



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

RECEIVED
FREETOWN TOWN CLERK

Monday, July 13, 2020 - 5:00pm

Council on Aging Pavilion

227 Chace Road, East Freetown, MA 02717

2020 JUL 28 PM 1:14

J. A. 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 recorded by FREECAM.

5:00 P.M. Public Hearing – Board of Health Variance - 13 Island Road Extension
Abutters Macomber, Hughes, Hiller, Zenapon, Kazera and others are present. Niles Zager of Zenith Consulting Engineers, LLC is present, seeing 9 variances:

1. Reduction of the required setback between proposed leaching field and the proposed foundation from 20' to 5'
2. Increase in the maximum allowable depth of the system components from 36" to 72" below finish grade
3. Reduction of the required setback between the proposed leaching field and existing private water supply well 11 Island Road Ext. at from 100' to 50'
4. Reduction of the required setback between the proposed leaching field and existing private water supply well (locus property) from 100' to 50'
5. Reduction of the required setback between the proposed leaching field and existing private water supply well at 8 Hemlock Point from 100' to 75'
6. Reduction of the required setback between the proposed leaching field and existing private water supply well at 15 Island Road Ext. from 100' to 90'
7. Reduction of the required setback between the proposed soil absorption system (SAS) and a surface water supply from 400' to 70'
8. Reduction of the required setback between the proposed septic tank and a surface water supply from 400' to 55'
9. Reduction of the required number of deep holes per disposal area from 2 to 1

Mr. Zager explains the home at 13 Island Road Extension was damaged by fire, requiring a rebuild. The existing footprint was not feasible due to building setbacks, so moving the building required septic upgrades. They are proposing a 1500-gallon tank with a micro fast unity, which is the best option for this property. He explains that this system includes a unit inside the system that aerates the fluid before it goes to the pit. He notes that all the variances are allowed to be granted by the Board of Health under the appropriate CMRs. Mr. Zager notes that if there were any new construction in this area, all lots would be found to be non-buildable, but existing lots have the right to upgrade their septic systems. Selectman Pacheco asks Mr. Macedo if there were any issues with other similar upgrades in the area that the Board granted variances on; Mr. Macedo says there were no issues. Abutters ask assorted questions of Mr. Zager, led by Robert

Koczera and Robert Ferreira, who both live in the area. Mr. Ferreira asks about utilizing a tight tank instead of this system. Mr. Macedo explains that a tight tank has a number of financial and maintenance-related drawbacks and is only recommended as the very last option; as the option proposed by Mr. Zager is a feasible and allowable system, it would be preferred by the State. Mr. Zager adds that a tight tank is designed to be for seasonal use, so using one at a year-round residence is a tremendous financial burden on the homeowner. He notes that there are septic systems in the area that are in a far worse area than this new system would be located in, and also that if any area septic system failed, those homeowners would need the same variances or more. Mr. Koczera says the concern is the number of variances and what it could mean for drinking water supplied, not to mention the threat to the Pond. Mr. Zager maintains this is the best option for this particular property, considering the system itself and the location.

Mark Rosofsky, 115 Chace Road, asks for more information on the system itself. Mr. Zager explains the mechanics of the system in a bit more depth, noting that it requires a generator for constant electricity. Mr. Macedo notes that the system involves a contract with the company, and that contract must be on file with the Town as a requirement of the Certificate of Compliance.

Selectman Pacheco understands the concerns of the abutters, but also the need for these variances. The Board have no further questions for Mr. Zager. Selectman Grunwald wishes to wait to grant these variances; Selectman Pacheco and Selectman Matthews are both comfortable with the information provided.

VOTE: Motion (Pacheco/Matthews) to grant the variances as proposed by the engineer and by the Board of Health Agent; motion carries unanimously.

5:00 P.M. Public Hearing – Board of Health Variance - 9 Pickens Lane

Abutters Sharkey and Loss are present. Brad Fitzgerald of SFG Associates, Inc. is present, seeking 4 variances:

1. To allow the soil absorption system (SAS) to be 10' from the crawl space instead of 60'
2. To allow the SAS to have up to 72" of cover instead of 36"
3. To allow the SAS to be approximately 80' from abutter well instead of 100'
4. To allow the SAS to be approximately 60' from the locus well, instead of 100'

Mr. Fitzgerald says that with this new plan, the new leaching area is a bit further away from both the well at 11 Pickens and 9 Pickens than it is currently, and all other setbacks are met. Neither the Board nor the abutters have any questions.

VOTE: Motion (Pacheco/Matthews) to approve the variances; motion carries unanimously.

Board of Selectmen:

1. Petition MA2020-12 from Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy to relocate two poles (Poles 11/20 and 11/20S) on Braley Road
 - *Per M.G.L. Ch. 166, Section 22, no public hearing is necessary to act on this petition*

VOTE: Motion (Matthews/Grunwald) to approve; motion carries unanimously.

2. Cable Advisory Committee Bargaining Update

Mr. DeManche has included a list of what the Cable Advisory Committee has been discussing, including increasing the request for funds to equip for the new police station project from \$130,000 to \$200,000; a 5% discount for seniors, though they have questions on whether that is allowable; addressing transmission issues in Bay Shores; and drops in municipal buildings if possible. Mr. DeManche asks the Board to let him know by Wednesday if they have anything they would like to add. Comcast's proposal has previously been sent to the Board. Selectman Pacheco asks if our proposal has been compared to other area communities; Mr. DeManche says it has and that is why the dollar amount was increased. Selectman Pacheco would prefer a 5-year contract instead of a 10-year agreement, and Selectman Grunwald concurs; Mr. DeManche says that is a possibility. Selectman Grunwald asks if the dollar amount can be tied to the number of subscribers; Mr. DeManche says Selectman Grunwald is referring to the 2% licensing fee, which is tied to subscribers, but the capital fee is an independent amount.

3. Town Administrator Hiring Process

Selectman Pacheco has been through this process previously, noting that the first question the Board needs to answer is what we are doing. In terms of the process, there can be a screening committee involving the Board, but then the entire process is in open session, and some applicants don't want that. The other alternative is having no Selectmen involved until there are finalists, which would be her preference. She suggests advertising in the month of September, interviews with the screening committee in the third week in October, with the Board interviews following and then, hopefully, having someone on board by November 15th. She says we can formalize this timeline at the next meeting. She notes we don't have a budget yet, questioning if this would be the first cut in any budget cuts that might be needed.

Selectman Matthews asks if we could use a consulting company; Mr. DeManche says that's an option, but it's very expensive all up front. He believes if the goal is to have someone on board, the Board needs to act now, but if you rush the process, you run the risk of people pulling out. Selectman Pacheco says a firm is not an option, as we don't have a budget; Selectman Grunwald would prefer to wait until we know whether we can hire a firm. Selectman Pacheco does not believe a firm is necessary but would also prefer to wait. Selectman Matthews thinks the Town's Town Administrator by-law unfairly narrows the field. Selectman Pacheco says there is some leeway in the by-laws, specifically asking what exactly is "five years' experience." She says the Board can keep that in mind going forward. Mr. DeManche says you need someone that has worked as a Town Administrator; Selectman Matthews thinks there are other fields that could be applicable. Selectman Pacheco says the Board will hold off on this until we receive some direction from the Commonwealth on what sort of funding is coming to us.

4. Transfer Requests:

Mr. McIntosh informs the Board that the final Legal bill was received today, requiring a transfer of \$380.85 from the reserve fund.

- To Sewer Charges from the Water-Sewer Enterprise Reserve Fund - \$50,000.00
- To Single Stream Recycling from the Reserve Fund - \$12,800.00
- To Acceptance Fees at Disposal Facility from the Reserve Fund - \$3,200.00

Selectman Pacheco reads through the reserve fund transfers as noted above.

VOTE: Motion (Matthews/Grunwald) to send the reserve fund transfers as noted off to the Finance Committee; motion carries unanimously.

- Intradepartmental, from Police Department Court Overtime to Police Supplies - \$8,800.00
- Intradepartmental, from Planning Gross Overtime to Planning Technician Wages - \$504.50
- Intradepartmental, to Cemetery Care from Cemetery Salary & Cemetery Uniforms - \$150.00
- Intradepartmental, to Town Accountant Assistant Wages from Town Accountant Equipment Repairs & Maintenance - \$85.96
- Interdepartmental, to Medicare from Medicare Insurance Penalty - \$229.68

Selectman Pacheco reads through the Inter/Intradepartmental Transfer Requests, as noted above.

VOTE: Motion (Matthews/Grunwald) to approve; motion carries unanimously.

5. Road Opening Permit for 178 South Main Street

VOTE: Motion (Grunwald/Matthews) to approve; motion carries unanimously.

6. Agreement with Pitney Bowes for Town Hall postage meter lease & service

Mr. McIntosh says the new agreement is for 3 years at \$255.24 quarterly.

VOTE: Motion (Matthews/Grunwald) to approve the contract at AMOUNT quarterly; motion carries unanimously.

7. Award Fire Station #1 Doors Bid & Approve Contract

➤ Recommendation: Frommelt Equipment Company

This is the second part of a two-part project; previously the Board awarded the masonry work, this is for the install of the actual doors. Selectman Pacheco believes it best to read the entire project cost: Acme Waterproofing Co. Inc (masonry work previously awarded) for \$68,985.00, Frommelt Equipment Company for \$20,400.00, \$39,600.00 for a contingency and approximately \$9,000.00 for architectural/engineering fees handled by Compass Group Architecture, for a total cost of \$137,985.00.

VOTE: Motion (Matthews/Grunwald) to award the contract and approve the project; motion carries unanimously.

8. Change Order #2 for Pomroy Associates, LLC

Selectman Pacheco says that the COVID-19 extensions prolonged the project, so more money is needed for Pomroy. This change order is in the amount of \$48,000, which will come from the contingency.

VOTE: Motion (Grunwald/Matthews) to approve; motion carries unanimously.

9. Letter to FLAA reminding them of their clean up responsibilities

Mr. DeManche has written a draft letter, which is before the Board.

VOTE: Motion (Matthews/Grunwald) to send the letter; motion carries unanimously.

10. Timeline for Fall 2020 Special Town Meeting

Mr. McIntosh reads through the timeline he is proposing, which will see a Special Town Meeting sometime in October, article submissions due around August 11th, a warrant review on August 17th and finalization of the warrant by September 21st. The Board can formally call the Town Meeting at their August 3rd meeting. Selectman Pacheco says we'd need to know when free cash is going to be certified before a date can be established. She adds that we should be staying away from monetary articles, as we have a budget for a reason; this meeting should primarily be by-law changes.

VOTE: Motion (Matthews/Grunwald) to have the schedule as set forth by the administrative assistant, with a Special Town Meeting sometime in October; motion carries unanimously.

11. Update from Treasurer on Revenues

Mr. DeManche says he has not received anything from Ms. Thomas, which he takes responsibility for; he will have something next time.

12. Update on Town Hall Phone System

Mr. DeManche says the Town Hall phone system was all ready to go, days from install, but had to be put on hold due to COVID-19. The new date is August 7th. Selectman Pacheco ask that this and the report from the Treasurer be added to Old Business.

13. Minutes: June 29, 2020

VOTE: Motion (Matthews/Grunwald) to approve; motion carries unanimously.

14. Town Administrator's Report

- Mr. DeManche has been in contact with the United Way, and a pop-up mobile market has been set up for Freetown Elementary School, on July 20th and August 24th.
- Curbside pickup for the Public Libraries began today, but there are some physical changes still needed to allow for physical reopening. The targeted date is July 27th.
- On the Freetown Screw project, the letter was submitted with feedback from Mary Ellen DeFrias from Mass Development. Ms. DeFrias has asked for more information on the tax title sale.
- Mr. DeManche has forwarded on an email from Jeremy Spittle, from Senator Rodrigues's office, regarding projects we may need funding for. Selectman Pacheco had recommended funding for the Boat Ramp, which has been sent to Mr. Spittle. Mr. DeManche asks that if the Board has any more ideas, please let him know ASAP.
- Mr. DeManche has been given notice from the Department of Transportation on a grant program, a fast track program to help businesses and towns regarding sidewalk space issues and accommodating social distancing. He has sent this along to the Board. The Highway Surveyor has some ideas with Jim Noyes of Greenman Pederson Inc. for sidewalks on South Main Street.
- The Council on Aging freezer project is nearly complete, just one more electrical portion pending. The grant applications were all submitted before their deadlines, and the funding secured.
- A Department Head meeting is scheduled for Thursday.
- Finally, discussions on the August 4th Special Town Meeting on the Lake District are underway, as it is clear the date and location (Freetown Elementary School gym) will not work with the anticipated crowd. We are exploring Cathedral Camp, Apponequet High School and the ballfields on Narrows Road, but no decisions have been made just yet. The Moderator, Mike McCue, will be speaking to the petitioners. This will be a challenge.

15. Police Station Update

Selectman Pacheco has nothing new on this.

Board of Health:

16. Transfer Station Issues

- Update on Mattress Disposal
Mr. Macedo says this is in progress and will be completed as soon as he is able.
- Update on Grants
Mr. Macedo says all the grants have been applied for, and he is just awaiting the results.
- Vote/Approve Cash Registers
Mr. Macedo says he has spoken to the Treasurer on this but has learned that Unibank does not offer the all-in-one system we are seeking; credit cards will need to be handled separately. Selectman Grunwald is surprised by this, as he's spoken to companies that offer this service; Mr. Macedo says this information came from Unibank, who handles all the credit card processing for the Town. Selectman Grunwald wants more research on this. Selectman Pacheco encourages more research but voting to move forward would be a start. Selectman Grunwald will speak to Mr. DeManche on this.

VOTE: Motion (Pacheco/Matthews) to get a cash register for both the Transfer Station and the Boat Ramp; motion carries unanimously.

○ Update/Vote Security Cameras

Selectman Grunwald wants to know if we need security cameras. Mr. Macedo says we have a system in place that catches the trailer and the dumpster, hooked into a video system. He's looked at it, and it is only 5-6 years old, much younger than he anticipated. He believes this could be workable and expandable, as it should not be that outdated at this point. Selectman Grunwald does not like the current system, thinking it should be in high definition and a cloud-based system. Mr. Macedo thinks 2 or 3 cameras will cover everything if they are properly places.

VOTE: Motion (Pacheco/Matthews) to have Mr. Macedo, Selectman Grunwald and Mr. DeManche bring forward a proposal for 3 cameras to the next meeting; motion carries unanimously.

17. Town Beach Fees & Fines

Mr. Macedo says the residential sticker costs \$30, with a non-residential sticker costing \$35, but as far as monitoring, it's just him at this point, which is a challenge. The Board discusses the cost of the non-resident sticker, about whether or not a day pass would be more appropriate, and whether or not a lifeguard would be necessary if we switch to a day pass type system. Selectman Matthews asks if the environmental police could help with enforcement matters; Selectman Pacheco believes their jurisdiction is just the Pond, not the Beach.

The Board turns to discuss the Boat Ramp (next agenda item) but returns to the Town Beach following. Selectman Pacheco asks if there is enough money in the Boat Ramp revolving fund to man the Town Beach; Mr. Macedo will research that for the next meeting.

18. Boat Ramp Rules & Enforcement

Selectman Pacheco notes that access to the Boat Ramp should be shut off completely when the parking lot is full; they can't allow for drop offs. She believes the fee being paid is for parking; Mr. Macedo says the attendants are instructed to charge people to enter the Pond. Mr. DeManche says the parking at the triangle issue is a police matter. Mr. DeManche maintains that a kiosk would be helpful to collect fees; Mr. Macedo agrees, but notes the kiosk does nothing about enforcement. Mr. DeManche maintains that enforcement is a police matter. Selectman Pacheco says there are parking tickets in the Board's packet that show just how limited the police are, and the fines are very low. She says these questions are all for Chief Abbott, questioning whether we are going to expect the police to enforce this when they are already so busy. Selectman Grunwald says they should be checking randomly. Selectman Matthews would like to look into upping the parking fines; Selectman Pacheco agrees, but isn't exactly sure how that is done.

VOTE: Motion (Pacheco/Matthews) to have Mr. DeManche speak to Chief Abbott on how to increase parking fees and what our responsibility is to go about that; motion carries unanimously.

Selectman Pacheco thinks better signage should be in place to warn about maximum capacity. She notes that the Board needs to prepare to see revenues dip a bit if we are going to be turning people away. She thinks the Board should look into this over the winter, to have a new approach in place for next spring.

Personnel Board:

19. Appointment of new Senior Librarian

- Recommendation to be made by Board of Library Trustees

The Board of Library Trustees met Thursday evening and have recommended the promotion of Brittany Normandin, from Library Technician to the Senior Librarian position.

VOTE: Motion (Pacheco/Grunwald) to approve as recommended by the Library Trustees; motion carries unanimously.

VOTE: Motion (Pacheco/Grunwald) to approve the change in status for Ms. Normandin; motion carries unanimously.

20. Appointments:

- Alfred Barros to the Council on Aging Board, effective July 13, 2020

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously.

- Keith M. Mello to the Conservation Commission, effective July 13, 2020

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously.

- Debra Robbins to the Soil Conservation Board, effective July 1, 2020

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously.

21. Appointments by Board of Selectmen members

The Board determines which Board members will take the vacant appointments reserved for Board members. Selectman Matthews will take the appointments relating to the Regional School District and the By-Law Task Force, Selectman Pacheco will take the appointment to the Priority Development Committee, and Selectman Grunwald will take the appointments to the Bristol County Advisory Board and to the Southeastern Regional Transit Authority. These appointments will be formalized at the Board's next meeting.

22. Parks & Recreation Committee

VOTE: Motion (Pacheco/Grunwald) to approve the formation of the Parks & Recreation Committee, with 2 members from each voting precinct; motion carries unanimously. Selectman Pacheco says that the Board can work on a mission statement or charter for the Committee in the meantime, as they wait for volunteers.

23. Custodial/Maintenance Hiring Process

Mr. DeManche has had some discussions with the Building Commissioner on this. He has learned that while an employee will cost less money on the surface, there is an unknown cost in health insurance that makes the true cost go up fast. You also need to consider coverage, for when the employee is not at work. He believes a service would be cheaper in the real world. Another thing to consider is the need for a handyman, as there are a number of tasks that a cleaning service will not do. Mr. DeManche would like to explore this further and come back to the Board with a more solid proposal in the future. He believes that with the opening of a new police station, that should certainly be a cleaning service. Selectman Grunwald asks if hiring a person and engaging a service would be an option; Mr. DeManche says that's something he would like to explore.

24. Approve Change in Status Report for Mike McCue, promoted to Assistant Assessor, effective July 6, 2020

Selectman Pacheco notes this is an appointment by the Board of Assessors, so the Personnel Board is being asked to just approve the change in status for Mr. McCue. She encourages Selectman Matthews to work with Mr. DeManche to figure out exactly what the plan is going forward for the Board of Assessors department.

VOTE: Motion (Pacheco/Grunwald) to approve; motion carries unanimously.

25. Accept notice of intent to retire from Lt. Steven Abbott as Police Lieutenant, effective July 2, 2023

VOTE: Motion (Grunwald/Pacheco) to accept; motion carries unanimously.

26. Accept notice of intent to retire from Jacqueline Brown as Town Clerk, effective December 31, 2020

VOTE: Motion (Pacheco/Grunwald) to accept; motion carries unanimously.

Old Business:

- Application for Class II Motor Vehicle Dealers License submitted by Copart, Inc.
Mr. McIntosh says he has received correspondence from legal counsel for Copart, Inc., asking that a public hearing be held outdoors, as the Board has held other public hearings in this fashion. The Board wishes to meet with Planning Board & Conservation Commission Chairman Keven Desmarais before entertaining the scheduling of a public hearing. Mr. McIntosh informs the Board that Mr. Desmarais turned down the invitation when the scope of his meeting with the Board was expanded to include questions on solar projects and the Algonquin Way project; the Board asks Mr. McIntosh to re-invite Mr. Desmarais, taking Algonquin Way out of the

equation, to a meeting on Thursday the 23rd. The Board will be meeting with the Water-Sewer Commissioners to act on a vacancy on that Board at that time as well.

- Road Race/Events: Patriot Half Triathlon – *No new updates*
- Council on Aging Building Addition – *No new updates*
- Vocational Education Options – *No new updates*

Before the Board adjourns, Mark Rosofsky, 115 Chace Road, expresses concern to the Board about the culvert installed as part of the Police Station project. Selectman Pacheco will research his concerns and get back to him.

At 7:00pm, motion (Grunwald/Matthews) to adjourn; motion carries unanimously.

Respectfully submitted,

Timm McIntosh
Administrative Assistant

List of Documents/Exhibits Used by the Board in this Meeting

- Application for Board of Health Variance for 13 Island Road Extension
- Application for Board of Health Variance for 9 Pickens Avenue
- Petition #MA2020-12 from Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy proposing to relocate two poles on Braley Road
- Draft #3 of Bargaining Points for Freetown Comcast Negotiations
- Request for Transfer from the Water-Sewer Enterprise Reserve Fund for Sewer Charges
- Request for Transfer from the Reserve Fund for Single Stream Recycling
- Request for Transfer from the Reserve Fund for Acceptance Fees at Disposal Facility
- Request for Appropriation Transfer from Police Department Court Overtime to Police Supplies
- Request for Appropriation Transfer from Planning Gross Overtime to Planning Technician Wages
- Request for Appropriation Transfer from Cemetery Salary & Cemetery Uniforms to Cemetery Care
- Request for Appropriation Transfer from Town Accountant Equipment Repairs & Maintenance to Town Accountant Assistant Wages
- Request for Appropriation Transfer from Medicare Insurance Penalty to Medicare
- Application for Street & Sidewalk Opening Permit in area of 178 South Main Street, submitted by Copart of Connecticut, Inc.
- E-Mail correspondence from N. Dimond and Pitney Bowes re: postage mailing system with scale
- Lease paperwork from Pitney Bowes for postage mailing system with scale
- Letter from Andrew DiGiammo, Compass Group Architecture LLC, re: Freetown Fire Station 1 Apparatus Bay Doors
- Change Order #2, dated March 11, 2020, with Pomroy Associates, LLC
- Draft letter, prepared by D. DeManche, to Freetown Lakeville Athletic Association

- Excerpt of lease for Freetown Lakeville Athletic Association
- Town Meeting Timeline, as proposed by T. McIntosh
- Draft minutes of June 29th meeting of the Board of Selectmen
- Research into fees collected at Boat Ramp, compiled by Executive Assistant A. Golz
- M.G.L. Ch. 44, Section 53E½ re: revolving funds
- Parking tickets issued by the Freetown Police at the Town Beach and in area of the Boat Ramp in June/July 2019
- Letter from Freetown Board of Library Trustees re: appointment of B. Normandin
- Letter from Freetown Council on Aging re: appointment of A. Barros
- E-mail from K. Mello re: appointment to Conservation Commission
- Letter from Freetown Conservation Commission re: appointment of K. Mello
- Letter from Freetown Planning Board re: appointment of D. Robbins to Soil Conservation Board
- List of appointments by members of the Board of Selectmen, prepared by T. McIntosh
- Cost breakdown of employee vs. cleaning service, prepared by A. Golz
- Notice of intent to retire, submitted by Lt. S. Abbott
- Letter from Town Clerk J. Brown servicing as notice of intent to retire
- Draft employee change of status report for B. Normandin & M. McCue
- Draft Certification of Appointment for B. Normandin, A. Barros, K. Mello & D. Robbins