



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

Monday, March 16, 2020 – 5pm
Council on Aging (Lower Level)
227 Chace Road, East Freetown, MA 02717

RECEIVED
FREETOWN TOWN CLERK
2020 MAY -5 PM 3:23
J. Brown

5:00 PM **Call to Order** Chairman Charles B. Sullivan calls the meeting to order at 5:01pm. Pursuant to Governor Baker's March 12th, 2020 order, suspending certain provisions of the Open Meeting Law, G.L. 30A, section 19, Selectman George L. Grunwald is participating remotely, and Selectman Lisa A. Pacheco also joins the meeting remotely at 5:24pm. Also present: Town Clerk Jacqueline Brown, Town Administrator David DeManche, Administrative Assistant Timm McIntosh and Board of Health Agent Derek Macedo. The meeting is being recorded by FREECAM and Mr. Mark Rosofsky.

Board of Selectmen:

10. Procedure for emergency office closures

Selectman Sullivan says he asked Mr. McIntosh to amend the agenda to make this an abbreviated, emergency meeting, in light of the developing COVID-19 situation. He says the major thing we have to discuss is what we want to do about the Town Hall, Council on Aging and Libraries in terms of closing. Mr. DeManche says that activities at the Council on Aging and Libraries have been shut down, and that they are open to the public but we are encouraging people not to come in; Town Hall presently has no restrictions. Selectman Sullivan says the CDC is currently saying gatherings of 10 people or more should be cancelled, and we have more than that working at the Town Hall. He feels we should close everything down completely for 2 weeks, as it is the only way we can lessen the curve of this virus. He thinks people can work from home, so that is his proposal. Mr. DeManche notes that some people in the Town Hall are older, so in the more vulnerable category, and others have childcare concerns. He says a number of other communities are closing town halls to the public but remaining open to employees, so that could be an option as well. Selectman Grunwald says that was what he was thinking, saying that if people need the Town Hall, it remains available to them. Mr. DeManche speaks to doing things by an appointment basis; Selectman Grunwald says people can call and departments can make whatever arrangements necessary. Mr. DeManche says there are a plethora of other concerns, including meetings of other boards and committees; Selectman Grunwald says that is too many issues to deal with right now. Mr. DeManche says these are all real issues. Selectman Sullivan says if people need to wait a little longer, they'll just need to wait; he has no issues with that.

Selectman Sullivan reiterates his opinion to close entirely for two weeks, saying that hopefully the spike we are fearing won't come, and we can go from there. He would rather air on the side of caution and people can say what they want. Selectman Grunwald reiterates his opinion that a lot of normal business can take place if we just close the doors to the public; if we close completely, nothing can happen. Mr. DeManche asks how we can control what an employee does after work, what they bring into the Town Hall; Selectman Sullivan says only by shutting

down can we control that. He notes that China shut down the country and it is working there. Selectman Grunwald says he is taking his cue from the Governor, that State facilities are remaining operational, so he and Selectman Sullivan will have to agree to disagree. Selectman Sullivan suggests tying this decision to the Governor's orders, in that case – whatever the state government directs, we do here. Mr. DeManche reiterates that we have workers that are more susceptible and says he's ok with whatever the Board decides to do, but also notes there are ancillary decisions that must be made to go along with this. Selectman Sullivan makes a motion to follow the directives of the Governor on how and when employment sites are open, that if he closes state agencies, we close town offices; the motion is not seconded at this time. Selectman Grunwald wants clarification: if Town Halls and City Halls are staying open, we stay open? Mr. DeManche says no public will be allowed in at all, which is why most if not all Town Halls are doing now. Selectman Sullivan says non-essential agencies are closed at this time; Selectman Grunwald asks who is essential and who isn't. Mr. DeManche says that is one of the outstanding questions. Selectman Grunwald would like more time to study this matter, to revisit it at a later time; Selectman Sullivan calls this an emergency situation, there is no time to study this.

Mr. Rosofsky notes that the Town Hall has a number of different offices, you don't have 10 people together in one room. He and Selectman Sullivan have a vocal disagreement on social distancing and the decision before the Board this evening. Selectman Sullivan warns Mr. Rosofsky that he will physically remove him from the meeting if confrontation continues; Mr. Rosofsky believes Selectman Sullivan is getting upset because this isn't going his way; Selectman Sullivan disputes this. He reiterates his motion, asking for a second. Selectman Grunwald and Selectman Grunwald disagree on who is essential and who is not.

Mr. McIntosh informs the Board that Selectman Pacheco is available to join the Board remotely if a decision cannot be made. Selectman Sullivan asks for her to join the meeting; she does so at 5:24pm.

Selectman Sullivan recounts the situation and the disagreement with Selectman Grunwald. Selectman Pacheco says she hasn't heard of a decision from the Governor at this time. She doesn't think we should be forcing people to come to work, asking if there is a pressing need for everyone to be present. She thinks closing to the public is a good idea for now, but isn't aware of other local town halls closing completely. Mr. DeManche notes that Plympton and Easton are now closed; Selectman Pacheco reiterates local town halls. She is of the opinion that we should close Town Offices to the public now and see how things go, as Town Hall does a good job of social distancing already. Selectman Sullivan says his motion will eliminate the need for an emergency meeting. Selectman Grunwald says he basically agrees with Selectman Pacheco, and suggests re-convening in a few days, with more information.

VOTE: Motion (Pacheco/Grunwald) to close town offices to the public, effective immediately; motion carries unanimously after a roll call vote.

Selectman Sullivan thinks this is a step in the right direction, but it's not far enough. Selectman Pacheco thinks things are changing so rapidly, we just don't know yet; she thinks we should prepare for a future closure.

14. Discussion and potential vote, in consultation with the Town Clerk, to postpone the Annual Town Election in the interests of public health and safety
- Next the Board must make a decision on the Annual Town Election, scheduled for April 6th. Mr. DeManche reiterates the CDC's guideline of a gathering of 10 people being the recommended maximum. As he is on the ballot, Selectman Sullivan recuses himself from this discussion. Selectman Grunwald would like to hear from the Town Clerk on this matter.

Mrs. Brown says Town Counsel has advised her and Mr. DeManche that we can still postpone through special legislation, which has been drawn up for us. She will carry out whatever the Board decides. She has spoken to Lakeville, as we have the Regional School Committee on the ballot, so we typically vote at the same time; they do not plan on moving their election, as they have other pressing issues on their ballot. Mrs. Brown says this is a two-step process for the Board: the first is to vote to ask for a special act of legislation, then voting to actually postpone the election. The ballots are in the process of being printed right now, but the special act would still allow those to be used and would also allow for early voting by mail. The Board will be able to set a date potentially as late as September, and the people currently holding the elected seats will continue in those seats. Mrs. Brown notes that most of her election workers and clerks are over 70 years old, so if we keep the April 6th date, we will need to come up with different procedures. Selectman Grunwald asks what the deadline for this decision is; Mrs. Brown says the sooner the better, but with Final Voter Registration tomorrow, the deadline is effectively tomorrow.

Selectman Pacheco asks if there's a way to promote early voting; Mrs. Brown says early voting is currently only for state and federal elections, but there is some special legislation in the works that will allow for early voting by mail for municipal elections. Selectman Pacheco asks if election workers could be cut back; Mrs. Brown says they are set by statute, so that is not an option. She is concerned, however, about election workers not coming to work. Selectman Pacheco thinks Mrs. Brown should make this decision, as she is the authority. She hates the idea of postponing, but would like a recommendation from the Town Clerk. Mrs. Brown says this is a very hard decision to make, since we don't know anything about where the level is going to be; Selectman Pacheco thinks it's only going to get worse after April vacation.

Selectman Grunwald asks how Mrs. Brown feels about the safety of the election workers, suggesting gloves and gowns be utilized. Mrs. Brown says anything we could get would be helpful. Selectman Grunwald thinks we should pursue that, as we'll only be able to postpone this for so long. Selectman Pacheco thinks doing it before April vacation is important. Mrs. Brown would like a vote either way from the Board this evening, but declines to give a recommendation. Selectman Grunwald says without a recommendation, we should go forward and take precautions. Mr. Macedo notes that obtaining masks will be a challenge, as hospitals don't even have them at this point. Selectman Grunwald suggests postponing this vote until we know if we can get them. Mrs. Brown says it cannot be dependent on the masks, we have to have the election or not. She would need protective equipment for 36 election workers. Selectman Grunwald again asks to postpone this vote; Selectman Pacheco says that is not an option. Selectman Pacheco says we can all work on the protective equipment matter; Gary

Mendes, 171 Chace Road, says nobody will be getting masks, suggesting that the Board proceed as if masks are not going to be present. Selectman Pacheco says she is torn over this, again asking for guidance from the Town Clerk; Selectman Grunwald agrees. Mrs. Brown wishes she could see the future.

VOTE: Motion (Pacheco/Grunwald) to have Mrs. Brown do some more research tomorrow and if she wishes to postpone the Annual Town Election, then to postpone the Annual Town Election; motion carries two votes to none, after a roll call vote, with Selectman Sullivan abstaining.

The Board will not act on the remaining agenda items this evening:

8. Ambulance Abatements/Write-Offs for the month of February 2020
11. Minutes: February 18th & March 5th, 2020
15. Re-Appointment: Steven Chandler to Freetown Cultural Council, effective March 20, 2020
16. Executive Session, pursuant to 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* – Marie's Way Solar 1, LLC v. Board of Assessors of the Town of Freetown

Before adjourning, Mr. Macedo informs the Board that he just received the newest numbers from the state; 60 more cases statewide, Plymouth County is now at 3, Bristol County at 2. Selectman Pacheco notes that as more tests are available, the numbers are only going to go up.

At 5:52, motion (Pacheco/Grunwald) 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)

The Board did not use any supplemental documents or exhibits as part of the discussion in this meeting.