky said we are owed reimbursements that were submitted on July 15th, August 5th and October 4th. We still have some funds to spend on the CARES Act. Mr. Sky said the October 30th deadline to spend CARES Act funds is for money coming from the State, but we are with Plymouth County. Selectman LaCamera said we have things we wanted to submit that the County rejected because the State of Emergency is lifted. Selectman LaCamera said we should look at Assawompset School for an air ventilation handler as theirs is 40 to 50 years old.

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

VOTED: To authorize the Town Administrator to approve, finalize and submit on behalf of the Town any such ARPA Grant application and to make all representations and certifications required to be made on behalf of the Town to complete each such application, with such approval, representations and certifications to be evidenced by

the signature of the Town Administrator on such application; and if any such ARPA grant is awarded, the Town Administrator shall be the recipient of such grant on behalf of the Town.

Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

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

VOTED: To authorize the Town Accountant to prepare and enter information into the Plymouth County American Rescue Plan portal in support of one or more applications to Plymouth County for grants (“ARPA Grants”) to be funded from a grant received by Plymouth County under the American Rescue Plan Act.

Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Discuss Animal Shelter revenues and possible vote to increase fees for Towns that use the Lakeville Animal Shelter

Chair Fabian said we have been discussing Animal Shelter Fees for a few months. An analysis has been done. Ms. Cotsoridis said we did an analysis of the Animal Control fee structure. Lakeville maintains the only regional shelter in our area. Our current daily boarding rate is \$15.00 and is low comparatively to what other communities are charging. In the last few years, the grants and gifts accounts takes in more than is spent. The number of animals served in 2019 (pre-pandemic) was 191 dogs, 62% were from Lakeville, 30% from Freetown, Raynham and Wareham and the rest from the other communities served. Dartmouth and Fall River use a private boarding facility and the least they are being charged is \$20.00 per day. Based on the research, increasing the rates to \$20.00 per dog per day for Lakeville and \$25.00 per dog per day for the boarder communities would be consistent with the market. It would better reflect the demands of being a regional shelter and maybe generate a minor increase in revenue.

Chair Fabian said the Animal Shelter provides a much-needed service. Ms. Cotsoridis spoke of the relationships that the Animal Control Officer has built with other Animal Control Officers, which helps in emergencies. Also, a lot of donations that we receive are coming from other communities because people had animals that were cared for at our shelter.

A motion was made by Selectman Carboni with Chair Fabian stepping down to second to increase the boarding rates at the Lakeville Animal Shelter to \$20.00 per dog per day for Lakeville dogs and \$25.00 per dog per day for other communities.

Discussion: Selectman LaCamera reviewed the number of Freetown dogs for 2019, 2020 and 2021. Why is there such a discrepancy in 2019? Ms. Cotsoridis said the fees include surrender fees and boarding fees. Our current information does not tell how many nights each animal stayed. Selectman LaCamera said that must be submitted to the Town Accountant. Ms. Cotsoridis said the information exists on paper, but does not exist in a central Excel sheet. It would require a lot of work to go through each piece of paper. Mr. Sky said the number of dogs is by calendar year, but numbers are fiscal year. Selectman LaCamera said there are 11 communities on the list. If each one had to have their own animal shelter, their cost of the boarding fee would be substantially higher. They should pay a base fee to allow them to bring their dogs to the Animal Shelter. They rely on our facility. More analysis needs to be done. Ms. Cotsoridis noted that the staff does not travel to the

other communities to pick up an animal. If an animal comes in at night, one of the Assistant Animal Control Officers meets them at our shelter. Selectman LaCamera said there are a lot of costs that Lakeville is absorbing. These Towns should pick up a piece of it. Ms. Cotsoridis noted in the surrounding communities that contract out their shelter services, they do not pay in a base rate. They pay for daily boarding. Asking other communities would be a departure from the norm. We will work on creating a data base to do the analysis that needs to be done. If we had communities to take their business elsewhere, there is a loss of revenue and donations that we would likely lose.

The roll call vote on the previous motion was: Selectman Carboni – aye; Selectman LaCamera – nay and Chair Fabian – aye.

Discuss and possible vote in regards to request from Police Chief to access up to 5 hours of the Selectmen’s Municipal Assistance Hours from SRPEDD

Mr. Sky said the Department has transitioned to a new CAD system and need a basic shape file. We have 20 hours with SRPEDD for things like this. The Police Chief has requested up to five (5) hours of our municipal assistance time.

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

VOTED: To approve the Police Chief’s request for up to five (5) hours of the Selectmen’s Municipal Assistance time to outline the boundaries of Lakeville and the two (2) district patrol sectors used by the Lakeville Police Department.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Possible vote to appoint Town Administrator as Americans with Disabilities Act Coordinator

Mr. Sky said Selectman LaCamera is currently the Americans with Disabilities Act Coordinator prior to Mr. Sky’s hiring. He is working with SRPEDD on the Americans with Disabilities Act plan to be presented to the Board. For the plan, we need to clarify the role, so he recommended that the Board appoint him to act in that capacity.

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

VOTED: To appoint Ari Sky as the Americans with Disabilities Act Coordinator for the Town of Lakeville with a term to expire July 31, 2022.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Review and possible vote to approve Board of Selectmen Minutes of August 9, 2021; August 30, 2021 and September 20, 2021

Upon a motion made by Chair Fabian stepping down and seconded by Selectman Carboni, it was:

VOTED: To approve the Board of Selectmen Meeting Minutes of August 9, 2021 and August 30, 2021.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

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

VOTED: To approve the Board of Selectmen Meeting Minutes of September 20, 2021.
Roll call vote: Selectman Carboni – abstain; Selectman LaCamera – aye and Chair Fabian – aye.

Discuss and possible recommendation to Zoning Board of Appeals regarding petition for hearing – Bud’s Goods & Provisions Corp – 475 Kenneth W. Welch Drive

Mr. Sky said we have been informed by Bud’s Goods that Boston Botanical is no longer interested in obtaining their franchise and they have taken it back. We have sent letters to Boston Botanical about this, but have not heard back from them. He recommends that we make it clear to the Zoning Board of Appeals that we have not received notice from Boston Botanicals that they have withdrawn from their Host Community Agreement (HCA). Mr. Sky said in order to cancel the HCA, Town Counsel recommended sending Boston Botanicals the letter that went out and then we can cancel the HCA.

Upon a motion made by Chair Fabian stepping down and seconded by Selectman LaCamera, it was:

VOTED: To have the Town Administrator send a letter to the Zoning Board of Appeals that the Bud’s Goods application should not proceed with any permitting until a response has been received from Boston Botanicals and we will not be acting on their request until we receive a response.
Roll call vote: Selectman Carboni – abstained; Selectman LaCamera – aye and Chair Fabian – aye.

New Business

There was no New Business discussed.

Old Business

Mr. Sky reviewed the Board of Selectmen Meeting dates for the rest of the year as October 25th; November 8th at 6 PM prior to Town Meeting; November 22nd; December 6th and December 20th.

Any other business that can properly come before the Board of Selectmen

There was no other business discussed.

Adjournment

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

VOTED: To adjourn the Board of Selectmen’s Meeting at 8:22 PM.
Roll call vote: Selectman Carboni – aye; Selectman LaCamera – aye and Chair Fabian – aye.

Other Items

1. Letter from Lakeville Arts Council

List of documents provided at the Board of Selectmen Meeting of October 12, 2021

1. Agenda page
2. Agenda page
3. Agenda page; email from Finance Committee Chairman; letter of interest from Lawrence Kostant; letter of interest from Thomas Janick
4. Agenda page; memo from Town Clerk; legal boundary description for precincts; precinct data; letter for Board of Selectmen signature; precinct map
5. Agenda page;
6. Agenda page;
7. Agenda page; draft Special Town Meeting Warrant
8. Agenda page; Handbook for Appointed and Elected Officials
9. Agenda page; letter from DPW Director; MassDOT rate sheets
10. Agenda page; letter from DPW Director
11. Agenda page; memo from DPW Director; proposed rate sheets; letter from Christopher Peck, previous Superintendent of Street; sample invoices
12. Agenda page; instruction sheet; Reporting Guide-Coronavirus State and Local Fiscal Recover Fund
13. Agenda page; memo from Assistant to the Town Administrator
14. Agenda page; memo from Police Chief
15. Agenda page;
16. Agenda page; Board of Selectmen Meeting Minutes of August 9th, August 30th and September 20th 2021
17. Agenda page; Zoning Board of Appeals petition package for 475 Kenneth Welch Drive
18. Agenda page;
19. Agenda page
20. Agenda page

**AGENDA ITEM #12
OCTOBER 25, 2021**

NEW BUSINESS

**AGENDA ITEM #13
OCTOBER 25, 2021**

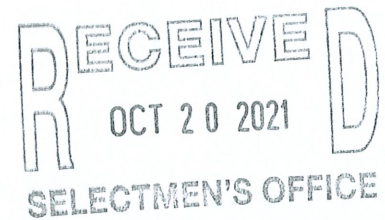
OLD BUSINESS

**AGENDA ITEM #14
OCTOBER 25, 2021**

**ANY OTHER BUSINESS THAT CAN PROPERLY COME
BEFORE THE BOARD OF SELECTMEN**

Other Items

1. Information from Town Administrator regarding Coronavirus Local Fiscal Recovery Fund Program Resources



MEMORANDUM

TO: Interested Parties
FR: Heath Fahle, A&F FFO
DT: October 18, 2021
RE: Coronavirus Local Fiscal Recovery Fund Program Resources & Sample Next Steps

The American Rescue Plan Act of 2021, Pub. L. 117-2 (March 11, 2021) (ARPA) authorized \$1.8 trillion in federal resources to respond to the Coronavirus Disease 2019 (COVID-19). ARPA allocated \$350 billion in direct aid to state and local governments through the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). Local governments in Massachusetts, including counties, cities, and towns, will receive approximately \$3.4 billion from this fund. This memorandum suggests sample next steps and supporting resources for local governments related to CSLFRF.

Per the guidance provided by the US Department of the Treasury (“US Treasury” or “Treasury”), local governments are considered prime recipients of Treasury and are therefore responsible for compliance with all relevant federal rules and regulations ([FAQ 7.14](#)). Therefore, these resources should be viewed as tools to support local decision-making and not as legal advice or guidance. US Treasury is the administering agency for the CSLFRF program.

Website Links

US Treasury Coronavirus State and Local Recovery Funds website: www.treasury.gov/slfrp

US Treasury Proposed Regulation 31 CFR 35 (the “Interim Final Rule”):
<https://www.federalregister.gov/documents/2021/05/17/2021-10283/coronavirus-state-and-local-fiscal-recovery-funds>

US Treasury FAQ’s: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

A&F COVID-19 Federal Funds: www.mass.gov/federalfunds

Massachusetts Municipal Association Federal Funds Resources:
<https://www.mma.org/resources/federal-funds-resources/>

National League of Cities: <https://www.nlc.org/covid-19-pandemic-response/american-rescue-plan-act/>

Sample Next Steps

1. Prepare to Manage the Grant

- a. Assess existing administrative infrastructure to determine capabilities and needs. The CLFRF program requires compliance and reporting efforts that will continue until March 2027. Recipients should determine whether existing financial management systems, resources and processes are adequate to collect and report all required data, retain sufficient documentation for five years after all funds have been expended, and comply with rules related to procurement, audit, internal controls to prevent waste, fraud, and abuse, and other relevant considerations. If a local determination is made that the administrative infrastructure is insufficient, it can be augmented via the use of CSLFRF funds, as administrative expenses are an eligible use.

Suggested supporting materials: [US Treasury Recipient Compliance and Reporting Guidance](#), [A&F FFO Compliance Overview](#), [A&F FFO Comprehensive Guidance](#), [A&F FFO Cost Principles](#), [A&F FFO Subrecipient Determinations and Monitoring](#)

- b. Establish a grant management plan, including necessary legal consultations, accounting and audit support, or other needs.

Suggested supporting materials: [US Treasury Recipient Compliance and Reporting Guidance](#), [A&F FFO Compliance Overview](#), [A&F FFO Comprehensive Guidance](#), [A&F FFO Cost Principles](#), [A&F FFO Subrecipient Determinations and Monitoring](#), [Government Finance Officers Association \(GFOA\) Guiding Principles](#), [Division of Local Services \(DLS\) Bulletin on ARPA Accounting](#)

2. Calculate the revenue loss amount for calendar year 2020

Suggested supporting materials: [A&F FFO Eligible Uses & Revenue Replacement](#)

3. Establish a planning process for determining how to allocate CLFRF resources, including stakeholder engagement efforts

Suggested supporting materials: [A&F FFO Comprehensive Guidance](#)

4. Identify programs and projects to support with CLFRF resources

Suggested supporting materials: [A&F FFO Eligible Uses & Revenue Replacement](#)

5. Write a formal eligibility determination and attach relevant supporting materials (e.g., e-mails, meeting minutes) for each program or project supported by CLFRF

Suggested supporting materials: [US Treasury Recipient Compliance and Reporting Guidance](#), [A&F FFO Compliance Overview](#), [A&F FFO Comprehensive Guidance](#)

6. Implement a process to collect and report financial data and key performance indicators to the federal government

Suggested supporting materials: [US Treasury Recipient Compliance and Reporting Guidance](#), [A&F FFO Compliance Overview](#), and the applicable A&F FFO Reporting Guidance presentation: [Counties, Metropolitan Cities, Non-Entitlement Units](#)

ARPA Fiscal Recovery Fund (FRF) Spending

This write-up is intended to inform decision makers about allowable uses of ARPA State and Local Fiscal Recovery Funds, including through local subrecipients such as municipalities and nonprofits.

Allowable uses of ARPA FRF funds.

For all recipients (state or municipal), the following current uses* are categorically eligible. **Match requirements are appropriate where the municipality gains an asset or builds its tax base.**

- Expenses to respond to the public health emergency re COVID-19 or its negative economic impacts:
 - COVID-19 mitigation or prevention expenses including:
 - Public health medical expenses;
 - Behavioral health expenses;
 - Public health and safety staff; and
 - Public health program design improvements.
 - Assistance to the unemployed such as
 - Backfills for COVID-era government layoffs and
 - Job training.
 - Assistance to small business in the form of grants or loans to mitigate financial hardship caused by COVID-19 including:
 - Offsets for declines in revenues;
 - Funds to implement COVID-19 mitigation improvements; or
 - Technical assistance with business planning.
 - In-kind or financial assistance to households with documented negative impacts due to COVID-19 including:
 - Food assistance;
 - Rent, mortgage, or utility assistance;
 - Counseling and legal aid to prevent eviction;
 - Access to the internet; or
 - Proportionate cash assistance.
 - Assistance in the form of loans or grants to impacted industries, including tourism, travel, and hospitality to implement COVID-19 mitigation or prevention measures such as:
 - Improvements to ventilation;
 - Construction of physical barriers;
 - Signage;
 - Provision of PPE; and
 - Development of safe reopening plans.

* Expenditures must be obligated in 2021 to 2024 and spent by 2026. FRF cannot finance borrowing or pay debt service.

- Aid to disproportionately impacted communities
 - Aid must address social determinants of health. For example:
 - Services to address homelessness;
 - Affordable housing development;
 - Housing vouchers;
 - Expanded early learning services;
 - Evidence based educational services;
 - Evidence-based mental health services for students;
 - High quality childcare;
 - Home visiting programs; and
 - Services for child welfare involved families.
 - These types of assistance are presumed eligible in HUD Qualified Census Tracts; other functionally equivalent geographic or interest-based definitions can be developed, subject to Treasury oversight
- Premium pay to employees providing essential work during the public health emergency
- Revenue replacement and compliance
 - To substitute for lost revenue, FRF can pay for virtually any government service except debt service or transfers to pension or stabilization funds. E.g.: broad-based economic development.
 - Note: Growing local aid, plus growth in property taxes and other local receipts, probably means few municipalities have a significant revenue gap under the federal formula
- Water, sewer, and broadband projects
 - Water and sewer projects are eligible if they meet the criteria for the Clean Water State Revolving Fund or Safe Drinking Water Revolving Fund. Examples include:
 - Centralized or decentralized wastewater treatment;
 - Stormwater;
 - Habitat protection and restoration;
 - Desalination; and
 - Groundwater protection.
 - Broadband projects include any installation that provides symmetrical upload and download speeds of 100 mbps with a priority on underserved areas and last mile connections.

Compliance (applies to all uses)

All uses are subject to oversight rules, including internal controls, documentation, procurement, and performance tracking linked to key performance indicators. State ARPA funds granted to municipalities remain subject to the more stringent ARPA requirements for states. Therefore, while the Legislature may authorize uses, release of funds must be conditioned on meeting all federal compliance requirements.

Targeting funding sources – FRF spending not advisable

ARPA and other federal legislation funded a range of targeted programs– for these areas, FRF use is generally at odds with maximizing federal revenue. These areas include:

- Public transportation
- Education (ESSER)
- Vaccination distribution, COVID testing and tracing (Vaccine-specific programs, ELC)
- Emergency housing rental subsidies (ERAP)
- Childcare (CCDBG)