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2023 MAY -4 PM 1:20

Freetown Board of Selectmen  
Meeting Minutes  
Thursday, April 6, 2023 – 6:00pm  
Police Station Community Room  
15 Memorial Drive, East Freetown, MA  
Meeting in person and Zoom

### Call to Order

Selectmen Trevor Matthews called the Freetown Board of Selectmen meeting to order at 6:00pm and read the following Governors order. Selectmen Jared Zager, Selectmen Carlos Lopes, Interim Town Administrator Deb Pettey, and Executive Assistant Lu-Ann Souza are also present.

The meeting will be available for in person attendance and on Zoom – On March 29, 2023 Governor Healey signed into law Chapter 2 of the Acts of 2023 which, among other things, extends the expiration of the provisions pertaining to Open Meeting Law to March 31, 2025. Specifically, this extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide “adequate, alternative” access to remote meetings. This meeting of the Freetown Board of Selectmen will be conducted in person as well via remote participation to the greatest extent possible. Specific information and general guidelines for remote participation by members of the public can be found on the Town of Freetown’s website, [freetownma.gov](http://freetownma.gov)

For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: downloading Zoom and entering the meeting ID below, calling the number listed below and entering the Meeting ID listed below, or by going to <https://us02web.zoom.us/join> and entering the Meeting ID listed below.

Although in person attendance is available for this meeting every effort will be made to ensure that the public can adequately access the proceedings in real time via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town’s website and YouTube Channel an audio or video recording, transcript. Or other comprehensive record of proceedings as soon as possible after the meeting.

### Join Zoom Meeting

<https://us02web.zoom.us/j/82461654922?pwd=ZWtjakxmejBxbGdFMmhrNDFaWG13UT09>

Meeting ID: 824 6165 4922

Passcode: 663086

One tap mobile

+13092053325,,82461654922#,,, \*663086# US

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### Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

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+1 646 931 3860 US

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+1 305 224 1968 US

+1 346 248 7799 US (Houston)

+1 360 209 5623 US  
+1 386 347 5053 US  
+1 507 473 4847 US  
+1 564 217 2000 US  
+1 669 444 9171 US  
+1 669 900 9128 US (San Jose)  
+1 689 278 1000 US  
+1 719 359 4580 US  
+1 253 205 0468 US  
+1 253 215 8782 US (Tacoma)

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Find your local number: <https://us02web.zoom.us/j/kydliuyel>

Selectmen Matthews announced we will be going into Executive Session and returning back to Open Session. We will be going into Executive Session for the following 3 reasons below.

### **Executive Session**

Discussion/possible action on the following topics:

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 – **Between the Roses and Town Wear**
  2. M.G.L. c.30A, Sec. 21(a)(3) – to discuss strategy with respect to collective bargaining with **The Freetown Police Association** because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.
  3. 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.
- Motion to go to Executive Session made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by 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. Reorganize Board of Selectmen, choose a Chairman, Personnel Board Chair, and Parks Commission Chair.
- Motion to Reorganize Board of Selectmen, Selectmen Matthews as Chairman, Selectmen Lopes as Personnel Board Chair, and Selectmen Zager as Parks Commission Chair made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews - yes

5. Discussion, and vote on whether to approve, not release, the Executive Session minutes from 4/2/23.
  - Motion to approve, not release, the Executive Session minutes from 4/2/23 made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews - yes
  
6. Discussion, and vote on whether to approve the open session minutes from 3/20/23, 3/22/23 & 4/2/23.
  - Motion to approve the open session minutes from 3/20/23, 3/22/23 & 4/2/23 made by Selectmen Zager and seconded by Selectmen Lopes.
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
  
7. Presentation from Town Counsel on social media best practices and responsibilities of Town, Elected Officials and Board/Comm members.
 

Town Council Mark Reich from KP Law, stated town boards, committees and commissions are governed by Sunshine laws, public records law, open meeting law and conflict of interest law. The purpose of the open meeting law is to promote openness in government, to pull aside any shroud of secrecy in terms of the operation of government. The public records law allows the public access to records created by town boards, committees and commissions by public bodies by the town. Public records are in any form, any material created by the board, a photograph, a video recording and written document if requested. The law has finally caught up to email and electronic media. The Attorney General, The Secretary of the Commonwealth, the Supervisor of Public Records has weighed in and has issued guidance. Any deliberation among a public body, such as any board, committee, commission, and sub-committee is subject to the open meeting law. A deliberation amongst a quorum of a public body or a sub-committee of a public body which would be 2 or more members must occur at a properly posted open meeting. Executive sessions are allowable subject to the allowable executive session purposes. When it comes to social media it has posed a challenge for many officials on both elected and appointed boards because of social media's various available platforms. Individuals when acting in their official capacity are still imbued with the authority of that position. Understanding the fact that one individual of a board cannot act on behalf of that board or can only act through a vote of that board and a majority vote or a delegation of authority to the extent that's allowable. But when an individual cloaks themselves in the authority, or weighs in, or gets involved of their position on social media, email, or text message exchanges in their official capacity. Obviously, each of you function as individuals as well, you don't give up your free speech rights when you become a member of a public body. Each member of the board maintains their authority and certainly that becomes an issue during election time, you campaign for yourself and that is your individual expression, but when you are acting as a member of a board and that goes to a member of any board, any public body of the town, if you participate or act on a social media website or you conduct yourself on social media hosting a page or a blog, if you do that in a manner that is within the authority of your position and especially if you address it through your official title, The production of that blog or that Facebook page or those emails, any of the social media platforms, those items can become subject to the public records law because they are the creation of a document, a record of some, be it photographic, video graphic, text, the very images on a

Facebook page can be deemed a public record. The Inspector General issued a guidance back in January about this discussion stating “all public boards receive and generate public records in the regular course of business, you also generate public records when you operate in your official capacity as a public board member. If you communicate with another individual in your official capacity or exchange information about matters under your board’s purview, for instance you may create a public record even if you use your personal email, voicemail, or video recording to transmit that information. A common misconception exists that, communications on a personal email account or via text messages are not subjects public records law. This is incorrect, it is all board related communications are subject to public disclosure.” That is consistent with the further guidance that has been given by the Attorney General which is on the Attorney General’s FAQ website “May members of a public body communicate with the public through social media platforms such as Facebook, Twitter and webpages. The statement, yes, members of public bodies may communicate with members of the public through any social media platform however, members of public parties must be careful not to engage in deliberation with other members of the public body through such communications of a member of a public body communicates directly with the quorum of the public body over social media platforms such as Facebook or Twitter that communication may violate the open meeting law. Public body members should proceed with caution when communicating via these platforms.

8. Presentation from ArchiveSocial on archiving and reporting on social media.

A presentation was given by Adam Deshenes of ArchiveSocial. They work with government agencies to keep them in compliance and mitigate any risk with public records in regards to social media. Once you create a social media platform for a government agency you are creating a limited public forum that you are obligated under Massachusetts public records laws is to be retained and be able to produce that content when requested for inspection. The three core reasons that agencies archive their social media is one, compliance, two, records are lost from the networks, third, is you need to anticipate you are going to get a records request that will be requesting content from your social media. Being proactive and having something in place that is going to capture these records as they hit your page and enters them into a very searchable reliable data base. It gives you peace of mind that any requests for comments and/or deletes, within seconds it is in the archive. If anyone edits a comment out there you will have the original and any edited versions along with the metadata that we capture. Social media is a living document. We will monitor official department pages of the town. Such as Fire, Police, Parks and Recs pages. Any agency that falls under the town can join this archive.

9. Discussion, and vote on which articles to place on the warrant.

- Apply, Accept and Expend Massachusetts Public Library Construction Grant
- Planning Design Phase of the Massachusetts Public Library Construction Grant
- Funding for Fire Station Renovation/Addition
- Create Opioid Settlement Stabilization Grant
- Fund Opioid Settlement Stabilization Grant
- Sale of 4 South Main Street with Deed Restriction
- Purchase and installation of pods for temporary space for Council on Aging
- Funding for the Fire Station Renovation/Addition
- Funding to the Capital Stabilization Fund
- Town of Freetown Fiscal Year 2024 Operating Budget

- Salary & Compensation of Elected Officers of the Town of Freetown
  - Operation Budget of the Water-Sewer Enterprise Fund
  - Spending Limits for Assorted Revolving Funds
  - Cable Fund Appropriation
  - Additional funds into Conservation Land Fund
  - Engineering Study for the Assonet Four Corners Intersection
  - Maintenance of Veterans' Graves
  - Continuing Police Cruiser Lease Purchase Program
  - Amend General By-Law Article 10, Personnel Classification/Comp. Fire Chief
  - Repair & Restoration of monuments in various cemeteries
  - Transfer funds from Sale of Cemetery Lots for maintenance and improvements
  - Add to the Scholarship Fund
  - Place holder for one or two articles being authored by Town Counsel on Solar Pilots
  - Establish By-Law to charge fees for weights and measures services
  - Establish a Community Program Revolving Fund
  - Create Opioid Settlement Stabilization Fund
  - Fund Opioid Settlement Stabilization Fund
  - Funding the Stabilization Fund
- Motion that we are ok with the concepts of the articles presented and to send drafts over to Town Counsel made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews - yes
10. Discussion and vote whether to close the warrant for submissions and send draft over to Town Counsel.  
Motion was made on Agenda #9
11. Discussion, and vote whether to approve the health insurance plan and rates for fiscal year 24.
- Motion to approve the health insurance plan and rates for fiscal year 24 made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews - yes
12. Discussion, and vote on whether to approve the spending plan for the donations received for Earth Day.
- Motion to approve the spending plan for the donations received for Earth Day made by Selectmen Zager and seconded by Selectmen Lopes
- Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews - yes
13. Discussion, and vote whether to approve the road opening permit from Eversource for gas maintenance work at 5 Gray Oaks Dr, East Freetown.

- Motion to approve the road opening permit from Eversource for gas maintenance work at 5 Gray Oaks Dr, East Freetown made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
14. Discussion, and vote on whether to support the application for the 2023-2024 grant round of the Massachusetts Public Library Construction Program Grant.
- Motion to support the application for the 2023-2024 grant round of the Massachusetts Public Library Construction Program Grant made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
15. Discussion, and vote on whether to approve the consulting agreement between The Town of Freetown and APEX Companies, LLC for Environmental Consulting Activities.
- Motion to approve the consulting agreement between The Town of Freetown and APEX Companies, LLC for Environmental Consulting Activities made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
16. Discussion, and vote whether to authorize Interim Town Administrator to sign agreement from APEX Companies, LLC for Environmental Consulting Activities.
- Motion to authorize Interim Town Administrator to sign agreement from APEX Companies, LLC for Environmental Consulting Activities made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
17. Discussion, and vote whether to approve the agreement and addendum to agreement between The Town of Freetown and Architectural Consulting Group (ACG) for OPM for Fire Station Renovation/Addition project.
- Motion to approve the agreement and addendum to agreement between The Town of Freetown and Architectural Consulting Group (ACG) for OPM for Fire Station Renovation/Addition project made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
18. Discussion, and vote whether to approve the Interim Town Administrator to sign the agreement and addendum to agreement between The Town of Freetown and Architectural Consulting Group (ACG) for OPM for Fire Station Renovation/Addition project.

- Motion to approve the Interim Town Administrator to sign the agreement and addendum to agreement between The Town of Freetown and Architectural Consulting Group (ACG) for OPM for Fire Station Renovation/Addition project made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
19. Discussion, and vote on whether to approve the Tuesday Club of Assonet’s use of the Village Green Bandstand for the annual Strawberry Festival on 6/18/2023.
- Motion to approve the Tuesday Club of Assonet’s use of the Village Green Bandstand for the annual Strawberry Festival on 6/18/2023 made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
20. Discussion, and vote on whether to recommend full closure or phased construction for Chace Road Bridge project.
- Motion to recommend the phased construction for Chace Road Bridge made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
21. Discussion, and vote whether to approve the agreement between The Town of Freetown and R.A. Mitchell, Co., Inc. for the backup generator for the Chipaway Road Pump Station.
- Motion to approve the agreement between The Town of Freetown and R.A. Mitchell, Co., Inc. for the backup generator for the Chipaway Road Pump Station made by Selectmen Zager and seconded by Selectmen Lopes
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes

## **Personnel Board**

Discussion/possible action on the following topics:

- 22. Accept the resignation of Brittany Normandin as Senior Librarian effective 4/19/23.
  - 23. Accept the resignation of Donna M. Silva as Van driver for the Council on Aging effective 3/29/23.
  - 24. Accept the resignation of Tracey Knowles as Part Time Senior Clerk effective 4/4/23.
- Motion to accept item agenda 22, 23, and 24 resignations made by Selectmen Matthews and seconded by Selectmen Zager
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes



25. Discussion, and vote whether to approve the Memorandum of Agreement (MOA) between the Town of Freetown and the Freetown Police Association.
- Motion to approve the Memorandum of Agreement (MOA) between the Town of Freetown and the Freetown Police Association made by Selectmen Matthews and seconded by Selectmen Zager
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes
26. Discussion, and vote on whether to approve the following appointments:
- a. Aiden Flood and Lauren Goyette as Seasonal Parking Control Officers effective 5/12/23-6/30/23.
- Motion to approve Aiden Flood and Lauren Goyette as Seasonal Parking Control Officers effective 5/12/23-6/30/23 made by Selectmen Matthews and seconded by Selectmen Zager
  - Vote: was approved by a unanimous roll call vote
  - Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes

#### **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:

27. Updates from Town Administrator

#### **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 at 9:02pm made by Selectmen Zager and seconded by Selectmen Lopes
- Vote: was approved by a unanimous roll call vote
- Vote: Selectmen Lopes - yes, Selectmen Zager - yes, Selectmen Matthews – yes

Respectfully Submitted,



Lola Furtado  
Administrative Assistant



List of Documents/Exhibits utilized by the Board in this meeting:

- Agenda
- Meeting Minutes from 3/20/23
- Meeting Minutes from 3/22/23
- Meeting Minutes from 4/2/23
- Comprehensive Social Media Archiving Compliance
- Rough Draft of The Warrant for the Special Town Meeting
- Rough Draft of The Warrant for the Annual Town Meeting
- MIIA Health Benefits Trust
- Spending Plan for Earth Day Donations
- Eversource Gas Street and Sidewalk Opening Permit
- Letter of Support for MBLC Grant
- Apex Proposal – Environmental Consulting Activities
- Draft Agreement for Project Management Services Fire Station #3 Addition/Renovation Project
- Draft Addendum to the Agreement for OPM Services Fire Station #3 Addition Renovation
- Application for Permit Tuesday Club of Assonet
- Resignation Letter – Brittany Normandin
- Resignation Letter – Donna M. Silva
- Resignation Letter – Tracy A. Knowles
- MOA - Freetown Police Association
- Certificate of Appointment – Aiden Flood
- Certificate of Appointment – Lauren Goyette
- Chace Rd Bridge Project