

BOARD OF SELECTMEN
DECEMBER 16, 2015
REGULAR SESSION

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

Town Administrator: Shawn E. Cadime

Executive Assistant: Christina Testa

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 23, any person recording the meeting must notify the Chair. The Board of Selectmen is recording audio and video.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Andrade announced that volunteers are needed on the Board of Health (2 Board of Selectmen appointments), 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), Finance Committee (1 Moderator), Veterans Memorial Park Committee (2 BOS), and Poll Workers.

2016 LICENSE RENEWALS AND NEW APPLICATION

Alcohol Licenses

Mr. Cadime advised he would like to have licenses approved conditional of inspections and payments made by December 31, 2015.

Mr. Almeida noted that Ten Mile Grille had changed the name.

Mrs. Testa said it is under the LLC and will be coming before the Board of Selectmen next month for new ownership.

Mr. Cadime advised the ABCC requires renewing the license with a blank form and next month they will come before the Board with a name change.

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

VOTED: To approve the All Alcohol Club Licenses, All Alcohol Inn Holder Licenses, All Alcohol Restaurant Licenses, All Alcohol Veterans Club Licenses, Wine and Malt Licenses, All Alcohol Package Store Licenses and Wine and Malt Package Store Licenses with the stipulation that licenses will only be issued when they pass proper inspections and are current on fees owed to the Town.

Class I, Class II and Class III Motor Vehicles Licenses

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

VOTED: To approve Class I Motor Vehicle Licenses with the stipulation that licenses will only be issued when they pass all proper inspections and all monies owed to the Town are paid, whether taxes, fees or otherwise.

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

VOTED: To remove #10 Highland Avenue Service, d/b/a Steve's Service and Car Sales, 1045 Fall River Avenue from the Class II list.

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

VOTED: To approve Class II Motor Vehicle Licenses with the exception of #10 Highland Avenue Service, d/b/a Steve's Service and Car Sales with the stipulation that licenses will only be issued when they pass all proper inspections and all monies owed to the Town are paid, whether taxes, fees or otherwise.

Mr. Almeida noted there has been a problem at Steve's Service for a year. There's not supposed to be more than three cars parked on the lot.

Mr. Cadime said the building inspector was out there on October 13.

Mr. Andrade said that Showcase Shell has more than six vehicles for sale.

Mr. Brady suggested the building inspector check it out.

Mr. Viera advised the Planning Board had put a stipulation on Inmotion Motorsports, LLC that no cars were to be parked beyond the front of the building. That is violated on a regular basis.

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

VOTED: To approve the license for Inmotion Motorsports, LLC with the stipulation as required by the Planning Board in the approval of the parking plan.

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

VOTED: To approve Class III Motor Vehicle Licenses with the stipulation that licenses will only be issued when they pass all proper inspections and all monies owed to the Town are paid, whether taxes, fees or otherwise.

Entertainment Licenses

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

VOTED: To approve all Place of Public Amusement Licenses with the stipulation that licenses will only be issued when all appropriate inspections are done by town officials and all monies owed to the Town are paid, whether taxes, fees or otherwise.

Amusement Machines

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

VOTED: To approve all Amusement Machine licenses with the stipulation that licenses will only be issued when all appropriate inspections are done by town officials and all monies owed to the Town are paid, whether taxes, fees, or otherwise.

Chairman Parker added the following under the 48 hour rule.

Antiques and Second Hand Licenses

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

VOTED: To approve Antiques and Second Hand Licenses with the stipulation that licenses will only be issued when all appropriate inspections are done by town officials and all monies owed to the Town are paid, whether taxes, fees, or otherwise.

Class II Motor Vehicle License for Trustworthy Auto 45 Woodland Avenue

Mr. Robert Ballou was in attendance.

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

VOTED: To approve the Class II motor vehicle license for Trustworthy Auto located at 45 Woodland Avenue.

Mr. Almeida noted that a neighbor had recommended Mr. Ballou.

LICENSE HEARING

Change of Manager 99 Restaurant

Asta Hodge, Manager was in attendance.

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

VOTED: To approve the change of manager at 99 Restaurant & Pub to Asta Hodge.

PRIORITY MATTERS

Consider Appointment of Kerry A. McCabe to the Position of Part-time Kennel Worker

Animal Control Officer Sharon Hall and Ms. McCabe were in attendance.

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

VOTED: To appoint Kerry A. McCabe as part-time kennel worker.

Discussion with J. H. Lynch Corp.

Mr. Larry McCarthy, General Counsel and Vice President of J. H. Lynch & Sons, said that, after being asked to appear tonight, he watched the video of the last few meetings when J. H. Lynch was being discussed. He clarified a few points. At no time, did anyone from J. H. Lynch tell the Town Administrator that they do not work at night. There are limited situations when they do have to work at night. There are specific projects that require working at night. They have contractual obligations. It puts money in the paychecks of the 200+ employees. They have been in business for 60 years; a third generation business. They met with the Town Administrator this past summer. At that meeting, there were general comments about noise. Right after Thanksgiving they got a letter to attend a meeting. It referred to various police complaints. He called and asked the Town Administrator's secretary for copies of the police reports, but he never got them. Last Thursday, he got five complaints. That was the first time he had seen anything in writing. He felt there should be better communication. In looking through the complaints, it looks like some are about noise in the middle of the night. They hire hundreds of truckers who sign an agreement with J. H. Lynch. It is very clear that they need to respect the neighborhoods. There is no reason they should be making noise at night. J. H. Lynch wants to know about it. If the truckers are making noise, they will never work for them again. They have put up additional signage about not banging and additional cameras. They will try to identify who is making the noise. They try to operate within the law and want to be responsible.

Mr. Cadime said he never mentioned that Lynch had made the statement they never work at night. In a meeting, he was very specific as to what the complaints were – the lights glaring into Carters Way and the noise associated with it. He was told that, unless there was a night project going on, there would be no noise. For the attorney to say there was lack of communication or there were not enough specifics to it, he is not sure how much more specific with the lights glaring into the windows of residents on Carters Way and the banging of the tailgates. He is not sure what can be done if the trucks are located in East Providence. There were no formal complaints in writing until now.

Mr. Andrade said he has video and numerous text messages from 4:54 A.M., 5:15 A.M., and 5:30 A.M. A resident sold his house because of the lights glaring into the house. During the conversation with the Town Administrator, J. H. Lynch indicated they wanted to be good neighbors. Mr. McCarthy reiterated that tonight. He got text messages of hot asphalt being dumped at 4:30 A.M. and the tailgates being slammed repeatedly. There is a pile of debris that is growing into a mountain right now. There are several issues to discuss.

Mr. Almeida said he didn't get any complaints through text messages or phone calls. Mr. McCarthy has made it clear he is aware of the concerns and he is making a few changes. He suggested the Board wait and see what happens.

Mr. Viera agreed. He thanked Mr. McCarthy for attending. He believes that he does want to be a good neighbor and will rectify the problems.

Mr. Brady agreed to give J. H. Lynch the opportunity to correct the problems. They are serious and have already been proactive.

Chairman Parker thanked Mr. McCarthy for the quick response. They recently learned that some of the property is in Seekonk. Residents have come to the Board expecting a resolution. He understands that Lynch has a business to run.

Consider the Appointment of Poll Workers

Mr. Cadime had a list of poll workers prepared by the Clerk's office for approval by the Board of Selectmen.

Chairman Parker noted that poll workers are supposed to be appointed every year.

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

VOTED: To appoint poll workers for another year as submitted.

Mr. Almeida commended them.

Consider the Approval of Police Department's General Order 6.04 – Detaining Prisoners

Chief Mace advised he wanted to amend language to include the recently acquired restraint chair.

Mr. Cadime recommended approval.

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

VOTED: To approve the Police Department's General Order 6.04, as amended.

Mr. Brady, a police officer, gave the safety reasons why this chair is so important for the protection of the officers and prisoner.

Consider the Approval of Police Department's General Order 1.15 – Special/Reserve Officers

Chief Mace explained this is to remove the provision that the town provides fire arms to special reserve officers. Currently, the town does not do that.

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

VOTED: To approve the Police Department's General Order 1.15 – Special/ Reserve Officers, as submitted.

Consider Approval of the Veterans Memorial Granite Contract

Mr. Cadime recommended to table until the meeting of December 30th.

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

VOTED: To table the Veterans Memorial Granite contract until the next meeting.

Consider the Approval of Regular Session Minutes of November 18, 2015 and December 7, 2015

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

VOTED: To accept the Regular Session minutes of November 18, 2015 and December 7, 2015.

OLD BUSINESS

Continued Discussion on Pond Street Bridge Improvements with Greenman and Peterson (GPI)

Interim DPW Superintendent David Cabral and John Watters, P.E., Vice President and Director of Structural Engineering at GPI, were in attendance.

Mr. Watters responded to questions from Board members regarding his recommendations in a letter dated November 12, 2015.

Mr. Brady recalled there were several recommendations - the complete retrofit of the bridge, adding sidewalks, the guardrails and reinforcing the integrity of the bridge. He wanted to know the life expectancy of that work.

Mr. Watters said the bridge is structurally OK. It has steel guardrails connected to concrete curbing that is severely deteriorated. The guardrails will last at least 25 years. The bridge will have to be repaved eventually.

With the underwater scour event, there's exposure to the bridge foundation and undermines the structure of the bridge. Mass. DOT does monitor the underwater events on the bridge. They measure the streambed and how much is exposed. The bridge was built in 1926. It was modified from a bridge that was there before that. There is a concrete face with rubble stone behind. There are various ways to stabilize the streambed. Whatever is done, will provide 30 to 75 years of protection.

Mr. Andrade felt the Board was in agreement for the complete replacement at \$1.4M to \$2M project.

Mr. Watters estimated costs at \$400,000 for the guardrails, \$350,000 for underwater repair, \$600,000 for sidewalks and closer to \$2M for a new bridge. The life of a new bridge is 75 to 100 years.

Mr. Viera asked if there are any grants available.

Mr. Watters said he didn't think so. The State has budget constraints. This bridge would have challenges getting state funding.

Mr. Viera mentioned the Community Preservation Act.

Chairman Parker asked at what point something should be done.

Mr. Watters suggested the guardrails and under scouring in a year or two.

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Mr. Brady suggested that the Finance Director establish a stabilization fund just for roads and bridges and start putting money into that as long as approved at Town Meeting.

Chairman Parker said it requires a 2/3 vote at Town Meeting.

Mr. Cadime said the money would have to be spent on roads and bridges. A 2/3 vote at Town Meeting could remove the money from that account for use elsewhere.

Mr. Brady noted that citizens have always voted to utilize the money in the capital stabilization fund for capital improvements.

He said another option would be a state house note payable in five years.

Discussion and Possible Vote of Old Town Hall Purchase and Sale Agreement

Dr. Lincoln and Michael Markley were in attendance as well as other members of the tribe.

Mr. Cadime noted that the warrant article and vote at Town Meeting was to restore to specifications for listing the building on the National Historic Register and it would be for Native American use, residents and committees and the Seekonk Historical Commission. He read from the redline version of the purchase and sales agreement.

Page 2, #4G stated that the buyers shall start the process to register the building within 18 months from the date of closing. After due diligent by the buyer, if the building is not registered, the covenant shall be waived.

Chairman Parker asked what happens if it is not accepted on the National Historic Register and the \$100,000 was spent to bring it up to standards.

Mr. John Alves, Chairman of the Community Preservation Committee, said the \$100,000 was for Phase 1 to begin the process to prepare the building so that the tribe could get it ready to have the building listed on the National Historic Register.

Mr. Brady felt the provision should be extended rather than waived. There should be a timeframe when it is applied to the National Register and a timeframe for completion and submittal for final approval.

Mr. Andrade agreed.

Dr. Lincoln said it would be from three to six years for completion.

Mr. Viera suggested six years.

Mr. Cadime continued reading from the agreement.

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

VOTED: To approve the purchase and sale agreement for the old town hall, subject to changes discussed.

Mr. Alves said that Mr. Cadime mentioned the word “intent” several times. There is no legal standing on “intent.” The action on the motion at Town Meeting is the legal standing.

Mr. Almeida said it is a long time coming. He can’t wait to see improvements on that property. He noted that some residents are not happy about the sale. Most of those didn’t go to Town Meeting. There are more than 9,000 registered voters and 200 residents determine the fate of this town.

He thanked the tribe for taking an interest in this property.

Prior to the vote, Mr. George Jennings (Silver Wolf) thanked the Board. It has been about ten years. He would like to sign it before January 1.

It will be signed at the December 30th meeting.

FY’16 and FY’17 Budget Review and Presentation

Chairman Parker commended Mr. Cadime on the Annual Report. It is the best he has seen in twenty years. He urged residents to stop by Town Hall to get one.

Mr. Cadime advised that the budget presentation is on the website. Mr. Alexander, Mrs. Gabriel and Mrs. DeFontes assisted in the preparation.

The FY’15 free cash was certified at \$1,924,150
Higher Revenue than budgeted - \$851,442
Lower Expenses than budgeted - \$1,072,708
Sanitation Enterprise Fund - \$137,859
Tax Factor set at 1.62

He asked the Board’s priority on the FY 2017 budget. Department head requests are due by December 21, 2015.

Director of Communications Chris Campbell advised the current Code Red contract will expire in June 2016. The Plymouth County Sheriff’s office will offer the services free of charge specifically for emergency purposes.

He had a copy of the current proposal from Code Red and a copy of the policies and information from Plymouth County. The cost of the current contract is \$7,781. It would renew for an additional five-year period if written notice isn’t provided 30 days prior to expiration. It would

provide 17,500 non-emergency minutes. He noted that one or two launches of non-emergency nature would use up those minutes and then some.

The cost of a new proposal with Code Red for two years is \$5,520 annually for unlimited emergency messages. That does not include minutes for non-emergency messages. The rate for the current program would be \$6,142 and a fully unlimited price of \$7,781.

Plymouth County uses the exact same service and Seekonk information is in the system. They do not plan to discontinue that service and it is fully budgeted for FY'17. Launch time is within ten minutes. They can provide the services for up to 48 communities. Locally, it would include Rehoboth, Westport, Berkley Fall River, New Bedford, Taunton, Mansfield, and Norton.

Mr. Campbell said he spoke to Mr. Cadime. He is looking for guidance from the Board. He also spoke to Chief Healy and Chief Mace. They all agree with using Plymouth County at a cost savings to Seekonk. It is free for emergencies only.

Mr. Almeida said Code Red may or may not be activated at the discretion of Plymouth County or its designee. He questioned if we would be comfortable enough to give that discretion up.

Mr. Andrade said the new price proposal provides unlimited service and allows for the ability to do non-emergency. It specifically says no political messages.

Mr. Campbell pointed out that the more you use a system designed for emergency notification, it desensitizes the public to an actual emergency. That is a very dangerous and slippery slope to go down. There are other ways to notify the public.

In the past when those kind of messages are launched there are lots of calls from residents asking to be removed from the system.

Chairman Parker said people could call in and specify they just wanted to be on the emergency only call list. He can't understand why people get upset getting non-emergency calls. He felt it doesn't weaken the system.

Mr. Campbell said he could not 100% confirm the fact that it would definitely only be emergency calls.

Mr. Brady felt that Code Red should not be used for routine messages. He would prefer to see two systems - emergency and non-emergency. He suggested using Plymouth County for emergency and another for non-emergency.

Mr. Cadime said the School Department has one.

Mr. Andrade said they need a price.

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Mr. Campbell will budget the \$7,781 and they will get more statistics on what to do.

Mr. Brady said they might be able to go with the School Department.

Mr. Campbell noted that system only goes to parents who have children in school.

Mr. Andrade noted the Town has free cash every year. He would like to provide services and not tell residents that taxes will be going up.

Mr. Brady said there would have to be cuts. Federal and state funding has been cut. Most of the budget is funded at the local level.

Chairman Parker suggested no new staffing.

Mr. Viera would like to see new growth identified.

Mr. Andrade would not be against a new position if it would create revenue.

COMMUNITY SPEAKS

Chief Mace had information on vagrancy. It is protected to an extent. As of November 29, Lt. Dyson started to document incident reports with vagrants and advising them of Mass. General Laws Chapter 85, Section 17A, which is soliciting from vehicles on public ways. The Chief built on that. Officers are introducing themselves to those trying to solicit money from vehicles. If their action amounts to a breach of the peace in the presence of a police officer that can be an actual situation. Soliciting from vehicles on public ways is not arrestable. Officers are documenting the encounter and they have a database. If it is the same person, a complaint application is filed and if they don't show up for court a warrant is issued. Also, Chapter 266, Section 121 is the General Law for trespassing. Some of the businesses are notifying people that they are not welcome on their property. The Town also has a toll road policy. The Chief had a list of agencies and organizations that the homeless and people in need can reach out to. They are trying to educate the public that they recognize there is a problem in the south end. Since June 1, 89 calls were dispersed; 60 were for vagrants. Since they started to document, there have been eight dispersals.

Mr. Antonio Goulart of Carters Way talked about the Lynch situation. He said he will be back in the spring complaining. He asked if DEP had been called although it will not take care of the problem.

Chairman Parker suggested he should have spoken when Mr. McCarthy was in attendance.

Mr. Andrade said it is zoned industrial; but, he does have videos that show operating in the early hours.

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Mr. Viera said to give him the opportunity to back up his word.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime extended Merry Christmas and Happy Holiday greetings.

He noted that the Annual Town Report is available at Town Hall.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Almeida commended the Town Administrator on the budget presentation. He wished employees, residents and their families a Merry Christmas.

Mr. Viera suggested that members of the Veterans Memorial Park Committee could come into Town Hall to complete the Conflict of Interest training.

Chairman Parker said the Certificate has to be printed and submitted to the Town Clerk.

Mr. Brady said some people are soliciting money under false pretense and that is larceny. A police officer offered to get assistance from Human Services and it was refused.

Board members extended best wishes for the holidays.

EXECUTIVE SESSION

At 10:15 p.m., Mr. Almeida motioned, seconded by Mr. Viera, to go into Executive Session to conduct strategy sessions with respect to negotiations with Steelworkers Supervisory Unit per M.G.L. Chapter 30A, Section 21(3), Steelworkers Clerical Unit per M.G.L. Chapter 30A, Section 21(3), to discuss strategy with respect to litigation as per M.G.L. Chapter 30A, Section 21(3), and to consider the approval of Executive Session minutes of November 4, 2015, November 12, 2015, and November 18, 2015; not to return to Open Session.

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The vote: Mr. Almeida – Aye; Mr. Viera – Aye; Mr. Andrade – Aye; Mr. Brady – Aye; Chairman Parker – Aye. He would not participate in Executive Session.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary