

 **Raynham Board of Selectmen**

 **Raynham, Massachusetts**

 **Regular Meeting and**

 **Executive Session**

 **February 14, 2023 @ 6:30 p.m.**

 **Donald L McKinnon Meeting Room**

**Members Present: Town Administrator:**

Mr. Richard Schiavo – Chairman Mr. Gregory Barnes

Ms. Patricia Riley– Vice Chair

Mr. Joseph Pacheco - Clerk

**Called to Order:**

Mr. Schiavo called the Board of Selectmen’s meeting to order at 6:30 p.m. and asked for a motion to enter

into Executive Session. Mr. Pacheco made that motion, and Ms. Riley seconded it for the following stated reasons:

1. ((M.G.L.C. 30A, Section 21(a) (3)) To conduct strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

**On a Roll Call Vote:** Ms. Riley - Aye; Mr. Pacheco - Aye; Mr. Schiavo - Aye. Vote: 3-0-0

6:59 p.m. – The Board returned to Open Session and Mr. Schiavo asked for a motion to recess the meeting.

 **Motion:** Moved by Mr. Pacheco and seconded by Ms. Riley to recess the meeting. Vote: 3-0-0

7:00 p.m. – Mr. Schiavo reconvened the Board of Selectmen’s meeting and informed the public that the Board is returning from Executive Session with nothing to report at this time. The meeting is being both

broadcasted live on Comcast Channel 98 and Verizon Channel 34 and recorded by RayCAM.

**Pledge of Allegiance**

Mr. Schiavo led the Board in the Pledge of Allegiance.

**Acceptance of Minutes – February 7, 2023**

**Motion:** Moved by Mr. Pacheco and seconded by Ms. Riley to accept the Board of Selectmen’s meeting minutes of February 7, 2023, as printed. Discussion: None. Vote: 3-0-0

**Department Head Reports**

*Bryan LaCivita –Fire Chief, monthly report*

In his monthly report for January, Chief LaCivita reported that the Department is holding steady with unforeseen overtime expenditures at the previously-reported total of $154,295.96, now that all firefighters have returned to work. For January, there were 95 calls for fire incidents, 217 calls for medical emergencies and 69 calls for inspectional services. For 2023, there were 298 runs at the end of January, which is down 22 runs from the same time period last year. Adding activity so far for the month of February brings the number of runs to 461 compared to 463 for the same time period last year.

The Fire Department participated in the evacuation at Brockton Hospital due to the recent fire with quite a few transports from the hospital. Chief LaCivita gave kudos to the hospital and all the people who helped in the effort. The Fire Department was also involved in a technical rescue on Locust Street involving a draft horse named George that was unable to stand up. Chief LaCivita reported that Bristol County Rescue and the Raynham Center Water District assisted the firefighters in rescuing George.

 Chief LaCivita read a letter he wrote to the Board explaining that a firefighter has chosen to transfer to another

 department and that has created a vacancy that needs to be filled in order to keep the department adequately

 staffed. The current budget will allow the department to fill the vacancy with no hardship as the new firefighter

 will start at a first-step on the pay scale. Also, he has been notified that another firefighter will be relocating

 out of state with his family at the end of June or beginning of July. The Chief would like to begin the interview

 process and training to fill the current vacancy as soon as possible and have somebody ready to fill the vacancy

 in June. The firefighter leaving in June was hired through a grant the Department received and there is about

 a year and a half remaining in grant funding through the federal government.

 Ms. Riley offered congratulations to the Chief and his Department as they always go above and beyond. Since

 both of the vacancies the Chief referenced are for existing positions, Ms. Riley **motioned** to authorize the

 Chief to move forward with filling the vacant positions. Mr. Pacheco seconded the motion. Discussion: None.

 Vote: 3-0-0.

Mr. Schiavo commented on the Brockton Hospital fire and informed that he serves on one of the Boards at Good Samaritan. He said hospital officials were in awe of how well all the fire departments worked together and how the rescue effort all came together so well.

**Appointment**

 There were no appointments scheduled this evening.

**Public Hearing**

There was no public hearing.

**Completion Old/Continuing Business**

 *Discussion of Allocation of County ARPA Funds*

Mr. Barnes provided the Board with a list of several projects that should qualify for the Town’s share of the County’s ARPA funds including, as a new addition to the previous list, the cost of replacing the HVAC system at Town Hall. The amount of the Town’s remaining share of the County ARPA funds totals $1,633,135 and that total amount will need to be used or committed by December 31, 2024. Because these are County funds, any projects will need to be applied for through the County, reviewed and signed off on by the County.

Ms. Riley stated that she would support, in concept, dividing the County ARPA funds between the Highway Department’s drainage projects including $81,750 toward the Gardiner Street Bridge/Dam replacement project, the Town Hall HVAC replacement project, and the two Water Districts’ projects. She pointed out that the Selectmen also serve as the Board of Health, and the Town’s drinking water is of paramount imporance when it comes to public health.

Mr. Pacheco echoed Ms. Riley’s comments. He stated, “At this time, the Town is in a position to address some of these issues because the Board was methodical and took the time and did not rush to spend the funds.” He reminded the Board that previously, they voted to award $950,000 to the Sewer Department to replace six emergency generators at pump stations. He added, “When ARPA Funds were created by Congress, they were meant to address one-time capital infrastructure projects.”

**Motion:** Moved by Mr. Pacheco to award: $708,604 to the Highway Department for drainage improvements including a portion of those funds for the Gardiner Street project; $425,000 to the Raynham Center Water District for PFAS remediation; $395,000 to the North Raynham Water District for the Broadway water main project; $100,000 for the AC and HVAC upgrades at Town Hall; and $4,531 to upgrade water faucets at Town Hall for water conservation, preservation and public health. Mr. Pacheco explained that, even though the two Water Districts are not technically town departments, they will have to raise all the funds for their projects from town residents through fees and water usage charges if the projects are not subsidized. He added, “The Highway Department projects, if not addressed, would only be supported through free cash, capital or a proposal for another debt exclusion.” Ms. Riley seconded the motion. Discussion: Mr. Schiavo expressed

concerns regarding the support for the two Water Districts and indicated that the funds could be spent in other areas such as the Sewer Department. He stated that the Water Districts are not limited by the Proposition Two-and-a-half Levy limit, and the cost of the projects will be significantly greater than $400,000. He said, “I am not sure if the award of $400,000 would even be enough to get them started.” He also questioned whether enough details had been provided regarding the Water District projects, and he pointed out that the Districts are not managed by the Town. He suggested the Board allocate the funds to the Sewer Department instead of the Water Districts as the Town manages that Department and it is a part of the Town.

Mr. Pacheco maintained his motion and stated that he, personally, thinks the Board has seen ample background information on the projects. He also reminded everyone of the experience this past summer when Raynham Center Water District wells had to go offline because of PFAS contamination. He said, “The funding we would be awarding is not meant to pay for the entire projects and both Water Districts are aware of that, but the funds will help offset some of the costs. If funding is not given, the taxpayers of Raynham are going to pay through increased usage fees and other fees that will be needed. While the Water Districts are not a traditional town department, they are still public entities and provide water to the residents and businesses in Town.” Mr. Schiavo commented that the issues last summer were due to the excessively low water table due to the lack of rain and that has been alleviated. He added that not supporting the Sewer Department’s projects would also result in possible increases through the Sewer Department.

Present was Bill Lewis, North Raynham Water District Commissioner. He discussed the Rt. 138 project and informed that the water lines in question are close to 80 years old. He said the Massachusetts Department of Transportation has agreed that if the District pays for the actual water lines, $1.3M, DOT will install the lines, which will save the North Raynham Water District about $4M. The District’s request for the ARPA funds will help with the costs, and the Water District will fund the remaining amount. Mr. Lewis confirmed that the Water District does not fall under the Proposition 2-and-1/2 limitations and will not need voter approval for a debt exlusion, but it will actually be a debt exclusion because the District will have to increase the fees and taxes it charges in order to pay for the project. He also commented on the Center Water District’s PFAS project and the magnitude of that project, and he stated that both Districts are well-managed..

Ms. Riley said she would maintain her second to the motion and added that from the perspective of the Board of Health, “ Nothing is more important than a clean water supply.” Vote: 3-0-0

**Motion:** Moved by Ms. Riley to forward a letter to both Water Districts notifying them of the vote and asking that they consider the following question: Is it their professional opinion that the Town of Raynham, residenta, taxpayers, property owners, are best served with two Water Districts or should any consideration be given to the possibility of combining the two as one Water District? She commented, “The Government Study Committee had recommended consideration of this a few years ago and considering the financial challenges that both Districts are facing at this point, and the challenge of sufficient water supply, it may be something to revisit.” Mr. Pacheco seconded the motion. Vote: 3-0-0

Mr. Lewis informed that he was a member of the Government Study Committee and the recommendation was sent to the Board but not given further consideration. He said the possibility had been studied about fifteen years ago, and it was not considered feasible at that time. He said, “As one of the Commissioners, I would be willing to look into that.” He noted that the question might be finding the funding to conduct a study, Ms. Riley noted that there might be grant possibilities for that. Mr. Barnes noted that there are grant possibilities for regionalizing and other consolidating efforts.

Mr. Schiavo commented on the difference in cost for water from one District to the other. He pointed out that pulling both districts together could mean a stronger entity with the ability to share the supply of water in a much more balanced way.

Mr. Barnes pointed out that another option would be to consider combining the Districts as a Town Department.

 *Discussion of Legal Policy*

 Ms. Riley informed that the Board had approved the basic legal policy last year and had asked the Town

 Administrator to detail it in writing which was now being presented for final approval. She then read the

 written policy which stated in part: “Approval by the Board of Selectmen or Town Administrator is required

 to contact any of the Town’s legal advisers: Town Counsel, Labor Counsel or, in a rare instance, Special

 Counsel. Under normal circumstances, the Board would approve or deny by a majority vote at a Board

 meeting. The Town Administrator would approve or deny when any of the stated circumstances exist . . . .”

 Ms. Riley then read the rest of the written policy which concluded “In all cases, copies of all written legal

 opinions or rulings from Town Counsel, Labor Cousnel or Special Counsel shall be provided to the

 Selectmen’s office and kept on file.”

**Motion:** Moved by Ms. Riley and seconded by Mr. Pacheco to approve the formal Legal Policy as written along with the request sheet. Discussion: Mr. Schiavo suggested a language change on the request sheet under Department Head approval. Mr. Barnes will rewrite the particular statement so that it is clear that it is the Department Head’s approval of the submittal of the request, not the approval of the request, which is determined by the Board. Vote: 3-0-0

**New Business**

 *Jessica Thomas, Treasurer/Collector – Discussion on increasing COLA and Base for Bristol County*

 *Retirees and Other Matters*

Ms. Thomas presented the Selectmen with a copy of the letter from the Retirement Board indicating that they had voted unanimously to allow an additional 2% COLA after previously voting a 3% COLA for Fiscal Year 2023 on the base amount of $18,000. According to the law, the County Commissioners and two-thirds of the cities and towns within the system must now vote to accept the additional increase. Mr. Barnes informed that the Retirement Board is also proposing to increase the base from $18,000 to $20,000, which would have to be approved by the Advisory Council, which is made up of representatives of the cities and towns in the system. Ms. Thomas is the Town’s representative on the Advisory Council.

Mr. Schiavo asked Ms. Thomas what impact the COLA increase would have on the Town compared to the increase on the base. Ms. Thomas informed that the base increase would be a huge cost to the Town going forward, while the COLA increase is only a one-year increase.

Mr. Pacheco commented that the original 3% increase for this fiscal year was higher than what the Town’s active employees are getting; therefore, he would not support the additional 2% increase. He said that he might, however, be interested in increasing the base from $18,000 to $20,000 because that base amount was established probably 20 to 30 years ago and hasn’t been increased since that time.

Ms. Thomas informed that the increase in COLA would cost the Town $27,720 or, if the base was increased to $20,000, $60 more than that for each of the retirees who would be effected. She also noted that if the $20,000 base was approved, it would remain in effect going forward unless changed by another vote, so long term, the impact would be much greater.

**Motion:** Moved by Mr. Pacheco to disallow the additional 2% COLA. Ms. Riley seconded. Vote: 3-0-0

Ms. Thomas informed that the Advisory Board would like a letter regarding the Board’s vote on the COLA.

**Motion:** Moved by Mr. Pacheco to authorize Ms. Thomas to support the increase in the base from $18,000 to $20,000. Ms. Riley seconded the motion. Discussion: None. Vote: 3-0-0

Ms. Thomas informed that the Department of Fish and Wildlife is interested in a parcel of land which the Town has acquired from tax taking/ foreclosure. The State offered to have the land appraised and, based on the appraisal, they would pay the Town for the land. The State is interested in the parcel because it borders the Hockomock Swamp and would allow access to the swamp. Final approval of the sale to the State would require a Town Meeting vote. Mr. Barnes will present to the Board once additional information is received from the State.

Ms. Thomas informed that there are several parcels of land that were taken in foreclosure, most of them on July 1, 2022. She informed of the process before the parcels go to auction.

Ms. Thomas also informed that she will be posting in the newspaper a list of abandoned property checks that total $48,000.

The Town received a Rate Holiday for Health Insurance for both the employees and the Town. This is a savings of $190,000 per month for the Town for the next two months.

Ms. Thomas presented information on the Town’s Trust Funds invested by Bartholomew and Company including the most recent monthly report and the Portfolio Review. Mr. Pacheco commented that some maturity dates are coming up soon. Ms. Thomas stated that there have been discussions to liquidate some accounts upon maturity dates so there is no penalty. Mr. Pacheco asked for the annual fee paid to Bartholomew & Company on the investments. He also said he would be interested in potential options on investments that would give the Town an overall higher yield.

Mr. Barnes informed that the investments do not include the OPEB account which is invested through Rockland Trust. The investments are currently 90% fixed assets and 10% equities and there are restrictions on how the funds are invested.

 *Entertainment License Renewal – Stoneforge, 90 Paramount Dr.*

**Motion:** Moved by Mr. Pacheco and seconded by Ms. Riley to approve the Entertainment License renewal for Stoneforge, 90 Paramount Drive. Discussion: None. Vote: 3-0-0

**Town Administrator’s Report**

*Mr. Gregory Barnes*

Mr. Barnes informed that the Finance Committee has begun to meet on the budget for the next fiscal year and will be meeting regularly every Monday. There were several proposed changes presented by Mr. Barnes and Chris LaViolette, Finance Director, during the meeting, and they will be working with the Finance Committee on those proposals.

**Selectmen’s Report**

*Ms. Riley*

Ms. Riley thanked the Town Clerk, her office and all the poll workers for their efforts throughout the recent election cycle. She was very disappointed in the number of voters who participated at less than 1,000 voters or 7.15% of the Town’s registered voters. She thanked those who did turn out to vote and asked for suggestions to encourage more citizen participation. She noted that the next election will be the annual Town Election on April 22, 2023, and it will also be the Town’s Earth Day Cleanup project, so, hopefully, there will be a really good turnout for both events.

*Mr. Pacheco*

Mr. Pacheco informed that there is a second opioid settlement that the Attorney General’s Office has negotiated. He informed that it will be on the agenda next week for discussion. The Board previously voted to be included in the first settlement; therefore if the Board opts to vote on the second settlement, and a fuller briefing is received, the topic should be brought to the Health Department to begin strategizing about where the funds could be best programmed.

**Correspondence**

No correspondence was received.

**Citizens & Community Input**

There was no discussion.

***Performance of Administrative Duties***

Mr. Schiavo asked for a motion to approve the Town of Raynham Invoice and Payroll Warrants.

**Motion:** Moved by Mr. Pacheco and seconded by Ms. Riley to approve the Town of Raynham Invoice and Payroll Warrants dated February 14, 2023. Discussion: None. Vote: 3-0-0

Mr. Schiavo asked for a motion to approve the Town of Raynham Police Invoice and Payroll Warrants.

**Motion:** Moved by Ms. Riley and seconded by Mr. Schiavo to approve the Town of Raynham Police Invoice and Payroll Warrants dated February 14, 2023. Discussion: None.

**On a Roll Call Vote:** Ms. Riley – Aye; Mr. Schiavo – Aye; Mr. Pacheco – Abstain. Vote: 2-0-1

Mr. Schiavo asked for a motion to adjourn.

**Motion:** Moved by Mr. Pacheco and seconded by Ms. Riley to adjourn the Board of Selectmen’s regular meeting of February 14, 2023, at 8:03 p.m. with no additional business to be conducted. Vote: 3-0-0

*Transcribed from Recording*

*Respectfully submitted,*

*Dawn Caradonna*

*Recording Secretary*

 List of Meeting Documents:

         • Minutes – February 7, 2023

 • Chief LaCivita’s monthly report

 • Town of Raynham’s County ARPA Project Requests

 • Legal Policy with Request Form

 • Bristol County Retirement Correspondence with COLA and base increase information

 • List of parcels of land taken in foreclosure

 • Bartholomew & Company - Monthly Report and Portfolio Investment Review

 • Entertainment License Renewal – Stoneforge, 90 Paramount Drive

 • February 14, 2023, Town of Raynham Invoice and Payroll Warrants

         • February 14, 2023, Town of Raynham Police Invoice and Payroll Warrants