



## TOWN OF FREETOWN BOARD OF SELECTMEN

### MINUTES

Monday, July 1, 2019, 6:00pm

Council on Aging – 227 Chace Road, East Freetown

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2019 JUL 22 AM 8:32

**6:00 P.M.**      **Call to Order** Chairman Charles B. Sullivan calls the meeting to order at 6:04pm. Selectman Lisa A. Pacheco and Selectman George L. Grunwald are present. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM, by resident Gary Mendes, and another resident who declines to identify himself. Selectman Sullivan does not wish to argue with this resident.

#### Weekly Public Discussion

At the conclusion of the sewer study presentation, Mark Rosofsky, 115 Chace Road, asks if there will be public discussion at this meeting. Selectman Sullivan says it is the chairman's prerogative whether or not to have it, and due to the length of tonight's agenda, it will not happen tonight. Mr. Rosofsky says he will be examining the open meeting law and will be filing a formal complaint if he finds any violations.

#### Board of Selectmen – Discussion and/or action on the following topics/items:

1. Presentation by Environmental Partners on Assonet Sewer Study

Ryan Trahan, Helen Gordon and Andrew Grota are present from Environmental Partners Group (EPG) to present the recently completed feasibility study for a sewer line in Assonet. The study examined a full build-out and partial build out, which would cost an estimated \$12.3M and \$22M, respectively. Construction would be done in three phases, and last about two years. Mr. Grota of EPG says any additional sewer line, whether it be a product of this study or additional development with the Riverfront Business Park, would require an amendment with the water/sewer agreement with the City of Fall River.

Discussion turns to funding options. Ms. Gordon outlines a number of grant and loan options, including MassWorks grants and SRF loans. Selectman Sullivan understands that the big thing is the financing, but wants to make sure everyone understands that this is just a feasibility study, to see if any of this would be possible. Ms. Gordon notes that applying for a MassWorks grant would be best in 2020 at the earliest, as they are primarily awarded to shovel-ready projects. Selectman Pacheco asks if a betterment would offset the cost of installing a new septic system for residents and businesses along the sewer line; Ms. Gordon says it would depend on the business and septic system, but they would probably be a similar price over the life of the system.

Selectman Pacheco says there are a lot of questions that need to be addressed before any sort of vote, and that a \$22M project will never ever happen. Mr. DeManche says a cost analysis would be needed to ensure that the project ultimately pays for itself. The Board thanks Mr. Trahan, Ms.

Gordon and Mr. Grota for their time. Selectman Sullivan says the Board will revisit this again at a later time.

The full presentation by EPG can be found at:

<https://www.freetownma.gov/AssonetSewerStudyPresentation>

2. Chapter 90 Project Requests for Highland Ridge Road, Woodlawn Road and Greenlawn Road  
Senior Clerk Mike McCue of the Highway Department is present. Mr. DeManche says each of these are milling & paving projects, for a cost of \$74,451.15, \$44,871.49, \$15,769.16 respectively. Mr. McCue says this is the completion of a drainage project that began around a year ago. Selectman Sullivan reads each project request, for a total cost of \$135,091.

VOTE: Motion (Pacheco/Grunwald) to approve the milling and paving of Highland Ridge Road, Woodlawn Road and Greenlawn Road, passed unanimously.

3. Award bids for Roadway Materials and Services for Fiscal 2020:
  - G. Lopes Construction, Inc. (Winter Sand)
  - Eastern Minerals, Inc. (Highway Salt)
  - T.L. Edwards, Inc. (Bituminous Concrete, at plant)
  - P.J. Keating Company (Cold Planing & Bituminous Concrete, in-place)
  - All States Asphalt, Inc. (Stone Seals – single, double, 20% rubber & shimming)
  - Sealcoating, Inc. (Crack-Sealing)

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

4. Fiscal Year 2020 Contracts
  - Above noted Highway contracts

VOTE: Motion (Pacheco/Grunwald) to award the contracts, passed unanimously.

- CivicReady (for Citizen Notification System)

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

- Cintas (for Uniforms for Highway Union members)

VOTE: Motion (Grunwald/Pacheco), passed unanimously.

- Woodard & Curran (Environmental Services for Howland Road Landfill)

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

5. Ambulance Abatements / Write Offs for May, 2019  
The abatements and write-offs for May total \$115,710.71.

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

6. Memorandum of Agreement between Town of Freetown and Public Employees Union, Local 1144, LIUNA (Clerical/Library Union)

This Memorandum of Agreement will remove the requirement of a masters degree for the position of senior librarian.

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

7. Transfer Requests:

The Board is joined by members of the Finance Committee: Chairman Gary Martin, Kent Wilkins, Katie Calheta and Hogue Lord, as well as Senior Clerk Aleesha Freire. Selectman Grunwald requests approving them all the requests at once unless anyone objects. After the Board votes, the Finance Committee acts on each transfer request; minutes of the Finance Committee meeting are recorded separately.

- Intradepartmental from Librarian part-time wages to Library additional gross overtime
- Intradepartmental from Part-Time Dispatch Wages to Repairs & Maintenance of Communications equipment
- Intradepartmental from Part-Time Dispatch Wages to Gross Overtime (Communications)
- Intradepartmental from Reserve Officers Wages to Repair & Maintenance of Vehicles (Police)
- Intradepartmental from Gross Overtime Court (Police) to Repair & Maintenance of Radios (Police)

The transfers are in the amounts of \$279.18, \$1,145.00, \$7,850.00, \$13,500.00 and \$8,000.00 respectively.

VOTE: Motion (Grunwald/Pacheco) to approve the intradepartmental transfers as stated, passed unanimously.

- Reserve Fund transfer request for Treasurer for Medicare  
This transfer is in the amount of \$5,000.

VOTE: Motion (Pacheco/Grunwald) to forward the request to the Finance Committee, passed unanimously.

- Reserve Fund transfer for Treasurer for Life Insurance  
This transfer request is in the amount of \$82.69.

VOTE: Motion (Pacheco/Grunwald) to forward the request to the Finance Committee, passed unanimously.

8. Creation of a Donation Account for Assonet Bandstand Improvements

Ethan Fahey of Lakeville, a Boy Scout who recently worked on the Assonet Bandstand as an Eagle

Scout project, is present. He has an excess of \$100 from the project, and would like to donate it towards future bandstand improvements. A fund must be set up and a spending plan approved before the money can be donated. Mr. DeManche speaks to Mr. Fahey's work and congratulates him on completing the project.

VOTE: Motion (Grunwald/Pacheco) to accept, passed unanimously.

Mr. DeManche speaks future improvements planned for the bandstand. Selectman Sullivan says he will be making a contribution to purchase a weathervane, as he promised when Mr. Fahey first approached the Board. Mr. Fahey presents the donation to Mr. McIntosh to be deposited upon creation of the account.

VOTE: Motion (Pacheco/Grunwald) to send Mr. Fahey a letter of congratulations, passed unanimously.

9. Remote Participation

This agenda item will be passed over for this evening.

10. Right of First Refusal for Chapter 61 Certified Forestland North of Chipaway Road 61A land from Cynthia Spencer

This item refers to land on Dr. Braley Road, not Chipaway Road as posted. This agenda item will be passed over for this evening.

11. Re-affirm vote on Police vacation time buy back

VOTE: Motion (Pacheco/Grunwald) to reaffirm the vote on the vacation time buy back for the Police Department, passed unanimously.

12. Minutes: June 3rd & June 10th

VOTE: Motion (Grunwald/Pacheco) to accept the minutes from June 3rd, motion carries two votes to none with Selectman Pacheco abstaining.

VOTE: Motion (Grunwald/Sullivan) to accept the minutes from June 10th, passed unanimously.

13. Police Station Project Update

Selectman Pacheco says you can see the progress. There are some issues with MassDEP that are being resolved right now. A variance for not installing an elevator is in progress; the project features an elevator shaft but no elevator, as the second floor is not for public use. Selectman Pacheco says this is a procedural step and was expected. Well surveying will be taken care of soon.

#### 14. Town Administrator's Report

- On the South Main Street Bridge, work will be completed on Wednesday, and will come in under the amount the Board came to at a recent meeting. The barge will stay in place in the river temporarily, and related equipment will be secured before the fireworks. Mr. DeManche says he has spoken to SRPEDD about being placed on the tip list. The entire process is handled by and through MassDOT District 5, and will be reviewed and prioritized by them. He has spoken to a Mr. Shane Souza about weight limits, and a follow-up will be forthcoming.
- The Selectman's office has received a number of complaints about truck noise on North Main Street; the office experiences the problem first hand. Mr. DeManche will be researching options if there is an interest from the Board to do anything about this. Selectman Sullivan thinks the increased truck traffic is a temporary issue due to work at a local gravel pit.
- On the Municipal Vulnerability Project, the final report is now complete and the application is in. Mr. DeManche recaps this process, and says he will be forwarding the report to the Board tomorrow. The key thing with this process is that it identifies assorted climate change-related issues and also increases our scores for community grants.
- On the Freetown Screw project, Mr. DeManche is working on a joint meeting with the Acushnet Board of Selectmen for the end of July. They are awaiting grant award information from MassDevelopment, which was expected in June. Mr. DeManche hopes to have that before the meeting. He speaks to the possibility of there being contamination on the Acushnet side of the Freetown Screw property, but that is yet to be determined.
- Finally, Governor Baker and other dignitaries will be in town tomorrow for an event regarding South Coast Rail. The Selectman's office will be in attendance.

Before continuing, Selectman Grunwald wants to send the sewer study to the Economic Development Committee. Selectman Pacheco suggests the Economic Development Committee get the same presentation from Environmental Partners Group. Selectman Grunwald wants to discuss how the voters will have a say in this project; Selectman Sullivan says it is still too early for that discussion, as we still have to consider issues on our end first.

Additionally, Chief Silvia forwarded the contract with Comstar for ambulance billing; as the Fire Department is without a billing agreement as of today, he requested it be acted on as soon as possible.

VOTE: Motion (Pacheco/Grunwald) to approve, based on the recommendation from the Fire Chief, passed unanimously.

#### **Personnel Board:** – Discussion and/or action on the following topics/items:

##### 15. Sick Time carryover request from Town Accountant Kimberley Fales

Selectman Pacheco reads a letter from Ms. Fales, who is requesting a carryover of 118.5 hours, per her contract.

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

#### 16. Hiring/Interview Process

Selectman Grunwald asked for this agenda item to get a more consistent process in place. Selectman Pacheco asks how Selectman Sullivan did the process when he was chairman of the Personnel Board. Selectman Sullivan thinks the Board should refer to the Town's bylaws, which empowers the Town Administrator to conduct interviews on behalf of the Board; specifically, Article 3, section 3.3, which speaks to powers of appointment for certain offices. Selectman Sullivan has read some information from the Attorney General's office, and thinks for purposes of the open meeting law, it's best that the Board allows the Town Administrator to make those appointments. Selectman Grunwald says the attorney general's office recommends that; Selectman Pacheco says the attorney general's office actually recommends a screening committee, which can consist of anything. Selectman Pacheco thinks a screening committee is a good thing, as we utilized for the Town Administrator vacancy. A screening committee allows interviews to be conducted in private; if the Board is involved, it must be in open session. Selectman Grunwald reads from the attorney general's opinion, which says the Board can delegate to the Town Administrator, who can form a screening committee. Selectman Pacheco says that is correct, but the Board can still interview finalists if they wish to. Selectman Sullivan thinks the Town Administrator should be allowed to form a logical committee; he maintains that we should look to the bylaw. Selectman Pacheco asks for time to review the bylaw.

Selectman Pacheco asks if she is understanding: no Board member will ever be part of interviews going forward. Selectman Sullivan says that is not accurate, as the bylaw lists certain positions. He thinks it is important than an elected body appoints police officers. The bylaw states the Board hires certain positions, they would continue to be involve in that process.

Selectman Grunwald would like to recommend that Mr. DeManche look at all scenarios that work and have him present them at a future meeting. Everyone is in agreement on that. Selectman Pacheco says a panel is used to make the process more open, to avoid a "good old boys" type situation. She is interested to see what the Town Administrator will bring back to the Board.

Selectman Pacheco asks if we are going to wait on the truck driver position. Selectman Sullivan thinks we should go with the by-law, and the Town Administrator can make a recommendation. When asked by Selectman Pacheco, Selectman Grunwald says he does not wish to interview the top three candidates. Selectman Pacheco says we've gone into this discussion for nothing, and the Board will wait on that vacancy until the report by the Town Administrator.

#### 17. Appointments:

- Brandon Viveiros as Assistant Transfer Station Attendant, effective July 2, 2019

Selectman Pacheco says she was not part of these interviews, asking Mr. DeManche for a report. Two applications were received and one was selected for an interview, which was conducted by Mr. DeManche, Health Agent Derek Macedo and Executive Assistant Ali Golz. Mr. DeManche recommends the appointment of Brandon Viveiros.

VOTE: Motion (Sullivan/Grunwald) to appoint Mr. Viveiros, passed unanimously.

- Pamela Sousa as Principal Clerk, effective July 1, 2019

VOTE: Motion (Sullivan/Grunwald) to appoint, passed unanimously.

- Nadine Dimond as Principal Clerk, effective July 1, 2019

VOTE: Motion (Sullivan/Grunwald) to appoint, passed unanimously.

- Paul Sadeck as Public Records Clerk – Library, effective July 2, 2019

VOTE: Motion (Sullivan/Grunwald) to appoint, passed unanimously.

#### 18. Resignation:

- Charles Gray from Council on Aging Board, effective July 1, 2019

VOTE: Motion (Sullivan/Grunwald) to accept as of June 30, 2019, to send a letter thanking Mr. Gray for his service and to put notification on the website that we have a vacancy, passed unanimously.

#### 19. Re-Appointments for Fiscal Year 2020

Mr. McIntosh explains that the Town Clerk's office found a few errors in the initial list of re-appointments, mostly concerning expiration dates, but also a few omissions and incorrect appointments. The errors were compiled to a second list for the Board to act on this evening.

VOTE: Motion (Sullivan/Grunwald) to re-appoint with the noted changes, passed unanimously.

#### 20. Update on Annual Performance Evaluations

Mr. DeManche gives an update on the state of annual performance evaluations, which should be completed next week.

#### Upcoming Meeting Schedule:

- Dates for upcoming Board of Selectmen Meetings: Monday, July 15<sup>th</sup>; Monday, August 5<sup>th</sup>; Monday, August 19<sup>th</sup>; Tuesday, September 3<sup>rd</sup>; Monday, September 16<sup>th</sup>

Selectman Sullivan suggests adding a meeting next week to deal with a few lingering issues. After a discussion on time, the Board agrees to meet again on Thursday, July 11. Selectman

Grunwald wants to explore having meetings at an earlier time. Selectman Sullivan has researched this and finds nobody meets any earlier than 5:30pm, and thinks any earlier than that may provide a hardship on the general public. Selectman Pacheco thinks 5 or 5:30 would be alright, but 4:00 is too early. The meeting on July 11th will start at 5:00, and the time will be evaluated as we go along.

#### **Executive Session**

At 8:05pm, motion (Pacheco/Grunwald) to enter into executive session, under the following exemptions, and not return to open session following. Roll Call Chairman Charles B. Sullivan, Selectman Lisa A. Pacheco, Selectman George L. Grunwald; all voted in the affirmative when polled.

21. M.G.L. c.30A, Sec. 21(a)(3) – to discuss strategy with respect to collective bargaining with the Public Employees Union, Local 1144 LIUNA (Clerical/Library Bargaining Unit) because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.
22. M.G.L. c. 30A, sec. 21(a)(2) – to conduct contract negotiations with Town Treasurer Jessica Thomas.
23. M.G.L. c.30A, sec.21(a)(5) – to investigate charges of criminal misconduct or to consider the filing of criminal charges.

Please note: Selectman Pacheco departed from the executive session at 8:42pm.

At 9:05pm, motion (Grunwald/Sullivan) to adjourn. Roll Call Chairman Charles B. Sullivan, aye; Selectman Lisa A. Pacheco, not present; Selectman George L. Grunwald, aye; motion carries two votes to none with Selectman Pacheco not present.

Respectfully submitted,



Timm McIntosh,  
Administrative Assistant

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

- Assonet Sewer Extension Study Alternatives Evaluation Report, prepared by Environmental Partners Group in June 2019
- Assonet Sewer Extension Study powerpoint presentation, handed out to the Board by Environmental Partners Group
- Chapter 90 Project Requests for Highland Ridge Road, Woodlawn Road and Greenlawn Road
- Letter from Highway Surveyor C. Macomber re: bid results for Roadway Materials and Services for Fiscal Year 2020, dated June 7, 2019



- Letter from Administrative Assistant T. McIntosh informing Board of contracts for Roadway Materials and Services for Fiscal Year 2020 received
- E-mail correspondence between T. McIntosh and Town Counsel re: agreement with CivicPlus
- Draft agreement between the Town of Freetown and CivicPlus for citizen notification system
- Breakdown of Cintas agreement, prepared
- Draft agreement between the Town of Freetown and Cintas for uniform services
- Draft agreement between the Town of Freetown and Woodard & Curran for environmental monitoring for fiscal year 2020
- Draft Ambulance Abatements-Write Offs Memo for May 2019, dated June 5, 2019
- Draft memorandum of understanding between the Town of Freetown and Public Employees Union, Local 1144, LIUNA.
- Request for Appropriation Transfers Between or Within Departments forms, submitted by D. Stanley-Ballard (Library) and Chief of Police C. Abbott (Communications Center & Police)
- Request for Transfer from the Reserve Fund forms, submitted by Treasurer J. Thomas
- E-Mail from K. Fales re: creation of a donation account for Assonet Bandstand Improvements
- Excerpt from Open Meeting Law Frequently Asked Questions from mass.gov re: remote participation
- Excerpt from 940 CMR: Office of the Attorney General re: remote participation
- Letter from Cynthia A. Spencer Trust of 2007 re: Notice of Intention to Convert Use and Removal of Property from Massachusetts General Laws Chapter 61A Classification, dated June 20, 2019
- Draft minutes of meetings of the Board of Selectmen on June 3<sup>rd</sup> and June 10<sup>th</sup>, 2019
- Memo from K. Fales re: carryover of unused sick time, dated June 25, 2019
- E-mail from Executive Assistant A. Golz re: Attorney General's office recommendation re: interviews
- Letter of resignation from C. Gray, dated June 11, 2019
- Copy of Massachusetts General Law Part I, Title VII, Chapter 40A, Section 12, re: Zoning Board of Appeals Membership
- List of edits to Annual Re-Appointments for Fiscal Year 2020
- Draft Certificate of Appointment for B. Viveiros, P. Sousa, N. Dimond, P. Sadeck and Annual Re-Appointments for Fiscal Year 2020