

BOARD OF SELECTMEN
JULY 13, 2016
REGULAR SESSION

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

Town Administrator Shawn E. Cadime was on vacation.

Finance Director/Asst. Town Administrator Bruce Alexander was in attendance.

Atty. Brian W. Riley from Kopelman & Paige was in attendance.

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

He advised that, in accordance with M.G.L. Chapter 30A, Section 20, anyone who wanted to record any portion of the meeting must notify the Chairman. The Board of Selectmen is recording audio and visual.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Viera 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 (3 BOS), Zoning Board of Appeals (2 BOS), Permanent Building Committee (5 BOS), Recreation Committee (1 BOS), Recycling Committee (1 BOS), By-Law Study Committee (1 Moderator) Energy Committee (2 BOS), Capital Improvement Committee (1 BOS).

Chairman Andrade noted that talent bank forms are available on line and in the Town Administrator's office.

BOARDS AND COMMITTEE BRIEF OVERVIEW – CONSERVATION COMMISSION

Chairman Richard Wallace advised that one of the primary functions is to preserve and protect the wetlands in town and that state, federal, and local regulations are adhered to. They are looking for volunteers who are passionate about the environment and serving the Town. Jennifer Miller started two weeks ago as the Conservation Agent. The Conservation Commission has properties that are under the stewardship or owned by the Commission. Mrs. Miller suggested all those properties be inventoried and the deeds put into a file so they know what they have and how they could be used. The Commission meets once a month. They do Saturday site visits as needed.

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COMMUNITY SPEAKS

Mr. David Saad of 129 West River Street wanted to talk about Item F under Priority Matters.

Chairman Andrade said not to misinterpret the text after Community Speaks. It is not to restrict anyone from speaking. It is sometimes difficult to control a meeting when there are several people trying to speak at the same time. Mr. Saad would be allowed to speak under Item F.

PRIORITY MATTERS

Accept, with regret, the Resignation of Special Officer Anthony Azulay

In the absence of Chief Mace, Chairman Andrade read the letter of resignation submitted on July 1, 2016. Officer Azulay has served for 32 years.

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

VOTED: To accept the resignation of Anthony Azulay as special police officer with regret.

Accept, with regret, the Resignation of Scott Godin as a Firefighter/Paramedic

Chief Michael Healy advised this is the second resignation he had talked about on June 29, 2016. Firefighter Godin will have to pay back the \$5,000 within thirty days. It is Attachment A of the contract which he signed about a year ago. The Chief will move forward to get that reimbursement.

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

VOTED: To accept the resignation of Scott Godin as a firefighter/paramedic with regret.

Consider the Appointment and Swear in Ryan Gormley as a Probationary Third Class Firefighter/Paramedic

Chief Healy advised the two appointments tonight will bring the Fire Department to full complement of 32 firefighters.

Chief Healy requested the appointment of Ryan Gormley as probationary third class firefighter/paramedic, effective July 25, 2016. Mr. Alexander recommended.

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

VOTED: To appoint Ryan Gormley as probationary third class firefighter/paramedic, effective July 25, 2016.

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Town Clerk Janet Clerk swore in Firefighter Gormley. His mother pinned his badge.

Consider the Appointment and Swear in Bruce Ballard as a Probationary Third Class Firefighter/Paramedic

Chief Healy requested the appointment of Bruce Ballard as probationary third class firefighter/paramedic. Mr. Alexander recommended.

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

VOTED: To appoint Bruce Ballard as probationary third class firefighter/paramedic effective July 27, 2016.

Town Clerk Janet Parker swore in Firefighter Ballard. His mother pinned his badge.

Chief Healy advised that retired firefighter Alfred Wehr passed away.

Review and Discuss Opening Meeting Law Complaints Regarding Board's May 18 and June 15, 2016 Meeting Notices and Response to Complaints

Atty. Brian Riley of KP Law PC addressed complaints filed by Patrick Higgins regarding meeting notices. The first one indicated that the notice did not have a street address and it referred to executive session under Chapter 30A, Section 21(3) which he claims does not exist and further it did not state that discussion in open meeting would have a detrimental effect on collective bargaining and litigation strategy. The second one had the same complaints.

Atty. Riley prepared a draft response. The street address is now in all notices. The reference to executive session is Chapter 30A, Section 21(a)(3). Atty. Riley considered these minor.

He does not agree with the third violation. The Chair is supposed to refer to detrimental effect on bargaining and litigation position. It does not need to be in the notice and, therefore, is not a violation.

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

VOTED: To accept the recommendation of counsel and forward to the Atty. General's office.

Mr. Almeida noted that there is a cost involved every time legal has to respond to an open meeting law violation.

Consider and Sign the Assignment and Assumption of Purchase and Sales Agreement and Amendment for Chestnut Street Property

Mr. Saad said a member of the CPC stated at the last meeting that this property could have eight houses built on it. That would certainly make the property worth the \$312,000 the Town is about to pay for it. He is concerned that it is wetlands.

He mentioned that M.G.L. Chapter 44 B, Section 2, defines open space as used for passive or active, including gardens, trails, non-commercial use, etc.

He asked how much of the property purchased or given to the Town has been used for athletics.

He said the CPC is charged with providing affordable housing. He asked how much of land was set aside for affordable housing.

Chairman Andrade explained that the property is one parcel of land. However, it can be subdivided. Fifteen acres is non-wetland.

Mr. Saad said the CPC minutes indicate there was questionable refuse that caused concern.

Chairman Andrade noted that the purchase was approved at Town Meeting. He is comfortable with it at this point based on the information he has.

Mr. Saad asked who paid for the appraisal.

Mr. John Alves, 25 River Street, Chairman of the CPC, advised the CPC paid for the appraisal. They got three copies of it on April 5. One was given to the Conservation Commission, the CPC kept one, and the other was used for information at the Town Meeting. It was done by a certified professional appraiser.

Mr. Parker made it clear that he has to back Town Meeting.

Mr. Alexander advised that the Community Preservation Act requires that 10% of the surcharge goes to open space, 10% to community housing, and 10% to historic preservation.

Mr. Viera said this came about as a result of statements made after Town Meeting.

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

VOTED: To consider and sign the Assignment and Assumption of Purchase and Sales Agreement and Amendment for Chestnut Street property.

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OLD BUSINESS – None.

NEW BUSINESS

Consider the Approval of Gift from the Friends of the Seekonk Veterans Memorial Park to the Veterans Memorial Park Committee

Mr. Viera presented a \$13,000 check from the Friends of the Seekonk Veterans Memorial Park. Phase I is completed with the exception of the bricks that have to be inscribed.

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

VOTED: To accept the gift of \$13,000 from the Friends of the Seekonk Veterans Memorial Park to the Veterans Memorial Park Committee.

Board members expressed their appreciation.

Discussion of Veterans Memorial Park Committee

Board members agreed that the committee should continue.

Consider and Sign Warrant for State Primary

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

VOTED: To sign the warrant for State Primary.

Consider the Approval of FY 2016 Year End Transfers

Mr. Alexander advised the Finance Board approved the transfers.

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

VOTED: To approve FY 2016 year end transfers, as presented.

Consider the Approval of Regular Session Minutes of June 1, 2016

A motion by Mr. Parker, seconded by Mr. Viera, to accept the minutes of June 1, 2016 was defeated. Tabled until the next meeting for corrections.

Chairman Andrade made the following corrections – on page 4, there was no response to Mr. Almeida’s question and on page 13 last paragraph replace “overlay” with “leveling.”

COMMUNITY SPEAKS – None.

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

Mr. Viera asked Mr. Alexander about a rumor that there will be a \$900,000 deficit in the State.

Mr. Alexander said no updates. Thus far, the cuts made were in the discretionary 9C grants.

Mr. Parker read it would not be Chapter 90 or local aid.

The tax free weekend in August will not happen.

Ms. Hines read from a prepared statement. At the last meeting, this Board made a decision that was a disservice to our town. As a selectman, it is our charge to do what is best for our town. Going against a request from a department head without a legitimate reason is not doing what is best. Throwing away someone who has over 30 years of experience for any department is not what is best for that department or this town. Her intent has always been to do what is best for this town and will continue to be. She has always done what she thought was best and has admitted to being wrong when such an occasion presented itself. She hoped this Board has the fortitude to do the same. It is never too late to correct a mistake. She was told several times by a member of this Board that it was not personal but we all know it was very personal. When you reappoint all but one, this proves how personal it was. The reappointment of the others was absolutely the right thing to do. They all contribute to the betterment of our town. She had asked to have the others reappointed the meeting prior but was told no because they did not want it to look like they were singling her out. Well they failed. Vengeance, retaliation, agendas or payback have no place on any Board. She thanked the people that reached out to her to tell her they can't believe what was done. She appreciates all the good wishes and asked that they reach out to the other selectmen and Town Administrator and tell them how they feel.

Mr. Parker totally agreed with her to the point that he felt the Board committed something that could be discriminatory. Possibly something that went against past practice and possibly very vindictive and personal. They have now allowed that person to do what they didn't want that person to do. That person can now vote on everything. He noted it has bothered him since the vote was taken. They did the wrong thing for the wrong reason. They went against past practice. It was wrong and needs to be corrected.

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Mr. Parker congratulated public safety personnel who handled a “Black Lives Matter” demonstration on Monday. He commended the police chief. Everyone’s first amendment rights were protected.

He felt the Board should have been informed because it could have been a big problem.

He mentioned that Portugal won the World Club in soccer.

Ms. Hines advised that a firefighter who was injured during a fire last week is OK and able to return to work.

Chairman Andrade responded to Ms. Hines’ comments. He stands by what he said. It was nothing personal. Town counsel made comments that it was not the best practice for the town. He made every effort to take the person out of it like he does with every single vote he makes and looks for the best interest of the town.

He is sorry that the perception is that it was personal because other than his interaction with Ms. Hines at meetings he does not know her so he doesn’t know of any other personal event, vendetta, or anything else. Sorry that is the impression that some of the Board members have. It has nothing to do with any vote he took. He thought he was clear and concise on the questions that were asked of legal and the reason for his vote.

Mr. Parker said there was past practice. A police officer was elected as selectman and he was allowed to keep both positions.

Chairman Andrade said that is not the case brought before the Board or shown to him.

Mr. Viera said anybody can say what they want. It was not personal on his part. He had no vendetta and no issues with any one individual. He felt it was bad practice.

He recalled there were two police officers in the past. They took a leave of absence and did not work as specials while they sat as selectmen.

Mr. Parker said the reasons that were publicly stated for the non-reappointment was so that the chief would not be in a position of having to discipline an individual who might have to vote on his contract or other decision. He understands that and agrees. That individual can now vote on everything. By appointing that individual could not vote on anything because of conflict of interest and the Ethics Commission.

Chairman Andrade repeated that it was not a personal attack. He knows that Ms. Hines would not participate in anything unethical. He was thinking about the future. He was operating on what he felt was best for the town based on conversations with legal.

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

VOTED: To adjourn at 8:23 p.m.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary