



**TOWN OF FREETOWN  
BOARD OF SELECTMEN**  
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**MINUTES  
MEETING OF TUESDAY, FEBRUARY 20, 2018**

**COUNCIL ON AGING  
227 CHACE RD, EAST FREETOWN, MA 02717**

**6:00 P.M. Call to Order** Chairman Pacheco calls the meeting to order at 6:00pm.

Also present is Selectman Robert P. Jose, Town Administrator David DeManche and Senior Clerk Timm McIntosh. Selectman Charles B. Sullivan is absent from the meeting. The meeting is being recorded by Mr. McIntosh and by FREECAM.

**6:00 P.M. Board of Health Variance – 4 Cleveland Ave.**

Selectman Jose opens hearing, in Selectman Sullivan's absence. Engineer John Parks, of J&W Properties says 14 green cards mailed, 11 of which were returned. Selectman Jose reads the green cards aloud for the record. The variances being requested:

1. Upgrade system from a 2 bedroom to 3 bedroom within the 75' buffer
2. Reduction in the setback for a soil absorption system to a bordering vegetated wetlands from 75' to 53.8'. Previously approved for 51.9'.

Mr. Parks says this property was originally granted a variance w/ 2 bedroom restriction. When that was granted around a year ago, the nearest well, 11 Pickens Avenue, was within 100 feet away, but it is now 122 feet after new construction on 11 Pickens Ave. Mr. Parks says this has gone before the Conservation Commission and they gave their blessing. Selectman Jose asks if they are legally able to change a deed restriction; Selectman Pacheco says they can, since the Board added it in the first place. Selectman Jose checks if other restrictions were met; they were. Health Agent Derek Macedo has no concerns with granting this variance, as his wetlands concerns have been satisfied. Selectman Pacheco asks if anyone from the public has any comment. Residents who had concerns last time are present and have no concern this time. Hearing no further public comment, Selectman Jose closes the public hearing.

VOTE: Motion (Pacheco/Jose) to grant the noted variances, with the 3 bedroom deed restriction, passed unanimously.

**6:00 P.M. Discuss Blind Driveway sign on Flagg Swamp Road**

The property address is actually 130 Quanapoag Road, not 130 Flagg Swamp Road as posted. Selectman Pacheco says she sees this as a non-issue, as the Board has been told the Highway Department put up a sign; she says this is their purview anyway. The requesting resident, Ms. Harmony Eastman, is not present for this discussion but enters the meeting towards the end. When informed of the Board's discussion, Ms. Eastman says she doesn't think there is a sign up. There is some confusion on the matter,

but Mr. DeManche says he will get it sorted out with Highway Surveyor Charles Macomber on Wednesday.

### **Weekly Public Discussion**

Steve Tripp, 4 Alexandra Drive – Mr. Tripp presents Board with photos of the Excel Recycling site, asking what they are doing with the tires pictured. The Board does not know. Mr. Tripp also questions why AmeriCann, in the same industrial park, has a sign about storm water, but Excel does not. Selectman Jose asks Mr. DeManche to look into that. Selectman Pacheco notes that is a Campanelli sign on a site that is under construction, so it might have already been done. Mr. Tripp also presents a time stamped video of trucks operating before the allowed hours. Selectman Jose asks him to bring the videos to the Town Hall. Finally, Mr. Tripp asks who has the authority to close them down outside of hours, now that the injunction has been granted. Selectman Pacheco says they are discussing that very question in executive session tonight.

### **Consent Agenda:**

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

- Meet with Water Commissioners to discuss and sign Environmental Partners Group contract for Water/Sewer engineering services. Chairman Robert Parker of the Freetown Water & Sewer Commission (FW&SC) is present. Selectman Pacheco says this contract covers hourly rates through 2020. Mr. Parker says the Board has to sign off on this contract, as the FW&SC cannot enter into agreements. Selectman Jose suggests Town Counsel look over this agreement before the Board signs it. He asks what the rate increase is, as the contract doesn't speak to previous rates; Mr. Parker says he doesn't think there are any changes. Selectman Pacheco wants to see the FW&SC appear on the sign-off page in addition to the Board, but has no issue with the contents beyond that.

VOTE: Motion (Jose/Pacheco) to sign the agreement with Environmental Partners Group with the noted changes after Town Counsel review, passed unanimously.

- Discuss/Vote to allow Easter Egg Hunt for the Cultural Council to be held off Town property. Mr. DeManche explains the event was at the Council on Aging last year, but the Cultural Council wants it at the Historical Society this year as the space is more appropriate. There are insurance concerns, however, which would require a \$150 charge to cover it. Selectman Jose notes that MIIA, the town's insurance provider, prefers the event be on Town property. Selectman Pacheco says she read the request as the Cultural Council wanting to have the event outside of town, perhaps MIIA did as well. Selectman Jose asks if the Cultural Council has the money to cover it. Mr. DeManche says it'd come out of the town's general insurance account, he just wants approval before it happens.

VOTE: Motion (Jose/Pacheco) to allow the Cultural Council to use the property at the Freetown Historical Society and to allow the extension of our insurance to cover the property for March 31, 2018, for a sum of \$150, passed unanimously.

NOTE: The Board took the following two agenda items at the same time.

- Open/Close Warrant for Special Town Meeting.
- To consider and review and act upon the Final Warrant Articles for the Special Town Meeting Warrant.

#### Article 4

Selectman Pacheco notes Atty. Reich made a lot of changes. Selectman Jose is fine with Atty. Reich's changes. Mr. DeManche says the changes define things a bit better. Initially, the water line Article specified the water line was for the Police Station only, which isn't what everyone intended. Selectman Pacheco says that is correct, the intention was for future expansion, the Elementary school, and others. Selectman Jose says the changed wording reflects that change, but it could say "current or future municipal buildings". He and Selectman Pacheco come up with the following language: "construction and installation of a water line to service the Town's current Police Station, Elementary School and any other current and future municipal buildings." Motion (Jose/Pacheco) to change Article 4 as noted, passed unanimously. Mr. DeManche notes that Mr. McIntosh brought up, in regards to the "and abutting properties" line, should the Article specify abutting to the water line vs. the municipal properties? Mr. DeManche says Atty. Reich said his wording was clear by definition. Selectman Jose suggests adding the word "any" between "and" and "abutting", so it reads "and any abutting properties". Selectman Pacheco says that makes more sense to her.

VOTE: Motion (Jose/Pacheco) to add "any" to read "and any abutting properties", passed unanimously.

To clarify, Article 4 will now read:

*To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the construction and installation of a water line to service the Town's current Police Station, Elementary School and any other current and future municipal buildings and any abutting properties, including engineering and construction costs and any additional or incidental costs, and/or take any action relative thereto.*

VOTE: Motion (Pacheco/Jose) to open the Warrant for the March 14th Special Town Meeting and insert the Articles as noted, passed unanimously.

#### Articles 1-3

Mr. DeManche says he's forwarded the Department of Conservation and Recreation articles to Shawn Provencher, but he's learned DCR won't enter into a hold harmless agreement, as the state doesn't do that. He says the state's counsel says they take responsibility once they take a property, but Atty. Reich has said if they find something, they can come back to the previous owner. Mr. DeManche says we'd effectively be sharing the liability, but he wants to make sure the Board is aware that DCR will not do a hold harmless. Selectman Jose says that's not surprising, and doesn't think that's a problem. Selectman Pacheco agrees, and asks if DCR is ok

with this wording. Mr. DeManche says he sent it on Friday but hasn't heard back yet, as Mr. Provencher is in and out of the office due to family matters. Selectman Pacheco is worried that we are going to go through all this to set up the meeting, but DCR could come back tomorrow and say it's not right. Discussion turns to the deadline, February 28th, but it comes before the next Selectman's meeting. Mr. DeManche says DCR wrote Article 3, but Selectman Pacheco asks if they've approved the Board's changes. Mr. DeManche says they have not, but he doesn't see any issues with them; Articles 1 & 2 are procedural Articles, and they wrote Article 3. Selectman Jose says any changes will have to be made on Town Meeting floor.

VOTE: Motion (Jose/Pacheco) to place to the articles as amended by Town Counsel and the Board of Selectmen, passed unanimously.

VOTE: Motion (Jose/Pacheco) to close the Warrant, passed unanimously.

- Discuss LakeCAM and MCCAM agreements and possible renewal. Mr. DeManche says he and Jose Invencio of LakeCAM came to an agreement but he didn't receive the proposal in time. Mr. DeManche can have them for the next agenda if they Board allows. Bruce Wilbur of Cable Advisory Committee would like to review the options as well. For the next meeting, Selectman Pacheco asks for a plain summary comparison between these two agreements so we can see what we get and what we don't, and Selectman Jose says to include what we currently have as well.
- Sign Special Town Election and Annual Town Election warrants as submitted by Town Clerk Jacqueline Brown.

VOTE: Motion (Jose/Pacheco) to endorse both warrants, passed unanimously.

- Sign special speed zone regulation from Massachusetts Department of Transportation. The Board discussed this at their meeting on October 3, 2017, this is just signing off on the actual changes the study found. Selectman Jose reads through the changes listed on the MA DOT document.

VOTE: Motion (Jose/Pacheco) to endorse the special speed zone regulation, passed unanimously.

- Town Administrator's Report.
  - Representative Fiola is going to have a meeting with MA DOT regarding the water line under Innovation Way on March 2<sup>nd</sup> at 11am.
  - Mr. DeManche has spoken to Atty. Gay regarding the property at 15 Bullock Road. He'll hopefully have an offer in a few weeks, which would require an executive session.
  - AmeriCann is planning a ground breaking ceremony on February 28 or March 1. Mr. DeManche will confirm that date and let the Board know.
  - The Housing Rehabilitation Program informational sessions were held today, but attendance wasn't as hoped. It was advertised in a number of places. Mr. DeManche says only 3 individuals attended, but that's better than nothing at all. It was suggested that if they came into a Board meeting and afforded a 5-10 minute time slot, it could reach a

wider audience. Mr. DeManche thinks this is a great program. Selectman Jose says he should hold off until after the March 19<sup>th</sup> meeting.

- Mr. DeManche reminds the Board that the trash disposal contract option with Republic has to be decided by June. Selectman Pacheco says that could go on the next agenda.
- Finally, there are still Town employees that have not completed the ethics training. Selectman Pacheco asks how many, but Mr. DeManche did not know off the top of his head. Selectman Jose says to make sure they all get notified again.

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

#### **Personnel Board:**

- Sign contract with Kimberley Fales, Town Accountant, effective July 1, 2018.

VOTE: Motion (Pacheco/Jose) to sign the contract, passed unanimously.

- Approve Change of Status for Thomas Ashley, Sr., as submitted by the Highway Department, effective February 16, 2018.

VOTE: Motion (Pacheco/Jose) to approve, passed unanimously.

- Approve Change of Status for Mike McCue, as submitted by the Planning Board Chairman Keven Desmarais. The change of status form was originally submitted with an extra \$1/hour as Mr. McCue would be working at a higher pay grade than usual. Mr. DeManche spoke to both Mr. Desmarais and Mr. McCue, and neither felt an extra \$1/hour was worth fighting over. Mr. McCue said he was only doing senior clerk duties anyway

VOTE: Motion (Pacheco/Jose) to approve at 18.85/hr, passed unanimously.

- Reappoint Miriam Gurney to the Historical Commission, effective February 20, 2018.

VOTE: Motion (Pacheco/Jose) to appoint Ms. Gurney, passed unanimously.

- Appoint Elaine Ferro as an Election Worker, as submitted by Jacqueline Brown Town Clerk, effective February 20, 2018. Selectman Jose says they have a letter from Mrs. Brown recommending this appointment.

VOTE: Motion (Pacheco/Jose) to appoint Ms. Ferro, passed unanimously.

#### **New Business:**

- Dates for upcoming Board of Selectmen Meetings: Monday March 5<sup>th</sup>, Special Town Meeting Wednesday March 14<sup>th</sup>, Monday March 19<sup>th</sup>, Tuesday April 3<sup>rd</sup>, Tuesday April 17<sup>th</sup>, Monday May 7<sup>th</sup>, Monday May 21<sup>st</sup>, Annual/Special Town Meeting Monday June 4<sup>th</sup>, Monday June 18<sup>th</sup>, Monday July 2<sup>nd</sup>, Monday July 16<sup>th</sup>, Monday August 6<sup>th</sup>, Monday August 27<sup>th</sup>.

#### **Executive Session:**

At 6:51pm, motion (Jose/Pacheco) to enter into executive session under the following exemptions and not to return to open session following. Roll call Chairman Lisa A. Pacheco and Selectman Robert P. Jose. All voted in the affirmative when polled.

- M.G.L. c. 30A, sec. 21(3) - to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – Excel Recycling, LLC vs. Lisa Pacheco, Robert Jose, and Charles Sullivan Individually and as Members of the Freetown Select Board, CA No. 1773CV00612.
- M.G.L. c.30A, Sec. 21(a) (3) to discuss strategy with respect to collective bargaining with the Town Hall, Library, Highway Union, Freetown Firefighters Union and Freetown Police Union, because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Note: Mr. Macedo will enter into executive session at the Board's request for the first executive session topic, but will depart afterwards. As a member of the Town Hall union, Mr. McIntosh will depart from executive session before the second topic is discussed.

At 8:10pm, motion (Jose/Pacheco) to adjourn from executive session. Roll call Chairman Lisa A. Pacheco and Selectman Robert P. Jose. 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).

- Board of Health Variance Application for 4 Cleveland Ave
- Letter from Administrative Assistant Ali Golz relaying Ms. Harmony Eastman's request
- Maps of Quanapoag Road/Bullock Road area
- E-mail correspondence with Chief Gary Silvia re: fire department calls from 130 Quanapoag Road
- Letter from Highway Surveyor Charles Macomber re: a blind driveway sign at 130 Quanapoag Road
- Draft agreement between Environmental Partners Group and the Town of Freetown
- E-mail correspondence with Laura Peckham of MIIA regarding insurance coverage for Easter Egg Hunt event at Freetown Historical Society
- "Red Line" Copy of Warrant for Special Town Meeting from Town Counsel
- Draft Warrant for Special Town Meeting
- Memo from Town Clerk Jacqueline Brown regarding warrants for Special Town Election and Annual Town Election
- Draft warrants for Special Town Election and Annual Town Election

- Letter from the Massachusetts Department of Transportation (MA DOT) regarding Special Speed Regulation No. 839-B
- Special Speed Regulation No. 839-B form from MA DOT
- Draft Employment Agreement between Kimberley S. Fales and the Town of Freetown
- Memo from Town Clerk Jacqueline Brown regarding appointment of E. Ferro
- Letter of interest in becoming an election worker from E. Ferro
- Change of Status report for T. Ashley & M. McCue
- Draft Certificate of Appointment for M. Gurney & E. Ferro