

BOARD OF SELECTMEN
JULY 27, 2016
REGULAR SESSION

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

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 visual.

BOARD AND COMMITTEE OPENINGS UPDAT E

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 Committee (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).

Talent Bank forms are available on-line and at Town Hall.

BOARDS AND COMMITTEES BRIEF OVERVIEW – Capital Improvement Committee

Chairman Keith Tavares advised there is a pamphlet on the Town's website that explains the function of the Committee. They look at equipment and buildings owned by the Town and facilitate coordination between capital needs and the operating budget. The fact that Seekonk has a capital improvement committee is good for debt rating. They try to keep residents informed about future needs and projects. They focus attention on community objectives and funding requirements. They review capital plans submitted by various departments and look at the budget and then make recommendations. It's a seven-member board, with one vacancy right now. The committee meets on a monthly basis for about an hour. They might meet twice a week during the busy time (September, October, November).

Chairman Andrade noted that they make sure the plans are in compliance with the five-year capital improvement study.

COMMUNITY SPEAKS - None.

PRIORITY MATTERS

Reorganization of the Board of Selectmen

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

VOTED: To accept the resignation of David Parker as Vice-Chairman with regret.

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

VOTED: To appoint Nelson Almeida as Vice-Chairman.

Mr. Parker advised that he resigned because he does recuse himself from meetings. He felt it unfair to the chair to have a vice-chair he can't count on.

Introduction and Swearing in Ceremony of Patrolman Gary Rushing, Jr.

Chief Craig Mace introduced Patrolman Rushing. The Board had approved his appointment on June 15, 2016.

Patrolman Rushing recited the Law Enforcement Oath of Honor. His grandmother, Eileen Rushing, pinned his badge..

Introduction and Swearing in Ceremony of Patrolman Sean Peterson

Chief Mace introduced Patrolman Peterson. The Board had approved his appointment on June 15, 2016.

Patrolman Peterson recited the Law Enforcement Oath of Honor. His badge was pinned by Training Officer Steven Fundakowski.

Introduction of Jennifer E. Miller, Conservation Agent

Conservation Commission Chairman Richard Wallace and Mrs. Miller were in attendance.

Mr. Cadime said Mrs. Miller made a seamless transition. Her personality fits in well with the Town of Seekonk.

She said she loved the family atmosphere at Town Hall.

Chairman Wallace said, in the few weeks she has been here, she has shown a great initiative and she has taken on items that need to be addressed by the Commission. She is interested in taking courses to help her with the transition from San Diego to the east coast.

Consider the Amendment of Administrative Policy #70 (Ice Cream Vendors)

Chairman Andrade advised the policy that was accepted was amended to eliminate any reference to ice cream vendor and add a hawkers and peddlers license from the Commonwealth of Massachusetts.

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

VOTED: To approve the amendment of Administrative Policy #70
(Mobile Food Vendor Regulations).

LICENSE HEARING

Consider the Request for an Entertainment License for Sonya Hereux

Mrs. Hereux explained this event will be held in her backyard as a fundraiser. She has addressed the police chief's concerns regarding parking on the street.

Chairman Andrade noted it isn't necessary to come before the Board to hold a party in a backyard. The reason is because it is a fundraiser.

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

VOTED: To approve the one-day entertainment license for Sonya Hereux.

Consider the Request for Entertainment License for the Inflatable 5K Event

Live Events Coordinator Jacqueline Dionne of 28 Water Street, Swansea MA was in attendance. She had responded to concerns raised by Chief Mace. She distributed a letter explaining the aerial photography.

Mr. Cadime recommended approval.

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

VOTED: To approve the Public Amusement/Entertainment License for the Insane Inflatable 5K to be held on Saturday, August 6, 2016, from 8 a.m. to 2 p.m.

Consider the Request for a Class II Motor Vehicle License – Zouhnr Sendian

Mr. Sendian was in attendance. He is selling gasoline and intends to sell and service motor vehicles.

July 27, 2016

-4-

There were questions about the number of parking spots. Mr. Viera noted the Town Planner had approved the request.

Ms. Hines had a problem because question #11 was not completed nor the certificate of good standard.

Mr. Cadime said the landlord is in a payment plan with the Town for taxes and considered current.

A motion by Mr. Almeida, seconded by Mr. Parker, to consider the request was withdrawn.

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

VOTED: That Mr. Sendian go before the Planning Board for approval of the parking plan and return to the Board of Selectmen.

Mr. Parker said he would not approve this until taxes are paid up. Mr. Viera concurred.

Consider the Request for a Class II Motor Vehicle License – Jeremy Reis

Ms. Hines asked about a parking plan.

Chairman Andrade said there is a site plan approved for 16 spaces. Some of those will be used for the tow trucks.

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

VOTED: To approve the Class II motor vehicle license for Jeremy Reis contingent on fingerprinting results and with not more than 10 unregistered vehicles on the lot.

Consider the Request for a Change of Manager at Not Your Average Joes

Mr. Sean McDaniel was in attendance. He is TIP certified.

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

VOTED: To approve the change of manager to Sean McDaniel, pending submission of his TIP certification.

Mr. Cadime advised the Board could add the TIP certification as part of the application process. It is not currently required.

Board members agreed it would be a good idea.

July 27, 2016

-5-

Consider the Amendment of a Mobile Food Cart License (Ice Cream Vendor) – Frank Martin

Chairman Andrade advised that Mr. Martin did not need Board approval based on the vote taken on the amendment to Administrative Policy #70.

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

VOTED: 4 Ayes; 1 Nay: To rescind the vote taken at the June 29, 2016.

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

Ms. Hines noted if there are any complaints the police ask the vendors to move the trucks.

OLD BUSINESS

Discussion of Cemetery Location

As requested by Board members, Mr. Cadime said a cost analysis was prepared of the two locations – 93 Fall River Avenue (adjacent to transfer station) and 93 Dexter Avenue (Holy Cross Cemetery).

DPW Superintendent David Cabral said both locations would need perpetual care and there is no money for that. It would take about \$20,000 to get started at the Fall River Avenue site. Clearing that area is estimated at \$40,000 to \$50,000 and installing roads at \$30,000.

He recommended that both properties be surveyed. Need to determine a dollar amount for that and also utilities (water and electricity) for either location.

Ms. Hines questioned the need for electricity.

Mr. Viera said they probably need it because of vandalism.

Mr. Cabral said there is \$250,000 in a perpetual care account for the Newman Avenue Cemetery. That generates about \$14,000 to \$15,000 a year in interest that goes into a line item to pay caretaker.

The cemetery on Dexter Avenue has no perpetual care. He increased the dollar value by \$30,000 to take care of that. Tree clearing would be about \$5,000 and installation of roads at \$30,000. It would cost about \$20,000 for demolition of the house. It could potentially be used by the Fire Department. There is an existing well on the site.

Mr. Cabral summarized that there would be 1,500 graves at each location.

July 27, 2016

-6-

Mr. Almeida asked if the Town would have to pay relocation costs to the caretaker.

Mr. Cadime said no.

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

VOTED: To authorize the Town Administrator to pursue the Dexter Avenue property and enter into a Purchase and Sales Agreement.

NEW BUSINESS

Discussion of Position for Assistant Superintendent of Public Works Department

There was discussion on the job description.

Mr. Viera felt it is the same job description used when Mr. Cabral was hired. It eliminates everybody at DPW. He didn't see the need for a second engineer since Mr. Cabral is one.

Mr. Cadime said it could also be someone who has experience or who has been a supervisor in a DPW.

Ms. Hines felt that two years in a supervisory position is not enough.

Mr. Cabral felt it would be ideal to have someone with an engineering background and who understands the Chapter 90 program and budget preparation.

Board members felt the individual should have a CDL license rather than Class D.

Mr. Cabral suggested they allow six months to get the CDL

The salary range would be from \$60,000 to \$65,000. Mr. Cabral felt the higher salary would bring more qualified candidates. The position is non-union and will be posted in-house for two weeks.

Chairman Andrade felt the Board had talked about a salary of \$50,000 to \$55,000.

Mr. Cadime said there is a \$15,000 savings compared to what Mr. Cabral made in his previous position.

Ms. Hines said she is comfortable with education and experience based on Mr. Cabral's explanation.

July 27, 2016

-7-

Board members agreed that the title would be Assistant Superintendent of Public Works at a salary of \$60,000 to \$65,000, depending on qualifications. The position will be posted internally for two weeks and the stipulation that the individual would obtain a CDL license within six months or termination will be included in the contract.

Discussion with Contractors who Failed to Obtain Permits for Work Performed at Popular Pizza (Installation of Commercial Hood and Suppression System)

Mr. Parker recused himself and left the room.

Chairman Andrade stated the contractors were supposed to be at this meeting. The Board has been consistent with other individuals who performed without permits.

Mr. Cadime explained that, on June 8, 2016, Chief Healy was notified that work was being done with regard to hood and suppression system at Popular Pizza. The Fire Prevention Captain went in and found work was being done. She returned with Chief Healy and notified the owner that permits were needed and they could not be using the fryolater or grill under the hood suppression. There were several meetings as to why permits were not pulled. The Board of Health, Building Department and Fire Department were involved. Mr. Cadime informed those departments to impose maximum penalties. The Building Department issued double fees and the Fire Department tripled fees. They did inspections and found the installation of the system was not up to code. The contractors had to make corrections. Another inspection was done and passed and all permits were pulled by contractors.

He requested that Chief Healy submit to the State Compliance Officer for Public Safety that the individual had not pulled a permit. The State will be dealing with that and may suspend a license for a period of time.

Chairman Andrade asked about the State Building office.

Mr. Cadime will follow up on that.

He had documentation that people were properly notified of the meeting. Legal counsel stated that the Board may recommend the building official withhold building permits until a determination can be made as to whether contractors are in compliance with state building code and zoning bylaws.

Ms. Hines was shocked that the owners of this business did this. They have been in town for years and should know better.

Chairman Andrade said it was the contractors. Since the Town does not have a building inspector, legal counsel responded to his question that the Board of Selectmen could withhold permits until the contractors responded to the Board's request to come before it.

July 27, 2016

-8-

Ms. Hines felt doubling fees is not a punishment. She suggested shutting them down for a week.

Mr. Cadime said it is in the bylaws and should be changed.

Ms. Hines felt the Town should be reimbursed for the work the Board of Health had to do.

Chairman Andrade said the responsibility is with the contractors.

Mr. Cadime said this business owner knows how local government works.

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

VOTED: 4 Ayes; To identify the specific contractors and instruct the building official not to issue any permits and licenses to do work in this town until they come before the Board of Selectmen.

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

Mr. Parker had recused himself and was not in the room at the time of the vote.

Discussion of RIPTA Passenger Service and Bus Stop at Commerce Way

Representatives from RIPTA requested authorization to service Seekonk. Route 32 would run every 60 minutes from 5:30 a.m. to 7:30 p.m. on weekdays. Route 34 would run every 60 minutes from 6 a.m. to 10 p.m. on weekdays and every 50 minutes from 7 a.m. to 8 p.m. on Saturdays and every 90 minutes from 8 a.m. to 7:30 p.m. on Sundays. The intent is to go into Seekonk Square on private party or Commerce Way.

Ms. Hines suggested they service the senior center. However, the representative said they are only allowed to make one stop once they cross into Massachusetts. Funding is limited. They will explore other options.

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

VOTED: To approve the request from RIPTA to offer passenger service and bus stop at Commerce Way.

Discussion of Request for Zoning Enforcement at 550 Central Avenue **Discussion of Request for Zoning Enforcement at 62 Taunton Avenue**

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

VOTED: To accept and place on file and allow the Town Administrator to work with Planning, Building and Legal on these issues.

July 27, 2016

-9-

Consider Administrative Policy Regarding Employment Policy for Board of Selectmen

Mr. Cadime advised that he checked with other communities. Some do not have policies. Some referred to Ethics Commission for opinion. Others had charter and bylaws.

He prepared a policy using charter and bylaw language.

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

DEFEATED: 2 Ayes; 2 Nays; 1 Present; To consider the Administrative Policy regarding employment policy for Board of Selectmen.

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

There was considerable discussion prior to the vote.

Mr. Almeida asked if it can be changed from year to year.

Mr. Cadime explained that a policy can easily be changed. A bylaw and charter requires a Town Meeting vote.

Ms. Hines felt this is an effort to cover what happened a few meetings ago which was a disservice to this town. She felt this Board does not have the right to stop anybody from working as long as the Ethics Commission says it is OK and the person abides by that as to how they act at the meeting or conduct themselves with respect to voting. Being a Selectman should not stop a person from employment. It could cut someone's income by \$15,000 to \$20,000. She didn't think this Board has the power to stop a person from any other employment in town as long as the person employed is following proper procedure. There are about eight people in this town that have dual employment in the town. She hasn't heard that the conflict of interest has fallen over from one job to the next. There are people who are on more than one board. She felt that a person should only serve on one board.

The only complaint the Board of Selectmen had was from a person who filed an open meeting law violation.

She felt the Board of Selectmen has too much power over someone's finances and that is an absolute disgrace.

Chairman Andrade said, if she thinks he did not think about the impact and the severity or importance of his vote, she is wrong. He pondered over it. He had to take her out of the situation. He has no doubt that she would do her best and adhere to the ethics but he was thinking about an individual who wouldn't follow the ethics guidelines.

July 27, 2016

-10-

The intent of this policy is to prevent a member of the Board of Selectmen from holding a position in town that they would have oversight over.

Ms. Hines felt he did not give it a lot of thought because he does not know her. If it was anyone else there is recourse against anyone who violates ethics guidelines.

Mr. Viera said town counsel indicated it is a bad precedent. It is the perception. He asked how many people with two paid jobs have the authority to appoint their boss. That is where the problem comes in.

Ms. Hines said she would not have a vote.

Mr. Parker agreed with her. He can't support this. He didn't like the restriction that a selectman may not hold any compensated appointive town office or employment for one year after leaving office.

He noted the state imposes a \$1,000 fine, not covered by insurance, for ethics violation.

He noted that she can now vote on what the Board did not want her to do.

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

VOTED: To move the question.

Consider Approval of Minutes of June 1, 2016 and June 29, 2016

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

VOTED: To accept the Regular Session minutes of June 1, 2016 and June 29, 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 noted that the traffic light at the Public Safety Complex was installed and waiting for it to be connected.

Bristol County Mosquito Control was contacted to look at Runnins River from the Grist Mill to Rte. 44. There were concerns about flooding when heaving rains. They cleaned up on Monday.

July 27, 2016

-11-

They walked the entire length and found debris to clean up. All free of charge. More work will be done in the fall.

Mr. Cadime is going through Administrative Policies to put into a Word document. He will bring a few at each meeting.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Veterans Memorial Committee Liaison Report

Mr. Viera advised that the committee had a lengthy discussion about putting a security camera at the memorial.

There is one outstanding invoice. There was a discrepancy of an \$8,000 credit for bid bond. The Friends of the Memorial Park will be making a donation at the next meeting.

They have an individual who will supply the bricks that were purchased and fix the ones that the letters are coming off.

In response to Ms. Hines' question, Mr. Viera advised that he is in contact with the Communications Director about monitoring the park.

Ms. Hines asked about the trash behind the Ramada Inn.

Mr. Cadime said it has been cleaned up.

Chairman Andrade said he got a follow up e-mail that it is not clean.

Ms. Hines said every Friday a section of The Providence Journal is delivered to residents on her street. She asked if there is anyway to stop that.

Mr. Almeida said he attended a meeting at the DPW last week. He would like to have an agenda item to discuss the condition of the DPW building.

He stated that he accepted the position of Vice-Chairman at the request of Mr. Parker and because he was Vice-Chairman for the past two years.

There was discussion about a gentleman who has been calling about the library. Mr. Cadime and Mr. Fuller are dealing with it.

Chairman Andrade explained that the books for sale in the lobby are donated to the Friends of the Library and that organization is in charge of those books.

July 27, 2016

-12-

Mr. Cadime said this man was allowed to go through the books and now he wants to do it all the time before they are put out front. There's concern because there are liability and personnel records back there.

EXECUTIVE SESSION – None.

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

VOTED: To dissolve.

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary