



TOWN OF FREETOWN BOARD OF SELECTMEN

RECEIVED
FREETOWN TOWN CLERK

MINUTES

2020 JUN -2 PM 5:45

Ja Brown

Monday, May 18, 2020 - 5:00pm
Meeting Will Be Held Virtually and Livestreamed At
youtube.com/FreetownMA

5:00 PM **Call to Order** Chairman Lisa A. Pacheco calls the meeting to order at 5:01pm. Selectman George L. Grunwald and Selectman Charles B. Sullivan are present. Also present: Town Administrator David DeManche, Executive Assistant/HR Director Ali Golz and Administrative Assistant Timm McIntosh. Note: all members are participating remotely. This meeting is being recorded by the Selectmen's office and being livestreamed on the Town's YouTube Channel, youtube.com/FreetownMA

Chairman Pacheco asks Mr. McIntosh to read the following statement: "Pursuant to Governor Baker's March 12th, 2020 Order Suspending Certain Provisions on the Open Meeting Law, G.L. chapter 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, youtube.com/FreetownMA, or accessible by visiting freetownma.gov/FREECAM. In the event the live stream is unsuccessful, I am recording this meeting, and the recording will be posted to the Town's YouTube channel as soon as I am able to following the conclusion of this meeting."

Board of Selectmen:

1. **Interdepartmental Transfer Request: Highway Full-Time Employees to Highway Additional Gross Overtime**
Selectman Grunwald says it is his understanding that the highway department employees are only working two days a week; Mr. DeManche says that is correct, but they are back full-time starting today. Mr. DeManche reminds the Board that this request has been submitted by the Highway Surveyor, noting that this likely represents call outs on the weekends. Selectman Grunwald would like to find out; Mr. DeManche will do that. Selectman Pacheco says this was requested last time, but this transfer request is now an inter-departmental transfer request. She agrees that she would like to see more information on this; she understands they are being paid as full-time workers, but they are not working full-time. Selectman Sullivan has trouble with the previous request and why they said it was needed but does not have as much of an issue if it is an inter-departmental transfer, as that is within their own budget. He would also like more information. Mr. DeManche will get that information.
2. **Change Orders for General Construction Contract for Police Station Project**
Selectman Pacheco says we have been waiting for these change orders to come in, and they are finally before the Board tonight. She explains the received change orders:
 - o Change Order #8 – \$18,191.05 – this is to protect the retaining wall from the tower, to ensure that there is no infringement on the retaining wall.
 - o Change Order #9 – \$24,700.82 – this change order includes some framing, an added layer of protection for the Leitchfield requested by the health agent, changes requested from the plumbing inspector, and then costs related to the speaker system previously approved by the Board.
 - o Change Order #10 – a reduction of \$10,101.15 – this relates to using a signal booster instead of an additional radio tower

- Change Order #11 - \$39,696.24 – is to install all the assorted conduit that goes from the police station to the communications tower, as we would not want them digging up the site after the fact. Selectman Pacheco says we would be attempting to recoup this cost when we lease space out on the Tower.
- Change Order #12 - \$21,091.00 – these are all COVID-19 related cost increases, so we are hoping to have some of this recouped.
- Change Order #13 - \$1,632.00 – this is just a casework change.

Selectman Pacheco says the good news is, even after these change orders, the project still has a solid contingency in place, so we are still expecting to return some of that money to the taxpayers. The Board has no questions.

VOTE: Motion (Sullivan/Grunwald) to approve all the change orders as described; motion carries unanimously after a roll call vote.

3. Ambulance Abatements/Write Offs for April 2020

Selectman Pacheco says the contractual allowances for the month of April are \$106,904.63, with right offs in the amount of \$3963.92, for a grand total of \$110,868.55.

VOTE: Motion (Sullivan/Grunwald) to approve; motion carries unanimously after a roll call vote.

4. Memorandum of Agreement between the Town of Freetown & Public Employees Union, Local 1144, LIUNA (Highway Union-Unit B)

Selectman Pacheco explains that the Board went back-and-forth with the Highway Union in regard to this new pay chart for the working foreman position, but they ultimately agreed with the Board's position. This Memorandum of Agreement finalizes what the Board previously voted on in executive session.

VOTE: Motion (Sullivan/Grunwald) to approve; motion carries unanimously after a roll call vote.

5. Minutes: May 4, 2020

VOTE: Motion (Sullivan/Grunwald) to approve; motion carries unanimously after a roll call vote.

6. Town Administrator's Report

- First, Mr. DeManche received an email just now from Highway Department Clerk Mike McCue about tonight's transfer request. Each of the call outs were indeed for evening or weekend call outs, and that the understanding was the employees having on-call availability during their typical work hours counted as a form of a weekday. Mr. DeManche will speak to the Highway Surveyor to get more details.
- Mr. DeManche has distributed an Environmental Notification Form for a project on Innovation Way, where a restaurant, gas station and convenience store are being proposed. Their proposed date is September 2021, and this environmental review surveys a number of items on the site, including wetlands, conservation, historical considerations and more. Mr. DeManche says if any Board member has any comments, please forward them to him and he will get them out.
- The re-opening plan that Mr. DeManche has been working on is being presented to department heads tomorrow. He is looking at re-opening sometime in June, as we still have work to do in some offices to safeguard them. The Highway Department is back at 100% starting today, they've been sent a set of work rules they need to be adhering to.
- We've received notice \$828,336 under the CARE Act. We had a meeting today between Public Safety, Accounting and the Board of Health about this. We will be filing an initial request for at least 25% of what's available, this is due June 9th. These are for things such as cleaning, personal protective equipment, signage

and overtime backfill for people effected by COVID-19. There's a discussion on the state level about how you cannot use these funds to replace lost revenue, but we are still gathering information on that; there's a possibility it can be used for that, which would be pretty substantial in terms of budgeting.

- Finally, the freezer for the Council on Aging has been ordered, which is completely paid for by the grant – not Town funds. The Highway Department will be putting in the pad. Installation will be done in pieces. Mr. DeManche explained to them that he wanted this to be on the side of the building, not the front, and he believes that is the way it will be handled, last he heard.

7. Police Station Update

Selectman Pacheco says we are probably looking at an opening of the station in the end of July, with a ceremony sometime in August. She says a time capsule will be put together as part of the opening, and she asks the Board for their ideas

Personnel Board:

8. Request from Board of Health Agent Derek Macedo re: Fiscal Year 2020 Vacation Time

Selectman Sullivan says that, as we know, Derek has been working seven days a week on the COVID-19 situation and has somewhere around 34 hours of vacation time remaining on the books. He has emailed the Board and asked to carry those hours over to the new fiscal year, as his situation is a little bit different than everyone else's. Selectman Grunwald asks if Derek will lose his vacation time otherwise; Selectman Sullivan says that is correct. Selectman Grunwald says we just voted as a Board to not allow for this, but otherwise he would have no problem. Mr. DeManche says the Board did not act on essential personnel; Tim confirms this, reading the votes from May 4 for union and nonessential personnel. Selectman Grunwald has no issue with this.

VOTE: Motion (Pacheco/Grunwald) to allow Derek Macedo to carry over his vacation time; motion carries unanimously after a roll call vote.

9. FY21 Wages for By-Law Employees

Selectman Sullivan explains that until last year, there was a pay scale we had to adhere to with the bylaw employees, but Town meeting allowed for the Board of selectmen to set the pay rates annually going forward. Selectman Grunwald says that this affects eight employees that would not be getting raises in the new fiscal year; he asked if 99% of employees are getting raises, why are these employees not getting theirs? He has learned that we are talking about \$17,000-\$18,000 in all; Mrs. Golz says the total is actually approximately \$16,000 and it is only 5 employees, as 3 of the ones identified are contract employees. Selectman Grunwald says whatever the dollar amount is or the number of employees it is, everyone should get the average raise that everyone else gets. Mr. DeManche says that this was originally part of the budget that came out in our budget work. Selectman Grunwald repeats that he believes all of these employees should get the average raise.

Selectman Pacheco says that as she has warned before, not have a budget right now. We do not know where we're going. She says that we can add numbers at Town Meeting if we need to, but to vote on this now is not fiscally responsible. She suggests giving an extra week of vacation to these employees for one year only, instead of a raise. She says we have a fiduciary responsibility to the taxpayers; we have residents that do not have jobs right now and we are giving employees raises with their money? She says she cannot go along with this. Selectman Grunwald says he has consulted with the Town accountant and has learned that the Town has \$1.8 million in the bank, and we average around \$200,000 in abatement every month. The town also has \$2.7 million in stabilization funds and \$1.3 million in capital stabilization funds. He adds that the school budget increase dwarfs this \$16,000 number. Selectman Grunwald does not believe that this dollar amount would make any difference, and he does not think it is fair to withhold these raises; further, he thinks granting an extra week of vacation time sets a bad precedence.

Selectman Sullivan notes that we currently have active bargaining agreements with union employees; he asks if we still plan on funding pay raises for those employees. Selectman Pacheco says they are paid by the contract, but in those circumstances, their departments could see cuts because of them. She says we had to layoff 50 workers last time we had a budget crisis, including teachers, firefighters, police officers and Town Hall employees. She says we can ask the unions to not take the pay raises in their contract. Selectman Sullivan thinks the best thing to do tonight is to table this and make a decision later. He's not in any way going to make a decision on how to formulate the final budget tonight. With that said, he adds that we do have money in a rainy-day fund, and it is currently raining. He would like to contemplate how many rainy days we would have, however. He agrees with the average pay raise idea that Selectman Grunwald proposed. He thinks putting it aside and re-addressing it later when the situation is clearer is the best course of action tonight. He has a problem saying we will give raises and then cut the departments because of them. Selectman Grunwald notes that the highway department just lost an employee, the savings with that employee alone essentially make this all even. Selectman Sullivan thinks we should have more information, as it's likely going to be a decision we have to revisit.

Selectman Grunwald recommends looking at this again in six months, and we vote tonight to make the razors retroactive if the conditions are agreeable. He feels we should pay people what they deserve, that we are going to see a high turnover otherwise, which is very costly. Selectman Pacheco thinks not having a budget and making blind decisions is a bad decision. She notes that we have too many variables here and we need to be really careful, noting that we stand to see some \$600,000 in state funding gone in our revenues in the new fiscal year; Selectman Grunwald says we have a buffer to withstand a loss of \$600,000. Selectman Sullivan tends to agree with Selectman Grunwald on this, but still thinks we should hold off a little bit; he would hate to say to the employees that they are getting a pay raise then have to change it later on. He understands both points of view here, and notes that he does not want to put off decisions but thinks it wise that we put off this for a short time. Selectman Grunwald reiterates that he is dead against this, saying we are doing a disservice to these eight employees by funding so many projects but not our workers; he again recommends making this retroactive. Selectman Pacheco says we should be addressing this later but notes of course it would be a retroactive change. Selectman Grunwald wants that the Board remember this discussion when we talk about other projects. Selectman Sullivan and Selectman Pacheco agree. Selectman Grunwald makes a motion to make these people get their raises; there is no second.

10. Finalists Recommendation from the Preliminary Screening Committee for the Purpose of Filling the Upcoming Library Director Vacancy

The Preliminary Screening Committee has forwarded the names of two finalists to the Board: Regina Kazyullina & Nicole Davignon. Selectman Sullivan says it is his opinion that the interview should be done by the library trustees, not the Board of selectmen; he notes that he does not know anything about libraries and doubts the Board does not either. Selectman Grunwald thinks we should be freezing all hiring if we cannot afford our current workers. Selectman Pacheco agrees with Selectman Sullivan, she does not want to be involved with this hiring process. She says in regard to the hiring freeze, a Library Director is a required position, as there are added concerns with library funding and staffing and how it effects their accreditation. She adds that this is not hiring an extra employee for the Libraries, it is replacing an outgoing employee. Selectman Sullivan agrees; Selectman Grunwald understands.

VOTE: Motion (Pacheco/Sullivan) to throw this back to the Library Trustees to forward back one candidate; motion carries unanimously after a roll call vote.

11. Retirement Letter: David DeManche as Town Administrator, effective December 11, 2020

Selectman Sullivan says he is sorry to see Mr. DeManche go.

VOTE: Motion (Pacheco/Grunwald) to regretfully accept Mr. DeManche's letter; motion carries unanimously after a roll call vote.

12. Resignation: Chris Chapin as Alternate Member, Zoning Board of Appeals, effective April 30, 2020
Selectman Sullivan says in Mr. Chapin's letter, it says he is no longer a resident of Freetown.

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously after a roll call vote.

13. Appointment: Paula J. Riley as Election Worker, effective May 18, 2020

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously after a roll call vote.

14. Re-Assignment: Joshua Simmons from Temporary 40-Hour Signal Operator to Part-Time Signal Operator, effective May 26, 2020

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously after a roll call vote.

15. Re-Assignment: Kobey J. Imbert from Signal Operator Trainee to Probationary Full-Time Signal Operator, effective May 26, 2020

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously after a roll call vote.

Old Business:

- Annual & Town Meeting – Mr. McIntosh has formulated a new timeline with updated deadlines for the budget and Town Meeting warrant. The Board will meet on May 26th to review the warrant and, at the suggestion of the Town Accountant, June 2nd to review the budget. Both meetings will be with the Finance Committee, at 6pm.
- Application for Class II Motor Vehicle Dealers License submitted by Copart, Inc. – No update at this time
- Road Race/Events: Patriot Half Triathlon – No update at this time
- Council on Aging Building Addition – No update at this time
- Reserve Fund Transfer Request for Legal Expenses – No update at this time
- Vocational Education Options – No update at this time

Before going into Executive Session, Selectman Grunwald would like to add the Board of Health items bumped from tonight's agenda to the May 26th meeting. Everyone is ok with this.

Executive Session:

At 6:06pm, motion (Sullivan/Grunwald) to enter into executive session, under the following exemption, not to return to open session following; motion carries unanimously after a roll call vote.

16. 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
17. M.G.L. c. 30A, sec. 21(a)(2) – to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct contract negotiations with non-union personnel – Treasurer/Collector Jessica Thomas

The Board does not discuss item #16 in this executive session. The Board is joined in executive session by Mrs. Golz and Ms. Thomas.

At 6:32pm, motion (Grunwald/Pacheco) to adjourn; motion carries unanimously after a roll call vote.

Respectfully submitted,



Timm McIntosh
Administrative Assistant

List of Documents/Exhibits Used By the Board in This Meeting

- Request for Appropriation Transfer Between or Within Departments, Full-time Employees (Highway Department) to Additional Gross Overtime (Highway Department), submitted by the Highway Surveyor
- Spreadsheet of Change Orders for Police Station project, prepared by Administrative Assistant
- Draft Change Order for Police Station project #008-013
- Draft Memo to Town Accountant from Fire Chief and Board of Selectmen re: Ambulance Abatements/Write-Offs for March, 2020
- Letter to T. Ashley, Union Shop Steward from Personnel Board Chairman re: Memorandum of Agreement
- Draft Memorandum of Agreement between the Town of Freetown and Public Employees Union, Local 1144, LIUNA (Highway Union – Unit B) re: Working Foreman position, signed by T. Ashley & E. Richard
- Draft minutes of meeting of the Board of Selectmen on May 4, 2020
- E-Mail from D. Macedo re: carryover of Fiscal Year 2020 Vacation Time
- List of By-Law Employees and Fiscal Year 2020 hourly wages
- List from P. Sadeck, Chairman, Board of Library Trustees and Preliminary Screening Committee for the Purpose of Filling the Upcoming Library Director Vacancy, re: recommendation of finalists for Library Director position
- E-mail and letter of retirement from D. DeManche
- E-mail serving as letter of resignation from C. Chapin
- Memo from Town Clerk re: appointment of P. Riley as Election Worker
- Letter of interest from P. Riley in serving as Election Worker
- Letter from Chief of Police and Fire Chief re: re-assignment of J. Simmons & K. Imbert
- Draft Certificate of Appointment for P. Riley, J. Simmons & K. Imbert.
- Annual Town Meeting / Special Town Meeting Scheduling Timeline, updated May 18, 2020, prepared by Administrative Assistant