



**TOWN OF FREETOWN
BOARD OF SELECTMEN**
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J. A. Brown

**MINUTES OF MEETING OF TUESDAY, APRIL 03, 2018
COUNCIL ON AGING
227 CHACE RD, EAST FREETOWN, MA 02717**

5:45 P.M. Call to Order Chairman Lisa A. Pacheco calls the meeting to order at 5:50pm. Also present is Selectman Robert P. Jose, Town Administrator David DeManche and Administrative Assistant Ali Golz. Selectman Charles B. Sullivan is absent from the start of this meeting, but will join at 6pm after the Executive Session. The meeting is being recorded by Mrs. Golz and by FREECAM.

5:45 P.M. Executive Session:

At 5:51pm, motion (Jose/Pacheco) to enter into executive session, under the following exemption, and return to open session following. Roll call Selectman 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. Town of Freetown.

Please note: as Selectman Sullivan has recused himself from all matters involving Excel Recycling, he is not present for this Executive Session. He will join the Board following the Executive Session.

At 6:15pm, motion (Jose/Pacheco) to exit from Executive Session and return to open session. Roll call Selectman Lisa A. Pacheco and Selectman Robert P. Jose. All voted in the affirmative when polled. Selectman Sullivan rejoins the Board.

Chairman Pacheco thanks the citizens of Freetown for electing her back into office, and says she looks forward to the challenges ahead.

6:00 P.M. Reorganize the Board

VOTE: Motion (Jose/Sullivan) to have Selectman Pacheco as Board of Health Chairman, Selectman Sullivan as Personnel Board Chairman, and Selectman Jose as the new Chairman of the Board of Selectmen, passed unanimously.

Chairman Jose takes the agenda out of order. These minutes are presented in order of the posted agenda.

6:00 P.M Discuss with Finance Committee and Department - FY19 Cultural Council Budget, Council on Aging Budget, Communication Center Budget and Police Budget. Finance Committee Chairman George Grunwald and Finance Committee members Gary Martin, Craig Rosen and Carol Woldorf are present, as is Town Accountant Kimberley Fales.

Council on Aging Budget Discussion – Present: COA Board Members Ruth Ferland and Jeannette Tisdelle. They have submitted the same budget as last year, except the other purchases & services. They need to rent a truck for the brown bag program this year, which is \$70 plus gas each time. For that, they have requested to raise that line item by \$1,000, to a total of \$3,075. Ms. Ferland says you don't have to insure a truck. Selectman Sullivan asks about the other \$1,700 increase in the budget. Ms. Ferland says that was last year's budget, but it was for maintenance of the copier and the MySeniorCenter program. Selectman Pacheco says the budget it only going up by \$450, she asks if Ms. Ferland knows what went down; Ms. Ferland says she does not. The Board goes through the budget to find the line items for insuring and maintaining the old brown bag truck have not been removed. Discussion turns to whether that should come out or left, in case a replacement is found. Mr. DeManche says he has contacted the Southeastern Regional Transit Authority several times and we are on their list, but we haven't heard anything yet. Mr. Grunwald asks if the COA needed refrigeration. The COA Board members say that was last year and was already approved, they are just awaiting installation now, it keeps getting pushed back due to weather.

Cultural Council Budget Discussion – Present: Cultural Council Chairman Lori Desmarais. Mrs. Golz is also a member of the Cultural Council. Mrs. Desmarais says the Cultural Council is looking for an increase of \$500, to do more movie nights, in addition to the events they held last year. She says this amount is offset by donations. Selectman Pacheco would like to see both sides of town directed. Mrs. Demarais says the Council is looking to have at least one of the movie nights in East Freetown.

Communications Center Budget Discussion – Present: Fire Chief Gary Silvia & Police Chief Carlton Abbott. Chief Abbott says there is an increase in part time wages from \$51,118 to \$65,205. Chief Abbott has looked at data and we spent more in years past. Additional gross overtime has gone up around \$100 as well. Selectman Jose asks why the increase, Chief Abbott says we having been bailing out the budget using the 9-1-1 grant, which is a poor practice as the grant money may fluctuate or be re-prioritized. Chief Abbott says they will still apply for the grant, as it can be used for many different purposes. The total increase for the Communications Center is about \$10,500. Chief Abbott says that isn't accurate, the telephones should be the same as this fiscal year. Selectman Pacheco asks what last year's number was for full time dispatchers, as there appears to be an extra day in the budget. Chief notes that it is a leap year next year, so there's an extra day in the budget. Telephones also went up by \$7,200, but Chief Abbott says that isn't accurate. They go through the breakdown: alarms \$756, mobile \$2,616, Comcast \$3,900, aircards \$4,920, for a total of \$12,192; last year's request was around \$5,000. Chief Abbott says the aircards figure is actually in the Police budget, which brings the total to \$7,272, and the rest of the increase is contractual. The total budget for the Communications Center is \$296,056.68. Selectman Pacheco wants to know why we are increasing the part time wages again. Chief Abbott says the number he budgeted this year is what they've historically been spending, unless we still

want to rely on the 911 grant. Selectman Pacheco asks what he would use the 911 grant for otherwise. Chief Abbott says it is to support the 911 system, whatever the needs for that are. Mr. Grunwald says a grant for a specific purpose should be used for that specific purpose. Chief Abbott says we have to use it for this kind of stuff. Mr. Grunwald says if Chief Abbott wants a chair, they should budget for a chair. Chief Abbott says because the grant is available, they use the grant. Chief Abbott and Selectman Pacheco say using the grant funds are being used for the 911 system, which is its specific purpose. Chief Abbott says the danger is if something happens to the grant, there is a problem there, but we've been doing alright so far. Chief Abbott says the grant is for \$20,000-26,000, and they've been receiving it for around 10 years. It's a fairly consistent number. Ms. Woldorf asks if it'd be a better idea to save that grant money. Chief Abbott understands the question, but if they receive word that the grant may not be available, they'll take immediate action at that point. We just have to be aware of the danger of funding by the grant. At some point, we may need to come back to ask for money. Ms. Woldorf asks if the grant has been audited before; Chief Abbott says it is a reimbursement grant, so all paperwork and documentation has to be submitted before funds are reimbursed. The grant is submitted before the special town meeting in the fall.

Police Budget Discussion – Present: Chief Carlton Abbott. This budget request decreases the reserve wages by \$34,674.00. Chief Abbott says he came to that number by looking at historical data. Selectman Pacheco asks how many reserves; 7 currently, 5 the prior year and 5 or 6 the year before. Selectman Pacheco notes that the gross overtime request went up by almost \$50,000, wanting an explanation on that. Chief Abbott says we have a number of shifts that are open created by time off and such, which are filled from a pool of part time officers and full time officers, he can come up with a number on what is needed after looking at the data for the last 3 years. Chief Abbott says the last 2 years, we had a full time position funded but not filled, and we were able to use that money, but that position is now filled. Selectman Jose asks if that would cut down on the amount of overtime needed; Chief Abbott says no, as we have a sergeant that is out for the next 9 months and he likes to have a second investigator as well. This detective assignment is an increase of \$14,021.60. Selectman Pacheco asks how the Wages/Police Officers line item request went down by almost \$5,000 if he is adding \$14,000? Ms. Fales notes there's an increase of \$30,876.16 in Holiday Worked Regular. Chief Abbott explains how holiday pay works. Ms. Fales says that line item is new, that number was taken from the Wages/Police Officers line item. Selectman Jose says that means the number should have changed by \$16,000, not by just \$5,000; there's still an increase that we aren't seeing. Chief Abbott asks if we can revisit this after a bit more studying, as it's been a while since he came to these figures. The Board will revisit this. Chief Abbott also wants to add a stipend for a safety officer for the school, for \$600, to establish a relationship at the Elementary School. Selectman Jose asks about repair and maintenance. Chief Abbott says the cost this year was substantial, so we can either increase in anticipation or ask for a reserve fund transfer if needed, either way is fine for him. Selectman Pacheco asks about the in-service training. Chief Abbott says there is a mandated 1 additional day for all officers. Chief Abbott has included money in this budget for meetings and training seminars for the possible event that the town wants to promote an officer to Chief this year. This is for 3 mid-level trainings. They would need to learn about public information, labor information, budgeting and so on. He envisions that after this training, then Chief Abbott can walk through the

entire process, what the day-to-day is like. He says the current sergeants are more than capable, they haven't been exposed to setting budgets, discipline, discharge, etc. They need to know what to do. Selectman Jose calls it a transition from Policing to the executive side.

Weekly Public Discussion – Residents spoke to the Board as part of the Excel Recycling agenda item, following, but no further public discussion was held.

Consent Agenda

Board of Selectmen: Action relative to:

- To discuss scheduling concerning Excel's license renewal application and to announce possible vote on proposed after hours installation of sound equipment. Selectman Jose explains that we have a request to renew the license for Excel Recycling. Selectman Pacheco says this will take more than one meeting, suggesting April 23 at 6pm at the Freetown Elementary School, which can allow for a carry over for April 27 if needed, and a decision on April 30. Selectman Pacheco also suggests reaching out to have Town Counsel present, as well as a court stenographer.

VOTE: Motion (Pacheco/Sullivan) to schedule the meetings for April 23rd and April 30th, with April 26th possible, and to have Town Counsel and a court stenographer present, passed unanimously.

Excel's attorneys have requested additional time to install their sound mitigation barrier, for 14 days. Selectman Pacheco explains the request, which is for a DEP-mandated sound barrier. They are asking the town to allow them to work in 2 shifts: 7am-3pm and 3pm-11pm Monday-Friday, and 7am-3pm on Saturday, for 14 days. Selectman Jose clarifies this is only for the installation of the sound barrier. Selectman Pacheco says granting this request will allow for the installation to be done faster. The Board thinks 11pm is unreasonable. Residents in attendance don't understand why the business doesn't shut down to install this barrier. Selectman Pacheco reminds everyone in attendance of the difference between the Town's license and DEP's requirements, and what sort of jurisdiction the Board has in this matter. Leia Adey, 7 Friend Street, informs the Board about the town industrial by-law that says nothing can be seen from the street. Selectman Jose will review that, but warns that we are straying from the agenda. Pedro Neves, 9 Alexandra Dr., says Excel isn't compliant, why should we have to suffer, asking why they can't be shut down. He says we are being penalized by DEP. Joe Branco, 7 Alexandra Dr., says we are suffering. Steve Tripp, 4 Alexandra Dr., says there's no reason they can't shut down to put up this wall. The residents note the administrative consent order DEP gave Excel was supposed to be completed by March 31. Selectman Pacheco says we are still waiting to hear what happened at the hearing, as the hearing was postponed due to the snow. She says the barrier wall needed to be up by a certain date and DEP denied them. It was then that the container wall came down, which DEP said was another violation. We haven't heard the outcome on that yet, she believes it last week. Selectman Jose reiterates, this was all on DEP's end.

Mr. Branco doesn't think the hours should be extended, they should shut it down and they should just stop. Selectman Pacheco says we will agree to 7-8 Monday – Friday and 7-3 on Saturday. Excel has agreed that nothing else will be conducted outside the license time. She says this

extension of the hours would last for 14 days from the date of execution or when the work is completed, whichever comes first, and the Board can revoke the extension at any time at their discretion; this revocation would be effective 24 hours after notice is given by Town Counsel. The residents don't think they would comply with any revocation of the extension, questioning what sort of work Excel would be doing. Ms. Adey questions how safe it is to do this work while the shredder is running, saying they should just shut down completely. Selectman Pacheco says these are all arguments for the license hearing, this is just for this extension. We need to decide how much time they are allowed and the hours. The Board agrees that, if needed, this needs to be revoked immediately, not within 24 hours. The residents don't want to see the Saturday hours. This period would include 2 Saturdays, and it is 14 working days, so Monday-Saturday. The Board says the shredder will not be running outside the hours on the license, the request states a crane and welders would be working. The shredder can run 8am-4pm. Cindy Senra, 16 Alexandra Dr., notes if this is installed on time, on April 19th, we won't know anything by April 23rd. Selectman Jose says the longer they take, the less we know, which will be considered. Selectman Pacheco suggests granting this request for 7am-3pm & 3pm-8pm Monday-Friday, and on revocation, it will be effective immediately upon written notice by Town Counsel or the Board's designee to Excel or Excel's counsel. This will be effective tomorrow.

VOTE: Motion (Pacheco/Jose) to allow Excel to do the two shifts, from 7-3 and 3-8 Monday-Friday, and 9-2 on Saturdays, no Sundays and no federally observed holidays, to conduct as stated just the allowed tasks, that the equipment to conduct and complete the allowed tasks be the forklift to move panels and beams, a crane for hanging steel and panels, a man lift for bolting steel beams and welders and welding for steel beams. Excel agrees that no truck deliveries or mechanical operation other than those set forth in this agreement will be conducted other than the allowed tasks outside the days and hours of operation restriction otherwise contained in the license. Revocation shall be immediate upon written notice by counsel or designees to Excel's counsel or Excel by electronic mail or by hand, for 14 days or earlier, no longer than April 19th, whichever is sooner. After discussion on the motion, Selectman Pacheco adds an amendment that Excel Recycling pay for a Police detail from 4pm to 8pm Monday through Friday and 9am to 2pm on Saturday. Motion carries 2-0, with Selectman Sullivan abstaining.

- Approve Reserve Fund Transfer Request for Tree Warden Personnel line item, as submitted by Tree Warden Maurice Demoranville. With the additional unforeseen storms this winter, additional funding is needed to pay the Tree Warden.

VOTE: Motion (Pacheco/Sullivan) to approve in the amount of \$393.12 and send to the Finance Committee, passed unanimously.

VOTE: Motion (Pacheco/Sullivan) to approve in the amount of \$1,288.80 and send to the Finance Committee, passed unanimously.

- Sign Agreement with Town of Middleborough, administered by Middleborough Permanent Cable Committee, effective January 1, 2018 - December 31, 2018. This agreement was agreed to at the Board's meeting on March 19th.

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

- Discuss/Vote on allowing Robert Jose-Board of Selectmen-Representative to vote at a Regional Finance School meeting for a Stabilization Article proposed by the school for Freetown Lakeville Regional Schools. Mr. DeManche explains the school has proposed to implement a stabilization account to offset SPREDD costs, so they don't have to come back to the Town. The cost would be \$109,000. Selectman Jose says this won't change his budget request at all. Selectman Pacheco says you can take the \$109K from their bottom line to set up the stabilization fund. Selectman Sullivan says they are going to put money from the proposed budget into a stabilization fund. Selectman Pacheco says this was included in the budget, and if the town doesn't want to do it the \$109K, it would come out of the bottom line. Selectman Jose said the meeting for tomorrow night was cancelled. Selectman Sullivan thinks this would be a good safety valve for the school. Selectman Pacheco says they can continue to take this out of E&D and/or come back to the town for more money, that if we lower their line item, you have to fund that. Mr. DeManche says they wanted to create the Stabilization Fund because their E&D is depleted. Selectman Sullivan would like to see a formal written statement as to what they are going to use the money for. The Board decides to hold this over to the next meeting.
- Town Administrator's Report
 - Mr. DeManche recognizes the people of the Cultural Council for their work on the Easter Egg Hunt and he thanks all the members as well as the others that helped and the sponsored.
 - The regional Town Administrator's meeting will be held at Air Gas on April 11th.
 - We have been working on job descriptions and we are almost done with that, and the IT survey will go out soon.
 - On the Bullock Road property, Atty. Gay is coming along and an article will be available if we need it.
 - The Home Consortium presentation will be at the end of the month.
 - The next Finance Team meeting is scheduled for Monday April 9th. This meeting is regarding OPEB and an Article.
- Discuss/Open the Articles for Insertion on Special Town Meeting and Annual Town Meeting Warrants. Mr. DeManche has charted out dates, with the warrant opening on April 4 and closing on April 25. He goes over the required deadline dates for posting the warrant.

VOTE: Motion (Pacheco/Sullivan) to open the warrant on April 4th and close it on April 25th at 4pm, passed unanimously.

Board of Health:

Personnel Board:

- Appoint Sara Valero and Chrysti Dufort to the Library Planning Committee, as recommended by Lucille Rosa, effective April 3, 2018. Selectman Pacheco would like to know what exactly the Library Planning Committee is planning.

VOTE: Motion (Pacheco/Jose) to appoint both Ms. Valero and Ms. Dufort to Library Planning Committee, passed unanimously.

New Business:

- Dates for upcoming Board of Selectmen Meetings: Tuesday April 17th, Monday May 7th, Monday May 21st, Annual/Special Town Meeting Monday June 4th, Monday June 18th, Monday July 2nd, Monday July 16th, Monday August 6th, Monday August 20th.

VOTE: Motion (Pacheco/Jose) to not have the meeting on Monday, July 2nd, passed unanimously.

Executive Session:

At 8:25pm, motion (Pacheco/Sullivan) to enter into executive session, under the following exemption, and not return to open session following. Roll call Chairman Robert P. Jose, Selectman Charles B. Sullivan and Selectman Lisa A. Pacheco. All voted in the affirmative when polled.

- 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, Signal Operators and Freetown Police Union and Educator's Association of Freetown because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

At 9:10pm, motion (Pacheco/Sullivan) to adjourn the meeting from Executive Session. Roll call Chairman Robert P. Jose, Selectman Charles B. Sullivan and Selectman Lisa A. Pacheco. All voted in the affirmative when polled.

Respectfully submitted,



Ali Golz

Administrative Assistant

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

- Two Request for Transfer from the Reserve Fund forms, submitted by Tree Warden Maurice DeMoranville
- Ledger information, Tree Warden budget line items
- Draft PEG Access Inter-Municipal Agreement between the Towns of Middleborough and Freetown

- Draft schedule for articles and final warrant, put together by Administrative Assistant Ali Golz
- E-mail correspondence between Lucille Rosa and Sara Valero re: appointment to Library Planning Committee
- Letter of interest from Chrysti Dufort re: appoint to Library Planning Committee
- E-mail correspondence between Lucille Rosa and C. Dufort re: appointment to Library Planning Committee
- Draft Certificate of Appointment for S. Valero & C. Dufort