



TOWN OF FREETOWN BOARD OF SELECTMEN

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*Joe Brown*

Monday, November 19, 2018, 6:00pm  
Council on Aging – 227 Chace Road, East Freetown

**6:00 P.M.**     **Call to Order** Chairman Robert P. Jose calls the meeting to order at 6:00pm. Selectman Charles B. Sullivan and Selectman Lisa A. Pacheco are also present, as is Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM. Selectman Jose reads the agenda aloud.

**6:00 P.M.**     **Meet with Soil Board**  
Minutes for the Soil Conservation Board are recorded separately.

**6:00 P.M.**     **Public Hearing** – In conjunction with the Board of Assessors, relative to selection of the residential factor to determine the percentage of the tax burden to be borne by each class of property.

Sheila Scaduto, Chairman of the Board of Assessors, and Assistant Assessor Karen Mello are present. Ms. Mello distributes spreadsheets illustrating the impact of assorted tax percentaged. Ms. Scaduto says the Board has set the percentage at 1.43% for the last five fiscal years. The Board has no further questions.

VOTE: Motion (Pacheco/Sullivan) to keep shift as presented, at 1.43%, passed unanimously.

Ms. Mello explains the tax rate cannot be submitted until Special Town Election results are in, but the result won't affect the submission. She has the Board initial paperwork and says the full LA5 form can be signed off on starting on Monday.

**Board of Selectmen:**

- Approve Chapter 90 Project Request for Oaklawn Road & Cliff Drive, as submitted by Highway Surveyor Charles Macomber. Mr. Macomber is present. The projects are previously approved drainage improvements on Oaklawn Road and Cliff Drive, costing \$147,287.52 and \$97,798.23 respectively. Mr. Macomber says there would be around \$102,000 left in Chapter 90 after these projects. He speaks about the need for these two projects. Selectman Sullivan notes Mr. Macomber initially said these projects would be handled in-house by the Highway Department; Mr. Macomber says Nottingham Way was handled in-house, but does not recall saying these two would be. Selectman Sullivan calls these routine projects, Mr. Macomber says they are quite sizeable projects. Selectman Pacheco asks when the last project like this was done; Mr. Macomber believes it was the Causeway to Bay Shores, which was less than \$10,000 so no procurement was necessary. Gravity Construction was the low bidder on this project, the contract for the project is also on tonight's agenda. Selectman

Pacheco thinks we should get more Chapter 90 updates. Mr. Macomber says for this year, resurfacing Locust Street and Forge Road came from Chapter 90. Selectman Pacheco wants a list of projects. Mr. Macomber says we are pretty much dead on with the road resurfacing plans he made 5 years ago, but notes each road is different. He says the Nottingham Way drainage project will be done as soon as he gets a full crew.

VOTE: Motion (Pacheco/Sullivan) to approve the projects in the amount of \$147,287.52 and \$97,798.23, motion carries 2-0 with Selectman Sullivan abstaining.

- Approve agreement with Gravity Construction, Inc. for Drainage Improvements for Oaklawn Road & Cliff Drive. Discussion on this agenda item took place as part of the last agenda item.

VOTE: Motion (Pacheco/Sullivan) to sign the agreement, motion carries 2-0 with Selectman Sullivan abstaining.

- Approve snow plow contracts for 2018/2019 snow & ice season for Marc St. Laurent & Andre Medeiros Sousa.

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

- Discuss/Act on creation an Open Space Committee. Mr. DeManche says this is from a grant previous Planning Technician Lauren Moreau obtained, but there was no staff to carry out this project once she left. We've been in contact with SRPEDD, who will work on this with the Board of Selectmen, Planning Board and the Conservation Commission on this. The Open Space plan involves a public survey, paper responses and public workshop. To kick off the process, the Board has to appoint a volunteer committee, which would fall under the Planning Board. This committee would consist of 5-7 members. Selectman Jose thinks 5 members would be enough, and should include representatives from Planning and Conservation. Selectman Pacheco says we allow for flexibility to go up to 7 members if we get a big response.

VOTE: Motion (Sullivan/Jose) to go forward with the grant and post the opening for 5 members, with one member from the Planning Board and 1 from the Conservation Commission, passed unanimously.

- Approve and Sign Public Notice for 2019 Annual Town Election.

VOTE: Motion (Sullivan/Pacheco) to sign the public notice, passed unanimously.

- Sign Certificate of Votes for Registry of Deed and County Commissioner positions in the State Election, as submitted by Town Clerk Jacqueline Brown.

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

- Vote to allow Town Administrator David DeManche to sign all lease documents regarding 2019 Chevrolet Tahoe and 2018 Dodge Durango.

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

- Approve Ambulance Abatements – Write-Offs for October 2018, as submitted by Fire Chief Gary Silvia. Selectman Jose says we write off a lot and would like to discuss this, as he thinks the number is extremely high. Selectman Pacheco says we can ask Chief Silvia for a report.

VOTE: Motion (Pacheco/Sullivan) to approve in the amount of \$78,412.91, passed unanimously.

- Approve/Accept Municipal Vulnerability Preparedness (MVP) Grant, as submitted by Planning Technician Christopher McKay. DD explains that this grant will help the Town complete the MVP planning process to achieve MVP climate community designation. The Town will hire a state certified MVP provider to complete the planning process required. SRPEDD is a state certified vendor for this, which is the agreement on the next agenda item. This grant is for \$10,000. This was approved last year, but again with Ms. Moreau leaving, it left us without the staff. Mr. DeManche says the state wanted to take the money back, but we convinced them to leave it. Rochester and Lakeville would be joining with us on this project.

VOTE: Motion (Sullivan/Pacheco) to enter into the contract, passed unanimously.

- Sign Agreement with Southeastern Regional Planning and Economic Development District (SRPEDD) for Technical Assistance with the creation of an MVP plan.

VOTE: Motion (Pacheco/Sullivan) to sign the agreement with SRPEDD, passed unanimously.

- Approve Board of Selectmen's Minutes for meetings on November 5<sup>th</sup> and November 14<sup>th</sup>, 2018.

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

- Discuss/approve Reserve Fund Transfer Request for Freetown Elementary School Hot Water Boiler, as submitted by Town Administrator David DeManche. Ashley Lopes, Director of Finance for the Freetown Lakeville Regional School District is present. MIIA, the Town's insurance agency, conducted an audit and condemned the hot water boiler. Quotes were obtained for repairs, but the companies were not convinced that repairs would solve the

problem. Replacement cost for the boiler was found to be around \$1,000 more than repairs, at \$13,500. No money has been set aside for this purpose, as it's an emergency. Selectman Jose asks if the Board wants to explore excess & deficiency for this, which Mr. DeManche says is at \$214,000. Selectman Pacheco thinks it is our responsibility, as we own the building. Mr. DeManche says we can explore an insurance claim, Ms. Lopes says she can look into that. Selectman Pacheco doesn't think it is enough money to worry about insurance.

VOTE: Motion (Sullivan/Jose) to send the request to the Finance Committee, motion carries 2-0 with Selectman Pacheco abstaining (due to her employment by the school district).

- Discuss/approve architectural services for the installation of an external commercial freezer box at the Council on Aging Multipurpose Senior Center. Selectman Pacheco says she didn't know this was going to be such a big project. Mr. DeManche says the engineer came up with concrete specifications, but it's grown as there are lots of trades involved. Andy Digiammo has worked on this project with Mr. DeManche and Bruce Wilbur. \$3,000 is needed to develop the bid specifications, as this would require cutting into the foundation of the building. Selectman Jose notes that this was approved at Town Meeting, asking how much money was appropriated. Mr. DeManche is not sure, but knows the \$3,000 is available. Selectman Jose thinks we are going to blow through the budget. Selectman Pacheco says it feels like we are never prepared: town meeting sets a budget, that should be that, why don't we figure these out ahead of time? Selectman Jose says the person that planned this project out dropped the ball and now he's gone. Selectman Pacheco says this would be a reserve fund transfer if it goes beyond the town meeting warrant. Selectman Jose doesn't get why this isn't a pre-done freezer to simply install, Mr. DeManche explains there is a lot of work involved that wasn't planned for. Selectman Jose says he was against this in the first place, Selectman Pacheco says we were misled on the scope of the project initially. Selectman Jose says maybe the Council on Aging won't get what they want with this, Mr. DeManche says we can do it with options. The Board wants to wait and gather more information on this, and review what the article said specifically. Selectman Pacheco notes the Board told the COA no to the car for the same reason, they need to fully plan their projects.
- Town Administrator's Report.
  - Mr. DeManche says he, Administrative Assistant Timm McIntosh and Executive Assistant Ali Golze will all become notary publics, with Mr. McIntosh and Mrs. Golz getting sworn in tomorrow.
  - The Other Post-Employment Benefit Trust is finalized, Mr. DeManche will be setting up a meeting with Bartholomew & Company soon.
  - Mr. DeManche asks the Board to let him know if they have any topics for upcoming department head and financial team meetings. Selectman Pacheco asks that Mr. DeManche to start budget planning and come up with a timeline, and to coordinate

with the Finance Committee to see what they are planning on this year. The Board thinks the Finance Committee should be in on all the meetings, so all information is gathered simultaneously. Mr. DeManche asks if the Board would be interested in a single budget day; Selectman Pacheco says no, that is too long of a day. Selectman Jose agrees. Mr. DeManche will sit down with department heads to gather the budget information ahead of time.

- Acknowledgement of Receipt of 2019 Class II & Class III Motor Vehicle, Motor Vehicle Graveyard, Auctioneer, Entertainment and assorted liquor license renewals. Mr. McIntosh says approximately half of the renewals are received and ready for the Board, with the deadline being November 28<sup>th</sup>. The Board will act on these renewals at their meeting on December 3. Selectman Jose asks for a list of complaints received and other issues for the businesses on the agenda.

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

#### **Personnel Board:**

- Appoint Christopher McKay as Soil Board clerk, effective November 19, 2018.

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

VOTE: Motion (Pacheco/Jose) to approve a change of status at \$17.61 per hour, passed unanimously.

- Sign Change of Status Form for Linda Remedis, Senior Clerk – Part Time, effective December 11, 2018.

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

Selectman Sullivan announces that Deputy Chief Harrie Ashley and Firefighter Zack Petipas recently went to Alabama to pick up a ladder truck for the Fire Department. He says them doing this saved the town potentially thousands of dollars in transportation fees. He would like a letter of recognition and thanks sent to both firefighters.

#### **New Business:**

- Special Town Election – Saturday December 1<sup>st</sup>, Freetown Elementary School Gymnasium, 10am-6pm.
- Dates for upcoming Board of Selectmen Meetings: Monday December 3<sup>rd</sup>, Monday December 17<sup>th</sup>, Monday January 7<sup>th</sup>, Tuesday January 22<sup>nd</sup>.

#### **Executive Session:**

At 6:53pm, 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

Lisa A. Pacheco, Selectman Charles B. Sullivan, all voted in the affirmative when polled (with the exception of Selectman Sullivan abstaining on the vote for the executive session regarding Excel Recycling).

- M.G.L. c. 30A, sec. 21(a)(4) - to discuss the deployment of or strategy regarding security personnel
- 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 – Jeremy Bernardo v. Town of Freetown Highway Department, Town of Freetown Board of Selectmen, Charles Macomber
- 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

Please note, as Selectman Sullivan has recused himself from all matters involving Excel Recycling, he departs the executive session before that topic is discussed.

At 7:32pm, 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)

- Copy of Public Notice for hearing relative to selection of a residential tax factor
- Chapter 90 Project Request forms for Oaklawn Road and Cliff Drive
- Draft agreement with Gravity Construction for Drainage Improvements on Oaklawn Road and Cliff Drive
- Memo from Town Clerk Jacqueline Brown re: Annual Town Election
- Draft Public Notice announcing Annual Town Election
- Memo from Town Clerk Jacqueline Brown re: State Election forms
- Draft Certificate of Votes for Register of Deeds and County Commissioner
- Contract Approval Form for 2019 Chevrolet Tahoe and 2018 Dodge Durango
- Draft Ambulance Abatements – Write Offs for October 2018

- Draft Standard Commonwealth of Massachusetts Contract Form for Municipal Vulnerability Preparedness grant
- Draft agreement with Southeastern Regional Planning and Economic Development District for Technical Assistance with Municipal Vulnerability Preparedness
- Draft Minutes of Board of Selectmen's meeting on November 5<sup>th</sup> and November 14<sup>th</sup>, 2018
- Draft Request for Transfer from the Reserve Fund re: hot water boiler at Freetown Elementary School
- Draft Certificate of Appointment for C. McKay
- Draft Employee Change of Status Report for L. Remedis