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**TOWN OF FREETOWN**  
**BOARD OF SELECTMEN**  
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gab

**MINUTES**  
**MEETING OF MONDAY, NOVEMBER 14, 2016**  
**COUNCIL ON AGING**  
**227 CHACE ROAD, EAST FREETOWN, MA 02717**

**6:00 P.M.**      **Call to Order** Chairman Sadeck calls the meeting to order. Also present are Selectman Lisa Pacheco, Selectman Robert Jose and Town Administrator Jack Healey. The meeting is being recorded by FREECAM.

**6:15 P.M.**      Public hearing to consider Class II Motor Vehicle Dealer's License for Basic Equipment, Basic Used Cars & Trucks for a site at 39 Middleboro Road. – Chairman Sadeck reads the green cards aloud. Connie Dasilva, the owner of Basic Equipment, James Poutre, of Jimmie's Used Cars, who is transferring the license, and 4 abutters are present, including Joel and Sandy Plissey, 80 County Rd. Mr. Plissey says Mr. Poutre has been a great neighbor, so if Ms. Dasilva is the same, she is most certainly welcome to the neighborhood. Mrs. Plissey would like to know how many trucks would be there. Ms. Dasilva states there will be the same amount of trucks there that is presently there, 45. She has the maximum there now. Mr. Poutre says he was given a license without restrictions, but Selectman Pacheco says the "good old days" are unfortunately gone. Chairman Sadeck says our building commissioner Scott Barbato stated he looked at the property and he recommends 50 vehicles as the stipulation. Ms. Dasilva states there will be no change in the hours of operations, 9-5 Monday – Saturday, with no Sunday operation. Mr. Poutre brought pictures for the Board to see that more than 50 cars could fit without issue, and advertised the sale of the business with no stipulations on the license. Selectman Jose says we have to be concerned with fire apparatus and their access. Chairman Sadeck asks for the opinions of the abutters. They are just not happy with the big trucks coming in, because it is loud when they bring it in. Ms. Dasilva states they won't bring them in late at night, which Mr. Plissey says was the issue. Selectman Pacheco asks what her business plan is. Ms. Dasilva says she wants a home for her business. She was previously in business where Building 19 used to be located in New Bedford. Selectman Pacheco recalls Ms. Dasilva wanting to operate on Ridgehill Road, but Ms. Dasilva says that fell through. Selectman Jose asks if repairs will be done on site; Ms. Dasilva says there is a garage to repair cars, but not the bigger trucks. Selectman Jose confirms with Mr. Poutre used to do repairs, but Mr. Poutre lost that big building in a fire around 12 years ago. Mr. Poutre regrets having to leave the business, but health issues dictate it. He says he had a meeting with the Board some time ago and was told transferring his license wouldn't be an issue. Selectman Pacheco notes that Paul Bourgeois was at that meeting, meaning it was at least 3 years ago now. Chairman Sadeck knows the site and thinks that 100 vehicles could easily fit there. When asked again about the vehicles to be sold, Ms. Dasilva says cars and trucks, with some trucks having trailers, measuring 20-40' before the cabs. Selectman Jose asks if a limit of 50 cars and 50 tractor

units works, Ms. Dasilva says that's fair, as she doesn't plan on getting any more tractor units beyond what she has. Motion (Jose/Pacheco) to approve the license for Basic Equipment, with the following restrictions: no more than 100 vehicles at one time and, out of that, no more than 50 tractor trailer units; business hours of 9-5 Monday – Saturday, no Sunday operation; no deliveries after 5pm; mechanic operations 9-5. Ms. Dasilva is in agreement with these stipulations and the abutters present have no issues. Motion passed unanimously. The permit will be signed once it is updated with the correct stipulations.

## **Weekly Public Discussion**

### **Consent Agenda:**

#### **Board of Selectmen: Action relative to:**

- Discuss and Vote to Approve Water/Sewer Agreement once forwarded by Fall River City Council. – Chairman Sadeck states that the agreement has been approved by the Water and Sewer Commissioners of Freetown. Today, he spoke with Terry Sullivan of Fall River and it should be on the City Council agenda for 11/22, but if not, it will be on for 12/13. If the Board approves it tonight, it can sign the agreement when it comes in from Fall River. Motion (Pacheco/Jose) to approve once it comes in from Fall River. Passed unanimously.
- Approve Board of Selectmen's Minutes from October 18, 2016 and October 26, 2016. Motion (Pacheco/Jose) to approve, passed unanimously.
- Discuss Circle K's request to be open on Christmas and New Year's. Chief Abbott has joined the meeting. The state has to approve certain businesses to be open on certain holidays, like Thanksgiving and Christmas, under the Blue Laws. Chief Abbott has been in touch with the Attorney General's office about this matter, and has learned there are 55 exemptions to this, and Circle K falls under two of these: they sell foodstuffs with less than 3 employees on the premises, and they sell gasoline. So he's determined that Circle K is allowed to be open on Thanksgiving and Christmas. Selectman Pacheco asks if restrictions can be placed on them, Chief Abbott says restrictions appear on the licenses the Board gives out. Selectman Jose asks if employees can be made to work on these holidays, but Chief Abbott doesn't have that information, he only focused on opening. Selectman Pacheco asks if a by-law can force businesses to close. Chief Abbott says it may conflict with state law, but suggests exploring new restrictions on the licenses given. Selectman Sadeck asks why Chief Abbott's earlier e-mail on the subject had different information than he presented tonight. Chief Abbott says there was previously confusion between holidays, Sundays and holidays that fall on Sundays and what holidays are included, but he and Mrs. Golz sorted that out. Selectman Pacheco asks about Sunday holidays that are observed on Mondays. Chief Abbott believes it's the Sunday that is observed, but says this is irrelevant, as they are entitled to open anyway. Selectman Pacheco says we should look at this further, and look into what sort of restrictions they can put for the next meeting. Selectman Jose would rather put a time restriction rather than a hours of operations and what they can and cannot sell. Selectman Sadeck

thought the state was going to deal with this, it wasn't something the Board had to act on. Selectman Pacheco wants for a clarification before the next Board meeting, find out what restrictions on time or business can be added. Selectman Sadeck says the Board is not meeting before Thanksgiving, Mrs. Golz points out the request only concerns Christmas and New Year's. Selectman Pacheco asks Chief Abbott and Mrs. Golz to get the information for the next meeting.

- Discuss Town Hall's Insurance Policy Information as submitted by Town Administrator. Mr. Healey explains about the Flood insurance. It has been recommended that the Town Hall be insured against flood insurance. Mr. Healey breaks down the premium provided by the company, base premium of \$11,991, with the total premium \$14,153. Mr. Healey points out that there are some interesting effects of Global warming on the news every day, so it must be considered. There has been no water damage yet, to Mr. Healey's knowledge, but we should probably think about getting things raised up a bit. The Town Hall is in a flood zone, so they got the quote from the insurance company. We would need to go to the finance committee to get money. Selectman Sadeck asks why this is coming up now, Mr. Healey says it was brought to his attention at the annual insurance meeting he has with the company. Selectman Sadeck says we've certainly been lucky, in this case. Mr. Plissey says he's talked to folks in town older than he, and they've never seen water in the Town Hall in the past. Selectman Jose says he's spoken to the chairman of the Historical Commission, and to the best of her knowledge, the Town Hall has never been flooded. Selectman Pacheco says we should do nothing for now, however we should look at this in the next budget cycle. Selectman Jose agrees.
- Discuss letter submitted by the Planning Board asking the Board of Selectmen to consider adopting 940 CMR 29.10 giving public bodies the ability to participate remotely as defined in M.G.L. c.4, sec 7. Chairman Sadeck says this came before Board a few years ago and it was voted down. Selectman Pacheco feels that if your care enough, you should be at the meeting and you need to be that the meeting. Selectman Jose says he isn't going to vote on this, as the Planning Board put this forward, but you would still need a physical quorum present, this helps for supermajorities and it helps with time deadlines. As he is on the Planning Board, Selectman Jose will be abstaining, but as a Selectman, he has no opinion either way on this. Chairman Sadeck agrees 100% with Selectman Pacheco on this, saying you should give your position in person. He also notes it can't be approved for just one Board. He doesn't think this is right that someone could sit at home, eating peanuts, watching TV and answering questions from a Selectman's meeting. Selectman Pacheco doesn't think anyone would abuse this, but hasn't changed her position. She thinks no action should be taken. Chairman Sadeck says he'd make a motion to again vote against this. Selectman Pacheco says she would second it. Motion (Sadeck/Pacheco) to vote against allowing remote position again, motion passed 2-0, with Selectman Jose abstaining as noted.
- Approve Abatement for the Month of October 2016, as submitted by Fire Chief Gary Silvia. Motion (Jose/Pacheco) to approve in the amount of \$23,109.90. Passed unanimously.
- Sign Agreement between Town of Freetown and Kelly Engineering for Site Evaluation. Chairman Sadeck says this contract is for evaluating the land on the corner of Chace Road and

Memorial Drive, from Memorial Drive to the Highway Barn. Selectman Pacheco has worked on this with Town Counsel and with David Kelly. Motion (Pacheco/Jose) to approve agreement. Motion passed unanimously.

- Approve/Sign Road Opening Permit for Excel Recycling for 17 Ridgehill Road. Excel is bringing a water pipe from their property to the water line. Selectman Jose asks how this will affect the water agreement. Chairman Sadeck says the more water we draw in town makes the rate better, so it helps the agreement. Motion (Jose/Pacheco) to endorse. Selectman Pacheco wants to know what the status of the facility. Chairman Sadeck says if he knew that question would be asked, he would have had Excel come in to talk, as it's not his place to share. Selectmen Jose and Pacheco ask if the facility is up and running, Chairman Sadeck says they are not up yet, but they have some type of agreement with the abutters. Selectman Pacheco asks Mr. Healey if they know they do not currently have a license. Chairman Sadeck says they do indeed know. Selectman Pacheco asks if they come in for a renewal or a whole new license. Chairman Sadeck says a renewal went out, the license granted would only be good until May. Motion passed unanimously.
- Approve/Sign Road Opening Permit for Gas Service for 137 Dr. Braley Rd. as submitted by Eversource. Motion (Pacheco/Jose) to approve and sign, passed unanimously.
- Sign 2016 Snowplow contracts. There are contracts for 16 trucks to be signed. Selectman Pacheco asks how many they had last year, Mrs. Golz says around 40. Chairman Sadeck asks if contracts are still coming in, Mrs. Golz says she hopes there will be. Selectman Pacheco asks if everyone is happy with the changes, Mrs. Golz says the ones that have turned them in are satisfied. Motion (Pacheco/Jose) to sign snowplow contracts, passed unanimously.
- Sign reduction of Surety Bond amount Planning Board is holding on Holly Ridge development for completion of roads. Selectman Pacheco asks Selectman Jose what this means. Selectman Jose explains that basically the surety bond is held for a project, in case a contractor doesn't finish the job as expected. The surety is used to finish the job. Selectman Pacheco says she knows that there are some people in that development that don't have potable water, that their wells are not working properly and the contractor has no money to fix the issues. Selectman Jose says this doesn't remedy that, as a surety bond is typically held property. This would allow him to sell more lots to get money, perhaps, but not direct money. Selectman Jose notes that the building department shouldn't issue an occupancy permit without potable water. Motion (Pacheco/Jose) to sign, passed unanimously.
- Vote on Holiday hours for Town Offices the Day after Thanksgiving. In previous years, the Town Hall has closed for business on the Friday after Thanksgiving, but open for workers. Vacation/personal time can be used if they wish. Motion (Pacheco/Jose) to carry on this policy for this year. Passed unanimously.

- Vote on Christmas Party for Town Offices. Motion (Pacheco/Jose) to have the Christmas party on December 21, organized by Ali Golz and Kevin Bernardo, and close the Town Hall from 2-4pm on that day, passed unanimously.
- Sign Memorandum of Agreement for Fire Department. This MOA involves sick time for Jeffrey Brum, who suffered a stroke in recent months. Selectman Jose asks about the date because he thought it was supposed to be a 2017 end date. Pacheco said no, 2018 is correct. Selectman Jose asks what the total hours are. Selectman Pacheco believes it is 2000 total. Chairman Sadeck reads the MOA aloud. Motion (Jose/Sadeck) to sign, passed unanimously.
- Town Administrator's Report. Mr. Healey has updates from SRPEDD on Massachusetts gaming, sharing an e-mail he has received on the topic. He believes that Freetown wants to be recognized as an affected community. He would like this to be on the agenda for the next Board meeting. Mr. Healey also has an update on the Americann project. This has been closed on and will be on the next Agenda. They will break ground within the next 3 months. They will pay full boat taxes and \$1 per square foot as it builds out. It will be one million square foot facility. It will help out a lot. Selectman Pacheco says she thinks it's time that a task force should start to meet and discuss this. Selectman Jose says the separate sales tax. He believes we zoned for medical, but not retail marijuana. The Board agrees the task force should be small: Health Agent, Planning Board, Police Chief, Town Administrator, Zoning representatives.

#### **Board of Health:**

- 138 Chipaway Rd. This is actually a typo on the agenda, it should be 137 Chipaway Road. Health Agent Kevin Bernardo says the rubbish is in compliance. Animal Control Officer Lisa Podielsky has stated that the MSPCA is monitoring the horse and feels nothing else needs to be done. Scott Barbato has filed a citation against the owner and there is also a criminal complaint against the owner. He is working with the owner and if he isn't in compliance soon then he will file a criminal complaint. Selectman Pacheco asks about the animal and the stable. Selectman Jose said he did ask about that, however Mr. Barbato didn't answer that question. Selectman Pacheco feels that if we turn our back on this, then he will stop acting on this. Selectman Jose asks if we can have the Mrs. Podielsky appear at the next meeting. Chief Carlton Abbott says you need to clarify who the lead agency is though. Chairman Sadeck wants the MSPCA agent at the next meeting. He asks Mr. Bernardo if anyone lives in any of those trailers. Mr. Bernardo doesn't believe so. Selectman Pacheco doesn't want to be the "next Westport", with owners living towns away while animals are living in town. Mr. Healey says he can get in touch with the people in Westport that are making sure it doesn't happen again there, see what they are doing. When asked by Chairman Sadeck, Mr. Bernardo said he believes the bank is paying the taxes. Mr. Bernardo was told previously by Mr. Winsper that the Town was on his case because he owes taxes but that the bank was paying the taxes. Selectman Pacheco says it'd be good to look into that, see if it's in escrow or if the bank has taken control of the property.

#### **Personnel Board:**

- Accept Nadine Dimond's letter of resignation for Soil Board Clerk, effective October 26, 2016. Motion (Jose/Sadeck) to accept Ms. Dimond's resignation, passed unanimously.
- Appoint Lauren Moreau as Soil Board Clerk, effective November 14, 2016. Motion (Sadeck/Jose) to appoint Ms. Moreau, passed unanimously.
- Reappoint Elizabeth Ashley to Cultural Council, effective November 14, 2016. Motion (Sadeck/Jose) to re-appoint Ms. Ashley, passed unanimously.
- Appoint Luiz Alves, Jr. Reserve Officer, effective November 7, 2016. Motion (Sadeck/Jose) to appoint Mr. Alves, passed unanimously.
- Sign Change of Status form for Kimberly Fales, effective November 1, 2016. Motion (Jose/Sadeck) to sign the change of status, passed unanimously.
- Appoint Gary Martin to Finance Committee, effective November 14, 2016. Motion (Jose/Sadeck) to appoint Mr. Martin, passed unanimously.
- Discuss/Sign carryover of unused sick for Kim Fales. Motion (Sadeck/Jose) to approve Ms. Fales request, passed unanimously.
- Accept letter of resignation from Raymond Roderiques from Board of Registrars. Motion (Jose/Sadeck) to accept Mr. Roderiques's resignation, passed unanimously.
- Request from Conservation Commission to make them Special Municipal Employees. Motion (Jose/Sadeck) to allow this request, passed unanimously.
- Approve bereavement request from Dorothy Stanley-Ballard. Ms. Stanley-Ballard is a by-law employee, leave is granted by the Board when requested. She is requesting 2 weeks, with unpaid leave for the balance. Motion (Sadeck/Jose) to approve 3 days bereavement leave for Ms. Stanley-Ballard, passed unanimously.
- Sign Change of Status for Kara Pigeon to Reserve Patrolman as submitted by Police Chief Carlton Abbott, effective October 31, 2016. Chief Abbott states that unfortunately Ms. Pigeon is unable to attend the current academy. Selectman Pacheco asks when the next academy is scheduled for. Chief Abbott says April/May. Selectman Jose asks if we are still short a person. Chief Abbott says they are. Chairman Sadeck asks if we can appoint her to 40 hours since she would be the next one to attend. Carlton would caution this and suggests the Board speak to Town Counsel first. He says to speak to Regina Ryan. Motion (Jose/Sadeck) to sign change of status for Ms. Pigeon, passed unanimously.

### New Business

- Dates for upcoming Board of Selectmen Meetings November 28<sup>th</sup>, December 12<sup>th</sup>, January 9<sup>th</sup> and January 23<sup>rd</sup>.
- Soil Board Schedule Inspections. The Board decides to schedule the Inspections for 9am on Sunday 11/20.

**Old Business:**

- Ongoing projects at Town Hall. Next on the list of improvements is painting treasurer/collectors office and resurfacing the benches in the first floor hallway. Also, Mr. Barbato would like to convert from oil to gas.
- Freetown Screw update. The Acushnet Special Town meeting is taking place at this hour, so there is no update on this yet beyond that.

**Executive Session:**

At 7:35pm, motion (Jose/Pacheco) to enter into executive session for the following exception, and not to return into open session. Roll Call Chairman Paul Sadeck, Selectman Lisa Pacheco and Selectman Robert Jose, all voted in the affirmative when polled.

- M.G.L. c.30A, Sec.21(a) 3 to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Motion (Pacheco/Jose) to adjourn from executive session at 7:40pm. Roll Call Chairman Paul Sadeck, Selectman Lisa Pacheco and Selectman Robert Jose, all voted in the affirmative when polled.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ali Golz".

Ali Golz, Administrative Assistant