



TOWN OF FREETOWN BOARD OF SELECTMEN

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MINUTES

Ja Brown

Friday, March 25, 2020 - 4:00pm

Meeting Held Virtually,

Pursuant to Governor Baker's March 12th, 2020 Order Suspending Certain Provisions on the Open Meeting Law, G.L. 30A, section 19

4:00pm **Call to Order** – Chairman Charles B. Sullivan calls the meeting to order at 4:00pm. Selectman Lisa A. Pacheco and Selectman George L. Grunwald are present. This meeting is being held virtually; all participants are participating remotely. Also present: Town Clerk Jacqueline Brown, Town Administrator David DeManche, Board of Health Agent Derek Macedo and Administrative Assistant Timm McIntosh. This meeting is being recorded by Mr. McIntosh and being livestreamed on the Town's YouTube Channel.

Before continuing, Mr. McIntosh reads a prepared statement from Town Counsel, regarding this meeting: "Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions on the Open Meeting Law, G.L. 30A, section 19, and the Governor's March 15th, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Freetown Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to view this meeting while in progress may do so by accessing the live stream of this meeting on the Town's YouTube channel or by joining the meeting themselves. Instructions can be found on the event page for this meeting on the Town's website, freetownMA.gov, accessible from the calendar tab. A recording of this meeting will be posted to the Town's YouTube channel as soon as we are able." Mr. McIntosh further reminds all participants that this meeting is being live streamed to the Town's YouTube channel.

Board of Selectmen:

1. Emergency Preparations for the ongoing COVID-19 Pandemic

First, on the topic of an emergency declaration, Mr. DeManche says this was put together and run through Town Counsel, but it was not acted on at the last meeting. This has now been

cleared, and we've learned that now is the time to act on this. This would make the Town eligible for any and all state and federal funds that may become available.

VOTE: Motion (Pacheco/Grunwald) to declare a state of emergency for the Town of Freetown for the use of receiving funds from MEMA and FEMA or any other state agency, and not to change at the direction of the Board; motion carries unanimously after a roll call vote.

Mr. DeManche asks if the Board is adopting the Declaration as written, or if they are making changes; Selectman Pacheco reiterates her motion, saying that it should be used for funding purposes only, not to change whatever the Board may do pursuant to working conditions. She says her intention is to adopt the document, she just wants to make her motion clear as there was confusion at the last meeting over what motions we made; her intention is that this state of emergency declaration is completely separate from any decisions the Board may make about working from home, opening the building, etc. Mr. DeManche understands.

Next up is concern for first responders care. Mr. DeManche was asked by the Police & Fire Unions to discuss this. He understands it is the Board's intention to care for all first responders properly, potentially beyond the limits of Chapter 111F, but says it is up to the Board on whether or not they want him to keep working on this matter. The issue is whether or not 111F covers an officer or first responder that contracts this virus. Selectman Sullivan says the town has an insurance police that covers up to \$1,000/week. Mr. DeManche says he hasn't spoken to MIIA specifically about this, but he received word from them that workers compensation does not cover the coronavirus, but isn't sure that means anything for 111F. He recommends talking to the unions and reaching out to Town Counsel. Selectman Pacheco says she has spoken to two of the first responders as Personnel Board Chairman, and thinks the issue is simpler than that: if they get coronavirus and need to quarantine, will they be paid for that time lost? She believes that if we are asking people at the Town Hall to work from home, we should examine that for first responders as well; if we are asking them to self-quarantine, they shouldn't be required to use their time. Mr. DeManche thinks that sounds reasonable, and Selectman Sullivan agrees. Selectman Pacheco will be a party to the conference call with the unions.

VOTE: Motion (Pacheco/Grunwald) that Selectman Pacheco and Mr. DeManche will contact the unions and bring their concerns back to the Board; motion passed unanimously after a roll call vote.

Shifting to personal protection equipment (PPE), Selectman Pacheco thinks both the Police Chief and the Fire Chief have done a great job of securing PPR, and she thanks all first

responders for going out and taking care of us. Mr. DeManche says he's been working on the PPE with the Chiefs, and they've contacted a number of local businesses who have done a great job of coming together. He notes that Stop & Shop, particularly, has been a tremendous neighbor and are going above and beyond, but Amazon has been less than helpful.

VOTE: Motion (Pacheco/Grunwald) to send a letter to Amazon with the Town's disappointment for their lack of help at this time; motion carries unanimously after a roll call vote.

Next on the list is additional cleaning services. Mr. DeManche says we don't need to discuss this at this time, but it just comes down to overall sanitation.

Mr. DeManche provides an operational update. The Town has received a grant of \$5,500 from the Department of Public Health to deal with coronavirus-related expenses, which will perhaps be used for wages for the public health nurse. The COA's Brown Bag program for the month was originally cancelled, but the Council on Aging and other town employees stepped up and were able to get food to 100 seniors; Mr. DeManche recognizes all the volunteers and Stop & Shop for being a great neighbor. We had an all-staff meeting yesterday, dealing with a number of operational issues.

Mr. DeManche would like to return to the idea of essential employees having to come in to work two days a week in the Town Hall. He understands the Board's direction and agrees with the idea, he and other essential employees don't feel that it is necessary, that almost everything can be done remotely. He believes the Board should limit the order to things that can *only* be done from Town Hall, more of an as needed basis. He speaks to the idea that employees can keep their homes clean, but we just can't guarantee that at the Town Hall, if people are coming and going. He reiterates that most tasks can be done remotely, and that his recommendation is to limit any time employees spend at the Town Hall.

Selectman Grunwald says at the last meeting, the Board voted a policy for Town Hall, but as far as he can tell, that policy hasn't been written or carried through. Selectman Grunwald asks Selectman Pacheco to share her motion from the last meeting. Selectman Pacheco reads from the minutes of that meeting: "Motion (Pacheco/Grunwald) to allow all non-essential personnel, unless directed to work by their department head, to work remotely, and to create a weekly log of all work done to be sent to the Town Administrator, and that all essential personnel work two days a week, until a shelter in place order comes from the Governor; motion carries unanimously." Selectman Pacheco called the Town Hall yesterday regarding a specific issue, and she couldn't find anyone; she had no idea of who was working and who wasn't. She believes, as

she did last week, that it is vitally important that some people are essential and need to be around. Mr. DeManche says he put together a building closure policy that he distributed to the Board last week, if the Board wanted any additional points, they should have made edits. Selectman Grunwald reads through selections of the Governor's order highlighting the types of businesses that should and should not remain open. He believes we have essential workers that are being classified as non-essential, including the Transfer Station and Highway Department workers. Selectman Grunwald says that City Hall in Boston is open but closed to the public, as are most area town halls; Mr. DeManche says he has learned otherwise, that most employees are working remotely.

Selectman Grunwald thinks it is an issue that public health, public works and first responders are working from home. He has learned that the Department of Public Health, for one, is open, but the Board was told otherwise. On the transfer station, Selectman Grunwald thinks if garbage removal is an essential service according to the Governor, it should be open at no charge to residents, so no cash is changing hands, with a temporary barrier in place to protect the workers; Mr. DeManche notes that it was Selectman Grunwald that closed the transfer station previously. He also believes the Highway Department should be fully operational; Mr. DeManche says they have one worker working at all times with the rest on-call. Selectman Grunwald firmly believes that anything that is considered essential should be open, there is no reason why they should not be open. Selectman Sullivan notes that the transfer station does not accept garbage, so it is not a correct notion that they should be open simply because garbage needs to be taken out; further, making it all no charge opens up a variety of other concerns. Selectman Grunwald says that misses his point. Selectman Pacheco says that under her previous motion, department heads are empowered to direct people to work – the Board does not have a say in that. She agrees with the idea that people should be staying home, but perhaps Ms. King could be open a couple days a week at the Transfer Station to help our residents, noting that people are paying for these services, so they should have these services available; we cannot shut down Town government and we are doing the best we can. She says we shut down facilities to the public, but the individual department heads, which is a Board or Committee in some cases, have the authority to direct the employees to work.

Selectman Sullivan and Mr. DeManche note that we are allowing workers to work remotely, speaking to the value in that and not having people bring germs into Town facilities. Mr. DeManche says if these people can do the same tasks, same job remotely, without bringing in extra risk, he thinks we should be doing that. Selectman Pacheco makes a motion, seconded by Selectman Grunwald: "to adopt the same motion she made last week, to leave it up to the Boards and Commissions or Department Heads that if they need their employees to be there, they need to be there, that all essential personnel to work at least two days a week, but we

need to know what days a week they are, that the transfer station be open at least two days a week and that there's no charge, that nobody at the transfer station be touching anything, and only if people need to get rid of something". Mr. McIntosh requests Selectman Pacheco repeat that more succinctly for the record or else he will get it from the recording. Selectman Pacheco restates the motion: "that all non-essential personnel, unless directed to work to work by their Board, Commission, Committee or Department Head, can work from home, and must give us a weekly log through the Town Administrator; that all essential personnel, including the Highway Department and the Transfer Station, are required to work at least two days a week, either Monday & Wednesday or Tuesday & Thursday, on site, as long as we have a log of when they are there."

Before the new motion is seconded, Mr. DeManche says that his office staff can set up a shared spreadsheet to figure out the schedule, that we will set it up that the Board has access to view that. Selectman Pacheco says Mr. DeManche should set up the schedule, but keeping the building completely closed for a number of days at a time would be beneficial; she thinks all work to be done between Monday and Thursday is a good idea. Mr. DeManche thinks Tuesday-Thursday is better, giving it a fourth day of closure; Selectman Pacheco says that's totally fine. Selectman Grunwald thinks 1 person per office is a good rule; Mr. DeManche says it is already in place. Selectman Sullivan says this is only essential personnel or someone directed by a department head; Selectman Pacheco says that is correct. Mr. Macedo notes that if we are forcing a limit of one person per office at a time but only three days, his office runs into an issue as it features two essential personnel. Selectman Pacheco says she doesn't care what schedule we come up with and what days, as long as essential personnel are present for two days; she reiterates that it just is important to know who is in and when.

Selectman Sullivan reiterates that Town Hall will be open on Tuesday, Wednesday and Thursday; Selectman Pacheco says she will leave that up to the Town Administrator. Selectman Sullivan confirms with the other Board members that the Town Hall is fully closed during those other times; the Board agrees. Selectman Sullivan confirms that the transfer station will be open for two days; the Board agrees, with Selectman Grunwald identifying procedures to limit the interactions between the attendant and the general public, including limiting who can enter the office, and Selectman Pacheco saying that Selectman Grunwald, Mr. Macedo and the Town Administrator can determine the schedule.

Selectman Grunwald asks if we are on the same page in regards to the Highway Surveyor and the Highway Department, who works when and what; Selectman Pacheco says that it's up to the Department Head. Selectman Sullivan thinks it should be monitored for the workers; we can't have the Highway Department

Selectman Sullivan thinks we've had a number of misunderstandings on these motions, which is the fault of the Board, not the employees. Selectman Pacheco agrees. Selectman Sullivan doesn't think we should be allowing the Highway Surveyor to go out and send all the workers out on a group project in close quarters. Selectman Grunwald thinks that's a great point, suggesting giving him a separate directive, limiting his staff. Selectman Pacheco asks how Mr. Macomber gives work orders now; Mr. DeManche says he provides a list that is sent to the Working Foreman, but lately Mr. DeManche has been giving orders directly on a number of projects, with permission from the Highway Surveyor. Selectman Pacheco suggests having Mr. DeManche review the work order to make a determination on whether it is safe for our workers. Selectman Sullivan would like to limit projects to two-man crews, utilizing two separate vehicles; Selectman Pacheco agrees with this. Mr. DeManche says we'll also require social distancing where possible. Selectman Pacheco thinks we need to help our residents feel some semblance of normal – seeing the highway department out working will help.

Selectman Grunwald asks for the motion once more before seconding. Selectman Pacheco obliges:

VOTE: Motion (Pacheco/Grunwald)....

#1, that all non-essential personnel, unless directed to work by their Board, Commission, Committee or Department Head, should work remotely, with a weekly log given to the Town Administrator of all work performed;

#2, that essential personnel are required to work at least 2 days a week on a schedule given to the Town Administrator;

#3, that the Transfer Station be open at least 2 days a week with a schedule to be set by the Board of Health Chair and Agent and given to the Town Administrator;

#4, that the Highway Department will work as directed by the Department Head but with the oversight of the Town Administrator to ensure that the work is (a) necessary and (b) safe; and

#5, that the Town Administrator is given the authority to supervise the hours that the Town Hall is open to essential personnel;

Motion carries unanimously after a roll call vote.

Next, Mr. Macedo provides an update on the pandemic locally. He's just learned that there were 1,159 cases in the Commonwealth but that number has risen to 1,838. Bristol County now has 67 confirmed cases, another 64 in Plymouth County. We just had our second confirmed positive here in Freetown, but fortunately a third proved to be negative. Governor Baker has closed schools until May 4th. Selectman Pacheco says Mr. Macedo has been working hard to ensure the Governor's directives are being followed, asking if the Board supports that work. Mr.

DeManche says he and Mr. Macedo are drafting a letter that can be hand delivered to businesses by a Constable or Mr. Macedo, and enforcement would be handled by Mr. Macedo and by law enforcement. Selectman Sullivan asks what the penalty is and about the authority of such an order; Mr. Macedo says the order comes from the Health Agent, but enforcement can be done through the Police Department. Mr. DeManche says he believes that a citation can be issued.

Mr. DeManche thinks we should be resuming our regular Board of Selectmen meeting schedule, starting this Monday, perhaps with a brief update meeting on Wednesdays. Mr. DeManche says assorted new issues have cropped up since our last meeting, including a Class II Motor Vehicle Dealers License for Copart and an issue with Old Colony not admitting any Freetown residents for the new school year. Selectman Sullivan thinks we should also look into a letter or proclamation for Stop & Shop for their assistance.

Finally, Town Clerk Jacqueline Brown has requested to revisit the Annual Town Election. Selectman Sullivan announces he will not be taking part in this discussion and will abstain from the vote. Mrs. Brown recaps her previous visit to the Board, where it was ultimately decided to press on with the Election as scheduled. This morning, Lakeville postponed their election. When we were last before the Board, Mrs. Brown had with her some special legislation that would have been needed to postpone the election, which also dealt with the issue we have regarding the Regional School Committee spots on the ballot, and how to handle that. The legislation passed by the state this week does not cover this provision. If we keep our April 6th date, this would force the school district to schedule a separate election, at their expense, just for the regional school committee seats. Mrs. Brown says we do not need to decide a new date at this time if we vote to postpone, we just need to decide 20 days before the new date. Another Final Voter Registration date would also be needed. Mrs. Brown thinks we could coordinate a new date with the Lakeville Board of Selectmen if we so choose. Mr. DeManche says he's spoken to Lakeville Town Administrator Maureen Candido and learned the same information. Selectman Pacheco says that given the Governor's stay at home advisory, she now feels it's the most wise course of action to postpone. Selectman Grunwald agrees.

VOTE: Motion (Pacheco/Grunwald) that, pursuant to section 1 of chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, the municipal town election scheduled for April 6, 2020, is hereby postponed, and once we confer with the Town Clerk and the Freetown Elementary School and the Lakeville Board of Selectmen, a new date will be determined; motion

carries two votes to none, after a roll call vote, with Selectman Sullivan abstaining.

Before adjourning, Selectman Pacheco requests that Wednesday meetings be held during the morning hours. The Board has no problem with this. Mr. DeManche says we will establish a broad agenda item, to allow for many updates.

At 5:18pm, motion (Grunwald/Pacheco) to adjourn; motion carries unanimously.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Timm McIntosh", with a stylized flourish at the end.

Timm McIntosh
Administrative Assistant

List of Documents/Exhibits Used in This Meeting

Draft Declaration of Emergency