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# TOWN OF FREETOWN BOARD OF SELECTMEN

#### MINUTES

Monday, July 15, 2019, 5:00pm Council on Aging – 227 Chace Road, East Freetown

**5:00 P.M.** Call to Order The meeting is called to order by Chairman Charles B. Sullivan. Selectman Lisa A. Pacheco & Selectman George L. Grunwald are also present. Also present: Town Administrator David DeManche and Timm McIntosh, Administrative Assistant. The meeting is being video recorded by FREECAM and by resident Mark Rosofsky.

## **Board of Selectmen** – Discussion and/or action on the following topics/items:

- 1. Citations from the office of Representative Carole Fiola for the Freetown Conservation Commission, Maria Ternullo of the Freetown Conservation Commission, and retired Highway Department employee Edward Walsh. This agenda item passed over due to scheduling conflicts.
- 2. Memorandum of Agreement with Public Employees Union, Local 1144, LIUNA (Clerical/Library Bargaining Unit).

This memorandum of agreement creates an Assistant Town Accountant position, with pay in line with other Assistant positions in the bargaining unit.

VOTE: Motion (Pacheco/Grunwald) to approve, passed two votes to one, with Selectman Pacheco opposed.

3. Right of First Refusal for Chapter 61 Certified Forestland on Dr. Braley Road from Cynthia A. Spencer Trust of 2007

The Board of Assessors, Conservation Commission and Planning Board have previously been consulted on this land, with no objections.

VOTE: Motion (Grunwald/Pacheco) to waive the right of first refusal, passed unanimously.

4. Request to "Go Gold" in September to promote awareness for childhood cancer.

This request will allow this group to place gold ribbons on Town property, to promote awareness for childhood cancer.

VOTE: Motion (Pacheco/Grunwald) to approve, passed unanimously.

5. Schedule of fees for Building Department.

Building Commissioner Jeffrey Chandler is present. Before continuing, Selectman Sullivan says he's had discussions with people who have very positive things to say about both Mr. Chandler and Mr. Macedo and the work they are doing. Mr. Chandler has looked over the schedule of fees for the department since he's begun, and has compared them to area communities and made some

recommendations for adjustments based on his findings. Selectman Sullivan notes most of the fees have not changed. He reads through the list of changes, pausing whenever the Board has questions or concerns for Mr. Chandler. The Board makes no changes to the list of recommendations provided by Mr. Chandler, Exhibit A.

VOTE: Motion (Pacheco/Sullivan) to approve, based on Mr. Chandler's recommendations, passed unanimously.

#### 6. Schedule of fees for Board of Health.

Board of Health Agent Derek Macedo is present, as is Transfer Station Attendant Victoria King. Mr. Macedo did a similar survey of area communities and has made recommendations as well. Selectman Sullivan follows the same procedure as he did with Mr. Chandler and the Building fees, starting with the fees that apply to the Transfer Station. See Exhibit B for a listing of Mr. Macedo's recommendations.

Ms. King has issues with the \$20 mattress and box spring disposal fees recommended by Mr. Macedo; she says other communities are \$35-40, and our haulers sometimes charge even more than that. Selectman Grunwald thinks we should be charging what it costs us; both Mr. Macedo and Ms. King think that nobody will pay that, and it would result in mattresses on the side of the road. Selectman Pacheco suggests \$20 for this year, then \$25 the following year. Selectman Sullivan says we previously had a grant; Mr. Macedo says we are not on a grant now, but thinks we could get one eventually. Ms. King notes that mattresses must meet a certain criteria on the grant, so sometimes we get charged anyway.

VOTE: Motion (Pacheco/Grunwald) to raise the fee for both mattresses and box springs to \$20 now and then \$25 starting in July 2020, passed unanimously.

Mr. Macedo has a recommendation for \$10 or \$20 for a truck load of brush, but also doesn't think that there should be a charge for someone that brings a small bag of clippings to dispose of. Selectman Sullivan asks if Ms. King can estimate a cost based on the size of a load, asking what she would charge for 5 neatly packed Home Depot bags; she says she can do that, and estimates \$5. Selectman Sullivan believes it should be left to operator discretion; Selectman Pacheco doesn't have a problem with that.

VOTE: Motion (Pacheco/Grunwald) to keep the \$10/\$20 recommendation and leave the discretion up to the Attendant on the exact fee for smaller loads, passed unanimously.

VOTE: Motion (Pacheco/Grunwald) to approve the other transfer station fees, passed unanimously.

Mr. Macedo asks for guidance on when to implement the prices; the Board suggests going into effect on September 1, with the new transfer station sticker price starting with the 2020 stickers. Selectman Sullivan continues onto the fees for Board of Health permits and inspections. The milk/cream permit is an antiquated permit that doesn't actually exist anymore; Mr. Macedo has

been rolled into the Food Establishment permit. Fees are being added for septic tank, D box and piping repairs, residential kitchens and farmers markets.

VOTE: Motion (Grunwald/Pacheco) to approve the new fee schedule for the Board of Health, passed unanimously.

Mr. Macedo says he forgot to include boat ramp fees; Selectman Sullivan suggests waiting on that, as that's a far larger topic.

## 7. Mailings to Town Residents.

This agenda item skipped initially, and returned to once the Board was joined by the Finance Committee.

Selectman Grunwald asked for this item because he thinks the taxpayers should know what is going on. At our last Annual Town Meeting, Selectman Grunwald estimates there were around 25 residents present, with the rest of the quorum town officials or employees, not tax payers. He laments that we used to have a newspaper in Town that would print what was going on, and Town Meetings would have over 500 voters, but that does not happen anymore. Flyers went out last year, and the halls were filled with voters. He thinks the Town does a terrible job of telling people what's going on; signs don't go up in Town, and most people don't see what is put up. Mailings should include what's going to be voted on, with opinions of the Selectmen and Finance Committee. He says what we do now is completely inadequate, with the notification phone call system offering no details and people not seeing the updates. He would like to see the Board do this in conjunction with the Finance Committee. Mr. McIntosh did some cursory research on mailings; the Town has 3,200 heads of households, which the USPS website says is around \$600 in postage. Selectman Grunwald says the notification system is \$4,000, so the mailings would be about the same cost. Selectman Pacheco asks who is in charge of the mailings; Selectman Grunwald says the two Boards. Selectman Pacheco asks who creates the mailings, who is responsible for the labor; Selectman Grunwald says he would volunteer, but that hasn't be explored yet. He doesn't think there is labor involved, we get everything to the printer and they do the work. Selectman Sullivan says the Council on Aging does a monthly newsletter, we can talk to them on their process. Selectman Sullivan suggests trialing it and see what works out. Selectman Grunwald doesn't think the entire warrant needs to be included.

Mr. Martin says the Finance Committee hasn't discussed this recently, but believes them to still be in favor of it. The Finance Committee will discuss this, the COA staff will be talked to, and this will be discussed again by both Boards at the next Board meeting. The Finance Committee departs.

### 8. Remote Participation

Selectman Sullivan says the open meeting law permits the ability to have remote participation in meetings. IT must be approved by the executive board for the whole town. He asks if the Board has any issues with this. Remote participation does not replace a quorum; a physical quorum must be

present. Selectman Grunwald thinks this is a good thing. Selectman Pacheco does not think she would attend a Selectmen's meeting from the hospital, but she understands the value; she believes the Town's voters voted us in to be present, and she wouldn't want to get away from that. Mr. DeManche reads sections of an FAQ from mass.gov, which says the Board can establish certain ground rules or criteria. Selectman Grunwald thinks that if you are still required to have a physical quorum, he doesn't see this as a big deal. Remote participants would be considered full participants in the meeting. He does not see a downside to this; Selectman Pacheco is unsure of any downsides, suggesting trying it for a year. She suggests Selectman Sullivan sits down with Mr. DeManche to come up with ground rules.

VOTE: Motion (Pacheco/Grunwald) to have the chair sit down with the Town Administrator to prepare some guidelines and come back at a later meeting, passed unanimously.

## 9. Minutes: July 1<sup>st</sup>

VOTE: Motion (Pacheco/Grunwald) to approve, passed unanimously.

### 10. Police Station Project Update

Selectman Pacheco says she was not able to attend the last construction team meeting, so she defers to Mr. DeManche. Mr. DeManche says an issue with the Department of Environmental Protection is being addressed, work is done today and should be resolved this week. Structural steel is starting to go up. Selectman Pacheco says we will be having a beam signing at some point, where anyone that wishes to sign can sign.

### 11. Town Administrator's Report

- The South Main Street Bridge work is completed and being finalized. There are a couple issues lingering. Mr. DeManche has spoken to MassDOT, and an inspection in October will determine a potential weight limit. The feeling is that a weight limit won't be imposed because of the current work; the expectation is that the bridge's rating will actually be raised from the last inspection. Per MGL Chapter 85, section 2, the town can set limits on truck traffic, but it appears that because it is a state road, our hands are tied. He says the Board can still do it, but then liability can be incurred on other roads, and the Town would be fully on the hook. Mr. DeManche has talked to the State on the tip list, which is a 5-year process, not 10 as previously thought. Mr. Souza was not too encouraging on that. Mr. DeManche knows that you can get placed on the list by an existing roadway project through SRPEDD, he will explore that.
- Finally, Mr. DeManche was notified that the Town did not receive the MassDevelopment technical assistance grant for the Freetown Screw project. This money would have been used for marketing and figure out what to do with the project. Mr. DeManche says this is a disappointing development. The meeting with the Acushnet Selectmen was put off a bit waiting for this, probably to sometime in August. Mr. DeManche will be talking to Tracey Costa, who has been on this project from the beginning. He reiterates the obligation to

recoup the previous grant money and the possibility of the Acushnet land being contaminated. This is a situation in flux.

## 12. Reserve Fund transfer request for Transfer Station

This agenda item initially skipped, and returned to once the Board was joined by the Finance Committee. Members of the Finance Committee present: Chairman Gary Martin, Vice Chairman Kent Wilkins, Huguette Lord, Katie Calheta and Craig Rosen.

This transfer request is for \$7,800, for unforeseen cost increases. Mr. Macedo says the costs keep going up, but he understands that he needs to do better with finding ways to save costs, whether it is more grants or other ways. He says he and Ms. King are always looking for new ways to save money, but recycling costs keep going up.

VOTE: Motion (Pacheco/Grunwald) to forward to the Finance Committee, passed unanimously.

**Personnel Board:** – Discussion and/or action on the following topics/items:

### 13. Hiring/Interview Process

Selectman Pacheco turns this item over to Mr. DeManche. Mr. DeManche says the attorney general's opinion has been laid out in a chart form. One option has a member of the Board of Selectmen and a committee of staff members as a Screening Committee; they forward finalists to the Board, who interview in open session; the Board then appoints. The second option is to have the Town Administrator form a committee with no Board members on it, they do the interviews and make a recommendation to the Board of Selectmen; the Board of Selectmen then appoints. Selectman Pacheco asks what Mr. DeManche's recommendation is. He says the second option would be easier and save time for the Board. This option allows for a quicker process and therefore a quicker turnaround. He understands that certain positions should still be brought to the Board, but the second option is his recommendation.

Selectman Grunwald says the major problem is that the Board wasn't doing the interviews, just the Personnel Chairman, which is problematic since that person changes annually. Mr. DeManche says that procedure has gone back before the current Personnel Chairman. He believes the standard committee would be himself, the human resources director and the department head. He says the Board can still choose to do the interviews after the recommendation. Selectman Sullivan reads a selection from the Town by-laws, which empowers the Town Administrator to appoint various positions. Selectman Sullivan says with the input of the by-laws and with the opinion of the attorney general's office, he thinks the Town Administrator should carry out the interviews. Motion made and seconded. Selectman Pacheco maintains that she believes we were going about the interviews correctly previously, but understands that it is "political suicide" to do this by herself. She believes the panel set up the Board utilized to hire the Town Administrator, Building Inspector and Health Agent brought more people into the fold. She does not want to get into an argument on

this but wants this stated for the record. She says previously the Personnel Board Chair and the Town Administrator conducted interviews of whoever they both felt should get one, and a recommendation was sent to the Board of Selectmen. She would like to reiterate that this is done in Executive Session.

VOTE: Motion (Sullivan/Grunwald) we follow the guidelines put forward by the town by-law, that the Town Administrator perform the interview process and makes recommendations to the Board of Selectmen for other than those positions which are explicitly laid out in the first section of the by-law. Motion carries two votes to none, with Selectman Pacheco opposed.

## 14. Appointments:

 Michael R. Dagenais, Douglas R. Mongeon and Adam Salinaro as Auxiliary Police Officer, effective July 15, 2019

VOTE: Motion (Sullivan/Grunwald) to appoint, passed unanimously.

Kobey Imbert as signal operator trainee, effective July 15, 2019

VOTE: Motion (Sullivan/Grunwald) to appoint, passed unanimously.

Jessica Thomas to Health Insurance Advisory Committee, effective July 1, 2019

VOTE: Motion (Sullivan/Grunwald) to appoint, passed unanimously.

# **Upcoming Meeting Schedule:**

• Dates for upcoming Board of Selectmen Meetings: Monday, August 5<sup>th</sup>; Monday, August 19<sup>th</sup>; Tuesday, September 3<sup>rd</sup>; Monday, September 16<sup>th</sup>

## **Public Comment**

Gary Mendes, 178 Chace Road, has questions about why the S. Main St. Bridge is the Town's responsibility when it is a state road. Mark Rosofsky, 115 Chace Road, suggests a dollar threshold triggering mailings for Town Meetings.

### **Executive Session:**

At 6:22pm, motion (Pacheco/Grunwald) to enter into executive session, under the following exemption, and not return to open session following. Roll Call Chairman Charles B. Sullivan, Selectman Lisa A. Pacheco, Selectman George L. Grunwald; all voted in the affirmative when polled.

15. 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 – Excel Recycling, LLC vs. Town of Freetown

As Selectman Sullivan has recused himself from all matters involving Excel Recycling, he departs the meeting.

At 6:29pm, motion (Pacheco/Grunwald) to adjourn. Roll Call Selectman Lisa A. Pacheco, Selectman George L. Grunwald; all voted in the affirmative when polled.

Respectfully submitted,

Jimm Uffeld

Timm McIntosh

Administrative Assistant

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

- E-Mail correspondence between T. McIntosh, M. McCue and A. Dacosta re: Recognition/Citations for M. Ternullo, Conservation Commission & E. Walsh
- Letter from Cynthia A. Spencer Trust of 2007 re: Notice of Intention to Convert Use and Removal of Property from Massachusetts General Laws Chapter 61A Classification, dated June 20, 2019
- Letter from D. Berio re: Go Gold in September request
- Proposed Building Department fee schedule (marked "Exhibit A" in these minutes)
- Proposed Board of Health departmental fee schedule (marked "Exhibit B" in these minutes)
- Excerpt from Open Meeting Law Frequently Asked Questions from mass.gov re: remote participation
- Excerpt from 940 CMR: Office of the Attorney General re: remote participation
- Draft minutes of meeting of Board of Selectmen on July 1, 2019
- Draft Request for Transfer from the Reserve Fund for Transfer Station
- "Preliminary Screening Committee Options" chart, prepared by T. McIntosh
- E-mail from Executive Assistant A. Golz re: Attorney General's office recommendation re: interviews
- Letter from Chief of Police C. Abbott, Jr. re: appointment of M. Dagenais, D. Mongeon & A. Salinaro, dated July 8, 2019
- Letter from Chief of Police C. Abbott, Jr. re: appointment of K. Imbert, dated July 9, 2019
- Draft Certificate of Appointment for M. Dagenais, D. Mongeon, A. Salinaro, K. Imbert & J. Thomas

			RESIDE	NTIAL			
	BERKLEY	MIDDLEBORO	LAKEVILLE	NEW BEDFORD	ROCHESTER	FREETOWN	PROPOSED
NEW CONSTRUCTION	.50sf	N/A	.40sf	.25sf 150min	.35sf 300min	.35sf	.40sf
Occupancy	60	40	50	100	75	50	same
Additions	.35sf	40min	.40sf	.25sf 150min	.35sf 125min	.35sf 100mln	.40sf
Garages/car port	.35sf	40min	.40sf	.18sf/.12sf 75min	.30sf 60min	.25sf/NA	.30sf
Foundation only	80	N/A	200	100	150	100	same
Decks/Porches	.35sf 45mln	40	.40sf	75	.30sf 75min	.30sf 75 min	same
Chimney	75	40	50	50	75	50	same
3 Season	.35sf 100min	100	.40sf	100	.35sf 125min	.35sf 100min	same
In-ground pool	125	40	75	50	100	75	same
above-ground pool	60	40	50	30	60	40	same
Demolition	50	40	50	100	75	100	same
Roof/Siding	45 each	40 each	50 each	25 each	40 each	50 each	same
Doors/Windows	45 each	40 each	50 each	25 each	50 each	50 each	same
Renovation	N/A	40	40/room	100	.30sf 75min	50/room	.40sf 50min
Insulation				30			50
Wood Stove		40	50		75	50	same
Accessory Apartments	75						.40sf
Accessory Structure	.40sf			.15sf 50min	.25sf 60min		.30sf
Temp Trailer	50		50		75	75	same
Fence over 7'	30			30		25	35
Sheet Metal	50	40	50		75		50
Moving Building	50				65		50
Retaining Wall	10/100						50
Solar	70		50		50 +2each		0.40/KW
Trench	40	20	50		50	50	same
Zoning Review			50			50	same
Re-inspection	40	40	50			50	same
Work w/o Permit	100	double	double		200	double	same
Tents			50	25	40	50	same
Basements			.45sf				.40sf
Signs	40	40	50		50	75	50 *

			COMME	RCIAL			
	BERKLEY	MIDDLEBORO	LAKEVILLE	NEW BEDFORD	ROCHESTER	FREETOWN	PROPOSED
New & Remodel	20 per 1000/150min	12 per 1000/100mln	15 per 1000/500min; min 1000 >200sf	.45sf/300min	.40sf/500min	.40sf/500mln	same
Temp Trailer	100		50		100	75	same
Towers	13 per ft/525mln		200			150; each Dish 1000	same
Antenna	325 per unit		200			11	same
Temp Tent	75		50		75	50	100
Demolition	100	50 per 10,000	100		150	100	same
Occupancy	200	50	500 <200sf; 1000 >200sf	200		50	100
Machanical	100	50				50	same
HVAC	100	50				50	same
Fence	100					25	50 *
Solar	650/mw			300	125/carrier; 800min	150 Dish; 1000min	same
Roof	100	100	100	100		.40sf/500min	200
Siding	100	100	100	75		.40sf/500min	200
Windows	100	100	100	100		.40sf/500min	200
Door	100	100	100	100		.40sf/500min	200
Trench	40		50		75	50	same
Vin Fee	50/inspection		100			50	same
Sign		50	50	75	125	75	same
ost card			100			50	same
change of use				75		N/A	50
Fire Alarms				60		N/A	50
oundation				200	200	100 R	200
Generator				100		N/A	50
Sprinkler				300		N/A	75

EXHIBIT B - PROPOSED BOARD OF HEALTH DEPARTMENTAL FEE SCHEDULE

	CURRENT	Lakeville	Berkley	Middleboro	Dighton	Proposed
Sicker	15	50	40	25	15	30
2nd sticker	10	10	10	0	NA	10
Day Pass (1 Day ONLY)	NA	NA	NA	NA	NA	15
Tire/truck	3-10	5-25	5-10	7-17	5-15	5-15
Mattresses	15	30	20	15	15	20
Box Springs	15	30	20	15	15	20
Chair	15	10	5	5	10	15
Couch	20	20	10	16-20	10	20
Table	10	0	5	0	10	10
Comp. Monitors	15	15	10	15	10	15
TV under 30"	15	15	10	15	?	15
TV 30"-40"	20	20	15	30	?	25
TV 40" +	25	25	15	40	?	30
Rug 10X10	15	15	5	15	?	15
Rug 12X12	20	?	10	15	?	20
Propane Tanks	5	5-20	10	5	10	10
Microwave	10	0	10	?	10	10
Fridge	15	15	15	16	15	15
Dehumidifier	10	10	10	?	?	10
Stove, wash/dry, dishwasher	15	10	5	16	NA	20
A/C	15	15	10	20	15	15
Vehicle Batteries	5	5	10	5	NA	10
1/2 Truck	50	20	20	?	50	75
Full Truck	75	100	30	?	75	100
Shingles 1/2	90	25/Sq	30	NA	NA	90
Shingles Full	125	25/Sq	60	NA	NA	125
Minimum	10	5	10	?	NA	10
Cardboard	0	0	0	0	0	0
Tin Cans	0	0	0	0	0	0
Brush Pile	0	5-10	10-20	0	0	10-20
Water Heater	0	10	?	?	15	10

SEPTIC	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Septic Plan Review (New)	50	100	100	100	75	100
Septic Plan Review (Repair)	50	100	100	100	25	100
Septic Permit (New)	200	150	200	200	300	200
Septic Permit (Repair)	125	100	200	100	300	200
Repair Tank Only	0	100	0	0	150	100
Repair D Box Only	0	0	0	50	75	75
Repair Piping Only	0	0	0	0	50	50
Certificate of Compliance	10	10	10	10	10	10
Re-Inspection Fee	50	75	50	50	50	50
Perc Test	300/225	200/100	450/225	300/150	150/50	300/250
Additional Hole	50	0	75	50	50	50
Title 5 Review	50	50	50	50	50	50
Well Permit	150	100	?	150	200	150
Installers License	200	125	200/150	200	150/100	200
Pump Transport	200	250	200	200	300	200
Trash Hauler	200	250	200	200	200-400	200
FOOD	Current	Fairhaven	Middleboro			Proposed
Milk/Cream	10	0	10	0	0	0
Food Establishment	150	150	100	150	200-400	175
Bakery	50	100	0	50	0	75
Retail Food	100	150	25-300	100	100+	100
Mobile Food/Catering	75	150	200	50	150	125
Residential Kitchen	0	100	75	50	150	125
Temp Food Event	10/day	50	25/5	15/day	25-75/day	30/10
Farmers Market	0	50	0	25	0	25
TOBACCO	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Annual Permit	25	250	?	75	30	75
TATTOO	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Facility	150		200	100	200	150
Practitioner	50		100	50	100	100
Apprentice	0		50	50	50	50
POOLS	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Annual Pool Permit	75	150	100	100	100	100
TANNING	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Facility	75	100	25/booth	50	100	100
CAMP	Current		Middleboro		Lakeville	Proposed
Camp License	150	100	300	50	10	150
FARM	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Piggery	125	0	0	0	200	150
HEALTH	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Massage Establishment	100	0	0	0	100	100
Muscular Therapy	100	0	0	0	100	100
MISC	Current	Fairhaven	Middleboro	Acushnet	Lakeville	Proposed
Outdoor Wood Burner	50	0	0	0	0	50