

BOARD OF SELECTMEN
OCTOBER 19, 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, anyone recording the meeting must notify the Chair. The Board of Selectmen is recording audio and visual.

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 (1 BOS), Permanent Building Committee (5 BOS), Recreation Committee (1 BOS), Recycling Committee (1 BOS), and Finance Committee (1 Moderator).

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Consider Blanket Temporary Approvals for Food Vendors for “Trunk or Treat” Event

Mr. Cadime advised this is an event sponsored by Parks and Recreation to be held on Saturday, October 29, 2016, at the Hurley Middle School. Various vendors will provide free food and ice cream. The Health Agent will be there to do inspections.

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

VOTED: To authorize the blanket temporary approvals for food vendors for one day during the Trunk or Treat event.

LICENSE HEARINGS

Reconsider the Class II Motor Vehicle License for Gas on the Run

Mr. Zouhnir Sendian was in attendance.

Mr. Cadime recalled that the Board had referred this to the Planning Board for site plan review. Part of it was the oil/water separator. It was referred to the Board of Health but it does not fall

under the jurisdiction of the Board of Health. It falls under the plumbing code. The stipulation was that the Board of Health would sign off on it. They have signed off. There is still the issue with the oil/water separator. Mr. Sendian is working with an engineer to come up with plans. There are only a few months before he would require another license. Mr. Cadime recommended that the Board allow him to get the Class II motor vehicle license and see where he stands with the oil/water separator upon renewal. If he is going forward with it, the license would be renewed.

Ms. Hines referred to a letter from the plumbing and gas inspectors that Mr. Sendian is still in non-compliance with the gas/oil separator. She doesn't have a problem with him selling cars, but she has a problem with him servicing cars.

Mr. Cadime said the Town does not issue license for vehicle repairs. The Board approves the Class II license. The Town already approved the underground storage tanks.

Mr. Viera had concerns with the pumping of gas without the oil/water separator.

Chairman Andrade asked how long the building was vacant.

Mr. Sendian said three years. He started the process for a license in February.

Chairman Andrade felt there is nothing that would prohibit the Board from awarding a license.

Mr. Viera suggested the Board approve with stipulation that work has to be done within six months or the Board would rescind the license.

Chairman Andrade suggested waiting until spring.

Mr. Almeida didn't want this business owner to be singled out. If the Board puts a stipulation on this license then all stations should be checked to make sure they are in compliance.

Mr. Cadime said they can't do that. It is a change of use. This is for gas station, repair and sales of autos. He said probably a majority of stations do not have oil/water separators.

BP is looking to come before the Board for a Class II license and will be required to do the exact same thing.

Mr. Cadime said there will be no signoff on requests for permit for any type of renovations if they are not in compliance.

Mr. Sendian said he is working with town and state inspectors on this.

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

VOTED: 4 Ayes; 1 Nay; To approve the Class II motor vehicle license for Gas on the Run and to give the applicant six months from this date to at least have an approved set of plans drawn for the oil/water separator.

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

Ms. Hines and Mr. Parker felt this is beyond the jurisdiction of the Board of Selectmen.

NEW BUSINESS

Vote to Award the General Obligation Bonds dated November 1, 2016

Treasurer/Collector Christine DeFontes was in attendance.

Mr. Cadime explained this was for the refunding of the public safety bonds and the bonds for the senior center. Originally, the bonds were going to save the Town \$130,000. The interest came in lower so the actual generated savings is \$141,000. The percentage is 2%. The actual interest rate is 1.84%.

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

VOTED: See attached motions.

Board members thanked Mrs. DeFontes. Mr. Parker said he hoped that residents appreciate that Mrs. DeFontes and her office has saved the Town over \$1M in just interest by renegotiating and refinancing.

Discussion of Right of Way Opening Permit with the Resident at 367 Lincoln Street for Water Service Connection

Mr. Scott DaSilveira of 12 Barton Avenue, Warren, RI is the owner of the property at 367 Lincoln Street.

DPW Supt. David Cabral said this is a request for a permit for water service connection. It is off the street but very close to the roadway. There is a good chance the paved area could be impacted. They are looking for a 1” connection. The water main is 15” off the pavement. They would be coming at a 45 degree angle toward the house.

Mr. Parker asked how much of the road would be dug up.

Chairman Andrade said the roadway will not be cut. It is in proximity to the end of the pavement and will impact and possibly undermine the road. The only way to avoid that is to put sheet piling at the edge of the pavement.

Mr. Cabral said he wanted to bring this to the Board.

Mr. DaSilveira said he can't be 100% sure it would not compromise the road; but, if it does, he will make sure it is restored by a reputable contractor.

He noted he owns the house. The well went dry two weeks ago. He knew the service was there but he did not know the road was going to be paved. He understands the moratorium.

He would like to shore it up, excavate to the 5 ft. elevation and undermine the shoring, tap the main, and backfill using flowable fill.

Mr. Cabral wanted to make sure everybody understands there is still a chance it could end up with undermining of the roadway.

Mr. Almeida felt this is an urgency to get water to the people living in that house.

Chairman Andrade asked if Mr. DaSilveira would have a bond if there was undermining of the road any time during the duration of the moratorium

Mr. DaSilveira said he has a bond with the Town but he is not sure it would cover that.

Mr. Cabral said he would sign the permit but would prefer the Chairman to sign. He felt there should be a bond even if it is a minimal amount.

Mr. Almeida motioned, seconded by Mr. Parker, and it was unanimously

VOTED: To approve the right of way opening permit for 367 Lincoln Street and that sheeting would be installed along the road edge prior to excavating and a bond of \$3,000 is in place until a year after the moratorium has expired.

The Board authorized Mr. Cabral to sign the permit.

Discussion of Right of Way Opening Permit with the Resident at 349 Lincoln Street for Water Service Connection

Mr. Cabral advised this is for an eleven lot subdivision. A curb cut was approved for a driveway in November 2015. The water main is between 3 and 5 ft. set back from the edge of the

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roadway. It is different from the previous request. It is a 16-inch main and there is a service connection for an 8" water main.

He introduced Bernard Mastropietro, who stated the previous DPW director told him he did not need a road opening permit.

Mr. Cabral suggested a \$5,000 bond for five years from the date the work is complete.

Mr. Viera and Mr. Parker felt it should be the same as the previous one (one year after the moratorium expired).

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

VOTED: To approve the right of way opening permit for 349 Lincoln Street as submitted and the contractor must have a \$5,000 bond for one year after the moratorium expires and that sheeting is included along the roadway, if needed.

Discussion with Alternative Compassionate Services for a Proposed Registered Marijuana Dispensary

Mr. Steven Werther of Scituate, RI, president of the company, explained his plan for a registered marijuana dispensary. He is looking for a letter of non-opposition as required by the Department of Public Health to open a dispensary.

They have been awarded a preliminary license in Bridgewater, MA.

They are a non-profit but not a 501C3.

Ms. Hines asked what part of town he is looking at.

Mr. Werther said in the approved zone at 1801 Fall River Avenue. They would like to buy the building and pay taxes.

Ms. Hines said that another business has asked for a letter of non-opposition at the same address..

Mr. Cadime said the Atty. General's office has stated we cannot prohibit a business for the distribution of marijuana. The Department of Public Health has required the applicant to submit a letter of non-opposition as part of the application process or the application won't be processed. There is some discussion going forward whether the Dept. of Health will eliminate that requirement.

Mr. Viera noted the Planning Board established a zone to keep it in one area.

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Mr. Almeida asked how this would help the town.

Mr. Werther said is it a host agreement. It depends on the town. They only accept cash and debit cards.

Mr. Viera cautioned that this Board had listened to another proposal and voted against it.

There was talk about taking it under advisement and doing research and also getting comments from residents.

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

VOTED: 4 Ayes; 1 Nay; Not to provide a letter of non-opposition.

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

Consider the Acceptance of a Donation from Robert W. Pardini to the Animal Shelter in Memory of Carole Pardini

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

VOTED: To accept the donation to the animal shelter from Robert W. Pardini in memory of Carole Pardini.

Consider the Acceptance of Cash Donations to the Animal Shelter

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

VOTED: To accept the cash donations to the animal shelter.

Consider the Approval of Minutes of September 21, 2016

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

VOTED: To accept the Regular Session minutes of September 21, 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 received an invitation from Bill George, President of the Seekonk Central Volunteer Fire Association, to attend the Fire Museum opening at 211 Newman Avenue on Saturday, October 29, 2016, from 9 am to 12 noon. The public opening is on Saturday, November 5, 2016, from 9 to 12 noon.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Veterans Memorial Committee Liaison Report

Mr. Viera advised the bricks should all be in place for the Veterans' Day ceremony. Once that is completed, the bricks that need to be refurbished will be done. The committee met last night but will not meet again until March 2017.

One member has missed six meetings. According to the bylaws, a member who misses five unexcused meetings should be replaced. They will be looking for a replacement.

The Veterans Agent is doing an excellent job coordinating the Veterans' Day celebration along with the Friends of the Veterans Memorial Park.

Mr. Parker raised a question about applicants for license renewals having to get sign off from department heads.

Mr. Cadime advised the process has changed from past years. Also, in the case of liquor license renewals, fingerprinting is required by law.

Ms. Hines thanked everybody who attended the Food for Fuel.

Saturday, November 5 is American Recycling Day at the Seekonk Public Library.

She suggested people read the red book sent to residents before they vote. Early voting starts on October 24, 2016 through November 4, 2016 in the meeting room at Town Hall during regular hours.

Mr. Cadime noted the November 2, 2016 Board of Selectmen meeting will be held at the senior center at 540 Arcade Avenue. The meeting will not run live but will be recorded for broadcast.

EXECUTIVE SESSION

At 8:35 p.m. Mr. Almeida motioned, seconded by Mr. Viera, to go into Executive Session to conduct strategy session with respect to negotiations with Seekonk Firefighters Union IAFF Local 1931 per M.G.L. Chapter 39A, Section 21(a)(3) as having discussion in open session

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would be detrimental to the litigation or bargaining position of the Town and to consider the approval of Executive Session minutes of September 21, 2016, August 24, 2016, and September 7, 2016; not to return to Open Session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary