



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

Wednesday, April 24, 2019, 5:45pm
Council on Aging – 227 Chace Road, East Freetown

2019 MAY 28 PM 12:39
RECEIVED
FREETOWN TOWN CLERK
JP Brown

5:45 P.M. Call to Order Chairman Charles B. Sullivan calls the meeting to order at 5:47pm. The meeting is opened upstairs at the Council on Aging, due to the Finance Committee meeting downstairs ahead of joining the Board later on. Selectman Lisa A. Pacheco is present, with Selectman George L. Grunwald joining the meeting at approximately 5:55pm. Administrative Assistant Timm McIntosh is present, with Town Administrator David DeManche joining the meeting at approximately 5:50pm

1. Discuss Annual Town Meeting Articles submitted by the Planning Board with Chairman Keven Desmarais.
 - On the article involving the zoning map, Mr. Desmarais says the Attorney General's office wants the zoning changes from last fall pictured on a map; there are no zoning changes involved with this article.
 - On the truck stop article, the proposed change to the table of use would limit truck stops to the science and technology overlay district, which is a change based on past comments at meetings. Selectman Sullivan asks if this would apply to current applications; Mr. Desmarais says there are no current applications, but if there was, the zoning would get locked in based on when they apply. Selectman Sullivan confirms that the previous applicant withdrew their application; Mr. Desmarais says that is accurate.
 - On the article regarding lot coverage, Mr. Desmarais says this was added for a reason years ago, typically regarding stormwater management. He says that there is confusion currently on what is defined as a structure, as some structures are moveable, citing greenhouses, above ground pools and small sheds as examples. This change would essentially classify immovable structures only as lot coverage, which clarifies the intent on these questions. Selectman Sullivan & Selectman Pacheco have no further questions. Selectman Grunwald joins the meeting late, and has further questions for Mr. Desmarais on this article, specifically regarding driveways. Selectman Grunwald asks if someone can cover their lot 100% with asphalt; Mr. Desmarais says current zoning allows for that, that asphalt has never been counted before, but the Planning Board wanted to clarify that. Selectman Grunwald recalls when Walmart tried to come in a number of years ago, there were concerns with stormwater with all the asphalt. Mr. Desmarais says the Planning

Board is simply trying to further refine lot coverage. Selectman Grunwald says he's going to review this further with the current by-laws. Mr. Desmarais says he does not appreciate being called in if he's not going to be believed by the Board.

- On the article regarding planned mixed use development (PMUD), SRPEDD helped us come up with PMUD zoning a number of years ago, and they identified a few areas where that would fit. There was a discussion of having it as a by-law or as regulations, with SRPEDD preferring the by-law approach. Mr. Desmarais says the problem is that you can't change a by-law if you need to waive something for a project that is deemed to be a good fit. He says the by-law allows for the creation of regulations, which can be deviated from if necessary.

The Board goes into a brief recess around 6:05pm as they move downstairs, reconvening around 6:10pm.

2. Joint meeting with the Finance Committee to discuss proposed Fiscal Year 2020 budget and submitted warrant articles for the June 3, 2019 Special & Annual Town Meetings. Present: Chairman Gary Martin, Vice-Chairman Kent Wilkins, Katie Calheta, Huguette Lord, Craig Rosen and Carol Woldrof, and Senior Clerk Aleesha Friere. Town Accountant Kimberley Fales is also present.

Freetown-Lakeville Regional School District

Superintendent Richard Medeiros and Finance Director Ashley Lopes are present. Ms. Lopes hands out a packet with the newest school assessment. The assessment has gone down, due to more money currently projected to be coming in from the Commonwealth, but the Commonwealth's numbers are still being decided at this point. Mr. Medeiros explains that the School Committee has not yet acted on this assessment; they will be meeting tonight as well. Ms. Woldrof asks if they've met with Lakeville yet, that she isn't sure it's appropriate to make a decision without Lakeville's input; Mr. Medeiros says they have not met with Lakeville, but he recommends acting tonight and adjusting later if needed. Mr. Wilkins thinks we should take this as an informational meeting. Selectman Sullivan says he's been approached by Lakeville's Town Administrator about a joint meeting of the Boards of Selectmen, but that hasn't been scheduled yet; Mr. Martin says he's set up a joint meeting of the Finance Committees for next week as well. Ms. Lopes says the assessment utilizes the Massachusetts House's budget figures, but notes that Governor Baker's proposal is lower. Final numbers will not be determined until July, that we are unfortunately tied to their time frame.

Ms. Lopes walks the Boards through the details of the new assessment. The Freetown portion of the assessment is now \$11,053,372, which is \$24,722 lower than the previous assessment. This number represents a 4.67% increase over last year's budget.

Ms. Woldrof asks about the excess & deficiency (E&D) number, which Ms. Lopes says is \$218,144. Ms. Lopes says the school is allowed to carry 5% of the total budget number in that fund, but they are nowhere near that amount. Selectman Pacheco explains that these funds allow for the schools to deal with emergency spending without needing to call emergency town meetings in both towns. She doesn't think this is a bad number, it's certainly not the \$1.5M they could have. Ms. Lopes says if the state number continues to go up, that money could be rolled into E&D once it is certified in October.

Ms. Lopes urges anyone to call her with further questions. She and Mr. Medeiros depart the meeting.

Selectman Sullivan reads through the budget, asking for holds on any budget items anybody wishes to discuss. Any departments not listed below were not held by the Board of Selectmen or the Finance Committee.

Please note: the Board of Selectmen did not vote any budget number at this meeting. Records of any Finance Committee votes are recorded by the Finance Committee; please see the minutes of the Finance Committee portion of this meeting.

Town Moderator

Selectman Pacheco thinks the figure requested by Mr. McCue isn't enough, as some years there are additional meetings. She suggests the \$432 request, plus \$50 for each meeting. Mr. Martin suggests that Mr. McCue could make a transfer request in the event of extra meetings. Selectman Grunwald suggests budgeting per meeting. Selectman Pacheco suggests upping it to \$500, with Mr. McCue returning funds if we don't add meeting. Selectman Grunwald thinks \$150 per meeting is a fair figure. Ms. Fales says there cannot be a subsequent add-on to the budget, but you can change Article 2 to be per meeting. Mr. Martin says currently, considering the usual 3 meetings, is \$144 per meeting. Selectman Sullivan suggests \$150 per meeting and putting it in the grid as such. Everyone is good with this. This makes the budget figure \$450.

Town Administrator

Selectman Pacheco isn't in favor of the increase to Mr. DeManche's salary, as it is not spelled out in his contract. Mr. DeManche says it allows for an increase upon performance review. Selectman Sullivan says Mr. DeManche has not had a raise at all. Selectman Pacheco says there is a proper procedure for this and it is not being followed. She says she is not holding this against Mr. DeManche. Selectman Grunwald suggests holding this until we have that discussion. Selectman Sullivan suggests leaving the raise in the budget and going from there; Selectman Grunwald agrees. Selectman Pacheco doesn't want a change of status report done until the review is done. Selectman Pacheco asks about the engineering line item, which has a

\$10,000 increase. Mr. DeManche explains that this account covers certain projects that come up that are unforeseen, a way for the Board to access technical expertise. Selectman Grunwald asks why there is a 30% increase; Mr. DeManche says there is current litigation that may require an increase over last year's number, which is accounted for here. Selectman Pacheco asks if it's just engineering; Mr. DeManche says it is technical assistance and engineering. Selectman Grunwald asks if this includes consulting; Mr. DeManche says it would. The Finance Committee has no questions.

Finance Committee

Selectman Sullivan asks if we need \$800 for printing costs, outlining the number of ways the Town has to notify residents. Mr. Martin says this provides a way to reach voters that aren't on Facebook. Selectman Grunwald thinks it is quite important. Selectman Sullivan goes over past concerns with previous mailings, which may have included opinions. Selectman Grunwald completely disagrees. Selectman Sullivan says we've received legal advice on this previously. Selectman Grunwald says he's never seen that. Selectman Sullivan says we will ask again. Selectman Pacheco says we need to be very careful about providing factual information, that it isn't about opinion. Mr. DeManche speaks about the citizen notification system, which we are requesting to make changes to to make it unlimited going forward. Mr. Martin notes that it is still an opt-in system. Ms. Woldrof thinks the system is great, but we heard last year that the residents liked the mailings, which she says were factual. Mr. Martin says the main concern is to reach as many people as possible. Selectman Pacheco would agree if that was the main issue, but she's concerned that the Finance Committee would use this to give opinions if there's a disagreement with the Board of Selectmen, as was the case last year. She says we don't want to bring undue litigation to the Town. She suggests having Town Counsel review the flyers before it is sent. Mr. Martin says that makes sense to him. Selectman Grunwald asks what would be reviewed; Selectman Pacheco says it would be reviewed to ensure there's nothing that will cause litigation. Selectman Grunwald suggests giving the Board of Selectmen space on any flyer that goes out. Selectman Pacheco doesn't mind having the mailings go to Town Counsel. Mr. Rosen asks if Counsel works for the Board of Selectmen or the Town of Freetown; Selectman Pacheco says the Town, and that they've put the Board in their place in the past. The Selectmen and the Finance Committee agree that the mailings will stay. Selectman Grunwald wants to discuss this further at another joint meeting. Selectman Pacheco suggests putting a policy in place.

Town Accountant

Selectman Pacheco says there is an unresolved CBA issue still included in this budget that still needs to be discussed in executive session. Selectman Grunwald doesn't know what issue she is talking about and doesn't know what a CBA is. Selectman Sullivan says the matter could be resolved before the end of the fiscal year, and if we leave it in, we won't need to worry about

retroactive pay. Selectman Pacheco says we haven't heard from the Union yet, suggesting we hold on this. Selectman Sullivan says we need to play our cards close to the vest since it is still a pending matter. When asked by Selectman Sullivan, Selectman Grunwald says leave the money in the budget, we can return excess money if it isn't needed. The Finance Committee agrees with Selectman Grunwald.

Treasurer

Selectman Pacheco says the personnel increase here also needs to be reviewed in Executive Session, which will be added to the next agenda.

Legal

Mr. Wilkins thinks the Board is way low on the \$100,000 requested. He says he's spoken to Ms. Fales and understands that the Finance Committee will have a number of transfers coming their way for this budget. Ms. Fales confirms that we are currently through around 95% of the budget, before including the February invoice submitted today. Selectman Pacheco suggests upping it to \$125,000. Selectman Sullivan estimates around \$60,000 from this year's budget was from CBA negotiations, which would not be included this year, but \$125,000 makes sense to him. Mr. Wilkins agrees.

Management Information Systems

Selectman Pacheco asks what this increase is about. Mr. DeManche explains the request for a new phone system, a more modern voice over internet protocol (VOIP) system. He speaks to the need for the phone system and the benefits it would provide. He says there are cost savings would be spread over 3 years. Selectman Pacheco understands but wants to know how much of the cost is an annual cost or if equipment costs are included. Ms. Fales says the phones are \$21,000 based on the information she has, which is in the Capital Equipment budget, with \$15,000 being a yearly maintenance fee. Mr. DeManche doesn't believe it is broken down that way, that he has something different. This will remain on hold and presented again.

Christine Paiva of the Library Trustees wants to move the Library discussion up. Selectman Pacheco looks at their budget proposal once more and says it was held in error. She apologizes and the Library Trustees depart.

Primaries and Elections & Registration

The Board is joined by Town Clerk Jacqueline Brown. Selectman Pacheco wants to know about minimum wage. Mrs. Brown explains that she's been told by Town Counsel that election workers are subject to federal minimum wage, currently \$7.25 per hour, not state minimum wage. She has also done a survey of other Town Clerks, and found that Freetown is competitive. Selectman Pacheco asks if the Board votes to go with state minimum wage, would

Mrs. Brown have an issue. Mrs. Brown explains there are actually three rates. Ms. Fales has figured that if you keep the same pay spread between the rates and bring the lowest up to minimum wage, it would add \$588 to Primaries and Elections and \$131 to Registration. Mrs. Brown would have no objection to either change. These make the corrected totals \$12,147 for Primaries and Elections and \$6,186 for Registration. Everyone is in agreement that we should do this.

Conservation Commission

Selectman Sullivan says the intent of the personnel increase would be to have someone look after Porter Pastures and the Town Beach. Custodian Mark Audette does this currently when he can. Mr. Martin asks if this is 2 hours a day? That was the explanation provided. Selectman Pacheco asks who handles closing the gate currently. Ms. Woldrof says there is no gate and it is a mess. There are no further questions on this.

Planning Board

Selectman Pacheco if the overtime line item is due to the new CBA. Selectman Sullivan says it is. Selectman Pacheco wants to make sure he's adhering to the policy.

Economic Development

Mr. DeManche says this is a new budget, and would allow the Economic Development Committee to get a recording secretary and also purchase some supplies as needed. Selectman Pacheco doesn't know where this came from, but suggests it being changed to \$900 for supplies and \$100 for a clerk. She isn't sure where this Committee is headed. Mr. Wilbur says this was discussed at the last meeting. Mr. DeManche thinks keeping \$1,000 and coming up with a different split could be worked on. Selectman Grunwald says that sounds reasonable. Selectman Pacheco says this is insane, she's never heard of these numbers. Bruce Wilbur, who is here for the Council of Aging but is also a member of the Economic Development Committee, thinks the Committee should be the one to discuss this, not the Selectmen & Finance Committee. Selectman Pacheco suggests leaving \$1,000 and working on this further.

Public Building & Property Maintenance

Selectman Pacheco asks why this budget has such a massive jump. Mr. DeManche explains that this is the combined facilities budget the Board has discussed, the increases all coming from decreases in other budgets. Selectman Pacheco asks Ms. Fales if the other budgets are decreased accordingly; Ms. Fales says they have. She says the budget also includes \$15,000 for OSHA related costs as well, which Mr. DeManche says will be returned if they aren't needed. Selectman Pacheco wants more frequent reports on whether this new budget is working from Ms. Fales.

Police

Chief of Police Carlton Abbott Jr. is present. Chief Abbott distributes a new complete budget proposal to the Board and the Finance Committee, which reflects the new CBA numbers. His original budget proposal was based on the old, now-expired CBA figures. The new bottom line is \$2,746,645.80, but that figure includes the facilities. Selectman Pacheco says that is an increase of over \$700,000 from his previous request, which is extremely high. Ms. Calheta says that it is a 36% increase. Chief Abbott will check his numbers. Ms. Fales says she sees a calculation issue already. Selectman Grunwald suggests putting this on hold until a later meeting. Chief Abbott will work on the numbers with Mr. DeManche and Ms. Fales and return.

Forestry

Mr. Wilkins asks what the Tree Warden is doing with an extra 190 hours without an increase to supplies. Selectman Sullivan reads the explanation provided; the hour increase better reflects the hours worked by the Tree Warden. Selectman Grunwald asks who regulates the hours of the Tree Warden. Selectman Sullivan explains that the Tree Warden is an elected official, so it's the voters, but it is dictated by the storms. Selectman Pacheco says if there's a bad storm, he goes for a transfer request. Mr. Wilkins thinks the supplies should be going up as well, he doesn't like what he's doing with the hours. Selectman Sullivan notes there is an approximate 5% pay increase as well, he thinks we should start there. Selectman Pacheco thinks he should continue with transfer requests. Selectman Grunwald again asks who controls this. Mr. DeManche says he's ultimately controlled by elections, the voters can elect or not elect him. Selectman Pacheco is ok with the pay rate, be it a 2% or a 5% increase. Selectman Grunwald would like to explore a control mechanism, and asks if it matters what we approve, given that he can bill us whatever he wants. Selectman Pacheco says the Finance Committee can deny the transfer requests if they do their due diligence. Selectman Grunwald clarified that he doesn't think this is a big deal, but it opens the door to a bigger deal with other departments. Selectman Sullivan suggests meeting in the middle at 600 hours. Ms. Woldrof thinks he will use what he's given, that we should leave it as it is. Ms. Fales notes that he does submit a timesheet and itemize his time. Selectman Pacheco suggests leaving the \$11,829 from last year, leave it level funded. Mr. Martin suggests giving him roughly half the increases he's requested, suggesting 600 hours at a rate of \$22.00. Everyone is in agreement that that works. This would come to \$13,200 for personnel and \$10,890 for expenses.

Bristol County Agricultural School

Ms. Fales says there is an update to this number. The assessment is now \$27,804. She notes we really have no choice on this.

Old Colony Vocational School Assessment

Mr. DeManche has asked for an assessment number with the special ed number excluded. The state has not set the rate yet, so a firm assessment can't be had until after October. Selectman

Pacheco clarifies this situation. We've never been charged more than the state tells us, but this year, a loophole was found that allows Old Colony to charge an additional \$4,500 per special ed student. We have 90 students total, 22 of which are special education. The state sets what we pay, we are still debating with Town Counsel if they can do that. This number is still in flux, including whether or not we become a member of the district. Selectman Pacheco says we can't be charged for capital projects if we aren't a member. We also can't restrict the number of student, but she believes we can cut their budget, and she is talking to Counsel about this. Ms. Woldrof thinks this should be reported to the Board of Education for discrimination, if we have to pay more for special education students. There is a disagreement about whether or not we are a member community. Selectman Pacheco thinks they want us to be a member to be able to charge us capital costs. Selectman Grunwald asks if we join, does tuition go down? Selectman Pacheco says it doesn't, no substantially anyway. Selectman Grunwald asks what the benefit is of being a member. Selectman Pacheco says that is the question. She asks Ms. Fales what we normally do with the Old Colony number. Ms. Fales says they've always supplied a number, with the understanding that it could change and we need to adjust it later on. Selectman Pacheco thinks they are playing a game. Mr. Wilkins asks what number we should be looking at tonight. Mr. DeManche reads through an e-mail from Old Colony Superintendent Aaron Polansky explaining why they cannot provide an assessment. The e-mail gives the following information: Freetown's attendance has not exceeded 90 students in recent years; the state-set per pupil rate for out of district students for 2018-2019 was \$17,266; the projected inflation rate is 3.75%; the additional Special Education student rate is \$5,656 per student; there are 19 returning Special Education students from Freetown; they cannot determine the number of incoming special education freshmen until school begins. Selectman Pacheco suggests using last year's number with an increase of 3.75%, or a \$58,273 increase, which would be \$1,612,213 for education. Leave transportation at level funding, for a grand total of \$1,785,658. The Board agrees with this.

Highway Department

Highway Surveyor Charles Macomber and Senior Clerk Mike McCue are present. Selectman Pacheco asks Mr. Macomber if retirement has come out of the budget. Mr. McCue says that is correct. She questions why the number has bounced back and forth in recent years, but there isn't the same drop this year. Mr. McCue explains that a laborer is being replaced with a truck driver, which is a greater pay rate. Selectman Pacheco asks for a detailed pay breakdown to be submitted; Mr. McCue says one was submitted with the budget, but he understands that it doesn't look right. Mr. DeManche will follow up on this.

Cemetery

Mr. McCue, also Chairman of the Cemetery Commission, remains present. Selectman Pacheco asks about a personnel increase of \$9,300 for the summer. Mr. McCue explains that the

Highway Department mows the cemetery and Richard Brown helps on a volunteer basis, but there's no guarantee that will continue. This increase to hire a seasonal worker would prevent that without added impact on the Highway Department. Selectman Pacheco thinks too many people are asking for more employees and asking for raises, because she's been here when there wasn't money and she doesn't want to be in that spot again. Mr. McCue says it wouldn't be a big deal if this was cut again, the Highway Department will continue to do the work. Selectman Pacheco suggests making it a 10 hour a week job and going from there. Selectman Sullivan asks about the workload. Mr. McCue says it takes the Highway Department a day to mow, and then Teddy Walsh a week to weed whack. Mr. Macomber says there would be no weed whacking once Mr. Walsh retires, and that the Highway Department would string trim it twice a season. Mr. McCue warns that you'd see a number of complaints, but it is what it is. Selectman Pacheco asks if he'd be open to 10 hours a week to see how it goes; Mr. McCue says absolutely. This lowers the budget request to \$4,000.

Health Inspection Services

Health Agent Derek Macedo is present. This budget has the same CBA question as the Accountant budget, which will be revisited. Selectman Pacheco is fine with the request for expanding the Public Nurse role. There is also additional water testing in this budget as well; Mr. Macedo explains that these funds are coming from the Conservation budget, as the Board of Health is taking over water testing from them.

Council on Aging

Mr. Wilbur of the COA Board is present. Selectman Pacheco asks what the COA Board is using the grant for. Mr. Wilbur says whatever the grant allows for, like a new desk, cameras (to watch for falls), computers, tables. The grant is for \$21,000. The grant previously covered personnel costs, but they have personnel problems now because they are understaffed, so they are considering using the grant money for that purpose again. Selectman Pacheco says the senior clerk position has been re-posted. This budget is left alone.

Other Post-Employment Benefits (OPEB) Liability

Selectman Grunwald asks if this is adequate. Ms. Fales says not really, but there's probably no more bang for the buck at this point, that is't going to take a long time to fund this. She says this is a problem for a lot of communities, not just Freetown. Once the pension is fully funded in 2028, any savings can be put towards OPEB. Ms. Fales says it should be more, but there are lots of factors that need to be taken into account. Selectman Grunwald asks if we are in a position where this will bite us? Ms. Fales says if we weren't doing anything, yes, but we have reserves and something of a plan, so she doesn't think it'll be significant in any sort of rating issue at this point.

Capital Equipment

Fire Chief Gary Silvia, Chief of Police Carlton Abbott and Highway Surveyor Charles Macomber are present. Selectman Pacheco says this hasn't been reviewed yet. Selectman Sullivan goes through the list. Chief Abbott says the purchase of police equipment is to replace aging defibrillators. Chief Silvia says the purchase of fire equipment is the final year of the replacement self contained breathing apparatus replacement program. Selectman Sullivan asks about the new highway lease; Mr. Macomber says it is the first payment on a new big dump truck, replacing a 1994 unit, and the first payment on a new pickup truck. He says at that point, we could rotate town vehicles and retire the PT Cruiser. Ms. Fales confirms this is a lease on both vehicles, but says we could explore a straight buyout of the pickup truck if we wanted. Selectman Pacheco says there is savings this year from health insurance that could go towards buying the truck. Selectman Grunwald says he would be in favor of purchasing straight out. Ms. Fales says there's no article for the TELP agreement for the Highway lease, so one will be needed. Ms. Fales notes that a new vehicle for the Council on Aging is still in the budget, but it's been expressed to her that they are happy with the Camry they are currently using. Selectman Sullivan says the car can be taken out of the budget, with that money doing towards purchasing the Highway truck. Everyone is in agreement on this, Ms. Fales will clean up the budget and get the Board a new copy.

Capital Building

Mr. DeManche reads through a list of proposed projects, including improvements and fixes to the Town Hall, Council on Aging, the Village Bandstand, Fire Station 1 and also addition of LED street lights. There are no further questions on this.

Submitted articles will be discussed at a later date. At 8:40pm, motion (Pacheco/Grunwald) to adjourn, passed unanimously.

Respectfully submitted,

Timm McIntosh,
Administrative Assistant

List of documents/exhibits used in this meeting, pursuant to M.G.L. c. 30A, § 22(a)

- Copy of fiscal year 2020 budget requests, in omnibus form and dated April 11, 2019, as prepared by Town Accountant Kimberley Kales
- Copy of draft Special and Annual Town Meeting warrants