



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

Monday, August 19, 2019, 5:00pm

Council on Aging (Lower Level) – 227 Chace Road, East Freetown

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FREETOWN TOWN CLERK

2019 SEP 18 PM 2:48

J. G. Brown

5:00 P.M. Call to Order The meeting is called to order by Chairman Charles B. Sullivan at 5:00pm. Present: Selectman Lisa A. Pacheco, Selectman George L. Grunwald. Administrative Assistant Timm McIntosh is also present; Town Administrator David DeManche is not present. The meeting is being recorded by FREECAM and by Mark Rosofsky, 115 Chace Rd.

5:00 P.M. Discussion and/or action with Finance Committee regarding mailings to town residents.

The Board is joined by Finance Committee Chairman Gary Martin, vice chairman Kent Wilkins and members Huguette Lord and Katie Calheta.

Selectman Pacheco says we need to decide what we are mailing: a postcard, a one-sheet or the warrant. Selectman Grunwald says the intent is to notify the residents of the meeting and note any unusual items, that simple housekeeping articles may not need to be included. Selectman Pacheco says any content needs to be reviewed by Town Counsel to make sure everything is based in facts, to guard against scripting votes. Gary Mendes, 171 Chace Road, says the articles should go on the mailer just as they appear on the website. Selectman Sullivan's understanding was that this was going to be a newsletter, not a collection of viewpoints, just the facts. He asks if we want to come to an agreement on the length of a mailing for the October Town Meeting. Selectman Grunwald thinks we can restrict it to one page. Selectman Pacheco asks who will be responsible for the workload. Selectman Grunwald asks if this is beyond Mr. McIntosh's workload; Mr. McIntosh says he will do as he's directed. Motion made and seconded with discussion. Selectman Pacheco wants to make sure this works, that it's doable. She says we do it this time, but if the cost proves outrageous and it takes up two weeks out of the norm in the office, that we re-address it. Selectman Pacheco adds that to the motion.

VOTE: Motion (Grunwald/Pacheco) to do a 1-page informational letter, to be re-addressed after the October Special Town Meeting if the cost proves outrageous and it take up too much of the office's time, passed unanimously.

Mr. Martin asks what the next steps are. Selectman Pacheco says we should wait for the full warrant to be produced and then we can proceed from there. Articles will be reviewed at the Board's second meeting in September.

5:15 P.M. Board of Selectmen – Discussion and/or action on the following topics/items:

1. Awarding of bid for Fiscal Year 2020 through Fiscal Year 2022 Revaluation Program to pkValuationGroup. This was the only bid received and would continue the Town's relationship with pkValuationGroup and Paul Kapinos.

VOTE: Motion (Pacheco/Grunwald) to award the bid and sign the contract, passed unanimously.

2. Contracts:

- Amendment No. 2 to the Engineering Service Agreement with Greenman Pederson, Inc. for South Main Street Bridge
- Amendment No. 2 to the Engineering Service Agreement with Greenman Pederson, Inc. for Locust Street Bridge

James Noyes of Greenman Pederson, Inc. (GPI) is present. Mr. Noyes gives a background on these two amendments. The work on the Locust Street work is from last August. He was going to invoice them together but then realized they were different contracts, so he's waited until all the work was completed. The additional Locust Street work was due to issues with the deck, which had to be re-paved, work that Aetna did on their dime. The South Main Street Bridge work has previously been discussed; this is GPI's portion of the extra work. He distributes a spreadsheet that illustrates the cost changes between the two amendments to each bridge contract; amendment one reduced the contracts by a total of \$5,600 while amendment two increased them by \$13,931.86, for total change of \$8,331.86 between the two contracts.

While he is before the Board, Mr. Noyes gives an update on the status of Aetna's remaining change orders. Mr. Noyes is expecting to see a decrease of at least \$10,000, due to staffing that was previously allotted not being used. He expects to have the final numbers in a couple weeks.

Selectman Pacheco asks how much of this extra work was due to the delay; Mr. Noyes says pretty much all of it, that he would think the final cost would have been around the Amendment 1 figure. Selectman Grunwald asks if the land not being secured caused an increase; Mr. Noyes says he would say yes, noting that there were quite a few problems from what the Town initially told bidders. Selectman Grunwald asks for a number; Mr. Noyes estimates that the two Aetna change orders represent that number, around \$175,000, plus around \$10,000 for GPI. Selectman Pacheco says we really don't have a choice in this matter.

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

As soon as Aetna gets the final numbers in, Mr. Noyes will be back before the Board. He also says that Kim Armstrong, who previously appeared before the Board, has spoken to Mr. DeManche about load bearing, which needs to come from to Town to Mass DOT. Mr. Noyes departs. Selectman Pacheco asks to talk about this at the Board's next meeting.

Selectman Grunwald asks why Aetna could not get proper access to the site; Selectman Sullivan says it is his understanding that Aetna did not secure the proper permissions from property owners in a timely fashion, that the interests of the property owners and Aetna did not line up. He says we will have to see where we go with Aetna after this.

- pkValuationGroup for FY20-FY22 Revaluation Program. This item acted on in agenda #1.
- 3. Chapter 90 Final Reports for High Street, Copicut Road and Friend Street. Forms from the Highway Surveyor are before the Board, which will be submitted to DOT.

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

- 4. Remote Participation. Selectman Sullivan says this was developed by Mr. DeManche and would limit the use of remote participation to four meetings per year, except in extreme hardships.

VOTE: Motion (Pacheco/Grunwald) to approve for one year and review at that point, passed unanimously.

- 5. Board of Selectmen Investigation. This is in regard to a letter from Mr. Mendes, which described adverse working conditions in Town Hall. The Board has before them a response from Town Counsel Mark Reich (this response is attached to these minutes, marked as "exhibit A"). Selectman Pacheco has no comments. Selectman Sullivan says it is Atty. Reich's advice to send a letter to all employees asking them to give us input on any working conditions, that the Board needs to vote to send that letter. Selectman Grunwald asks if this will go to all departments; Selectman Sullivan says all departments, and we would be seeking general input that we can act on. Selectman Pacheco asks if this was arbitrary; Selectman Sullivan says the letter lacked specifics. Mr. Mendes says he will meet with anyone in private, that he thinks people will feel awkward to be talking to a Town employee about this and it should be kept anonymous. Selectman Sullivan says it cannot be anonymous; Mr. Mendes says he did not submit it anonymously, that he thinks people will fear repercussions. Selectman Grunwald would like to see the letter that goes to employees before it is sent.

VOTE: Motion (Grunwald/Pacheco) that the letter that goes to employees be written by the Town Administrator and then approved by this Board, passed unanimously.

- 6. Minutes: August 5th, 2019. Selectman Sullivan says, as a follow-up to a discussion at this meeting, he's sent a letter to Mr. & Mrs. Conway informing them that he's spoken to the Chief of Police about a speed study for North Main Street. Steve Tripp, 4 Alexandra Drive, provides the Board with a piece of metal and asks South Main Street to be included.

VOTE: Motion (Pacheco/Grunwald) to approve the minutes of Monday, August 5th, passed unanimously.

7. Police Station Update. Selectman Pacheco notes that you can see the major accomplishments just by driving by now. She urges anyone to talk to anyone working on the project, they have an open-door policy. Some major issues with DEP are now cleared up and we are good to go.
8. North Main Street Noise/Traffic Issue. This item was spoken of in agenda item #6.

Board of Health

9. Cash options at Transfer Station. Health Agent Derek Macedo is present. Selectman Sullivan says Selectman Grunwald has spoken of this in the past. Mr. Macedo says we've had discussions about going either cashless or cashless & checkless; Mr. Macedo doesn't think checkless is wise, but he has no problems with going cashless. Selectman Grunwald asks what objections are to going checkless; Mr. Macedo doesn't think that's fair. Selectman Sullivan notes they currently take cash and checks. Selectman Pacheco asks if there's been a problem with cash; Mr. Macedo says no. Selectman Grunwald says we don't know if there's been a problem, as we have no way of really tracing that. Mr. Macedo says the slips always match up. It is noted that some departments in Town Hall are completely cashless. Susan Reilly, 10 Martin Drive, says there are handicapped and elderly concerns with going cashless and checkless; Selectman Pacheco understands this concern.

Selectman Pacheco asks if the slips are numbered; Mr. Macedo says they are. Selectman Pacheco says you can verify missing slips using the numbers. Selectman Grunwald asks what happens if there's no slip given; Mr. Macedo says you should always get a receipt. Selectman Grunwald doesn't think cash is a good idea as a rule; Mr. Macedo says he has no opinion beyond cards only being a bad idea. Selectman Pacheco asks for a breakdown between cash and check; Mr. Macedo guesses 80/20 in favor of cash, but since we don't take cards currently, there's no way to determine how much of that would go to cards. Selectman Sullivan asks Mr. Macedo to take a look at how other communities do for payment. Mr. Macedo says he has mentioned this idea to customers this weekend and most people seemed fine with it, but he anticipates pushback. Mr. Rosofsky has concerns about credit card fees, which Mr. Macedo says would be borne on the patrons, not the Town. Mr. Mendes suggests a license scanning system installed the forces receipts. Ms. Reilly says the Town has been running fine for many years, we don't need changes. Selectman Sullivan says this is still an idea phase, the Board isn't deciding anything tonight and this needs more study

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

10. Appointments/Re-Appointments:
 - Timothy Dacey as Sexton, effective August 20, 2019. Mike McCue, chairman of the Cemetery Commission, is present. He says the Cemetery Commission has made their recommendation to

the Board. Selectman Grunwald asks what a sexton is; Mr. McCue says it is essentially a laborer position.

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

- George Grunwald to Building Committee, effective August 15, 2019

VOTE: Motion (Sullivan/Pacheco) to appoint Mr. Grunwald, passed two votes to none with Selectman Grunwald abstaining.

11. Resignation:

- Matthew Deneault as Truck Driver, effective August 5, 2019

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

Public Comment

There was no further public comment.

Executive Session:

At 5:52pm, motion (Pacheco/Grunwald) to enter into executive session, under the following exemptions, not to 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.

- 12. 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
- 13. M.G.L. c.30A, Sec. 21(a)(3) - to discuss strategy with respect to collective bargaining with the Public Employees Union, Local 1144 LIUNA (Highway Union) because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

The Board did not discuss topic #12.

At 6:16pm, motion (Pacheco/Grunwald) to adjourn. Roll Call Chairman Charles B. Sullivan, Selectman Lisa A. Pacheco, Selectman George L. Grunwald; all voted in the affirmative when polled.

Respectfully submitted,



Timm McIntosh,
Administrative Assistant

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

- Draft agreement between the Town of Freetown and Paul S. Kapinos & Associates, Inc. dba pkValuationGroup for a Fiscal 2020 through Fiscal 2022 Revaluation Program, signed by the Board of Assessors
- Letter from J. Noyes of Greenman – Pederson, Inc. re: South Main Street and Locust Street GPI Contract, dated June 18, 2019
- Draft Amendment No. 2 to Engineering Service Agreement for Rehabilitation of Bridge F-09-004 Locust Street Over Assonet River with Greenman-Pederson, Inc.
- Draft Amendment No. 2 to Engineering Service Agreement for Rehabilitation of Bridge F-09-002 South Main Street (State Route 79) Over Assonet River with Greenman-Pederson, Inc.
- Draft Chapter 90 Final Report for High Street resurfacing project, signed by the Highway Surveyor and Town Accountant
- Draft Chapter 90 Final Report for Copicut Road resurfacing project, signed by the Highway Surveyor and Town Accountant
- Draft Chapter 90 Final Report for Friend Street resurfacing project, signed by the Highway Surveyor and Town Accountant
- Draft Remote Participation Policy for the Town of Freetown, with selections highlighted for discussion purposes
- E-Mail Correspondence between A. Golz, T. McIntosh, D. DeManche and Town Counsel re: Investigation Request for Guidance, dated July 15, 2019 (attached to these minutes as “Exhibit A”)
- Draft Minutes from meeting of the Board of Selectmen on August 5, 2019
- Copy of letter to J. & J. Conway from Selectman Sullivan re: N. Main Street truck traffic and noise
- Letter from Freetown Cemetery Commission re: appointment of T. Dacey, dated August 13, 2019
- E-mail of resignation from M. Deneault to A. Golz, dated August 15, 2019
- Draft Certificate of Appointment for T. Dacey and G. Grunwald

Timm McIntosh

From: Ali Golz
Sent: Tuesday, July 16, 2019 8:17 AM
To: Timm McIntosh
Subject: FW: Investigation Request for Guidance

Ali Golz
Executive Assistant/HR Director
Board of Selectmen
Town of Freetown
508-644-2202 Ext 1
Fax#508-644-3342

From: Mark R. Relch
Sent: Monday, July 15, 2019 2:58 PM
To: David DeManche
Cc: Ali Golz
Subject: RE: Investigation Request for Guidance

David –

I have reviewed the below message as well as the letter from Mr. Mendes. While I note that both the discussion at the Board meeting as well as Mr. Mendes' letter reference actions of a particular selectman, no information is given to identify an individual or what specifics actions are at issue. The letter from Mr. Mendes generally references intimidation causing a chaotic workplace but does not give any specific examples. In speaking with you, you indicated that you have not received any complaints from employees and have not observed a "chaotic workplace".

Based upon the lack of specificity in this letter, and the lack of complaints from employees who would be impacted by the alleged behavior, I am not inclined to recommend an investigation which would be time consuming and disruptive. I understand that a suggestion was made that the matter be referred to the "labor board" or the Attorney General. Since this is not an employee complaint, and since it involves internal matters without any specifics, I do not believe an outside state agency would undertake a review. There simply is not anything in the complaint letter which would form an appropriate basis for an investigation, in my opinion.

Since there is a reference to intimidation, it may be appropriate to communicate with employees to assure them of the ability for them to come forward if they have any complaints or concerns. You may wish to sending an e-mail notice to the employees providing such assurance. The e-mail may include the following language:

The Board of Selectmen recently received a copy of a letter in which the author asserted, among other things, that Town employees have indicated they have been subjected to intimidation, resulting in a chaotic workplace. This is a matter that both I and the Town take very seriously. If any employee feels that they are the subject of intimidation in their office, I would urge them to provide the Town's Personnel Director, Ali Golz, with whatever information they can regarding this concern so that a full and prompt investigation of the matter can be conducted and appropriate action can be taken. If you wish, this information can be provided via e-mail or some other written form, or you may meet directly with Ms. Golz.

Again, I want to emphasize that I and the Town take such allegations very seriously and we intend to make every effort to ensure that we foster a comfortable environment for all employees.

Please feel free to contact me if you have any questions.

Thank you.

This e-mail to employees may serve to address concerns regarding the matters raised in Mr. Mendes' letter. Again, given the language of the letter itself, I would not recommend a full-scale investigation since there is no indication of the specific issue being investigated.

Please contact me with any further questions.

Thank you.

Mark

Mark R. Reich, Esq.

KP | LAW

101 Arch Street, 12th Floor
Boston, MA 02110

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