



**TOWN OF FREETOWN
BOARD OF SELECTMEN**
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**MINUTES
MEETING OF WEDNESDAY, MAY 10, 2017
COUNCIL ON AGING
227 CHACE ROAD, EAST FREETOWN, MA 02717**

6:00 P.M. Call to Order Chairman Lisa A. Pacheco calls the meeting to order at 6:07pm. Also present are Selectman Robert Jose and Selectman Charles Sullivan. Also present are Town Administrator Jack Healey, Town Accountant Kimberly Fales and Administrative Assistant Ali Golz. The Board is joined by Town Moderator Mike McCue and members of the Freetown Finance Committee: Chairman George Grunwald, Kent Wilkins, Michele Castanguay and David Beard. The meeting is being recorded by Mrs. Golz and by FREECAM. Chairman Pacheco leads the Pledge of Allegiance.

Weekly Public Discussion

Consent Agenda:

Board of Selectmen: Action relative to:

- Review School & Capital Budget.

School Budget Discussion

Present: Superintendent of Schools Richard Medeiros and Finance Director Fred Baker
Selectman Jose explains they met with Lakeville and the consensus is to go along with Lakeville's "scenario 3", which is a reduction of \$1M of their request. Mr. Medeiros and Mr. Baker were there. This is a \$1.1 Million reduction from what they were asking for. Selectman Jose reminds everyone that this number represents an increase in the school budget, but a reduction in the amount the schools are requesting.

Selectman Pacheco asks if the Lakeville Finance Committee was present; they were not. It is not known if Lakeville's FinCom and Board of Selectmen agree on the number. Selectman Pacheco says the number that the school is asking for can be absorbed by the Town's budget presently and at some point, we need to step up on our own, not just follow Lakeville. Selectman Jose says he believes that he asks all the other budgets have been asked to level funded and they were, but the

school budget is not. Selectman Pacheco says the department budgets were not, that there is a difference between level services and level funded and we need to make sure what we are doing is right for our children. At some point someone will stand up at town meeting and say we can afford this and we will end up at a joint town meeting.

Selectman Sullivan says in a perfect world, everyone gets what they want, and we're lucky we have a little room this year to move around. He says the school department is a partnership, and we need to consider that this budget could get an override and that would be very precarious at this point, they want us to bend to their will now. We've been in this situation before, and Lakeville wants us to help them now. He says the school department is just hanging us a bill and expecting to get paid, so he fully supports the reduction in their request.

Selectman Jose says, just to be clear, it's an increase on Freetown's portion of \$442,597, a 4.98% increase, plus transportation (which we cannot control). Overall, it's a \$551,678 increase from last year's budget. Selectman Pacheco says last year we didn't give a big increase, that if we averaged this out, we wouldn't be looking at a significant increase. She notes that the formula goes up and down every year, and we need to be careful because parents are going to look at our budgets and say we can afford this, and we'll end up in a joint town meeting. She says we don't need the override, she isn't sure if Lakeville does. Selectman Sullivan says Lakeville reported they would. Selectman Pacheco says we are very lucky because of the regionalization creating huge savings in the Freetown portion of the budget. Selectman Sullivan said that is the reason why we got into Regionalization, to be able to help the other budgets. Selectman Pacheco says she agrees with both Selectman Sullivan and Selectman Jose, but if we don't watch out, we will have a room full of parents then we won't be in a good spot at Town Meeting. She does not want to see a room full of parents fighting for the school budget. She notes we don't know where the Lakeville Finance Committee sits on this, and if they want to give more than the Lakeville Board, that's another discussion we have to have.

Selectman Jose says looking at future expansion we need a new police station, Town Hall, and sewer expansion, amongst other projects. Selectman Sullivan agrees with Selectman Jose it is time to push towards the town side, which Selectman Pacheco takes exception to, saying we have been. He says for the past 45 years, for capital projects, we've only done school projects because we've had to, Selectman Pacheco says she agrees. He says we are now in a position where the school buildings are stable and we need to look back to the Town side. He says we need a long range plan, a 10-year range plan. He has a problem when he has a level service budget that is almost an 8% increase, ignoring the actual finances. He says that is not sustainable. Selectman Pacheco goes over our numbers for the past years, saying in 2008, the Town paid \$11,063,230, and in 2016, \$9,565,586. Selectman Jose notes the 2008 figure includes the Elementary School, which we owned at the time, plus regionalization plus out of district. Selectman Sullivan says we are paying out of the elementary school bond still. Selectman Pacheco says we are still spending

\$2M less. She says she understands the Town has other needs, but at some point we need to take care of our own students. Selectman Sullivan says scenario 3 wouldn't have been his pick, but we have to stand together as 2 communities. Selectman Pacheco asks are we always going to do what Lakeville wants? Selectman Sullivan asks if you really want to fund a budget out of the stabilization fund? He says if the residents kick in more money that is their option, but he wouldn't recommend it. Selectman Sullivan says we wouldn't want to be in Lakeville's schools, so we should get away from that. Selectman Pacheco says for the last number of years, we've had a number both towns agree on, we haven't played the joint town meeting game. Selectman Sullivan says there's a history of this, however.

Mr. Medeiros says he provides a level services budget, as every other budget in Town has done, and they are being funded. He says the increase in his budget is a predictable increase as it is the biggest organization in the budget. He would ask that he get consideration. Mr. Medeiros says when he arrived here 3 years ago, there was a criticism that there was too much money in the E&D fund, so the thought process was to start rolling that E&D in to bring down the assessment to each town. That's not sustainable in the long run. He says we need a short term solution now because the decisions and reductions they would have to make with this budget would devastate classes, programs and services. He thanks the Board for the opportunity to speak.

Selectman Pacheco says we'll hold the Capital discussion until later in the meeting.

- Discuss/Vote on DEP's request regarding Excel Recycling. Selectman Sullivan will recuse himself on this matter. Selectman Pacheco explains that this is on the Agenda because there has been an issue doing the sound testing so DEP wants the Board to extend their license by 30 days. She says before we do this, we should have a one night meeting solely about extending the license. Selectman Jose has sent emails to DEP asking for the testing to be done ASAP, because he wanted to be sure the report was finished, which it should have been done in April. He is very frustrated with this, and he agrees with Selectman Pacheco on the meeting. He'd want to discuss hours of operation at the meeting as well. Selectman Pacheco says we can also put restrictions on the license and then more restrictions again once the testing comes back. Selectman Jose and Selectman Pacheco agree on May 30th at 6pm, at Freetown Elementary School.

Steve Tripp – 4 Alexandra Drive – gives the Board photos and debris and explains that the Health Agent needs to walk on the gas line to see the debris. Mr. Bernardo has been there and has seen little bits of foil. He's spoken to Mr. Marty Costa about cleaning that up. He's also seen lots of trash there, not from Excel, describing it as a "dumping site", but he can't verify the Wal-Mart bags and such come from Excel. Mr. Tripp also plays a video file showing all the trash and debris. Selectman Pacheco says we need to know why debris is getting over there.

Michael Senra – 16 Alexandra Drive – When they are doing the testing what are they throwing into the stack? Selectman Jose says DEP can speak to that better, but Mr. Bernardo says it is a mixture of things. There was a car that went in. Mr. Senra asked if a motor went in. Mr. Bernardo said it was checked for materials that would be leaking, but didn't see a motor went in. Selectman Jose said DEP was responsible for doing the testing, not the Town of Freetown, and agrees there would be a totally different sound if it doesn't have a motor in it.

Jose Branco – 7 Alexandra Drive – Mr. Branco says if we are waiting on the results from last week, you might as well give them the license because there wasn't a sound. He says the sound is completely different now since testing is over. We need the town to start to do something now, we need you to step up and do something. Selectman Jose asks if Mr. Branco thinks it's gotten any better? Mr. Branco says absolutely not, though noting some days you don't know they exist. He says now we have been told this would be solved by now and it hasn't. Selectman Jose says you can't just close a business tomorrow because there's a complaint, we need to build a case before it's possible to close them, so you can say fix this or you're closing, and that's what we are in the process of doing. We have to go through the legal steps. Selectman Pacheco says it's important to remember we have no stipulation on them now. Selectman Jose says we are outside of the agenda item now.

Selectman Jose believes that DEP is doing what they are supposed to make an accurate report, he doesn't think they will lie to us. Michael Cabral isn't sure DEP can be trusted, suggesting they are in "cahoots" with Excel. Selectman Jose stresses it is DEP's testing, not the Town doing this. Mr. Cabral wants the Town to step up and hire an independent sound tester. Selectman Jose believes DEP is acting within the law. The residents want unannounced testing, so Excel can't manipulate the results. Mr. Bernardo backs up the assessment that the noise range varies greatly. Selectman Pacheco requests that Selectman Jose ask DEP to not let anyone know they are coming, everything needs to be unannounced. She wants the testing done completely in secret. Selectman Jose says maybe the sound monitoring needs to be done for a week straight, see what the results are that way.

The Board recaps: meeting on Excel's license renewal on Tuesday, May 30, 2017, at 6pm, on Freetown Elementary for the extra seating if it's needed. Selectman Pacheco asks the residents to come prepared.

- Reserve Fund Request as submitted by Water Department and Town Administrator. The Board will hold off on the Water Department Reserve Fund Transfer, as it appears to be the same as their Special Town Meeting article, so it needs to be explained more. Mr. Grunwald says they should have that money in their Enterprise Fund. Discussion turns to whether or not the article can be changed to take the money from the Enterprise Fund, Mr. Healey says it can be amended on Town

Meeting floor. For the Town Administrator Reserve Fund Transfer, it is in the amount of \$10,807.01 for legal bills.

Vote: Motion (Jose/Sullivan) to approve and forward the reserve fund transfer to the Finance Committee, passed unanimously.

- Vote on final Omnibus budget for FY18. Selectman Pacheco says the Board can vote on everything at the end, once all the changes are made. The Board goes over the budgets they've previously held for more discussion. Budgets not discussed here are good to go, as presented in updated omnibus.

Town Administrator Budget: The topic of the \$125K for the new town administrator is revisited. Selectman Pacheco is concerned about the amount of money they are leaving in the budget that isn't needed. She says the budget is inflated by about \$15K and will be questioned on Town Meeting floor because of the significant increase over last year. Selectman Sullivan doesn't believe that, saying \$125K for a Town Administrator is reasonable and will be saved in the long run. Everyone is in agreement that a full-time Town Administrator is required, but Selectman Pacheco believes things are being doubled up in this budget. Selectman Sullivan recaps all the different ways a good, full-time Town Administrator will be worth \$125K. Selectman Pacheco says we currently have it at \$125K and we barely have 3 qualified applicants, she doesn't believe the salary is an issue, it's the town by-law for the position. Selectman Sullivan goes over the by-law, and believes we have more than 3 qualified applicants. Selectman Pacheco says this is all up for discussion in executive session when the time is right. Selectman Sullivan says if the right candidate requires only \$100K, then we have \$25K for free cash next year. Mr. Grunwald agrees with Selectman Sullivan. The Board and Mr. Grunwald asks Mr. Healey what he thinks, he said he sees this as a realistic budget. Selectman Pacheco says we can leave it alone, but that everyone needs to remember she negotiated Jack's salary and the 2 Town Administrators before him as well. She says the budget is over-inflated by \$10-15K. She says after 15 years, she knows what she's talking about. Selectman Sullivan says we aren't signing a contract for this amount tonight.

Finance Committee Budget: Mr. Grunwald says if the Finance Committee received clerical backup at Town Hall, they wouldn't need as much money in payroll. Selectman Jose asks what sort of time he's thinking, Mr. Grunwald says a little extra money for tape recorders and someone at Town Hall can type their minutes. They would just need a contact person in Town Hall to post meetings and send emails to the Committee. Mr. Wilkins asks if Mr. Grunwald is looking to replace the current Finance Committee clerk, Mr. Grunwald says they would be more efficient, but if there's nobody available they can leave it. Selectman Pacheco checks if Mrs. Golz is strapped, she says that she is. Selectman Sullivan looks at the Selectmen's budget and says he'll pass on that. Selectman Pacheco suggests leaving it for now and talking to the clerks at Town Hall later. She also notes the expense budget should cover a tape recorder.

Reserve Fund Budget: This was dropped to \$125K, which everyone is in agreement on.

Assessors Budget: Selectman Pacheco asks if anyone knows when Karen Mello is retiring. It is not known by anyone at the meeting. Selectman Jose notes that Ms. Mello said she'd need 3 assessment cycles to train. Selectman Pacheco confirms with Mrs. Golz that Ms. Mello works alone; she does, though the floater helps out when she needs it. Selectman Jose notes he is not learning the job, however. Selectman Pacheco asks if Ms. Mello really needs a clerk for 19 hours a week, would 15 hours be sufficient to start? Selectman Jose says he doesn't believe Ms. Mello is complaining about the work load, she just wants to train someone. He thinks 15 hours would be fine. Mr. Grunwald asks if they'd need to be in there every week, saying he isn't sure a new hire would take 15 hours. Discussion turns to what that figure would be, it's decided they would use a step 5 clerk rate, currently \$18.75. This is a reduction of almost \$5,000, bringing the Assessors departmental total to \$94,227.

Treasurer Budget: Selectman Pacheco's sheets have \$2,000 for an educational incentive crossed out, but it still appears in the Departmental total. Ms. Fales says it is still in. Selectman Pacheco says that is fine.

Management Info Systems Budget: Ms. Fales moved the equipment replacement line item to capital budget, as the Board wanted, so the increase for this department is for VADAR cloud.

Total Government: Reflecting the changes made tonight, Ms. Fales has a total of \$1,325,472.06 for total government.

Fire Budget: The fire budget is all set, but Selectman Pacheco requests a report on the new billing system soon. Chief Silvia says he can do that, in July it will be 6 months. The Board checks that Mr. Silvia still plans on replacing his clerk once she retires, he says that is still the plan, though he's still working out the timeline and logistics.

Total Public Safety: \$3,664,090.93

Regional School Assessments: With the discussion earlier in this meeting, the Department Total for the Regional School Assessment is \$10,089,510. Ms. Fales received an update on the Bristol County Agricultural School Assessment, which is \$21,170. This figure accounts for 10 students, which is down from last year, so this number is a decrease from last year. Ms. Fales has yet to receive any updates from Old Colony, so the number on the omnibus represents last year's contribution, \$1,897,485. Selectman Pacheco notes the state sets that enrollment, so they may be waiting on the state.

Total Education: \$12,012,589.00

Highway Department Budget: an employee at the highway department recently indicated his intent to retire, so that incentive bumps the personnel line item up \$5,110, bringing the Highway Department total to \$457,033. Selectman Pacheco confirms that everyone is all set with the 5% raise for the Highway Surveyor; there are no objections.

Total Public Works: \$1,270,132.32

Council on Aging Budget: Selectman Pacheco met with Bruce Wilbur of the COA Board and received a whole new budget. He now wants to level fund the electric, heat, telephone, etc, and take that money out of the grant, and add a part time person at 15 hours, in the amount of \$13,803. She will get Ms. Fales the paperwork on that. Selectman Pacheco doesn't have the information on how that figure was reached. After working out the details of the changes, Ms. Fales says this lowers the COA department request to \$156,085.

Total Health & Human Services: \$435,579

Library Budget: Ms. Fales says a new budget was submitted and goes over the details. Selectman Pacheco wants to make sure the increases reflect what was decided on in the discussion with the library, because the increase presented looks high to her. After checking her paperwork, Ms. Fales finds she has the correct increases, but the description she put on the omnibus for tonight is missing information. Ms. Fales recalls that on the Library budget, there was a mix-up with an employee's CBA-required increase not being included, which the Board agrees is why these numbers don't look familiar.

Historical Commission Budget: This number returned to \$500, with the request for windows moved to the Capital Building Improvement budget.

Total Culture & Recreation: \$145,978

Selectman Pacheco looks ahead and sees no further holds on line items.

Total Debt Service: \$701,150

Worker's Compensation: Mrs. Golz notes this needs to go up a little more above the 10% increase noted, for deductables. The new total here is \$81,989.50.

Unemployment Benefits: Discussion is held about whether past claims would come out of this line item. Selectman Pacheco said it would be totally separate, so the Board agrees to lower this by \$10K, to \$20,000.

Health Insurance Budget: Selectman Pacheco says that number is too high, but Ms. Fales says the figure is the revised number, per MIIA.

Court Ordered Judgements / OPEB Liability: Selectman Pacheco says \$200K used to go to Court Ordered Judgements, but that now goes to OPEB Liability.

Total Unclassified: \$2,989,511.38

Operating Grand Total: \$22,541,502.69

Capital Equipment: For new requests, the Water Department is looking for a van, the Fire Department is looking for an SUV, IV pumps, and a portion of self-contained breathing apparatus, which Chief Silvia says will be replaced by station over the next few years to lessen the impact on the budget. There are also cruisers in the budget, the same amount requested as in years past. Selectman Pacheco says, on the IT equipment, that we don't know what the money is being requested for, but we need to leave some for emergency purposes. Selectman Jose suggests \$10K, and Selectman Pacheco says we can work on a schedule and up the number in the fall if it proves necessary. With the IT change, Ms. Fales says the Capital Equipment total is \$434,912.86.

Capital Building: The COA has a request for a freezer, discussion turns to whether that should be in the Equipment budget or Building. Since it would be permanently attached to the COA, Ms. Fales says Building is appropriate. As far as the Board knows, the \$20K for this in the budget is all-encompassing. The windows for the schoolhouse are also included in this budget. Selectman Pacheco asks what this extra \$30K for Town Hall Plumbing Replacement is. Nobody is sure, but Mr. McCue says he's heard the Building Inspector speak of a fixture needing to be replaced because of the age of the building, but notes it has to be more than that. This is left in. Selectman Pacheco asks Chief Silvia about the \$10K for Fire Station flooring, but Chief Silvia says he didn't submit that, it was the Building Inspector. Selectman Pacheco asks if we are really going to sink more money into the existing police station if it is being replaced, and the Board agrees that that item is not needed. Selectman Pacheco recaps the changes to this budget: \$20K for police station insulation and \$10K for fire station flooring out, \$12,400 for the old schoolhouse windows and \$20K for COA freezer in. Ms. Fales asks about other items in the budget, but Selectman Jose says we didn't question those. He observes with the changes, the total didn't change much. Ms. Fales says that brings the total to \$87,400.

Total Capital Budget: \$522,312.86

Total Omnibus Budget: \$23,063,815.55

Before articles, Ms. Fales says this omnibus leaves \$525,000 left over. The Board will vote to finalize the Omnibus along with the Warrants, after the next agenda item

- To consider and review and act upon the Final Warrant Articles for the Special Town Meeting (STM) Warrant and Annual Town Meeting (ATM) Warrant.

STM Warrant

Selectman Pacheco asks if everyone is all set with the STM Warrant, the Board agrees that they are.

ATM Warrant

Selectmen Pacheco and Jose go through the articles, and see that Article 18 is the first that needs to be discussed. Selectman Jose says he believes the article, which was previously for \$3M, was broken up: \$650K coming from capital stabilization now, then the rest in the fall if it's needed. He says the amendment does not read that way, it appears they are trying to borrow that money. Discussion turns to why this was done this way. Selectman Pacheco says that when this was discussed, it was agreed that the Town would take on the \$650K, but the Water Department was responsible for the rest, she hopes this wasn't flipped the other way. This is Selectman Jose's recollection as well. Ms. Fales notes that you could still borrow the money and pay for it out of Capital Stabilization, but Selectman Pacheco thought it was a one-and-done thing. Selectman Pacheco asks Mr. Healey to call Paul Sadeck of the Freetown Water & Sewer Commission, as Chairman Bob Parker is not at the meeting tonight.

Land Article. Selectman Pacheco says the land from David Cass was voted on last year, intended to get on the warrant this year, but it fell through the cracks. Selectman Pacheco says the Article needs to be added. The Board has no problem with this. Mrs. Golz says that the Article be sent to Town Counsel first.

Mr. Healey has Mr. Sadeck on speaker phone. Selectman Pacheco asks why the money is coming from bond and not Capital Stabilization. Mr. Sadeck says he has no idea why it is written that way. Selectman Jose relays his recollection of where the money was to come from, and Mr. Sadeck agrees. After a discussion, it's determined that Mr. Parker simply changed the dollar figure on the article, instead of re-writing the entire article. Mr. Sadeck says the Board should correct the Article, and the call is ended. Selectman Sullivan requests clarification that this \$650K is the only general taxpayer's contribution to this project, Selectman Pacheco says that is exactly right. Selectman Sullivan says he

doesn't have a problem with revisiting this to some extent later on if needed, Selectman Jose notes that'll come for the Fall STM.

Mr. Grunwald asks Selectman Pacheco to explain this project to him. Selectman Pacheco says the current articles are to upgrade the pipes and water filtration system. If that works, they may not need to do any more work for the project; if it doesn't work, they'll have to start part two, which is the difference between the \$3M and the \$650K, which she says is currently the Water Department's portion. She notes we can have further discussion on that later if needed. Selectman Jose says the Water Department has calculations that say increasing the filter size could solve the problem. Mr. Grunwald says it's a matter of semantics, as the taxpayers pay for the stabilization fund anyway. Selectman Pacheco says as far as the Board is concerned, any further funding beyond these articles will be borne by the Enterprise fund. Mr. Grunwald asks how this will be explained to the taxpayers. Selectman Sullivan says he sees Mr. Grunwald's point, but he sees the current articles as an investment that will allow the water system to expand. He says he and Mr. Grunwald are coming to the same point from different angles. The Board agrees that a bigger water system would be better for everyone in Town.

Vote: Motion (Jose/Sullivan) to approve the final warrant articles for the Special Town Meeting and the Annual Town Meeting and approve the final Omnibus budget as discussed this evening, passed unanimously.

Board of Health:

Personnel Board:

New Business:

- Dates for upcoming Board of Selectmen Meetings: Annual Town Meeting Monday June 5th, Monday June 19th, Monday July 3rd, Monday July 17th, Monday August 7th, Monday August 21st.

Old Business:

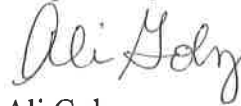
- Trash
- Credit Card Payments
- Building Fees

Executive Session:

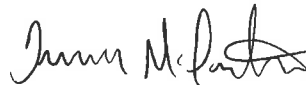
At 8:39pm, motion (Jose/Sullivan) to enter into executive session and not return into open session, to discuss strategy with respect to litigation if an open meeting may have detrimental effect on the litigating position of the public body and the chair so declares (M.G.L. c.30A., Sec. 21(a) 3) – Lawless v. Estrella. Roll call Chairman Lisa Pacheco, Selectman Charles Sullivan and Selectman Robert Jose, all voted in the affirmative when polled.

At 8:41pm, motion (Jose/Sullivan) to adjourn. Roll call Chairman Lisa Pacheco, Selectman Charles Sullivan and Selectman Robert Jose, all voted in the affirmative when polled.

Respectfully Submitted,



Ali Golz
Administrative Assistant
(Meeting minutes)



Timm McIntosh
Senior Clerk
(Budget/Articles portion of meeting,
via Mrs. Golz's recording and notes)