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J. Brown

**TOWN OF FREETOWN
BOARD OF SELECTMEN**
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**MINUTES
MEETING OF MONDAY, NOVEMBER 20, 2017
COUNCIL ON AGING
227 CHACE RD, EAST FREETOWN, MA 02717**

6:00 P.M. Call to Order Chairman Lisa A. Pacheco is absent from the meeting due to illness, so Selectman Robert P. Jose, acting as Chairman, calls the meeting to order at 6:00pm in her absence. Also present are Selectman Charles B. Sullivan, Town Administrator David DeManche and Senior Clerk Timm McIntosh. The meeting is being recorded by Mr. McIntosh and FREECAM. Selectman Jose leads the Pledge of Allegiance and reads the agenda aloud.

6:00 P.M. Public Hearing – In conjunction with the Board of Assessors, relative to selection of the residential factor to determine the percentage of the tax burden to be borne by each class of property.

Board of Assessors Chairman Sheila Scaduto and Assistant Assessor Karen Mello are present. Ms. Mello hands out paperwork to the Board. Ms. Scaduto reads the summary sheet and goes over the attachments. Fiscal Year 2018 is a certification year by the Department of Revenue, and values have been certified. Selectman Jose asks Ms. Scaduto to explain what the paperwork means. Ms. Scaduto summarizes: if the Town chooses a single tax rate, the commercial and residential rate would be \$14.98 per thousand, but the Board can opt for a maximum shift of 1.5% to lower the residential rate. The latter option would make the residential rate approximately \$13.04 per thousand and the commercial rate \$22.47 per thousand. Since FY14, the Town has chosen a shift of 1.43%.

Further, Ms. Scaduto says the FY18 levy is increased by 5.8%, to a total of approximately \$19,751,900. Residential property values have increased by 3%, commercial property values have decreased by 1%, industrial property values have increased by 20% and personal property values increased by 1.1%.

Ms. Scaduto says the 20% industrial property value increase is due almost exclusively to solar. Selectman Jose has questions about what is to come when it comes to taxing solar. Ms. Mello says there is legislation working through Boston to change the parameters to tax solar, depending on use. The use is typically disputed, which is what the legislation is aimed at fixing. Ms. Mello believes that this will be take care by the end of FY18. Selectman Jose says we should look into switching to a pilot program, but Ms. Mello says a pilot program is a bad idea under the new legislation. Selectman Jose says we should research this further, see where the legislation is, to make a determination on the future later.

Selectman Sullivan has no questions. Selectman Jose notes that the paperwork shows we do have an excess levy capacity of approximately \$93,460, but he says with the varied projects upcoming, that's not a bad thing.

VOTE: Motion (Sullivan/Jose) to continue with the 1.43% shift. Passed unanimously.

VOTE: Motion (Sullivan/Jose) to close the public hearing and continue with the rest of the meeting. Passed unanimously.

6:15 P.M. Board of Health Variance – 39 High Street

Selectman Sullivan opens public hearing at 6:16pm. Nyles Zager from Zenith Consulting Engineers is present to speak to the required variances. There are no green cards for this variance as there are no effected abutters. The septic system for this property is in failure, forcing it to be moved further into the backyard, but in turn it has to pump the water up the hill. Mr. Zager is here for 2 variances due high water table: a reduction between the inlet and outlet of the tanks from 12" to 1", and a reduction from 5' to a 4' separation for the septic system and the groundwater. Title 5 requires rubber boots on the inlet and outlets, along with a monolithic tank, and Mr. Zager says they have done both. This confirms there would be no leakage. Selectman Jose confirms the second variance is 4' from the bottom of the water table, Mr. Zager says that is correct. Currently septic system is in the water table, so even with this variance would be a better situation. Mr. Macedo sees no problems with granting the variances. Selectman Sullivan asks for public input. With no input, Selectman Sullivan closes the public portion of the hearing. The Board has no further questions.

VOTE: Motion (Jose/Sullivan) to approve the variance for 39 High with the stipulations as stated on rubber boots and monolithic tank, and a deed restriction to 4 bedrooms. Passed unanimously.

Selectman Sullivan closes public hearing.

Note: as time allows, the Board takes selected agenda items out of order. These minutes are presented in posted agenda order.

6:30 P.M. Board of Health Variance – 21 Washburn Road

Selectman Sullivan opens public hearing. Mr. Zager is again present to speak on this property. As with the previous variance, no green cards were required. This particular property was before the Board in the early 2000s, and was approved by the Board of Health and the Conservation Commission, but the work was not ultimately done. This property is now owned by bank. Mr. Zager is seeking 4 variances: the first two are setback reductions, from 200' to 160' from a tributary and 100' to 30' from the wetlands. They've gotten it to 163' from the tributary and 30' from the wetland. The third variance is the use of a sieve analysis instead of a perc test, as the soil is too wet for a typical perc test. The fourth variance is the use of one deep hole in lieu of two holes, in an effort to avoid disturbing more area in the leaching field. Mr. Zager notes that the more we disturb the leaching field, the worse it gets. Selectman Jose asks if tests were consistent with old tests when it was previously before the Board, Mr. Zager says almost exactly the same. Water table is not an issue

with this property, the tanks are not in the water table. Mr. Macedo says this is a tough spot and Zenith has done what they could. He notes it is hard to argue with the Board previously granting this. Looking at the results of the sieve analysis, Selectman Jose says this would have given a good perc. Mr. Zager says the property has three bedrooms, and will stay at three bedrooms. Selectman Sullivan opens the floor to public comment, but there is none. Selectman Sullivan closes public portion. The Board has no further questions.

VOTE: Motion (Jose/Sullivan) to allow the variances with the stipulations noted and a deed restriction of 3 bedrooms. Passed unanimously.

6:45 P.M. Discussion with Raymond Lavey regarding retail sale of marijuana sale in Freetown

Mr. Lavey is from Churchill and Banks Riverfront. Based on recent zoning changes, they are allowed to do a medical marijuana grow facility. They are interested in opening a medical marijuana retail facility (not recreational). Though this type of facility is allowed by the state, they wanted to talk to the Board before just sending in an application. Mr. Lavey understands the prohibition issue at play in the town, but this is about medical marijuana, not recreational. Mr. Lavey has brought Terry Fracassa from Liberty Compassion with him tonight. Mr. Fracassa speaks to the benefits of medical marijuana, the types of patients that he's seen at their other facilities, the types of alternative dosing products the latest science has developed, and how quiet of a facility a dispensary would be in Freetown. He says that his company has not had one police incident involving a customer that they dispense to. Mr. Fracassa says his company is very conservative and is part of a very reputable team behind this.

Selectman Jose asks if Liberty has anything in Massachusetts. Mr. Fracassa says they have a provisional certificate of registration for a dispensary in W. Springfield and in Clinton, and the ability to do a grow facility in Clinton. Selectman Jose asks if Liberty plans on doing both a dispensary and grow facility in all these other places, as they initially came to the Board for just a grow facility. Mr. Fracassa says that's the plan, but says he envisions Freetown as being a cultivation hub for their business, given the amount of land they have available to them here. He envisions it being great that a customer can see where their materials are grown, saying it would be a unique experience. Selectman Jose says there are security concerns with that. Selectman Jose asks where Liberty is with Freetown. Mr. Fracassa says if there is approval for a dispensary, they can start the process almost immediately with the state. He says they have progressed far with the architectural renderings, and will be looking at the site next week with the architect. Selectman Jose asks if they are licensed with the State to start building in Freetown? Mr. Fracassa says they have not applied specific to Freetown, but the plan is there, they are just unsure of timing just yet. Mr. Lavey confirms there is a host community agreement (HCA) already in place with the Town of Freetown.

Selectman Jose asks Mr. Lavey if the facility is in the planned mixed-use development (PMUD) area. Mr. Lavey says it is not, it is maybe 500 ft away. Selectman Sullivan asks if zoning allows this. Selectman Jose says it is in the medical marijuana overlay district, so it is allowed.

Selectman Jose asks what Mr. Lavey and Mr. Fracassa are looking for tonight. They are looking for a vote to not oppose. The Board is not willing to do that with the absence of Selectman Pacheco. Selectman Jose asks Mr. Fracassa to amend the HCA to show what they want and to submit it to the

Board for discussion. He'd like to see a map of the property to show where this would be exactly, as well. Selectman Jose notes the HCA specifically prohibits retail sale. Selectman Jose asks Mr. Lavey to come back with a proposal for the Board to look at. Everyone is in agreement that they can do that.

Consent Agenda:

Board of Selectmen: Action relative to:

- Vote to accept one-year extension of the Massachusetts Recycling Incentive Grant. Mr. Macedo says this one is pretty cut and dry: previous Health Agent Kevin Bernardo set this grant up, it had an option to extend, and Mr. Macedo says it is a good idea. He will check to see if this grant money can be used for repairing containers.

VOTE: Motion (Jose/Sullivan) to endorse the Massachusetts Recycling Incentive Grant.
Passed unanimously.

- Vote to accept the Sustainable Materials Recovery Program Grant for Drop-off Collection Equipment and Education Materials, awarded by the Massachusetts Department of Environmental Protection.

VOTE: Motion (Sullivan/Jose) to endorse. Passed unanimously.

- Sign Agreement between the Freetown and Lakeville for use of Lakeville Animal Shelter. This is the same as last year, verified by Animal Control Officer Lisa Podielsky. Mr. McIntosh says he's spoken to Mrs. Podielsky on this, and she recommends the Board approve the agreement. Selectman Jose reads through the agreement.

VOTE: Motion (Sullivan/Jose) to endorse the agreement. Passed unanimously.

- Approve Chapter 90 Final Report for S. Main St. Speed Study & Crack Sealing Cranberry Dr., Forge Rd., High St., Howland Rd. and Locust St. Selectman Jose recaps projects, as laid out in paperwork. Selectman Jose would like to find out what is left in this account.

VOTE: Motion (Sullivan/Jose) to endorse the Chapter 90 Final Reports for both projects.
Passed unanimously.

- Approve & Sign Public Notice for 2018 Annual Town Election. Town Clerk Jacqueline Brown is present for this discussion. The Election will be held on Monday, April 2, 2018. Selectman Jose reads the list of vacancies. Mrs. Brown says nomination papers will be available on January 2.

VOTE: Motion (Sullivan/Jose) to endorse the public notice. Passed unanimously.

- Discuss Special Election and Special Town Meeting options for marijuana retail sales. Applications will start being accepted April 1, so any special election regarding prohibition would have to come before the Annual Town Election on April 2. As it relates to the Special Town Meeting held in October, Mrs. Brown says there is no time limit when the Special Election has to be held, just when it comes to the April 1 application deadline. As far as marijuana sales are

concerned, the Town Meeting portion is complete. Selectman Jose notes that the Police Sub-Committee/Building Committee may have something, a possible debt exclusion, for an election or town meeting, but we don't have that information just yet. Mrs. Brown says if they are on the same ballot, the Special Town Meeting regarding that can be before or after the election, the deadlines change depending on whether it's before or after the election. If the Town Meeting is before the election, the election has to be held within 90 days if it says the question is contingent on passing. If it doesn't say contingent, it can go again on a later ballot. She suggests verifying all this with Town Counsel. Mrs. Brown says she needs notice of 35 days for a special election, and would need the text of the question at that time. Selectman Jose says Police Sub-Committee is meeting tomorrow so we may have a better idea of their plan regarding a debt exclusion for the next Board of Selectmen's meeting.

- Approve ambulance abatements for December 2016 and October 2017, as submitted by Fire Chief Gary Silvia.

VOTE: Motion (Sullivan/Jose) to approve the abatements for Dec 2016 in the amount of \$2,016.25. Passed unanimously.

VOTE: Motion (Sullivan/Jose) to approve the abatements for October 2017 in the amount of \$59,168.68. Passed unanimously.

- Approve Minutes of Board of Selectmen's meeting of November 6, 2017.

VOTE: Motion (Sullivan/Jose) to approve. Passed unanimously.

- Town Administrator's Report. Mr. DeManche goes through what he's been working on:
 - A department head meeting has been scheduled for December 6, and a Finance team meeting has been scheduled for November 30. Mr. DeManche asks if a Board member would like to attend. Selectman Jose says we can decide later, as long as a quorum does not attend.
 - On the ongoing Freetown Screw project, Mr. DeManche has set up a meeting with Tracey Costa of Ransom Consulting Engineers on December 13.
 - The implementation of credit card payments has been pushed back to January by Unibank.
 - VADAR Cloud implementation will be starting December 6th.
 - Mr. DeManche would like to recognize the efforts of Barbara LaFleur, Ali Golz & Anita Howland, who take time out of their Thanksgiving days to deliver hot meals to area seniors.
 - Mr. DeManche attended the Home Alliance Consortium Meeting recently in Taunton, and there are a couple programs he would like to offer here in Freetown through the agency, regarding housing rehab and a first-time buyers program. He'll be setting up informational meetings at the COA sometime in January. He speaks to the benefits of both programs.
 - Soil Board meetings are needed, Mr. DeManche will set that up. Selectman Jose says the required site visits are usually held on a Sunday.
 - Mr. DeManche spoke to Highway Surveyor Charles Macomber and Building Inspector Scott Barbato about posts to block the Council on Aging, in response to the accident a few weeks ago. Both said it wouldn't work due to the tank and leach fields, you wouldn't want to drill

holes in that area. Jersey barriers were suggested, but then you have handicap issues. The consensus is that they aren't sure it's feasible at this time.

- We had a discussion with Sean Proventure of the Department of Conservation and Recreation on the land deal they've been working on. This needs to again go on a Town Meeting warrant, before the beginning of March, as funds in their grant will expire. They need a new vote as plans for the properties they want have changed. Mr. DeManche says the offer is now substantially less than it was. Selectman Jose asks Mr. DeManche to get the hard numbers and a firmer deadline from Mr. Proventure.
- Mr. DeManche has been working with Mrs. Podielsky about some dog complaints received. He is trying to mediate the situation, but it appears one will end up before the Board at a coming meeting.

Board of Health:

Personnel Board:

- Appoint Bruce W. Wilbur to Cable Advisory Committee, effective November 21, 2017. Mr. DeManche has put together a charge for the committee for approval at a later meeting.

VOTE: Motion (Sullivan/Jose) to appoint Mr. Wilbur. Passed unanimously.

- Approve Change of Status form for Nicholas Drinkwine, as submitted by Police Chief Carlton Abbott. Selectman Jose asks if he's passed all the requirements, Chief Abbott confirms he has.

VOTE: Motion (Sullivan/Jose) to accept the change of status form for Mr. Drinkwine.
Passed unanimously.

New Business:

- Dates for upcoming Board of Selectmen Meetings: Monday, December 4th; Monday, December 18th; Tuesday, January 2nd; Tuesday, January 16th

Executive Session:

At 7:24pm, motion (Sullivan/Jose) to enter into executive session, under the following exemption, and not to return to open session following. Roll call Selectman Robert P. Jose and Selectman Charles B. Sullivan, all voted in the affirmative when polled. Chief Carlton Abbott is present for the executive session.

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

At 7:46pm, motion (Sullivan/Jose) to adjourn the Board of Selectman's meeting from executive session. Roll call Selectman Robert P. Jose and Selectman Charles B. Sullivan. All voted in the affirmative when polled.

Respectfully submitted,



Timm McIntosh, Senior Clerk

List of documents/exhibits used in this meeting, pursuant to M.G.L. c. 30A, § 22(a).

- Copy of Public Hearing notice, announcing Tax Classification hearing
- Tear sheet from New Bedford Standard Times, dated November 8, 2017, regarding public notice for Tax Classification hearing
- Paperwork provided by the Freetown Board of Assessors for the public hearing
 - Tax Rate Recapitulation for Fiscal Year 2018
 - “What If...” Scenario Worksheet for FY18 with share percentages
 - Spreadsheet showing historic shifts & resulting tax rates, dating back to FY91
 - “What If...” Scenario Worksheet for FY18 with classification options
 - Massachusetts Department of Revenue Classification Tax Allocation FY 18LA-5 Options and Certification
 - E-mail correspondence between Town Accountant Kim Fales, Mr. DeManche and the Massachusetts Department of Revenue regarding LA-5 documents
- Board of Health Variance form for 39 High Street
- Board of Health Variance form for 21 Washburn Road
- E-mail correspondence between Lydia Meintel-Wade of the Massachusetts Department of Environmental Protection and Health Agent Derek Macedo regarding the Mattress Recycling Incentive Grant
- Draft agreement for the Sustainable Materials Recovery Program Grant for Drop-off Collection Equipment and Education Materials grant
- Letter from Lakeville Board of Selectmen Executive Assistant Tracie Craig-McGee regarding the Agreement between Lakeville & Freetown for Lakeville Animal Shelter
- Draft agreement between Lakeville & Freetown for Lakeville Animal Shelter
- Chapter 90 Final Report for South Main Street speed limit study
- Chapter 90 Final Report for Crack Sealing Cranberry Dr., Forge Rd., High St., Howland Rd. and Locust St
- Memo from Town Clerk Jacqueline Brown regarding the Annual Town Election
- Draft Public Notice announcing Annual Town Election
- Ambulance Fee Abatement form for the Month of December 2016
- Ambulance Fee Abatement form for the Month of October 2017
- Draft Board of Minutes from the meeting on November 6, 2017
- Draft appointment slip for B. Wilbur for Cable Advisory Committee
- Change of Status report for N. Drinkwine