



TOWN OF FREETOWN BOARD OF SELECTMEN

Minutes

Monday, January 7, 2019, 6:00pm  
Council on Aging – 227 Chace Road, East Freetown

RECEIVED  
FREETOWN TOWN CLERK

2019 JAN 29 AM 11:50

*J. Brown*

**6:00 P.M. Call to Order**

Chairman Robert P. Jose calls the meeting to order at 6:01pm. Selectmen Charles B. Sullivan and Lisa A. Pacheco are also present. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM.

**Board of Selectmen:**

1. Approve Host Community Agreement (HCA) for AmeriCann Brands. Tim Keough, CEO of AmeriCann Brands, is present. Mr. Keough explains that AmeriCann Brands is a wholly owned subsidiary of AmeriCann. AmeriCann Brands would be leasing space in the AmeriCann facility, and it will not be a retailer. Town Counsel has looked at this HCA, and has no issues with it. Selectman Sullivan, who is an abutter to the AmeriCann property, asks Mr. Keough to speak to a recent New York Times article that spoke about a strong skunk smell emanating from marijuana grow facilities in California. Mr. Keough explains that odor mitigation has been discussed with the Planning Board as part of the site plan review process, outlining the use of a mist-making machine from a company called Fog Co, which traps odors. Carbon filtration would also be used. Mr. Keough will forward documentation on the system and the odor mitigation efforts. Additionally, Chapman Dickinson, CEO of Bask, notes that the article in question spoke about outdoor, open growth facilities, which is not the case with AmeriCann. Selectman Jose has questions about the company. Mr. Keough explains the difference between AmeriCann and AmeriCann Brands, describing AmeriCann as a real estate development company, while AmeriCann Brands will actually be receiving a cannabis license from the state as a wholesaler. Selectman Pacheco says we could have put stipulations on the original AmeriCann HCA had they known about odor concerns, but they cannot re-write that now. Mr. Keough explains that this new HCA is a new requirement from the state, in place of a letter of non-opposition. Selectman Sullivan doesn't want to block anything, but recommends the Board holds off on approving these until we come to an agreement on the odor concerns. Mr. Keough says there is language in the HCA that makes them go to the Planning Board for a special permit for the adult use of recreational marijuana, so this can all be addressed and written into the special permit there, so the application process isn't held up.

Selectman Pacheco says there is no means to penalize them right now if things don't work. Selectman Jose recommends a nuisance trade clause, which would call them back if they became a nuisance trade. Phil Silverman, legal counsel on behalf of Bask, is also present. Mr.

Silverman says a lot of communities handle this with the special permit through the Planning Board, that the remedy for the Board is that special permit. Selectman Sullivan repeats that he doesn't want to hinder things, but also doesn't want a giant mess that is mishandled again. He says he has no problem voting this through now but says it needs to be worked on more.

VOTE: Motion (Pacheco/Sullivan) to approve the host community agreements for both AmeriCann Brands and Bask, with the understanding they will forward the information on the smell, and also we would make mention to the Planning Board for the site plan review to look specifically at the area of concern, passed unanimously.

2. Approve Host Community Agreement for Bask. This agenda item discussed and voted on as part of the previous agenda item.
3. Sign bond paperwork for Police Station to Jefferies & Co. Inc. Town Treasurer Jessica Thomas is present. The Board asks about the process behind obtaining this bond. Ms. Thomas explains that it went to bid, where we received 5 bids. Jefferies & Co. Inc. was the lowest bid was 3.25%, with an adjusted premium of \$78,743, which means we'd only have to pay back \$6,428,000. This makes the adjusted rate is actually 2.11%. The Board has no further questions.

VOTE: Motion (Sullivan/Pacheco) to endorse the bond, passed unanimously.

4. Sign agreement with H.V. Collins Co. for construction of a new police station.

VOTE: Motion (Pacheco/Sullivan) to endorse the agreement, passed unanimously.

5. Approve Chapter 90 Final Report for Locust Street & Forge Road chip seal projects. Highway Surveyor Charles Macomber is present. The Forge Rd. project was approved for \$53,893.70 on June 14, 2018, and completed for \$46,954.08. The Locust St. project approved for \$74,862.00 on June 14, 2018, and completed for \$73,846.56. Selectman Pacheco asks if these are FY18 funds or FY19 funds, since the projects were started in FY18. Mr. Macomber explains that these are chapter 90 funds, not town funds, which is rolling account. When we get new appropriations, it adds to the existing appropriation. He says there is approximately \$120,000 remaining in Chapter 90 funds.

VOTE: Motion (Sullivan/Pacheco) to endorse at \$46,954.08 and \$73,846.56, passed unanimously.

6. Approve Reserve Fund Transfer request for disposal of catch basin debris and street sweepings, as requested by Highway Surveyor Charles Macomber. This request is for \$9,600. Mr. Macomber says the testing came back clean, that we can remove the materials. A price

of \$9,600 was obtained from John Mello. Using figures from Crapo Hill Landfill, Mr. Macomber estimates it would cost \$21,000 to remove the materials ourselves, so his recommendation is utilizing JM. Mr. Macomber says the piles will be segregated in the future, with a bin being constructed in the spring. Disposal is done in Portsmouth, RI. Selectman Sullivan asks if Mr. Macomber has asked around to see what other towns do. Mr. Macomber says they use a certified hauler to dispose of the materials, and JM is a certified hauler and does this regularly. He says the regulations for hauling/disposing require an interstate license; he isn't sure what his guys have. Selectman Sullivan thinks for the future, it'd be a good idea to haul it ourselves, as JM is just a fix to a current problem. Selectman Pacheco suggests asking the engineer we've hired for this these questions.

VOTE: Motion (Sullivan/Pacheco) to forward the request to the Finance Committee, passed unanimously.

7. Approve Reserve Fund Transfer request for replacement parts for side arm mower, as requested by Highway Surveyor Charles Macomber. This request is for \$7,028.80. Mr. Macomber explains the current side arm mower is 10 years old and worn out, the parts cannot be fixed any longer and need to be replaced. Selectman Pacheco asks what the lifespan of the fixed mower would be. Mr. Macomber says he'd hope 10 years again. A new mower would cost \$38,000-58,000, depending on the model and type. Mr. Macomber says a new mower would have the same 10 year lifespan, so he recommends replacement parts.

VOTE: Motion (Sullivan/Pacheco) to forward the request to the Finance Committee, passed unanimously.

8. Approve Reserve Fund Transfer request for dog licensing database, as requested by Town Clerk Jacqueline Brown and Town Administrator David DeManche. Mr. DeManche recaps the discussion the Board previously had with Mrs. Brown. The program has been installed on our server, at a cost of \$2,500 total for this year. There is currently \$900 in the account, so the request is for \$1,600.

VOTE: Motion (Sullivan/Pacheco) to forward the request to the Finance Committee, passed unanimously.

9. Discuss/Approve Riverfront Business Park Site Readiness Grant. Kenneth Fiola, Executive Vice President of Bristol County Economic Development Consultants, and Raymond Lavey of Churchill & Banks, are present. Mr. Fiola is here on behalf of Riverfront Business Park. They are seeking a \$125,000 grant from MassDevelopment for infrastructure improvements. Riverfront has secured the necessary permits for their development and has invested heavily in the project, some \$17 million. The grant they are seeking is a recoverable grant, which is repaid by the developer upon the sale of the land. If the developer fails to pay, however, the Town would be responsible to replay over a period of 30 years from the new tax value

created by the roadways. In Mr. Fiola's experience, the developer always pays. He understands this would need to be approved at Town Meeting, but is seeking a letter of support from the Board that they will go forward with an article on the Town Meeting warrant.

Selectman Pacheco says she's reached out to Town Counsel on this, who is concerned about the Town being on the hook for those funds. Mr. Fiola says there are a couple of different avenues for repayment, including liens. He doesn't think \$125,000 is a major issue for a developer who has spent \$17 million already. Selectman Sullivan thinks we should be putting this forward, as it's the voters who should have their say.

Selectman Jose asks what the \$125,000 is for, as it seems low. Mr. Fiola says it is for a study and an incentive, as it is a program the state is pushing. Mr. Lavey says it is for engineering for the infrastructure improvements, not engineering AND infrastructure. Selectman Jose doesn't want to be stuck in a situation like Rhode Island was with Curt Schilling's business a number of years ago. Selectman Pacheco says she can reach out to Town Counsel about adding wording about liens, and that this is a good start for the Economic Development Committee.

**VOTE: Motion (Pacheco/Sullivan) to have a letter of support and to move this along for Town Meeting approval for the Riverfront Business Park Readiness Grant, passed unanimously.**

10. Discuss/Approve Tax Title Assignment Sale Auction. Ms. Thomas is here to ask if the Board is interested in auctioning the liens on assorted properties, in lieu of foreclosing on them. Selectman Pacheco asks what the advantages would be. Ms. Thomas says the properties wouldn't want the Town to do this, so they'd be motivated to get into a payment plan. She doesn't see any disadvantages, as the only cost would be to advertise. Ms. Thomas says the properties are all businesses, no residential properties. Mr. DeManche notes the purchasing companies would only buy advantageous investments. Selectman Jose confirms that the Town would lose the right to foreclosure, but that right would pass to the buyers; Ms. Thomas says that is correct. Ms. Thomas says a reserve price would be set on each property, to ensure that the Town would not lose money.

**VOTE: Motion (Pacheco/Sullivan) to approve the auction, passed unanimously.**

11. Endorse contract documents for sewer feasibility study grant from the Massachusetts Department of Environmental Protection. Mr. DeManche explains this is the money that was earmarked through Representative Fiola's efforts for the sewer feasibility study, which was approved previously.

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

12. Act on annual renewal of Class II Motor Vehicle Dealers licenses for Ray's Garage

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

13. Award Source Capture Emergency Vehicle Exhaust Fume Removal System Bid to Air Cleaning Specialists of New England. Fire Chief Gary Silvia is present. He explains this project went out to bid, we received two bids back, with Air Cleaning Specialists of New England returning a low bid of \$31,412.00. The town would be paying 5% of that cost, which is budgeted for.

VOTE: Motion (Sullivan/Pacheco) to accept the bid, passed unanimously.

14. Approve 2019 IRS mileage rate. Mr. DeManche says the new rate is \$.58/mile, up around \$.04/mile.

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

15. Approve Board of Selectmen's meeting minutes of December 17, 2018. Selectman Jose says he wants it noted who the acting Board of Health chair was in Selectman Pacheco's absence.

VOTE: Motion (Sullivan/Jose) to approve with the noted change, passed 2-0 with Selectman Pacheco abstaining.

16. Update on OneCallNow/Citizen Notification System. Mr. McIntosh says 332 residents have signed up for the notifications, with 140 of those receiving text messages. A sign-up sheet went out with the 2019 census, he has over 200 new sign-ups to enter already. 2,379 credits of the 60,000 credits purchased have been used; a credit is used every time a phone call is connected or a text is sent. If a resident who receives a call wishes to get a text instead, they should text ALERT to 22300.

17. Town Administrator's Report

- On the First Station 1 doors, Andy DiGiammo has presented plans to solve the door problem. Mary Rezendes Brown is going to bring it back to the Historical Commission. It involves a square door, instead of rebuilding the arches, and a faux granite lintel. The squared doors are less expensive than rebuilding the arches. Everyone appears to be happy with this solution.
- OSHA-10 training was held today and again tomorrow. Expending the funds for OSHA compliance are in progress, with the lift, eye wash station, electrical work, trench box and MSDS sheets being purchased for the Highway Department. A Safety Committee, with representatives from the unions, will be held on February 4.
- On the generator, a smaller, downscaled unit was explored, but it doesn't appear that will work. A spec is being prepared for a larger unit, which can be done through

the state bid list, enabling all the work to be done by a single contractor. Selectman Sullivan asks if Mr. DeManche is seeking approval for the state bid list; Mr. DeManche says he will bring his findings back to the Board when we can properly discuss/vote.

- The next Finance Team meeting will be held on January 16<sup>th</sup>.
- Mr. DeManche wants to explore a general facilities budge, combining all maintenance to one place, which would make things more streamlined and easier. Selectman Pacheco asks how it would work. Mr. DeManche says they are in the exploratory phase on the details.
- On Freetown Screw, Mr. DeManche has held many meetings, and the memorandum of understanding on the grant will be coming before the Board soon. Mass Development was receptive to the memorandum in their informal discussions. The MOU would be an 18-24 month extension to the grant funding, but there are a number of steps involved.
- On LED lighting, Mr. DeManche has received a price of around \$30,000 to purchase the lighting, but notes there are grants available. He will be putting together the full information so we can go forward at the Annual Town Meeting.
- On the transfer station solar array request for proposals, Mr. DeManche is awaiting a technical review. He wants to make sure to have the correct information before moving forward.

#### **Board of Health:**

18. Receive/Review Board of Health septic approvals with local upgrades for December 2018, as approved and submitted by Health Agent Derek Macedo. The Board needs to take no action on any of the approved variances, Selectman Pacheco says this is an "FYI".

#### **Personnel Board:**

19. Discuss/accept Patrolman John Pina III's request for leave of absence. Chief of Police Carlton Abbott is present with a recantation letter from Patrolman Pina, who now wishes to resign on January 20 instead of a leave of absence starting January 21. Patrolman Pina prefers a more definitive decision as he departs to join the State Police. The Board says this is a loss to the department, and Chief Abbott agrees, but is happy he is pursuing his passion. Chief Abbott will review his service time and see if he's met his contractual obligations.

VOTE: Motion (Jose/Pacheco) to accept Patrolman Pina's letter of resignation and send a letter of recognition, passed unanimously.

20. Sign change of status for Patrolman John Pina III, as submitted by Police Chief Carlton Abbott, Jr., effective January 21, 2019. Chief Abbott has supplied a new change of status, effective January 20, 2019, reflecting Patrolman Pina's resignation.

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

21. Sign conditional offer of full-time employment as a student police officer for Nathan P. Melo, as submitted by Police Chief Carlton Abbott, Jr. Chief Abbott explains that Reserve Officer Melo is the last person on the list, and is in line to replace Patrolman Pina. The offer is contingent on the resignation of Patrolman Pina, a reimbursement agreement, a medical & psychological exam, passing a physical abilities test, continued employment in good standing as a Freetown reserve police officer and admission into the academy.

VOTE: Motion (Jose/Pacheco) to offer Nathan Melo conditional full time employment as a student officer, passed unanimously.

22. Appoint Town Administrator David DeManche to Economic Development Committee, effective January 8, 2019

VOTE: Motion (Pacheco/Jose) to appoint Mr. DeManche, passed unanimously.

23. Accept letter of three-year resignation from Rosemary Haley as senior clerk, effective December 31, 2021.

VOTE: Motion (Pacheco/Jose) to accept letter from Ms. Haley, passed unanimously.

24. Appoint Michael R. Dagenais & Samantha R. Cardin as Dispatch Trainees, as submitted by Police Chief Carlton Abbott, Jr., effective December 1, 2018

VOTE: Motion (Pacheco/Jose) to appoint both as submitted, passed unanimously.

25. Sign Change of Status form for Stephen Medeiros and Robert Clemens, Probationary Full-Time Firefighter-EMT-P, as submitted by Fire Chief Gary Silvia, effective January 24, 2019

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

26. Sign Change of Status form for Zackary Petitpas, Firefighter-EMT-P, effective January 22, 2019

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

27. Sign Change of Status form for Chelsea Hester, Senior Librarian, as submitted by Library Director Dorothy Stanley-Ballard, effective January 17, 2019. Lucille Rose, chair of the Library Trustees, is present. She explains that Ms. Hester now meets the job requirements of senior librarian, so this would be a promotion to the proper position.

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

28. Accept letter of resignation from Robert Klevecka as Assistant Transfer Station Attendant, effective February 13, 2019

VOTE: Motion (Jose/Pacheco) to accept and send a letter of thanks, passed unanimously.

29. Discuss job description/posting for Assistant Transfer Station Attendant. Selectman Jose says the job description should mirror that of the Transfer Station Attendant, as they should be able to fill in and cover. Selectman Sullivan's concern is that you are now going to require a hoisting license, but aren't going to pay the employee for that. Selectman Jose says it's not an involved process to get a hoisting license.

VOTE: Motion (Pacheco/Jose) to table this for now and come back in executive session on January 22<sup>nd</sup>, passed unanimously.

30. Second review of Compensatory Time Police and Hiring Policy, as submitted by Town Administrator David DeManche and Executive Assistant Ali Golz. Ms. Golz is present. Selectman Jose says some of the wording speaks to both union and bylaw employees. Mr. DeManche says we tried to line up the wording to match the collective bargaining agreements, but this is just for by-law employees. This policy would require approval for compensatory time, would allow for a way to track compensatory time, and make it standard for all Town Hall employees. An authorization sheet is included for the Selectmen's review, which both CBA and by-law employees will be asked to use. Ms. Golz will add in what will happen at the end of the fiscal year, where all employees can cash out up to 40 hours. Selectman Jose asks if this opens up other CBAs to receive compensatory time; Ms. Golz says no, this is just for by-law employees. In addition, Ms. Golz says nobody receives compensatory time until they work 40 hours, which only a few do at this time. Selectman Pacheco suggests a separate policy for by-law employees and CBA employees, take out all language that incorporates everyone.

Selectman Pacheco also suggests sending this to Town Counsel before the Board approves it; Selectman Sullivan believes this to be rights of management, so Counsel would just be a waste of money. Selectman Jose thinks we should get Town Counsel on board now, as he would have to defend any potential grievances later on. Selectman Sullivan reiterates that that is a waste of money. Selectman Pacheco says we can ask he just look at it to say if we are on the right path. Selectman Jose says just the final draft. Ms. Golz will make the edits the Board has requested, and send the final version to Atty. Joe Fair for review before coming back for a 3<sup>rd</sup> reading and approval before the Board.

VOTE: Motion (Jose/Pacheco) to make the requested edits and send to Joe Fair for review, motion carries 2-1 with Selectman Sullivan opposed.



**New Business:**

31. Dates for upcoming Board of Selectmen Meetings: Tuesday January 22<sup>nd</sup>, Monday February 4<sup>th</sup>, Tuesday February 19<sup>th</sup>

**Executive Session:**

At 7:57pm, motion (Sullivan/Pacheco) to enter into executive session, under the following exemptions, and not return to open session following. Roll Call Chairman Robert P. Jose, Selectman Charles B. Sullivan, Selectman Lisa A. Pacheco. All voted in the affirmative when polled.

32. M.G.L. c.30A, Sec. 21(a) (3) – to discuss strategy with respect to collective bargaining with the Freetown Police Union because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Note: Executive Assistant Ali Golz will be present for this executive session.

33. M.G.L. c.30A, Sec. 21(a) (3) – to discuss strategy with respect to collective bargaining with the Town Hall Union because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Note: Mrs. Golz and Town Accountant Kimberley Fales will be present for this executive session.

34. M.G.L. c.30A, Sec. 21(a) (3) – to discuss strategy with respect to collective bargaining with the Highway Union because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Note: Mrs. Golz will be present for this executive session.

35. 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

Note: As Selectman Sullivan has recused himself from all matters involving Excel Recycling, he will depart the meeting before this executive session topic is discussed.

The Board did not discuss the Highway Union or Excel Recycling executive session topics.

At 9:37pm, motion (Sullivan/Pacheco) to adjourn the meeting from executive session. Roll Call Chairman Robert P. Jose, Selectman Charles B. Sullivan, Selectman Lisa A. Pacheco. All voted in the affirmative when polled.

Respectfully submitted,



Timm McIntosh,  
Administrative Assistant

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

- Draft Host Community Agreement (HCA) and HCA Certification Form between the Town of Freetown and AmeriCann Brands, Inc.
- Draft Host Community Agreement (HCA) and HCA Certification Form between the Town of Freetown and Bask, Inc.
- Letter from Administrative Assistant Timm McIntosh regarding bond paperwork for the new police station
- Municipal Note Sale Information from Unibank Fiscal Advisory Services, Inc. (UFASI)
- E-mail correspondence between Jessica Thomas and Brianne Susel re: Estimated Costs of Issuance
- Paperwork from UFASI regarding \$6,428,000 General Obligation Bond Anticipation Note
- Draft agreement for construction of a new police station with H.V. Collins Co.
- Draft Chapter 90 Final Report for Chip Sealing of Locust Street, June-September 2018
- Draft Chapter 90 Final Report for Chip Sealing of Forge Road, June-September 2018
- Draft Request for Transfer from the Reserve Fund form for disposal of catch basin debris and street sweepings, as submitted by Highway Surveyor Charles Macomber
- Draft Request for Transfer from the Reserve Fund form for side arm mower parts, as submitted by Highway Surveyor Charles Macomber
- Draft Request for Transfer from the Reserve Fund form for dog licensing database, as submitted by Town Administrator David DeManche on behalf of Town Clerk Jacqueline Brown
- E-Mail Correspondence between Selectman Lisa Pacheco and Kenneth Fiola re: Readiness Grant
- Paperwork relating to Riverfront Business Park Readiness Grant
- E-mail correspondence between Selectman Pacheco and Town Counsel re: Riverfront Business Park Readiness Grant
- Paperwork from Tallage regarding setting up a tax title assignment sale auction
- Draft Standard Contract between Town of Freetown and Massachusetts Department of Environmental Protection for Earmark Grant for Sewer Feasibility Study
- Draft Class II Dealer's License for Ray's Garage
- E-Mail Correspondence between T. McIntosh and Town Accountant Kimberley Fales re: 2019 IRS Mileage Rate
- Winning Bid Form from Air Cleaning Specialists of New England for Source Capture Emergency Vehicle Exhaust Fume Removal System
- Draft minutes of meeting of the Board of Selectmen on December 17, 2018
- Report by T. McIntosh on OneCallNow / Citizen Notification System
- List of Septic Approvals with Local Upgrades for December 2018, as prepared by Health Agent Derek Macedo
- Letter from Patrolman John Pina III requesting a leave of absence
- Draft letter containing a conditional offer of full time employment for N. Melo
- Letter of retirement from R. Haley and R. Klevecka
- Draft appointment slip for D. DeManche, M. Dagenais and S. Cardin
- Change of status form for J. Pina III, S. Medeiros, R. Clemens, Z. Petitpas and C. Hester
- Draft Compensatory and Flex Time Policy
- Draft Freetown Hiring Guide