

BOARD OF SELECTMEN
FEBRUARY 24, 2016
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 taping audio and video.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Andrade announced that volunteers are needed on the Board of Health (3 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 Recreation Committee (1 BOS).

Mr. Robert McLintock said someone asked him in December to serve on the Finance Committee. He completed the talent bank form and spoke to Mr. Cadime about it. He got a call while on vacation. He returned the call and left messages but he hasn't heard anything. It seems the person who has the authority to do this doesn't do it and hasn't done it for a long time. It should fall back on the Board of Selectmen.

Mr. Cadime advised the opening occurred last week when the Chairman of the Finance Committee pulled papers to run for School Committee.

Mr. McLintock felt people don't come forward because of the process.

PRIORITY MATTERS

Consider the Appointment of David Fecteau to the Energy Committee

Mr. Cadime advised he interviewed Mr. Fecteau and is pleased to recommend his appointment.

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

VOTED: To appoint David Fecteau to the Energy Committee for a three-year appointment.

Mr. Fecteau introduced himself to the Board.

Consider the Appointment of Jason I. Simmons to the Economic Development Committee

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

VOTED: To indefinitely postpone the appointment to the Economic Development Committee.

Consider the Appointment of P. Chase Bernier to the Position of Conservation Agent

Mr. Cadime advised that Conservation Commission members reviewed and did the initial screening of applicants and recommended the top two to Chairman Wallace and the Town Administrator. They interviewed the two individuals. Mr. Bernier is by far one of the most qualified candidates. He recommended the appointment of Mr. Bernier, subject to background check.

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

VOTED: To appoint P. Chase Bernier as Conservation Agent.

Mr. Bernier said he was laid off at the start of January and wanted to get into the public sector.

Town Clerk to Conduct Drawing for Ballot Position for Town April Election

Town Clerk Janet Parker advised there is no candidate for Assessors. If there isn't a write in, the Board of Selectmen and Board of Assessors would have to make an appointment.

Board of Selectmen

Christopher Zorra
Jeffrey Starr Mararian
Michelle Hines

Board of Library Trustees

Michael Durkey
Ann Caldwell
Alyssa Richard

Water Commissioners

Douglas Brown
Guy Larrimer

Chairman Parker noted the Board of Assessors is a very important position.

OLD BUSINESS

Continued Discussions on Potential Cemetery Locations

Mr. Cadime advised that he spoke with representatives of Holy Cross Parish in Central Falls about the cemetery located at 93 Dexter Avenue and their willingness to sell or transfer property to the Town. A motion was put forth to their Board and passed. They agreed to turn the property over to the Town for \$1.00 if the Town maintained perpetual care of the property.

The Board needs to decide whether to accept the offer. The Chapter 23B process does not have to be followed; but, it requires approval at Town Meeting.

DPW Superintendent David Cabral had drawings on what the parcel would look like. If the Board decides to proceed, Kopelman & Paige would prepare a purchase and sales document for Town Meeting.

There is a house on the property that the caretaker lives in. The house would have to be vacated.

Chairman Parker asked if perpetual care money would be turned over to the Town. Otherwise, the Town would have to budget for it.

Mr. Cadime suggested those conversations would have to be taken up with church officials. The Town would need to get all the records. Perpetual care money might have to be included in the warrant article.

Chairman Parker said it would take many years to build up money for perpetual care.

Mr. Andrade noted the Town would have to budget for perpetual care no matter where. He heard that some individuals had purchased fifteen to twenty lots. There are restrictions that those can only be given to a family member and cannot be resold.

Mr. Cadime said that is in accordance with Mass General Laws.

Mr. Viera wanted to know how many pre-burials they have.

Mr. Cabral said there are probably 700 total graves and there is still room for 225 in the existing cemetery. There is room for approximately 850 more without the house. The land is 6.42 acres. The cemetery on Newman Avenue has 2,200 graves and has lasted over 100 years.

Mr. Andrade said there is no real perk that has to be met. He spoke to the individual who oversees the cemeteries for the Providence Diocese. There is no such thing as making sure water table is below 6 ft. They go up to 4.5 ft. That is the high water mark.

Mr. Cabral said the Town Hall site was just over four feet.

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Mr. Almeida asked how many sites at the Fall River Avenue location.

Mr. Cabral said 1,600.

Mr. Almeida asked if there had been any discussion about the name of the cemetery.

Mr. Cadime suggested Holy Cross/Town of Seekonk Cemetery.

Mr. Almeida asked about equipment.

Mr. Cadime said it would be part of the conversations. They could get an inventory list.

Mr. Almeida suggested the caretaker and town clerk should be involved in future discussions.

Mr. David Saad, 129 West River Street, a neighbor, cautioned the Board before taking the quick fix because this parcel of land is in no way part of the Archdiocese of Rhode Island. He spoke to people there today. They did not know about it. This church started years ago and decided to have a cemetery in Seekonk. They bought this piece of property. He has tried to reach this church for the past three days. He said record keeping is extremely important.

Mr. Saad said that West River Street is a small street. Any type of funeral would have a huge impact on that. The neighborhood would be impacted by traffic.

Mr. Cadime said the pastor is at the Blessed Trinity Church in Fall River. The Holy Cross Church is in Central Falls. He has a contact for the pastor.

Mr. Ronald Seagrave, 38 Dexter Avenue, said he has no objection to the cemetery. The street is basically a one lane road and there are trees out into the street. As a taxpayer, he is concerned about getting this property for \$1. Taxpayers would have the burden of cost. It sounds to him that the church wants to dump this on Seekonk.

Chairman Parker asked if the cemetery could be restricted to just residents.

Mr. Cadime said it cannot be restricted but there could be a different charge for non-residents. He noted any site would cost the Town money. The church could have asked for money. All they want is to make sure the cemetery is properly maintained.

Asst. Town Clerk Florice Craig said wherever they are taking the land they will not be burdened with all the records coming with that land. It would be a clean slate.

She added the street is very narrow.

Chairman Parker felt there are a lot more questions before the Board could vote.

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The owner of the property next to the cemetery asked what would happen to his driveway. It is a private driveway.

Mr. Cabral said they could include a 40 ft. right of way off of Dexter Avenue to take access to the property. It would not affect his property.

Mr. Brady said the church could sell it to a private company for profit who would use it as a cemetery.

Mr. Stanley Bienkiewicz of 24 West River Street noted that both of those roads existed before Mr. Saad and others bought their homes. He said Holy Cross Church closed in 1971 so it's questionable how many people would come into this parish. It is not a Catholic cemetery. It is Polish National. The diocese has nothing to do with it.

Mr. Al Silva asked if people from Fall River would go to that cemetery.

Mr. Cadime was not sure about that.

Town Clerk Janet Parker said her biggest concern is that the clerk's office will have the impact of that. She said this location would impact more people than the Fall River Avenue site.

She said discussion has been ongoing for four years. There are twenty-six graves left.

Mr. Brady reiterated that this property could be sold to a for-profit company. Further, the street and neighborhood would not be impacted any more than it is now.

Mr. John Alves of 25 River Street, which runs off of West Avenue, said there is a circular drive toward the end of the cemetery which could be used for parking. From his perspective, he would not preclude it as a town cemetery.

The consensus was four to one to pursue the Holy Cross Cemetery. Chairman Parker disagreed. He preferred the Fall River Avenue location. It offers at least 100 to 150 years with a minimal amount of money.

Chairman Parker thanked people who came to the meeting.

NEW BUSINESS

Discussion and Vote on Request for Roadway Opening of a Recently Paved Road: Newman Avenue for the Veterans' Memorial

Mr. Joe Velardo, a long time Seekonk resident, member of the Veterans' Memorial Park Committee, Friends of the Memorial Park and Project Manager and Superintendent of the project, requested a road opening at 410 Newman Avenue. The cut would be in the gutter of the

breakdown lane on Newman Avenue to repair water service to the irrigation system for the park. If the request is granted, he asked that the Town do the excavation and restoration. The Water Department has agreed to do repairs and waive the tie-in fees. He had pictures of the area.

Mr. Velardo explained the gas company hit the water service and it was never repaired.

Mr. Cabral indicated he would be opposed because of the moratorium.

Mr. Cadime clarified that Category 18 of the by-laws (right of way openings) indicates it does not require a public hearing. Category 18, Section 12.2, speaks to the opening of any roadway under the moratorium. It states no permit shall be granted to opening streets that have been resurfaced or reconstructed for a period of five years unless under the judgment of the superintendent an emergency condition exists. There is also a definition of emergency conditions.

Based on that, Mr. Cadime recommended not approving the request. He spoke to Mr. Cabral. It might make more sense to tear up the parking lot.

Mr. Velardo mentioned that the Board had set a precedent by approving the cut for a gas line on Walker Street.

Chairman Parker noted that two members opposed. It was the wrong decision, He asked Mr. Cadime to look into how to rescind that vote.

Mr. Cadime said that questions have come up since that vote was taken.

He suggested they try to figure out how to tap into the library. He agreed they do need water service at the memorial.

Mr. Brady questioned whether they should tear up the parking lot opposed to a 3 ft. cut in the road.

Mr. Andrade asked how is it the gas company broke the water line and did not have to repair it.

Mr. Viera noted that thousands of dollars have been donated for this project. A 3 ft. cut in the roadway is all that is needed.

Mr. Cadime said the Board is being criticized for not following the by-laws.

Mr. Cabral assured that he is not opposed to the project; he is opposed to the road cut due to the moratorium.

Chairman Parker thought it could be considered an emergency.

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Mr. Andrade read the definition of emergency. Property damage is part of an emergency. It is property donated to the Town. It has monetary value. The Town would maintain a loss by not watering the area.

Mr. Velardo said the sod is worth about \$7,500 and the irrigation system about \$4,000.

Mr. Almeida suggested running a hose to the next door neighbor and covering the water bill.

Mr. Brady motioned to tie into the library and tear up the parking lot and sidewalk.

A motion by Mr. Viera, seconded by Mr. Brady, to allow the road opening for the purpose of making the domestic water tie-in for the Veterans' Memorial Park was withdrawn. Mr. Alves stated the motion was improper because Mr. Viera is the chairman of the Veterans' Memorial Park Committee and his participation and motion are blatantly improper.

Mr. Cadime advised that counsel ruled the Board could determine if an emergency exists.

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

VOTED: 3 Ayes; 1 Nay; 1 Abstention; To approve the road opening on Newman Avenue for the Veterans' Memorial Park under the emergency provision to protect town property.

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

Discussion and Vote to Refer Zoning By-Law Amendments to Planning Board for Public Hearing

Town Planner John Aubin III read the changes in the amendments.

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

VOTED: To refer zoning by-law amendments to Planning Board for Public Hearing.

Consider the Seekonk Economic Incentive Program TIF Agreement

Mr. Cadime said a TIF is essentially for any type of improvements above what the current assessment value is.

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

VOTED: To accept the Seekonk Economic Incentive Program TIF Agreement.

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Mr. Almeida applauded Fed Ex for considering the needs of the neighbors.

Discuss Tax Title Parcels

Mr. Cadime advised a meeting is scheduled with the tax title attorney on March 7, 2016. The Board will need to appoint a custodian of tax title. He suggested Town Treasurer/Collector Christine DeFontes.

There are four parcels on the list that were withheld from public auction in 1998 by the Board at that time.

Mr. Viera asked if this could be done in a timely manner. There is over \$200,000 owed to the Town that could have been recouped.

Mr. Cadime agreed. He intends to look at this once a year and make a determination on which parcels to save.

Mr. Almeida wanted to see the actual size of the properties.

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

VOTED: 4 Ayes; 1 Abstention; To put all properties up for auction at the amount owed to the Town and the others to start at zero.

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

Mr. Cadime noted the custodian of tax title has the authority to foreclose property and auction off properties without going through Town Meeting.

Budget Discussions – Department of Public Works

DPW Supt. David Cabral advised salaries cover all contractual agreements. There is a projected 18% increase in electricity and 14.4% decrease in natural gas.

There are proposed staffing changes based on the current needs of the department and would not be an increase in payroll.

Under Expenses, he is looking for \$28,000 increase in resurfacing pavement, \$5,000 increase in construction services equipment and a slight decrease in Banna Fire Station expenses.

Also \$30,600 to \$55,950 for the new service center, \$8,500 increase for mapping services for this year. There is a \$20,520 decrease in landfill costs for monitoring of Fall River Avenue and Newman Avenue because of a new contract done last year.

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Mr. Cabral noted this does not include capital improvement items for DPW.

He said DPW has 13 workers, three administrative positions (himself and two secretaries), Recycling Coordinator, and a part time custodian.

Mr. Viera expressed concern about the number of potholes in Pine Street.

Mr. Cabral said it would eventually have to be redone. There have been drainage problems there also.

In response to Mr. Almeida's question, Mr. Cabral advised that the Town is responsible for electricity, gas, water, and maintenance and repairs, fire alarms and custodial services for the current senior center at the Pleasant Street location.

Mr. Almeida thought it was rent free.

Mr. Brady noted the Collaborative pays \$54,000 for using the rest of the building and the Town paid \$1.2M to the Collaborative for services.

Consider to Support the Bristol County Mosquito Control Project

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

VOTED: To support the Bristol County Mosquito Control Project.

COMMUNITY SPEAKS

Joe Velardo reminded residents that March 1st is the deadline for people who want to purchase tiles for the Veterans' Memorial Park. They have \$200,000 worth of value for this memorial and they have gotten more than \$75,000 in donations.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

None.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

School and Town Consolidation Committee Report

Tri-Board meeting scheduled for March 7, 2016.

Veterans Memorial Committee Liaison Report

Mr. Viera advised the Memorial Park would be dedicated following the Memorial Day Parade. He asked Mr. Cadime to coordinate with Mr. Fuller at the library.

Mr. Andrade congratulated the Seekonk Economic Development Committee for the program last week.

Mr. Almeida said that panhandlers are back on Route 6.

Mr. Brady said get Human Services there to help them.

Mr. Cadime said it seems to happen on weekends when Human Services is not available. Police officers tell them what they can do. Some of them refuse assistance.

Mr. Almeida said the owner of the plaza where Applebee's Restaurant is has no trespassing.

Chairman Parker said Commerce Way also.

Mr. Almeida reminded residents about the Taste of the Town sponsored by the Seekonk Kiwanis on Tuesday, March 8, 2016. Tickets are still available.

EXECUTIVE SESSION

At 10:03 p.m. Mr. Viera motioned, seconded by Mr. Brady, to go into Executive Session to discuss the reputation, character of an individual, or to discuss the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual per M.G.L. Chapter 30A, Section 1; to conduct strategy sessions with respect to negotiations with the Superintendent of Public Works per M.G.L. Chapter 30A, Section 21(3), and to conduct strategy sessions with respect to negotiations with the Chief of Police per M.G.L. Chapter 30A, Section 21(3); to return to Open Session.

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

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Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary