

BOARD OF SELECTMEN
NOVEMBER 4, 2015
REGULAR SESSION

Members Present: David Parker, Nelson Almeida, David Andrade,
Michael Brady, David Viera

Town Administrator: Shawn E. Cadime

Chairman Parker opened the meeting at 7 p.m. followed by the Pledge of Allegiance and moment of silence.

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 announced that volunteers are needed on the Board of Health (1 Board of Selectmen appointment), Conservation Commission (3 BOS), Economic Development Committee (1 BOS), Energy Committee (1 BOS), Historical Commission (2 BOS), Property Tax Work-Off Committee (2 BOS), Zoning Board of Appeals (2 BOS), Permanent Building Committee (5 BOS), and Finance Committee (1 Moderator).

PRIORITY MATTERS

Conduct Swearing-in Ceremony for Michael Knox to the Position of Full-Time Police Officer – Patrolman 3rd Class

Chief Craig Mace introduced Patrolman Knox. He noted that Patrolman Knox was commended by the Director of the Randolph Police Academy and class president.

Town Clerk Janet Parker swore in Patrolman Knox. His mother and girlfriend pinned his badge.

Board members indicated they liked the new police uniforms.

Consider the Appointment of Interim Director of DPW, Retroactive to September 25, 2015

Mr. Cadime stated that David Cabral has done an outstanding job performing the duties since the resignation. He recommended Mr. Cabral be appointed as Interim Director.

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

VOTED: To appoint David Cabral as DPW Interim Director, retroactive to September 25, 2015, at the salary of the outgoing director.

Chairman Parker said Mr. Cabral will be a big asset to the Town in the future.

Consider the Appointment of Tim Cabral to the Position of Alternate Electrical Inspector

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

VOTED: To table the appointment of Tim Cabral.

NEW BUSINESS

Discussion and Vote on Old Town Hall

Mr. Cadime advised that Seaconke Wampanoag, Inc. was the only bidder. They met all requirements.

Mr. Andrade noted the language in the proposal does not specify the National Historic Register, as voted at Town Meeting.

Mr. Cadime said it should be included in the documents to be signed and the purchase and sales agreement.

Mr. Viera agreed. He said it needs to be spelled out in this document and future documents, including the purchase & sales agreement and deed.

Mr. Cadime said the purchase & sales agreement is specific to the National Register. The deed restriction was included.

Mr. Brady didn't have a problem with it. The Historical Commission was told it would be difficult to get that building registered because of the different alterations done to it. He is OK with it as long as they make every reasonable effort.

Mr. Almeida asked if it should be referred to legal for the language.

John Alves, Chairman of the Community Preservation Committee, stated the \$55 purchase price is absurd. The committee put \$100,000 into that building to restore it to the National Historic Register. He asked Board members to do everything possible to make sure the vote of the townspeople to restore the building to the National Historic Register is met. It was built in 1887.

Mr. Cadime said he would enter into negotiations with the tribe if the Board wants to move forward and accept the \$55.

Mr. Andrade was fine with it as long as the tribe will follow through to bring the building to National Historic Register standards. They will spend a substantial amount of money to do that.

Mr. Almeida asked what if they don't do it.

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Mr. Viera felt this has been going on long enough. It isn't an issue as long as they meet the criteria set forth by Town Meeting.

Mr. Alves said there were several meetings with the Board of Selectmen, Seaconke Wampanoag tribe, Historical Commission and Community Preservation Committee. The tribe was absolutely confident they could get the \$2M from a national organization.

Mr. Cadime said there are specific timelines to be met in the purchase and sales.

Mr. Robert Blanchard said the Town has gone through this a number of times. The Town put in \$100,000 and the purchase price is down to \$55. The tribe never comes through on what they say they can do. He felt it is an insult to give away that property for \$55.

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

VOTED: To accept the proposal, as outlined in the actual RFP and purchase and sales to be brought up to National Historic Register standards, with the purchase price of \$55.

Mr. Cadime agreed with the motion.

Prior to the vote, Mr. Brady noted there is a lease agreement in place; and, if rebid, whoever buys it assumes that lease and restricts who would bid on it. The Board has got to look at the right of reverting the property back to the Town if conditions aren't met. The tribe will be spending a lot of money on this project.

Approval of Veterans Memorial Granite Contract

Mr. Cadime advised the bids closed today at 2 p.m. There were no bidders.

Mr. Viera understood the bids went out on October 30 and were expected back on November 4. There wasn't enough time.

Mr. Cadime said it went to the Central Register on October 13 and has to be there for a minimum of two weeks. He noted about four or five people picked up bid packets.

Board members felt it would be a good idea to call companies to make them aware of the bid.

Mr. Cadime recommended rebidding.

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

VOTED: To rebid the granite for the Veterans Memorial Park.

Consider the Approval of Regular Session Minutes of October 7, 2015

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

VOTED: 4 Ayes; 1 Abstention; To accept the Regular Session minutes of October 7, 2015.

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

Consider the Approval of Work Session Minutes of October 14, 2015

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

VOTED: To accept the Work Session minutes of October 14, 2015.

Discussion of Town Legal Counsel

Mr. Viera had requested the Board pursue other options.

Mr. Cadime had a list of law firms that have dealt with municipalities.

1)Murphy, Hesse, Toomey & Lehane from Quincy, MA. They currently work for the School Department.

(2) Pannone, Lopes, Devereaux and West from Providence, RI. One of the partners was a town manager and another was a corporation counsel.

(3) Clifford and Kenny, LLP from Pembroke, MA. Atty. Kenny was a union attorney for AFSCME.

(4) Collins, Loughran & Peloquin, PC from Norwood, MA. Involved with the MMA.

(5) Feeley & Brown, PC from Walpole, MA

Mr. Brady said they worked for Seekonk in the past.

(6) Atty. Arthur D. Frank, Jr. from Fall River, MA. He was Asst. Corporation Counsel for Fall River and attorney for SRTA and is counsel for Swansea, MA.

(7) Horvitz and Brithante, LLP of Fall River. One works for Somerset and the other is counsel for Diman Vocational.

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(8) Law Offices of Beauregard, Burke and Franco from New Bedford, MA. Atty. Beauregard was corporation counsel for New Bedford and Atty. Franco was assistant corporation counsel.

(9) Atty. Bruce Assad from Fall River. Legal counsel for Sheriff Hodgson and the Fall River School Department.

(10) Kopelman & Paige.

Mr. Almeida would prefer a larger firm with different areas of expertise.

They should have experience in zoning, labor, land, and contracts. They should do their own litigation.

Mr. Viera said it could be more than one firm.

Mr. Cadime will send out letters to 1,2,3,4,5 and 8 regarding their interest.

Interviews will be set up in December and will include Kopelman and Paige.

Further discussion at the November 18 meeting.

OLD BUSINESS

Discuss and Vote on Warrant Article for Fall Town Meeting

Mr. Cadime had two additional articles. One is for \$4,900 appropriation from free cash to cover the Steelworkers clerical union once ratified. The other is for \$50,000 to hire a consultant to prepare specifications for a new phone system to include Town Hall, DPW, public safety, library and smaller school buildings. The cost of a new system is about \$150,000 to \$200,000 and will be on the Town Meeting warrant in the spring.

Mr. Brady stated he would not approve a consultant that sells equipment. He talked about the cost of fiber optic which was supposed to go from building to building instantly. By the next meeting, he wanted to know why DPW was not included on fiber optic. The Board of Selectmen got money from Comcast for that. He noted that \$450,000 was spent on fiber optic which was supposed to go in every school building.

Mr. Cadime said the schools are also on copper. He will get clarification.

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

VOTED: To open the warrant for the November Town Meeting.

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

VOTED: To add Article 11 to the November Town Meeting warrant.

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

VOTED: To add Article 12 to the November Town Meeting warrant, with the following language, “who does not sell or have any affiliation with any communications or data systems.”

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

VOTED: To close the warrant for the November Town Meeting.

Mr. John Alves asked the Board’s support on the \$95,000 request for trails. He talked about the possible cemetery behind Town Hall.

Chairman Parker said the water tables are high for a cemetery.

Mr. Andrade said it wouldn’t be in the same area.

Mr. Robert Blanchard asked if the \$118,000 relocation expense is on the warrant.

Article 1 – no action needed.

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

VOTED: 4 Ayes; 1 Abstention; To recommend Article 2 (Town Clerk salary) be included on the warrant for the November Town Meeting.

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

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

VOTED: To recommend Article 3 (Town Charter) be included on the warrant for the November Town Meeting.

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

VOTED: To recommend Article 4 (ambulance receipts) be included on the warrant for the November Town Meeting.

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

VOTED: To recommend Article 5 (relocation costs) be included on the warrant for the November Town Meeting.

Mr. Almeida wanted to make sure the public knows that this was brought up prior to the closing and signing of the purchase and sales. The Board was never made aware of it.

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

VOTED: To recommend Article 6 (trails) be included on the warrant for the November Town Meeting.

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

VOTED: To recommend Article 7 (transfer of \$500,000 to Municipal Capital Stabilization fund) be included on the warrant for the November Town Meeting.

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

VOTED: 4 Ayes; 1 Abstention; To recommend Article 8 (\$5,000 Memorial Day Parade) be included on the warrant for the November Town Meeting.

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

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

VOTED: To recommend Article 9 (reclassifying Human Services) be included on the warrant for the November Town Meeting.

Article 10 – no action needed.

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

VOTED: To recommend Article 11 (\$9,400 funding Steelworkers clerical unit) be included on the warrant for the November Town Meeting.

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

VOTED: To recommend Article 12 (voice and data communications consultant) be included on the warrant for the November Town Meeting.

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

VOTED: To approve the November 30, 2015 Town Meeting warrant.

COMMUNITY SPEAKS

None.

OTHER BUSINESS

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

Chairman Parker announced that Mr. Cadime was the top vote getter in the Fall River City Council race.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime provided a progress report on the senior center project. Groundbreaking is on November 10, 2015 at noon.

The tree contractor recently completed work on Woodward Avenue, the library, Olney Street and the Martin School. The trees at the library will be replaced.

The Department of Public Works received 300 tons of salt in preparation for the winter.

The cemetery will be on the next agenda. Mr. Cabral has a concern about the water table at the Town Hall site. He is trying to set up a meeting with people from the Holy Cross cemetery.

Eight applications were received from vendors for snow removal.

Interviews have started for the Fire Chief's secretary position. More interviews are scheduled. There should be a recommendation at the next meeting.

Mr. Cadime welcomed Enterprise Rent a Car to Seekonk. The official ribbon cutting was this week.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Andrade and Mr. Brady need to find out who the liaison is for the School Department to set up a meeting to talk about consolidation.

They haven't met with the Veterans Memorial Committee for awhile.

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Mr. Andrade suggested they contact Lynch Corp. based on a video that showed them working at 5 a.m. and gates open 24 hours per day. That is contrary to what they said when they came to a meeting. He would like to send the video to East Providence.

Mr. Brady noted it is outside the jurisdiction.

Mr. Andrade stated a resident made a complaint and it should not be ignored.

Mr. Viera said if they are storing materials on the Seekonk side they need a permit from this Board to do it.

Mr. Cadime noted that the building inspector and conservation agent have gone out there. They said they would stop those operations. He will talk to the police chief.

Chairman Parker felt that those complaints should be going to the Town Administrator.

Mr. Brady said zoning violations should be filed if it is clear that it is happening within this jurisdiction.

Mr. Andrade noted the video shows work going on in East Providence. Mr. Lynch and his attorney indicated they wanted to be good neighbors. The video proves that they are working at 5 a.m. It might be worthwhile to satisfy residents to have them attend a future meeting.

Mr. Brady suggested they notify Lynch Corp. by certified letter that the Town has video and police reports contrary to what they said.

Chairman Parker suggested the Board request a copy of the zoning by-laws for East Providence.

Mr. Viera said it has been going on since 1972. It is a commercial district with very few residents.

Mr. Andrade had a resident complain about the speeding on Rte. 44 at Lincoln Street.

Chairman Parker noted it is a state road. He suggested contacting Rep. Howitt and/or Sen. Timilty.

Mr. Cadime will meet with Chief Mace and Mr. Cabral. Mr. Cabral is trying to get something done through Mass. DOT.

Mr. Andrade asked if the bond had been increased for work at Stoneridge Development on Walker Street.

He would rather not provide a letter of non-opposition re: medical marijuana facility.

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Mr. Andrade complained about the parking situation at the Cole Street field. There needs to be better access for emergency vehicles.

Mr. Almeida noted that he had been talking about sidewalks on Olney Street for awhile. He asked if at least some of the worse areas could be done.

Mr. Viera asked that all Board members get a copy of policies and procedures and have a work session to go over them.

Chairman Parker said he is currently reviewing them. They are on the website.

Mr. Viera wants to establish goals and objectives for the town administrator. He noted he has done a fine job but needs goals and objectives to build on.

Mr. Cadime said he has goals and objectives.

Chairman Parker suggested they prioritize that list.

Mr. Viera announced the Friends of the Veterans Memorial Park are having a Veterans Block Party – pasta dinner on Friday, November 13, at the American Legion from 5 to 7 p.m. catered by Young's Caterers. Tickets are \$15 for adults and children under 12 free.

Mr. Brady talked about the \$118,000 relocation costs. He got information from Mr. Alexander. He noticed that three of four businesses took the payout vs. the relocation expenses but then relocated to another spot as an operating business. He thought it was either relocation or payout. He wanted to know how much was paid in administrative costs and fees. The amount paid to did not add up to \$118,000. It looked like a windfall.

Mr. Brady said he read the original purchase and sales agreement and e-mail. It focused 99.9% on the residential. He wants to see the final purchase and sale for the commercial building only. It indicated the Town was supposed to be delivered a commercial building free of all tenants. If that wasn't the case, the Board should have been told and would not have accepted the building. He felt he should have done the research himself.

He asked about the building inspector position.

Mr. Cadime said he did a telephone interview with an individual who is moving back to Seekonk from Texas in January. If he checks out, he will do a second interview. It will take six months to get him completely certified.

Chairman Parker expressed concern that only eight vendors applied for snow removal.

Mr. Cadime will check with Mr. Cabral.

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Chairman Parker asked for an update on the electricity aggregation.

Mr. Cadime advised the communities have been approved individually. Once bids are in, they will be able to get a price. All National Grid customers will be on the plan. Those who don't want it will have to opt out.

Chairman Parker announced that the Conservation Agent has accepted a position with the Mass. Department of Environmental Protection. She will be missed.

Mr. Cadime agreed.

At 9:22 p.m., Mr. Viera motioned, seconded by Mr. Brady, to go into Executive Session to conduct strategy sessions with respect to negotiations with the Police Chief per M.G.L. Chapter 30A, Section 21(3) and to consider the approval of Executive Session minutes of October 7, 2015.

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

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary