

BOARD OF SELECTMEN
MAY 18, 2016
REGULAR SESSION

Members Present: David Andrade, David Parker, Nelson Almeida,
Michelle Hines, David Viera

Town Administrator: Shawn E. Cadime

Chairman Andrade opened the meeting at 6:30 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 recording the meeting must notify the Chairman. The Board of Selectmen is recording audio and video.

PRESENTATION BY KOPELMAN & PAIGE

Atty. Lauren Goldberg and Atty. Joseph Fair were in attendance.

Atty. Goldberg explained that she is managing attorney. They both do a significant amount of work in Seekonk. Atty. Fair is primary counsel for the Town. She distributed materials about the firm.

She said the firm has been around for over 40 years and over 99% of the work is public sector law. The firm has the largest number of municipal clients of any firm in the State with about forty-five attorneys with experience in every area of municipal law. They do two or three training sessions per year based on the client's request. They have done open meeting law training in Seekonk. They monitor important statutes and send out advisories. They also do a litigation status report when asked. Billing is at a blended rate which means the Town is usually dealing with owners of the firm. Newer attorneys do the initial research. They send out bills for the appropriate amount of hours. With respect to billable rate, it is very favorable as a client at \$170 per hour. They do not charge for travel after five o'clock. She felt they offer exceptional service at a very good rate.

The firm was started by Leonard Kopelman and Donald Paige. Twenty-four attorneys purchased the firm from them about three years ago. They are invested in the firm's future. They care more about long term relationships.

Atty. Fair said the Town Administrator is the primary contact. The team designated for Seekonk is himself, Atty. Goldberg, Atty. Mark Reich, Atty. Illana Quirk, and Atty. Katie Klein. They have to keep him informed so that he knows what is going on when he talks to the Town Administrator. The Town has the benefit of the team but with the support of the other attorneys in their office.

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Atty. Goldberg explained that, in the case of being sued, they do not have to go to outside counsel. Those fees are high. They do the work at the same town counsel rate. Atty. Fair is monitoring that. Those are the kinds of things not offered by other firms.

Chairman Andrade said there's been some frustration in the community with opinion - how there is never a hard line stance.

Atty. Fair said the Board is the chief policy making body of this town. They try not to be that. Their job is to provide the law and options. Often there are multiple options and it becomes a question of what the policy makers and chief executive wants to do. They can give a legal answer. But, from a political standpoint, the Town cannot take that approach. Many times it is an opinion but not a definitive answer.

Ms. Hines said her biggest concern is expedience. She has been on the Board a very short time and that has already happened.

Atty. Fair explained, in that particular incident, he had been on vacation and Atty. Goldberg prior to that. He admitted they did not get information on time. That is not normally how it would happen. He usually does ask about a time line.

Atty. Goldberg added that when they know the deadline they get the information by that time if not sooner.

Mr. Viera said the Board got the document 45 minutes before the meeting. It affected the Board and the Town. In his opinion, it was totally unacceptable.

Chairman Andrade suggested they keep discussion as generic as possible.

Mr. Parker asked the same questions he asked other firms. How many towns in the State they represent, the rate, and if they charge for mileage?

Atty. Goldberg said about 130 towns. They charge the town \$170 per hour. They charge for mileage but not travel time.

Mr. Almeida said he is in favor of the blended rate.

Atty. Fair said they only charge for actual time.

Mr. Almeida asked how many attorneys total.

Atty. Goldberg said there are 45 attorneys. They have a group of shareholders. All owners have a role in management. There is a management committee and she is managing attorney.

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Atty. Goldberg said they are available 24 hours.

Chairman Andrade thanked them for the presentation.

He asked audience members not to speak over one another or at the same time. Those in attendance for a ceremony and employees should try to keep discussion to a minimum and can go in the hallway to congregate.

Speakers should use the microphone and give their name and address.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Viera advised that volunteers are needed on the Board of Health (3 Board of Selectmen appointments), Conservation Commission (3 BOS), Economic Development 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), Recreation Committee (1 BOS), Recycling Committee (1 BOS), and Finance Committee (1 Moderator).

Mr. Parker noted 20 openings for which no one has come forward.

Ms. Hines had a form for the Finance Committee that she submitted to the moderator.

COMMUNITY SPEAKS – None.

BOARDS AND COMMITTEE BRIEF OVERVIEW

BOARD OF HEALTH

Board of Health Chairwoman Vicky Kinniburgh, 119 West Avenue, advised that she is trying to recruit members. The Board of Health meets twice a month on Wednesdays for approximately one hour. They are responsible for overseeing all aspects of the Board of Health.

PRIORITY MATTERS

Promotion Ceremony for Patrolman Shaun Kelley to the Rank of Sergeant

Police Chief Craig Mace and honor guard were in attendance.

Chief Mace respectfully requested and Mr. Cadime recommended the promotion.

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

VOTED: To promote Patrolman Shaun Kelly to the rank as Sergeant with the Seekonk Police Department.

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Sergeant Kelley was sworn in by Town Clerk Janet Parker. His wife, Kristen, pinned his badge.

Consider the Appointment of Timothy Travers to the Position of Building Inspector

Mr. Cadime advised he is still waiting for a ruling. He asked the position be tabled until June 15, 2016.

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

VOTED: To indefinitely postpone the appointment of Timothy Travers.

Consider the Appointment of Jennifer Miller to the Position of Conservation Agent

Mr. Cadime advised that several very qualified individuals were interviewed. Mrs. Miller lives in California. She is from New England and wants to relocate to Massachusetts. He noted that she reminds him of Bernadette DeBlander. He recommended extending a conditional offer of employment pending background check.

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

VOTED: To appoint Jennifer Miller as Conservation Agent, pending background checks.

Mr. Cadime said she hoped to be able to start in July. She is a dedicated individual and will be a great asset. She read 2/3 of the Wetlands Protection Act document in preparation for the interview.

Accept \$10,000 Donation from Bay Coast Bank for an Intersection Camera

Mr. Cadime advised that he spoke to the bank president. A new branch will open on Rte. 44. Mr. Nick Christ, President, was more than willing to provide that donation.

Communications Director Chris Campbell stated that the two chiefs and he have been working on identifying intersections to place cameras for public safety. They identified Taunton Avenue/ Arcade Avenue and Taunton Avenue/Fall River Avenue. Bay Coast wants to be proactive and support public safety.

Bay Coast Vice-President George Oliveira presented the check. Mr. Oliveira is a Seekonk resident.

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

VOTED: To accept the \$10,000 donation from Bay Coast Bank for the installation of cameras at two intersections in town.

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Accept Donation to the Seekonk Animal Shelter from Elaine Baker in Memory of Albert Baker

Mr. Cadime recommended accepting and sending a letter of appreciation to her.

Mr. Almeida read the letter.

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

VOTED: To accept the donation of \$300 in memory of Albert Baker and send a letter of appreciation.

Accept Donations to the Veterans Memorial Park

Ms. Doreen Taylor, President of Friends of Seekonk Veterans Memorial, presented a check for \$20,000 to be deposited in the Veterans Memorial Park gift account.

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

VOTED: To accept the \$20,000 donation from the Friends of Seekonk Veterans Memorial to the Veterans Memorial Park.

Mr. Viera noted that Phase I is now totally paid for.

Discussion with Kopelman & Paige Relative to the Town Moderator, 150 Ft. Rule, Selectmen Holding Two Positions

Chairman Andrade noted that, as previously mentioned, the ruling was received half hour to 45 minutes prior to the last meeting. Some of the interruption has to be expounded upon and clarified. There might have been some inaccuracies in the interpretation with regard to the 150 ft. ruling.

Atty. Goldberg said she was legal counsel in public records division and also legal counsel to the election division so she has significant experience in election law. She referred to Chapter 54, Section 65, which is known as the 150 ft. rule. It is also found in the Secretary of State Regulations on Elections. It creates a mutual zone for voters who want to walk in and cast their ballot. It is measured from the building entrance door to the polling place. Anyone within that 150 ft who is doing nothing related to the election can seek to influence a voter with respect to any question on the ballot or any candidate and no one can hand out any stickers. That also applies to having support sign on clothing. The clerk can tell you to turn that inside out. It also applies to signs on vehicles. There is supposed to be no activity within the 150 ft. Candidates can walk into the polling place, cast their vote and leave. Observers can stand outside the guardrail. A candidate cannot stand there as an observer.

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Ms. Hines asked about stickers.

Atty. Goldberg said it would be a sticker campaign. Stickers can be handed out but must be outside the 150 ft.

Mr. Viera said no exceptions – no helping with fundraisers, etc. The rule is cast a ballot and leave.

Atty. Goldberg said there can be fundraisers but candidates shouldn't be there. It indicates a perception of influence.

Mr. Parker said the clerk, warden, and assistant warden were afraid of a possible law suit. There was no campaigning going on. He asked if the warden has the authority to ask the individual to leave.

Ms. Goldberg said the warden has the right to make the decision.

She said information should be distributed to the candidate when taking out nomination papers.

Ms. Goldberg explained that the Conflict of Interest law applies to every municipal employee and volunteer whether elected or appointed, paid or unpaid. The law is written broadly and interpreted by State Ethics very broadly.

The law is saying an individual cannot have two jobs with the town. Chapter 268A, Section 21a says any board or committee that wants to appoint a member of its board to a position must have the approval of the Annual Town Meeting or it cannot be done. That law doesn't apply if the position is not under the direct supervision of the board.

A special police officer is responsible to the Chief of Police. Therefore, in her opinion, Section 21a does not apply in this instance. Section 20 says an individual cannot hold another position with the town if that person is a regular municipal employee unless exceptions apply. She went through those exceptions. There is a selectmen's exception which applies when already working for the town and elected as a selectman. You have to choose one salary or the other and agree not to participate in anything related to the department for which you work.

Counsel can submit an opinion to the Ethics Commission and should receive a ruling within 30 days. If there is a pressing need, they can probably get it back in less than the 30 days.

Mr. Almeida said there are part-time positions in the Building Department. He asked if a selectman can take a position.

Atty. Goldberg said it would fall under Section 20(b) and would have to be posted and meet all other requirements. That would require permission of the Board of Selectmen. She would recommend they all file a disclosure.

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In this particular case, Atty. Goldberg suggested that the individual get a ruling from the Ethics Commission.

Mr. Almeida would be curious because it could apply to other members of the Board.

NEW BUSINESS

Discussion and Request to Attain a Bingo License for Senior Center

Mrs. Bernadette Huck, Director of Seekonk Human Services, thanked the Board of Selectmen for the support regarding the new senior center. She would like to apply for a bingo license for the seniors. They have asked for it.

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

VOTED: To authorize the Town Administrator to look into a bingo license for the senior center.

Presentation by Xiphias Wellness Inc., Registered Marijuana Dispensary

Atty. Valerio Romano, David Brayton, President and CEO, Christopher Sands, Chief Operations Officer, and Chapman Dickerson, Head of Cultivation, were in attendance.

Mr. Brayton advised that Xiphias is a Massachusetts non-profit organization. He started the application process in June 2015 for two registrations for marijuana dispensary in Massachusetts. It would employ up to 30 people.

Atty. Romano said he met with Planning and the Town Administrator. He made a presentation and he explained the procedure for patients. The patient needs to show the medical use of marijuana card issued by the State of Massachusetts. Patients who violate any provisions will lose the card.

They are seeking a letter of support or non-opposition from the Board of Selectmen which is required in the application guidelines. The letter of support will no longer be needed in a year or so.

Chairman Andrade did not like how easy it would be to get a card.

Mr. Viera said this location on Route 6 was chosen in order to designate an area where these facilities would be allowed. This area was chosen by the Planning Board.

Atty. Romano agreed it is in the medical marijuana overlay district.

Mr. Almeida said there is a facility on the other side of town that issues these cards.

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Mr. Cadime asked the number of police and fire calls in Massachusetts.

Atty. Romano said none – there's hasn't been any issue. He noted this had 64% of the vote in Seekonk at Town Meeting.

Chairman Andrade said that law requires the creation of a zoning overlay district.

Mr. Cadime asked about pilot programs.

Atty. Romano said they are not opposed to working with Seekonk.

Mr. Cadime asked about monies being deposited.

Atty. Romano said Century Bank out of Medford is taking deposits.

Mr. Sands said there are a lot of reasons why medical numbers are increasing.

General Discussion of Town Meeting

Mr. Cadime thanked residents for attending.

Chairman Andrade pointed out that only 150 residents decided the \$50M budget. It would be great to get additional people.

Mr. Parker said the petitioned article has to be sent to Rep. Howitt.

Mr. Almeida thanked the residents who showed up and also the department heads who stayed until the end. He got e-mails commending the Town Administrator on his presentation.

Consider the Approval of Minutes of April 14, 2016 and April 20 2016

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

VOTED: To accept the Regular Session minutes of April 20, 2016.

Minutes of April 14, 2016 were tabled. Page 2 was missing.

COMMUNITY SPEAKS

Mr. Donald Kinniburgh complimented the town side of the budget. He said kudos to department heads. They did a great job. The Finance Director was to speak on the town's side. There were people in the audience that got up and talked about free cash. He felt there should have been an explanation of free cash.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime also thanked residents who attended town meeting.

He advised that MDOT would hold a public hearing on Luther's Corner design on June 9th at 7 p.m.

He asked residents to take part in the dedication of the Veterans Memorial Park.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Ms. Hines mentioned the raffle to benefit the Human Services gift account. Tickets are available at Human Services and Town Clerk. She also has tickets.

Mr. Viera said that quite a bit of discussion went back and forth about purchasing property with CPA money. The individual who did the presentation said there are eight buildable lots and the purchase price is \$300,300. In speaking to the assessors, there is probably one buildable lot. He questioned purchasing land that is relatively undevelopable. All they are doing is taking it off the tax role. He said it was valued at \$400,000. He suggested bringing in members of the Community Preservation Committee for discussion.

Mr. Cadime felt it would be worthwhile to get CPC here to talk about other funds that are available.

Mr. Viera announced the Memorial Day Parade is scheduled for Saturday, May 28, 2016, at 10 a.m. followed by the dedication of the Veterans Memorial Park at around 12 noon. He noted this is history in the Town of Seekonk.

Mr. Parker had documentation from the Ethics Commission.

Mr. Almeida felt that some members of boards have no idea what is going on.

Mr. Cadime said that anybody who has a concern should contact him. It is important for any board or commission to understand they are only as strong as the majority. He said withholding information is an issue. He suggested this might be a good opportunity to schedule another open meeting law training.

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Chairman Andrade announced “Pucks for Paws,” a fundraiser in memory of Karen McHugh, who was an advocate for the animal shelter. Seekonk Police and Fire will play against Rehoboth Police and Fire at the hockey rink in Taunton on Saturday, May 21, 2016 from 5 to 7 p.m.

EXECUTIVE SESSION

At 10:20 p.m., Mr. Viera motioned, seconded by Mr. Parker, to go into Executive Session to conduct strategy sessions with respect to negotiations with Fraternal Order of Police MASSCOP Local 215 per M.G.L. Chapter 30A, Section 21(3), Seekonk Firefighters Union IAFF Local 1931 per M.G.L. Chapter 30A, Section 21(3), to conduct strategy sessions with respect to pending litigation relative to Robert Lamoureux as per M.G.L. Chapter 30A, Section 21(3), and to consider the approval of Executive Session minutes of April 14, 2016 and April 20, 2016; not to return to Open Session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary