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Cheryl A. Peltier

Freetown Board of Selectmen
Meeting Minutes

Monday, April 20, 2021 – 4:00pm
Meeting Will Be Held Virtually

****Open Session will be livestreamed at freetownma.gov/FREECAM****

4:00pm Call to Order

Selectmen Matthews called the meeting to order at 4:00pm. Selectmen Zager, Attorney Joe Fair, Attorney George Pucci, Attorney Greg Corbo, Town Administrator Peter Jankowski and Executive Assistant Lu-Ann Souza were also present. Selectmen Grunwald was not in attendance.

- Motion to enter Executive Session to discuss the items 1,2, & 3 below and to return to open session was made by Selectmen Matthews and seconded by Selectmen Zager.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.
- Motion to adjourn Executive Session and return to open session was made by Selectmen Matthews and seconded by Selectmen Zager at 5:17pm.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

Executive Session

Discussion/possible action on the following topics:

1. M.G.L. c.30A, Sec. 21(a)(3) – to discuss strategy with respect to collective bargaining with Public Employees Union, Local 1144 LIUNA (all bargaining units), the Freetown Police Association and the Freetown Full-Time Firefighters Association because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares
2. 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 – Copart of Connecticut, Inc. v. Lisa A. Pacheco, George L. Grunwald and Trevor R. Matthews, all as they are the Board of Selectmen of the Town of Freetown

3. 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

5:00pm

Selectmen Matthews called the meeting to order at 5:10pm. Selectmen Zager, Town Administrator Peter Jankowski, Executive Assistant Lu-Ann Souza, Board of Health Agent Tanya Daigneault, Building Commissioner Jeffrey Chandler, Jessica Elder Eversource, Theresa Feuersanger Eversource, Karen Lane-Newell Eversource were also in attendance.

Public Hearing

4. Verizon New England Inc. and NSTAR Electric Company petition #WO#4598011 to request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways: Ridge Hill Road, Freetown, to install approximately 160' (Feet) of conduit and cable under town road.

Terri Feuersanger from Eversource presented the permit request for tying some work already being done on South Main Street tying into a pole on Ridge Hill Road, Assonet asking Board to approve 160' of conduit along Ridge Hill Road so area residents have an additional resource so when one power source goes out Eversource can switch them to another power source. This project goes along with another project on South Main Street. Selectmen Matthew asked how long this project will take? Terri Feuersanger two-five days depending on soil conditions. Selectmen Matthews asked if they had pulled Street opening permit? Terri Feuersanger noted their contractor will take care of that once project is approved. Selectmen Zager asked what was the criteria that made you choose this area? Ms. Feuersanger said this is an area that there have been a high degree of outages and are doing to solve reliability problems. Selectmen Matthews asked if the abutters were notified. It was noted they were notified. Selectmen Matthews asked if anyone on the meeting Board or Residents had any questions? None were asked. Selectmen Matthews asked Mr. Chandler if he had any questions. He stated he did not have any questions on this topic.

- Motion to approve this project with the condition that all the proper permits are filled and paid for was made by Selectmen Zager and seconded by Selectmen Matthews
- Vote: was approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes

Selectmen Matthews closed the public hearing at 5:18pm.

Board of Selectmen

Discussion/possible action on the following topics:

5. Approve the meeting minutes from 4/6/2021, 4/14/2021 Selectmen Onboarding and 4/14/21 meetings.
 - Motion to approve the meeting minutes form 4/6/21, 4/14/2021 onboarding and COA meetings was proposed by Selectmen Zager and seconded by Selectmen Matthews
 - Vote: approved in a unanimous roll call vote
 - Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

6. Approve the lease schedule for the FY22 lease of two police cruisers that funding was approved at Annual Town Meeting.
 - Motion to approve these leases was proposed by Selectmen Zager and seconded by Selectmen Matthews.
 - Vote: approved in a unanimous roll call vote
 - Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

7. Accept gift of tangible property, donation of canine nutritional items by Freetown Police K-9 Foundation, Inc.
 - Motion to accept gift of tangible property, donation of canine nutritional items by Freetown Police K-9 Foundation, Inc. was proposed by Selectmen Zager and seconded by Selectmen Matthews.
 - Vote: approved in a unanimous roll call vote
 - Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

8. Review, finalize and approve Warrant.

Town Administrator Peter Jankowski suggested specifying the motion to approve both Special and Annual Town Meeting warrants for June 7, 2021.

 - Motion to review, finalize and approve the Special Town Meeting Warrant for June 7, 20201 and the Annual Town Meeting Warrant for June 7, 2021 was proposed by Selectmen Zager and seconded by Selectmen Matthews.
 - Vote: approved in a unanimous roll call vote

- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.
9. Approve and send to Finance Committee a Transfer Request in the amount of \$10,964.27 to cover staffing in Selectmen/Administration Office through 6/30/2021, and deficit in gross overtime line.
- This agenda item will be held for a future meeting

10. Discussion on Municipal Solid Waste and Recycling RFP Bids received.

Peter Jankowski noted we have three proposals EZ Disposal, Borges Bros, and Republic Services. He referred to the memo from Mr. McIntosh with the cost analysis and his memo regarding fuel costs, where recycling would go, and encouraged the Board to look at these to help decide how the Board wishes to award the contract at the May 3, 2021 meeting. He noted EZ Disposal was the only one who bid the automatic which does not seem to work in some areas for Freetown. One said they would have 15 trucks which he feels is an error as others said they would have 2-3 trucks. Mr. Jankowski asked the Board to look at the recap information on the bids, and the additional documents provided, and we can discuss and finalize who we will award the contract to at the 5/3/21 meeting. Selectmen Matthews said to clarify it is not only about price when awarding this contract. Mr. Jankowski noted that it is not only the cost to take into consideration and noted the cost in diesel, previous complaints/customer service.

Selectmen Matthews noted that he would like to add a discussion to the next agenda on where our trash will go in the future especially as Crapo Hill has a target date of 2027 to be closed. Peter Jankowski noted that we have reached out to SEMASS and have not heard back from them and that we are awaiting the renewal contract for Crapo Hill now.

11. Approve changes from Industrial Communications for Police Station:

Change Order #1, in the amount of \$4,090.00 for modification of ice bridge posts near base of retaining wall.

Change Order #2 in the amount of \$5,559.00 for installation of antenna.

- Motion to approve both change orders was proposed by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

12. Approval of the March 2021 for:

Ambulance Abatements in the amount of \$101,501.83

Write offs in the amount of \$8,485.93 totaling \$109,987.

- Motion to approve the ambulance and write offs was proposed by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

13. Discussion on quotes for Town Meeting mailing.

Lu-Ann Souza noted she reached out to two local companies, K.L.A. and Moonlight Print, Copy Design in Assonet and acquired quotes from each. Both have experience with the mass mailing through the Post Office bulk mailing and have experience with this process. She suggested having one Selectmen take on this project for content and would be happy to work with them. She noted Moonlight comes in at \$1,635 K.L.A. comes in at \$1,534. So very similar and this includes design fees and postage. Mr. Jankowski noted this will be a postcard and cost about twenty cents and it is an inexpensive way to reach all residents in Town.

- Motion to move ahead with this mailing and assign Selectmen Grunwald will assist on this project and make final decision was proposed by Selectmen Zager and approved by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

14. Award the contract for Fiscal Year 2022 for winter sand to Cape Cod Aggregates Corp.

Mr. Jankowski noted that there were three companies that bid on the project.

- Motion to award the contract for Fiscal Year 2022 for winter sand to Cape Cod Aggregates Corp. was proposed by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

15. Discussion on IT Support for the Town.

Peter Jankowski noted we currently have a one-man support company and sometimes the response time is not what he desires. He asked his support staff to get quotes. They contacted three companies and got quotes. Currently we pay \$85/hour and new company would be \$100/hour, no retainer and have a five-man shop. His

recommendation would be to utilize Netrospect as our company. He noted he had a discussion with Police and Fire and noted Police have some reservations. Mr. Jankowski noted that he will discuss with the Police Chief next week.

- Motion to assign this contract to Netrospect for a start date on 5/1/2021 was made by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: was approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes

16. Discussion on Council on Aging Study results and next steps.

Peter Jankowski noted we had an initial presentation from Compass Group and he has heard from some residents who are very interested in this project. His recommendation is to have Compass Group and once concept is done it would go out to bid and that he would recommend the Building Committee to oversee this project. It was noted that building is very difficult now due to fluctuating costs. We will wait until the full study from Compass Group, including a conversation with the library, is done then a decision can be made and the project can go out to bid under Chapter 149. Mr. Jankowski noted that this project will probably not break ground until next year.

Board of Health

Discussion/possible action on the following topics:

17. Problematic sites in town not in compliance with the Board of Health

Selectmen Zager asked Board of Health Agent, Tanya Daigneault to bring the Board up to speed on the chronic blight issues. Ms. Daigneault noted the document she submitted to the Board on 4/1/21 that has several options for the Board of Selectmen's review. She noted that she has spoken to many residents regarding issues. Ms. Daigneault noted that there is no Board of Health, which causes a lot of cons for the Health Agent, and that puts a real load on the Board of Selectmen. She noted that sending out letters and having them go into the ethers is challenging at best. She also noted visiting sites does not do that much. If the Board of Selectmen had a strong nuisance regulation per Chapter 111 in Mass General law and had a similar to New Bedford you can get a start on taking care of these manners in a more efficient matter. Currently Agent puts a letter out there, but no follow up done in past. She would suggest a couple weeks after the letter sent to follow up with the Board and Town Administrator and go from there. She suggests having agent see Town Administrator weekly to discuss situations, progress, acute situations etc. and can bring in Town Counsel in earlier and stay on top of it. She has found this a very effective way of staying on top of these situations. She also noted it is also very effective to go out to sites as a team as this can be more effective. Selectmen Matthews asked do you see other Towns where the enforcement is their only job. Ms.

Daigneault said she has not seen this in other locals. Selectmen Matthews noted this may be something we look into for the future as once you get into the flow of permits and other responsibilities this can get away from this. Ms. Daigneault said this is part of the agents job and if they had weekly meetings with Town Administrator they can set which site is a priority and really stay on them. She said it is very effective to bring the resident into a Board of Health meeting. Selectmen Zager said he heard loud and clear that we need to increase the penalties on these people to take care of the ones we have now and deter others in the future. Ms. Daigneault noted fines are not very effective usually more involvement with the Board of Health seems to move things along better. Selectmen Zager said maybe we need to increase the fines and more of a push from the Board of Health. Ms. Daigneault said a strong nuisance regulation will help a great deal as it will allow you access to the property and generally one meeting would fix the situation. Selectmen Matthews asked would this need Town Meeting approval. Ms. Daigneault suggested talking to Town Counsel for guidance on adding this regulation.

18. Problematic sites in town not in compliance with the Building Regulations

Building Commissioner Jeffrey Chandler noted he has been dealing with a number of properties with unregistered cars on site. Two weeks ago he sent out a fine for \$150 and had which has not been paid yet and his next step is to turn over to Town Counsel. He is playing a game with us and it is cheaper for him to pay the fine rather than the cost of cleanup. So far Mr. Chandler has issued two fines.

- He also mentioned 92 Chace a year ago he gave out a fine, they started to clean it up and then stopped and it got worse last November, he gave them a \$150 fine which was paid today. On this property they have taken out 5 vehicles over the last week, so it is working and noted this is a property the Board of Selectmen gave approval to go to Town Counsel. He gave the resident 2 weeks to clean up at which point if it is not cleaned up, he will issue another fine and reassess. If the progress stops, he will turn it over to Town Counsel.
- 6 Paul Ave he is dealing with fence viewer. The resident complained about tarps being put up on the fence line. It was determined to be a spite fence. He asked if could do a privacy fence which he did and put tarps on his side which is acceptable by fence viewer law. Basically, it is a civil matter at this time, he put no trespassing signs along the tree line. Jeff Chandler believes they will need to get a land surveyor to determine property lines. The neighbor said they have parties, and the other neighbor is saying little kids are coming into their yard and going behind their shed.
- 106 Chippaway has a trailer and several vehicles. Jeff Chandler does not believe anyone is living in the trailer. He noted he has pictures of all the vehicles. He noted dealing with all of these, and all his other job responsibilities is an awful lot on his plate.

- 109 Chace Rd, new complaint that came in over the last 3 weeks that they are running a business with some cars. Jeff Chandler is going to send something out this week or next week. Selectmen Matthews asked if it was an illegal business or do they have a license? Mr. Chandler said it is not a legal business, they have 11 cars there and people are having their vehicles repaired there. The complainant also noted there are campers out back. Mr. Chandler will check into that
- 4 Quannapoag there is an extra house on that property which is not allowed. It is a converted storage garage. Mr. Chandler said it is not clear on how he is tying that into the septic system. He noted this is a combined issue as Ms. Daigneault noted.
- 0 Lark Lane this has been addressed before by a phone call with the owner and because it was not in writing he charged us with trespassing. A letter was sent last year and they cleaned up 3 cars but have made no further progress. The neighbor across the street is keeping him posted on if there are more cars coming onto the property. This one may need to be approved to go to Town Counsel. Selectmen Matthews noted he lives in the area and there are cars and old boats up against the river and was wondering if that is an environmental issue. He noted it is a small lot but there is a lot of stuff on it. Most of the vehicles used to be on the property across the street and were moved to where they are now once that other property was sold. Mr. Chandler noted we need to use caution going onto their property and how we handle things and be sure to get things in writing from this resident. Tanya Daigneault stated there has been no clean up at this location. She noted the neighbor and Tanya Daigneault spoke at great length on the topic. The key issue is tracking down the owner who does not live-in town. She continued that you could put lien on the property if needed and she noted it is not inexpensive to clean up all of these sites. Selectmen Zager asked if the fine dollar amount is preset and is there a frequency that we issue the fines, how and why are we issuing fines, and do you think it is working? Mr. Chandler noted when he was in Plymouth, he was the one to go to court so when you issue a fine it brings up an issue with the judge. We can issue fines daily, but magistrates said if you do that, they will consider it harassment and throw it out. If you issue the fine and give them time and repeat, then the Magistrate will demand clean up via a Warrant. He has seen immediate cleanup after the demand is issued within 2 weeks. Mr. Chandler noted there are varying fees we can charge for fines. His experience has been issuing the fine and give it time and that seems to work the best. Mr. Chandler suggested sending out one more letter to Lark Lane before going to Town Counsel.
- Motion to approve the Building Commissioner to go to Town Counsel on 0 Lark Lane if needed was proposed by Selectmen Matthews and seconded by Selectmen Zager
- Vote: approved in a unanimous roll call vote

- Vote: Selectmen Zager – yes, Selectmen Matthews – yes
Selectmen Matthews thanked Ms. Daigneault and Mr. Chandler for their time and they left the meeting.

Personnel Board

Discussion/possible action on the following topics:

Mr. Jankowski noted that he had a discussion with Town Counsel that once the resignation comes into the Town Clerk it is official. The Board of Selectmen does not have to make a motion and/or vote they just need to accept the resignations.

19. Acknowledge the resignation of Tim Dacey, Cemetery Sexton effective 3/28/2021.

- Selectmen Matthews acknowledged the resignation of Tim Dacey, Cemetery Sexton effective 3/28/2021.

20. Acknowledge the resignation of Tanya Daigneault, Board of Health Agent effective 4/28/2021.

- Selectmen Matthews acknowledges the resignation of Tanya Daigneault, Board of Health Agent effective 4/28/2021.

21. Appointment Owen Borges as Cemetery Sexton effective 4/21/2021.

Mr. Jankowski noted that he has had a discussion with the Cemetery Commissioner and the applicant is under 18 years old, and has not had a CORI run yet so we are holding until we can find out if hiring someone under 18 years of age is acceptable for this position as it requires running machinery.

- This item has been held for discussion at the next meeting.

22. Appointment of Jeffery Amaral, Ellen Lima, Lola Furtado, Carlos Lopes, Lynn Furtado and Brian Miller to the Parks & Recreation Committee effective 4/20/2021.

- Motion was proposed by Selectmen Zager to Appointment to this committee effective 4/20/2021 was proposed by Selectmen Zager and seconded by Selectmen Matthews. Mr. Jankowski noted that their first meeting is on the 27th. Selectmen Matthews noted that he would like to be invited to the first meeting.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

23. Appointment of Nicole Davignon to the Building Committee effective 4/20/2021.

- Motion to appoint Nicole Davignon to the Building Committee effective 4/20/2021 was proposed by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

24. Appointment of Tax Increment Financing Board (TIF) effective 5/1/2021.

- Motion to appoint Michael Motta, Trevor Matthews, Gary Martin, Keven Desmarais, Peter Jankowski, and Jessica Thomas to the Tax Increment Financing Board (TIF) effective 5/1/2021 expiring 6/30/2022 was proposed by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

25. Appointment of Lola Furtado as Clerk/Aide for Council on Aging effective 4/13/2021.

- Motion to appoint Lola Furtado as Clerk/Aide for Council on Aging effective 4/13/2021 was proposed by Selectmen Zager and seconded by Selectmen Matthews.
Mr. Jankowski noted that this position is being funded by the CARES Act and will stop once monies run out unless the Board decides to end the program. This person will help with food delivery and anything COVID related.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

26. Appointment of participants for the Senior Work-off program effective 4/20/2021.

- Motion to appoint Robert Pilling, Paula Charette, Melody Cardosa, Diane Scott and Susan Simato for the Senior Work-off program effective 4/20/2021 was proposed by Selectmen Zager and seconded by Selectmen Matthews.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager – yes, Selectmen Matthews – yes.

27. Set payrate for Boat Ramp/Beach Attendant to new minimum wage of \$13.50 per hour.

- Motion to set the payrate for Boat Ramp/Beach Attendant to State minimum wage of \$13.50 per hour was proposed by Selectmen Zager and seconded by Selectmen Matthews.