

BOARD OF SELECTMEN
MARCH 25, 2015
REGULAR SESSION

Members Present: David Parker, Nelson Almeida, David Andrade,
Michael Brady, Gary Sagar

Town Administrator: Shawn E. Cadime

Chairman Parker opened the meeting at 6 p.m.

He announced that, in accordance with M.G.L. Chapter 30A, Section 20, anybody taping the meeting must notify the Chair. The Board of Selectmen is recording audio and video.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Brady advised that volunteers are needed on the Capital Improvement Committee, Conservation Commission, Cultural Council, Economic Development Committee, Energy Committee, Finance Committee, Property Tax Work-Off Committee, Zoning Board of Appeals, and the By-Law Study Committee. Talent bank forms are available at Town Hall and on the website.

PUBLIC HEARING

Hearing to Approve or not Amended Department Fees for FY 2016

Postponed for ten minutes.

The order of business moved to:

PRIORITY MATTERS

Discussion and Vote to Approve or not Request for Bike to the Beach for Autism Charity Bicycle Event on September 4, 2015

Police Chief Craig Mace and Mr. Cadime recommended approval.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To approve the request for the Bike to the Beach for Autism Charity Bicycle Event to go through Seekonk on September 4, 2015.

Vote to Appoint or not Lieutenant Michelle Hines (retired) to the Position of Special Police Officer

Chief Mace and Mr. Cadime recommended approval.

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A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To appoint Lt. Michelle Hines (retired) as Special Police Officer.

Discussion and Vote or not to Appoint Sergeant Matthew Jardine to the Rank of Lieutenant and Swear In

Chief Mace and Mr. Cadime recommended the promotion.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To promote Sergeant Matthew Jardine to the rank of Lieutenant with the Seekonk Police Department.

Lt. Jardin was sworn in by Town Clerk Janet Parker. His son Justin and daughter Emma pinned his badge.

Chairman Parker took this opportunity to praise the Seekonk Honor Guard who was in attendance.

The order of business returned to:

PUBLIC HEARING

Hearing to Approve or not Amended Departmental Fees for FY 2015

Chairman Parker opened the Public Hearing at 6:15 p.m.

Mr. Sagar had provided a copy of a Supreme Court decision on Emerson College vs. the City of Boston, which is a definition of the way fees are supposed to be used.

He raised questions concerning DPW fees. Several attorneys have told him it is illegal to charge a fee to access a person's property.

DPW Superintendent Robert Lamoureux explained that the curb cut and right of way were split into two and the fee for curb cut and trench permit fee were eliminated. He recommended re-implementing those fees as they were prior to elimination in 2012.

Mr. Cadime recommended the Board approve Mr. Lamoureux's recommendation.

A motion was made by Mr. Sagar, seconded by Mr. Brady (for discussion), and it was

DEFEATED: 4 Nays; 1 Aye; To reduce the curb cut permit from \$100 to zero.

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The vote: Mr. Sagar – Aye; Mr. Brady – Nay; Mr. Almeida – Nay; Mr. Andrade – Nay; Chairman Parker – Nay.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To charge the \$50 trench permit fees for work in the Town right of way.

Mr. Sagar raised several questions with Chief Healy.

Chief Healy and Mr. Cadime recommended approval.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To approve Fire Department fees as submitted.

Mr. Cadime recommended that Cole Street –Lavatory (Resident) fee of \$100 be removed and replaced with a deposit to be refunded if there is no damage.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To change the \$100 fee to a deposit for Cole Street – Lavatory Resident.

Mr. Cadime recommended elimination of the league fee for residents.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To eliminate the league fee for residents.

Mr. Cadime recommended eliminating the utility shed season resident fee of \$100.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To eliminate the utility shed season resident fee.

Mr. Cadime recommended changing the lavatory resident fee of \$100 to a security deposit.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To change the lavatory resident fee of \$100 to a security deposit.

A motion was made by Mr. Andrade, seconded by Mr. Sagar, and it was unanimously

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VOTED: To modify the fee schedule to accurately represent what is being addressed in Item #2 on the schedule where any rest room non-resident proposed fee be \$110 and any other fees for laboratory use be removed from this fee schedule.

Mr. Cadime said these are significant fees. He wanted to make sure all costs are covered.

The above motion as rescinded.

A motion was made by Mr. Andrade, seconded by Mr. Sagar, and it was unanimously

VOTED: To table the Parks & Recreation section of the schedule until a later date.

Mr. Sagar wanted to look at the use of concession stands.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To accept fees, as amended, and to continue the public hearing until the meeting of April 8, 2015.

At 6:49 p.m., Chairman Parker continued the public hearing until April 8, 2015.

2015 License Renewals

Vote to Approve or not Seasonal Wine & Malt Renewal

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To approve the seasonal wine and malt renewal for JCM Petroleum, Inc.

Chairman Parker noted that all seasonals were converted to year-round by the State but this one was being sold at the time and did not make it. Conversions are not allowed by the ABCC at this time.

Vote to Approve or not Mobile Food Cart License Renewal for Simply Yummie Catering, Inc. and Forward to the Board of Health

Ms. Rogers explained this is a renewal from last year.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was

VOTED: 3 Ayes; 2 Nays; To approve the mobile food cart license renewal for Simply Yummie Catering, Inc.

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The vote: Mr. Sagar – Aye; Mr. Almeida – Aye; Chairman Parker – Aye; Mr. Andrade – Nay; Mr. Brady – Nay.

Mr. Brady noted this person lives in Tiverton, RI. The Board turned down a similar request last year because the individual did not live in Seekonk.

Vote to Approve or not Mobile Food Cart License Renewal for Timothy Spaulding and Forward to Board of Health

Mr. Sagar recused himself.

A motion was made by Mr. Almeida, seconded by Mr. Brady (for discussion), and it was

VOTED: 2 Ayes; 2 Abstentions; 1 Nay; To approve the mobile food cart license for Timothy Spaulding and forward to the Board of Health.

The vote: Mr. Almeida – Aye; Chairman Parker – Aye; Mr. Brady – Abstained; Mr. Sagar – Abstained; Mr. Andrade – Nay.

In discussion prior to the vote, Mr. Brady said last year they talked about establishing a by-law. That didn't happen.

Ms. Rogers said a meeting is scheduled for next week with Det. Enos to go over this. She said Mr. Spaulding has been renewed four times.

Mr. Brady said the Board is inconsistent.

OLD BUSINESS

Discussion and Vote on Approval and Acceptance of Bittersweet Drive Deed

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To approve and accept the Bittersweet Drive deed.

Mr. Almeida thanked the Lagerquist family.

Discussion and Possible Vote on Town Administrator's Performance Evaluation

Board members liked the format submitted by Mr. Cadime. Discussion at the next meeting.

NEW BUSINESS

Open Meeting Law Complaint and Resolution – Open Meeting Law Complaint from William (Bill) Barker Received March 12, 2015 Concerning an Alleged Violation on the Agenda for the Meeting of March 11, 2015 and Related Matters. Acknowledge Receipt of Complaint, Consider Possible Responses Thereto and Vote to Resolve the Same

This concerns discussion on the Charter change. Mr. Cadime advised it was sent to Kopelman & Paige for response. The Board has fourteen business days to respond.

Chairman Parker said the ballots were ordered on March 5. The Open Meeting Law says there is a 30-day period from the date of the alleged complaint to work out locally before the complaint can be filed. It was not properly filed.

Mr. Cadime read the response.

A motion was made by Mr. Andrade, seconded by Mr. Sagar, and it was unanimously

VOTED: That the Board denies there was any violation of the Open Meeting Law as alleged and that the Board approves the response to Mr. William Barker of of the Open Meeting Law complaint received on March 12, 2015 as drafted by Town Counsel Kopelman & Paige and that Town Counsel further responds to Mr. Barker and the Atty. General, Division of Open Government, in accordance with M.G.L. Chapter 30, Section 23b.

Chairman Parker questioned why Mr. Barker would notify the Atty. General's office that the Board did not intend to respond to this complaint. He will follow up.

He noted there are legal fees involved to respond to these open meeting law violations. Yet, everyone has come back that the Town did not violate the law.

Discussion and Vote to Petition the Massachusetts State Gaming Commission for Surrounding Community Status for Any License Request in Region C Within Bristol County

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To petition the Massachusetts Gaming Commission for surrounding community status for any license request in Region C within Bristol County.

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OTHER BUSINESS

Discuss Other Topics Not Reasonably Anticipated by the Chairman 48 Hours Before he Meeting

Chairman Parker reminded residents to vote in the upcoming election on Monday, April 6.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime advised he contacted a firm to do an audit. He submitted documents and they estimated savings could be about \$80,000 a year. They will come down within the next two weeks to do site visits.

Mr. Andrade suggested they look at the property on Maple Avenue.

Mr. Cadime read a letter from a grandparent commending Dispatch and EMS personnel.

Mr. Sagar mentioned that the incident was in the north end and assistance was there within 2 ½ minutes.

Audio tape ran out at this point. There was no video tape.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary