

Freetown Board of Selectmen
Meeting Minutes

Monday, March 1, 2021 – 5:00pm

Meeting Will Be Held Virtually

Cheryl C. A. Delo
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****Open Session will be livestreamed at freetownma.gov/FREECAM****

5:00pm Call to Order

Selectmen Pacheco opened the meeting at 5:00pm. Selectmen Matthews, Selectmen Grunwald, Building Commissioner Jeffrey Chandler, Town Administrator Peter Jankowski, Executive Assistant Timm McIntosh and Senior Clerk Lu-Ann Souza, Board of Health Agent Tanya Daigneault, Eric Arbeene SRPEDD and Lisa Sullivan from the Department of Energy Resources were also in attendance

Executive Session

Discussion/possible action on the following topics:

Executive Session held until the end of the meeting.

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.

M.G.L. c.30A, Sec. 21(a)(6) – to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Board of Selectmen

Discussion/possible action on the following topics:

Presentation from representatives from Massachusetts Department of Energy Resources regarding becoming a Green Community

Lisa Sullivan gave a brief description of what Green Communities does for communities.

Ms. Sullivan shared a PowerPoint presentation to highlight what Green Communities does including providing grants, savings for utilities. The anticipated first grant to Freetown would be about \$147,000 if we chose to become a green community. The

first step is the Board of Selectmen makes the decision to become a green community. There are five criteria They are Criteria 1 As-Of-Right Siting , Criteria 2 Expedited Permitting Criteria 3 Establish an Energy Baseline 20% Reduction, Criteria 4 Adopt a Fuel

Efficient Vehicle Policy, Criteria 5 Minimize Life Cycle Costs with new construction. Stretch Code would be adopted at Town Meeting and become part of the bylaws.

Selectmen Pacheco thanked Ms. Sullivan for the presentation and asked if Board had questions. Selectmen Matthews noted neighboring towns have signed up and Freetown did not is there a reason? Selectmen Pacheco stated it went to Town Meeting a couple of years ago and was voted down due to the Stretch Code and the extra costs and effects on affordable housing. Selectmen Matthews also asked if it is already in motion would this apply to projects in process? Lisa Sullivan stated any permits already issued would not be affected. The cost of the HERS test is passed onto the consumer however the cost of this test pay for themselves within one year due to the savings. Lisa Sullivan noted 287 communities have become Green Communities. Selectmen Pacheco noted things have changed throughout the years and buildings are more efficient and she is unaware of how Town Meeting would vote on this. Selectmen Grunwald asked does the Stretch Code affect existing construction? Lisa Sullivan noted remodels, additions on existing construction are not affected. She continued that this is only on new construction. Selectmen Pacheco stated that we would receive \$147,000 the first year but that is not guaranteed for future years? Lisa Sullivan noted after the first year you can put in for a competitive grant of up to \$200,000. Selectmen Pacheco asked what is the cost of the HERS test? Ms. Sullivan said it is around \$1,200 but stressed that it pays for itself within in a year and the cost is on the person purchasing the house. Selectmen Pacheco asked about the presentation not saying oil and that it would prefer gas, she asked for clarification. Lisa Sullivan said can people who heat with oil can they meet the HERS score and the answer is yes, it's easier to meet it with gas or propane but it is possible to meet it with oil. Selectmen Grunwald asked if these grants would apply to solar panels? Ms. Sullivan said no it does not cover solar. It would cover Heat pumps in your schools, programmable thermostats, variable frequency drives, more efficient motors, roof top ventilators, LED lighting retrofit. Selectmen Matthews asked would it cover energy efficient windows for Town Hall. Ms. Sullivan said it is a very long payback period for windows and may require some funds from the town. They can be paid for through their grants. Selectmen Pacheco asked Building Commissioner Jeffrey Chandler to review the presentation and write something up for the Board. Selectmen Pacheco said it would need to go to Town Meeting and thinks it is too quick to go to annual Town Meeting but may be able to get on the Fall Town Meeting so Ms. Sullivan would have time to market to the residents over the summer to educate townspeople before the Fall Town Meeting. Ms. Sullivan suggests reaching out to other town's that are Green Communities for their feedback. Selectmen Matthews would like to see some specific examples of grants that would affect the town. Ms. Sullivan will send a map of all green communities, the monies they have received to date and a brief description of what projects were done in each community. Eric Arbeene from SRPEDD noted they have helped 15 communities with their plans like Wareham, Rehoboth and are available to

guide you through the process and fill out some of the paperwork and have a grant to assist with this process. Selectmen Pacheco thanked Lisa Sullivan and Eric Arbeene for the information. Ms. Sullivan and Mr. Arbeene left the meeting. Selectmen Grunwald asked why it was voted down at Town Meeting. Selectmen Pacheco said it was due to the Stretch code and additional costs. She noted that the Town may feel differently now. Selectmen Matthews noted that it would be helpful to see what these grants would cover. Ms. Sullivan said she would bring in a Stretch Code expert to a Selectmen's meeting to further explain the Stretch Code and answer questions. She also encouraged the Town to reach out to surrounding Green Communities about their experiences. Mr. Chandler noted it is going to increase the costs for the homeowner \$1,800 for air makeup and \$1200 for the blow test. Most of the new homes are following these guidelines and now they would be told what they have to do, and he does not feel it is fair to the residents of Freetown. Peter Jankowski noted this would be only new residents. Mr. Chandler noted there are current residents building homes for their children so there is an effect on current homeowners. Selectmen Grunwald asked is not the payback very good, how many years would it take. Mr. Chandler said 10-15 years. Mr. Chandler noted the Stretch Code is making houses too tight and they must put in air makeup which run 24-hours a day. Peter Jankowski 350 towns in commonwealth 287 have adopted this code should not we adopt this code for Freetown. Mr. Chandler said people are doing it on their own and he feels there are a lot of people do not have that money and it should be their choice not mandated. Selectmen Grunwald asked what is the added construction costs for a new home. Mr. Chandler estimated about \$8,000-\$10,000 to the cost of the house. Selectmen Grunwald asked what is the cost savings? Mr. Chandler said if they build it to code there is savings and noted with the air system running 24-hours/day he does not see there is a huge savings and there is ventilation issues. Selectmen Pacheco asked Mr. Chandler to put his thoughts in writing for the Board. She also noted that she would like to look to see how competitive the grants are, what they can be used for and see what the average Lakeville has gotten through the years. Selectmen Pacheco noted the schools are in Lakeville so they can use the schools in their grant applications which will help them getting larger grants and Freetown only has one school. Selectmen Pacheco noted that if we do the Council on Aging we would have to adopt the Stretch Code for that building. Mr. Chandler said he spoke with Building person from Lakeville and it was great in the beginning they got a lot of money but with so many communities joining the amount of money they are receiving is significantly less. Selectmen Pacheco thanked Mr. Chandler. Mr. Chandler left the meeting

Weekly Warrants Numbered 037-040 for the month of March, 2021

- Motion to approve Warrants numbered 037-040 was proposed by Selectmen Grunwald and seconded by Selectmen Matthews
- Vote: was approved in a unanimous roll call vote
- Vote: Selectmen Matthews - yes, Selectmen Grunwald – yes, Selectmen Pacheco – yes.

Snow Plow Contract for 2020/2021 Snow Season for Curtis Paiva

- Motion to approve the snow plow contract for Curtis Paiva was proposed by Selectmen Matthews and seconded by Selectmen Grunwald.
- Vote: was approved in a unanimous roll call vote
- Vote: Selectmen Matthews - yes, Selectmen Grunwald – yes, Selectmen Pacheco – yes.

Additional advertising guidelines for Annual Town Report

Timm McIntosh noted a request from non-profits in town that were looking for a discount.

Regular rate \$100, double ad space \$200. A non-profit rate would be \$65 for regular or double add space for \$100. Selectmen Pacheco noted this looks good to start. Mr. Jankowski noted the person who requested it requested a half page ad. Mr. McIntosh said he was looking for a full page ad but for now we could go with these options.

- Motion to approve the advertising guidelines for the Annual Town Report set forth by Timm McIntosh and the Town Administrator was proposed by Selectmen Matthews and seconded by Selectmen Grunwald.
 - Vote: was approved in a unanimous roll call vote
 - Vote: Selectmen Matthews - yes, Selectmen Grunwald – yes, Selectmen Pacheco – yes.
- Selectmen Pacheco noted Mr. Jankowski sent an email stating to reduce the amount we print. Selectmen Pacheco thinks this is a good idea. Mr. McIntosh noted we end up with multiple extra boxes. Mr. Jankowski also noted we also have a local in town company who we've gotten a quote from.

Chapter 40B Re-Sale Right of First Refusal for 24 Freemans Circle

Selectmen Pacheco noted did they send a new letter as the old one said Lakeville in it. Mr. McIntosh stated they did not as he wanted to bring Mike's recommendations to the Board or if the Board does not want to pass on it. Selectmen Pacheco said it should stay in the 40B allotment and the Town would not want the property. Selectmen Grunwald asked do they have to stay with a specific price? Mr. Jankowski said that the Town would have to pay the \$49,000 fee but we have the right to pass on the purchase. If the Town does not want the property. Selectmen Grunwald would like clarification on if this is no longer 40B due to the sale price would it open a slot for another contractor? Mr.

Jankowski did not believe it would open a new spot. He noted once Selectmen Pacheco suggested we sent it to the ZBA as they are the permitting authority for the 40B projects and wait until the next agenda to have their questions answered. Selectmen Grunwald said that would be fine. Mr. McIntosh noted the ZBA is only one part of it and the universal deed rider we should be asking the housing authority as well.

Five-Member Board of Selectmen

Town Administrator Peter Jankowski noted that he gave an analysis of what other towns in the Commonwealth does. Selectmen Pacheco noted Town Meeting would have to approve and then it would go to a Ballot Question. She suggested staggering so the highest number of votes would get 3-year term, second highest would get 2-year term and third highest would get a 1-year term. Selectmen Matthews noted North Attleboro has nine Selectmen. Mr. Jankowski noted Greenfield had twenty-three. Selectmen Grunwald noted 60% of the towns in Massachusetts have five member Boards. Mr. McIntosh noted 147 of 292 towns have 3 member Boards in the Commonwealth and Bristol County it is 8 out of 16 towns. Selectmen Pacheco suggested Town Counsel to form a Warrant Article for Town Meeting and let the voters decide.

Minutes: February 22, 2021

- Motion to approve the meeting minutes as presented for February 22, 2021 was proposed by Selectmen Matthews and seconded by Selectmen Grunwald.
- Vote: was approved in a unanimous roll call vote
- Vote: Selectmen Matthews - yes, Selectmen Grunwald – yes, Selectmen Pacheco – yes.

Town Administrator's Report

a. Security Cameras for the Transfer Station and Town Hall

Mr. Jankowski noted Comcast came out to do the survey. It will \$360.00 coming out of the Building Improvement Fund. Transfer Station since it was opened under Selectmen Grunwald and it expired so we are trying to get a new quote from them to do the Transfer Station.

Board of Health

Discussion/possible action on the following topics:

Goals for Board of Health Agent Tanya Daigneault

Selectmen Grunwald noted that the list of goals Tanya Daigneault sent was great. Selectmen Grunwald asked if anyone had any additions. Selectmen Matthews noted he did not have any suggestions. Selectmen Grunwald would like to add the goal of a weekly or monthly report of ongoing projects and their project so that the Board could

keep up with what is going on. Ms. Daigneault asked Selectmen Grunwald to expand on what he is looking for on a monthly report. Selectmen Grunwald said it would not need much detail but an overview of what the projects are and their status. Ms. Daigneault noted that she sent an email about a few sites of concern and would like to work to build up the repour and noted there are hoarding, campers, cars, dog feces, shallow wells, cars etc. are starting to come in and pile up. She asked if the Board would send things her way as well so she can best serve the Board. Selectmen Grunwald would like to look at her report at the end of the month and go forward from that. Selectmen Pacheco noted that Ms. Daigneault has the three ones from last week, the one from 1 Lark Lane, 55 Narrows Rd, and Braley Road. Selectmen Pacheco will send one on Chippaway Rd. that there was a house fire and there is a horse living there. Selectmen Grunwald asked how do we hear about these? Selectmen Pacheco said they will call a Selectmen, Town Hall, Town Administrator, and it will go to courts who sometimes do not follow through. She also noted that they will start to do what they need to do and then slowly go back to their old ways. Selectmen Pacheco noted it is about accountability. Selectmen Grunwald wanted to know what the process is of reporting these problematic sites. Selectmen Pacheco said we have Zoning Enforcement Agent, which is Jeff Chandler, and we talked about a part time Zoning Enforcement Agent who would work with Building and Board of Health to view and act on these properties. Selectmen Pacheco noted that talk of adding a part time Zoning person to help Mr. Chandler with keeping up with these. Selectmen Matthews noted a lot of people in town feel like it is my property do not look at it if you do not like it mentality. Selectmen Grunwald noted we have regulations for this reason. Selectmen Grunwald that we have officials Police, Fire etc. are we asking them to report these issues to the Board? Selectmen Pacheco said they will issue a citation. She noted the Zoning Enforcement will go by, sometimes with a police officer, to view the site. Selectmen Grunwald asked should we ask the Police Dept. to report it to the Town Hall. Selectmen Pacheco said Peter Jankowski could sit with Chief Abbott to discuss. Peter Jankowski said we have several already and Mr. Chandler and Ms. Daigneault should focus and act on those properties first as they are the worst offenders. Selectmen Matthews noted last meeting we have someone who has a lot of cars on his property and that paying the fines is cheaper than removing the vehicles. He suggested we review the fees and adjust them to make them more impactful of their pocket which will drive the behavior. Selectmen Grunwald feels there should be a system in place we can follow. Peter Jankowski noted we have one that is using his property to be an overflow lot for his business in another town and has twenty cars on his property. Selectmen Grunwald said if we see these areas of concern, we should act on them and he would like to see a system to manage these. Peter Jankowski said we can look at a proactive approach for

the future but recommends for now to concentrate on the half a dozen that we are working on now. Selectmen Pacheco would like this on the next agenda for discussion. Tanya Daigneault left the meeting.

Personnel Board

Discussion/possible action on the following topics:

Part-Time Employee for the Council on Aging using CARES Act Funding

Mr. Jankowski had a discussion with Barbara Place at the Council on Aging, she noted one employee out on medical leave and they need assistance with COVID related things and would be part time seasonal to provide CARES Act Assistance employee up to 16 hours a week. Selectmen Pacheco asked if the COA was open. Mr. Jankowski stated the COA is not open, he continued that the couple of times he has been in there was staff and a couple of volunteers in there but it was not open to the public and that it is tough to rely on volunteers. He noted we need a stop-gap to help cover for people being out. Mr. Jankowski noted we have \$302,000 in the CARES Act fund and this position would not use a significant amount of these funds. He continued that this position would be restricted to CARES Act work such as food distribution, transportation, wellness checks, medical, COVID related questions health and aid. Selectmen Matthews asked what do we need to make this happen? Mr. Jankowski said the Board would need to approve the position for up to 16 hours to provide CARES Act assistance for the residents throughout the COA. Selectmen Matthews asked would we have a hard time finding someone to commit to this job as it is only temporary. Mr. Jankowski stated that they have already had a couple inquire about it so he did not anticipate an issue filling the position. Selectmen Matthews asked if there would be any union issues with this? Selectmen Pacheco suggested that we should inform the union. Peter noted it is exempt from the union contract but Mr. Jankowski will inform the union. Mr. McIntosh noted a clerk in the union starting pay is \$17.30 and lowest paid person would be \$15.30. Mr. Jankowski \$15.30 would be the pay rate for this position. Selectmen Grunwald asked if there is a job description for this position. Mr. Jankowski noted he would write one up and will use language in the CARES ACT and do this tomorrow.

- Motion to approve a part-time employee for the Council on Aging at the payrate of \$15.30 using CARES Act Funding and will end this position when the CARES Act monies runs out or is no longer needed was proposed by Selectmen Pacheco and seconded by Selectmen Grunwald
- Vote: was approved in a unanimous roll call vote
- Vote: Selectmen Matthews - yes, Selectmen Grunwald – yes, Selectmen Pacheco – yes.

Selectmen Matthews noted that any help we can get down there is good and want to check on potential issues that will come up. Mr. Jankowski noted this person can be used for the 45 Brown Bag deliveries and sometimes it takes more than a day to get these done.

Motion to enter Executive Session and not returning to open session to discuss

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. and
2. M.G.L. c.30A, Sec. 21(a)(6) – to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

was proposed by Selectmen Matthews at 6:21pm and seconded by Selectmen Grunwald

- Vote: was approved by a unanimous roll call vote
- Vote: Selectmen Grunwald – yes, Selectmen Matthews – yes, Selectmen Pacheco – yes.

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 – Selectmen Grunwald asked if we have any reports on this. Mr. McIntosh noted Andy DiGiammo met with the COA last week and we should be hearing something soon.
- Phone System Upgrades – Mr. McIntosh noted that Lu-Ann Souza began this process trying to get the ball rolling with COA, Highway and Fire Station installations.
- Information Technology Grant with Town of Lakeville
- Job Descriptions & Job Description Review
- IT Replacement Plan
- Town Beach & Town Boat Ramp – Selectmen Grunwald noted last year Chief Abbott suggested a kiosk did we investigate that. Town Administrator Peter Jankowski mentioned that Lu-Ann Souza would be the lead on this project. Lu-Ann Souza noted that she was looking at the kiosk and had reached out to Chief Abbott in regards what he has in mind for a kiosk. She noted she had met with Board of Health Agent Tanya Daigneault on the regulations and will be meeting with her and Mike McCue from the Assessors office at the Town Beach this week to get a lay of the land, looking at marking the swim area, parking etc. to ensure we are in compliance. Mr. Jankowski noted that

Lu-Ann Souza used to manage some beaches while she worked for the Girl Scouts, so she is qualified to oversee these projects. He noted we were a bit light on the safety . He also asked if the sand dune area is it owned by the Town? Selectmen Pacheco noted there is a plot that they looked at last year to see where they can park. She believes it is owned by New Bedford. Mr. Jankowski asked if we had ever stripped the parking lot. Selectmen Pacheco noted that we were supposed to get \$25,000 to repave and stripe the parking lot and she had checked in with Rep. Schmidt to follow-up. This was part of the transportation bond form last year, pre COVID, so she is not sure where State monies lie now. Mr. Jankowski noted we are trying to look ahead.

Licenses – Selectmen Pacheco noted that the Board is always the last one to get license or permit and it has already gone through Conservation, Planning etc. Selectmen Pacheco would like to have a conversation with the other departments as to who sets the parameters on hours of operation. She continued that hours of operation are under the Boards purview and should not be set by Planning or Conservation. She noted it is hard to put restrictions on hours after another department has mad that call. She would suggest noting on the permit/license form notes the final decision is left to the Board of Selectmen. Selectmen Grunwald asked if this is something we should send over to Legal? Mr. Jankowski agreed and said he would draft something up and send it over to Mark Reich to review. Selectmen Grunwald asked Mr. Jankowski is this how it happens in other places that others make the decision and by the time it gets to the Board of Selectmen they really have no choice as this is what happened with the last few projects that they were not too crazy about? Mr. Jankowski noted that when he was in Dudley the items the Board of Selectmen approve were approved by the Board of Selectmen sometimes someone would go to the Planning Board asking for certain hours and the Planning Board would say fine but note that is determined by the Board of Selectmen. He would have pre-technical meetings noting what went to each department to avoid issues. He suggests the Board reasserts their authority. Selectmen Pacheco would like to go back to what they used to do when a new business would come to Town there was a sheet and it was reviewed by Selectmen, Fire Chief, Police Dept. etc. and that is really where you could say we would like to restrict these hours, or want more information on the traffic pattern, so when it finally comes to the Board we are not the last to know. She did note we all can go to a public hearing but cannot always get to those. Mr. Jankowski said the solution is to have a pre-technical meeting where everyone comes together and the business makes their presentation, then Fire, Police etc. all get have input so everyone is involved and leave the meeting being informed. Selectmen Pacheco noted we did these in the past but there were three big businesses that did not follow this process but then we had Air Gas and the marijuana place that both did that. Mr. Jankowski noted it is very staff driven. Selectmen Pacheco agrees we should go back to that model and would like to put that on the next agenda for discussion.

Executive Session

At 6:22pm, motion (Matthews/Grunwald) to enter into executive session under the following exemption, not to return to open session following. Roll Call: Selectman Lisa A. Pacheco, aye; Selectman George L. Grunwald, aye; Selectman Trevor R. Matthews, aye. Motion carries unanimously after a roll call vote.

- 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
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At 6:37pm, motion (Matthews/Grunwald) to adjourn. Roll Call: Selectman Lisa A. Pacheco, aye; Selectman George L. Grunwald, aye; Selectman Trevor R. Matthews, aye. Motion carries unanimously after a roll call vote.

List of Documents/Exhibits used by the Board at this meeting

- Green Community Partnering with Massachusetts Cities and Towns Packet
- Memo from Town Administrator regarding advertising in Annual Town Report
- Email from Mike McCue, Assistant Assessor, regarding Chapter 40B resale 24 Freeman's Circle
- Letter from Citizens' Housing and Planning Association
- Affordable Housing Restriction Deed Rider
- List of Boards of Selectmen number of members in each city/town in MA.
- Forms of Municipal Government
- Meeting Minutes for approval from 2/22/21
- Goals for Board of Health Agent

Respectfully Submitted



Lu-Ann Souza
Senior Clerk