



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

Tuesday, September 3, 2019, 5:00pm

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

RECEIVED
FREETOWN TOWN CLERK

2019 SEP 18 PM 2:48

J. Brown

5:00 P.M. Call to Order The meeting is called to order at 5:00pm by Chairman Charles B. Sullivan. Selectman Lisa A. Pacheco and Selectman George L. Grunwald are present. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh are also present. The meeting is being recorded by FREECAM and by resident Mark Rosofsky, 115 Chace Road.

Board of Selectmen:

1. Policy for Community Room at New Police Station. Selectman Sullivan says that Mr. McIntosh and Executive Assistant Ali Golz have put together a list of questions for the Board to answer with this policy. Selectman Pacheco suggests limiting the room to in-house uses for the first year, to see how it works. The Board agrees that emergency management and police and fire trainings should have precedence. Selectman Pacheco suggests the Board and the Police & Fire Chiefs answer the questions provided separately and have the Town Administrator develop a policy for a future meeting. Mr. DeManche says he has experience in this before, and he will use that as a steppingstone.
2. Scope of Department of Public Works Feasibility Study. Mr. DeManche previously sent out some initial thoughts and is seeking feedback. Selectman Grunwald asks Mr. DeManche to come up with a scope for the Board to vote on; Mr. DeManche says that is before the Board tonight. Selectman Sullivan would like to see engineering and the costs of in-house engineering added to Mr. DeManche's list, in addition to peer review of the Planning Board and Conservation Commission; he wonders if there could be some savings to the town and petitioners if that can all be handled in-house. Selectman Pacheco would like to see an organization chart and what impacts on Boards, Committees and contracts would be. She would want the study to tell if a DPW would be sustainable or not. She would like to see a recent study Marion conducted for their DPW; Selectman Grunwald would like to see that as well. Mr. DeManche will get that to the Board.
3. Chapter 90 Final Reports for Miller Curber purchase, resurfacing of Braley Road, resurfacing of Bryant Street and engineering for Nottingham Way project. Mike McCue, Senior Clerk for the Highway Department is present. Selectman Sullivan notes there were some cost over-runs on these projects, asking if they would still be covered by Chapter 90. Mr. McCue says as long as you don't go over the total Chapter 90 allotment, you can go over each project by 5%. He says there is around \$38,000 in the Chapter 90 funds not allocated to avoid that issue.

VOTE: Motion (Pacheco/Grunwald) to approve in the amounts of \$8,800 for the miller curber, \$225,182.33 for resurfacing of Braley Road, \$32,395.81 for resurfacing Bryant Street and \$3,569.96 for Nottingham Way engineering, passed unanimously.

4. Mowing at ballfields leased to Freetown Lakeville Athletic Association. It has come to the Board's attention that due to the lack of manpower available in the Highway Department, mowing the fields this fall will be an issue. The lease agreement allows for the Board to notify the tenant that the Association is responsible for the mowing and disposing of clippings with notice. Selectman Pacheco says this came up in her last meeting with the Highway guys, they said they are completely overwhelmed. She says she's been approached by parties willing to help with the Rezendes ballfields in Assonet, and they will be before the Board in the coming weeks, but that's it's a hardship right now. Selectman Sullivan agrees. Selectman Grunwald doesn't understand the hardship, asking why it is a manpower issue all of a sudden. Selectman Sullivan says due to a number of reasons, the department is currently a crew of two, though that number will be increasing shortly. Selectman Grunwald thinks we should be looking into temporary employees, that it is a major issue if we can't do simple tasks. Selectman Sullivan suggests one more round of mowing, Selectman Pacheco says we can ask them if that'd be an issue.

VOTE: Motion (Pacheco/Sullivan) to send the Freetown Lakeville Athletic Association a letter saying we are unable to mow the grass at this time and any help they can give the Town would be greatly appreciated. Motion carries two votes to none, with Selectman Grunwald abstaining.

5. Snow Plowing Contract Rates for 2019/2020 Snow Season. The Highway Surveyor has sent a letter requesting to increase the snowplow rates for the upcoming season. Selectman Sullivan reads through the recommendations: 8-ft plow from \$69/hr to \$75/hr; 9-ft plow from \$73/hr to \$80/hr; 10-ft plow from \$95/hr to \$100/hr; front end-loader with 3 c.y. bucket from \$125/hr to \$150/hr. Selectman Grunwald asks if these are adjusted for inflation; the figures use the CPI inflation calculator provided by the Bureau of Labor Statistics. Selectman Pacheco would like to see a comparison to other towns before making a decision. Motion made and seconded with discussion. Mr. McCue notes we are already a week behind on this, suggesting a decision be made tonight. Mr. Rosofsky notes we currently have a manpower issue, making these contractors all the more important. Selectman Pacheco suggests adding a meeting for this. Selectman Grunwald repeats his desire for temporary employees. He also thinks town employees should take their time off in the summer, not the winter. Selectman Sullivan says that is a negotiation topic. Gary Mendes, 171 Chace Road, says he would never miss a storm if he was a snowplow driver. Mr. Rosofsky says it is on the Personnel Board for not hiring enough workers and agrees that something should be added to the employment contract. The Board will meet first thing on September 10th to vote on this.

VOTE: Motion (Pacheco/Grunwald) to look at other town's plow rates before approving these, passed unanimously.

6. Proposed Noise By-Law. Selectman Sullivan brought this article up a couple years ago in response to the large house party. He says the Police Department couldn't enforce anything, as the by-laws didn't have a definition for disturbing the peace or anything like that. He would like to include this on the warrant is looking for feedback. The Board has no feedback. Mr. Mendes would like to see this on the warrant but wants to make sure the work on the article was done first. Selectman Sullivan says the work has been done. Steve Tripp, 4 Alexandra Drive, would like a copy of the proposed article; Selectman Sullivan says he can have a copy when it's on the warrant.

VOTE: Motion (Pacheco/Grunwald) to forward this to be included on the warrant, passed unanimously.

7. Board of Selectmen Investigation. This letter instructs employees to speak to Mrs. Golz if they feel they have been subjected to any measure of intimidation. Selectman Grunwald says he hasn't seen this letter previously, the one he saw before was more about physical safety; he thinks this letter is much better than that one.

VOTE: Motion (Pacheco/Grunwald) to send out the letter, passed unanimously.

8. Traffic Control at Assonet Four Corners. Chief of Police Carlton Abbott has written a letter, recommending a traffic study for the Four Corners. Motion made and seconded with discussion. Selectman Sullivan notes that route 79 is not a state highway; it's a state designated road. Chief Abbott joins the Board in the middle of this discussion to provide background. He says this letter arose from volume of traffic and pedestrian concerns, saying that SRPEDD would be a good resource. His data shows only 9 accidents in the intersection since January 1, 2015, but says anecdotal evidence speaks volumes to this. The last traffic study conducted by the Department of Transportation showed around 9,000 vehicles a day at a point slightly south of the Four Corners.

VOTE: Motion (Grunwald/Pacheco) to do this study, as it is long overdue, passed unanimously.

9. Police Station Update. Selectman Pacheco notes you can see the progress every time you drive by. The colors for the station have been updated, and the interior and the tower comes next. Selectman Sullivan asks if we've signed an agreement on a tower yet; Chief Abbott says not yet, as the proposal that came in needs further clarification.

Board of Health

10. Staffing at Transfer Station. Health Agent Derek Macedo is present. Selectman Grunwald says he's spoken to Mr. Macedo about hiring temporary employees to avoid what's been happening in recent weeks. He thinks finding 1-3 people to work on an on-call basis would work. Mr.

Macedo thinks we wouldn't need more than one; Selectman Grunwald says you'd need multiple as some may not be available to come in, you'd need another backup. He says these employees would all be trained properly. Mr. Macedo says maybe his boat ramp employees would be interested, but he isn't sure. Selectman Grunwald suggests putting this in the Council on Aging newsletter. Mr. DeManche says there would be Union/collective bargaining issues. Susan Reilly, 10 Martin Drive, agrees, as this is a union workplace. Selectman Grunwald doesn't think utilizing senior work-off participants is proper. Mr. DeManche speaks to using a temp agency; Selectman Grunwald says that would not work, as you don't know who you would get. Mr. Macedo thinks we should start with the Union and see what hurdles there are.

Selectman Pacheco sees both sides; she understands the inconvenience when the Transfer Station is closed but says it would be a massive undertaking to keep people trained. Selectman Pacheco suggest adding a second part-timer in the next budget cycle, with the hours and work spread out however Mr. Macedo sees fit. Selectman Sullivan says this is precisely the type of thing to include in the DPW study. Mr. Macedo thinks adding someone additionally could make sense. This would need to wait until the next fiscal year. Selectman Grunwald asks what to do in the meantime; Mr. Macedo says he'd have to continue covering when he can, but he believes the Attendant will be back to work tomorrow. Selectman Pacheco asks Mr. Macedo to look at the budget and see what options we have in the short-term.

Personnel Board:

11. Town Administrator Performance Review Criteria. This agenda item was asked for by Selectman Sullivan. He would like to work towards a review for the Town Administrator. He thinks no more than 10 criteria, hopefully less. He would like the Board to think this over. Selectman Pacheco says there were two templates used in the past that she will try to dig up. Selectman Sullivan says he's gone through the current form and has a few changes in mind. Selectman Pacheco suggests a working meeting to hash this out.
12. Rates of pay for Cemetery Sexton, Zoning Board of Appeals Clerk and Police Sub-Committee Recordings Clerk. Mr. DeManche explains that the Board needs to set rates for recently hired employees. The Cemetery Sexton was advertised at state minimum wage. The Zoning Board of Appeals has \$1,900 in the budget, we can pay that person monthly or pay them per meeting at \$125/meeting; Police Sub-Committee is the same. Those are Mr. DeManche's recommendations. Selectman Sullivan thinks a stipend is a better option for the ZBA clerk and agrees with \$125/meeting for both. Mr. McCue, who is chairman of the Cemetery Commission, says the Sexton would stop working at Columbus Day, picking up again at Memorial Day; Selectman Sullivan would like to re-examine the Sexton rate before Memorial Day.

VOTE: Motion (Sullivan/Grunwald) to set the rate for the Cemetery Sexton at state minimum wage through Columbus Day and a stipend of \$125/meeting for the

clerk for the Zoning Board of Appeals and the Police Sub-Committee, passed unanimously.

13. Appointments/Re-Appointments:

- Charles Sullivan as representative to Southeastern Regional Transit Authority, effective September 4, 2019

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

- Edward Walsh as Temporary Highway Worker, effective September 4, 2019. The Board must decide a pay rate for Mr. Walsh. Selectman Sullivan thinks we should pay him the same rate he was making in June, before any early retirement incentives. This appointment would be for 90 days. Selectman Pacheco asks if Mr. Walsh has his hoisting license; Mr. McCue says that he was not required to as a condition of his previous position, but he does have his driver's license.

VOTE: Motion (Sullivan/Grunwald) to hire for 90 days at the laborer step 5 rate, passed unanimously.

- Brienne Abreu as Signal Operator Trainee (Part-Time), effective September 2, 2019.

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

Public Comment

- Mr. Tripp says there is a large load of trash on Alexandra Drive behind the area of Borges, wondering who is picking that up. Mr. DeManche will look into it.
- Mrs. Reilly asks how many bids have gone out for every department, asking for a copy. Mr. DeManche directs her to the Town Clerk's office to file a records request. He speaks a bit to the procurement process, telling Mrs. Reilly that she will need to be a bit more specific than just asking for 'all bids.'
- Mr. Rosofsky speaks to the Chief of Police about trespassing and working on cemeteries.

Executive Session:

At 6:22pm, motion (Grunwald/Pacheco) to enter into executive, under the following exemptions, and 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.

14. M.G.L. c.30A, Sec. 21(a)(4) – to discuss strategy regarding security personnel
15. 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 (all bargaining units) because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

16. 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 Bargaining Unit) because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

The Board of Selectmen relocate to a meeting room on the upper level of the COA for Executive Session. Chief of Police Carlton Abbott joins the Board.

At 6:49pm, motion (Grunwald/Pacheco) to exit executive session and return to open session. Roll Call Chairman Charles B. Sullivan, Selectman Lisa A. Pacheco, Selectman George L. Grunwald; all voted in the affirmative when polled.

The board re-convenes in open session.

Board of Selectmen:

14. Memorandum of Understanding with Public Employees Union, Local 1144 LIUNA (Highway Bargaining Unit). This item was discussed in executive session,

VOTE: Motion (Pacheco/Grunwald) to approve, with the change to include the full-time mechanic along with the heavy equipment operator, passed unanimously.

At 6:51pm, motion (Grunwald/Pacheco) 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)

- Community room use policy questions, prepared by Selectmen's office
- State Air Reimbursable Programs – Materials – HED 454 Form for purchase of Miller Curber curbing machine, resurfacing of Braley Road, resurfacing of Bryant Street, and Engineering – Nottingham Way
- State Aid Reimbursable Programs – Reimbursement Request for purchase of Miller Curber curbing machine, resurfacing of Braley Road, resurfacing of Bryant Street, and Engineering – Nottingham Way
- State Aid Reimbursable Programs – Final Report for purchase of Miller Curber curbing machine, resurfacing of Braley Road, resurfacing of Bryant Street, and Engineering – Nottingham Way
- Excerpt from ballfields lease with Freetown Lakeville Athletic Association
- Letter from Highway Surveyor C Macomber re: snowplow rates for 2019/2020, dated August 23, 2019

- Noise By-law with markup by Town Counsel
- Draft memo from Town Administrator D DeManche re: workplace intimidation
- Letter from Chief of Police Carlton Abbott re: Traffic Control – Assonet Village Four Corners, dated August 28, 2019
- Letter from Administrative Assistant T McIntosh re: establishing of pay rates for non-union workers
- Letter from Southeastern Regional Transit Authority re: Freetown's appointment
- Letter from Highway Surveyor C. Macomber re: appointment of E. Walsh
- E-mail from T. Ashley, steward for Public Employees Union, Local 1144 LIUNA, re: appointment of E. Walsh
- Draft certificate of appointment for C. Sullivan, E. Walsh and B. Abreu
- Draft memorandum of agreement between Town of Freetown and Public Employees Union, Local 1144 LIUNA (Highway Union)