



TOWN OF FREETOWN BOARD OF SELECTMEN

MINUTES

Monday, June 10, 2019, 6:00pm

Council on Aging – 227 Chace Road, East Freetown

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6:00 P.M. **Call to Order** Chairman Charles B. Sullivan calls the meeting at 6:00pm. Selectman Lisa A. Pacheco is present, but Selectman George L. Grunwald is absent. Also present: Town Administrator David DeManche and Administrative Assistant Timm McIntosh. The meeting is being recorded by FREECAM and by resident Gary Mendes, 171 Chance Road.

“Selectmen for a Day” Third Grade Essay Contest Winners Recognition

Selectman Sullivan speaks about the 3rd grade curriculum and welcomes the Selectmen for a day, who won an essay contest, “Why I’m Proud of My Community”. Seamus Erwin, Emma Ferland, Benjamin Gower and Max Rioux all read their winning essays then join the Board for the agenda item #1.

1. Hawkers & Peddlers Licenses for Annual 4th of July Celebrations. Selectman Sullivan explains what a license is and what this license in particular allows: selling of novelties for the 4th of July Celebration, but no silly string.
 - Michael Nicolelli (July 3rd only)

VOTE: Motion (Pacheco/Sullivan) to approve for July 3rd, passed unanimously (5-0).
Mr. Gower wishes they could sell silly string.

- William Frank / Candi Plus (July 4th only)

VOTE: Motion (Pacheco/Sullivan) to approve for July 4th, but again no silly string, passed unanimously (5-0).

Mr. Gower says he will not be signing for no silly string. Selectman Pacheco thanks Freetown Elementary Principal Michael Ward and the 3rd grade teachers for allowing this program to continue, and invites the Selectmen for a Day to ride in the 4th of July parade with the Selectmen. She also says she will be buying Mr. Gower a can of silly string for him to bring home. As the Selectmen for a Day sign the licenses, Selectman Sullivan reads a letter from the Board to the essay contest winners.

The Board takes a five minute recess at 6:16pm for photos with the Selectmen for a Day. They depart following the recess.

The Board returns at 6:20 for Public Discussion. There is no public comment.

Board of Selectmen – Discussion and/or action on the following topics/items:

2. Meet with Freetown Finance Committee to discuss the South Main Street Bridge Project
The Finance Committee was not able to attend tonight's meeting, but is represented by Ms. Hoguette Lord; they will be meeting separately on Wednesday.
3. Change Order No. 3 to agreement with Aetna Bridge Company for South Main Street Bridge Project. Jim Noyes & Kim Armstrong, from Greenman-Pederson Inc, and Highway Surveyor Charles Macomber are present. Mr. Noyes explains the bridge is in worse shape than expected, with new issues found below the "muck line" once soil was removed. They've done the South excavation and will be examining the North tomorrow. This will add around 16 additional days of diving. Ms. Armstrong shows the Board some photos of the deterioration, noting that it's gotten worse since the photos were taken. There is a new crack over the entirety of the arch, and a mirrored one on the other side. The goal for this work is to shore that up. She doesn't think we need to close the bridge at this point.

Selectman Pacheco asks about a weight limit. Ms. Armstrong thinks that is a good idea, but has held off from notifying MassDOT just yet. She believes they will be recommending a weight limit when they re-inspect the bridge. Selectman Pacheco would like to be proactive, and doesn't understand why this wasn't taken care of at the same time as the Elm Street Bridge. The continuous truck traffic is contributing to the issues. Ms. Armstrong notes the bridge was built in 1880, and thinks the lifespan of the bridge will not be what they initially thought, maybe 10-20 years. She notes that cars striking the barrier also do not help.

Selectman Sullivan says we have more problems than what we originally thought. He asks if this work was done 3 years ago, would we have this issue? Ms. Armstrong doesn't think we would have. Ms. Armstrong notes the 2018 inspection report did not have this crack. Selectman Sullivan says this is a 50% increase on the cost, and we haven't even looked at the other side yet. Ms. Armstrong says that this side was the worst, but says we could end up with finding the same issue on the North side. Selectman Sullivan asks if it would have been good if Aetna checked this beforehand; Ms. Armstrong says you need to do the work immediately, as disturbing the soil too early would undermine the bridge. Selectman Sullivan says of the 10-20 year lifespan, which is closer to accurate? Ms. Armstrong says 10 is the tip and the goal, but the real lifespan depends on a number of factors including storms. Selectman Sullivan reiterates that this work should have been done by now.

Selectman Pacheco asks what to do about a weight limit. Selectman Sullivan wants to wait for more information, saying the first thing we need to do is get this work done. Selectman Sullivan says we are behind the 8 ball because of Aetna Bridge, who is not here tonight; he

says we'll never see them here. He thinks we should move forward with these repairs and talk about a weight limit once we know all the facts on the North end of the bridge. Ms. Armstrong says the town does not implement a weight limit, it is done--and paid for-- by the state. She can try to expedite that if the Board wishes. Selectman Pacheco would like to ask her to do that, as she feels the weight limit is very important.

VOTE: Motion (Pacheco/Sullivan) to accept the change order for the total aggregate amount of \$831846.70, contingent on the Finance Committee approving the transfers, that we would like to go along with the contingency plan, if not, it still has to get paid and we might have to have a Special Town Meeting in order to do so, passed unanimously.

Selectman Pacheco says if the Finance Committee does not approve the transfers, we still have to pay for it somehow, so a Special Town Meeting may be necessary.

Mr. Noyes asks if work is authorized for tomorrow. Mr. DeManche says there is \$88,000 in the contingency; Mr. Noyes thinks that will last through the end of the week. Work will continue.

4. Interdepartmental Transfer Requests

- Town Building Improvements to Capital Projects. This request is for \$25,000 for the bridge project.
- Health Insurance Premiums & Medicare Insurance Penalty to Capital Projects. This request is \$116,000 for the bridge project; \$110,000 from health insurance and \$6,000 from medicare insurance penalty.
- Highway Department Salaries for Full Time Employees to Highway Department Other Purchased Supplies. This request is for \$7,000.

VOTE: Motion (Pacheco/Sullivan) to approve the requests and send them to the Finance Committee, passed unanimously.

5. Award bid for Ambulance Billing Services for Fiscal Year 2020 through Fiscal Year 2022. Fire Chief Gary Silvia is present. Three quotes were solicited for the bidding process. New England Medical Billing came in the lowest quote, with Comstar and Coastal Medical Billing next. Chief Silvia says it is his recommendation to stick with Comstar; Selectman Sullivan says the Town Accountant is also in favor of Comstar. He says it's around a \$2,000 difference. Selectman Sullivan reminds Chief Silvia that the Board still wants to talk to Comstar in to talk to us sometime in July about the rates, as we've previously discussed.

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

6. Memorandum of Agreement between the Board of Selectmen & Jeffrey Chandler, An Employee for the Town of Freetown. Mr. McIntosh says this is a standard agreement for a uniform allowance, which was signed by the past two Health Agents and the previous Building Commissioner, we just never took care of it for Mr. Chandler.

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

7. Minutes: May 20th and June 3rd. As Selectman Pacheco was not present on June 3rd, those minutes will not be acted on at this time.

VOTE: Motion (Pacheco/Sullivan) to approve the minutes for May 20th, passed unanimously.

8. Police Station Project Update. Selectman Pacheco says you can see the progress at the site, that everything looks amazing and clean. She says the footings in the back of the site are for the retaining wall. Everything is going according to schedule, which is great news.
9. Town Administrator's Report
 - Mr. DeManche will be setting up a meeting with the Acushnet Board of Selectmen on the Freetown Screw project, to take place in July.
 - The Mass Works grant program is now open. Applications are due end of July to August, which go along with large scale construction projects. Mr. DeManche will begin work on that. It all starts with a webinar on Thursday, he will have more information following.
 - The Town receives 40 hours of support from SRPEDD annually, of which 20 goes to the Planning Board and 20 to the Selectmen. Mr. DeManche recommends some of those hours be dedicated to Economic Development. Selectman Sullivan and Selectman Pacheco agree that that makes sense, that they will vote on those hours at a later date.
 - Finally, Mr. DeManche will be attending the South Coast Managers meeting on Wednesday in Swansea.

Personnel Board: – Discussion and/or action on the following topics/items:

10. Appointments:

- Janet Pilotte as Senior Clerk, effective June 11, 2019

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

11. Re-Appointments for Fiscal Year 2020. Selectman Pacheco notes Mr. McIntosh did a great job organizing the annual re-appointments this year, which makes it easy for everyone going

forward. Selectman Sullivan notes a few corrections and changes he'd like to see: Craig Cabral as Reserve Officer should be held, per the recommendation of the Chief of Police; Jeff Chandler should be the ADA Local Coordinator, not Mr. DeManche; Antonio DeMelo should be removed as Planning Board Associate member, per the Planning Board's request; Tim Dwyer should be a full-time signal operator, not part time; James Reilly should be struck; Joshua Simmons should be auxiliary police officer, not reserve; Edward Walsh is retiring. Further, Selectman Sullivan wants the appointment for Brad Paiva to the Zoning Board of Appeals for just one year. Selectman Pacheco asks about the status of Sheila Scaduto; Mr. DeManche says he spoke to Ms. Scaduto today and learned it is still her intention to move back to Town but there's been a hang up, she's asked for consideration on that. Selectman Pacheco wants to discuss that matter at the Board's next meeting. Further, Selectman Pacheco says we need to remind everyone that they need to be sworn in.

VOTE: Motion (Sullivan/Pacheco) to appoint with the noted corrections, passed unanimously.

12. Annual Performance Evaluations. Selectman Sullivan says this was an item requested by Selectman Grunwald, so we will hold this item at this time.
13. Cemetery Commission Sexton. Selectman Pacheco reads the posting for the new vacancy, a position created by the Cemetery Commission. She suggests Paul Sadeck applies.
14. Request from Senior Clerk Michael McCue to carryover vacation time to Fiscal Year 2020. Selectman Pacheco reads the letter aloud. Mr. McCue is requesting to carry 6 vacation hours over to Fiscal Year 2020 due to extenuating circumstances in the Board of Assessors office. Selectman Sullivan doesn't have a problem with this, but would like a Memorandum of Agreement drawn up so it doesn't set a precedent. Selectman Pacheco agrees, but says these requests need to be taken case by case, and doesn't think an MOA is necessary. Selectman Sullivan reiterates it should be in writing.

VOTE: Motion (Sullivan/Pacheco) to approve Mr. McCue's request, passed unanimously.

New Business

Selectman Sullivan has one further item. The office has received a letter from Chief of Police Carlton Abbott requesting guidance on a matter with the new collective bargaining agreement (CBA). The new CBA sets a March 15th deadline for officers to elect for a vacation time cash out. As the new CBA was not ratified by that deadline, Chief Abbott is asking the Board if they will allow officers to elect for this before June 30, 2019. Selectman Pacheco understands where this is coming from, and says it is what it is.

VOTE: Motion (Pacheco/Sullivan) to approve the vacation time buyout, but it must be done by 6/30/19, passed unanimously.

Executive Session:

At 6:53pm, motion (Pacheco/Sullivan) to enter into executive session, for exemption noted below in item #15 only, and not to come back to open session following. Roll Call Chairman Charles B. Sullivan, Selectman Lisa A. Pacheco; all voted in the affirmative when polled.

Paul Sadeck, Chairman of the Library Trustees, will be present for the executive session.

As there is not a quorum for agenda item #16, the Board will not be discussing that item.

15. M.G.L. c.30A, Sec. 21(a) (3) – to discuss strategy with respect to collective bargaining with the Public Employees Union, Local 1144 LIUNA (Clerical/Library Bargaining Unit) because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

16. 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

Upcoming Meeting Schedule:

- Dates for upcoming Board of Selectmen Meetings: Monday, July 1st; Monday, July 15th; Monday, August 5th; Monday, August 19th

At 7:10pm, motion (Pacheco/Sullivan) to adjourn from executive session. Roll Call Chairman 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)

- Copies of winning essays by Freetown Elementary School third graders
- Application for Hawkers & Peddlers licenses submitted by M. Nicolelli and W. Frank
- Draft licenses for hawkers & peddlers for M. Nicolelli and W. Frank

- Draft change order #3 for Rehabilitation of Two Bridges project
- Draft Request for Appropriation Transfers Between or Within Departments forms, as noted in agenda item #4.
- Letter to Town Administrator D. DeManche from Fire Chief Gary Silvia re: Ambulance Billing Services for the Freetown Fire Department
- Quote & Procurement paperwork for Ambulance Billing Services
- Draft memorandum of agreement between the Board of Selectmen & Jeffrey Chandler re: uniform allowance.
- Draft minutes of meeting of the Board of Selectmen on May 20th and May 3rd
- Letter from Council on Aging board re: appointment of J. Pilotte
- List of annual appointments
- E-mail correspondence between T. McIntosh and Chief C. Abbott re: reserve officers
- Memo from Town Clerk re: annual appointees not sworn in in Fiscal Year 2019
- Letter from M. McCue re: vacation time carry over
- Draft appointment form for J. Pilotte and annual appointees.
- Letter from Chief C. Abbott re: Police Department vacation payout for Fiscal Year 2019