

**AGENDA ITEM #12
APRIL 24, 2023**

DISCUSS POSSIBLE CHANGES TO THE SOCIAL MEDIA POLICY


Attached is a memo from the Town Administrator, a copy of the current Social Media Policy for the Town, along with a red lined version showing the recommended changes.



TOWN OF LAKEVILLE
Town Administrator's Office

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

April 20, 2023

TO: Select Board
FROM: Ari J. Sky, Town Administrator 
SUBJECT: Updates to the Social Media Policy

The Town's social media policy was last updated in January 2020. Since that date, there have been a number of developments in social media practices and standards that were not captured in the current version.

Attached are copies of the existing policy and a redlined version which contains suggested revisions. Major areas updated include the following:

- Language has been added to clarify privacy rights and expectations in terms of the use of Town-sponsored social media.
- Additional language has been added to describe proper conduct and prohibiting the transmitting of confidential information.
- Standards are established for the use of comments sections on Town media and the appropriate roles of employees operating in their official capacities.

The draft revisions will be presented at the April 24th Select Board meeting for discussion, and final consideration will be planned for a subsequent meeting. Thank you for your consideration.

Cc: J. Viarella

Attachments

TOWN OF LAKEVILLE

SOCIAL MEDIA POLICY

The Town of Lakeville (“Town”) recognizes the importance of online social media networks as a communication tool. The use of social media presents certain risks, and carries with it certain responsibilities. Social Media, while a relatively new form of activity, does not change the law or expectations around public service. The Town recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Town in promoting accountability, responsible and mature judgment, and the efficiency of the public services it performs through its employees and officials. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

To that end, this policy establishes guidelines for employees’ personal use of social media, as well as for the official use of social media by Town employees and officials for government-related purposes.

The Policy applies to all employees, officers, and officials (elected and appointed) of the Town of Lakeville. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

This Policy is to be read in conjunction with all other applicable policies and rules of the Town, including but not limited to the Town’s Personnel Policies and Procedures. It may be amended from time to time, and may be supplemented with additional administrative procedures and rules as may be issued.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, union Activities).

DEFINITIONS

The following definitions apply for the purposes of the Policy.

1. “Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.
2. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.
3. A “social media identity” is a specific user identity or account that has been registered on a third party social media site.
4. A “blog” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
5. A “moderator” is an authorized Town of Lakeville official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by Town officials, employees and public commentators to be posted to a Town of Lakeville social media site or sites.

6. "Town Systems" are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, "smartphone"/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.
7. "Town social media site" is any official social media site established by or for a Town department, with the authorization of the Town Administrator.

GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA

All employees and officials are responsible for what they post online. Through this Policy, the Town is not intending to act as "thought police" or otherwise unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of Town government to function efficiently and effectively cannot be ignored. Any conduct that exposes the Town to legal liability may result in disciplinary action up to and including termination.

A. Required Conduct

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, all personal posts on any social media site shall contain an express statement that "The postings on this site are my own and do not represent the views, positions or opinions of the Town" or similar disclaimer. Employees and officials should not, except as authorized by their supervisor or board, represent themselves as a spokesperson for the Town.
2. Employees and officials should be mindful that social media activity that violates any of the Town's policies may result in disciplinary action, up to and including termination. Such policies include, but are not limited to, the Town's Information Technology Resources Use Policy, Anti-Harassment and Discrimination Policy as well as the Personnel Policies and Procedures.
3. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public's perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.

B. Prohibited Conduct

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
3. Per G.L. c. 268, §35, no employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Clerk.
4. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
5. Do not post internal reports, draft policies, procedures, or other internal confidential communications or documents. Employees shall maintain the confidentiality of the Town's procedures for the

development of policy and other such data exempt from the Public Records Law. The state's Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, s/he should contact the Lakeville Town Administrator.

6. Do not post information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information and any other personal medical information, information concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.
7. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that "The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town".
8. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission's jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

C. Permitted Conduct

Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town sponsored-events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per the Guidelines for Personal Use of Social Media.

USE OF SOCIAL MEDIA SITES FOR OFFICIAL PURPOSES

The Town of Lakeville permits departments to utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications with its residents and various stakeholders in support of the department's goals and objectives. Town of Lakeville officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town of Lakeville business. Social media sites facilitate further discussion of Town of Lakeville government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town of Lakeville purposes, as well as explanatory guidance.

A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites

1. All Town social media sites shall be:
 - a. approved by the Town Administrator with a documented letter of approval; and

- b. published using a social media platform and tools approved by the Information Technology (“IT”) Department.
2. Posting for the Town on such sites shall only be performed by the Town Administrator or his/her designee(s).
3. Subject to prior approval of the Town Administrator, departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state and federal laws, regulations and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.
5. Because the Public Records Law applies to social media content, all posts, once made, may not be deleted or amended, except to correct typographical errors, and a record shall be kept of any such modifications.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Lakeville Internet site for forms, documents and other information.
7. All Town social media sites shall clearly indicate that they are maintained by the Town of Lakeville and shall have the Town of Lakeville contact information prominently displayed, and, if possible, the Town Seal.
8. Town social media content shall not contain the following:
 - a. Profane, obscene, or vulgar language or content;
 - b. Comments or content that are denigrating, threatening, insulting, bullying or harassing;
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, genetic information, active military status, or any other status protected by state or federal law;
 - d. Sexual content or links to sexual content;
 - e. Conduct or encouragement of illegal activity;
 - f. Information that may tend to compromise the safety or security of the public or public systems;
 - g. Content that violates a legal ownership interest of any other party;
 - h. Protected health information;
 - i. Personnel data;
 - j. Other information that is not public record or is otherwise privileged from public disclosure.
9. All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.
10. To the extent applicable, the Town’s IT security policies shall apply to all social media sites and articles.
11. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town of Lakeville. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.
12. No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders. Employees may not

engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.

13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

B. Employee Use of Official Town Social Media Sites

The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

1. **Information Technology Resources Use Policy.** All employees are responsible for understanding and complying with the Town's IT Usage Policy.
2. **First-Amendment Protected Speech.** Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.
3. **Copyright Law.** Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.
4. **Conflict of Interest.** Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of G.L. c. 268A.
5. **Protected Confidential Information.** Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Administrator. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Administrator or relevant Department Head, for instance, where public comment or input is being solicited.
6. **Carefully Consider Content.** Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream media, and therefore, consideration needs be exercised to use social media in a way that benefits both the Town and the public.
7. **Handling Negative Comments.** Town Employees and Officials shall only post factual information as it relates to a Town related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:
 - a. Provide accurate information in the spirit of being helpful;
 - b. Remain respectful; and

- c. Notify the moderator to address the matter prior to any escalation.
8. Respect the Audience and Town Employees and Officials. Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.
9. Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission. All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of serving the public. What is published on Town social media sites reflects on the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:
 - a. Helping Town employees and officials perform their jobs better;
 - b. Informing citizens about government services and how to access them;
 - c. Making government operations transparent and accessible to the public;
 - d. Creating a forum for the receipt of candid comments from residents about how government can be improved; and
 - e. Encouraging civic engagement.
10. Mistakes. The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:
 - a. Strike through the error and correct; or
 - b. Create a new post with the correct information, and link to it from the post that is being corrected or clarified.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.
11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.
12. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and therefore constitute Public Records. Officials must ensure that the Town or department retains a copy of the social media content in accordance with applicable Public Records Retention Schedules and in accordance with the Public Records Law.

MEDIA CONTACTS

Oftentimes, presence on social media can lead to inquiries from the press or media. Employees may not speak to the media on the Town's behalf, unless specifically authorized by the Town Administrator. All media inquiries shall be directed to the Town Administrator's Office.

RETALIATION PROHIBITED

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

ADDITIONAL INFORMATION

If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Administrator's Office.

TOWN OF LAKEVILLE

SOCIAL MEDIA POLICY

SIGNATURE PAGE

Employee Acknowledgement of Receipt of Policy

I, _____, hereby acknowledge receipt of the Town of Lakeville Social
(Print Name)
Media Policy on the date set forth below...

Employee Signature:

Date:

TOWN OF LAKEVILLE

SOCIAL MEDIA POLICY

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To that end, this policy establishes guidelines for employees' personal use of social media, as well as for the official use of social media by Town employees and officials for government-related purposes.

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2. "Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.
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6. "Town Systems" are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, "smartphone"/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.
7. "Town social media site" is any official social media site established by or for a Town department, with the authorization of the Town Administrator.

NO EXPECTATION OF PRIVACY

There is no guarantee of privacy for electronic communications. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies (including policy for compliance with public records requests), assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, cell phone services, smart phones (e.g. iPhones, Droids, etc.), pagers, tablets, Town-owned lap tops and computers provided for home use, and computer software, constitutes acceptance of such monitoring.

SUPPORTED SOCIAL MEDIA

The Town will support the use of social media sites by Town Departments provided that doing so is judged to be beneficial to the constituents of the Town and/or an instrument to more effectively interact with the people we serve. The Town Administrator and/or Select Board reserve the right to discontinue the approved use of social media at any time. All Department sponsored social media sites or pages shall be approved by the respective Department Head or his/her designee, and shall be maintained in coordination with the Town's IT Department. All Town- sponsored social media sites and pages must clearly indicate they are maintained by the respective Department, and shall prominently display Department contact information. The Town's logo, a Department logo, or some other distinguishing graphic symbol should be displayed on all Town-sponsored social media sites.

All content posted on Town-sponsored social media sites shall adhere to applicable laws, regulations, and policies, including the Town's information technology and records management policies. All content posted on Town-sponsored social media sites is also subject to the Commonwealth of Massachusetts' Public Records Law and must be managed, stored, and retrieved in a manner that complies with the Commonwealth's Public Records Law and electronic discovery laws and policies. Relevant records-retention schedules apply to social media content. Each respective Department shall be responsible for ensuring proper records retention, in coordination with the IT as necessary.

Employees representing any Town Department via Town-sponsored social media sites or pages shall at all times conduct themselves as representatives of the Department and, accordingly, shall adhere to all Town and Department standards of conduct. In this context, employees shall identify themselves as a member of their respective Department and shall not disseminate confidential information of any nature through social media sites or pages.

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GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA

All employees and officials are responsible for what they post online. Through this Policy, the Town is not intending to act as “thought police” or otherwise unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of Town government to function efficiently and effectively cannot be ignored. Any conduct that exposes the Town to legal liability may result in disciplinary action up to and including termination.

Where employees maintain and use personal websites, blogs, social networking platforms and other forms of social media while off-duty, that off-duty conduct may nonetheless be subject to scrutiny by the Town, given their status as employees of the Town. The Town’s image as a professional organization is critical to maintaining the trust and respect of our constituents.

Town personnel may only express their personal opinions and shall be prohibited from implying that they are speaking on behalf of the Town.

Town personnel shall not post, transmit, or otherwise disseminate any confidential information to which they have access solely as a result of their employment.

Employees are expressly prohibited from using and/or posting on their personal social media sites during working hours.

Nothing contained in this Policy shall be interpreted to interfere with an employee’s rights under Massachusetts General Laws Chapter 150E.

A. Required Conduct

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, all personal posts on any social media site shall contain an express statement that “The postings on this site are my own and do not represent the views, positions or opinions of the Town” or similar disclaimer. Employees and officials should not, except as authorized by their supervisor or board, represent themselves as a spokesperson for the Town.
 2. Employee shall exercise their judgment when using any form of social media and must ensure that their use does not violate this or any other applicable Town policy.
 3. Only authorized personnel may post on Town-maintained social media sites. Personnel posting on a Town site shall exercise care to only post information that is accurate and intended to advance the interests of the Town.
 4. The standards of the Social Media Policy still apply to employees using their personal account to comment on posts on Town departmental websites and social media sites.
 5. Employees shall take all reasonable steps to ensure the information posted on social media sites is accurate. To the extent permitted by law, incorrect information shall be promptly removed upon notification.
- ~~2.6~~ Employees and officials should be mindful that social media activity that violates any of the Town’s policies may result in disciplinary action, up to and including termination. Such policies include, but are

not limited to, the Town's Information Technology Resources Use Policy, Anti-Harassment and Discrimination Policy as well as the Personnel Policies and Procedures.

3.7. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public's perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.

B. Prohibited Conduct

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
3. Per G.L. c. 268, §35, no employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Clerk.
4. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
5. Do not post internal reports, draft policies, procedures, or other internal confidential communications or documents. Employees shall maintain the confidentiality of the Town's procedures for the development of policy and other such data exempt from the Public Records Law. The state's Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, s/he should contact the Lakeville Town Administrator.
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7. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that "The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town".
8. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission's jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

C. Permitted Conduct

Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town sponsored-events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per the Guidelines for Personal Use of Social Media.

COMMENTS POLICY

As a public entity, the Town must abide by certain standards to serve all its constituents in a civil and unbiased manner. The intended purpose behind establishing Town social media sites is to disseminate information from the Town, about the Town, to its citizens. The Town's social media sites are exercises of governmental speech, and accordingly, the Town may limit commentary from third parties that it deems inconsistent with its exercise of governmental speech. For example, comments containing any of the following inappropriate forms of content shall not be permitted on any Town social media sites and are subject to removal and/or restriction by the department's coordinator or his/her designees, or Town's IT staff:

1. Comments not related to the original topic, including random or unintelligible comments.
2. Profane, obscene, violent, or pornographic content and/or language.
3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, sexual orientation, disability, ancestry or national origin.
4. Defamatory or personal attacks.
5. Threats to any person or organization.
6. Comments in support of, or in opposition to, any political campaigns or ballot measures.
7. Solicitation of commerce, including but not limited to advertising of any business or product for sale.
8. Conduct in violation of any federal, state or local law.
9. Encouragement of illegal activity.
10. Information that may tend to compromise the safety or security of the public or public systems.
11. Content that violates a legal ownership interest, such as a copyright, of any party.

The Town reserves the right to deny access to Town social media sites for any individual, who violates the Town's Social Media Policy, at any time and without prior notice.

Departments shall monitor their social media sites for comments requesting responses from the Town and for comments in violation of this policy.

When a Town employee responds to a comment, in his/her capacity as a Town employee, the employee's response should include his or her name and title, but the employee shall not share personal information about himself or herself, or other Town employees.

USE OF SOCIAL MEDIA SITES FOR OFFICIAL PURPOSES

The Town of Lakeville permits departments to utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications with its residents and various stakeholders in support of the department's goals and objectives. Town of Lakeville officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town of Lakeville business. Social media sites facilitate further discussion of Town of Lakeville government business, operations and services by providing members of the public the opportunity to participate in many ways using

the Internet. The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town of Lakeville purposes, as well as explanatory guidance.

A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites

1. All Town social media sites shall be:
 - a. approved by the Town Administrator with a documented letter of approval; and
 - b. published using a social media platform and tools approved by the Information Technology ("IT") Department.
2. Posting for the Town on such sites shall only be performed by the Town Administrator or his/her designee(s).
3. Subject to prior approval of the Town Administrator, departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. Employees shall be prohibited from revealing any confidential or privileged information on social media sites. The the private information of constituents such as names, addresses, telephone numbers, private health information, tax payments status, voting record and other forms of confidential information should not be divulged.
5. Employees who are given authority to edit Town social media sites are prohibited from expressing their personal views on the matters contained therein.
6. Employees are expressly prohibited from using social media to engage in any activity or conduct that violates federal or state law (e.g., software or data piracy, pornography, etc.).
7. Comments in any forum that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification are expressly prohibited.
8.
- 4.9. All Town social media sites shall adhere to applicable state and federal laws, regulations and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.
- 5.10. Because the Public Records Law applies to social media content, all posts, once made, may not be deleted or amended, except to correct typographical errors, and a record shall be kept of any such modifications.
- 6.11. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Lakeville Internet site for forms, documents and other information.
- 7.12. All Town social media sites shall clearly indicate that they are maintained by the Town of Lakeville and shall have the Town of Lakeville contact information prominently displayed, and, if possible, the Town Seal.
- 8.13. Town social media content shall not contain the following:
 - a. Profane, obscene, or vulgar language or content;
 - b. Comments or content that are denigrating, threatening, insulting, bullying or harassing;
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender

- identity, disability, pregnancy or pregnancy-related conditions, genetic information, active military status, or any other status protected by state or federal law;
- d. Sexual content or links to sexual content;
- e. Conduct or encouragement of illegal activity;
- f. Information that may tend to compromise the safety or security of the public or public systems;
- g. Content that violates a legal ownership interest of any other party;
- h. Protected health information;
- i. Personnel data;
- j. Other information that is not public record or is otherwise privileged from public disclosure.

~~9.14.~~ All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.

~~10.15.~~ To the extent applicable, the Town's IT security policies shall apply to all social media sites and articles.

~~11.16.~~ Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town of Lakeville. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.

~~12.17.~~ No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders. Employees may not engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.

~~13.18.~~ Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

B. Employee Use of Official Town Social Media Sites

The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

1. Information Technology Resources Use Policy. All employees are responsible for understanding and complying with the Town's IT Usage Policy.
2. First-Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.
3. Copyright Law. Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.
4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of G.L. c. 268A.

5. Protected Confidential Information. Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Administrator. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Administrator or relevant Department Head, for instance, where public comment or input is being solicited.
6. Carefully Consider Content. Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream media, and therefore, consideration needs to be exercised to use social media in a way that benefits both the Town and the public.
7. Handling Negative Comments. Town Employees and Officials shall only post factual information as it relates to a Town related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:
 - a. Provide accurate information in the spirit of being helpful;
 - b. Remain respectful; and
 - c. Notify the moderator to address the matter prior to any escalation.
8. Respect the Audience and Town Employees and Officials. Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.
9. Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission. All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of serving the public. What is published on Town social media sites reflects on the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:
 - a. Helping Town employees and officials perform their jobs better;
 - b. Informing citizens about government services and how to access them;
 - c. Making government operations transparent and accessible to the public;
 - d. Creating a forum for the receipt of candid comments from residents about how government can be improved; and
 - e. Encouraging civic engagement.
10. Mistakes. The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:
 - a. Strike through the error and correct; or

- b. Create a new post with the correct information, and link to it from the post that is being corrected or clarified.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.
12. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and therefore constitute Public Records. Officials must ensure that the Town or department retains a copy of the social media content in accordance with applicable Public Records Retention Schedules and in accordance with the Public Records Law.

MEDIA CONTACTS

Oftentimes, presence on social media can lead to inquiries from the press or media. Employees may not speak to the media on the Town's behalf, unless specifically authorized by the Town Administrator. All media inquiries shall be directed to the Town Administrator's Office.

RETALIATION PROHIBITED

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

ADDITIONAL INFORMATION

If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Administrator's Office.

VIOLATIONS OF POLICY

Violation(s) of this Policy may result in disciplinary action up to and including termination from employment. Violations of this policy may also result in referral of a case to the appropriate authorities for civil or criminal prosecution. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Director of Human Resources. Retaliation against another user for reporting a violation or violations of this Policy is strictly prohibited by the Town.

TOWN OF LAKEVILLE SOCIAL MEDIA POLICY

SIGNATURE PAGE

Employee Acknowledgement of Receipt of Policy

I, _____, hereby acknowledge receipt of the Town of Lakeville Social
(Print Name)
Media Policy on the date set forth below...

Employee Signature:

Date:

DRAFT

**AGENDA ITEM #13
APRIL 24, 2023**

**REVISIT AND POSSIBLE VOTE ON DESIGNATION OF DONATION
FROM SUN MULTI SPORT EVENTS FOR PATRIOT TRIATHLON**

Sun Multi Sports has offered a \$1,500 donation to Town non-profit organizations for allowing the Patriot Half Triathlon to use Lakeville roads.

The 2022 donation was split between the Friends of the COA, Friends of the Lakeville Library and Betty's Neck for events.

**AGENDA ITEM #14
APRIL 24, 2023**

**REVISIT AND POSSIBLE VOTE TO APPROVE PART TIME
ASSISTANT ANIMAL INSPECTOR JOB DESCRIPTION**

Attached is the draft job description for the Part Time Assistant Animal Inspector. This item was deferred at the April 10th Select Board Meeting.



**JOB POSTING
TOWN OF LAKEVILLE
Municipal Animal Inspector
Part Time On Call**

POSTING DATE:

TBD

POSITION:

This person will be responsible for assisting the Town to control rabies outbreaks within the local domestic and wildlife population. All interested parties should apply in writing to John Viarella, Human Resources Director 346 Bedford Street, Lakeville MA 02347 jviarella@lakevillema.org with your application attached. Full job description is attached to this posting and is also available in Human Resources.

HOURS:

On call depending on various circumstances/needs, start and finish times could vary.

WAGES:

\$787.50 per fiscal quarter year.

QUALIFICATIONS:

A municipal animal inspector should be reasonably experienced in the care and handling of domestic livestock animals, be generally experienced in their husbandry and be knowledgeable in the handling and care of other domestic animals such as dogs and cats. Knowledge and experience with common "urban wildlife" such as raccoons, skunks and bats that expose domestic animals and come under the jurisdiction of the MA Division of Fisheries and Wildlife will prove beneficial in the collection of specimens for submission to the State Rabies Laboratory.

Municipal Animal Inspectors should familiarize themselves with domestic animal import requirements. They should also understand local ordinances (sanitary codes, zoning laws, etc.) which may form part of their duties to their primary nominating body at the municipal level.

There are no scholastic, professional (ie: Veterinarians) or farm experience requirements for the position of Animal Inspector. A generalized knowledge of domestic animals will prove very useful.

This person must have the availability to work the required hours, have a valid driver's license and transportation to and from work.

POSTING CLOSING:

TBD

ESSENTIAL DUTIES AND RESPONSIBILITIES:

The essential functions of duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position.

The primary duty of the Animal Inspector has recently become [rabies control](#) in the domestic animal population. There are several angles which must be covered to accomplish this.

- Domestic mammals which come in contact with, or are otherwise exposed to the rabies virus must first be assessed to determine severity of risk. Depending on the vaccination status of the domestic mammal involved, it will be either quarantined or destroyed. Be sure to send in the Notice of Exposure forms that are used for this type of quarantine at least once a month.
- The Animal Inspector will be contacted by local veterinarians when a client presents an animal which may have had an encounter with a potentially rabid animal. Again, the severity of the situation must be assessed before determining the proper course of action.
- Any domestic mammal which bites a human or another domestic mammal must be quarantined for a period of ten days to determine the risk of rabies transmission. Be sure to send in the duplicate copies of the Order of Quarantine form at least once a month. If you do not have any animal bites in a six-month period, please send in a letter to that effect.
- The Animal Inspector must ensure that all animals (wild or domestic) which must be tested for rabies are captured and euthanized. The head must be removed, packaged properly and submitted to the State Rabies Lab for testing. (Any questions, call the Rabies Lab at (617) 983-6385 for copy of protocol.) This is not to say that the Animal Inspector must perform these tasks personally, but he/she must ensure that they are completed.

Municipal Animal Inspectors are also responsible for barn inspections. Depending on the city/town, this may be a light task or a lengthy one. Barn inspections are designed to:

- Get a good census of the domestic animal population of the town
- Be sure that all of the animals appear to be in good health and free from disease, and
- Observe animal housing and ensure ample food and water are supplied.

Permission to inspect any premise upon which animals are kept is assured to Municipal Animal Inspectors under [Section 7 of Chapter 129](#) of the MGL. Visits should be scheduled for normal business hours. If a conflict between the animal owner and the Inspector occurs, the Inspector may have a local police officer accompany him or her. If the problem persists, please call the Division of Animal Health: (617) 626-1810 or (617) 626-1795.

The third duty of the Animal Inspector is to check ear tag numbers and date of arrival of cattle from out of state and to report this information on the Animal Inspector's copy of the Cattle and Llama Permit which is furnished to the Animal Inspector by the Department of Agricultural Resources.

Municipal Animal Inspectors may also be called to assist with other domestic animal disease quarantines in the event of an outbreak.

This person performs other related duties as required.

KNOWLEDGE, ABILITIES AND SKILLS:

- Knowledgeable in the handling and care of other domestic animals such as dogs and cats.
- Knowledge and experience with common “urban wildlife” such as raccoons, skunks and bats that expose domestic animals and come under the jurisdiction of the MA Division of Fisheries and Wildlife.
- Knowledge of local ordinances (sanitary codes, zoning laws, etc.)
- Ability to work a flexible schedule.
- Ability to communicate effectively orally and in writing.
- Ability to develop working relationships with diverse personnel, public servants, citizens and commissioners.
- Proficiency with the use of automated systems including PC’s, tablets, hand held devices and the Microsoft Office suite of products.

EXPERIENCE AND TRAINING:

High school diploma or equivalent and/or vocational training. Oral interview and reference check. CORI evaluation and drug test are required.

PHYSICAL REQUIREMENTS:

Frequent strenuous physical effort may be required. Required to perform job duties during outdoor weather conditions for long periods of time. Specific vision abilities required of the job include close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus. May be required to work in shifts greater than eight hours. Must have the physical abilities to restrain and move uncooperative animals.

WORKING CONDITIONS:

Working time may include weekends and depending on various circumstances/needs, start and finish times could vary. Work is generally performed outdoors under variable weather conditions.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

The Town of Lakeville provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, ancestry, disability status, genetics, pregnancy or pregnancy-related conditions, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal and state laws. Applicants with disabilities needing reasonable accommodation to participate in the job application or interview process, to perform essential job functions, and/or to receive other benefits and privileges of employment, please contact John Viarella, Human Resources Director, jviarella@lakevillema.org 508-946-8808.

**AGENDA ITEM #15
APRIL 24, 2023**

**DISCUSS AND POSSIBLE VOTE TO REAPPOINT DAVID FRATES
AS ANIMAL CONTROL OFFICER AND DARCY LEE, LISA
PODIELSKY, KATHY SEELEY AND RONNIE FRATES AS
ASSISTANT ANIMAL CONTROL OFFICERS**

The appointments for Animal Control Office and Assistant Animal Control Officers expire April 30, 2023.

If reappointed, the new terms would expire April 30, 2024.

**AGENDA ITEM #16
APRIL 24, 2023**

**DISCUSS AND POSSIBLE VOTE TO REAPPOINT WILFORD COREY
AS VETERANS' AGENT AND GRAVES OFFICER**

Wilford Corey's appointment as Veterans' Agent and Graves Officer expires April 30, 2023.

If you wish to reappoint Mr. Corey, his new term would expire April 30, 2024.

Attached is a memo from the Town Administrator regarding the Host Community Agreement FY23 charitable proposals, totaling \$22,947. The individual applications are also attached.

**AGENDA ITEM #17
APRIL 24, 2023**

**DISCUSS AND POSSIBLE VOTE TO APPOINT LAKEVILLE'S
REPRESENTATIVE ON THE OLD COLONY ELDER SERVICES
BOARD**

Attached is a letter from Old Colony Elder Services regarding the annual appointment for a representative to serve on the Old Colony Elder Services Board. Lakeville's current representative is Lori Fahey.

The new expiration date for the term would be June 30, 2024.

April 10, 2023

Richard LaCamera
Select Board
346 Bedford Street
Lakeville, MA 02347

Dear Richard LaCamera,

On June 27, 2023, Old Colony Elder Services (OCES) will hold its annual election of Board Directors for the next fiscal year (July 1, 2023 – June 30, 2024). Please select your nomination no later than your May Select Board meeting. Lori Fahey is the current OCES Board Director from Lakeville. Please note that if your nominee is approved, they will start attending FY24 meetings in September.

Per OCES' By-Laws, the Select Board is invited to nominate **one** representative to OCES' Board considering recommendations from the Council on Aging. OCES provides comprehensive services to a diverse consumer base within Greater Plymouth County and beyond. It is important for OCES' Board to reflect the consumers and communities we serve. Please keep this in mind when selecting your nominee. In addition, OCES' Board can benefit by having directors with the following skill sets or professional experiences: veterans services, healthcare, government, accounting, contract management, grant writing, fundraising, LGBTQ awareness, older adults, or individuals living with disabilities.

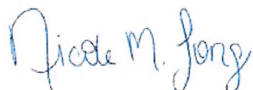
When selecting your nominee please consider carefully the responsibilities of an OCES Board Director as outlined below.

- All Directors have the duty to act in the best interest of the organization and in accordance with the organization's mission; take reasonable care when making decisions; and, stand aside when there is a conflict of interest.
- All Board Directors must participate in the annual orientation session.
- Attend full board and committee meetings and follow the Board attendance policies. If absent from three consecutive board meetings, directorship on the Board will be forfeited.

Please notify us on official town letterhead by May 31 or earlier. You can email your signed letter to Kerry Zingaro at kzingaro@ocesma.org.

If you have any questions, please call Kerry at 508-584-1561 x437 (or email her at kzingaro@ocesma.org).

Thank you,



Nicole Long, MSW, LICSW
Chief Executive Officer

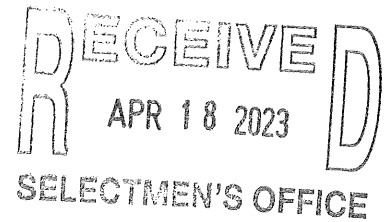
CC: Lori Fahey, Tracie Craig-McGee

**AGENDA ITEM #18
APRIL 24, 2023**

**DISCUSS AND POSSIBLE VOTE TO APPOINT GAYLE
DRAGICEVICH AND PATRICIA MUSTAAROS AS ALTERNATE
MEMBERS ON THE COUNCIL ON AGING BOARD OF DIRECTORS**

Attached is a letter from the Council on Aging Board of Directors requesting the appointment of Gayle Dragicevich and Patricia Mustaaros as Alternate Members on the Council on Aging Board of Directors.

The Alternate Member positions are annual appointments with terms ending on July 31st. The Board could choose to appoint until July 31, 2023 or July 31, 2024.



April 18, 2023

Ms. Tracie Craig-McGee
Executive Assistant to the Select Board & Town Administrator
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Dear Ms. Craig-McGee:

At present, the Council on Aging Board of Directors has two (2) vacancies for the Alternate Member positions.

At our meeting held on April 5, 2023, the Council on Aging Board of Directors voted to recommend to the Select Board Gayle Dragicevich and Patricia Mustacaros for appointment as Alternate Members on the Council on Aging Board of Directors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deveney Reis Boyadjian". The signature is written in black ink and is positioned above the typed name.

Deveney Reis Boyadjian, Chairperson
Lakeville Council on Aging Board

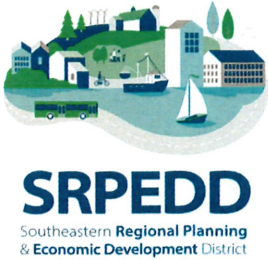
**AGENDA ITEM #19
APRIL 24, 2023**

**DISCUSS AND POSSIBLE VOTE TO APPOINT DELEGATE AND
ALTERNATE DELEGATE TO THE JOINT TRANSPORTATION
PLANNING GROUP**

Attached is the annual letter from SRPEDD requesting that the Board appoint a delegate and alternate delegate to serve on the Joint Transportation Planning Group. The alternate delegate would attend the meeting in case the delegate could not attend.

Currently Franklin Moniz is the Delegate and Member Fabian is the alternate.

The terms for these positions would expire June 1, 2024.



APPOINTING A DESIGNEE TO THE JOINT TRANSPORTATION PLANNING GROUP (JTPG)

The Joint Transportation Planning Group (JTPG) is the regional advisory group for all issues pertaining to transportation in southeastern Massachusetts. It consists of representatives of the chief local elected officials from each of our 27 member cities and towns. Each year, we ask that each municipality **appoint or reappoint its designee to the JTPG** to serve a term commencing June 1, 2023 through June 1, 2024. An alternate should also be appointed to attend meetings if the designee is unavailable.

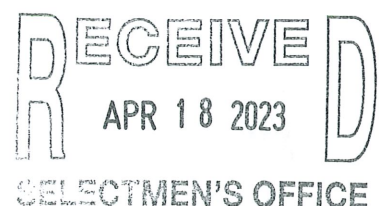
Meetings are held as needed, but no more than once per month. The primary responsibilities of the JTPG are:

- To advise the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO), MassDOT, Federal Highway Administration (FHA), and Regional Transit Authorities on transportation issues related to the region;
- To advise on the allocation of transportation funds for projects programmed into the Transportation Improvement Program (TIP); and
- To provide a public forum for public participation in the transportation planning process.

Appointing a delegate who is able to attend meetings is important. Attending meetings is imperative to advocate for the placement of a community's projects in the TIP and to be kept informed of transportation issues in the region, including funding and grants.

Please stress to your appointee that they are expected to attend meetings and communicate back to their appointing board.

If an appointee cannot attend a meeting, an alternate (optional) can be appointed to attend on behalf of the City/Town.



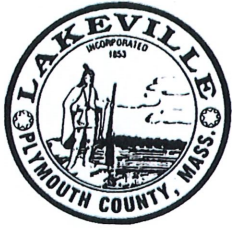
AGENDA ITEM #20
APRIL 24, 2023

**DISCUSS AND POSSIBLE VOTE TO RENEW EARTH REMOVAL
PERMIT FOR T.L. EDWARDS AT 435 BEDFORD STREET**

The Board has received an application from T.L. Edwards for renewal of their earth renewal permit for 435 Bedford Street (attached). Mr. Edwards is requesting to remove 3,100 cubic yards.

The Town Planner met with Mr. Edwards on site to discuss his plans. He has provided a memo regarding that discussion.

I have also attached a copy of the Earth Removal bylaw for your review.



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

RECEIVED
APR 19 2023
SELECTMEN'S OFFICE

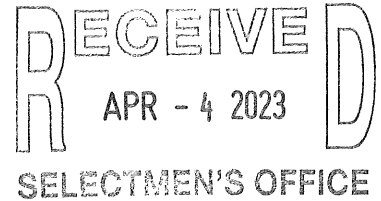
Date: April 19, 2023

To: Lakeville Select Board

From: Marc Resnick, Town Planner

Re: T.L. Edwards

I had been asked to review the Earth Removal Permit application submitted by Terry Edwards for his property located at 435 Bedford St. I met Terry on site Wednesday April 12, 2023, and he showed me the property. Currently he has several large piles of processed sand stored on the site and another that has not been screened yet. He said that this year he may use some of the processed sand for projects and may bring other material to the site for processing. He will not be excavating any new material from the site.



Date: March 29, 2023

T. L. Edwards, Inc.

Name of Firm
100 Wales Ave Rear, Avon, MA 02322

Business Address
P.O. Box 507, Avon, MA 02322

Mailing Address, if different from above
508-583-2029

Business Telephone Number

Return to: Select Board
Town Office Building
346 Bedford Street
Lakeville, MA 02347

Board members:

It is my intention to renew the earth removal permit issued to T. L. Edwards, Inc.
435 Bedford St., Lakeville, MA 02347

Enclosed is a check, payable to the Town of Lakeville in the amount of \$ 840.55 . This is based on an administrative fee of \$200.00 per acre for the 2 acres I plan to operate in the permit year beginning April 1, 2023.

It is my intention to remove 3100 cubic yards of material during the year. I understand that the fee of fifteen (15) cents per cubic yard is payable upon issuance of the permit.

I certify that 2937 cubic yards have been removed during the permit year that began April 1, 2022. **Please enclose proof of cubic yards removed (i.e. summary from trucking company).**

Pursuant to M.G.L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

04-2448260
Social Security or Federal Identification
Number (for State reporting requirements)

T. L. Edwards, Inc.
Signature of Individual or
Corporate Name

By: Terry Edwards
Corporate Officer (if applicable)

(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.

EARTH WORK

Section 1. Definitions.

Board – the Town of Lakeville Select Board

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:

6. Earth Work by any governmental entity, including but not limited to the Town of Lakeville;
7. Earth Work involving less than 2,000 cubic yards of earth in a single calendar year;
8. Earth Work in connection with agricultural use of land, including cranberry bog maintenance operations;
9. 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
10. 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:

3. 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.
4. 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.

(Adopted STM, November 8, 2021; approved by Attorney General February 24, 2022.)

CARE OF BURIAL GROUNDS AND LOTS

Section 1. The town will receive, hold and apply any fund, money or securities deposited with the Town Treasurer for the preservation, care, improvement or embellishment of any public or private burial place in the Town, or of burial lots situated in such burial places.

Section 2. The Town Treasurer may enter into agreements in behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to keep forever such lot and the structures and grass thereon, in good and neat condition, so far as the same can be done by an expenditure not exceeding the income from any sum of money or not exceeding the income from any securities, which such holder may have deposited with the Town Treasurer for such purpose.

Section 3. Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund and unless otherwise specially provided for in the terms of the gift, the income only shall be used.

(Adopted March 9, 1959; approved by Attorney General April 10, 1959)

SANITARY SEWAGE DISPOSAL

Permits must be secured from the Board of Health and meet the requirements of the State Environmental Code, Title 5.

**AGENDA ITEM #21
APRIL 24, 2023**

**REVIEW AND POSSIBLE VOTE TO APPROVE SELECT BOARD
MEETING MINUTES OF MARCH 27, 2023 AND APRIL 10, 2023**

TOWN OF LAKEVILLE
Select Board Meeting Minutes
March 27, 2023 – 6:00 PM

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

On March 27, 2023, the Select Board held a meeting at 6:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 6:00 PM by Vice Chair Fabian. Members present were Vice Chair Fabian, Member LaCamera and Member Carboni. Also present was Ari Sky, Town Administrator, and Tracie Craig-McGee, Executive Assistant to the Select Board and Town Administrator. LakeCAM was recording the meeting for broadcast.

Select Board Announcements

Vice Chair Fabian read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator's announcements.

Meet with the Town Clerk to discuss By-law Recodification Project

Town Clerk Lillian Drane was present for the discussion. Ms. Drane said it is time to officially codify and do a complete review of the Town's bylaws. This will be a fully searchable online platform. This will include all amendments through November of 2022. We are ready to launch. We have to go before Town Meeting to accept all the General By-law changes and the Planning Board will have to hold a public hearing to accept the numerical and grammatical changes. Mr. Sky said the draft codification will be posted online. Vice Chair Fabian said if residents go to the Town's website, they will be able to look at this beforehand and submit questions to our office or the Town Clerk's office. The old bylaws are available if people would like to compare line to line. Member Carboni said she looked at Middleborough's by-laws today and the system is easy to use.

Meet with Town Planner to discuss draft Housing Production Plan

Marc Resnick, Town Planner, was present for the discussion. Mr. Resnick said this is the five-year update of the Housing Production Plan. It helps the community set a direction on the type of housing and evaluate the needs of the community. The Planning Board reviewed the plan in March, and SRPEDD made some revisions. That is the plan you have tonight for review. Member LaCamera said he has made some comments already that have been forwarded to SRPEDD. Member Carboni said there is a slight change in the presentation of the document, which is more appealing while reading. She asked about the yellow highlighted text. Mr. Resnick said the yellow highlights are the changes that SRPEDD made since the Planning Board review. Member Carboni asked what is the process now. Mr. Resnick said if the Board is okay with the draft, then the Planning Board meets with SRPEDD on April 13th. If they are okay with the draft as it is, it will go to the Department of Housing and Community Development (DHCD) for review and they

send back comments. Then both Boards will need to vote to accept the final plan. Member Carboni asked about a timeline. Mr. Resnick said it can be submitted anytime, but won't go out until after the April 13th meeting. If modifications are made, he will resubmit the plan back to the Select Board.

Vice Chair Fabian said this is the actual document written by SRPEDD. It has a few questions and there is another suggested edit out there, but it was not approved by the Planning Board. Mr. Resnick said that is the purpose of the meeting coming up. An edited version was produced by one of the Planning Board members. SRPEDD will not submit that document as it does not meet DHCD guidelines. Member Carboni said we are making comments on the SRPEDD draft, which was approved by the Planning Board. Member LaCamera asked if Mr. Resnick verified the numbers that he said were not correct. Mr. Resnick said SRPEDD is using the numbers that DHCD is still using until the final census numbers are released. Member LaCamera said the plan showed that we have sewer in Town, so that needs to be removed. It also speaks about 104 pieces of Town owned property. The majority of those pieces are either preserved as open space or conservation land. You might want to bring that up. Mr. Resnick said they are required to identify Town owned land that may be developed for housing. Member LaCamera said in the 2017 plan, it speaks about inclusionary zoning and an Open Space Bylaw. Both were recommended in the plan and are recommended in the new plan. Why has the Open Space Bylaw not been presented again at Town Meeting. Mr. Resnick said it will most likely be brought forward at the Fall Town Meeting.

Discuss Planning Board's request regarding Kenneth Welch Drive parking

Member Carboni recused herself from the discussion and left the room. Marc Resnick, Town Planner, was present for the discussion. Vice Chair Fabian said the Planning Board has sent a request for No Parking signs to be placed across from 310 Kenneth Welch Drive. The memo speaks to employees of that building parking on the shoulder for over a year due to lack of parking in the parking lot. The Police Chief, Fire Chief, Town Administrator, and Building Inspector have been meeting nonstop with the owners of the property. She doesn't think that No Parking signs are a great solution; she believes it will only add to the problem. They must be enforced by the Police Department, who will write tickets. Then we need to hold hearings for these people that just want to park their cars to go to work. Member LaCamera said No Parking signs are not going to do any good. This has been going on for 1.5 years. The Planning Board gave them temporary parking, which was extended, and it has now expired. The issue he has is that the owners of the building have never told the Town who will be in the building. There are two (2) marijuana facilities in there with SeaTrade. They never told us how many employees are in that building, so how can you decide on a site plan when we don't know that. Parking is only one of the issues with that facility. Mr. Resnick said the temporary parking lot was the expanded lot in front of the building. That was to be a permanent lot. They were supposed to bring the design in by the end of last summer, which they did. It was clear that they needed more spaces, so they expanded the area where the truck bays are. That is the plan that stalled. That plan does include a total parking count of the businesses, which is what they based the expansion on. The biggest problem was that they didn't follow through the process. They have filed with Conservation.

Member LaCamera said they found out after the fact that Nstar could not increase the capacity of the natural gas line, so they took 20-30 parking spaces away in order to run the facility. Do we

put up No Parking Signs throughout the industrial park? He doesn't think it is necessary. We should notify the owner that they can't park there and cars will be ticketed and towed as they are parking on Town property. Matthew Perkins, Police Chief, said if signs go up, they are going to park somewhere else, which can create more problems and hazards. We would write tickets if the signs go up. The Police cannot write tickets unless the signs are in place. Notifying the company doesn't mean the employees would be notified. Member LaCamera said the former Talbots building has a 1,000-space lot; why don't they ask Talbots to use that temporarily. Mr. Sky said Talbots has a new tenant. Vice Chair Fabian said last week's meeting involved the owners, who have been relying on the management people, but now there is a new management company. We need to give them some time, but it has been going on way too long. Fire Chief Michael O'Brien said the site plan isn't anything that would be approved now. It would take only one (1) car to block off the fire access.

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

VOTED: To not to approve No Parking Signs in the area of 310 Kenneth Welch Drive.
Unanimous in favor.

Mr. Resnick said he will keep the Board advised as it moves through the process.

Discuss current matters relating to 310 Kenneth Welch Drive

Member Carboni was still recused from the discussion. Marc Resnick, Town Planner, and Fire Chief Michael O'Brien were present for the discussion. Mr. Sky said there are numerous issues associated with this property: public safety, parking, water issues and septic, which is correlated to the water issue. The meeting last week with the owners clarified our expectations. We still don't have the new water connection request. He shared some of the history on the cannabis companies. Part of the problem is the HVAC system and evaporators. Northeast Alternatives is not using that much water, but Jushi is flushing it away. The owners have been trying to engage with Jushi on the water usage. Technically speaking they just need to recycle the water to get the water usage reduced. Mr. Resnick said they needed to do more analysis. Ed Cullen provided an overview of the limited septic capacity. They are aware they are sharing a septic field. They have installed an above ground tank for excess wastewater. The way to deal with the septic is related to the water issue. Public safety: they have made the greatest progress in this. Chief O'Brien said we had four (4) pages of violations and are down to two (2) violations. The most significant violation was that they tapped into a fire hydrant without his approval. Mr. Sky pointed out that the City of Taunton allowed that. We have been working with the new owner since February 1st. The inability to get the water forces other changes. Vice Chair Fabian noted we have a lot of staff working on this. She would call it a problem property. How long do we go?

Member LaCamera said we have spoken of this property many times. Looking at #2, they are saying cost is an issue; the initial proposal was quoted at \$2 million. This is not going to be done overnight. The water issue was a total surprise to us. They had four (4) wells on site and were not using it effectively, but they are now. In the meantime, they had asked for 50,000 gallons a day and went around our back to get water. Mr. Sky said the owners are placing a lot of blame on the

previous property manager. The tenants did not hook up the water. Member LaCamera said the tenants knew about it. 10s of thousand gallons of water are going in those tanks that get pumped out. In the meantime, they aren't going to pay any money to the Towns for their benefit fees. Mr. Sky said he made it clear to the ownership that this issue is going on. Member LaCamera said the ownership is for the building, not the companies. Mr. Sky said he told the owners that is why the Town is not receptive to the additional water requested. Vice Chair Fabian said she is not sure what their leases look like, but they must have some sort of stipulations in there. Doesn't the ownership have some responsibility to enforce the lease conditions. Nature's Remedy said that they were going to use all kinds of water conservation measures. Member LaCamera said Jushi has done none of the water conservation. Mr. Sky said Northeast Alternatives is doing the right thing with water conservation. The problem is Jushi. This became a problem for the ownership because it became a problem for us. The only reason they have been trying to fix this is we are turning the screws.

Vice Chair Fabian said there are a few hundred people that have jobs and we don't want to put them out of a job. We can't say they can have all the water they want. We only have so many gallons in our allocation. It is a bigger problem than what people think it is. Maybe a different Board won't think it is a big deal, but the problem is not getting better. She was encouraged from the last meeting. She would like to see small amounts of progress on a regular basis. Member LaCamera said they are supposed to be doing a study for water usage. Mr. Sky said it is happening now. They want to give us a study regarding the conservation efforts they want to make to conserve water. Member LaCamera said we should give them a date to get things done. If the parking gets approved by Planning and Conservation, they need to give us a date to get that done.

Discuss and possible vote to approve Donation Agreement with the Residences at LeBaron Hills for construction of an addition for the Department of Public Works Maintenance Facility

Member Carboni rejoined the meeting. Member LaCamera said this is the LeBaron Hills Development agreement that was signed in 2003. The agreement included installing a water line down Precinct Street to connect Assawompset School, Town Hall and Police Station. The second piece was to provide \$250,000 to the Council on Aging through fees associated by building permits issued. The third item was to install a sidewalk down Precinct Street. In 2018 the Select Board at the time voted not to install the sidewalk, because the Town was responsible for the engineering and drainage and it was expensive to do that. The Board of Appeals voted to not do the sidewalk and referred it back to the Select Board to decide how to proceed with the potential funds available. There has been discussions about the possibility of doing something else for the Town. One of the suggestions was building an addition to the maintenance garage at the Department of Public Works (DPW) for offices. The agreement states that they will donate the DPW office addition at no charge to the Town.

Mr. Sky said this is a donation agreement that satisfied the Comprehensive Permit modification to provide an alternative to the sidewalk. Member Carboni asked if this is open ended? Mr. Sky said we have a schematic design. Member LaCamera said there was no number associated with the sidewalk. He said the DPW Director did an analysis on the cost for the sidewalks, the engineering, drainage and moving the telephone poles, which was \$600,000. We would have to

pay some of that. Member Carboni said this would be a betterment for the Town. Member LaCamera said the building is approximately 2,200 square feet. Member Carboni asked if we have to front the money up front? Mr. Sky said no monetary transaction will take place by the Town. We allow them access to the site to build the addition as described. Vice Chair Fabian said we have been planning from an operational standpoint to do something about the office space, but have not been able to make it happen. Our costs might include some furniture and maybe increased utilities. Mr. Sky said we have an appropriation available. He noted there are several notations in the agreement that make it clear that the work has to be done in a manner acceptable to Town staff. Vice Chair Fabian said it's a simple design, but it works. Member Carboni said if the Board agrees to move forward, does it go into effect immediately. Mr. Sky said we do not have an exact date, but they want to move forward while they have crews in the area. They will need to get permits.

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

VOTED: To approve and sign the Donation Agreement with the Residences at Lebaron Hills for construction of an addition for the Department of Public Works Maintenance Facility.
Unanimous in favor.

Member LaCamera said \$225,000 has been appropriated for that addition. He would like to repurpose that money for a septic system, repaving of the parking lot and drainage. If that money is repurposed, we can finally get the DPW settled.

Review and possible vote to approve Memorandum of Understanding for the SouthCoast Public Health Collaborative

Edward Cullen, Health Agent, was present for the discussion. Mr. Cullen said the SouthCoast Collaborative is a group of six (6) Towns joining together. All communities in Massachusetts are in some sort of a collaborative. The Collaborative receives \$300,000 a year from the State which is shared between the six (6) Towns. Member Carboni asked who participates for the Town? Mr. Cullen said he attends the meetings where the members meet to determine how to spend the money. The Collaborative hires people through the Town of Westport. They get an extra fee as they are the lead agency. Member Carboni asked Mr. Cullen if he knew of anything holding us back from participating? Mr. Cullen said some Towns don't get support from their Towns, so that is why the State is doing this.

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

VOTED: To approve and sign the Memorandum of Understanding for the SouthCoast Public Health Collaborative.
Unanimous in favor.

Review and possible vote to approve Public Way License application for Rock Hard Racing for The Mix Tape on April 16, 2023

Mr. Sky said this application came in through the Department of Public Works. However, it came to our attention on Friday that the Park Commission was not consulted on this. The application form will be adjusted to include the Park Commission as needed. This group has used Ted Williams Camp previously. Vice Chair Fabian noted they begin and end at Ted Williams Camp. Mr. Sky noted the Board could approve this, subject to Park Commission approval.

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

VOTED: To approve Public Way License Application for Rock Hard Racing for the Mix Tape Event on April 16, 2023, subject to the Park Commission approval.
Unanimous in favor.

Member LaCamera said these are the type of races that we want in Town as they are non-profit with funds going to charity.

Review and possible vote to approve Select Board Meeting Minutes of March 6, 2023 and March 8, 2023

Member Carboni had a few revisions for the March 6th minutes. She asked that Chairman Brian Day be changed to Finance Committee Chairman Day through the documents. On page 2, first paragraph, third sentence from the bottom, remove “said” prior to the Town. Under the Treasurer/Tax Collector, second to last paragraph, third sentence add at the end “for training”. Last paragraph on page 2, halfway down, the Route 79 project has been slow due to spending. The video will be watched to confirm that reference. On page 3 under Board of Assessors second paragraph, Member Carboni noted “CAI”, she did not see it referenced anywhere for a full company name. Ms. Craig-McGee said she would check it.

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

VOTED: To approve the Select Board Meeting Minutes of March 6, 2023 as amended.
Unanimous in favor.

Member Carboni had a few revisions for the March 8th minutes. She asked for the same revision to Chairman Day as in the March 6th minutes. Some of the references to Vice Chair Fabian were noted as Vice Fabian.

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

VOTED: To approve the Select Board Meeting Minutes of March 8, 2023.
Unanimous in favor.

New Business

Member Carboni presented a proclamation for Select Board Member LaCamera in honor of his last meeting with the Board. She read the proclamation into the record.

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

VOTED: To issue the proclamation declaring March 27, 2023 as Richard LaCamera Day.
Unanimous in favor.

Old Business

FY24 budget update

Mr. Sky said we have reduced the budget by about \$374,000 in expenditures. The assessment estimate for the F/L District has gone down \$239,000; Old Colony is down by \$99,000 and Bristol County is down by \$38,000. The Veterans' budget increased by \$2,000 for grave markers. We balanced the budget by reducing State Aid in the Cherry Sheets. We reduced Local Receipts by \$295,000; this number is now \$214,000 less than in the FY23 budget. State Assessments are down \$3,000 on the Cherry Sheet and State offsets are down by \$1,000. The bottom line is we are in better shape than when we started due to the Governor's proposed budget and pressuring the School Districts to get their numbers down. Member LaCamera said he was happy that the Regional School budget is down. He said the Superintendent sent an email about there being a substantial reduction in health insurance costs. We need to know what that means. Mr. Sky will reach out.

Correspondence

1. Letter from Comcast regarding Channel Lineup Changes

Executive Session

At 7:33 PM, upon a motion made by Member Carboni and seconded by Member LaCamera, it was:

VOTED: To enter Executive Session pursuant to M.G.L. c.30A, §21(a) (2) to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contact negotiations with non-union personnel and pursuant to M.G.L. c.30A, §21(a) (3) to discuss strategy with respect to collective bargaining, specifically with PBA Local 185; IAFF Local 3188 and Laborer's International Union, if an open meeting may have a detrimental effect on the bargaining position of the public body and the Vice Chair so declares and pursuant to M.G.L. c.30A, §21(a) (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Minutes for February 28, 2023 and not to return to Open Session.

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

List of documents provided at the Select Board Meeting of March 27, 2023

1. Agenda page
2. Agenda page
3. Agenda page; memo from Town Clerk; warrant articles; redline copy of revisions to General Bylaws
4. Agenda page; final draft Lakeville Housing Production Plan
5. Agenda page; memo from Town Planner; memo from Planning Board; emails from Fire Chief and Police Chief
6. Agenda page; memo from Town Administrator
7. Agenda page; memo from Town Administrator; Donation Agreement
8. Agenda page; memo Board of Health; Memorandum of Understanding
9. Agenda page; letter from Rock Hard Racing; Pubic Way License Application; route maps; Certificate of Insurance
10. Agenda page; Select Board Meeting Minutes of March 6, 2023 and March 8, 2023
11. Agenda page
12. Agenda page
13. Agenda page; Comcast Letter; Notice from Keolis Commuter Services
14. Agenda page

TOWN OF LAKEVILLE
Select Board Meeting Minutes
April 10, 2023 – 6:00 PM

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

On April 10, 2023, the Select Board held a meeting at 6:00 PM at the Lakeville Police Station Meeting Room. The meeting was called to order at 6:00 PM by Vice Chair Fabian. Members present were Vice Chair Fabian, Member Carboni and Member Day. Also present were Ari Sky, Town Administrator, Tracie Craig-McGee, Executive Assistant to the Select Board and Town Administrator, Todd Hassett, Town Accountant. LakeCAM was recording the meeting for broadcast.

Reorganization of the Select Board

Vice Chair Fabian said she has been acting as Vice Chair. Member Day does have experience and she would not be unhappy if he was Chairman.

A motion was made by Vice Chair Fabian and seconded by Member Day to appoint Member Day as Select Board Chair.

Discussion: Member Day said it is time to get to work and move forward. Member Carboni is capable to serve as Chair, however, the Town has a lot of business ahead that unfortunately Member Carboni has to recuse herself. That is not Member Carboni's fault; it is bad timing. Member Carboni said the Chair position typically rotates through with the member in the last year of their term serving as Chair with the person in the second year serving as Vice Chair. Last year was her second year, but she was not afforded the designation of Vice Chair. This is her last year of her term and she is a little insulted. We do have a lot of business to move through this year. There is one (1) situation that she must recuse herself for cannabis discussions. There are two (2) other members capable of handling those discussions and determinations on those matters. Vice Chair Fabian said it has happened in the past that the person in their 3rd year serves as Chair. There have been years that the Board has reorganized prior to the election. Next year it will be impossible to have the third-year member as Chair. She said Member Carboni has not been in the executive sessions when marijuana issues were discussed due to her conflict. Member Carboni said the other members are capable of handling those discussions without her weigh in. There could be other situations where a member must recuse themselves. Vice Chair Fabian said she is also trying to do what is right for the staff. Mr. Sky and she have been discussing marijuana everyday since November.

Member Day said the Chair creates the agenda and that may create an optic that things might not get on the agenda because of the conflict. Reducing the risk profile of the Town is important. Member Carboni said any topics that can go on the agenda can be put on the agenda. She wouldn't have to recuse herself to put things on the agenda. Vice Chair said we have to look at every Select Board policy this year to get ready for the five (5) member Board. Member Carboni has offered

to be the Chair of the Fire Station Building Committee and that is a lot of work. Member Carboni said she is capable of managing her time.

The vote on the previous motion was two (2) in favor and one (1) not in favor (Member Carboni).

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

VOTED: To appoint Lorraine Carboni as Vice Chair of the Select Board.
Unanimous in favor.

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

VOTED: To appoint Evagelia Fabian to be the designated Select Board point person for Union Negotiations.
Unanimous in favor.

Chairman Day noted that the remainder of the reorganization positions will be discussed at the April 24th meeting.

Select Board Announcements

Chairman Day read the Select Board announcements.

Town Administrator Announcements

Mr. Sky read the Town Administrator announcements.

Meet with Town Moderator to reappoint Gary Mansfield to the Old Colony Regional School District Committee

Present for meeting were Kathryn Goodfellow, Town Moderator, and Steve Owen, Steve Silvia, and John Burke, members of the Freetown/Lakeville Regional School Committee. The Old Colony Regional Vocational Technical District Lakeville Appointing Committee meeting was called to order at 6:17 PM by Ms. Goodfellow. Ms. Goodfellow said this meeting is to consider the reappointment of Gary Mansfield to the Old Colony Regional Vocational Technical District School Committee.

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

VOTED: To reappoint Gary Mansfield as a member of the Old Colony Regional School District Committee for a term to expire May 1, 2026.
Roll call vote: Member Fabian – aye; Chairman Day – aye; Member Carboni – aye; Mr. Owen – aye; Mr. Silvia – aye and Mr. Burke – aye.

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

VOTED: To adjourn the Old Colony Regional Vocational Technical District Lakeville Appointing Committee.

Roll call vote: Member Fabian – aye; Chairman Day – aye; Member Carboni – aye; Mr. Owen – aye; Mr. Silvia – aye and Mr. Burke – aye.

Liquor License Hearing for Alteration of Premises – The Back Nine Club

Chairman Day said this hearing will not be taking place tonight due to a paperwork issue.

6:45 PM Joint meeting with the Finance Committee to discuss and possible vote to approve the FY24 Operating Budget and Capital Plan

Members of the Finance Committee present were Katherine Desrosiers; Lawrence Kostant and Christopher Plonka. Mr. Plonka called the Finance Committee Meeting to order at 6:47 PM.

Finance Committee Reorganization

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

VOTED: To appoint Chris Plonka as Chairman of the Finance Committee.
Unanimous in favor.

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

VOTED: To appoint Katherine Desrosiers as Vice Chair of the Finance Committee.
Unanimous in favor.

Mr. Hassett said there is an updated budget version since February 13th based on feedback from budget review meetings. We still have a proposed balanced budget for FY24. The second page is a summary of the changes since the February version. We received \$100,000 less than anticipated for State Aid. We have been assured that this will be recalculated when the next cherry sheet is issued. We are going forward with the lower number. We lowered local receipts based on feedback and operations through March particularly in the area of permits, motor excise taxes and ambulance for \$295,000. On the expense side there has been an addition of \$2,000 for grave markers to Veterans Expense and reductions of place hold numbers for education based on final votes. The F/L Region's approved assessment is \$239,283, which is better than our place hold number. Old Colony's number is reduced \$99,000 and Bristol County Agricultural has one (1) less student so there is a savings of \$38,160. Mr. Hassett said the next four (4) pages are a Town Meeting high level summary. The last page is the two (2) Enterprise Funds, both of which have modest tax subsidies. The last two (2) pages are the Capital Expenditures Committee's approved five (5) year capital plan. We will be focused on the FY24 column at Town Meeting. There are a few items that will not be going to Town Meeting: the Fire Station and Peach Barn weatherization may require a Town Meeting vote later in the fall. There is one (1) item that the Board will discuss regarding the Animal Shelter. We may need to look at a possible roof replacement and it is not in

the capital plan, so this may need to be considered in the fall. Chairman Day asked is there any reason to defer the Peach Barn and design for the Fire Station. Mr. Sky said he doesn't have confidence in the number and is looking for grant money for the Peach Barn. Member Carboni asked about the total budget number. Mr. Hassett said it is \$34,255,645 for the General Fund operating budget. Chairman Day asked about Local Receipts. Mr. Hassett said we are taking a more conservative approach.

Mr. Sky said he is a little concerned on the Regional School District. The increase is about 1.9%, but that is partially done by bringing in E&D funds. They are balancing the budget by using one (1) time money. They have Chrome books and extra positions that are funded by Federal grant money that runs out this year, so it will be a challenge next year. Chairman Day said everyone has worked together and have identified areas where we need to keep an eye on. We would like to get the Finance Committee more involved in the process.

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

VOTED: To approve the recommended FY24 budget.
Unanimous in favor.

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

VOTED: To approve the Capital Plan for FY24.
Unanimous in favor.

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

VOTED: To adjourn the Finance Committee Meeting at 7:02 PM
Unanimous in favor.

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

VOTED: To approve the FY24 Budget and FY24 Capital Plan.
Unanimous in favor.

7:15 PM Joint Meeting with the Planning Board to discuss the MBTA Communities Program

Planning Board Members Nora Cline, Mark Knox, Chairman, Michele MacEachern and John Cabral and Marc Resnick, Town Planner, were present for the discussion. Planning Board Chairman Knox called the Planning Board Meeting to order at 7:36 PM.

Ms. MacEachern said she had suggested meeting with the Freetown Select Board and Planning Board regarding the MBTA Communities Program. Freetown has 750 units that they need to zone for. That is a lot of students that could come into our schools. Even if we are compliant with our existing 40R, it would be lax of us to not be forward thinking and explore the options. Planning Board Chairman Knox said the Town has been tasked with coming up with a new zoning overlay to keep up compliant with MBTA zoning. It appears our location and language in the smart growth

zoning may suffice. SRPEDD is running it through legal counsel. There are a number of concerns about what happens with Freetown because of the Regional School system. We would like to have a joint meeting with them to discuss this. Member Carboni said she is in favor of a joint meeting with our Planning Board. The MBTA Communities project is under Planning Board, but it affects us as a whole Town. She requested a handout of the plan that Marc Resnick and SRPEDD put together as our plan to comply with the requirement. The MBTA website lists all the Towns that have submitted their plan and deadlines. She also noted Middleborough's press release that was recently put out. After reading what they have presented, we have a lot of similarities. Prior to MBTA communities, we were an active MBTA community due to our station. We designated a Smart Growth Area with dense development. By the current station we have Sterling Place, Kensington Court, Nemasket Landing and the other development behind it, as well as, Paul Turner's development on Rhode Island Road. With the commuter rail being shifted to Middleborough, we are an adjacent community. We were looking to have what we have in place to meet the requirements with no other work needed.

Mr. Resnick said SRPEDD has to finalize their review of the language and then look at the district to see if the total number of units will comply and see if the Department of Housing and Community Development (DHCD) will accept that. He was under the understanding that we would have to create a new area for more units. After the Planning Board meets with SRPEDD, we will probably have them submit the information to DHCD. If we are fully compliant, we are done. If they require more units, we will have additional work to do. Ms. Cline said the unknown is what Freetown does will affect the School system. Chairman Day noted that Lakeville is down to 231 units as we are now an adjacent community. Ms. MacEachern said we need to keep an eye on what other communities are doing that have active citizen groups that are pushing back. Ms. Cline said the Governor is pushing for affordable housing. Member Fabian said it is not just the Governor; our own Federal Representatives are pushing for it holding forums. They are saying there is money for for-profit and non-profit contractors to build housing. It is difficult to fight back, but this is coming from the Federal level. She shares everyone's concerns about the School District. She has had conversations with Freetown, and she believes they are willing to talk. They have done their action plan. Chairman Day asked about reaching out to their Planner. Planning Board Chairman Knox asked that communications be established between Lakeville and Freetown.

Member Carboni said she would like to know if there are other MBTA communities that are regional entities that are having to go through this. It would be very interesting to see if we are the only one that is affected? Member Fabian said when you look at 40B it makes sense in non-rural communities. In the rural communities, you are asking us to tear trees down to put in housing. We need to be protective of our undeveloped land. Planning Board Chairman Knox said a lot of people at election day asked how we can stop this. We should try to communicate with other communities to help slow the bleeding. He asked Mr. Resnick if he can communicate with regional school districts to see what they are doing. Mr. Resnick will speak to SRPEDD about this.

Member Fabian said we have Open Space working on their plan. Going forward, she would like to see effort to create land trusts. Ms. Cline said we are working to look at the lands that Lakeville owns, what are they being utilized for and looking to see within the network of the Town what is available and how to develop it. Ms. MacEachern said we are searching for New Growth

in a town that wants slower new growth. Member Fabian said maybe we create some sort of committee. Legislators will say that is what Community Preservation Act is for. We need other money to create something where we can identify properties and actively pursue funding. Planning Board Chairman Knox said we need to find out from SRPEDD if we comply and then look at other regional communities. Chairman Day said we can check in the first meeting after Town Meeting. Member Carboni said the general consensus is to continue to move forward to comply with the State MBTA requirements.

Upon a motion made by Planning Board Chairman Knox and seconded by Ms. Cline, it was:

VOTE: To adjourn the Planning Board Meeting at 8:02 PM.
Unanimous in favor.

Review and vote to approve Warrant Articles for Special Town Meeting and vote to approve Final Warrant for Special Town Meeting – May 8, 2023

Mr. Sky summarized the three (3) articles for the Special Town Meeting.

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

VOTED: To approve the May 8, 2023 Special Town Meeting Warrant as presented with the three (3) articles.
Unanimous in favor.

Review and vote to approve Warrant Articles for Annual Town Meeting and vote to approve Final Warrant for Annual Town Meeting – May 8, 2023

Mr. Sky said there are 15 articles, of which the first 6 are budget related. Article 7 is CPA Reserves. Article 8 is for the Old Colony Feasibility Study. Article 9 is the community septic management program; Article 10 is for the increase in the Tax Collector demand fee; Article 11 is to increase the term for the Town Moderator from 1 year to 3 years; Articles 12 and 13 are the bylaws codification. There are hard copies available for viewing at the Library and Council on Aging. Article 14 is a citizen's petition for the recall of elected officials and Article 15 is a citizen's petition for amendment of a zoning by-law. Chairman Day asked if we can provide residents the names of some towns that are using the by-law codification system. Member Fabian said the Town Clerk is working on it. Chairman Day said Warrant review will be held on April 24, 2023.

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

VOTED: To add the articles as presented on the Warrant and approve the Annual Town Meeting Warrant for May 8, 2023.
Unanimous in favor.

Discuss and possible vote to approve Transfer Station Fee increases

Franklin Moniz, Department of Public Works Director, was present for the discussion. Mr. Moniz said the last time there was an increase at the Transfer Station was in 2019. Since then, across the board, everything has gone up yearly in regards to bulky waste and recycling. There is no change to additional vehicle stickers; he is proposing an increase to \$60.00 for the first vehicle. He is proposing a price of \$15.00 for a package of large bags and \$10.00 for small bags. There are proposed increases for bulky waste, which has increased drastically. We are putting on a minimum rate and no limit on the high end. Contractor disposal and brush are being increased. There is a huge increase in commercial disposal, which is a burden. The Transfer Station is set up more for residential with small projects. We are seeing people coming in with big trailers and filling up our dumpsters. Mattresses are being increased to \$125.00 for non-recyclable mattresses. We don't want to scare away residents who are using the Transfer Station, but the costs are affecting our operations. We will put out a flyer to explain to commercial entities that they can still purchase a sticker, but they will no longer be able to bring brush.

Member Fabian asked how the charge for bulky waste is determined. Mr. Moniz said the employees guess weights because we do not have a scale. Member Carboni asked are there other vendors been looked at for the trash bags. You are going up to \$15.00 for the large bags, and those bags are very flimsy. We are constantly having to double up on the bags or put another bag in that. Mr. Moniz said the thicker the bag, the more expensive. The majority of residents are putting bags in bags. No matter what Town, there are bags in bags. The bags are a way to offset the cost of disposal. Chairman Day asked how do you classify car/pickup. Mr. Moniz said people can bring in a pick-up truck with a few things in it and they may be charged less. Member Fabian asked if he could let the Board know if we receive complaints on the maximum fees.

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

VOTED: To approve the increases in fees at the Transfer Station beginning July 1, 2023.
Unanimous in favor.

Discuss and possible vote to approve Senior Center Addition Feasibility Scope of Work

Paul Nee, Facilities Director, was present for the discussion. Mr. Sky said this was discussed in February. There is money in the capital budget for an addition. We proposed having an Owner's Project Manager (OPM) perform the study for \$36,000. He is requesting that the Board approve the scope of work for the feasibility study to move the project forward. Member Carboni said the proposed budget is \$40,000; the estimated cost is \$36,000. Under professional fees it gives a high-level breakdown. She would like to see it broken down into what Phase 1, 2, 3 and 4 looks like and how they came to those numbers. Mr. Sky will request a breakdown. Chairman Day asked if this could be tabled until the 24th? Mr. Sky said it would be helpful to see if the Board is comfortable with the activities, and he can come back with the breakdown. Member Fabian said we have been putting this off. Member Carboni asked why did we not go out to bid for this? Mr. Sky said this was a firm that we hired as an internal OPM. At the time, he was instructed to get this going. There were some disagreements and it got deferred. He can do a formal procurement. Chairman Day asked is there a ceiling on using an internal OPM. Mr. Sky said the Fire Station

Building Committee is doing a formal RFQ. For little things, this is as large as you would want to go.

Chairman Day said it looks like they have a number of deliverables per phase. Are there timelines? Mr. Sky will ask for that. Mr. Sky said he is skeptical that the number in the Capital Improvement Plan is going to be enough to do this. After the feasibility study, we will have a rough idea of the costs. Member Carboni said she would like to wait until the 24th. Member Fabian said she doesn't want to see it wait. We have had the Council on Aging Director here twice with no decision. She is not sure how a breakdown of numbers will change anything. Member Carboni said it is important to have the breakdown. The scope is fine, but she would like the professional fees broken down. Member Fabian said we have had this for months; why can't we move it forward. Member Carboni said it is prudent that this Board discuss/deliberate so we can all hear the information and concerns. Chairman Day said he is okay tabling this for two (2) weeks to get that level of detail, but he wants it spelled out. Mr. Sky said he will get estimated hours per phase and more information on timing. This item was tabled until April 24th.

Discuss possible Animal Shelter repairs and renovations

Paul Nee, Facilities Director, was present for the discussion. Mr. Sky said the State did a surprise inspection of the Animal Shelter and found issues that they would like addressed. A plan has been developed to do the repairs. These can be handled through Facilities and Animal Shelter donations. Mr. Nee said the State asked for the concrete floors to be sealed and that will be paid through the donation account. Everything else will be handled through Facilities. There is a \$5,000 contingency. Member Carboni said it looks like \$9,775 from the donation fund and the miscellaneous items from Facilities. Mr. Sky said we have the money in our Facilities budget. Chairman Day asked how do we work around the animals. Mr. Nee said right now there are only five (5) dogs in the shelter. We will transfer them to the quarantine room and then swap them. Chairman Day asked what are we doing with any additional dogs. Ms. Craig-McGee said Mr. Frates has arranged to board the dogs at no cost to the Town. Mr. Sky said there is no regulatory impact from the assessment that they did. There was no directive or timeline; just what they want us to work on. He will send a letter back to let them know what we are doing.

Mr. Sky said these expenses were not anticipated when we negotiated agreements with the Towns that board with us. The Board should think about some sort of facilities fee in the future. Member Fabian noted that the Board discussed that previously.

Discuss and possible approval of job description for Part Time Clerk for Inspectional Services

Nathan Darling, Director of Inspectional Services, was present for the discussion. Mr. Sky said this position was in the FY23 budget, but was deferred. Mr. Darling explained that in creating the Planning Department, a clerical position was taken out of Inspectional Services. This will make his Department whole again. This clerical position reports to the Director of Inspectional Services. Mr. Darling said they will continue to support Facilities. Mr. Sky noted that it is possible that we may break off Facilities at some point. Chairman Day said the job description is from March of 2022. Mr. Sky said it was updated last fall.

Mr. Darling said the goal of Inspectional Services was to cross train. This job description mirrors our current positions. It is not saying that they will do all of this daily, but may have to cover these duties. Chairman Day asked who is doing this work now. Mr. Darling said we are currently using a floating clerk. Mr. Sky said his intention is to bring that position back to Town Hall.

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

VOTED: To approve the Part Time Clerk for Inspectional Services Job Description as presented, with the exception to update the date.
Unanimous in favor.

Discuss and possible approval of job description for Part-Time Animal Inspector for Inspectional Services

Nathan Darling, Director of Inspectional Services and John Viarella, Human Resources Director, were present for the discussion. Mr. Viarella said the main duties related for this position are barn inspections, the health of animals and dealing with communicable diseases, mainly rabies. Those functions were performed by two (2) people. An inspector resigned and the other has been doing all the duties. Mr. Sky said this is budgeted under Inspectional Services under part time inspections, but reports to the Board of Health. Mr. Darling said when we created Inspectional Services, this position was removed because it is an appointment made by the State. Member Carboni said this is part time, on call. Member Fabian said she had reviewed the job description and asked for some changes to be made, but she has more questions now than she previously did. Doesn't the State have the job description? Mr. Viarella said he wrote it based on what he was told that they do. Member Fabian said there is Mass General Law that states what the job position can be. She would like to look into this more. Member Carboni asked how long there have been a vacant position. Mr. Viarella said 18 months. Member Fabian said if this is coming from the Board of Health, they should be here to represent it. Mr. Sky said we can invite the Board of Health or Health Agent to come in to discuss this. Chairman Day said this will be brought back for April 24th.

Discuss and possible vote to appoint Select Board Member as SRPEDD Commissioner

Chairman Day noted that Member Carboni is currently serving in this position.

Upon a motion made by Member Fabian and seconded by Chairman Day stepping down, it was:

VOTED: To appoint Lorraine Carboni as the Select Board's SRPEDD Commissioner for a term to expire May 22, 2024.
Unanimous in favor.

Discuss and possible approval of Taunton Water application for 415 Millennium Circle

Jamie Bissonnette of Zenith Construction and Dominic DeMartino of DFC of Lakeville 415 LLC were present for the discussion. Member Carboni recused herself at 7:27 PM from the discussion. Mr. Sky said in the Special Permit in 2021, it was anticipated that water usage would be 2,000 gallons per day. They are estimating 5,870 gallons per day. Does the Board want to move forward or ask for the Special Permit to be amended? Mr. Bissonnette said the attorney writing up the application was estimating. A mechanical engineer design was not done. After the project received permitting, more detailed design occurred. The original 7,500 gallons was based on the septic system at full capacity, but that is not what we need. Member Fabian said she would encourage water reclamation. Chairman Day said this is a special permit that the Zoning Board of Appeals issued and he doesn't want to seem like we are overruling their decision. Mr. Knox suggested sending the question to Town Counsel to see whether this requires an amendment to the Special Permit. We have done some conditional approvals contingent upon a response from Town Counsel in the affirmative. Mr. Sky said he will send it to Town Counsel. Mr. DeMartino said they are looking at water reclamation numbers.

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

VOTED: To approve the Taunton Water application for 415 Millennium Circle with a daily allocation of 5,870 gallon per day, pending confirmation from Town Counsel that no change to the Special Permit is required.

Member Fabian – aye and Chairman Day – aye.

Revisit Host Community Agreement FY 23 Charitable Contribution Proposals

Member Carboni recused herself from the meeting at 8:27 PM. Mr. Sky said this came up in February. This is the second round of contributions, which the marijuana companies are now fighting. We have \$24,481 available for use. There were a number of proposals and the Board was unable to decide on the allocations. Member Fabian said she was not opposed to the veterans' banners. She doesn't think using this finite source of money for the banners is the right thing to do as it involves the Historical Commission and the Veterans' Agent, who we have not heard from. In doing some other research, we may be able to use grant monies to do this. Mr. LaCamera made a motion to approve all of the requests and she made a motion to approve them without the banners. So, we were not able to decide as one member could not vote on them.

A motion was made by Member Fabian with Chairman Day stepping down to second to approve the Host Community Agreement Charitable Project Proposals for FY23 as follows: Lakeville Arts Council - \$1800; Council on Aging: \$2,500 for picnic tables, \$1,800 Christmas Luncheon and \$1,800 for St. Patrick's Day luncheon; Library: \$1,000 for teen gaming; \$2,000 for wonder books and box books and \$925 for mini golf in the Library; and Betty's Neck Events - \$2,000 and to keep the remaining funds for future events.

Discussion: Chairman Day said all the applications allow us to provide a service or event to residents but the banners do not. He is in favor of the idea, but if it may be better served from another financing source. We are trying to get the intersection to be a Historic District and he

doesn't want to install these and then have an issue. Member Fabian said she would like to speak to the Historical Commission for their opinion. We have eight (8) items which take up half of the money and one (1) item that takes up a huge chunk of it. She is not anti-veteran, but she thinks the banners could be funded a different way. There were questions on where the banners would be located. The banners at Town Hall would take a beating due to the wind. She would like to get these other items funded. Chairman Day said maybe we could tie a program into Memorial Day and work with the Veterans' Agent. Member Fabian would like to save the remaining money for next year to be able to fund programs next year. Chairman Day noted that there will be ongoing maintenance required for the banners.

The vote on the previous motion was Member Fabian – aye and Chairman Day – aye.

Discuss and possible vote on request from Council on Aging Board of Directors to appoint Nancy Richmond as a member of the Council on Aging Board of Directors

Chairman Day noted that the Council on Aging Board of Directors has a vacancy and they have requested that the Board appoint Nancy Richmond to fill the vacancy.

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

VOTED: To appoint Nancy Richmond as a Member of the Council on Aging Board of Directors for a term to expire July 31, 2023.
Unanimous in favor.

Discuss and possible vote to approve Public Way License Applications for Sun Multisport Events, LLC to hold Cranberry Trifest on August 20, 2023 and Patriot Half Triathlon on June 17, 2023

Mark Walter from Sun Multi Sport Events was present for the discussion. Mr. Walter said they are holding the Patriot Half Triathlon based at Cathedral Camp in Freetown. The bike course will go through Lakeville from around 7:30 to 10:00 AM. Police and Fire have approved the event. Member Fabian said residents along the route appreciate getting the post card reminding them about the event. Chairman Day noted that we now have a more formal Public Way License to recover costs in association with the events. Member Fabian noted that the donation from the Patriot Half Triathlon last year went to Friends of the Lakeville COA, Friends of the Lakeville Free Public Library and Town of Lakeville (Betty's Neck). The Board chooses the organizations for the donations.

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

VOTED: To approve the Public Way License Applications for Sun Multisport Events, LLC to hold the Cranberry Trifest on August 20, 2023 and the Patriot Half Triathlon on June 17, 2023 with riders estimated between 7:30 -10:00 AM.
Unanimous in favor.

Discuss and possible vote on request from Lakeville Arts Council to place an A-frame sign on Town Property to advertise Spring Fling Event – April 29, 2023

Chairman Day said the Lakeville Arts Council is requesting to place an A-frame sign at the intersection of Precinct Street/Rhode Island Road.

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

VOTED: To approve the request from the Lakeville Arts Council to place an A-frame sign at the intersection of Precinct Street and Rhode Island Road.
Unanimous in favor.

Discuss and possible vote to ratify the Board’s vote of March 27, 2023 regarding Richard LaCamera proclamation

Chairman Day said he will not vote on this as he was not a member of the Board.

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

VOTED: To ratify the vote taken on March 27, 2023 to issue a proclamation for Richard LaCamera Day as read.
Member Fabian – aye; Member Carboni – aye and Chairman Day – abstain.

Discuss possible Select Board Meeting dates for May, June and July

Mr. Sky said using the normal timing of the 2nd and 4th Mondays of the month, tentative meeting dates would be May 8th, May 22nd; June 12th June 26th and July 10th and 24th. Member Fabian said if there is not a lot of business in July, she would be okay pushing meetings out or only having one (1) meeting.

Discuss and possible approval of Select Board Meeting Minutes of February 6, 2023 and March 13, 2023

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

VOTED: To approve the Select Board Meeting Minutes of February 6, 2023.
Member Carboni – aye; Member Fabian – aye and Chairman Day – abstain.

Member Carboni had some revisions to the minutes of March 13, 2023. On Page 1 under public hearing, it should be noted that the attorney for the Cable Advisory Committee attended the meeting. On Page 3, 2nd paragraph, last sentence, after Paul Trane “add of Verizon” . On Page 6: halfway down, middle of the paragraph” if they are going to deny our students entry do we want – add “to” before continue.

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

VOTED: To approve the Select Board Meeting Minutes of March 13, 2023 as amended.
Member Carboni – aye; Member Fabian – aye and Chairman Day – abstain.

New Business

Member Fabian said the Board Members should take a look at the Town Administrator's contract. Town Administrator's contracts are being renewed early to retain them. Chairman Day said the Board will discuss this at the next meeting. Mr. Sky said we will also have comments for the Rocky Woods development on April 24th.

Old Business

There was no Old Business discussed.

Correspondence

Letter from Comcast regarding changes to Xfinity Cable TV Services

Adjournment

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

VOTED: To adjourn the Select Board Meeting at 8:36 PM
Member Fabian – aye and Chairman Day - aye.

List of documents provided at the Select Board Meeting of April 10, 2023

1. Agenda page
2. Agenda page
3. Agenda page; Town Administrator announcements
4. Agenda page; letter from Old Colony Regional Vocational Technical High School District
5. Agenda page; legal ad; letter to applicant; ABCC Alteration of Premises Application
6. Agenda page; FY24 Budget and Capital Plan
7. Agenda page
8. Agenda page; Special Town Meeting Warrant Articles and Warrant; list of Warrant Articles
9. Agenda page; Annual Town Meeting Warrant Articles and Warrant; list of Warrant Articles; email from Old Colony Regional Vocational Technical High School District
10. Agenda page; letter from DPW Director; proposed rate sheet
11. Agenda page; memo from Town Administrator; proposal from RTA
12. Agenda page; memo from Facilities Manager; Animal Shelter renovation budget; photographs of work to be done
13. Agenda page; proposed job description – Part Time Clerk – Inspectional Services
14. Agenda page; proposed job description – Part Time Animal Inspector
15. Agenda page-notice from SRPEDD
16. Agenda page-Taunton Water Connection application; email from Zenith Consulting Group; email from Town Administrator; proposed layout plan; Zoning Board of Appeals notice of special permit
17. Agenda item; memo from the Town Administrator; Host Community Funding Applications
18. Agenda item; email from Council of Aging Board Chair
19. Agenda item; letter from Sun Multi Sport Events; Public Way License Applications for Cranberry Trifest and Patriot Half Triathlon
20. Agenda page; letter from Lakeville Arts Council
21. Agenda page
22. Agenda page
23. Agenda page; Select Board Meeting Minutes of February 6, 2023 and March 13, 2023
24. Agenda page
25. Agenda page
26. Agenda page; letter from Comcast

AGENDA ITEM #22
APRIL 24, 2023

NEW BUSINESS

AGENDA ITEM #23
APRIL 24, 2023

OLD BUSINESS

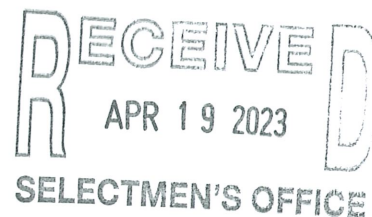
AGENDA ITEM #24
APRIL 24, 2023

CORRESPONDENCE

1. Memo from Town Planner regarding Community Preservation Funding Process
2. Memo from Fire Chief regarding designation of Lakeville Fire Department as a Built for Life Fire Department



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



MEMORANDUM

TO: ✓ Select Board, Open Space Committee, Historic Commission, Parks Commission, Conservation Commission, Greater Attleboro/Taunton Home Consortium, Cemetery Commission, Lillian Drake Town Clerk, Nate Darling Building Commissioner

FROM: Marc Resnick, Town Planner

DATE: April 17, 2023

SUBJECT: Community Preservation Funding

The Community Preservation Act (CPA) is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. On April 4, 2022, Lakeville became the 188th community to pass CPA. The Lakeville Community Preservation Committee (CPC) recently approved a CPA plan and application process.

The Community Preservation Committee is now accepting applications for community preservation funds. All organizations seeking funding must submit a Step 1 Application for Eligibility Determination to be eligible to submit a Step 2 Application. Step 1 applications are intended to be simple and allow the Committee to determine if your project fits within the funding goals of the CPC. The Step 2 Application for Community Preservation Funding is where the Committee requires that all the detailed information relating to your project be provided. All step 2 applications that are approved by the Committee will be presented for funding at the fall Town Meeting.

Step 1 Submission – Applications for Eligibility Determination are now available on the Community Preservation Committee webpage on the Towns website and need to be submitted to the Planning Department by May 19, 2023

Step 1 Review – Review of all Step 1 applications will occur at the Community Preservation Committee Meeting on May 30, 2023

Step 2 Submission – Application's for Community Preservation Funding will be available for eligible projects after the May 30th meeting and are due on July 24, 2023

Step 2 Review – The CPC has scheduled Meetings on August 1st and August 15th to review Step 2 applications. Applicants should plan to attend these review meetings.

Those boards, commissions, and organizations who submit applications will be invited to attend to discuss their application when the Committee reviews proposals.

If your organization has any questions about project eligibility, submittal requirements, applications, or anything else related to a possible project please call or stop into the planning office at Town Hall.



Lakeville Fire Department

346 Bedford Street

Lakeville, Massachusetts 02347

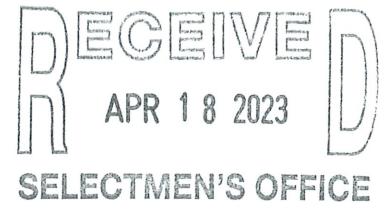
TEL 508-947-4121

FAX 508-946-3436

MICHAEL O'BRIEN
FIRE CHIEF
mobrien@lakevillema.org

PAMELA GARANT
DEPUTY CHIEF
pgarant@lakevillema.org

To: Lakeville Select Board
From: Michael P. O'Brien, Fire Chief
RE: Designation as a Built for Life Fire Department
Date: April 18, 2023



The memorandum has been written to make the Select Board aware of a recent accomplishment for our fire department. The Lakeville Fire Department has been designated as a **"Built for Life Fire Department"** by the Home Fire Sprinkler Coalition for our commitment to promoting the life saving sprinkler technology.

One- and two-family home fires account for 64.2% of all civilian fire related deaths and 54.4% of all fire related injuries. Sprinklers reduce the impact of fires! Compared to reported fires in properties with no automatic extinguishing systems (AES), when sprinklers were present, the civilian fire death and injury rates per fire were 89 percent and 27 percent lower, respectively. The rate of firefighter injuries per fire was 60 percent lower in sprinklered homes.

Nationally, only 8% of all one- and two-family homes are equipped with automatic sprinkler systems. Design professionals have engineered sprinkler systems intended specifically for use in homes. These systems feature components intended to reduce installation cost without loss of performance. The residential sprinkler systems are also designed to operate off of domestic water, including homes served by well water.

Specific to Lakeville, we live in a community with few fire hydrants. We have limited on-duty staffing and a large response district. Residential sprinkler systems represent a significant check against the many fire protection disadvantages we experience here in Lakeville.

This "Built for Life Fire Department" designation reflects Lakeville Fire Department's continued advocacy for sprinkler systems of all type. Town of Lakeville and Department leadership have recently demonstrated support for fire sprinkler initiatives, specifically Lakeville's recent local adoption of MGL 148 section 26H and 26I. This legislation mandates automatic sprinkler systems in existing lodging houses, existing boarding houses, newly constructed fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences.

Please join the Lakeville Fire Department in celebrating this designation. Please accept the gratitude of our firefighters for the support of our public safety initiatives. Please be aware of and support future public safety initiatives in the months and years to come.

CERTIFICATE

*In Recognition of
Superior Community Service*

as a **BUILT FOR LIFE** Fire Department

LAKEVILLE FIRE DEPARTMENT

is promoting a higher level of public safety by making home fire sprinklers a consistent focus of its public education programs.



**HOME FIRE SPRINKLER
COALITION**

Lorraine Carli
HFSC Chairperson

**AGENDA ITEM #25
APRIL 24, 2023**

POSSIBLE EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF M.G.L. C.30A, §21(A) (3) TO DISCUSS STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING, SPECIFICALLY WITH PBA LOCAL 185 IF AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING POSITION OF THE PUBLIC BODY AND THE CHAIRMAN SO DECLARES AND PURSUANT TO THE PROVISIONS OF M.G.L. C.30A, §21(A) (6) TO CONSIDER THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL ESTATE, IF THE CHAIRMAN DECLARES THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE NEGOTIATING POSITION OF THE PUBLIC BODY; AND PURSUANT TO M.G.L. C.30A, §21(A) (7) TO COMPLY WITH THE OPEN MEETING LAW, M.G.L. C.30A, §22(F): APPROVAL OF EXECUTIVE SESSION MINUTES FOR MARCH 27, 2023 AND NOT TO RETURN TO OPEN SESSION.