



TOWN OF FREETOWN BOARD OF SELECTMEN

Minutes

Tuesday, January 22, 2019, 6:00pm  
Council on Aging – 227 Chace Road, East Freetown

RECEIVED  
FREETOWN TOWN CLERK  
2019 MAR 18 AM 11:20  
J. 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. Discuss/Act on agreement with Churchill & Banks regarding potential for a medical marijuana dispensary in the Riverfront Business Park property. Ray Lavey, Churchill & Banks, and Vin Giordano, of Liberty Compassion Center, are present. Selectman Jose says the agreement has been received back from Town Counsel, which mirrors the host community agreement the Board agreed to with Liberty Compassion Center. Both cite the same 1,000 foot setback the Board wanted.

VOTE: Motion (Sullivan/Pacheco) to sign the agreement, motion carries 2-1 with Selectman Pacheco opposed.

2. Approve Road Opening Permit for 7 Campanelli Drive, as submitted by Eversource.

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

3. Approve 2018/2019 snow plow application for Dean Pettey/Bryant Hill Farm, Inc.

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

4. Act on agreement with Briggs Engineering & Testing for construction testing for police station project. Mr. DeManche explains that this was sent along by the Owner's Project Manager (OPM). Briggs Engineering & Testing will be testing construction materials to ensure compliance and standards at a cost of \$13,090. Mr. DeManche says the OPM and architect say this is necessary. Selectman Pacheco, who is also the chair of the Police Sub-Committee, says this was in the scope of work and was budgeted at \$20,000. She says the Board will endorse this tonight, but the Police Sub-Committee will review this as well.

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

5. Act on renewal for PEG Access Inter-Municipal Agreement between the Towns of Middleborough and Freetown. Selectman Jose says he has asked for last year's negotiation table and rates. He notes that we ended up at about the same cost between what we are

paying currently and what we didn't want to pay by just going to LakeCAM. He says now is the time to make a change if we want. Selectman Pacheco says she's happy with the way it's shaken out. Selectman Jose has issues with the video quality, though he notes the sound is much better with the new equipment purchased. He also notes that advertising is better, but says the programming is hard to find. Selectman Pacheco says she's ok with everything as it is, but that we can ask for improvements. She suggests sending a letter. Selectman Jose asks Lori Ashley, FREECAM's videographer for the night, to come in front of the camera. Ms. Ashley says there's something in the transcoding that lowers the quality, as it is filmed in HD. She suggests talking to Karen Foye at MCCAM about the process. Selectman Jose says the picture quality online is better than it is on TV, but LakeCAM's videos in both places is far better. Selectman Pacheco asks if Mr. DeManche can reach out and talk about this. Mr. DeManche says the Comcast negotiations have begun in earnest and he'll be assembling the Cable Advisory Committee to work on it, but says it is a long 6-12 month process. Selectman Pacheco says we should get moving on that. The Board will revisit this at their next meeting.

6. Discuss/set meeting of the Economic Development Committee. Selectman Pacheco says the EDC should meet sooner rather than later, that we can start to look at the Riverfront Business Park grant from last meeting. She says it is an opportunity for people to have a say in what they do and don't want in the Town. After a discussion on when Committee will meet, the Board settles on Wednesday, February 27 at 6pm, and Wednesday, March 20 at 6pm, both at the COA.
7. Discuss/Act on memorandum of agreement & action plan with MassDevelopment regarding former Freetown Screw site. Mr. DeManche has been contacted by MassDevelopment on this, and they've asked for an action plan to address how we are obtaining the land and where this is going. He has put together a letter for MassDevelopment's next meeting. He goes through the basics of the letter, which outlines why the project has taken so long and what the plan is going forward. A condition on the request for the proposals on the Acushnet parcel would have the developer to assume the liability for any further contamination; if that is a hang up with developers, we would seek another grant to deal with it ourselves and go again. Selectman Jose says this had fallen through the cracks when we changed Town Administrators, and we bumped into deadlines that Mr. DeManche didn't even know existed. This action plan is to avoid having to repay the grant money. Mr. DeManche is seeking approval to submit the action plan. He notes that the Acushnet Board of Selectmen are also discussing this tonight.

VOTE: Motion (Pacheco/Sullivan) to approve the Freetown Screw Action Plan,  
passed unanimously.

8. Act on 2019 class II renewal for Chipaway Auto Sales & Beech Bluff Auto Sales

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

9. Act on ambulance abatements – write-offs for month of December 2018. Selectman Jose says the numbers are small this month, but that he, the Fire Chief and COMSTAR will be meeting on January 31 to discuss the abatements and see what the options are to lower the numbers going forward.

VOTE: Motion (Sullivan/Pacheco) to approve in the sums of \$67,643.95 for contractual and \$11,877.46 for write-offs for the month of December, for a total of \$79,521.41, passed unanimously.

10. Approve Board of Selectmen's Minutes for meeting on January 7, 2019

VOTE: Motion (Sullivan/Pacheco) to accept as read, passed unanimously.

11. Police Station Project Update. Selectman Pacheco says a kick-off meeting was held on December 20, where the construction team reviewed personnel and accounting practices. The rear of the Highway Barn will be used for heavy equipment, and a construction trailer will be installed soon. The building permit has been submitted and site plan review is in play now. The next team meeting is January 31 at 9am. Mr. DeManche says he is issuing the notice to proceed tomorrow morning. Selectman Jose asks if the Planning Board is on board with the timeline; Mr. DeManche says there is a willingness from the Chairman to keep the process moving on track.

12. Town Administrator's Report

- Mr. DeManche attended a meeting of the Middleboro and Lakeville Boards of Selectmen regarding the Assawompsett Pond Complex water level. It was called primarily for the herring run scheduled for the fall, but also due to concerns by residents along Long Pond about flooding. It is currently at 54.5 feet, with the limit before flooding at 57 feet. Local emergency planning groups will be meeting next week, with the local Boards of Selectmen invited as well, to go over how we would respond to an emergency. The Pond Complex has been discussing the weed problem, which needs to be dealt with. Mr. DeManche has spoken to Representative Fiola and will be speaking to Senator Rodrigues and Representative Schmid about potential funding to help with this, and there are discussions from other parties to do the same, hopefully there will be a unified front. Selectman Pacheco says this has been an ongoing problem for 10 years now, that Middleboro is worried about their herring run while Freetown and Lakeville worry about flooding. Meetings were held years ago at DEP with Taunton and New Bedford involved and these problems were known, but nothing was ever done. She says there are files somewhere. Everything that needs to be done with invasive weeds need to be addressed by the State, because it's so bad. She says if we don't get snow and just get rain, we will hit that 57 foot mark soon. There needs to be a balance between the herring run

and the flooding concern. Selectman Jose notes we weren't actually invited to the meeting in Middleborough, Mr. DeManche found out about it on the day of and basically crashed it.

- Work on installing the replacement hot water boiler at Freetown Elementary has been completed. Mr. DeManche thanks Finance Director Ashley Lopes for her work getting this project sorted out.
- On LED street lighting, Mr. DeManche has been working with MAPC to try to develop an LED lighting plan to replace the 81 lights we have in town. He wants to inform the Board that he will be having a streetlight audit done, which will cost \$850-1,500. This is done through MAPC and they examine each light and determine the type of light it is, the obstacles it faces and what sort of LED light would best replace it. There are a variety of types of LED lights that are better in certain conditions, MAPC will help with that.
- Finally, the next department head meeting will be held on January 30th, with budget meetings beginning the week after. The fraud policy is being implemented, which will get us an accurate inventory on what we have.

13. Discuss a combined facilities budget. Mr. DeManche has worked with Town Accountant Kimberley Fales on this, and produced a spreadsheet that shows what would be going into this new budget. It would be under the control of the Selectmen, everything will be in one place to review. Utilities and building maintenance would be included. Selectman Pacheco asks the Board would be able to review this; Mr. DeManche says yes. Selectman Jose says that departments would still make their requests for this budget, it would just go in here instead of individual departments. Selectman Pacheco asks if departmental budgets would all go down by each department's facilities numbers; Mr. DeManche says that is correct. Selectman Jose says a perk of this would be the coverage provided by some departments going over, but others going under their budgeted figures. Selectman Sullivan has no questions. Mr. DeManche will reduce the departmental budgets and create this facilities budget before it gets to the Board.

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

#### **Personnel Board:**

14. Appoint Erin Kinnane as senior clerk, effective January 22, 2019. After interviewing candidates, the Council on Aging Board has requested this appointment as their new hire, with Lori Cook as their 2<sup>nd</sup> option. Selectman Pacheco suggests voting on both, just in case.

VOTE: Motion (Pacheco/Jose) to approve E. Kinnane and alternate choice Lori Cook for the Council on Aging Senior Clerk position, passed unanimously.

VOTE: Motion (Jose/Pacheco) to sign the certificate of appointment and change of status form for Erin Kinnane provisionally, that as long as she accepts the position, passed unanimously.

15. Sign change of status form for Erin Kinnane, Senior Clerk, as submitted by Council on Aging Director Barbara Place, effective January 22, 2019. This agenda item acted on above.
16. Sign change of status form for Robert Kleveck, Assistant Transfer Station Attendant, as submitted by Health Agent Derek Macedo, effective February 13, 2019

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

17. Appoint Chelsea Hester as senior librarian, effective January 17, 2019

VOTE: Motion (Jose/Pacheco) to appoint Ms. Hester as senior librarian, effective January 17, 2019, passed unanimously.

18. Appoint Nathan Melo as Temporary 40-hr. per week Reserve Officer, as submitted by Chief of Police Carlton Abbott, Jr., effective January 21, 2019. Selectman Sullivan holds this agenda item until the end of the Personnel Board section of the agenda. He speaks to a recent incident where Officer Melo was involved with a situation where deadly force would have been warranted, along with Sgt. E. Ashley and Patrolman Lee, but the situation was diffused without using lethal force. The Board will be setting up a ceremony where commendations will be given out. Selectman Sullivan has spoken with Chief Abbott and will be setting up an awards ceremony in about a month for these and other officers, potentially some fire fighters as well. Selectman Pacheco says that is a good idea.

VOTE: Motion (Jose/Pacheco) to appoint Nathan Mello as Temporary 40-hour per week Reserve Officer, effective January 21, 2019, and sign a change of status form, passed unanimously.

19. Sign change of status form for Nathan Melo, Reserve Officer/Temporary 40-hr. per week, as submitted by Chief of Police Carlton Abbott, Jr., effective January 21, 2019. This agenda item acted on above.
20. Sign change of status form for Nicholas J. Drinkwine, Patrolman, as submitted by Chief of Police Carlton Abbott, Jr., effective January 22, 2019.

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

21. Re-affirm vote taken on January 7, 2019, regarding letter of resignation for Patrolman John Pina, III, effective January 20, 2019. Selectman Jose notes this vote was taken with regret.

VOTE: Motion (Jose/Pacheco) to re-affirm the vote taken on January 7, 2019, regarding letter of resignation for Patrolman John Pina, III, effective January 20, 2019, passed unanimously.

22. Re-affirm vote taken on January 7, 2019, regarding change of status form for Patrolman John Pina, III, as submitted by Chief of Police Carlton Abbott, Jr., effective January 20, 2019

VOTE: Motion (Jose/Pacheco) to regretfully endorse the change of status form for Patrolman John Pina, III, effective January 20, 2019, passed unanimously.

**New Business:**

23. Dates for upcoming Board of Selectmen Meetings: Monday February 4<sup>th</sup>, Tuesday February 19<sup>th</sup>, Monday March 4<sup>th</sup>, Monday March 18<sup>th</sup>. Selectman Pacheco wants to set up the next Building Committee meeting once Selectman Sullivan returns from vacation.

**Executive Session:**

At 6:47pm, motion (Pacheco/Sullivan) 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.

24. 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.

25. 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 will be present for this executive session.

26. 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.

27. 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.

At 8:25pm, motion (Pacheco/Jose) to adjourn the meeting from executive session. Roll Call Chairman Robert P. Jose, 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)

- E-Mail correspondence between Atty. Mark Reich, Selectman Jose and Executive Assistant Ali Golz re: Churchill & Banks agreement
- Draft agreement with Churchill & Banks, redlined by Atty. Reich
- Street and Sidewalk Opening Permit for 7 Campanelli Dr., submitted by Eversource Gas Company
- Application to Plow Contact Sheet for D. Pettey/Bryant Hill Farms, Inc.
- Letter & draft agreement re: Construction testing from Briggs Engineering & Testing
- Comparison of Middleboro & Lakeville community access media proposals from March 2018
- Real-cost analysis comparing proposed costs and paid costs to MCCAM and LakeCAM in recent years
- Draft inter-municipal agreement for PEG Access between Middleboro and Freetown
- Draft Freetown Screw Action Plan, prepared by Town Administrator David DeManche
- Draft class II used car dealer's license for Chipaway Auto Sales and Beech Bluff Auto Sales
- Draft memo from the Board of Selectmen to Town Accountant re: Ambulance Abatements –& Write Offs for December 2018
- Draft minutes for Board of Selectmen's meeting of January 7, 2019
- Letter from the Council on Aging Board re: appointment of Erin Kinnane & Lori Cook as alternate
- Letter of resignation from J. Pina III, with attached note from Administrative Assistant Timm McIntosh explaining why votes need to be re-affirmed
- Draft appointment slip for C. Hester and N. Melo
- Draft Change of Status Report for E. Kinnane, R. Klevecka, N. Melo, N. Drinkwine and J. Pina III