

Freetown Board of Selectmen
Meeting Minutes
Monday, February 6, 2023 – 6:00pm
Police Station Community Room
15 Memorial Drive, East Freetown, MA

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FREETOWN TOWN CLERK
2023 MAR 10 AM 11:47

Call to Order

Selectmen Matthews called the meeting to order at 6:00pm. He noted the meeting is being recorded and will be on the Town's YouTube channel. He also noted the Board would be going into Executive Session for the reasons stated below and will return to open session. Selectmen Jared Zager, Selectmen Carlos Lopes, Interim Town Administrator Deb Pettey, Administrative Assistant Lola Furtado, and Executive Assistant Lu-Ann Souza were also present.

- Motion to enter Executive Session was made by Selectmen Zager and seconded by Selectmen Lopes.
- Vote: was approved in a unanimous roll call vote.
- Vote: Selectmen Lopes – yes, Selectmen Zager – yes, Selectmen Matthews – yes

Executive Session

Discussion/possible action on the following topics:

1. M.G.L. c.30A, Sec. 21(a)(1) – To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.
 2. M.G.L. c. 30A, sec. 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law – to review for consideration of release the executive session meeting minutes for the following executive session meetings: Dates listed in attachment A.
 3. 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 – **National Opioid Settlement**
- Motion to adjourn Executive Session and return to open session was made by Selectmen Zager at 6:20pm seconded by Selectmen Lopes.
 - Vote: was approved in a unanimous roll call vote.
 - Vote: Selectmen Lopes – yes, Selectmen Zager – yes, Selectmen Matthews – yes

Board of Selectmen

Discussion/possible action on the following topics:

4. Discussion and vote whether to release, partially release or not release Executive Session Minutes listed in Attachment A as presented to the Board in Executive Session.

- Motion to partially release Executive Session Minutes listed in Attachment A as presented to the Board in Executive Session made by Selectmen Zager and seconded by Selectmen Lopes
 - Vote: was approved in a unanimous roll call vote
5. Discussion, and vote whether to approve, not release, the Executive Session minutes from 1/23/23.
- Motion to approve, not release, the Executive Session minutes from 1/23/23 made by Selectmen Zager and seconded by Selectmen Lopes
 - Vote: was approved in a unanimous roll call vote
6. Discussion, and vote on whether to approve the open session meeting minutes from 1/23/23.
- Motion to approve the open session meeting minutes from 1/23/23 made by Selectmen Zager and seconded by Selectman Lopes
 - Vote: was approved in a unanimous roll call vote
7. Discussion, and vote on whether to accept donations from Excel Recycling.

Selectmen Matthews stated about in the past having open litigation against Excel and not wanting to accept donations from Excel but we do not have open litigation anymore. Part of the settlement was to have Excel mitigate their impact they are having on the town as much as possible. Would not gifts be part of that kind of agreement or mitigation. Selectmen Lopes suggested they give a non-monetary. Giving the neighborhood days back for quiet weekends. Selectmen Zager stated as a tax paying business in town willing to make a donation he is ok with accepting the donation. It does not reflect the settlement made in the past. Stephen Tripp would like to see them pay for clean up of trailers and grounds on the street. Until sound testing passes or the hazardous fibers are cleared up, then they will be a good resident/neighbor. Leia Adey stated if you get an independent environmental consultant to come out and do all the work that should be done at that location and they get a clean bill of health and everything looks great and the residents have nothing to worry about, then you say, ok, now you can start doing good for the town. They are trying to buy their way into town. Selectmen Matthews stated there has been a lot of bad blood but, they are trying to present a better image. It is foolish for the town to not take the money and do good with it for the town.

- Motion to accept donations from Excel Recycling made by Selectmen Zager and seconded by Selectmen Matthews
- Vote: Selectmen Matthews - yes, Selectmen Zager - yes, Selectmen Lopes - no

8. Discussion, and vote whether to approve the revised Resident Privileges Stickers Policy & Procedure.

Ms. Souza stated the difference is the Transfer Station will have the stickers and not the Town Clerk or the Town Administration Office and combines both beach, boat and transfer station stickers into one sticker.

- Motion to approve the revised Resident Privileges Stickers Policy & Procedure made by Selectmen Zager and seconded by Selectmen Lopes
- Vote: was approved in a unanimous roll call vote

9. Discussion, and vote whether to approve the lease schedule for the FY23 lease of two police cruisers and one Ford Interceptor that funding was approved at Annual Town Meeting on 6/6/22.

- Motion to approve the lease schedule for the FY23 lease of two police cruisers and one Ford Interceptor that funding was approved at Annual Town Meeting on 6/6/22 made by Selectmen Zager and seconded by Selectmen Lopes.
- Vote: was approved in a unanimous roll call vote

10. Discussion, and vote whether to approve the Patriot Half Marathon on 6/17/23.

- Motion to approve the Patriot Half Marathon on 6/17/23 made by Selectmen Zager and seconded by Selectmen Lopes.
- Vote: was approved in a unanimous roll call vote

11. Discussion, and vote whether to approve the Cranberry Trifest on 8/20/23.

- Motion to approve the Cranberry Trifest on 8/20/23 made by Selectmen Zager and seconded by Selectmen Lopes.
- Vote: was approved in a unanimous roll call vote

12. Discussion, and vote on authorized use of the Town Seal.

Town Clerk Cheryl Estrella stated the Town Seal is governed by Massachusetts General Law and says Town Clerk is the keeper of seal and it should only be used for documents and authorized information from the Town Government. They have come back and said it is more of a copyright and that the copyright expired in 1929. Town Council said she should send out a cease-and-desist letter, but that the Board of Selectmen have authorization over the seal. She gave information about the prohibited uses of the Town Seal. It is property of the Town and the Town is not in the business of being a business and creating profit. It is not something that we could be selling merchandise and

devaluating or de-authenticating the importance of the Town Seal. The Town Seal should be on Government documents and Government property. The Town may consider not creating an official Town Seal but perhaps something that represents the Town of Freetown that with written permission can be authorized to be used with no profits. Freetown sites on some type of an emblem that way that could be used where it is not duplicating the official seal. Because then you are setting a precedent if you allow one person to do it and for everyone else. Selectmen Matthews likes having the idea of Freetown branded stuff but the fact that it is the actual seal is the sticking point. Selectmen Lopes mentioned the difference of a copy of the seal versus the embossed raised seal. Ms. Estrella stated it is all the same thing. As with vital records the application of the embossed seal is what signifies a document as official and it is content authentic. A facsimile copy of a vital record is insufficient for most purposes in the absence of embossment. When you have the brands on clothing it is a form of identification that you work for the Town of Freetown. You have the authority to represent the Town of Freetown. It is two different things. Other Towns have created a logo to advertise such as Mattapoisett and Lakeville. Fall River had a contest last year. But not looking so similar to the Town Seal. Selectmen Zager suggested having the children in town submit something like the Parade and Fireworks t-shirts do every year but have ours design for 10 years. He likes the idea of doing something that people can use that's not official. Selectmen Lopes would like to see a different version of the seal. Ms. Estrella would like to see a big enough difference on the new version. Selectmen Matthews asked Ms. Estrella if we were sending a cease-and-desist letter, which Town Council recommended but to also get authorization from the Board of Selectmen. The Selectmen would like to see an alternative graphic design depicting the Town.

- Motion to send a cease-and-desist letter to anyone using the Town Seal without authority or approval and to move forward with creating an alternative Town logo that can be used by third parties made by Selectmen Zager and seconded by Selectmen Lopes
- Vote: was approved in a unanimous roll call vote

13. Discussion, and vote on a charge for the Fire Station Building Sub-Committee.

- Motion to approve the Charge for Fire Station Building Sub-Committee made by Selectmen Zager and seconded by Selectmen Lopes
- Vote: was approved in a unanimous roll call vote

Board of Health

Discussion/possible action on the following topics:

- No topics for discussion

Personnel Board

Discussion/possible action on the following topics:

14. Acknowledge resignations of

- a. Barbara Place as Council on Aging Director effective 3/2/23.
- b. Edward P. Walsh as Seasonal Plow Operator effective 1/23/23.
- c. Michael Souza as Laborer effective 1/24/23.
- d. Orion Silva as Signal Operator effective 1/25/23.
- e. Jessica Coray as Signal Operator effective 2/11/23.
- f. Alexander Copeland as Call Firefighter/EMT effective 1/26/23.

- Selectmen Lopes acknowledged resignations a thru f.

15. Discussion, and vote on whether to approve the appointments of Mark Brogan, Paul Ashley, Sr., Mary E. Rezendes-Brown, Deborah L. Pettey, Harrie Ashley, Jr. and Robert Alderson to the Fire Station Building Sub-Committee effective 2/6/2023-6/30/2023.

- Motion to approve the appointments of Mark Brogan, Paul Ashley, Sr., Mary E. Rezendes-Brown, Deborah L. Pettey, Harrie Ashley, Jr. and Robert Alderson to the Fire Station Building Sub-Committee effective 2/6/2023-6/30/2023 made by Selectmen Matthews and seconded by Selectmen Zager
- Vote: was approved in a unanimous roll call vote

16. Discussion, and vote on which Selectmen will be appointed to the Fire Station Building Sub-Committee and appoint them effective 2/6/2023-6/30/2023.

- Motion to be appoint Selectmen Jared Zager to the Fire Station Building Sub-Committee and appoint them effective 2/6/2023-6/30/2023 made by Selectmen Matthews and seconded by Selectmen Zager
- Vote: was approved in a unanimous roll call vote

17. Discussion, and vote on whether to approve the MOA between The Town of Freetown and Freetown Police Association.

Police Chief Abbott stated this MOA will start the candidate at a higher rate on the vacation schedule commensurate with their previous years of continuous full-time experience. This is specifically excluded from the grievance process.

- Motion to approve the MOA between The Town of Freetown and Freetown Police Association made by Selectmen Matthews and seconded by Selectmen Zager
- Vote: was approved in a unanimous roll call vote

18. Discussion, and vote on whether to approve the additional COLA for Bristol County Retirement members.

Selectmen Lopes stated Governor Baker signed into law the Bristol County Retirement COLA from 3% to a 5% increase. This will be around \$18,000.00 for our 61 retired members. Ms. Pettey stated this requires two-thirds of the towns within Bristol County to approve this retroactive COLA. Chief Abbott stated it is not on the full pension, it is only on the first \$18,000.00.

- Motion to approve the additional COLA for Bristol County Retirement members made by Selectmen Matthews and seconded by Selectmen Zager
- Vote: was approved in a unanimous roll call vote

Board of Parks Commission

Discussion/possible action on the following topics:

- No topics for discussion

Town Administrator's Report

Discussion/possible action on the following topics:

Old Business:

Potential discussion on pending items – action will not be taken at this meeting:

- Town Buildings

Public Input

The Board signed documents associated with this evening's meeting.

- Motion to adjourn the meeting at 7:25pm made by Selectmen Zager and seconded by Selectmen Lopes
- Vote: was approved in a unanimous roll call vote

Respectfully submitted,



Lola Furtado
Administrative Assistant

Lists of Exhibits/Documents the Board utilized during this meeting:

- Agenda
- Meeting Minutes from January 23, 2023
- Letter from resident on Excel's donation
- Resident Privileges Stickers Policy and Procedures
- Vehicle Lease Schedule-2 Cruisers and 1 Interceptor

- Patriot Half-Cranberry Trifest Race
- Emails from Cheryl Estrella, Town Counsel and Jessica Medeiros
- Charge for Fire Station Building Sub-Committee
- Letter of Retirement-Barbara Place
- Letter of Resignation-Edward Walsh
- Letter of Resignation-Michael Souza
- Letter of Resignation-Orion Silva
- Letter of Resignation-Jessica Coray
- Letter of Resignation-Alexander Copeland
- Certificate of Appointment-Mark Brogan
- Certificate of Appointment-Paul Ashley Sr.
- Certificate of Appointment-Mary E. Rezendes-Brown
- Certificate of Appointment-Deborah L. Pettey
- Certificate of Appointment-Robert Alderson
- Certificate of Appointment-Harrie Ashley Jr.
- Memo-Full-Time Police Position-Credit for Outside Service
- Letter from Bristol County Retirement System-55Local COLA Option
- Bristol County Retirement System COLA Base Study