



**TOWN OF FREETOWN
BOARD OF SELECTMEN**
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FREETOWN TOWN CLERK

2017 AUG -7 AM 9:09

Ja Brown

**AGENDA
MEETING OF MONDAY, JUNE 05, 2017
FREETOWN ELEMENTARY SCHOOL
43 BULLOCK ROAD, EAST FREETOWN, MA 02717**

6:00 P.M. Call to Order Chairman Lisa A. Pacheco calls the meeting to order. Also present is Selectman Robert P. Jose and Selectman Charles B. Sullivan. Town Administrator Jack Healey and Town Counsel Joseph Fair are also present. The meeting is being recorded by Administrative Assistant Ali Golz and FREECAM.

6:00 P.M. Discuss Assistant Clerk posting with Town Clerk Jacqueline Brown

This discussion was held after the Board of Health Variance at 6:05 due to scheduling challenges. Mrs. Brown wants to post for an assistant town clerk, which she can do under MGL Chapter 41, section 19. She has a timeline worked out, pending approval of her budget, posting the position on the union bulletin board on June 6, with interviews scheduled for June 15, and appointed at the June 19 Board meeting. Selectman Pacheco confirms the start date would be July 1. Mrs. Brown asks if the Board wants to be part of the interview process, Selectman Jose says he'll sit in on them if he's available.

Vote: Motion (Sullivan/Jose) to approve the posting for assistant clerk.
Selectman Jose makes an amendment to the motion, making the approval pending passage of Mrs. Brown's budget at Town Meeting. Motion passes unanimously.

6:05 P.M. Board of Health Variance – 3 Andre Ave.

Chris Gilbert from Farland Corp, Inc. is present, along with Health Agent Kevin Bernardo. Septic repair is needed at 3 Andre Ave, and a variance is being requested from the sideyard and rear yard setback in order to meet the 100' well setback on the property. Selectman Sullivan reads the returned green cards from abutters: Eleanor Coelho and The Denise Avenue Trust, a representative from the latter being present. Mr. Gilbert says the leaching field will be roughly 5' closer to the property line. Selectman Jose verifies that the closest wells are all over 100' away, Mr. Gilbert says they are. Mr. Bernardo says the only thing we'd need is a deed restriction later on.

Vote: Motion (Pacheco/Jose) to approve the variance for 3 Andre Ave, passed unanimously.

Weekly Public Discussion

Consent Agenda:

Board of Selectmen: Action relative to:

- Discuss and Review Special and Annual Town Meeting Warrants
Selectman Pacheco asks the Board if they are all set with the Warrants for tonight. They are in agreement that they are. She notes that Mr. Grunwald had some questions for Town Counsel.
- Re-Vote the Board of Selectmen recommendation for the FLRSD budget.
There was an adjustment in the debt figures, around \$1,900. The correct figure should be \$10,091,490. Selectman Pacheco notes the number printed on the handouts for Town Meeting is correct, but the recommendation from the Board has to be re-voted.

Vote: Motion (Jose/Sullivan) to recommend the corrected figure of \$10,091,490.
Motion passes 2-0, with Selectman Pacheco abstaining.

- Discuss Town Hall Business Hours for the July 3rd.
July 3rd is a Monday. Selectman Jose asks what has been done in the past, Selectman Pacheco believes the Board lets the Town offices go at noon.

Vote: Motion (Jose/Sullivan) to let the Town office go at noon on July 3, passed unanimously.

- Discuss letter from Atty Gay & Gay regarding land next to Station 3.
Selectman Jose says he recalls it's mostly wetlands. Mr. Healey says half the lot, the half closest to the fire station, is dry, but not dry enough to be buildable. Selectman Jose says that is why they couldn't sell it. Selectman Pacheco asks if we want to walk it before making a decision. The Board decides to do this for the next meeting and re-visit it, then. Selectman Pacheco advises Mr. Healey to let Atty. Gay know they will be exploring further, including walking the land.

Vote: Motion (Sullivan/Jose) to have have the land walked and notify Gay & Gay of that, passed unanimously.

- Approve Ambulance Abatements for the Month of March FY17, as submitted by Chief Silvia.

Vote: Motion (Jose/Sullivan) to approve the abatements in the amount of \$6,969.37 for March FY17, passed unanimously.

- Approve Ambulance Abatements for the Months of January-April 2017, as submitted by Chief Silvia.

Vote: Motion (Jose/Sullivan) to approve the abatements in the amount of \$52,677.77, passed unanimously.

- Approve Ambulance Abatements for April, May and June 2016, as submitted by Chief Silvia.

Vote: Motion (Jose/Sullivan) to approve the abatements in the amount of \$62,419.16, passed unanimously.

- Sign/Approve Reserve fund transfer request for Legal Counsel as submitted by Town Administrator.

Vote: Motion (Sullivan/Jose) to forward the transfer request in the amount of \$3,647.04 to the Finance Committee, passed unanimously.

- Approve Reserve Fund Transfer Request as submitted by Town Clerk Jacqueline Brown. This is needed because of wages made by election workers in early voting in November, which was unknown to Mrs. Brown at this time last year.

Vote: Motion (Sullivan/Jose) to forward the transfer request in the amount of \$635.40 to the Finance Committee, passed unanimously.

- Approve Reserve Fund Transfer Request as submitted by Water/Sewer Department. Chairman Robert Parker of the Freetown Water & Sewer Commission (FW&SC) presents the Board with a second Reserve Fund Transfer Request, for \$1,504.41, but Selectman Jose says that will have to go on the agenda for the next Board meeting. Selectman Pacheco asks Mr. Parker why the FW&SC is in the red on this. Mr. Parker says they've had a lot of unexpected things they've had to pay for, this reflects bills that are due now. Selectman Pacheco says we can't keep "hitting up" the reserve fund and stabilization funds, as the FW&SC run on retained earnings and a budget. She understands things happen, but they are the only department that has the capability to take money in and spend it. Mr. Parker says they were unanticipated expenses. Paul Sadeck of the FW&SC says the Commission are not engineers, they need help with certain things, and this reflects that.

Selectman Pacheco says an email was received from Mrs. Brown today about bonding and funding mechanisms from the state, and she thinks it would be a great thing to look at. She confirms that Chandler in the Water Department received the e-mail. Mr. Parker says it will certainly be explored.

Selectman Sullivan says that in the letter that came with the reserve fund transfer, Mr. Parker spoke of excess money, he wants to know what that is about. Mr. Parker says

there is no excess. Selectman Pacheco says the department has roughly \$61,000 in retained earnings, but it takes a Town Meeting vote to expend this amount. Mr. Sadeck says he sent a request to add a warrant article to allow the FW&SC to use that money, but the Warrant had already closed at that time. Mr. Sadeck said that would have alleviated this issue.

Discussion turns to the amount of the transfer request to forward to the Finance Committee. Mr. Parker says he supplied the Board with an updated request in the amount of \$55,323.07, due to new bills that arrived today. Mr. Sadeck says since the amount is not posted on the Board's agenda, they can change the dollar figure they are acting on with no issue.

Vote: Motion (Jose/Sullivan) to forward the transfer request in the amount of \$55,323.07 to the Finance Committee, passed unanimously.

Board of Health:

Personnel Board:

- Discuss & Approve Recommendation from MIIA re: Worker's Compensation. Selectman Jose says the Board received a settlement offer from MIIA in the case of a previous employee. The Board needs to authorize MIIA to pay the settlement. This figure is already in the budget, in the Worker's Comp budget.

Vote: Motion (Pacheco/Sullivan) to approve, per MIIA's recommendation, passed unanimously.

- Sign State Ethics form submitted by Michelle Castonguay.

Vote: Motion (Sullivan/Pacheco) to sign, passed unanimously.

- Discuss/Appoint Donna Silva Van Driver, as submitted by COA Board. Selectman Jose reads a letter from the COA Board recommending the appointment.

Vote: Motion (Pacheco/Sullivan) to approve Ms. Silva's appointment, passed unanimously.

- Accept letter of resignation from Kathleen Hutchinson, Senior Clerk. Selectman Jose reads Ms. Hutchinson's letter aloud.

Vote: Motion (Pacheco/Sullivan) to accept Ms. Hutchinson's letter and send a letter of thanks & gratitude for her service, passed unanimously.

Vote: Motion (Pacheco/Sullivan) to allow the COA to post to fill the position, passed unanimously.

- Accept letter of resignation from Kevin Bernardo, Health Agent. Selectman Jose reads Mr. Bernardo's letter aloud. In the letter, Mr. Bernardo offers to remain as a per diem or on-call inspector to help the next Health Agent take over.

Vote: Motion (Sullivan/Pacheco) to regretfully accept Mr. Bernardo's letter of resignation but keep him on as a per-diem employee to help fill in the gap between the two Health Agents, passed unanimously.

- Discuss letter from Timm McIntosh, Senior Clerk, regarding vacation time. Selectman Jose asks Mr. McIntosh to explain the situation. Mr. McIntosh says he has three vacation days that were granted on February 16th of this year, but are being taken away with the new fiscal year. He is requesting they be carried over to the new fiscal year. The Board asks if Mr. McIntosh was an employee for a full year before February 16th; he was, that was his anniversary date. Selectman Pacheco notes he moved from part-time to full-time employment, Mr. McIntosh says that happened in September. The Board isn't sure if the by-laws speak to hours or weeks of employment. Selectman Pacheco asks Atty. Fair for his input, he says he'd have to review the CBA and by-laws to be sure, but he believes there is some flexibility for carryover. Selectman Pacheco asks Atty. Fair to review that and get back to the board.

Vote: Motion (Sullivan/Pacheco) to hold off until the next meeting after getting more information from Atty. Fair, passed unanimously.

- Accept letter of Retirement from Edward Walsh, Highway Department, effective June 30, 2019. Selectman Jose reads the letter from Mr. Walsh. He also reads a letter from Highway Surveyor Charles Macomber that explains the retirement incentive, and it's effect on the Highway budget. The Board is sure to

Vote: Motion (Sullivan/Pacheco) to accept Mr. Walsh's letter of retirement, passed unanimously.

- Close Posting for Town Administrator

Vote: Motion (Pacheco/Sullivan) to close the posting for Town Administrator and put a discussion of the candidates in Executive Session on the agenda for the June 19th meeting, passed unanimously.

New Business:

- Dates for upcoming Board of Selectmen Meetings: Monday June 19th, Monday July 17th, Monday August 7th, Monday August 21st.

Selectman Pacheco notes that the first Monday in July is July 3rd, so there will be no Board meeting that night. She says Town Accountant Kim Fales has an item that needs to be acted

on early in the year, which may require the Board to go with the 2nd and 4th Monday for July meetings, though she doesn't want to make that motion just yet.

Town Moderator Mike McCue joins the Board and lets them know that the Finance Committee planned on making an amendment to the funding source for Article 18 on the Annual Town Meeting, but the motion they were going to make was outside the scope of permissible amendments. Mr. McCue informs the Board that he advised Chairman George Grunwald of three options to best do what the Committee is intending on doing: a motion to table, which he advised against because this is what people are here to talk about; a motion to defeat, which still allows discussion but is a negative motion; and a motion to commit back to the Water Commission to study it more, which is the option Mr. Grunwald was leaning towards. Selectman Jose asks if that motion were made and passed, would it commit us to another Special Town Meeting soon? Mr. McCue says he believes if it gets voted down, we'll need a Special Town Meeting of some sort anyway, that he isn't sure we'll escape July without another one. He just wanted the Board to be aware, as a motion to commit is unusual and he wanted the Board to know what it meant. The Board thanks Mr. McCue for the head's up.

Old Business:

- Trash
- Credit Card Payments
- Building Fees


Executive Session:

- The Board did not enter into executive session as posted.

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

At 6:50pm, motion (Jose/Sullivan) to recess until the Town Meetings start, passed unanimously. The Board of Selectmen's meeting will be closed with the Annual Town Meeting.

Respectfully submitted,



Timm McIntosh
Senior Clerk