



TOWN OF FREETOWN BOARD OF SELECTMEN

RECEIVED  
FREETOWN TOWN CLERK

MINUTES

2020 AUG 18 PM 2:51

Thursday, July 23, 2020 - 5:00pm

Meeting Held Remotely

*J. Brown*

**5:00 P.M. Call to Order** Chairman Lisa A. Pacheco calls the meeting to order at 5:02pm. Selectman George L. Grunwald and Selectman Trevor R. Matthews are present. Also present: Town Administrator David DeManche, Board of Health Agent Derek Macedo and Administrative Assistant Timm McIntosh. The meeting is being held remotely and being livestreamed at [youtube.com/FreetownMA](https://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](https://youtube.com/FreetownMA), or accessible by visiting [freetownma.gov/FREECAM](https://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. **Joint Meeting with the Freetown Board of Water-Sewer Commissioners** - Pursuant to M.G.L. ch. 41, sec. 11, to consider and act upon a vacancy on the Board of Water-Sewer Commissioners. The Board is joined by Board of Water-Sewer Commissioners Chairman Robert Parker and Commissioner Paul Sadeck, as well as Data Acquisition & Infrastructure Maintainer Keven Desmarais. Selectman Pacheco asks if the Water-Sewer Commissioners have a recommendation of the two people to send in letters of interest; Commissioner Parker says the Commissioners would like to recommend Mr. Lee Baumgartner. Mr. Sadeck agrees, citing Mr. Baumgartner's experience in Town government. The Board has no questions.

VOTE: Motion (Matthews/Grunwald) to accept the recommendation of the Water-Sewer Commissioners and appoint Lee Baumgartner; motion carries unanimously after a roll call of both Boards.

2. **Approve agreement with Environmental Partners Group, Inc. for General Engineering & Supplemental Services in Connection with Conservation Commission, GIS, Planning Department, Stormwater, Transportation, Wastewater, Water & Zoning Board of Appeals**  
The Board has no questions on this agreement.

VOTE: Motion (Matthews/Grunwald) to approve and sign the contract with Environmental Partners; motion carries unanimously.

The Board of Water-Sewer Commissioners adjourn their meeting and depart at 5:05pm.

3. Meeting with Keven Desmarais, Chairman, Planning Board & Conservation Commission, regarding Copart of Connecticut and future solar projects in the Town of Freetown  
Mr. Desmarais remains in the meeting, appearing as Chairman of the Planning Board & Conservation Commission. Selectman Pacheco says that Copart will be in to speak to the Board at a later date, but Mr. Desmarais is here tonight to talk about the process they have already gone through with the Town. Selectman Matthews says he has no questions to start. Selectman Grunwald feels very strongly that this is an inappropriate use of this parcel of land. Mr. Desmarais explains the process all started with a zoning determination and site plan review, due to the size of the process. He first walks the Board through the permitting process for the Conservation Commission, then the Planning Board. He says that the parcel underwent a Massachusetts Environmental Protection Agency (MEPA) review that lasted well over a year, which forced them to go through Mass Historic, Mass DOT and other entities. The limits of disturbances were approved through the MEPA process, all paid for by the applicant, not the Town. Mr. Desmarais says the Planning Board requested a site visit, and a number of Planning Board members were flown to a similar site in North Carolina to view the operations (note: the Board of Selectmen were invited on this site visit, but declined to join the Planning Board). Copart received all necessary approvals with the Conservation Commission and Planning Board after the requisite Public Hearings, one of which was attended by Selectman Grunwald. He notes that the Planning Board is required to act under certain guidelines, not personal feelings on projects; he says everyone agrees that this is not the best use for the parcel, but it is what it is. He says the Planning Board paid attention to lights and traffic and hours of operation, and the consensus of both the Planning Board and DEP was that Copart is fully in compliance with the site.

Selectman Matthews confirms there is a 200' buffer from the waterfront; Mr. Desmarais says that is the case. Selectman Matthews asks if this buffer is newly planted trees or the existing trees, as he has heard complaints from Berkley residents expressing concerns, noting that they did not receive abutter notifications. Mr. Desmarais explains that the buffer is a no-touch zone, the area must be left completely untouched. He appreciates the concern from the Berkley residents, but says the law was followed in terms of abutter notifications. He asks that any further calls be sent to the Planning Board or Conservation Commission office, so they can be given the most up-to-date information. He concludes by saying he has visited the site personally with DEP, and personally verified that Copart is in compliance with the 200' buffer.

Selectman Grunwald asks how many acres are covered by the Conservation restrictions; Mr. Desmarais says he believes it covers approximately 150 acres. Selectman Pacheco asks if any of the land should be re-zoned. Mr. Desmarais says the only land remaining of the parcel is the front 50 acres or so, which are all in the Planned Mixed Use Development (PMUD) area. He is

not aware of any plans with the parcel at this time and the land is owned by Copart. He says the Town could re-zone the land if we wanted to, as the parcel is still large enough that it is not spot zoning. He notes that the zoning and PMUD was established for a reason, however; Selectman Pacheco completely understands but wanted to ask the question regardless. Mr. Desmarais says that zoning is a living and breathing thing that sometimes needs to be changed or updated.

Shifting gears, Selectman Pacheco notes that the rest of this discussion is not about any specific project already in place or on the books. She asks how do we look at solar projects in residential areas going forward; how do we protect the residents and the companies? Mr. Desmarais says the Town has had minimal issues previously, until recent projects. To that end, he says the Planning Board is currently exploring expanding the buffer zones, and submitting an article on the October Town Meeting warrant. He says the Planning Board was not thrilled about being told they had to include solar way back when, but they had to. He says the Planning Board is responsible for considering all things within the Town; they cannot just tell owners of large swatches of land that they can only build houses. Even if that was an option, there are other financial concerns with doing that; solar projects help the tax base of the Town, and actually have a lower environmental impact than subdivisions. He agrees that the Planning Board can do a better job of coming up with rules and regulations regarding solar projects, but he isn't sure getting rid of them completely is financially responsible.

Selectman Matthews says there is a lot of interest by solar companies in Freetown, which makes him wonder if we are missing something. Mr. Desmarais says this is due to land availability, as farming in the area has gone by the wayside, but he has learned that Freetown is also blessed with the types of infrastructure that is available.

Selectman Grunwald asks if there are any sort of mandated buffer zones to keep solar arrays from homes; Mr. Desmarais says there are, usually 50' of vegetative buffer, but the Planning Board is typically able to increase that. He adds that the Conservation Commission has also been successful in getting the companies to not cut down trees completely for shade purposes, as well. He says once more that this buffer is something the Planning Board is already looking at; Selectman Grunwald is very pleased to hear Mr. Desmarais say this.

Mr. Desmarais departs at 5:36pm.

Selectman Pacheco says there is a balancing act on what we get from solar arrays, and notes that the state is still looking at payment in lieu of taxes (PILOTs) vs. taxation. Mr. DeManche brings Selectman Matthews and Selectman Grunwald up to speed on this matter, in which the Town is involved in what will probably end up being a landmark, precedent setting case in the industry, but this is all on hold since the COVID shutdown. Selectman Pacheco says we need to evaluate if solar is really worth it if we are not going to be getting the benefit of taxation. Selectman Matthews asks if a host community agreement is a possibility; Mr. DeManche says that has not been discussed, but we could speak to Town Counsel on what options are available. Selectman Grunwald asks if there is a way to stop solar farms completely; Selectman Pacheco

and Mr. DeManche say that is a Planning Board question concerning zoning. Selectman Pacheco says Mr. Desmarais just noted that the Planning Board is already looking at the Town's options.

4. Approve renewal contract with VADAR Systems for Fiscal Year 2021 Services

Mr. DeManche says this is a standard contract, and because this is an ingrained system already in place, it is sole source procurement. He recommends this agreement to the Board.

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

5. Custodial/Maintenance Hiring Process

Building Commissioner and manager of facilities Jeffrey Chandler is present. Mr. DeManche says the former custodian has retired, and a service has been in use for the time being. The position has been advertised, but only one applicant has applied; Mr. DeManche believes this is due to the pay being so low, around \$29,000/year. He says we could move forward with the applicant or the position can be re-advertised, but based on discussions Mr. Chandler, Mr. DeManche would recommend having a custodial service provide cleaning services and hiring a worker for assorted tasks that services won't do, such as mail pickup, shoveling, handy work, side tasks, etc. He also reminds the Board that the new Police Station is too big for just one full-time custodian, so he also recommends a 20-hour contract to clean the Police Station. He adds that the \$29,000 annual salary is misleading, as it does not include health insurance and other benefits; he estimates the actual cost to the Town is up to \$48,000 a year. Mr. DeManche has prepared a cost comparison that he will be distributing following the meeting. He believes a service and a custodian for 15-19 hours a week would be the best option, but he is seeking guidance from the Board. He notes that Mr. Chandler would like to see a full-time employee. Selectman Pacheco asks if the applicant has been interviewed yet; Mr. DeManche says she has not. Selectman Pacheco says she would follow the recommendation of the Personnel Chair. Selectman Grunwald thinks the position should be readvertised, as he feels a one-person interview is inadequate. Selectman Matthews asks if the salary is really the issue; Mr. DeManche believes that it is. Selectman Grunwald thinks there would be more interest if this was re-advertised. Selectman Pacheco asks what is to be lost if we interview the person first; Selectman Grunwald says we would be making a blind decision, as you would be bound to hire that person. Selectman Pacheco notes that the advertisement would have included the pay rate, so this applicant certainly thinks that is not a concern. She says union negotiations are coming up soon, so it is not the time to re-negotiate the rate right now.

In terms of the Police Station, Selectman Pacheco asks if a full-time employee will be cleaning the Station at all. Mr. DeManche says we'll have to have them clean it to start out, as a warrant article will be needed to pay for the Police Station cleaning service. Selectman Pacheco says that is already in the budget, so a warrant article is not needed.

Selectman Matthews likes the idea of a cleaning company and a part-time employee, with a job description that would be different than that of the regular Custodial/Maintenance worker. Mr.

Chandler says it's important that the employee is full-time, as there are a number of tasks that may be more than the 4 hours they would be present if they were only part-time; he can find enough work for a full-time employee, but there is too much work for a part-time employee, even if cleaning was taken out of the equation. Selectman Pacheco says this position came about when Mr. Desmarais was the custodian and different tasks were added, and that the position itself may need to be revisited. She believes Selectman Matthews should be working on this with Mr. DeManche and Mr. Chandler to figure out exactly what the employee would be doing and how long they would be needed for. She always wants to make sure that we have clean buildings, however. She does not want the Board to get into the minutiae on this position. Selectman Grunwald thinks that is a good idea, thinking that the job description should be hammered out, because then we may be able to justify a higher salary. The Board will revisit this.

At 6:10pm, motion (Matthews/Grunwald) 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

- Copy of Water/Sewer Commission Vacancy posting
- Letter of interest submitted by A. O'Donnell
- E-Mail of interest submitted by L. Baumgartner
- Agreement with Environmental Partners Group, Inc. for General Engineering & Supplemental Services in Connection with Conservation Commission, GIS, Planning Department, Stormwater, Transportation, Wastewater, Water & Zoning Board of Appeals, signed by K. Desmarais (Planning Board & Conservation Commission) and R. Trahan (Environmental Partners)
- Application for Class II Motor Vehicles Dealers License, submitted by Atty. T. Killoran, Esq. on behalf of Copart, Inc.
- Agreement with VADAR Systems, Inc.
- Copy of Custodial/Maintenance Vacancy posting