



**TOWN OF FREETOWN  
BOARD OF SELECTMEN**  
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**MINUTES OF  
MEETING OF MONDAY, MAY 7, 2018**

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

**6:00 P.M. Call to Order** – Chairman Robert P. Jose calls the meeting to order at 6:00pm. Also present: Selectman Lisa A. Pacheco, Selectman Charles B. Sullivan, Town Administrator David DeManche and Administrative Assistant Ali Golz. The meeting is being recorded by FREECAM and resident Gary Mendes, 178 Chace Road. Selectman Jose leads the Pledge of Allegiance.

**6:00 P.M. Board of Health Variance – 9 Winslow Way.**

Selectman Pacheco opens the variance. Nyles Zager from Zenith Engineering and Health Agent Derek Macedo are present. Mr. Zager says this is a simple septic repair as the system was in failure. They are asking for 3 variances: the use of a sieve analysis, the use of 1 deep hole instead of 2 (due to space restrictions), and a reduction to 3' above the water table (from 4'). Selectman Jose confirms the new system is not closer to any wells. The Board has no further questions. Mr. Macedo has nothing to add for this variance request.

VOTE: Motion (Jose/Sullivan) to accept as requested, passed unanimously.

**6:00 P.M. Discussion with Ray Lavey regarding retail medical marijuana sales.**

Mr. Lavey could not attend tonight, this will be put off until sometime in June, when Mr. Lavey repetitions the Board.

**6:00 P.M. Presentation from Bartholomew for advisory services for Other Post Employment Benefits (OPEB) and other Financial Services.** Present: Michelle Newcomb and Chuck Patterson from Bartholomew

Mr. DeManche says the Finance Team has met with three financial service firms, and the Team recommends Bartholomew. David explains the Finance Team met with 3 Financial Services and the Team chose Bartholomew was the group they would like to recommend for this service. Ms. Newcomb and Mr. Patterson give a presentation on Bartholomew and the services they offer, managing a wide range of OPEB accounts and municipal funds. They say most towns will start in the moderate account for their OPEB funds. The materials provided by Bartholomew includes a list of other municipalities that recommend Bartholomew, and also a fee schedule, broken down in quarterly amounts.

Selectman Jose asks if the exposure to risk can be spilt. Ms. Newcomb and Mr. Patterson says they can do that, they would be in 2 separate accounts. Selectman Jose asks what the fee is based on. Mr.

Patterson says they try to do what is best for the community, and they will do the calculation based on the town. Mr. DeManche says this was the recommendation from the Finance Team

VOTE: Motion (Pacheco/Sullivan) to go with Bartholomew for other post employment benefits, passed unanimously.

**6:00 P.M. Discuss FY19 Budgets – Planning Board, Town Administrator’s Budgets, and Capital Budgets.** Town Accountant Kimberley Fales is present.

Planning Board Budget Discussion – no representatives are present from the Planning Board  
Ms. Fales states the personnel line item could be reduced to \$33,975.00, which is the annual salary for a Step 1 Planning Technician. The request is based on the clerk being a Land Use Administrator. The expenses for the department are all level funded. Selectmen Sullivan asks if we should leave some leeway to account for meetings. The Board decides to wait on deciding that.

Town Administrator Budget Discussion

Mr. DeManche says this budget reflects a small decrease in personnel expenses and the rest is level funded.

Capital Projects/Equipment Budget – present: Fire Chief Gary Silvia

\$25,000 for the School House is for electrical work and to install insulation. There is also \$40,000 for a generator, which is there as a placeholder; this number will be firmed up by the time the Board finalizes the budget. Fire Station 2 improvements are included. Chief Silvia is still waiting for a figure from an engineer, so Station 1 improvements will be pushed to the fall. Selectman Pacheco says it would have to come from Capital Stabilization at that point. The Board asks why the Cemetery Commission submitted an Article for a lawnmower as an article, saying this should be in the capital equipment budget instead.

**6:00 P.M. Discuss/Approve Articles for Insertion on the Special Town Meeting and Annual Town Meeting Warrant**

Special Town Meeting Warrant

The Board goes through all submitted articles, laid out in a draft warrant by Mrs. Golz. After the Board approves articles for the warrant, the warrant will be sent to Town Counsel for approval and further potential changes.

- Article 3, regarding tree removal at Mother’s Brook Cemetery – The Board wishes to move the article to the Annual Town Meeting warrant.

VOTE: Motion (Pacheco/Sullivan) to approve all articles as submitted and move Article 3 to the Annual Town Meeting warrant, passed unanimously.

Annual Town Meeting Warrant

The Board goes through all submitted articles, laid out in a draft warrant by Mrs. Golz. After the Board approves articles for the warrant, the warrant will be sent to Town Counsel for approval and further potential changes.

- Article 7, regarding \$170,000 to fund the beginning stages of a new town library – The Board wants this removed and sent through the Building Committee.

- Article 8, regarding implementing a citizen notification system – The Board thinks 15 messages a year is accurate. Mrs. Golz has a price of \$3,300 for this.
- Article 9, regarding the Freetown portion of a dump truck for the Regional School District – this should go in the omnibus budget.
- Article 12, regarding a lawnmower for mowing the Cemeteries and other Town properties – this has been moved to the Capital Equipment budget.
- Article 14, regarding the purchase of land at 15 Bullock Road – The map & parcel noted is incorrect; it should be map 239, parcel 28.
- Article 20, correcting a numbering error in the Town General By-Laws – Selectman Jose says the article should identify the by-law as “Section 24.2, Substances Pumped on Street”, not “Article 24.2, Substances Pumped on Street.”
- Article 21 & 22, regarding removing the by-law limiting recreational marijuana establishments – The Board asks why we need to do this.
- Article 23, regarding adding a by-law for municipal noise – The Board wants more research done on this.
- Article 24, regarding a Request for Proposals for a solar farm at the Transfer Station – the length of an agreement with a solar vendor should be upped to 20 years.

VOTE: Motion (Pacheco/Sullivan) to strike articles 7, 12, and 9, and approve the remaining submitted articles with the noted corrections in Articles 14 and 20, passed unanimously.

### **Weekly Public Discussion**

Gary Mendes, 178 Chace Road – Mr. Mendes confirms that Excel Recycling is suing the Town, asking for how much. Selectman Jose says there is pending litigation, and there is no dollar amount yet.

### **Consent Agenda:**

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

- Approve Chapter 90 Final Requests for South Main Street, Gurney Road, Washburn Road, and Narrows Road, as submitted by Highway Surveyor Charles Macomber.

VOTE: Motion (Pacheco/Sullivan) to approve the Final Requests for Gurney Rd. in the amount \$47,868.58, Washburn Rd. in the amount of \$70,334.95, South Main St. in the amount of \$34,298.52 and Narrows Rd. in the amount of \$94,693.06, passed unanimously.

- Approve an Interdepartmental Transfer from Health Insurance to Union Pension, as submitted by Treasurer/Collector.

VOTE: Motion (Sullivan/Pacheco) to approve the transfer as requested, passed unanimously.

- Review and consideration of Open Meeting Law complaint filed by Patrick Higgins and discuss proposed response to complaint.

VOTE: Motion (Pacheco/Sullivan) to send response to Town Counsel, passed unanimously.

- Discuss letter sent from Town Moderator regarding Special/Annual Town Meeting on June 4, 2018. Town Moderator Mike McCue wants to color code the assorted warrants for the night of the Town Meetings. Selectman Pacheco says she doesn't have any problem with this. Selectman Sullivan notes Mr. McCue is in charge of the Town Meeting.

VOTE: Motion (Sullivan/Pacheco) to have Mrs. Golz coordinate with Town Clerk Jacqueline Brown the colors for the warrants, passed unanimously.

- Letter from Mr. & Mrs. Scott regarding their intent to remove 46 East Howland Rd., Map 219, Lot 14 from Chapter 61A, and the Town's right of first refusal. Mr. DeManche explains that Town Counsel was consulted. They said the notice doesn't comply, because they don't have the proper documentation, including (but not limited to) a Purchase & Sales Agreement. Town Counsel said the notice given doesn't trigger the town's right of first refusal. Selectman Jose says we can stipulate that they provide all documents before they receive the notice of right of first refusal.

VOTE: Motion (Pacheco/Sullivan) to allow the right of first refusal as long as we get it formatted correctly from the petitioners, passed unanimously.

- Sign Agreement with Stop & Shop for use of the By-Pass Road for Annual 4<sup>th</sup> of July Parade, rain date is July 7, 2018.

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

- Sign/Approve Sunday Entertainment License for St John Neumann Church on Sunday May 27, 2018 for the Lakeside Family Festival.

VOTE: Motion (Pacheco/Sullivan) to issue the license, passed unanimously.

- Discuss/Vote on Declaration for Land at 15 Bullock Road, as submitted by Town Administrator. Mr. DeManche explains that M.G.L. c. 30B refers for the uniqueness of the property. Generally, there is a bid and advertising for proposals; however this requirement can be waived if the property has unique qualities or location of use to the Town. A written declaration is required, which is then published in the Central Register. Since this is the land that adjacent to the Fire Station, it presents an opportunity for us to use for the municipality. Selectman Jose reads the declaration.

VOTE: Motion (Sullivan/Pacheco) to sign the declaration, passed unanimously.

- Town Administrator's Report.
  - The Department of Conservation and Recreation is in the process of the closing on the land at Proprietor's Way, as the Highway Department has done their part.
  - The Surplus Equipment Auction will be held on May 19<sup>th</sup>.
  - The School House basement is finished and the storage equipment will be moving in soon. Mr. DeManche would like to recognize the Highway Department for their help on this project. They will also be planting grass and possibly putting parking in the rear of the building.

**Board of Health:**

- Discuss contract options with Republic. Health Agent Derek Macedo says things have been marginally better of late, but not a full turnaround. Selectman Pacheco says she was ready to not renew before. Selectman Jose confirms with Mr. Macedo that to renew we'd have to tell Republic by July 1 and if we don't notify them by then, it automatically is not renewed; Mr. Macedo says this is correct.

VOTE: Motion (Jose/Sullivan) to notify Republic that we will not be renewing, passed unanimously.

**Personnel Board:**

- Discuss hiring of a video editor for meetings. Lynn Rocha, who films and previously edited the meetings for FREECAM, is no longer able to do the editing. She recommends Lori Ashley to take over for her. Mr. DeManche says he's spoken to Ms. Ashley, and she is agreeable. Ms. Rocha will continue filming, Ms. Ashley will handle the editing.
- Appoint/Sign Change of Status form for Christopher McKay, as Planning Technician, as submitted by Keven Desmarais, Chairman Planning Board, effective May 7, 2018.

VOTE: Motion (Jose/Pacheco) to appoint and sign form, passed unanimously.

- Appoint/Sign Change of Status form for Timmothy McIntosh as Temporary Part-Time Recordings Clerk-Building/Police Sub-Committee, effective May 7, 2018. Selectman Jose asks if this is allowed, per the union. Mr. DeManche says this payment was suggested by the Union steward. Selectman Pacheco says this should be taken out of the Police Station project budget, not the Town Administrator's budget. Mr. DeManche and Mrs. Golz say this has been discussed with Ms. Fales, who said salary cannot come out of the Police Station project budget. Mr. DeManche says he will discuss further with Ms. Fales.

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

- Accept Lois Amaral's letter of resignation as a Senior Clerk for the Finance Committee, effective May 1, 2018. Selectman Pacheco would like to know what the Finance Committee's plan of action on this is. Mr. DeManche says the vacancy will be posted internally and then externally if needed.

VOTE: Motion (Jose/Pacheco) to accept with regret and send a letter, passed unanimously.

**New Business:**

- Dates for upcoming Board of Selectmen Meetings: Monday May 21st, Annual/Special Town Meeting Monday June 4<sup>th</sup>, Monday June 18<sup>th</sup>, Monday July 16<sup>th</sup>, Monday August 6<sup>th</sup>, Monday August 20<sup>th</sup>.

**Executive Session:**

At 7:30pm, motion (Pacheco/Sullivan) to go into executive session, under the following exemption, and not to return into open session following. Roll Call Chairman Robert P. Jose, Selectman Lisa A. Pacheco and Selectman Charles B. Sullivan. 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: Selectman Sullivan does not enter into Executive Session with the Board, as he has recused himself from all matters involving Excel Recycling.

At 7:35pm, motion (Pacheco/Jose) to adjourn from Executive Session. Roll Call Chairman Robert P. Jose 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).

- Application for Board of Health Variance for 9 Winslow Way
- Presentation packet provided by Bartholomew & Company
- Chapter 90 Final Reports for S. Main Street, Gurney Road, Washburn Road and Narrows Road
- Request for Appropriation Transfer Between or Within Departments, submitted by Treasurer/Collector Jessica Thomas
- Draft letter from Atty. Brian Riley to Attorney General's office re: Open Meeting Law Complaint Response
- Letter from Town Moderator Mike McCue re: Town Meeting procedures
- Letter regarding 46 East Howland Road
- Draft Agreement with Stop & Shop Supermarket Company re: use of by-pass road for July 4, 2018
- Draft Entertainment License for St. John Neumann Parish/Lakeside Festival on May 27, 2018
- Excerpt from Overview of M.G.L. c. 30B
- Letter of resignation from L. Amaral
- Draft Change of Status Report for C. McKay & T. McIntosh
- Draft appointment slip for C. McKay & T. McIntosh