



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

MONDAY, DECEMBER 3, 2018, 6:00PM
COUNCIL ON AGING – 227 CHACE ROAD, EAST FREETOWN

RECEIVED
FREETOWN TOWN CLERK

2019 FEB 27 PM 12:23

J. G. Brown

6:00 P.M. Call to Order

Chairman Robert P. Jose calls the meeting to order at 6:01pm. Selectmen Charles B. Sullivan and Lisa A. Pacheco are also present. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM.

6:00 P.M. Meet with Soil Board.

The Board is joined by Soil Conservation Board members Keven Desmarais and Mark Rogers. As the Board acts exclusively as members of the Soil Conservation Board, minutes of that meeting are recorded separately.

6:00 P.M. Board of Health Variance – 26 Middleboro Road

Rick Charon, engineer, is present, as is property owner John Veiga. There are no abutter notifications required for this variance. Mr. Charon says for per title 5, a pool is essentially treated as a foundation. Mr. Charon says there would be an impervious membrane around the pool, so this is just a normal variance. Pool adds water pressure to the barrier, so it should be extra protected. Mr. Macedo recommends this with the membrane on all sides, and to make sure we watch the distances on the test holes.

VOTE: Motion (Sullivan/Jose) to grant the variance, passed unanimously.

6:00 P.M. Board of Health Variance – 28 Locust Street

Bob Berube, Pro-Lin Engineering is present. There are no abutter notifications required for this variance. The spot for the leaching chambers was chosen to be outside of 100' from the abutter's well. Mr. Macedo says we'll need to verify the tests, as test pits were in a different spot, but he isn't concerned that there would be a problem.

VOTE: Motion (Jose/Sullivan) to grant the variance, as long as the Health Agent concurs with the new findings, passed unanimously.

Board of Selectmen:

- Discuss/act on creation of Clean Energy Community Committee with Resident Wendy Graca. Ms. Gracia recaps her previous presentation to the Board. This is about beautifying our community and working towards green community status. If anyone is interested in a particular subject, they can be part of this. Mr. DeManche says this runs parallel to the MVP grant, discussed at the last meeting. This would be a seven member community advocates group. Ms. Gracia suggests the Board issue a resolution, which she has in draft form.

Selectman Jose thinks we should start with picking a board to handle this. The Board, Mr. DeManche and Ms. Gracia settle on a 7-member committee, including a representative from Conservation, Planning and the Board of Selectmen, and a representative from each precinct. Selectman Pacheco would want the vacancies posted on the website and Facebook page. Ms. Gracia would like to be a member of the committee.

VOTE: Motion (Pacheco/Sullivan) to form a committee with that makeup, passed unanimously.

- Discuss Special Town Election Results. Chair recognizes Selectman Pacheco as chair of Police Sub-Committee. Selectman Jose congratulates the Police Sub-Committee and the Freetown Police Department for their work. Selectman Pacheco recaps the project and thanks everyone for all their hard work. She says this is just the beginning, citing her experience in building projects. She says the Police Sub-Committee needs to look at the contracts and vote to recommend it to the Board of Selectmen.
- Discuss dog licensing program with Town Clerk Jacqueline Brown and Animal Control Officer Lisa Podielsky. Mrs. Brown gives a background on the dog licensing program, approved in 2016, but the company was recently sold to another company. Mrs. Brown, Mrs. Podielsky and many other area users of the program are very unhappy with the changes the new company is making, in terms of new fees being implemented, privacy issues, and the new program require a huge amount of information that is not necessary for their purposes. Mrs. Brown has researched other options, the one she prefers being a company called LLData Designs. Mrs. Podielsky notes this was their first choice when they initially went with a program, but it lacked a mobile option at the time, which has since been added. Mrs. Brown has obtained a quote from LLData. The database would cost \$2,095, with annual fees as well: if housed on the town server, the annual cost would just be an annual maintenance fee of \$395/year; if a web access database was used, you would have the annual maintenance fee plus hosting fees, for a total of \$1,679/year. Mrs. Brown explains that when the existing program was being discussed, our IT person said it could not live on the server. Selectman Pacheco asks why that would be. Mr. DeManche doesn't know what the downfall would be for that. Selectman Jose says we could install another server specifically for this, as well. Selectman Pacheco asks how much we'd be short in the budget. Mrs. Brown says there is \$900 left now. Selectman Pacheco likes Selectman Jose's idea of a separate server. Mrs. Brown is concerned because January 1 is the start of the dog licensing year. Selectman Jose suggests licensing manually to start and entering the data later. The Board is in agreement that LLData is the best option, and instructs Mrs. Brown to work with Mr. DeManche to make it happen.
- Approve snow plow contract for 2018/2019 snow & ice season for Barry Amaral.

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

- Approve Senior Work Program participants for cycle commencing November 2018, submitted by Council on Aging Director Barbara Place. Selectman Jose asks how the list before the Board is generated. Mr. Macomber says it is a list that is handed to the Selectmen's office from the Council on Aging, we aren't privy to the whole process. The Board would like more information on the process behind this, if people are rejected, what the criteria is, etc. Mr. McIntosh notes the Executive Assistant Ali Golz planned on getting more involved with this process, if the Board wanted her to.

VOTE: Motion (Pacheco/Sullivan) to approve the list, as long as the named individuals go through a CORI process, passed unanimously.

- Discuss the installation of an external commercial freezer box at the Council on Aging Multipurpose Senior Center. Mr. DeManche recaps the discussion from the last meeting. He met with Bruce Wilbur of the Council on Aging Board and Building Inspector Jeff Chandler on this. It appears the current electrical service isn't sufficient for the project. Mr. DeManche says they are working on the cost and trying to figure out exactly how much this is going to cost in the end. He thinks the electrical work should be done now, since the building is having issues now, and come back at budget time to ask for the correct dollar amount. Selectman Jose says the \$20,000 figure budgeted came out of nowhere initially. He thinks we should hold them to that number. Mr. DeManche says we are paying an engineer to come up with the specifications, which is \$2,800 already spent, then another \$3,000 for Andy Digiammo to look at it. Mr. DeManche says this engineering work was a separate line item, it didn't come from the \$20,000. Selectman Sullivan suggests telling the COA to make this as an article with an accurate number, and let the voters decide whether it is feasible or not at a Town Meeting, as this is a totally different project than what was first proposed. Mr. DeManche notes he wasn't here for that discussion, it was that long ago. Mr. DeManche speak to Rochester having a similar unit, the bid for which came in at \$28,000, with the "extra stuff" beyond that number. He estimates we are looking at \$35,000 or more for this project. He reiterates his thinking that we should fix the electrical problem now, go from 200 amps from 100 amps. Selectman Jose says that part makes sense. Selectman Pacheco notes that any upgrades are a concern, because now we could be building up the building or replacing it next. Selectman Pacheco wants Mr. DeManche to look at a detached unit, not one built in to the building. Mr. DeManche wants to know if he has approval on electrical work, Selectman Jose says get Mr. Digiammo on board first.

VOTE: Motion (Sullivan/Pacheco) to have Mr. DeManche contact Compass Group Architects for the engineering and make a proposal for the Board, passed unanimously.

- Act on seasonal population form from the Massachusetts Alcoholic Beverage Control Commission

VOTE: Motion (Sullivan/Pacheco) to vote no seasonal increase, passed unanimously.

- Act on annual renewal of Class II Motor Vehicle, Class III Motor Vehicle, liquor and other licenses, issued by the Board of Selectmen:
 - Class II Motor Vehicle Licenses – Clermont’s Auto Sales; J.M. Auto Sales; John’s Auto Body & Sales; Evolution Auto Sales, Inc.; Bob’s Motor Works; C.J. Auto Sales; Miller’s Auto Sales; Boehler’s Garage; P.J.’s Tire, Inc.; San-Man Auto Sales; DPF Enterprises; Basic Equipment Inc. Basic Used Cars.

VOTE: Motion (Sullivan/Pacheco) to approve as noted on the agenda, passed unanimously.

- Class III Motor Vehicle Licenses - J&T Auto Salvage; East Freetown Auto Salvage, LLC; Westgate Auto; C.S.A Auto Parts; Bugs Stevens’ Freetown Auto; Home Town Automotive; Millis Industries, Inc.

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

- Motor Vehicle Graveyard License - Millis Industries, Inc.

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

- Auctioneer License - J&T Auto Salvage

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

- All Alcohol Package Store - Assonet Star Market, Inc.; Circle K; K&E Liquors, Inc.

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

- All Alcohol Veterans Club - Freetown Memorial Post #6643, VFW

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

- All Alcohol Restaurant - Independence Harbor, Inc.; The Nephew’s Italian American Kitchen, Inc. Administrative Assistant Timm McIntosh informs the Board that Building Inspector Jeffrey Chandler and Fire Chief Gary Silvia have not yet conducted their annual inspection of Independence Harbor.

VOTE: Motion (Sullivan/Pacheco) to conditionally approve Independence Harbor, upon successful annual inspection, passed unanimously,

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

- Wine & Malt Package Store - Grandpa's Place, Inc.; Prime Express

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

- Entertainment License - Independence Harbor, Inc.; The Nephew's Italian American Kitchen, Inc.; Freetown Memorial Post #6643, VFW

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

- Jukebox Licenses - Freetown Memorial Post #6643, VFW

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

- Automatic Devices - Freetown Memorial Post #6643, VFW

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

- Approve Board of Selectmen Minutes from November 19th and November 26th, 2018.

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

- Town Administrator's Report

- Budget forms will be going out to departments at a Department Head Meeting on December 19th, which will include proposed dates for Mr. DeManche to go over budgets.
- On the formation of a safety committee, Mr. DeManche proposes a working committee made up of union representatives, as opposed to a formal appointed committee, similar to the Finance Team. This committee would go over safety needs for employees. The Board has no objection to this.
- Mr. DeManche speaks to some news regarding solar pilot programs, which he read in the latest issue of the Massachusetts Municipal Association's Bulletin. Mr. DeManche says he's been in touch with our legislative delegation, this legislation has been held up in the House, but everyone is hopeful it gets passed in the next session.
- On the Economic Development Committee, Mr. McIntosh says the Committee has 6 appointed members: the 3 Board members, Jim Rezendes, Bruce Wilbur and Derek Gracia. He has reached out to Mr. Rezendes and Mr. Wilbur, who are still interested in taking part, but has not yet heard from Mr. Gracia. Mr. DeManche will set up a meeting once we hear back.
- On the Freetown Screw project, Mr. DeManche has met with Jack Healey and Tracey Costa. Mass Development is asking for an update and according to the memorandum of agreement on the grant, there is potential repayment involved. Mr. DeManche is working on an extension on the MOA. The issue is that the land

transfer from Acushnet requires legislative approval, which hasn't happened yet. Mr. DeManche notes the Acushnet land still has some contamination, but not significant contamination. He says we can work on having the successful bidder do that clean up.

Board of Health:

- Discuss/Vote to allow Health Agent Derek Macedo to approve septic local upgrades that do not involve abutter notification. Mr. Macedo has requested to approve local upgrades administratively that don't require abutter notifications administratively, which would cut down on meeting times. He notes that many area towns do this, and it would cover most Board of Health variances. He would keep the Board of Health notified, and would still come before the Board with any variances that require proper notification. Mr. Macedo's predecessor, Kevin Bernardo, had this ability. Selectman Jose asks if this is allowed by statute; Mr. Macedo doesn't know of any statutes that don't allow it. Mr. Macedo would still be allowed to put stipulations on the variances granted. Selectman Jose asks if the Board would act as an appellate board; Mr. Macedo says that makes sense to him, but thinks he would likely send variances he wants to deny to the Board for their approval or denial. Selectman Jose is concerned about the lack of oversight, though he isn't concerned about Mr. Macedo's work. Selectman Pacheco suggests trying it for 60 days and reviewing it at that time. She says Mr. Macedo should come before the Board immediately if he has any issues or questions. Selectman Sullivan concurs with the 60 days trial period.

VOTE: Motion (Jose/Sullivan) to approve the request and review in 60 days, with a list of variances approved sent to the Board monthly, passed unanimously.

- Discuss/Act on recycling options. Chris Macera of Republic Services is present. Mr. Macedo says it's time to make a decision on this, with the Board seemingly settling on Republic Services for everything or Waste Stream taking recycling in the interim before going to bid again. Selectman Pacheco says she's spoken with Mr. Macedo on this to weigh the different options, they've decided that the Waste Stream then bid option is the best option at this time, and start everyone as square one. Selectman Pacheco notes there are lots of moving parts right now. That is Selectman Pacheco's recommendation, but there is a disagreement between Selectman Pacheco and Mr. Macedo if he shares that recommendation. Selectman Pacheco is not happy that Mr. Macedo is changing his mind. He agrees that going out to bid is probably best but says it's not a guarantee. Mr. DeManche says facilities are opening. Mr. Macedo compliments Republic's work, but cites there are other benefits to going to bid. An arrangement with Waste Stream would be go to July and would go to bid as well. Mr. Macera notes that Republic stepped up when WeCare closed. He says the market changes every month, noting that the changes can't be guaranteed by anyone and fluctuations affect everyone. He thinks the pricing is going to be much higher when they go to bid. He truly

believes that re-bidding is not in the best interest of the town. Selectman Pacheco says it's unfortunate that other companies aren't here to market themselves as Mr. Macera is. She hasn't heard anything about any of the fluctuations that he has spoken of. Selectman Jose says if Republic was coming to the Board with an extension to just July it'd be different, but trying to leverage this into a full 2 yr extension isn't the best idea. Mr. Macera proposes a 1-year extension instead. Selectman Jose says we'd have to think more about that, but this all comes from the volume of complaints they've had. Mr. Macera and Selectman Jose both note the complaints have been largely addressed and have subsided recently. Selectman Sullivan says Republic was rough at the beginning. He says the 2-year extension is a set number, but also notes that going to bid isn't a guarantee. Discussion about what bids could come back as. Mr. Macera says people don't want recycling commodities anymore. They charge \$100 because it costs \$100, they aren't making money on this. Selectman Pacheco asks Mr. Macera to put together a proposal for what he's talking about. Mr. Macera says if he does that, he wants a decision, as it has been 6 months trying to get something done with the Town. The Board will meet on Friday December 7th at 8am to give Republic a final decision if Mr. Macera gets the proposal to Mr. DeManche.

Personnel Board:

New Business:

- Dates for upcoming Board of Selectmen Meetings: Wednesday December 5th, Monday December 17th, Monday January 7th, Tuesday January 22nd.

Executive Session:

At 7:46pm, motion (Pacheco/Sullivan) to enter into executive session, under the following exemptions, and to return to open session following. Roll Call Chairman Robert P. Jose, Selectman Charles B. Sullivan, 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 litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – Jeremy Bernardo v. Town of Freetown, et al., MCAD No. 18BEM02476
- M.G.L. c. 30A, sec. 21(a)(1) – to discuss complaints against a public official, employee or individual
- M.G.L. c.30A, Sec. 21(a)(3) – to discuss strategy with respect to collective bargaining with the Town Hall/Library Union because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.
- M.G.L. c. 30A, sec. 21(a)(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

Atty. Deborah Ecker of KP Law and Highway Surveyor Charles Macomber are present. The order of executive sessions will be changed as necessary to necessitate departures. As Selectman Sullivan has recused himself from all matters involving Excel Recycling, he will depart the meeting before Excel is discussed.

At 8:42pm, motion (Pacheco/Jose) to exit from executive session and return to open session. Roll Call Chairman Robert P. Jose, Selectman Lisa A. Pacheco. All voted in the affirmative when polled. Please note that Selectman Charles B. Sullivan departed before this vote was taken.

At 8:42pm, motion (Pacheco/Jose) to adjourn, passed unanimously.

Respectfully submitted,



Timm McIntosh
Administrative Assistant

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

- Board of Health Variance Forms for 26 Middleboro Road and 28 Locust Street
- Memo from Town Clerk Jacqueline Brown re: dog licensing programs
- Breakdown of GoPetie, LLData Designs LLC and OnlineDogLicensing.com dog licensing programs
- Draft contract with GoPetie
- Application to Plow, submitted by Bobby Amaral
- List of senior work program applicants for cycle starting November 2018
- Draft seasonal population increase estimation form
- List of annual license renewals received by Board of Selectmen's office
- Draft licenses for 2019 calendar year for Class II Motor Vehicle Dealers, Class III Motor Vehicle Dealers, Motor Vehicle Graveyards, Auctioneers, All Alcohol Package Stores, All Alcohol Veterans Clubs, All Alcohol Restaurants, Wine & Malt Package Stores, Entertainment, Jukeboxes and Automatic Devices
- Draft minutes from Board of Selectmen's meetings of November 19th and November 26th, 2018
- Letter from D. Macedo re: local upgrades
- List of recycling options as of 12/3/2018, prepared by Health Agent Derek Macedo