



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

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FREETOWN TOWN CLERK

2020 AUG 18 PM 2:52

Monday, August 3, 2020 - 4:30pm

Meeting Will Be Held Virtually and Livestreamed At
youtube.com/FreetownMA

J. Brown

4:30 P.M. Call to Order Chairman Lisa A. Pacheco calls the meeting to order at 4:40pm. Selectman George L. Grunwald and Selectman Trevor R. Matthews are present. Also present: Town Administrator David DeManche, Executive Assistant Ali Golz, and Administrative Assistant Timm McIntosh. All participants are participating remotely.

Executive Session:

At 4:40pm, motion (Matthews/Grunwald) to enter into executive session, under the following exemption, and to return to open session following; motion carries unanimously after a roll call vote.

1. 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 – D. Lawless v. Town of Freetown, et al.

Mrs. Golz, Atty. Lisa Maki, and Jody Mills from the Massachusetts Interlocal Insurance Association (MIIA) will enter into executive session with the Board.

At 4:52, motion (Grunwald/Matthews) to return to open session and take a recess until 5:00pm; motion carries unanimously after a roll call vote.

5:00 P.M. Open Session The Board returns from recess at 5:01pm. The open session portion of this meeting is being livestreamed on the Town's YouTube channel.

Note: to accommodate invited guests, the Board takes the agenda out of order. These minutes are presented in posted agenda order.

Board of Selectmen:

2. **Weekly Warrants Numbered 006 through 010**

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

3. **Early Voting at Town Hall**

Town Clerk Jacqueline Brown and Board of Health Agent Derek Macedo is present. Mrs. Brown explains that the State Primary has one week of early voting this year, August 22nd - 28th, including the Saturday and Sunday. Normally this is conducted in the hallway, with the voter assist machine also set up, using the Assessor's back room ("the map room") plus the extra desk in that office being used as an overflow area. With social distancing, however, we have run into a space issue. Mrs. Brown says there have been over 1000 mail-in ballot requests so far, so

hopefully the turnout at Town Hall will not be too great. The State has been notified of the voting location already, as required.

Mr. Macedo does not favor having early voting in the hallway due to the COVID-19 reopening guidelines. Selectman Pacheco asks what the plan was in terms of the map room; Mr. DeManche says the room is ready to open, absent the filing cabinet that contains asbestos. He says there was initially a problem with supplies and that comment, but that has been remedied, now the delay is removing the asbestos cabinet, as there is a 10-day waiting period. It appears the cabinet will be removed on August 17th. Mr. Macedo says the whole issue is the map room at this point. He says he does not agree with having people in the hallway at all but understands there are no viable options here. It has been discussed that we could close the Town Hall to the general public; he says maybe we could try to keep it open at first but thinks it would be a good idea to close to the public. Selectman Pacheco says that the board decided that nobody would be turned away from Town Hall. She says this is the people's Town Hall, we should continue having it open for the people, they should just wait outside until the hallway is clear. She thinks it is too soon to close the Town Hall when it was just re-opened. Selectman Grunwald asks what the issue is with installing a voting booth in the hallway; Mr. Macedo says the issue is people congregating in the hallway period, which violates the State's reopening guidelines. Selectman Grunwald asks if it is feasible to have one voter in at a time; Mrs. Brown says that would lead to a line all the way up the street. She says she normally has 5 booths available, and we are required to have so many booths plus the voter assist machine available, plus check in/check out tables. She says there is currently absentee voting taking place, and she can have two people seated at the table with enough room for people to pass. She believes the hallway can be used and the tables wiped down regularly; Selectman Pacheco says the concern is having people in the hallway, not just clean surfaces. She asks if the Assistant Assessor can be moved to the Tax Collector's office temporarily; Mr. DeManche says that was explored and it posed different problems.

Selectman Matthews asks if there are any other locations that could hold early voting; Mr. DeManche says the deadline to move the poll location has passed. Mrs. Brown says we will be having the same discussion in terms of early voting for the presidential election, saying we may need to consider a different location later. Mr. DeManche says the room will be good to go by this early voting period. Selectman Pacheco asks if there is time to discuss the location for the next early voting period; Mrs. Brown says yes, it would need to be in a handicap accessible municipal building, and the Town Clerk's office will be closed for that time, but there is time. Selectman Pacheco thinks we should be working on that but notes that it is important to keep Town Hall open. Selectman Grunwald asks about voting outside in a tent; Mrs. Brown says the guidance from the Secretary of State's office was that it must be indoors in a municipal building. The Board reaches a consensus that we will proceed as planned, with the map room being used once it is available, and to reassess if this all gets out of hand.

4. Warrant for the State Election

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

5. **Modification to September 5th Patriot Half Triathlon Event**

Mr. Macedo is present. Mr. DeManche says we've received a request to change the date and scope of this event. Instead of a typical half-triathlon, they are now proposing a mixed event in three phases, 75 people each. He does not think this is a good idea. Mr. Macedo is not in love with the idea, as it seems like a lot of people with overlapping times; if the number could go below 100 with the overlap, he would be a lot more comfortable. He notes that the State also is not in love with the idea, though it is technically allowable under the last update to the guidelines. Selectman Grunwald also has questions on spectators being allowed. He suggests lengthening the time between waves; Mr. Macedo says the waves are already 45 minutes apart and he isn't sure of logistics, but he can speak to the applicant. Mr. McIntosh confirms Police & Fire were already consulted when this event was first approved and when the date was changed. Selectman Pacheco says we have already cancelled everything, so this event is not something we have to allow; she would go along with Mr. Macedo's recommendation.

VOTE: Motion (Matthews/Grunwald) to send a letter to the applicant to explain that this is a year like no other and that the Board is not comfortable holding this event this year, but to also encourage them to come back next year; motion carries unanimously.

6. **Consider Vote to Vacate Final Judgment Entered on July 22, 2019, in tax Lien Foreclosure Case No. 17 TL 001433, Town of Freetown v. Allan D. Higbe, covering the property located at 20 Huron Avenue, Assessors' Parcel I.D. 105-20**

Mr. DeManche says he's been contacted by a woman seeking to reclaim property owned by her family that was currently in tax title, but the right of redemption deadline was closing. Mr. DeManche consulted the Town's tax title attorney and learned that the Board can accept a right of redemption after the deadline if they so desire. The individual will be bringing in payment of approximately \$30,000 based upon the amount of back taxes and interest owed. He recommends holding on this until the check is in hand, then vote to extinguish the right for redemption. This will allow the payment of the taxes and for the individual to reclaim the land. Selectman Pacheco thanks Mr. DeManche for this update, but thinks this should be coming from the Treasurer, along with all the other updates the Board has requested from her. Selectman Pacheco is very confused why the Treasurer is not present; Mr. DeManche says she is on vacation. Mr. DeManche says he has the other updates the Board has requested, but he would prefer she give them. Selectman Pacheco agrees, and asks that Ms. Thomas be present at the next meeting for this item and to provide the requested updates.

7. **Chapter 90 Project Request: Chip Seal of Bell Rock Road**

Mr. DeManche reads the paperwork, requesting the use of \$73,840.20 in Chapter 90 funds to chip seal Bell Rock Road, submitted by the Highway Surveyor.

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

8. South Main Street Sidewalk Replacement Grant Application

Mr. DeManche previously sent out an email to departments for input on this new grant program from the state, and this application was prepared by Jim Noyes of Greenman Pederson Inc. and the Highway Surveyor to fix and upgrade the sidewalks from the South Main Street Bridge to the church. The amount requested would be \$159,530. He notes that these grants are competitive, so it's not a guarantee, but it would be great to submit this and try.

VOTE: Motion (Grunwald/Matthews) to file a formal application for the grant project; motion carries unanimously after a roll call vote.

9. Parking Issue on North Hillside Street

Mr. McIntosh explains that around a year ago, the resident at 15 N. Hillside Street reached out to the Highway Surveyor about a no parking sign due to a parking dispute with their neighbor trapping him in his driveway. After a sign was put up, the neighbor complained about the sign, so it came down. The resident at 15 N. Hillside has now requested the Board get involved. Selectman Pacheco thinks that Mr. DeManche should be trying to work out this situation, as the Board should not be getting involved in neighborly disputes. She adds that he should be working with Chuck and Carlton should be consulted to find a solution here. Mr. DeManche understands.

10. Petition #MA2020-31 from Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy to relocate Pole 99/79 on South Main Street

➤ *Per M.G.L. Ch. 166, Section 22, no public hearing is necessary to act on this petition*

Selectman Pacheco says this is another pole relocation due to South Coast Rail.

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

11. Articles to be submitted on behalf of the Board of Selectmen for the next Special Town Meeting

Mr. McIntosh says this agenda item was added for the Board to task the office with adding articles to the Warrant. Selectman Pacheco would like to submit an article about the appointment of a Town Clerk. She explains that this position is very important, that we should not leave the decision up to just anybody running for the position. The process to change it to appointed requires this vote, then for it to go to a ballot, and we'd have to follow the same process for the Highway Surveyor. Selectman Grunwald agrees. Selectman Matthews will let the office know if he thinks of anything.

12. Ambulance Abatements for month of June 2020

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

13. Date for Public Hearing for Class II Motor Vehicle Dealers License submitted by Copart, Inc.

Selectman Pacheco would prefer to have a dedicated meeting just for this public hearing.

Selectman Grunwald suggests having it on the same date as the October Special Town Meeting;

Mr. DeManche thinks that will complicate things. Selectman Grunwald loses his internet

connection at approximately 6:25pm. The remaining Board members settle on Wednesday, August 26th at 6:00pm, in a location and procedure that will be determined prior to August 19th, which is the deadline for abutter notices.

Note: Selectman Grunwald lost his internet connection at approximately 6:25pm, regaining it at approximately 6:31pm. In his absence, the Board completed this discussion, and also agenda items number 15, 17 and 19. Selectman Pacheco informs him of this upon his return.

14. Right of First Refusal for a portion of Chapter 61A land at 107 Chace Road (Parcel 241-040)
Selectman Pacheco notes this is similar to a previous request by the same landowner.

VOTE: Motion (Matthews/Grunwald) to waive the right of first refusal; motion carries unanimously after a roll call vote.

While on the topic of solar, Selectman Pacheco says that other towns have put a 1-year moratorium on solar until they are able to figure out what they are doing with solar projects. This would be a Planning article, and she will speak to Chairman Desmarais on that. She thinks it is important that a change like that come from the Planning Board or the Board of Selectmen, not a petition. This makes sense to the other Board members.

15. Request GO GOLD Group to display gold ribbons on Town buildings for month of September for Childhood Cancer Awareness Month

This agenda item acted on while Selectman Grunwald was not present. This is an annual request.

VOTE: Motion (Matthews/Pacheco) to allow the group to display gold ribbons on Town buildings; motion carries two votes to none, with Selectman Grunwald not present.

16. Town Administrator Hiring Process Timeline

Mrs. Golz is present. Selectman Matthews asks if the plan is to change the Town Administrator title. Selectman Pacheco says that would require a warrant article, complete with a job description. She says this would delay the hiring, but she is not opposed to that if that is what the Board wants. Selectman Grunwald asks what the new title would be; Selectman Pacheco suggests Town Coordinator would be an option. Selectman Matthews thinks a title change or a change in the job description could open the position up to more applicants. Selectman Grunwald asks if we are looking to open up or narrow the requirements; Selectman Matthews just wants to open up the field of candidates, not necessarily make it easier. Selectman Pacheco thinks we should all come up with what we'd like to see in the next hire and pool all the ideas together in a working meeting ahead of our next meeting, then we can set the timeline. She says there are many different things that go into this position, and all of this requires us to think outside the box. Selectman Matthews wants to make sure we get a great candidate; Selectman Grunwald thinks we should be talking about pay more than the title, as that is a major issue he believes. Selectman Pacheco thinks these are all valid thoughts on the table but notes that we

need to see what the Town is willing to pay. The working meeting Selectman Pacheco spoke of will be held at 4:30 ahead of the Board's meeting on August 17th.

Mr. DeManche notes that Town Coordinator is a step down from Town Administrator, so nobody is going to be willing to move over and take a demotion. He thinks it would be more of a steppingstone type of job. Mrs. Golz says that we are really up against a time deadline now if the Board intends to fill the position, as this is a lengthy process. She would like a decision from the Board on August 17th. Minutes: July 13, 2020

This agenda item acted on while Selectman Grunwald was not present.

VOTE: Motion (Matthews/Pacheco) to approve; motion carries two votes to none, with Selectman Grunwald not present.

17. Town Administrator's Report

- On the fire station #1 doors, brick facade work will begin in the next couple weeks, with the goal being to finish by the end of September. Doors will then be installed. The doors will be green, per the request of Mary Rezendes Brown
- Bid specifications on the Highway Barn roof are being gathered, hopefully that work can be completed before the winter.
- Mr. DeManche is working on a COVID travel policy, based on a template that other communities are using. As we know, the Governor has invoked a mandatory quarantine period. The intent with this is to address what happens with employees that may travel, determining what sort of time the employees will have to take. He expects this will need to be impact bargained.
- Cable Negotiations are ongoing.
- Performance Reviews are upcoming and will hopefully be completed by the end of August.
- Reimbursement paperwork on the LED streetlights is in progress. That work has been completed.
- Finally, the Special Town Meeting is a go for Saturday morning at 10:30am. He believes we have a good handle on everything.

18. Police Station Update

This update given while Selectman Grunwald was not present. Selectman Pacheco says the lights have been installed and they look beautiful. They are still looking at an opening on Labor Day. The time capsule is still being looked at as well; she suggests Selectman Matthews think of things to add.

Board of Health – Potential discussion and/or action on the following topics:

19. Transfer Station Issues – Updates and/or possible votes on:

- Mattress Disposal – Mr. Macedo says this is still in process. Selectman Pacheco says that 150 mattresses have been removed by Borges, along with some of the containers; Mr. Macedo says that is correct. She notes that she continues to get many complaints about Republic, suggesting that Republic should just deal with trash, and have Borges just take care of the transfer station. Selectman Grunwald requests clarification, as he has not had or heard of a single problem with Republic and trash collection, asking if these problems have

been addressed with the company. Mr. Macedo says he's been having a good battle with Republic over the last month or so; it's been better in the past couple weeks, but still rough. He would like to see if this continues for a bit longer before he says the issues are fixed. Selectman Grunwald wants more information on this and to monitor it further. Selectman Matthews notes that quality of the Town trash bags is also a common complaint. Selectman Grunwald would like to see a survey of residents undertaken, that he would give them a 100%, you would just need to write the questions in a way that forces people to answer objectively. Mr. Macedo says he can work on that, but notes he has a ton on his plate at the moment. Selectman Pacheco wouldn't want to spend money on this survey; Mr. McIntosh says one can be placed on the Town website if he's provided the questions, but notes that people are not going to seek out a survey to share how much they like something.

- Grants – Selectman Grunwald asks if this is done. Mr. Macedo says we are still awaiting word from the State.
- Cash Registers – Mr. Macedo says we now have the cash registers, and the plan is to have them installed for this weekend. Selectman Grunwald thinks we should review the process, as there should be more accountability on cash. He believes we should be eliminating cash completely, as our neighboring towns have done. Mr. Macedo reiterates that removing cash completely would be a mistake, but notes it is a Board decision. Selectman Grunwald says that everyone has a card or checkbook, if enough notice was given, he doesn't think there would be a problem. Mr. Macedo says the problem is the massive service charge involved with a card transaction; Selectman Grunwald thinks we can absorb that charge like any other business does. Selectman Pacheco would want to see whatever the parameters are before voting on anything; she agrees better protocols are probably needed, but it's hard to completely get rid of cash. She knows she would not pay the fees. She believes Selectman Grunwald and Mr. Macedo should work on the parameters; Selectman Grunwald wants a Board decision first. Selectman Matthews notes he does not usually use cash, but if it is a small dollar transaction, he understands the hesitation on the fees. Mr. Macedo estimates that there have been 3 total credit card transactions in the time we've been accepting cards, over a year ago. He agrees that there would be little pushback if the fees were not a factor. Selectman Grunwald believes the Transfer Station fees should be adjusted to absorb the transaction fee. He maintains that there is no accountability at the Transfer Station and does not understand the pushback from the Board. Selectman Pacheco repeats that Selectman Grunwald and Mr. Macedo should be working on these matters and coming back to the Board. Selectman Grunwald instructs Mr. Macedo to proceed with the cash register and to make sure that each customer receives a receipt.
- Security Cameras – Mr. Macedo has looked at two systems. Selectman Grunwald maintains that he would like to see a cloud-based system, noting that maintaining the data is important; Mr. Macedo says the systems he's looking for are indeed cloud-based.

20. Town Beach Rules, Fees, Fines & Enforcement

Mr. Macedo says signage has been adjusted, and concrete blocks have been installed to stop boats from launching. He has been cleaning the beach personally.

21. Boat Ramp Rules, Fees, Fines & Enforcement

Mr. Macedo says they have been enforcing that the lot is closed when full and has been receiving good feedback on that; receipts are down as a result, but that was expected. He says there has been an increased presence by Environmental Police. Mr. DeManche says we are still working on the signs at the triangle, he will be talking to New Bedford on that this week. Selectman Pacheco has heard positive things of late, going over a report she got from the Police Department on both the Boat Ramp and Town Beach. Selectman Pacheco thinks there is money in place that we can use for both places, and that the Parks and Recreation Committee can work on this over the winter. Selectman Matthews says we need someone down there to call the authorities when needed; Mr. Macedo doesn't think we have time for that this year, noting that we only have 4 more weeks of monitoring, but that is a good thought for next year. The Board agrees. Selectman Grunwald thinks the word has gotten out.

Before he departs, Mr. Macedo wants to mention that eastern equine encephalitis (EEE) season is close is close; the first human case announced today in a neighboring community. He reminds everyone that if you want your yard sprayed, you can call Bristol County Mosquito Project or the Board of Health. Selectman Pacheco asks if Mr. Macedo has spoken to the Freetown Lakeville Athletic Association about tournaments; Mr. Macedo says they cannot have them per the state regulations, but he has been in contact with them about their season. Selectman Pacheco thinks we should reach out and talk to them, because it is very busy there when she goes by.

Personnel Board:

22. Letter of resignation from Roger Guimond, Assistant Transfer Station Attendant

VOTE: Motion (Pacheco/Grunwald) to accept the letter with regret and disappointment; motion carries unanimously after a roll call vote.

23. Assistant Transfer Station Attendant Position

VOTE: Motion (Pacheco/Grunwald) to post for the Assistant Transfer Station Attendant position; motion carries unanimously after a roll call vote.

24. Custodial/Maintenance Position

Selectman Matthews says he has met with the Highway Union, and they would prefer one full time employee as well as allowing us to get a service for the police station. Selectman Pacheco says she is fine with that. Mr. DeManche thinks we need more applicants for the position than just the one the office has received. He proposes advertising again until August 21st, with the Board acting on the appointment on September 8th. Selectman Pacheco says that sounds good. With the Board in agreement, Selectman Matthews asks for a motion to go forward with Mr. DeManche's plan. Selectman Grunwald makes said motion; motion is not seconded. Selectman Matthews calls the vote which passes unanimously

25. Appointments:

The Board takes the following appointments as one:

- Robert Jose to Zoning Board of Appeals, effective August 3, 2020
- Catrina Goncalves as Economic Development Clerk, effective July 1, 2020
- Lisa A. Pacheco to Priority Development Committee, effective August 3, 2020
- George L. Grunwald to Bristol County Advisory Board & Southeastern Regional Transit Authority, effective August 3, 2020
- Trevor R. Matthews to Regional School Finance Committee, Regional School Negotiating Committee & the By-Law Task Force, effective August 3, 2020

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

Old Business – *Potential discussion on the following pending items – action will not be taken at this meeting:*

- Revenues Update from Treasurer
- Town Hall Phone System – “Turn On” date now August 14th
- Council on Aging Building Addition
- Vocational Education Options
- Board of Assessors Staffing
- Parks & Recreation Committee
- Board of Assessors “Map Room”
- Town Clerk Position

Before the Board adjourns, Mr. McIntosh reads an email received from Mr. Macedo, thanking the Highway Department for their work assisting him with improving the Town Beach. He apologizes for neglecting to mention their help earlier. Similarly, Mr. DeManche thanks Mr. McIntosh and Mrs. Golz for their work on the ongoing implementation of the new phone system.

At 6:52pm, 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

- Memo from Town Clerk re: State Primary Warrant
- Draft Warrant for 2020 State Primary

- E-Mail Correspondence from M. Walter re: Patriot Half – Race Update
- E-Mail Correspondence from Town Administrator & Town Treasurer re: Tax Lien Foreclosure Case No. 17 TL 001433 with various back-up paperwork
- Chapter 90 Project Request form, submitted by Highway Surveyor
- Draft Grant Application as prepared by J. Noyes, Greenman Pederson, Inc.
- E-Mail from D. St. Rock, 15 N. Hillside Street, re: no parking sign
- Petition #MA2020-31, as submitted by Verizon New England, Inc. and NSTAR Electric Company dba Eversource Energy
- List of topics previously discussed by the Board of Selectmen that would require an article on a Town Meeting Warrant
- Letter from Town Moderator, dated February 24, 2020, requesting consideration of two articles for submission on the next Town Meeting warrant
- Draft Memo re: Ambulance Abatements – Write-Offs for June 2020
- Letter from D. DeMoranville re: removal of land from Ch. 61A
- Letter from Freetown Conservation Commission re: request by D. DeMoranville
- Letter from D. Berrio re: Go Gold in September
- Draft advertisement for Town Administrator vacancy, along with steps required by the Board of Selectmen, as prepared by Executive Assistant
- Draft minutes of July 13th meeting of the Board of Selectmen
- Email from R. Guimond serving as letter of resignation
- Draft notice of vacancy for Assistant Transfer Station Attendant position
- E-mail from Freetown Highway Department re: Custodial/Maintenance Position
- E-mail from Chairman of Zoning Board of Appeals requesting promotion of associate member R. Jose to Zoning Board of Appeals
- Draft Certificate of Appointment for R. Jose, C. Gonsalves, L. Pacheco, T. Matthews, G. Grunwald
- Draft Mission Statement, Purpose and Scope of Authority regarding the Freetown Parks and Recreation Committee