



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

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J. Brown

Tuesday, September 16, 2019, 5:00pm
Council on Aging (Lower Level) – 227 Chace Road, East Freetown

5:00 P.M. Call to Order Chairman Charles B. Sullivan calls the meeting to order at 5:02pm. Selectman Lisa A. Pacheco and Selectman George L. Grunwald are present. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM and resident Mark Rosofsky, 115 Chace Road.

Board of Selectmen

Before getting to the agenda, Selectman Sullivan says two items came to the Board's attention that must be dealt with before the next meeting:

First, a road opening permit for the area of 54-58 North Main Street, for a resident to tie into the water line.

VOTE: Motion (Pacheco/Grunwald) to allow for the street opening at 54-58 North Main Street, passed unanimously.

Second, a request from Mr. Charles Cavallaro requesting to use the KRR Ballfields lot for excess parking for the St. Bernard's Harvest Festival on September 27th to the 29th. They will be shuttling people back and forth. As he is involved with the church, Selectman Sullivan will abstain from this conversation and vote. Selectman Pacheco asks if these ballfields are part of the lease with the Freetown Lakeville Athletic Association; Mr. McIntosh says they are, and they have been contacted, and the fields are not in use that weekend.

VOTE: Motion (Pacheco/Grunwald) to allow for Charles Cavallaro to use the baseball fields at KRR for the use of the Harvest Festival, reiterating that FYAA was contacted and there were no conflicts, motion carries two votes to none, with Selectman Sullivan abstaining.

1. Review of submitted articles for October 28th Special Town Meeting. The Board is joined by Clerk Jacqueline Brown, Chief of Police Carlton Abbott, Town Accountant Kimberley Fales, Town Council on Aging Board Chairman Jeannette Tisdelle, Cemetery Commission Chairman Mike McCue, Planning Technician Chris McKay, Veteran's Agent Robert Klevecka, and members of the Freetown Finance Committee: Hugette Lord, Kent Wilkins and Chairman Gary Martin. Selectman Sullivan reads through the submitted articles, in draft warrant form, pausing when the Board has questions for department heads in attendance.

- Article 1, regarding promotional exams for the Police Department – Selectman Pacheco asks if this was previously in the budget. Chief Abbott says there is additional money in the budget for training a new chief, but not for promotional exams for the other positions. He says if we do the exams now, the Town will be covered for the length of time he foresees changes in the department.
- Article 2, regarding retirement incentives for the Police Department – Chief Abbott has a new dollar figure for this article, as he's received a third letter of intent to retire. He notes there is no deadline in the collective bargaining agreement for these letters, so we have to do this every time one is received. The new figure is \$8,837.
- Article 3, regarding outsourcing of the annual street census – Selectman Pacheco asks if this was done in-house previously. Mrs. Brown says it was, but it's become overwhelming for the Registrars. She received quotes from two different companies and used that to determine the additional appropriation she is requesting. She also notes that this is a good time to switch to this, as they will have a major time conflict with the Presidential election in 2020. Selectman Sullivan asks how many man-hours the census takes; Mrs. Brown says it is hard to estimate, as it can vary based on response, but that all 3,400 household must be put into the system manually.
- Article 4, regarding a promotion in the Town Accountant's office – the board has no questions.
- Article 5, regarding a feasibility for the Council on Aging – Mr. DeManche says he added this a carryover placeholder from a previous Town Meeting, so it wouldn't be missed. He's spoken to Ms. Tisdelle on this. Selectman Pacheco says this was already taken on by the Building Committee.
- Article 6, on funding for the Town's Stormwater Management EPA permit – Mr. DeManche says this is a federal requirement. Selectman Pacheco asks why this is on now and wasn't on the Annual; Mr. DeManche says the estimated cost was not ready yet, but this is the balance of what we need to do for this year's filing. Selectman Pacheco says in the past we have moved away from money articles in the fall, and while she understand things come up, we knew about this one earlier. She doesn't understand why it is here.
- Articles 7 through 11, regarding requests from the Highway Department employees – the Board has no questions.
- Article 12, regarding a revolving account for a firearm safety course – Selectman Pacheco asks if this money is currently in the budget. Chief Abbott says this is a new program, that a few union guys have offered it in the past but are overwhelmed. He says there is currently no course, the Department only licenses; applicants must go elsewhere for a course. The licensing would not change, this account would only cover the course. Ms. Fales notes a few issues with the article, as it allows for fringe benefits to be paid, which is not allowed, and the spending limit being too high. Chief Abbott agrees to strike the fringe benefits and lower the spending limit to \$7,000.

- Article 13, regarding indirect costs from the Water-Sewer Enterprise Fund – Ms. Fales explains this is not a new appropriation, it is the Water-Sewer Enterprise Fund reimbursing the general fund for indirect costs.
- Article 14, regarding a transfer within the Cemetery Commission budget – the Board has no questions.
- Article 15, regarding paying down the bond anticipation note on the new Police Station – Ms. Fales would like to see \$428,000 for this article, bringing the BAN to \$6,000,000. She explains we received a premium, so this article will return the authorization for un-borrowed funds.
- Article 16, regarding acceptance of the BRAVE Act – the Board has no questions.
- Article 17, regarding transferring swampland to the Conservation Commission – Mr. McCue, clerk of the Conservation Commission, says this was a tax foreclosure that the Conservation Commission opted to keep, because it wouldn't sell and would just cost the town money.
- Article 18, regarding transferring land abutting the transfer station to the Board of Selectmen – Selectman Sullivan notes this land would serve as an added buffer for the transfer station.
- There is no Article 19.
- The Board has no questions regarding the remainder of the articles:
 - Article 20, regarding a public auction of Town-owned land
 - Article 21, regarding ratification of rules and regulations of the Cemetery Commission
 - Article 22, regarding the addition of a Municipal Noise By-Law
 - Article 23, regarding amendment of the by-law definition of "Building Coverage"
 - Article 24, regarding removing the Density and Dimensional Requirements from the Planned Mixed-Use Overlay District by-law
 - Article 25, regarding transfer of free cash to the Stabilization and Capital Stabilization funds

The Board returns to the beginning to discuss the warrant. Selectman Pacheco wants article 5 struck, Selectman Sullivan agrees. Selectman Pacheco would prefer to see article 6 on the next annual, but the Board does not act to remove the article. Selectman Pacheco says Articles 7 through 11 are a no and Selectman Sullivan says this will all be part of the DPW study; these articles are struck. For Article 15, the Board asks about the dollar amount. Ms. Fales suggests Articles 1 through 4 are funded out of tax levy, but if Article 6 is out of free cash, we could certainly do more than \$428,000. Selectman Pacheco suggests leaving it at \$428,000 and upping it later on. Ms. Fales says the free cash will be certified in time for the meeting, but it's looking like around \$1M. Selectman Sullivan recommends putting aside Article 22 for now, to further study enforcement and any costs associated; the Board strikes article 22. Selectman Pacheco asks to move article 15 to the end of the warrant, right before article 25.

VOTE: Motion (Pacheco/Grunwald) to approve the warrant as discussed, passed unanimously.

The warrant will now go to Town Counsel for review. Selectman Pacheco explains to Ms. Tisdelle her thought process behind striking the COA feasibility study article; Selectman Pacheco says a feasibility study already exists, we would hire an OPM to tailor it to what we want to do. She says the Annual is a more realistic target date for this. Ms. Tisdelle says the COA has been waiting for three years already, asking why we can't look at an addition at this point. Selectman Sullivan agrees with Selectman Pacheco. Selectman Grunwald asks to see the feasibility study.

2. Scope of Department of Public Works Feasibility Study. Mr. DeManche has made the alterations the Board previously discussed. Selectman Sullivan would like to add the transfer station to the scope; Mr. DeManche thought he added that but will add it. He contacted Marion for their scope, but they didn't actually have a formal scope of services. He says once this scope is completed, we can get an estimate on the price. Selectman Sullivan says that Marion has their DPW handle trash and recycling pick-up, but we do that with a private contractor; he wonders if we shouldn't assume a contractor would be cheaper. Selectman Grunwald thinks this would be worth looking at. This will be added to the scope.

VOTE: Motion (Pacheco/Grunwald) to authorize Mr. DeManche to look into the study and determine the cost, passed unanimously.

3. Right of First Refusal for Portion of Chapter 61B land at 19 Flagg Swamp Road. Selectman Sullivan reads highlights of the letter from the property owner. He asks Mr. McCue to explain this a bit. Mr. McCue explains that if a landowner owns Chapter 61 land, they must offer it to the Town before they can use it for a non-qualifying use. Selectman Pacheco asks if this is a Planning Board issue. Selectman Grunwald asks if the solar panels are for the homeowner or for other use; Selectman Sullivan thinks that if it was for his own private use, it wouldn't be here. Mr. DeManche will look into this further, and this will come back on the next agenda.
4. Ambulance Abatements / Write-Offs for August, 2019. Selectman Sullivan reads the amounts: contractual allowances in the amount of \$76,248.08 and write-offs in the amount of \$1,054.46, for a total of \$75,302.54.

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

5. Minutes: September 3rd & September 10th

VOTE: Motion (Pacheco/Grunwald) to approve for September 3rd, passed unanimously.

VOTE: Motion (Pacheco/Grunwald) to approve for September 10th, passed unanimously.

6. Town Administrator's Report

- Mr. DeManche says the Board has received informal notice from the Board of Assessors of a vacancy; a formal written notice will be forthcoming from the remaining members. This will be a joint appointment that we will advertise and interested parties can apply. They will be meeting on Wednesday at 4pm to discuss this and office staffing.
 - On the Four Corners Traffic Study, SRPEDD has been contacted, and an application for technical assistance has been filed. This would not come out of our 20 hours and will be funded by DOT.
 - The next meeting of the Finance Team will be on September 24th, and they will be meeting with a consultant for health insurance. Mr. DeManche says Acushnet saved a substantial amount of money by going out to bid for their insurance needs. He will also be talking to a consultant about property and casualty insurance as well, with the aim of a bid for FY2021.
 - On Freetown Screw, Mr. DeManche had a meeting with Tracey Costa of Ransom Engineering, Dan Sullivan of SRPEDD and Mary Ellen DeFrias of MassDevelopment, discussing the next steps in the project. Unfortunately, Brian Noble has left Acushnet, but Mr. DeManche hopes to continue the relationship with Acushnet. MassDevelopment can help going forward.
 - The Freetown Housing Authority will be meeting on Wednesday afternoon after being dormant for many years and will be brought into the Freetown Screw issue.
 - Current projects: Generator bids are due September 25th, new phones will be installed October, and the COA electrical panel is coming soon.
 - The legislative delegation is asking for a report on the sewer study. Mr. DeManche has made that meeting for October 25th, where Environmental Partners will give the same presentation the Board received.
 - Finally, snowplow contracts now available for interested contractors.
7. Police Station Update. Selectman Pacheco says all is going smoothly. Chief Abbott adds everything is on time and on budget, with new changes every day. Selectman Sullivan asks about the tower; Chief Abbott says there is a meeting later this week to discuss specifications, and an amended proposal is coming soon.

Selectman Sullivan asks the Board if they are available to have an additional meeting on September 30th. Due to staff vacations, the final warrant will be voted on at that time, and there will also be a public hearing for a utility pole relocation by Eversource. The Board has no issues with this.

Board of Health

8. Discussion of operations at Transfer Station. Selectman Grunwald says there are recent issues he needs to address. He would like to see new surveillance cameras installed, as the current ones are very outdated. He would also like to see the credit card system expanded to the Transfer Station, with a long-term goal of eliminating cash there entirely. He would also like to see more signage installed, including a notice that surveillance cameras are operating, credit cards are now being

accepted, the up-to-date price list and hours of the transfer station. He wants the price list and hours on the website, as well.

Selectman Sullivan believes the cameras are doable but would like to see the cost on those. We would also need a policy for who operates and has access to the cameras. Selectman Grunwald says he wants more policies and procedures for the Transfer Station in general, in addition to job descriptions. Selectman Sullivan suggests trying the credit cards for 90 days before eliminating cash entirely. Selectman Grunwald says there is a lot of money changing hands, noting that there were issues with this long ago. Selectman Pacheco says there is already a credit card policy in place, so implementing them at the Transfer Station would be easy; she isn't sure of the procedure, saying that it should be brought to the Treasurer. Selectman Grunwald says he's spoken to the Treasurer and she's on board, we'd just need a vote to authorize it. Selectman Pacheco says the signage can be handled in house; Mr. McIntosh adds the hours and price list are already on the website.

VOTE: Motion (Sullivan/Pacheco) to look into a new security camera system and with that a new policy instituted for it, passed unanimously.

On policies, procedures and job descriptions, Selectman Sullivan suggests these would come from the DPW study. Selectman Pacheco says to check with office staff on this.

VOTE: Motion (Pacheco/Grunwald) to go forward with the credit card system for the Transfer Station, and still continue with cash, and review in six months or less, passed unanimously.

A resident has a question about mattresses, as they are piled up extremely high at the transfer station. Selectman Grunwald believes there is a contract in place to dispose of them. Robert Klevecka, former Assistant Transfer Station Attendant, says there is no contract in place; Mr. DeManche does not recall either way. Mr. Klevecka says the problem with the mattresses is that it costs the Town a substantial amount of money to dispose of them, more than even the new fees bring in. Selectman Grunwald says we should look into this, Mr. DeManche will follow up. Seth Wagner, 8 Gerard Avenue, suggests we can tear the mattresses apart and break them down on our own during downtime. Selectman Grunwald says that is worth looking into; Mr. DeManche will look into all of this.

Personnel Board:

9. Highway Department Staffing. Selectman Pacheco says we are down a couple workers in the Highway Department, but we have a temporary worker in place. It was suggested that maybe we want to re-advertise for the truck driver. Mr. DeManche says we previously talked about switching the position to a laborer, or maybe hiring a working foreman. Selectman Pacheco says we have two qualified candidates for the truck driver now that scored exactly the same in the interviews, but everyone is split on the position. She says we can advertise for a Laborer/Truck Driver and we can see

what sort of applicants we get and decide the position based on that. This should get a candidate that will enhance the Highway Department, then once we have a full compliment of workers, it might behoove us to look for a working foreman. She doesn't know why anyone would apply for a working foreman without having a full staff below them. Her recommendation is to advertise for Truck Driver/Laborer and see where the chips fall.

Selectman Sullivan notes the vacant position was a laborer, not a truck driver. He says any new employee will need a supervisor, and it gets awkward when that keeps changing. He believes hiring a working foreman would solve this problem. Selectman Pacheco has no objection to the working foreman, but her feeling is that there aren't enough workers to make it worth it for a foreman. She thinks we definitely need both, however. Selectman Grunwald thinks the working foreman should be first. Mr. Wagner says he interviewed for the Truck Driver position and was asked about the boss situation, and he believes that it's a totem pole sort of thing. Selectman Grunwald says someone has to be in charge. Mr. DeManche believes internal candidates should be able to apply for the working foreman position. Mr. Wagner understands this. Selectman Grunwald suggests going out for both of them.

VOTE: Motion (Sullivan/Grunwald) to go out for both laborer/truck driver and working foreman, passed unanimously.

10. Appointments:

- Nathan Melo as Patrolman (full-time, probationary), effective August 30, 2019

VOTE: Motion (Sullivan/Grunwald) to approve and send a letter of congratulations and welcome to the Force, passed unanimously.

Before wrapping up the meeting, while Mr. Martin of the Finance Committee is still present, Mr. McIntosh asks about the Special Town Meeting mailing, what sort of procedure would be followed. He put together "plain English" descriptions of the Articles, based on guidance from Selectman Grunwald. The Board has no input on these. Mr. McIntosh will work with Mr. Martin to sort out the mailing, and a meeting will be scheduled if needed.

Public Comment

Steve Tripp, 4 Alexandra Drive, says there is still the trash issue on Alexandra Drive. Selectman Sullivan says he drove through there, but the trash is on private property. Mr. DeManche says he can call the land owner. Selectman Grunwald says we can't go on private property. Mr. Tripp says someone is getting away with illegal dumping. Selectman Pacheco suggests sending a letter to the property owner. Mr. Tripp says he will deal with the issue. He would also like the Highway Department to sweep Ridge Hill Road, as he said in a message to the Selectmen's office; Mr. McIntosh says the message was passed along as he requested. Mr. DeManche will follow up on these issues.

Motion (Pacheco/Grunwald) to adjourn at 6:27pm, 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)

- Articles submitted for October 28th Special Town Meeting, in draft warrant form (marked Exhibit 1 for these minutes)
- Memo, provided by Chief of Police, outlining changes in dollar figures to Article 2
- Draft #2 of Scope of Services for DPW Study
- Letter from J. Moniz re: Chapter 61B land off Flagg Swamp Road
- Draft memo to Town Accountant re: Ambulance Abatements – Write Offs for August 2019
- Draft minutes of meetings of the Board of Selectmen on September 3rd and September 10th, 2019
- Draft certificate of appointment for N. Melo

ARTICLES NOT YET REVIEWED BY TOWN COUNSEL OR APPROVED BY BOARD OF SELECTMEN**Town of Freetown**

Warrant for the
Special Town Meeting
Monday, October 28, 2019 at 7:00PM

Freetown Elementary School Auditorium
43 Bullock Road, East Freetown, MA 02717

Bristol, ss:

To either of the Constables in the Town of Freetown, Greeting:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Town of Freetown who are qualified to vote in Town Affairs to meet in the Freetown Elementary School Auditorium, 43 Bullock Road, East Freetown, MA, 02717, on Monday, October 28, 2019, at 7:00PM, then and there to act on the following Articles, viz:

Article 1: To see if the Town will vote to raise, appropriate and/or transfer from available funds the sum of Two Thousand Six Hundred Fifty Dollars (\$2,650.00) to fund the costs associated with acquiring and administering promotional examinations for the positions of sergeant and lieutenant, and/or take any action relative thereto.

Submitted by Carlton E. Abbott, Jr., Esq., Chief of Police
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: To establish eligibility lists in anticipation of upcoming vacancies within the sergeant and lieutenant ranks.

Article 2: To see if the Town will vote to raise, appropriate and/or transfer from available funds the sum of Six Thousand Two Hundred Ninety and 00/100 (\$6,290.00) to supplement the police department budget for certain retirement incentive required by the collective bargaining agreement, and/or take any action relative thereto.

Submitted by Carlton E. Abbott, Jr., Esq., Chief of Police
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: Two officers have recently given notice of their intent to retire, and therefore, under the collective bargain agreement, will receive retirement incentive.

Article 3: To see if the Town will vote to raise, appropriate and/or transfer from available funds the sum of One Thousand One Hundred Dollars (\$1,100.00) to supplement the Registrars budget for outsourcing the printing and mailing of the annual street census with informational data and/or take any action relative thereto.

Submitted by Jacqueline A. Brown, Town Clerk
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: The mandated annual town census is currently processed in the Town Clerk/Board of Registrar's Office. The number of households has grown through the years to the point that it would be feasible and cost effective to outsource the task to a vendor as other comparable size communities have done.

Article 4: To see if the Town will vote to raise and appropriate the sum of Two Thousand, Six Hundred and Forty Six Dollars (\$2,646.00) for the purpose of funding and implementing first year personnel cost contained in a Memorandum of Agreement between the Town of Freetown and Public Employees Union, Local 1144, LIUNA (Freetown Town Hall - Unit A) effective 7/1/2019 and to supplement the FY2020 annual operating personnel budget for the department of the Town Accountant as voted in the Omnibus Article 1 ATM 6/3/2019, and/or take any action relative thereto.

Submitted by Kimberley S. Fales, Town Accountant
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: The Principal Clerk in the Town Accountants Office was promoted to Assistant Town Accountant effective 7/15/2019. No additional funding was included in the Omnibus budget for this promotion. This appropriation would supplement the departmental budget for funding the first-year cost.

ARTICLE 5: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of conducting a feasibility study for expansion of the Council on Aging building; or take any other action relating thereto.

Submitted by the Council on Aging
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: **None provided.**

ARTICLE 6: To see if the Town will vote to raise, appropriate and/or transfer from available funds the sum of Eighteen Thousand Six Hundred Dollars (\$18,600.00) for projects and preparations related to Town compliance in meeting the EPA's upcoming Draft Massachusetts Small MS4 Permit and/or take any action relative thereto.

Submitted by the Board of Selectmen
Requires Majority Vote
Finance Committee Recommendation

ARTICLES NOT YET REVIEWED BY TOWN COUNSEL OR APPROVED BY BOARD OF SELECTMEN

EXPLANATION OF ARTICLE: Appropriation is being requested in order to plan and prepare for the EPA permit for FY 2020. Some of the requirements for this years' program can begin in FY20 and will help spread the costs of developing the program over 2 fiscal years.

ARTICLE 7: (Placeholder) – Bucket Truck

Submitted by the Highway Department Employees
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: None provided.

ARTICLE 8: (Placeholder) – Mini-Excavator, 4.5 – 5 ton

Submitted by the Highway Department Employees
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: None provided.

ARTICLE 9: (Placeholder) – Side Arm Mower with Cab

Submitted by the Highway Department Employees
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: None provided.

ARTICLE 10: (Placeholder) – Sweeper

Submitted by the Highway Department Employees
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: None provided.

ARTICLE 11: (Placeholder) – More help.

Submitted by the Highway Department Employees
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: None provided.

ARTICLE 12: To see if the Town will vote to amend Article 29-6 of the Town's Bylaws, Authorized Revolving Funds, by authorizing an additional revolving fund, said fund to be used by the Police Department, pursuant to Chapter 44, Section 53E½, of the Massachusetts General Laws, for the following program and purposes, to determine whether such revolving fund account shall be credited with the following departmental receipts, to determine whether the

ARTICLES NOT YET REVIEWED BY TOWN COUNSEL OR APPROVED BY BOARD OF SELECTMEN

Police Department shall be authorized to expend amounts from such revolving fund account and to determine whether the maximum amount that may be expended from such revolving fund account in FY2020 shall be the following amount or any other amount; or take any other action thereto.

| Revolving Fund | Authorized to Spend Fund | Revenue Source | Use of Fund | FY 2020 Spending Limit |
|-------------------------------------------------------|--------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Police Department Firearm Safety Course Program | Chief of Police | Fees charged and received in connection with the program | Wages and fringe benefits of those employees who are paid from the fund, instructors, materials, supplies, training, and associated costs. | \$10,000.00 |

Submitted by Carlton E. Abbott, Jr., Esq., Chief of Police
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: A revolving fund established under the provisions of Massachusetts General Laws Chapter 44, Section 53E½ must be authorized annually by vote of the Town Meeting. The fund is credited with only the departmental receipts received in connection with the program supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation. The Chief of Police has also provided a selection of Frequently Asked Questions for this article, found in Appendix I.

ARTICLE 13: To see if the Town will vote to supplement the amount raised from Water-Sewer Enterprise Revenues for FY20, previously voted in Article 3 of the Annual Town Meeting of June 3, 2019 by the sum of Nine Thousand Nine Hundred Seventy-Six Dollars (\$9,976.00) to be allocated to the general fund for the purpose of funding increases in indirect costs previously appropriated in the Omnibus Budget, Article 1, of the Annual Town Meeting of June 3, 2019, or take any other action relative thereto.

Submitted by the Water & Sewer Commission
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: A formal indirect cost allocation plan was adopted by the Board of Water & Sewer Commissioners, the Board of Selectmen and the Finance Committee. The enterprise fund needs to reimburse the general fund for all of the indirect costs associated with operating the department. The amount listed below as current calculation is based on the FY20 budget and the amount listed as original is based on the FY19 budget. The values now need to be updated with the adoption of the FY20 budget and a supplement of \$9,976 is needed.

Indirect Costs (in the general fund):

| | Original | Current Calculation | Amount to Supplement |
|---------|----------|---------------------|----------------------|
| Finance | \$19,855 | \$20,457 | \$602 |

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ARTICLES NOT YET REVIEWED BY TOWN COUNSEL OR APPROVED BY BOARD OF SELECTMEN

| | | | |
|-----------------|----------|----------|-----------|
| Utilities | \$971 | \$854 | \$ (117) |
| IT Service | \$1,268 | \$1,542 | \$274 |
| Insurance | \$26,150 | \$32,688 | \$6,538 |
| Retirement | \$24,758 | \$27,946 | \$3,188 |
| Gen'l Admin | \$7,191 | \$6,782 | \$(409) |
| Less Int Credit | \$- 400 | \$- 500 | \$(- 100) |
| Subtotal | \$79,793 | \$89,769 | \$9,976 |

ARTICLE 14: To see if the Town will vote to transfer the sum of One Thousand Dollars (\$1,000.00) from the Cemetery Commission part-time personnel budget (Line #001.4.491.5125.9030.30.00) to the Cemetery Commission expense budget (Line #001.4.491.5290.9001.40.00), and/or take any action relative thereto.

Submitted by the Cemetery Commission
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: A delay in hiring the part-time laborer resulting in a savings of slightly over \$1,000 in personnel costs. At the same time, we faced \$2,159 in unexpected costs in the first seven weeks of the fiscal year. This transfer would offset those costs using funds already appropriated and will hopefully allow us to avoid later transfer requests.

ARTICLE 15: To see if the Town will vote to appropriate in the general fund the sum of \$_____ the purpose of paying down the outstanding Bond Anticipation Note (BAN) by transfer to the capital project fund for the construction of the Police Station with funding from free cash, and also rescind the vote taken on June 3, 2019 at the Annual Town Meeting which authorized the town to borrow Seventy Two Thousand Dollars (\$72,000.00), and/or take any action relative thereto.

Submitted by the Board of Selectmen
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: This appropriation would use free cash to pay down the outstanding balance (\$6,428,000.00) of the BAN in the capital project fund for the construction of the Police Station. The BAN was issued in 2019 for 12 months and is due in January 2020. This article would use available funds to pay down the BAN. Further, the Town did not need to borrow \$72,000.00 of debt therefore this will rescind that vote taken on June 3, 2019.

ARTICLE 16: To see if the town will vote to accept the provisions of M.G.L. c. 59, § 5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), and/or take any action relative thereto.

Submitted by Robert Klevecka, Veterans' Service Officer
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: The BRAVE Act provides for a property tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased.

ARTICLE 17: To see if the Town will vote to transfer the care, custody, management, and control of that parcel of land in Bolton Cedar Swamp shown on Assessors' Map 246 as Lot 4, from the Treasurer or Board of Selectmen for general municipal purposes to the Conservation Commission under the provisions of Section 8C of Chapter 40 of the General Laws, and further to dedicate and designate the parcel for conservation purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution, and/or take any action relative thereto.

Submitted by the Conservation Commission
Requires Two-Thirds Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: This article will transfer the above parcel to the Conservation Commission. The parcel is landlocked swampland. The Conservation Commission feels that the costs associated with auctioning the parcel would exceed the profits realized from auctioning it.

ARTICLE 18: To see if the Town will vote to transfer the care, custody, management, and control of that parcel of land in Elijah Pierce Woodlot shown on Assessors' Map 209 as Lot 1, from the Treasurer for general municipal purposes to the Board of Selectmen under the provisions of Section 8C of Chapter 40 of the General Laws, and further to dedicate and designate the parcel for Board of Health purposes, and/or take any action relative thereto.

Submitted by the Board of Selectmen
Requires Two-Thirds Vote
Finance Committee Recommendation

ARTICLES NOT YET REVIEWED BY TOWN COUNSEL OR APPROVED BY BOARD OF SELECTMEN

EXPLANATION OF ARTICLE: This article will transfer the above parcel to the Board of Selectmen. The parcel is next to the Transfer Station. The Board of Selectmen feel that the costs associated with auctioning the parcel would exceed the profits realized from auctioning it.

ARTICLE 20: To see if the Town will vote to sell, by public auction, the following properties now owned by the Town; and further, to authorize the Treasurer to act as an agent to sign deeds conveying the same as provided in Section 3 of Chapter 40 of the General Laws, and/or take any action relative thereto:

| Map | Lot | Acquired | Location |
|-----|-----|----------|----------------------------------------------------|
| 101 | 068 | 2018 | 9 Cliff Drive, Assonet |
| 207 | 004 | 1879 | Richmond Road at Railroad, Assonet |
| 233 | 031 | 1982 | South of 160 South Main Street, Assonet |
| 240 | 056 | 2018 | Off Burns Lane, East Freetown |
| 240 | 078 | 2001 | 195 Chace Road, East Freetown |
| 241 | 009 | 2017 | Corner of Chace Road & Parker Drive, East Freetown |
| 243 | 070 | 1972 | Between 53 & 55 Middleboro Road, East Freetown |
| 246 | 050 | 2005 | North of 124 Braley Road, East Freetown |
| 247 | 015 | 1972 | Between 148 & 150 Braley Road, East Freetown |
| 252 | 041 | 2018 | 182 Braley Road, East Freetown |

Submitted by Jessica Thomas, Treasurer/Tax Collector
Requires Two Thirds Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: This article would allow the Town to divest of certain surplus properties. These parcels are held for various purposes, including general municipal purposes or as the result of tax title foreclosures.

ARTICLE 21: To see if the Town will vote in accordance with Mass. General Laws Chapter 114, Section 23, to ratify the amended Rules and Regulations of the Cemetery Commission as on file with the Town Clerk, and/or take any action relative thereto.

Submitted by the Cemetery Commission
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: State law requires that Town Meeting approve cemetery rules.

ARTICLE 22: To see if the Town will adopt Article 33, Municipal Noise By Law, to the Town's General By-Laws, as shown in Appendix II; and/or take any other action relative thereto.

Submitted by the Board of Selectmen
Requires Majority Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: None provided.

ARTICLE 23: To see if the Town will vote to amend the Town of Freetown Protective By-laws, Article 11 Zoning By-laws Section 11.2; (Definitions, Building Coverage), by removing the words “including accessory structures not on permanent foundations and above ground swimming pools” and adding “excluding any structure that according to building code does not require a foundation or building permit; above-ground pools; in-ground pools” and/or take any action relative thereto.

Submitted by the Planning Board and Jeffrey Chandler, Zoning Enforcement Officer
Requires Two-Thirds Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: The intent of building coverage definition is to allow room for septic tanks. The structures and activities excluded in the article are not a significant obstacle if a septic tank has to be installed or replaced.

ARTICLE 24: To see if the Town will vote to amend Article 11, Section 11.29 of its Protective By-laws, relative to Planned Mixed-Use Overlay District, by removing Section 11.29 H “Density and Dimensional Requirements”, and/or take any action relative thereto. The text of the section is on file at the Town Clerk’s office at the Town Hall, 3 North Main Street, Assonet, MA.

Submitted by the Planning Board
Requires Two-Thirds Vote
Finance Committee Recommendation

EXPLANATION OF ARTICLE: This article would remove Article 11, Section 11.29 H “Density and Dimensional Requirements”. The Planning Board’s desire is to treat Planned Mixed-Use Overlay District applications in the same manner by which Site Plan review and Special Permit projects are administered.

ARTICLE 25: To see if the Town will vote to transfer a sum of money from Free Cash to the **Capital** Stabilization Account in the amount of ____ and to the Stabilization Account in the amount of ____; or take any other action relating thereto.

Submitted by the Board of Selectmen
Requires Majority Vote
Finance Committee Recommendation

And you are hereby directed to serve this Warrant by posting attested copies thereof at the following places: Assonet Post Office, East Freetown Post Office, the stores of Quick Pic in East Freetown, Junior's Convenience Store and Freetown Town Hall, and the Freetown Communications Center.

Hereof, fail not and make return of the original Warrant with your doings thereon immediately after making service thereof to the Town Clerk of the Town of Freetown, Massachusetts.

Given under our hands and seal of the Town of Freetown, this thirtieth day of September, Anno Domini, Two Thousand Nineteen.

Charles B. Sullivan, Chairman

Lisa A. Pacheco

George L. Grunwald

FREETOWN BOARD OF SELECTMEN

Appendix I
Frequently Asked Questions for Proposed Firearms Safety Course,
As Prepared by the Freetown Police Department
Special Town Meeting Article 12

What is the purpose of this program?

A basic firearms safety course is required in order to obtain a firearm license. The course will consist of 8 hours of instruction to be offered to Town residents.

How many courses will be offered per year?

We anticipate offering not more than 6 courses per year.

Who will be attending?

The program will be offered to Town residents, with remaining seating offered to the general public.

What will be the cost to attend?

Each attendee will pay a fee of \$75.00.

What will the size of each class be?

Each class will consist of not more than 30 attendees.

Who will provide the instruction?

The Chief of Police will assign two department firearm instructors to each class.

Will the receipts cover the expenses?

Yes.

Anticipated Annual Receipts

6 courses x 15 attendees @ \$75 each = \$6,750.00

Anticipated Annual Liabilities

6 courses x 8 hrs. x 2 instructors x @ \$53 each = \$5,088.00

Instructional materials = \$600.00

Firearm instructors professional development/training = \$500.00

Can a revolving account be established anytime during the fiscal year?

Yes. Per Mass. Dept. of Revenue, Division of Local Services. A departmental revolving fund, established pursuant to Chapter 44, Section 53E½, where there is a new revenue source (in this case the fees generated from each course) and the accounting officer certifies that the anticipated revenues were not used in the tax rate (they were not).

Appendix II
Text of Proposed Article 33, Municipal Noise By-Law
Special Town Meeting Article 22

ARTICLE 33 - Municipal Noise By Law

33.1 Purpose and applicability.

The Town of Freetown finds that excessive noise jeopardizes the health, safety, and welfare and degrades the quality of life of its citizens.

This by-law shall apply to the control of all sound originating within the limits of the Town of Freetown. The purpose of this by-law is to protect the citizens of Freetown from excessive noise. No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit excessive or unwarranted noise. Provisions in this by-law shall not apply to any activity to the extent regulation thereof has been preempted by state or federal law.

The Town hereby incorporates into and makes a part of this Article the provisions of 310 CMR 7.00, entitled Air Pollution Control Regulations, Sec. 7.10 U Noise; Massachusetts Department of Environmental Protection Noise Pollution Policy Interpretation; and DEQ (DEP) Division of Air Quality Control Policy 90-001, dated February 1, 1990; all as may be amended.

33.2 Definitions.

When used in this by-law, the following definitions shall apply:

AMBIENT OR BACKGROUND NOISE

The noise measured in the absence of the noise under investigation. It shall be calculated using the average lowest sound pressure level measured over a period of not less than five minutes using a sound pressure level meter set for slow response on the "A" weighting filter in a specific area of the town under investigation.

COMMERCIAL PURPOSE

An activity undertaken to provide goods and services involving financial and/or commercial and industrial aspects, including operations undertaken pursuant to a building or other operational permit or license.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities or similar property.

EXCESSIVE NOISE

Any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible and/or results in noise pollution when measured from the Property line(s) of surrounding properties with inhabited residences and/or buildings with other sensitive receptors.

NOISE

Sound of sufficient intensity and/or duration as to cause a condition of noise pollution.

NOISE POLLUTION

A noise source which increases noise levels 10 dB or more above the background noise level. If the noise level is judged by ear to have a tonal sound, an increase of 5 dB above background noise level is sufficient to cause noise pollution.

PLAINLY AUDIBLE

Any sound from a source regulated by this bylaw that can be detected above routine or normal ambient background noise by unaided human hearing.

SOUND AMPLIFICATION SYSTEM

Any fixed or portable system to operate or amplify sound, included, but not limited to, phonograph, radio, television, stereo, record player, tape player, cassette player, compact disc player, digital music player, "boom box" or loudspeaker.

33.3 Prohibition of excessive noise.

Generation of excessive noise is prohibited, except as provided by Section 30.4 of this by-law. In addition, the following restrictions shall apply:

- A. Construction/private service/maintenance power equipment. Motorized devices and equipment engaged in construction shall be prohibited from use between the hours of 8:00 p.m. and 7:00 a.m., or as otherwise restricted by a Town of Freetown permit.
- B. Commercial trash collection. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates excessive noise at any point of public or common pass-by shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
- C. Commercial deliveries or pickups. Deliveries or pickups for commercial or business purposes between 11:00 p.m. and 6:00 a.m. are prohibited unless the noise level of such deliveries or pickups in nearby residential areas does not cause excessive noise.
- D. Electronic devices and musical instruments. No person owning, leasing or controlling the operation of any electronic device or musical instrument shall willfully or negligently cause or permit excessive noise.
- E. Fixed plant equipment. Excessive noise caused by fixed plant equipment such as, but not limited to, air conditioners, pumps, fans, furnaces, compressors, engines, ventilation equipment and similar fixed plant equipment is prohibited.
- F. Motor vehicle alarms. No person owning, leasing, renting or otherwise in control of a motor vehicle will permit the sounding of any horn, alarm or other signaling device for any period of time exceeding 10 minutes. Automatic alarm systems must be programmed to reset within 10 minutes and may not activate again within the next 60 minutes. A police officer observing any horn, alarm or other signaling device that fails to comply with this section may direct an owner, operator, renter or person in control of the vehicle to silence the motor vehicle alarm. If the owner refuses or fails to comply, the officer may attempt to disconnect the power source for the vehicle from the exterior of the vehicle and arrange for an authorized towing agency to be used to remove the motor vehicle to an approved storage area. The registered owner of the motor vehicle shall be responsible for all reasonable costs, charges and expenses incurred for the silencing of the alarm, removal and/or storage of the motor vehicle.
- G. Stationary engine run-up. Permitting, allowing or causing generation of excessive noise at any point of public or common pass-by through the unnecessary operation of the

engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes is prohibited.

- H. Domestic mechanical equipment. The outdoor use of domestic mechanical equipment such as lawn mowers and power saws shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m.

33.4 Exemptions.

- A. The provisions of this by-law shall not apply to sounds emitted during or associated with:
- 1) Police, fire, and civil and national defense activities, or in training exercises related to emergency activities;
 - 2) Parades, public gatherings, or sporting events, for which permits have been issued or which are supervised by the School Department or the Parks and Recreation Department;
 - 3) Operation of a farm or any ancillary or related activity that is an ordinary aspect of farming;
 - 4) Emergency work including, but not limited to, the operation of any mechanical device, apparatus, vehicle, or equipment used in connection with an emergency;
 - 5) Snow removal activity; and
 - 6) Any activity to the extent the regulation thereof has been preempted by state or federal laws or regulations.

33.5 Measurement of excessive noise.

It shall be unlawful for any person or persons to cause or allow any excessive noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system. In responding to a Complaint about excessive noise, the individual(s) authorized to enforce this by-law shall measure noise levels at the complainant's location and at other nearby locations which may be affected (e.g., residences and/or buildings with other sensitive receptors). Each such act, which constitutes a violation of this section, which either continues or is reported more than 30 minutes after the issuance of a warning or citation to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with 30.6.

33.6 Enforcement and penalties.

- A. The Police, Fire, Health and/or Building Departments, or any designee thereof, shall have power to enforce this by-law.
- B. Any person who violates any provision of this by-law, if convicted, shall be guilty of a misdemeanor and shall be fined an amount not to exceed \$50 per first violation. Additionally, any person violating this by-law is also subject to the penalties under Article 25 of the General By-Laws including non-criminal disposition in accordance with M.G.L. c. 40, §21D. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. Each day that such violation continues shall be considered a separate offense.

33.7 Special permits.

- A. The Board of Selectmen, or its designees, may issue a special permit for any activity otherwise forbidden by the provisions of this by-law. A person seeking such a permit shall make a written application to the Board of Selectmen, or designee, on the