



**TOWN OF FREETOWN
BOARD OF SELECTMEN
3 North Main Street/P.O. Box 438
Assonet, MA 02702-0438
PHONE: 508-644-2201; FAX: 508-644-3342**

MINUTES OF MEETING OF MONDAY, FEBRUARY 25, 2013

**FREETOWN ELEMENTARY SCHOOL- CAFETERIA
43 BULLOCK ROAD, EAST FREETOWN, MASSACHUSETTS**

6:05 P.M. Meeting called to order by Chairman Jean Fox. Those present: Selectman Paul G. Sadeck, Selectman Lisa A. Pacheco, Town Administrator Richard Brown. Town Counsel Mark Reich

Signing of biweekly payroll/vendor warrants

Weekly Public Discussion period

6:06 P.M. Selectman Fox opens the meeting with asking the residents that the public discussion period be kept to a minimum; we have an Agenda to get through with invited guest in attendance. Mr. Charles Moss begins. He lives on 108 Bullock Road, East Freetown. He wants to speak about the Channel 10 News broadcasts he has seen where Mr. Michael Kent is calling Freetown corrupt. He does not know why he states that but he wants to state why he feels that way. Selectman Fox interjects and states that she wants this all in writing. He says that the Board has had it in writing for awhile. This involves a large building located at 6 Winslow Way. He believes the building department is here to protect its residents. What were used to determine whether or not this was able to be built were the protective bylaws, which states that the building should have a 10' set back. Mr. Moss does not think that this building should have that 10' set back. He thinks that the set back should be more because of the size of the building. The permit was first rejected by Mr. Bourgeois and then appealed to the Zoning Board of Appeals. It was then denied by the Zoning Board. Then the building was somehow permitted in spite of the rejection. How could this happen! His lawyer has sent messages and he has never received a response. Selectman Fox and Selectman Pacheco both state that this is just not true. Mr. Moss says he agrees with Mr. Kent accusations that Freetown is corrupt. This is how 6 Winslow Way got what he wanted. No Freetown official has ever responded Mr. Moss reiterates. The only response came from Representative Orrall. Selectman Fox asks if there are any other people and one gentleman states yes he would like to speak. Mr. Barry Costa says that he purchased property seven (7) years ago in Freetown. On more than one occasion he has approached Mr. Bourgeois. At all times he has helped him. He states Mr. Bourgeois has always been courteous towards me. Mr. Bourgeois has never had an attitude towards me. Mr. Lee Baumgartner speaks saying that in all fairness wasn't the Town responsible for \$45,000 in the lawsuit against Kent. Why are we on the hook for all this money? Lee wants to know what the lawsuit is about. Why can't we know? Town Counsel Mark Reich responds with stating that the pleadings are public records. Everything else is in Executive Session which is not available to the public. Public Discussion continues with Selectmen Sadeck. He states he has been a Selectman for almost two (2) years. He takes laws very seriously. He has anguished about this decision. He has deep

regret in discussing this. He is now filing two (2) complaints against Chairman Jean Fox. He says he knows he will make enemies especially on the Board. He takes the open meeting law very seriously. We have been warned about emails before. He wants to do the correct thing. He has done this informally before and it continues to go on. He states that on February 7, 2013 Selectman Fox called him to discuss a cable contract regarding Middleboro that was previously approved. She told him to ensure that school program would continue we needed to sign with Lakeville. We had already signed a 5 year contract with Middleboro. She went on to say that she spoke with a Lakeville committee person. He stopped her and said this should be discussed at an open meeting. Selectman Fox then on February 7, 2012 followed up with an email. Which he has included within the complaint. This email was further discussion on programming. This is his first complaint. It hurts him very much to do this. But he has to file this with the Board. He reads from the Attorney General's Law. "File where the action occurred" Selectman Sadeck then states the 2nd violation occurred on the same day February 7, 2013 when Mr. Brown called him and asked about closing the Town Hall the following day due to the impending blizzard. Selectman Sadeck asked if he had spoken with the other selectmen. He said yes he had. He then received a call from Chairman Fox stating that the weather would be bad tomorrow and that we should close the Town Hall. He stated that he had learned earlier from a Town employee that they had already been told that the town offices would be closed on February 8, 2013. Selectman Fox said that she didn't make a unilateral decision. She said that we would not need to have an open meeting. Selectman Sadeck said we needed to have an open meeting like we did with storms before. Selectman Sadeck said Mr. Brown had the option to fall on swords for Selectman Fox and make the decision however he doesn't have the authority to make that decision. Selectman Sadeck states that he wants to make the town residents aware of a website created by the Regional School District regarding the school budget, it is <http://vimeo.com/60134253>. This is a professional video. People need to stay on top of this. There are no cuts being made to the school budget. The Town is not making any cuts. He states we will probably have to give them more money. The important part is keeping an eye on things as a resident. If we pass a 2 million dollar override. He thanked everyone for listening.

Consent Agenda

Board of Selectmen: Action relative to:

- Motion (Pacheco/Sadeck) to approve. Selectman Fox recuses herself. Highway Surveyor, Charles Macomber, relative to Chapter 90, Final report of installation of new guardrail on Slab Bridge Road and Friend Street. Chuck Macomber speaks regarding the Final report on Slab Bridge Road and Friend St. which came in at \$39,520.00. Passed unanimously.
- (Motion Pacheco/Sadeck) to approve Selectman Fox recuses herself. Final report is for Buena Vista Ave. and is for \$28682.46 Passed unanimously. Chuck Macomber is speaking about the sink hole. He states the opening was 6' under grade. Final report of drainage reconstruction and resurfacing of Buena Vista Avenue Final Reimbursement. Selectman Pacheco is asking where we are with the snow budget. Mr. Macomber says we are \$90,000.00 under estimate we spent 190K so far this year. The Blizzard and the week after totaled about \$92,000.00 alone. Lisa asks our State Representative Keiko Orrall and Paul Schmid who are present at

the meeting if we have any money available anywhere to help us with that. Both Representative Orrall and Representative Schmid have not heard anything. Our Representatives will find out. Selectman Pacheco asks Mr. Macomber about clearing trees. He states that they are doing the best we can.

- Discussion begins about the Assawompset Pond Levels with invited guests Representatives Keiko Orrall and Paul Schmid. Selectman Fox asks for an update from our representative. Representative Orrall addresses the audience and says that they are here regarding the water levels. She explains how they monitor the water levels. Many ponds feed into Assawompset. What has happened after 2010 is that we now have been watching the ground water levels and the gates. We are making sure we stay at the target levels we need to be at. With the flooding incident there was friction between the many towns as to whose fault it was. Who dropped the ball? We meet now on a quarterly basis. Our next meeting will be March 12, 2013 representatives from different communities attend. The Long pond has been frozen so it has been difficult to take measurements. Assawompset is at 53.9. They are taking into account the storms etc. She is confident that everyone is paying attention to the level. We were able to as a region to have USGS and FEMA include us in a study. She has a print out for Mr. Brown. We are continuing to pursue the best and fullest study from the Federal Government. We are working with USGS and FEMA to keep people safe. Representative Schmid mentions he has not received any calls from people. He will address any calls residents have. You residents know what the levels should be. We are all working together as communities, it is better to move forward. She welcomes any concerns anyone has. Selectman Pacheco says she received many phone calls from concerned residents. Her phone calls state they are worried this is just like pre-flood 2010. She doesn't want us to be reactive and not proactive? We have time to do things now before something happens. People are very concerned. We haven't even hit March yet. All the dike boards should be up. There was reluctance from some towns not wanting to raise them. Yes, Representative Orrall says all the boards are up from Nemasket in Jan they were raised. We are staying on top of this. Jan-Mar is the rainiest part of the year. We are doing as much as we can. It is all open except for Middleboro. They have fish concerns. Selectman Pacheco says we don't dance the same dance. People have had to rebuild. The Board of Selectmen's job is to protect our residents and not worry about other Towns. If we have to have another meeting then we need to. We have to come to some sort of consensus and not worry about fish with all due respect to the wildlife enthusiasts. Representative Orrall agrees we are here to keep people safe. Representative Orrall says we have been diligent with this. People please feel free to contact us. Call us or the Board/Selectman Pacheco. Be patient. Selectman Sadeck asks if there is anyone present that lives on the ponds. One Resident, who does not identify himself asks, who is responsible for maintaining the river? Representative Orrall says they have had some discussion about that. The USGS/FEMA study will help us in determining where we need to start digging in the river. She received a lot of calls in the beginning like crisis wise. She was new. She thought to like everyone we just need to

dig. But we can't dig unless we know where to dig. The study will help pinpoint where it is clogged. That will determine how to better manage it. Selectman Fox states she didn't realize that there is a ton of sediment in the ponds. She too has gotten some calls. We can't replace 2010 and we can't have that happen again. On March 12, 2013 the stakeholders meet. Different officials come. Freetown has been well represented. Representative Schmid says that he believes we are miles ahead of where we were almost 3 years ago. Many people are responsible for the ponds. Getting people together has been a big accomplishment. This is important for him to hear that there are a lot of concerns. He will leave his business cards. Please call him. Let us know. We will keep you in the loop. Selectman Sadeck says if you have concerns call the Board of Selectmen's office so we can keep a list of who is calling. So that the whole Board knows. Selectman Sadeck says that calling individual Selectman is ok but please call the office too. Representative Orrall understands that this is important to all of the communities.

Board of Health:

Personnel Board:

New Business:

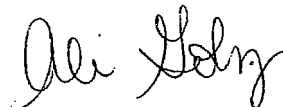
- Dates for upcoming Board of Selectmen Meetings: Monday March 11th, March 25th, April 8th, and April 22nd.

Old Business:

- Old Colony & Bristol Aggie -
- Water Department-Fall River – working with Westport had a meeting
- Employee Handbook/Safety Committee – has help with that.
- Possible retention of a Town planner – Richard will work with planning dept.
- Budget meetings for March 6, 2013 and March 20, 2013 @ 6:30P.M.

Adjournment of regular meeting: At 6:47P.M., Motion (Pacheco/Sadeck) to enter into Executive Session and not return to Open Session. All members voted in the affirmative when polled.

Respectfully Submitted,



Ali Golz, Administrative Assistant