



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

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2019 JAN -9 PM 2: 58

Monday, December 17, 2018, 6:00pm

Council on Aging – 227 Chace Road, East Freetown

6:00 P.M. Call to Order Chairman Robert P. Jose calls the meeting to order at 6:00pm. Selectman Charles B. Sullivan is present, but Selectman Lisa A. Pacheco is absent from the meeting. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM. Chairman Jose reads the agenda aloud, and also recognizes the work by Keven & Lori Desmarais and the Freetown Cultural Council for their work on the Annual Tree Lighting. Chairman Jose uses the chairman's prerogative to take the agenda out of order, but these minutes are presented in posted order.

6:00 P.M. Meet with Soil Board. The Board is joined by Soil Conservation Board Chairman Keven Desmarais. As the Board acts exclusively as members of the Soil Conservation Board, minutes of that meeting are recorded separately.

6:00 P.M. Board of Health Public Hearing, relative to the addition of Chapter V, Tobacco and Smoking Apparatus Regulations to the Town of Freetown Board of Health Regulations. Health Agent Derek Macedo and Public Health Nurse Lori Desmarais are present. Selectman Jose is acting as the Board of Health chair in Selectman Pacheco's absence. Mr. Macedo explains adopting these new regulations will close a loophole, and bring the legal age to purchase and use tobacco, tobacco products and nicotine delivery products to 21, in line with the state. Without adopting this, retailers in town will have to check dates of birth, as certain dates would be grandfathered. Mr. Macedo says this would be a nightmare for retailers. Selectman Jose notes this happened with the alcohol age years ago. Mr. Macedo says more tobacco regulations will be coming before the Board soon. Selectman Sullivan has no questions. Mr. DeManche asks about fines and enforcement; Mr. Macedo says that is all guided by state guidelines. Selectman Jose solicits public input, but none is heard. He closes the public hearing.

VOTE: Motion (Sullivan/Jose) to endorse the addition of Chapter V, Tobacco and Smoking Apparatus Regulations to the Town of Freetown Board of Health Regulations, passed unanimously.

6:00 P.M. Board of Health Variance – 6 Paul Avenue

Engineer Jonathan Pink of AZOR Land Sciences is present. Abutters have been notified, but only the green card of William & Sharon Sylvia, 8 Paul Ave, was returned. The Sylvias are present. Mr. Pink is requesting variances to locate the new septic system on the property within 100' of existing wells, to 82', 84' and 95' respectively. The Board have no questions for Mr. Pink. Mr. Sylvia has no objection but wants to be assured by the Board that it will be to code and inspected by Town. Selectman Jose explains that the 100' distance is a local requirement, as the town's requirement is more stringent than the state's, which is 50'. Mr. Macedo assures that he

will be taking care of inspections of the system. With no further public comment, the hearing is closed.

VOTE: Motion (Sullivan/Jose) to allow for the variances to 82', 84' and 95', passed unanimously.

Selectman Jose asks Mr. Pink to update the plans and re-submit them for the file.

Board of Selectmen:

- Discuss/act on host community agreement template for AmeriCann tenants. Tim Keough, CEO of AmeriCann, Inc. is present. Mr. DeManche has worked on this with Town Counsel. This host community agreement template would apply to future tenants at the AmeriCann facility. Mr. Keough explains the state previously required letters of non-opposition for companies, now they require host community agreements, and these templates would take the work out of it. Selectman Jose notes that the AmeriCann host community agreement says we cannot charge the leases more money, so this template takes care of all the legal work. He also notes that these host community agreements do not affect any taxes paid by AmeriCann or the tenants. Mr. Keough and Mr. DeManche recommend still having the companies speak before the Board. Selectman Jose has no problem with how this is re-worked. Mr. DeManche agrees, saying Town Counsel is also on board. Mr. Keough says the first two tenants are ready to come before the Board, AmeriCann Brands and Bask. Discussion is held on the name "AmeriCann Brands", as that will create some confusion. Mr. Keough says they are exploring a name change because he understands that. Mr. DeManche says a formal vote is not necessary, we will proceed as necessary. Mr. Keough will bring the other brands before the Board on January 7.
- Discuss/act on EmployeeForward online payroll portal service, provided by Harpers Payroll Services. Mr. DeManche gives background on this service, which is an online version of your paycheck, and allows employees to opt out of the paper paystub. The cost for this is \$.35/employee per pay period, around \$1,000/year. Executive Assistant Ali Golz did a survey and found 76% of employees wanted it. This would be offered to all employees. Selectman Jose asks if it is mandated. Mr. DeManche says the employees would opt in if they want it, it is not required, but we would have to pay for all employees. Selectman Jose asks if there are savings for the company not printing the checks, Mr. DeManche says there was no analysis on that. Selectman Jose thinks this is a bit expensive, and thinks it should be per employee, not an all-or-nothing fee. Selectman Sullivan wants to see more analysis, though he understands the value to the employee. Selectman Jose doesn't like that you wouldn't get a paper paystub. Mr. DeManche says he can try to negotiate, Selectman Jose asks him to find out if there's a cost offset and if per-employee is an option.

- Act on contract for FY2019 Environmental Services for Howland Road Landfill with Woodard and Curran, as submitted by Health Agent Derek Macedo. Mr. Macedo says this wasn't handled in a timely matter due to a mix up on his end, but this is the same contract as in years past. The funding in the budget matches the value of the contract.

VOTE: Motion (Sullivan/Jose) to endorse the agreement with Woodard & Curran, passed unanimously.

- Act on Ambulance Abatements – Write Offs for November 2018, as submitted by Fire Chief Gary Silvia. Selectman Jose reads the dollar figures: contractual allowances in the amount of \$61,219.35, write offs in the amount of \$28,277.89, for a total amount of \$89,497.24. He says the dollar amounts are startling to him every time.

VOTE: Motion (Sullivan/Jose) to approve in the amounts stated, passed unanimously.

- Accept/Discuss letter from Robert L. Xifaras, Trustee, Braley Road Complex 5153 Trust, regarding Braley Road land. Mr. DeManche met with Mr. Xifaras and an interested party in recent weeks, which was followed up with this letter. There is some dispute on who exactly owns the land and the assessment of the land, due to the condition the land is in. They would be looking for some sort of abatement. They would want to see an elderly 40B housing project on the site, but Mr. DeManche notes there are many family issues and tire/land issues involved with this to untangle. Mr. DeManche doesn't know what to recommend to the Board on this. Selectman Jose says we should acknowledge the receipt of the letter, but Mr. Xifaras needs to show us a lot more of a plan here. Selectman Sullivan would like to see more of a plan and financial ability on this first, not just talk. Selectman Jose says the Town didn't put the tires there; it would be the property owner's responsibility to clean those up. Mr. DeManche notes the Board doesn't have authority to abate anyway. Selectman Jose would recommend just acknowledging the letter. Selectman Sullivan agrees.
- Approve snow plow contract for 2018/2019 winter season for Michael Trahan.

VOTE: Motion (Sullivan/Jose) to approve, passed unanimously.

- Act on annual renewal of Class II and Class III Motor Vehicle Dealers licenses, issued by the Board of Selectmen:
 - Class II: Herb's Auto Body, Repair & Sales; Choppahead Kustom Cycles
 - Class III: Big Wheels Truck Sales, Inc.; D.M. Auto Enterprises
 Mr. McIntosh confirms all paperwork is in for these licenses and no complaints have been received regarding them.

VOTE: Motion (Sullivan/Jose) to approve the Class II and Class III renewals, passed unanimously.

- Act on renewal option for 2019 with Lakeville Community Access Media (LakeCAM). Mr. DeManche explains we entered into an agreement earlier this year with two option years. He would recommend going ahead with the second year, which has an increase of \$2,500 for 2019.

VOTE: Motion (Sullivan/Jose) to accept the second year of the contract, passed unanimously.

- Act on approval of Board of Selectmen's meeting minutes of December 5th, December 7th and December 11th, 2018. Discussion is held on whether or not Selectman Sullivan can vote to approve the December 5th meeting, as he was not present, and the meeting involved Excel Recycling, which he has recused himself on. The Board is up against the Open Meeting Law on this, we need to approve the minutes at this meeting, even with Selectman Pacheco being absent. Selectman Sullivan believes he can utilize the rule of necessity to approve these minutes.

VOTE: Motion (Sullivan/Jose) to approve the minutes for December 7 and December 11, 2018, passed unanimously.

VOTE: Motion (Sullivan/Jose) to approve the minutes for December 5, 2018, passed unanimously.

- Town Administrator's Report
 - Mr. DeManche says budget forms have gone out, requesting level funding. Any increases will need to be justified and explained. The first version of the budget should be put together in January, but it will be incomplete as some numbers (schools, retirement) will not be ready. Mr. DeManche will meet with Department Heads on the increases ahead of the Board.
 - A meeting regarding the South Coast Rail project was held on Friday morning. The timeline for the project is 2020, and the topics discussed at the meeting were all non-controversial. Mr. DeManche has plans for each crossing in town for the Board to review. All town agencies were represented at the meeting, and nobody had any issues. Mr. DeManche has asked for them to put a narrative together.
 - Finally, the first Police Station Construction Team meeting is on Thursday afternoon, which will focus on accounting needs. Town Accountant Kimberley Fales will be present.

Board of Health:

Personnel Board:

- Receive/First Review of Compensatory Time Police and Hiring Policy, as submitted by Town Administrator David DeManche and Executive Assistant Ali Golz. Selectman Sullivan says this is to get a firm policy in place on these topics. The comp time policy is for bylaw employees. Mr. DeManche says Selectman Sullivan has been in on this. Mr. DeManche goes over the process he would like to follow with these new policies: he would like to come back to the Board a total of three times, with tonight being the first. He will request suggestions from the Board for the second time, and the third time will be for adoption. Selectman Jose says it is like the legislative process. The Board has no issue with this.
- Appoint Jeffrey Chandler as Conditional Building Commissioner, effective October 1, 2018. Selectman Sullivan explains the difference between a Commissioner and Inspector, that Mr. Chandler was appointed the wrong title before. Mr. Chandler will be taking the test to become a Commissioner in January. Selectman Jose asks Mr. DeManche to follow up with him on that.

VOTE: Motion (Jose/Sullivan) to appoint Mr. Chandler as Conditional Building Commissioner, passed unanimously.

- Sign change of status form for Michael R. Dagenais, Dispatch Trainee, effective December 1, 2018, as submitted by Police Chief Carlton Abbott. This agenda item taken together with the following agenda item.
- Sign change of status form for Samantha R. Cardin, Dispatch Trainee, effective December 1, 2018, as submitted by Police Chief Carlton Abbott

VOTE: Motion (Jose/Sullivan) to sign the change of status forms for Mr. Dagenais and Ms. Cardin, passed unanimously.

- Sign change of status form for Mark Lawrence, call firefighter, effective December 3, 2018, as submitted by Fire Chief Gary Silvia

VOTE: Motion (Jose/Sullivan) to sign the change of status forms for Mr. Lawrence, passed unanimously.

- Sign change of status form for Stephen Medeiros, Firefighter-E.M.T.-P, effective January 1, 2019, as submitted by Fire Chief Gary Silvia

VOTE: Motion (Jose/Sullivan) to sign the change of status forms for Mr. Medeiros, passed unanimously.

- Sign change of status forms for call firefighters as listed below, effective January 1, 2019, as submitted by Fire Chief Gary Silvia. Selectman Jose wants to make sure we have CORI checks done on these call firefighters, but notes that Chief Silvia is actually the appointing authority.

VOTE: Motion (Jose/Sullivan) to sign the change of status forms for the listed call firefighters, passed unanimously.

- Appoint George Martin to Finance Committee, effective December 17, 2018. Selectman Sullivan says the Finance Committee has voted to accept Mr. Martin onto the committee. Selectman Jose asks Mr. DeManche to clarify if appointees should be CORI checked. This appointment will last until the Annual Town Election.

VOTE: Motion (Jose/Sullivan) to appoint Mr. Martin to the Finance Committee, passed unanimously.

- Accept letter of resignation from Derek Gracia, Economic Development Committee, effective December 10, 2018.

VOTE: Motion (Jose/Sullivan) to accept Mr. Gracia's letter of resignation and send a letter of thanks, passed unanimously.

- Accept letter of resignation from Timm McIntosh, Temporary Part-Time Recordings Clerk, Building/Police Sub-Committee, and sign change of status form, effective October 30, 2018. Selectman Jose says no letter for Mr. McIntosh.

VOTE: Motion (Jose/Sullivan) to accept Mr. McIntosh's letter of resignation, passed unanimously.

New Business:

- Dates for upcoming Board of Selectmen Meetings: Monday January 7th, Tuesday January 22nd, Monday February 4th, Tuesday February 19th

Executive Session:

- 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

The Board did not enter into Executive Session, as they do not have sufficient quorum to do so without Selectman Pacheco in attendance.

Selectman Jose wishes everyone a Merry Christmas and Happy New Year. At 6:54pm, motion (Sullivan/Jose) to adjourn, passed unanimously.

Respectfully submitted,



Timm McIntosh,
Administrative Assistant

List of Change of Status Forms Received by Call Firefighters

Breanne Abreu	Cody Craveiro	Eric A. Reynolds, Jr.
Paul Ashley, Jr.	Nathan Gagnier	Kevin D. Rezendes
Tyler Bower	Joshua Hathaway	Corey J. Roberts
Mallorie Brouns	Vincent Karppinen	Vernon W. Roberts
Ethan Bullock	Brent L'Heurux	Ryan Charles Silvia
Alora Clemens	Mark Lawrence	Kevin S. Smith
Robert Clemens	Meaghan G. McGinn	Kevin M. Whittey
Alexander Copeland	Brad D. Plissey	

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

- Public Notice and tear sheet from New Bedford Standard Times, re: public hearing
- Proposed Board of Health Regulations
- Board of Health Variance form for 6 Paul Avenue
- Letter from T. McIntosh regarding AmeriCann Host Community Agreement Template
- Paperwork outlining EmployeeForward.com service
- Draft Fiscal Year 2019 agreement with Woodard & Curran for Environmental Services
- Draft Ambulance Abatments-Write Offs Memo dated December 5, 2018
- Letter from R.L. Xifaras re: land on Braley Road
- Snow Plow Contract contact sheet for M. Trahan
- Executed agreement with Lakeville Community Access Media, with 2019 option language highlighted
- Draft minutes from Board of Selectmen's meetings of December 5, 7 and 11th, 2018
- Draft Compensatory Time Policy
- Draft Hiring Policy
- Draft appointment slip and state appointment form for J. Chandler
- Letter of interest in Finance Committee vacancy from G. Martin.
- E-mail from G. Grunwald re: Finance Committee's vote on G. Martin
- Letter of resignation from D. Gracia and T. McIntosh
- Change of status forms for M. Deganaïs, S. Cardin, M. Lawrence, T. McIntosh and above named call firefighters.