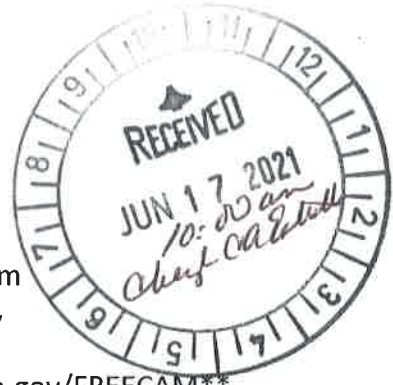


Freetown Board of Selectmen  
Meeting Minutes  
Monday, May 17, 2021 – 4:30pm  
Meeting Will Be Held Virtually



**\*\*Open Session will be livestreamed at [freetownma.gov/FREECAM](http://freetownma.gov/FREECAM)\*\***

4:30pm      Call to Order

Lu-Ann Souza read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, sec. 18, and the Governors March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Freetown Board of Selectmen will be conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. A recording, transcript or other comprehensive record of proceedings will be posted to the Town's YouTube Channel and/or the Town of Freetown Website [www.freetownma.gov](http://www.freetownma.gov)

Selectman Trevor Matthews called the meeting at 4:34pm to order. Selectmen George Grunwald, Town Administrator Peter Jankowski, Attorney George Pucci KP Law, Executive Assistant Lu-Ann Souza, and Administration Assistant Lola Furtado were also in attendance. Town Accountant Kim Fales, DOER Lisa Sullivan, SRPEDD Eric Arbeene

Board of Selectman

Discussion/possible action on the following topics:

1. Excel Recycling, discussion of procedures and intended schedule for the Board to conduct remand hearing on Excel's license renewal application.

Attorney George Pucci explained procedures for the remand hearing with Excel license renewal application. Excel Renewal of their Junk dealer's license. Previous Board of selectmen, 2 members voting and 1 recused had denied renewal of the license. Excel appealed that denial decision of the Superior Court and the Superior Court overruled the Board's decision and ordered the Board to issue the junk dealer's license. The Board voted to appeal the ruling court to the Massachusetts Appeals Court heard the case and they found that the Superior Court Judge was correct the Board had relied on matters outside the record basing its decision on the license renewal. The Appeals Court felt there was

enough evidence to record they did not want to uphold the Superior's Courts decision overturning the Board's decision, but they ordered the case be remanded back to the Board of selectmen to rehear the license renewal application. It is important the Board does not refer to matters that outside of the record or Excel did not have the opportunity to respond to. There has been a passage of time and new circumstances from when the renewal was originally heard. There are none of the members of the Board who are here now acted on the prior application. Suggestion to open a new record and have the hearing evidence on current conditions, close the hearing, deliberate and vote on the license renewal. Possible schedule of a hearing May 24 at 4:30 pm, first from Excel for the grounds it seeks its junk license renewed, then to anybody else in support of or opposition to that renewal request. Also recommends accepting any written submissions by May 21. Place holder hearing session on June 3 for 5 pm, for rebuttals only. Also recommends prior to June 3 a deadline to close documentary evidence, written submissions, records of proceedings to correct the errors of last time. Let Excel know so they have a chance to respond to them. June 3 when you hear rebuttal, specify the completion of documentary records submitted, close the hearing that night. Place holder on June 14 for deliberations and the vote. These dates have been put on the agenda tonight to advise anyone interested in participating in this process. Selectmen Matthews asked about 2 separate issues. A pending land court case appeal by Excel, of a cease-and-desist order issued by the building commissioner, the current commissioner disagrees with the conclusions prior building commissioner and the town requires a special permit for this operation. That case is pending in the land court. It has nothing to do with the licensing issue. Town Administrator Peter Jankowski stated a reminder the meetings will be 5/24 and 6/3 meetings live, in person and in the Auditorium at the Elementary School. Also asked if we should close the submissions on June 3. Attorney Pucci suggested June 2 would give time enough to go over before the actual meeting. Attorney Pucci will be notifying their attorneys to let them know of the upcoming dates.

2. Approve the meeting minutes from 5/10/2021.
  - Motion to approve the meeting minutes from 5/10/2021 was proposed by Selectmen Matthews and seconded by Selectmen Grunwald.
  - Vote: approved in a unanimous roll call vote
  - Vote: Selectmen Matthews- yes, Selectmen Grunwald- yes, Selectmen Zager – no present
3. Approve the Municipal Solid Waste and Recycling Contract between the Town of Freetown and Borges Brothers Trucking, LLC.

Selectmen Grunwald has concerns about the pricing. Selectmen Matthews agreed these are valid points but wants to support local businesses and since we had complaints about Republic, this is a service that touches all our taxpayers, Republic was not filling the towns customer service needs so it was time to try something else. Selectmen Grunwald agreed. Town Administrator Jankowski stated we

have documented complaints and we had 1 meeting since, and problems was addressed in the last a month.

Selectmen Matthews mentioned this needs to be funded and will be brought up at the town meeting for a vote from the people in town. Town Administrator mentioned the town attorney adjusted 2 line items.

- Motion made to approve the contract between Borges Brothers Trucking LLC and the Town of Freetown for Municipal Solid Waste and Recycling was proposed by Selection Zager and second by Selectmen Matthews.
- Vote: 2 yes votes, 1 no vote
- Vote: Selectmen Matthews- yes, Selectmen Grunwald- no, Selectmen Zager- yes

4. Discussion on Green Community Grant from SRPEDD. Lisa Sullivan Regional Coordinator, Green Communities Division for State of Massachusetts and Department of Energy Resources (DOER) and Eric Arbeene, Principal Comprehensive Planner for SRPEDD will be available for questions.

Lisa has done presentations in Freetown and we have a Regional Energy Planning Assistance Grant with SRPEDD that allows DOER to provide free technical assistant to the community should you want to try to reach designation. They will pay up to \$7500.00 for SRPEDD and help write an energy production plan and pull together a vehicle inventory. The program opportunity notice has been posted again on the COMMBUYS and you will have to do a MOU with SRPEDD to continue with the program. If we decide not to become a green community, there is no penalty and if we are not successful in our attempt there is no penalty. Town usually spent the \$7500.00 Selection Matthews asked about the \$7500.00 average cost for the application and towns usually use the amount, but we would need to fill out another MOU with SRPEDD we will need a new one in place for the next 2 years. Eric will help us put it together. Due July 9<sup>th</sup>.

5. Discussion & approval of the Municipal Budget for 2022.

Town Accountant Kim Fales announce last joint meeting all the updates have been made.

Board voting a 2% COLA increase for the by law employees. Consider department requests. Go over individual salaries over the summer. Concerns for employees not under the by-laws. Some employees who are at minimum wage will be at the current state wage of \$13.50. Public nurse to receive a \$1.00 increase to \$36.00. Town Administrator Peter Jankowski to Kim Fales to increase the budget of \$480.00. Addressing this in the fall under the Comprehensive Compensation Article.

- Motion was proposed by Selectmen Matthews to give a 2% increase for all bylaw employees, minimum wage employees to be at current state minimum wage and public health nurse's salary to increase to \$36.00/hour beginning on 7/1/21 and seconded by Selectmen Grunwald.
- Vote: was approved in a unanimous roll call vote.
- Vote: Selectman Zager- yes, Selectmen Grunwald yes and Selectmen Matthews – yes

A discussion continued the Town Clerks request to increase annual salary by 11.4 % increase. Group would like to see what other towns pay for this and other positions. Selectmen Matthews noted that elected position does not have job security enough going forward. Survey recommended for all positions.

- Motion was made by Selectmen Zager to increase the Town Clerk's Salary by \$6,630.00 as of 7/1/21 and was seconded by Selectmen Grunwald.
- Vote: was approved in a unanimous roll call vote.
- Vote: Selectmen Zager- yes, Selectmen Grunwald- yes, Selectmen Matthews-yes.

It was then noted that the Building Commissioner asking for an increase of \$5,000 in annual salary. Town Administrator noted that his marching orders from Board of Selectmen was to keep all employees at 2 % COLA increases this year.

- Motion was proposed by Selectmen Zager to reduce Building Department budget by \$3600.00. 2% as of 7/1/21 and was seconded by Selectmen Grunwald.
  - Vote: was approved in a unanimous roll call vote
  - Vote- Selectman Zager-yes, Selectman Grunwald-yes, Selectman Matthews -yes.
- Town Administrator Peter Jankowski noted this reduction for the salary line in the budget.

-Motion to approve the remaining items on the FY22 budget was proposed by Selectmen Matthews and seconded by Selectmen Grunwald.

- Vote: approved in a unanimous roll call vote.
- Vote: Selectman Zager- yes, Selectmen Grunwald-yes, Selectmen Matthews- yes.

## Board of Health

Discussion/possible action on the following topics:

### 6. Discussion on blight sites and Bylaw violations

Discussion was had on the recommendations of Chief Abbott on how to manage blight sites around town.

- Motion was proposed by Selectman Zager the recommendations of Chief Abbott regarding the by-law's violations and seconded by Selectman Grunwald.

- Vote was approved in a unanimous roll call vote
  - Vote: Selectman Zager- yes, Selectman Grunwald– yes, Selectmen Matthews-yes.
7. Discussion of Juneteenth as Town Employee paid holiday.
- Motion was made by Selectman Grunwald to adopt Juneteenth as paid holiday for Town Employees and was seconded by Selectmen Matthews.
  - Vote: was approved in a unanimous roll call vote
  - Vote: Selectmen Zager – yes, Selectmen Grunwald – yes, Selectmen Matthews - yes

#### Personnel Board

Discussion/possible action on the following topics:

8. Acknowledge the resignation of Victoria D’Antoni as Conservation and Board of Health Senior Clerks effective 5/21/21.

Selectmen Grunwald acknowledged the registration of Victoria D’Antoni.

9. Appoint Brian Almeida to Open Space and Recreation Advisory Committee effective 5/17/2021.
- Motion to appoint Brian Almeida to Open Space and Recreation Advisory Committee effective 5/17/2021 was made by Selectmen Matthews seconded by Selectman Zager.
  - Vote: was approved in a unanimous roll call vote.
  - Vote: Selectmen Zager-yes, Selectmen Grunwald-yes, Selectmen Matthews-yes.
10. Appoint C. Nils McKay as SRPEDD Commission member effective 5/21/21-5/20/22.
- Motion to appoint C. Nils McKay as SRPEDD Commission member effective 5/21/21-5/20/22 was made by Selectmen Matthews and seconded by Selectmen Zager.
  - Vote: was approved in a unanimous roll call vote
  - Vote: Selectmen Zager- yes, Selectmen Grunwald-yes, Selectmen Matthews-yes.
11. Appoint Peter Jankowski’s designee to SRPEDD Joint Transportation Planning Group effective 6/1/21-6/1/22.
- Motion made by Selectmen Matthews to appoint Peter Jankowski designee to SRPEDD Joint Transportation Planning Group effective 6/1/21-6/1/22 and seconded by Selectmen Zager.
  - - Vote was approved in a unanimous roll call vote
  - Vote: Selectmen Zager- yes, Selectmen Grunwald-yes, Selectmen Matthews-yes.
12. Appoint Sandra Martins as Part-Time COA/Cares Act Clerk at a pay rate of \$15.30/hour effective 5/17/2021.
- Motion was made by Selectmen Matthews to appoint Sandra Martins as Part-Time COA/Cares Act Clerk at a pay rate of \$15.30/hour effective 5/17/21 and was seconded by Selectmen Zager.
  - Vote: was approved in a unanimous roll call vote
  - Vote: Selectmen Zager- yes, Selectmen Grunwald-yes, Selectmen Matthews-yes.

13. Discussion and clarification of language for Memorandum of Agreement, dated 6/3/19, Between the Town of Freetown and Public Employees Union Local 1144, LIUNA (Clerical & Library), Clause 4.

Town Administrator Peter Jankowski explained steps in contracts.

- Motion to accept the language in the memo in the packet\* provided to the Selectmen in regards to the steps administrative end of clerical and library union contracts was made by Selectmen Grunwald and seconded by Selectmen Zager.
- Vote was approved in a unanimous roll call vote
- Vote: Selectmen Zager- yes, Selectmen Grunwald-yes, Selectmen Matthews-yes.

\*Information from packet (Memo from Peter Jankowski dated 5/11/21):

“Nadine, Union President, has requested a clarification on this clause. I understand there is a difference of interpretation between the Union and the Account’s office.

The Memorandum of Agreement (MOA), dated 6/3/19, between the Town of Freetown and Public Employees Union Local 1144, LIUNA (Clerical & Library), clause 4, second sentence which states: “ regardless of what step an employee starts on they must wait the appropriate amount of years to move to the additional step.”

Normally, an employee starts on step 1. However, due to a promotion or hiring qualifications a person may start at a higher step, say step 3, for example. Normally they would follow the “time gap” between steps to advance, in this case two (2) years as provided by the MOA.

However, the Union states this practice is not being followed. They report, if a person starts at Step 3, the individual must wait five (5) years to advance to the next step rather than the two (2) years indicated in the MOA.

I recommend:

It is the understanding of the Board of Selectmen, this sentence provides that an individual shall wait the appropriate number of years, as indicated in the MOU between the steps. For example, if an individual starts on Step 1/1-Year must wait one year to reach Step 2/2- Year. If an individual starts/promoted on Step 3/3-Year must wait two (2) years to reach Step 4/5-Year. “

Please note: The Board may take up any other business to properly come before the Board that was not reasonably anticipated 48 hours before this meeting.

Old Business:

Potential discussion on pending items – action will not be taken at this meeting:

- Council on Aging Project Study
- Phone System Upgrades (Vertical phone system upgrade)



Town Administrator Peter Jankowski reported no changes in the old business.

- Motion made to adjourn was made by Selectmen Matthews at 5:36m and seconded by Selectmen Zager.
- Vote: approved in a unanimous roll call vote
- Vote: Selectmen Zager-yes, Selectmen Grunwald-yes, Selectmen Matthews-yes

Respectfully submitted,



Lola Furtado

List of Documents/exhibits used by the Board during this meeting.

- Agenda
- Meeting notes – May 10, 2021
- Omnibus Budget
- Email from Chief Carlton Abbott about bylaw violations
- Resignation email of Victoria D'Antoni
- Appointment of Brian Almeida to Open Space and Recreation Advisory Committee
- Appointment of Sandra Martins to Part-Time COA Clerk/Aid CARES Act
- Appointment of Peter Jankowski to SRPEDD Joint Transportation Planning Group
- Appointment of C. Nils McKay to SRPEDD Commission Member
- Memo of MOU Clarification – Clerk/ Library