

BOARD OF SELECTMEN
JUNE 29, 2016
REGULAR SESSION

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

Town Administrator: Shawn E. Cadime

Chairman Andrade 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 recording the meeting must notify the Chairman. The Board of Selectmen is recording audio and video.

BOARD AND COMMITTEE OPENINGS UPDATE

Ms. Hines announced that volunteers are needed on the Board of Health (2 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), Finance Committee (1 Moderator), Energy Committee (2 BOS).

**BOARDS AND COMMITTEES BRIEF OVERVIEW – CONSERVATION
COMMISSION - Rescheduled**

COMMUNITY SPEAKS

Mrs. Eleanor Shepherd of 53 Read Street provided an update on her complaint regarding water in front of her house. She had pictures. She spoke to DPW Superintendent David Cabral. He will have someone check it during the first week of July.

PRIORITY MATTERS

**Accept, with regret, the Resignation of Brandon Miranda as a Firefighter Paramedic,
Effective Monday, June 27, 2016**

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

VOTED: To accept the resignation of Brandon Miranda as firefighter/paramedic,
effective June 27, 2016.

Chief Healy advised that he received another resignation. The following two appointments will replace those individuals.

Consider a Conditional Offer of Employment for Ryan Gormley as a Probationary Third-Class Firefighter

Fire Chief Michael Healy requested authorization to extend a conditional offer of employment to Ryan Gormley as a probationary third-class firefighter. Mr. Cadime recommended.

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

VOTED: To extend a conditional offer of employment to Ryan Gormley as probationary third-class firefighter.

Mr. Almeida wanted to include stipulations in the motion. However, Chief Healy noted it would be done at the time of the final appointment.

Consider a Conditional Offer of Employment for Bruce Ballard as a Probationary Third-Class Firefighter

Chief Healy requested authorization to extend a conditional offer of employment to Bruce Ballard as a probationary third-class firefighter. Mr. Cadime recommended.

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

VOTED: To extend a conditional offer of employment to Bruce Ballard as probationary third-class firefighter.

Consider the Appointment and Swear in Aaron Braga as a Probationary Third-Class Firefighter/Paramedic

Chief Healy requested authorization to appoint Aaron Braga as a probationary third-class firefighter/paramedic. Mr. Cadime recommended.

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

VOTED: To appoint Aaron Braga as probationary third-class firefighter, effective July 13, 2016.

Town Clerk Janet Parker swore in Firefighter Braga. His wife pinned his badge.

Consider the Appointment and Swear in Timothy Goodwin as a Probationary Third-Class Firefighter/Paramedic

Chief Healy requested authorization to appoint Timothy Goodwin as a probationary third-class firefighter/paramedic. Mr. Cadime recommended.

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

VOTED: To appoint Timothy Goodwin as probationary third-class firefighter/
paramedic, effective July 11, 2016.

Firefighter Goodwin was sworn in by Town Clerk Janet Parker. His wife pinned his badge.

Consider the Appointment and Swear in Timothy Houde as a Probationary Third Class Firefighter/Paramedic

Chief Healy requested authorization to appoint Timothy Houde as a probationary third-class firefighter/paramedic. Mr. Cadime recommended.

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

VOTED: To appoint Timothy Houde as probationary third-class firefighter/
paramedic, effective July 9, 2016.

Firefighter Houde was sworn in by Town Clerk Janet Parker. His mother pinned his badge.

Chief Healy advised that the newly-appointed firefighters have agreed to all requirements.

Town Moderator Reappointment of Boards/Committee Members

Town Moderator Peter Hoogerzeil reappointed Robert Blanchard, David Sullivan, Jr., Robert DelRosso, and Beverly Hart to the By-Law Study Committee. The member from Precinct 1 did not want to be reappointed. Mr. Hoogerzeil will have a member for the next meeting.

He reappointed Steven Rutter to the Capital Improvement Committee (3 year appointment). He appointed Erin Brouillette to fill a vacancy on the CIC (one year appointment). Russell Horsman and Karen Perkins were appointed to three-year terms on the Finance Committee and Doreen Taylor was appointed to a two-year term to fill a vacancy.

Mr. Cadime advised they would get an appointment letter advising they must be sworn in again.

Ms. Hines left the meeting at this time.

Town Counsel Lauren Goldberg explained that M.G.L. Chapter 268, Section 20f, is part of the conflict of interest law. It prohibits a municipal employee holding an additional paid position in town. In order to do that there needs to be an exemption to allow individuals to serve on a part time call/volunteer capacity with respect to emergency services. The decision to grant the exemption is up to the Board of Selectmen.

Mr. Parker suggested the Board vote on all the following reappointments together.

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Chairman Andrade wanted to have a brief discussion on one.

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

VOTED: 4 Ayes; To approve the exemption under M.G.L. Chapter 268A Section 20f for items H through L for special police officer positions for Officer Anthony Araujo, Officer David Miller, Officer Ronald Rickey, Officer James Roy, and Officer Joseph Sousa.

Ms. Hines was not in attendance at the time of the vote.

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

VOTED: 3 Ayes; 1 Abstention; To approve the exemption under M.G.L. Chapter 268A, Section 20(f) for detention attendants Katelyn Butterworth, Kathleen Coyle, Carol-Ann Days, Lisa Parker and Melissa Zasowski.

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

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

VOTED: 2 Ayes; 2 Nays; To approve the exemption under M.G.L. Chapter 268A, Section 20(f) for special police officer Michelle Hines.

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

Prior to the vote, Mr. Parker noted Ms. Hines has done this for several years and legal counsel ruled that she can do this.

Chairman Andrade said this is not a reflection of Ms. Hines or her ability to do the job. The question is should a fellow selectman work for an individual they oversee. It is legal, but it does enter into precarious waters in the future.

Atty. Goldberg said the idea of having two full time jobs would be an issue. This exemption is specifically for this call capacity.

Mr. Viera agreed that it is no reflection on Ms. Hines. However, he feels stronger about it. He asked, “How do you work for an individual that at some time will take part in reappointing that person - police chief and town administrator.” There is already an individual who does not participate in negotiations or grievances involving the Police Department. This would mean three selectmen would be responsible for that.

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Mr. Viera felt Ms. Hines knew when she decided to run for the Board of Selectmen that this would be a strong possibility. He said it is a bad precedent. It is a question that should go before the by-law study committee.

Mr. Parker said he would have a problem with Mr. Viera's scenario. She would have to recuse herself when it comes to the appointment of the police chief.

Atty. Goldberg said there is no ability to participate if there is a financial interest.

Mr. Viera felt the specials contract is addressed through the regular police officers contract.

Mr. Cadime said it is detail rates.

Mr. Parker clarified that he is the one referred to by Mr. Viera. He can participate in police matters but he chooses not to. His daughter-in-law works at the Police Department and under Mass. General Laws a daughter-in-law is not immediate family. He would definitely vote if there was no quorum.

Mr. Almeida referred to two former selectmen who also were special officers. One stayed on and gave up one of the pays and another took a leave of absence as a special. He felt the law needs to be rewritten.

Mr. Parker noted it is a state law.

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

VOTED: To authorize the Chairman to sign exemption affidavits for previous appointed individuals.

LICENSE HEARING

Consider the Application of a Mobile Food Cart Permit – Frank D. Martin

There was discussion about the request.

Mr. Parker said it is not in line with Administrative Policy #70. He does not approve of mobile food carts coming into town and taking away business from local restaurants.

There was talk about Del's Lemonade and ice cream trucks that go all over town and have never come before the Board.

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

VOTED: To approve the request for a mobile food cart permit for Frank D. Martin for Speedway events only for one year.

Administrative Policy #70 will be on the agenda for review at a future meeting.

Consider the Application of a Class II Motor Vehicle License – Dorman’s Auto Center of Seekonk, LLC, 728 Fall River Avenue

Mr. Albuquerque was in attendance.

The Planning Board had put a restriction on no more than 40 cars on the lot.

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

VOTED: To approve the Class II motor vehicle license for Dorman’s Auto Center of Seekonk, LLC.

NEW BUSINESS

Consider the Approval of the Donation of an American Flag from Beverly Dellagrotta to the Seekonk Senior Center

Building Committee Chairman David Bowden was in attendance.

He noted the light at the center is solar power.

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

VOTED: To accept the donation of an American Flag from Beverly Dellagrotta for the Seekonk Senior Center.

Consider the Approval of the Donation of a Cherry Mantel Clock from David and Jan Bowden to the Seekonk Senior Center

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

VOTED: To accept the donation of a cherry mantel clock from David and Jan Bowden to the Seekonk Senior Center.

Consider the Approval of the Donation of a Cherry Mantel and Surround Hand-Crafted by Jack Vatcher to the Seekonk Senior Center

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

VOTED: To accept the donation of a cherry mantel and surround hand-crafted by Jack Vatcher to the Seekonk Senior Center.

Mr. Parker noted that it is beautiful.

Mr. Bowden said there were other volunteers involved in that as well. The architectural firm donated the granite and the placement of the granite by Bob Damini and Antonio Anibal did the tiling.

Consider the Approval of an Anonymous \$1,000 Donation for the Purpose of a Dedication Plaque for the Seekonk Senior Center

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

VOTED: To accept the \$1,000 anonymous donation for the purpose of a dedication plaque for the Seekonk Senior Center.

Mr. Bowden said he will make sure the dedication includes the names that the donor wants.

Consider the Approval of the Donation of Craft Storage Boxes from Jan Bowden to the Seekonk Senior Center

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

VOTED: To accept the donation of craft storage boxes from Jan Bowden to the Seekonk Senior Center.

Chairman Andrade thanked all of them.

Consider and Sign Regulatory Agreement and Declaration of Restrictive Covenants for Simmons Farm

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

VOTED: To authorize the Chairman to sign the agreement and declaration of restrictive covenants for Simmons Farm.

Consider the Approval of May 4, 2016 Regular Session Minutes

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

VOTED: To accept the Regular Session minutes of May 4, 2016.

COMMUNITY SPEAKS – None.

OTHER BUSINESS

Discuss Other Topics not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting – None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime recognized the senior center building committee for an outstanding job. The open house was held on Sunday. It was wonderful to see the seniors there. It came in on time and under budget. He commended Mr. Vatcher who worked with the architect and Mr. Bowden who was there every day.

Chairman Andrade apologized for not attending the open house. He had a family obligation.

Mr. Cadime wished everybody a happy and safe 4th of July.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Viera commended the members of the senior center building committee.

He said there is always someone at the Veterans Memorial Park. He would like an agenda item for a future meeting to discuss people who paid for bricks and what can be done. They need documentation. This happened under the previous Veterans Committee. They have a final bill that needs to be paid. The Friends of the Memorial Park will be making a donation.

He added his wishes for a happy and safe 4th of July. He would like to have another employee appreciation day this summer. He felt that employees do a good job.

Ms. Hines said she attended the opening of the senior center. It is beautiful. There will be a donation at the next meeting. She was the chair of a 1998 building committee.

Mr. Almeida agreed that the grand opening was great and the center is beautiful. He asked when the public can start using the building.

Mr. Cadime said they are waiting for internet and telephones.

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Mr. Almeida and Mr. Parker also extended best wishes for the 4th of July.

Chairman Andrade asked about the generator for Town Hall.

Mr. Cadime noted that Mr. Cabral will have information when he returns from vacation.

Chairman Andrade asked about the cemetery.

Mr. Cadime said they are looking for actual costs for the Fall River Avenue site. Mr. Cabral will have updates.

Chairman Andrade referred to a letter included in the packet. A prior selectman or anyone who serves on a board has no influence. No one can dictate how an individual can develop his own land. He is not aware of any plans being submitted as of yet. It said that individual is well known and can get what he wants.

EXECUTIVE SESSION

At 8:42 p.m., Mr. Viera motioned, seconded by Mr. Almeida, 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(a)(3) as having the discussion in Open Session would be detrimental to the litigation or bargaining position of the Town; not to return to Open Session.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye; Mr. Parker – Aye; Ms. Hines – Aye. Mr. Parker and Ms. Hines would not participate in Executive Session.

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary