

BOARD OF SELECTMEN
AUGUST 23, 2017
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(f), anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording via audio and visual.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Almeida announced that volunteers are needed for the Capital Improvement Committee (2 Board of Selectmen appointments), Charter Study Committee (1 BOS), Conservation Commission (3 BOS), Energy Committee (2 BOS), Historical Commission (1 BOS), Property Tax Work-Off Committee (2 BOS), and Zoning Board of Appeals (1 BOS).

Talent bank forms are available at town hall or on the website.

PRIORITY MATTERS

Swearing in Ceremony for Wayne Thornhill, Jr. as a Patrolman Third Class

Chief Craig Mace stated the Board had approved a conditional offer of employment for Mr. Thornhill on June 14, 2017. As a member of the MBTA, he was commended in 2015 for saving a life and affecting the arrest of a violent suspect. Chief Mace noted that Mr. Thornhill is very enthusiastic about joining the Seekonk Police Department.

Chief Mace requested and Mr. Cadime recommended the appointment.

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

VOTED: To appoint Wayne Thornhill, Jr. as Patrolman Third Class.

Patrolman Thornhill was sworn in by Town Clerk Florice Craig. His wife pinned his badge.

COMMUNITY SPEAKS

Ms. Lauren Walsh of 150 Hope Street spoke about the placement of the howitzer at the Veterans Memorial Park.

She said the chairman indicated this was the first time he heard any opposition to the placement at that location. She expressed disappointment because she had sent an e-mail to all Board members and she had communicated to Mr. Viera in May that a howitzer should not be placed there. She had requested documentation with direction to any town employees to participate in the transfer of that gun to the Town of Seekonk.

An artist rendition of the memorial was presented in the lobby at town meeting back in the spring of 2015. The end result is a beautiful, solemn location to remember those who served, died, or were missing in action.

She is truly disappointed that this Board, that often advocates democracy in this town, never gave the community the opportunity to come forward and provide feedback. The first time it was on the agenda of the Veterans Memorial Park Committee was on August 10 2017 and that was for the placement. She felt this Board failed the democratic process. She is extremely disappointed in the chairman who prepares the agenda. If it was a gift, it was never placed on the agenda for acceptance. She truly believes that gun does not belong in that location. It contradicts the purpose and beauty of that site.

Chairman Andrade replied it was not an agenda item but was presented under the Veterans Memorial Committee Liaison Report. There was a consensus of Board members. It is on loan from the National Guard as an historic piece of memorabilia. The location is temporary. The committee will be discussing a final location with the Board of Library Trustees.

Ms. Doreen Taylor, 175 Bradley Street, said she is responsible for posting the agendas for the Veterans Memorial Park Committee although she is not a member of the committee. She is a volunteer. Each posting indicates updates to the project; it doesn't mean voting. Not one person who complained about the howitzer has attended a meeting. There was no impropriety on the part of this committee.

Mrs. Ann Hardy of 86 Sherman Avenue supported the Veterans Memorial Park Committee. They have done an absolutely great job. Mr. Viera has given the account of what is happening. She sees nothing wrong. The howitzer, it is a part of history. She felt it should stay there as a symbol of the history of the military.

Mr. Doc Rubel of 75 Baker Street thanked the veterans in attendance. He questioned if the intent is to dishonor our veterans by removing something that has been in many battles throughout the years. He felt it is an honor to have that howitzer given to the Town of Seekonk by Rep. Steve Howitt and the Rehoboth National Guard.

Mr. Robert DeFontes, 207 Bradley Street, Vice Chairman of the Seekonk Veterans Memorial Park Committee, said he is appalled at all of this. It should never have happened. People fail to realize what the howitzer means. It is symbolic and no more than having a statue up there to represent who paid the ultimate sacrifice and may have used a weapon like that to protect the

freedoms we have today. The library has no control over that land. It is town property, deeded over to the Veterans Memorial. The Board of Selectmen commissioned the Veterans Memorial Park Committee to build that memorial. It was five years of hard work by volunteers. He has heard people say that piece of artillery is evil. He felt the citizens of this town are living in a bubble.

Chairman Andrade cautioned Mr. DeFontes to stay on the memorial topic.

Mr. DeFontes added that howitzer was discussed months ago, even last Veterans' Day. It belongs to the veterans and the Town of Seekonk.

Mr. Viera said what transpired two weeks ago gave him nothing but flashbacks to the 1960s to the point that you didn't want to wear your uniform because you were shunned, spit at and pushed around. He said the howitzer is to remind people that history is destined to repeat itself, not saying that might not happen again. The Veterans Memorial Park was built there and to coincide with the library as a learning tool. Hopefully, the howitzer and memorial are a learning tool. He noted there are books in the library on war as a learning tool.

Mr. Thomas Benoit of 80 Ferncliffe Road asked who has the overall responsibility for the land. He felt the howitzer is overshadowing the memorial.

Mr. Clifford Harris of 23 Bunker Street said he was in that war. He doesn't see anything wrong with that being near the memorial. It gave many people freedom.

Mr. Viera said the final location will be decided within the next couple of weeks.

Ms. Taylor said no tax dollars have been expended to put that there. It is non-functioning. It is history and is important to the men and women who fought. She added that it would cost money to have a ballot question about where to put the howitzer.

Mr. Peter Benson (no address) spoke on behalf of his family of military. He felt the cannon belongs right there by the memorial.

Discussion with the Board of Library Trustees about the Care, Custody, Management and Control of Library Properties

Mr. Michael Durkay, 50 Elm Street, Chairman of the Board of Library Trustees, advised that, at a special meeting last Wednesday, trustees voted to request that the Board of Selectmen not authorize any changes to the properties under the care, custody, management and control of the Board of Library Trustees until the Board of Selectmen resolve the questions and concerns pertaining to administration of those properties, specifically the property at Newman Avenue at the site of the library, Veterans Memorial and The Meadows.

The reason for the vote was motivation driven by numerous questions and as a result of concerns from patrons about the site of the howitzer. The Board of Library Trustees could not answer question because members knew nothing about the placement of the howitzer. Because of a lack of information flow, the feeling of divisiveness comes out in the town. Also, the procedures established by the Board of Selectmen and rulings adopted by other bodies are not being followed.

He stated that, at the Town Meeting of May 24, 2010, it was unanimously voted to transfer care, custody, management and control of library-related parcels on Newman Avenue from the Board of Selectmen to the Board of Library Trustees. It's town land, but the Board of Library Trustees has the responsibility of that property. Prior to that, a ruling from KP Law indicated M.G.L. not specific to land. The warrant article specified parcels of land.

Prior to the November 2013 Special Town Meeting, the Board of Library Trustees decided to forego a potential contentious debate and agreed to allow the Board of Selectmen to use a portion of the land for the memorial. There were two conditions: (1) the final design would be approved by the Board of Library Trustees prior to submission to the ZBA, and (2) the Board of Library Trustees was to be updated continuously as to the activities of the committee. This was to avoid liability and keep patrons up to date. Two members of the Board of Library Trustees were invited to serve as liaisons to meetings of the Veterans Memorial Park Committee. The final design was approved by the Board of Library Trustees and the ZBA. It did not include a howitzer in phase 1, 2, and 3. Therefore, Mr. Durkay feels it requires another permit. The Chairman of the Veterans Memorial Park Committee at that time indicated that only granite slabs were to be put in place and nothing else. Representatives from the Board of Library Trustees were no longer invited to Veterans Memorial Park Committee meetings.

He continued that the howitzer was dropped on the property and nobody knew anything about it. He questioned if the addition of this item is within the scope of the permit issued by the ZBA. He now found out it is a loan to the town.

He asked who is responsible if or when a child is injured after crawling on that howitzer. Individual trustees will be named in some kind of lawsuit. The library director did not know it was going to be placed on that site. He did call his insurance company to ask about liability.

He felt the ZBA needs to review special use permit. Residents need to be involved in discussions about changing the nature of the memorial with the addition of the howitzer. He respects people who support it but it has to be all residents.

The Board of Library Trustees wants to make sure that its chairman is included in discussion about any further changes.

Mr. Viera said that Mr. Cabral called Mr. Fuller.

Mr. Fuller said he got a text message the day before.

Ms. Hines wanted clarification as to what insurance company he contacted.

Chairman Andrade said the liability is there no matter what.

Ms. Hines asked if Mr. Durkay relinquished control of the property when authorization was given to the Veterans Memorial Park Committee.

Mr. Durkay said no because it would have come back to the town.

Mr. Almeida said at the time of town meeting vote he assumed the rights were given back to the town. If it's decided that the library has control and care, additional steps should have been taken before the howitzer was put there.

Mr. Viera agreed.

Mr. Almeida felt it could be put on town hall property.

With respect to the special use permit, Chairman Andrade felt adding the howitzer does not change the use.

Mr. Cadime said there is nothing to memorialize what happened and there are no paper trails to go back to 2013. As far as communication, he directed DPW to notify the library that the howitzer would be placed there.

Ms. Taylor said all meetings of the Veterans Memorial Park Committee are posted. The two liaisons should have attended those meetings.

Mr. Durkay felt that liaison members should have been apprised of what was going on.

Mr. Parker felt the final decision on the howitzer should be with the Board of Library Trustees.

Mr. David Sullivan, Sr. suggested checking all minutes of the Board of Selectmen and Board of Library Trustees meetings to find out what transpired.

LICENSE HEARINGS

Consider the Application for the Change of Officer/Director of an Annual All Alcohol Liquor License for 99 West, LLC, 821 Fall River Avenue, Seekonk, MA by Joseph H. Devlin, Esq.

Mr. Cadime advised that it had already been submitted to the ABCC for review.

Atty. Devlin was in attendance. He explained the letter from the ABCC is incorrect. There are two new officers: Charles Noyes and Gregory Hayes.

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

VOTED: To approve the change of officer/director of the annual all alcohol liquor license for 99 West, LLC, 821 Fall River Avenue, Seekonk, MA; subject to receipt of corrected documentation from the ABCC.

Consider the Application for a Mobile Food Cart Permit for Kerri Arruda, KB's Poppin' Perfection, to Sell Popcorn at the Seekonk Speedway Flea Market, 1710 Fall River Avenue, Seekonk, MA

Ms. Arruda was in attendance.

Ms. Hines said there should be written permission from the property owner.

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

VOTED: To approve the application for a mobile food cart permit for Kerri Arruda, KB's Popping' Perfection, to sell popcorn at the Seekonk Speedway Flea Market, 1710 Fall River Avenue, Seekonk, MA.

OLD BUSINESS

Update on the Phone System Project

Mr. Cadime advised the installation of the town-wide phone system is substantially completed. The animal shelter was not included because of the proposed new building. The contractors are working on a short punch list. The service vendor will change from Broadview to Comcast.

Update on the Pond Level at Pond Street Bridge

Conservation Agent Jennifer Miller had a slide presentation. She reported that the pond at the Attleboro Dye Works site looks quite different now. The sluiceway is lower. Boards at the site might have deteriorated. There is still water flowing but not held back at the pond.

Mr. Cadime asked if there is a need for the dam now that there is no textile.

Mrs. Miller said they have got to look at the structure of the dam and the soils. Vegetation might die off. This provides an opportunity to do further assessment of soils in the pond area and further evaluate contamination upstream and look at the structure of the bridge.

Discuss Administrative Assistant's Job Description

Mr. Cadime read from a list of responsibilities in the BOS/TA office. He also had a copy of the job description approved by the Board of Selectmen in 2012. He intends to combine the two part time positions into one full time position in the future. He also had the job description for full time employee which was amended when Mrs. Testa was hired about 1 ½ years ago. An assistant town administrator would cost from \$95,000 to \$125,000. He recommended a part time assistant at \$20,000 which is a substantial savings.

He noted there are other priorities in town such as a south end fire station and a new facility for DPW.

Mr. Viera wanted to address the assistant town administrator or human resources position.

Mr. Cadime felt he could handle that right now.

NEW BUSINESS

Consider the Approval of Regular Session Minutes of July 26, 2017 (Tabled at August 9, 2017 Meeting)

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

VOTED: To accept the Regular Session minutes of July 26, 2017.

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

Veterans Memorial Committee Liaison Report – None.

Mr. Parker asked about the public hearing for the green communities (stretch code).

Mr. Cadime replied he has to coordinate with Mr. Pickering. There has to be a public hearing before it can be included on the fall town meeting.

Ms. Hines announced the dates of the upcoming town meetings: November 13, 2017 and May 14, 2018.

Mr. Almeida suggested sending out postcard reminders about the fall town meeting.

Mr. Viera said the town clerk puts an ad in the local Reporter. But, it is usually old news by the time the newspaper comes out.

To ensure there is a quorum, Mr. Almeida advised he will not be in attendance at the next executive session.

Chairman Andrade said he received an e-mail last night which indicated the Board of Selectmen agenda was not on the website. He could not find it either.

Mr. Cadime said the agenda and amended agenda were posted.

Chairman Andrade responded to a comment made by a speaker earlier. He wasn't talking about the last three months. It was more that he hadn't heard about the issue recently.

He stated that he tries his best to include items on the agenda as requested. However, due to maintaining the harmony of this Board, he intentionally did not include the request made at the previous meeting.

Mr. Viera said he was sure it was pertaining to his request.

Mr. Almeida suggested the Board meet with the DPW Superintendent to get an update on the preparedness for snow removal.

Mr. Parker noted the list of vendors will not be available until November.

August 23, 2017

-9-

Mr. Cabral suggested they review the application. Private vendors are not coming forward because the Town's requirements are high. It costs vendors more money to come to Seekonk over other communities.

EXECUTIVE SESSION

At 9:26 p.m. Mr. Viera motioned, seconded by Ms. Hines, to go into Executive Session to conduct strategy sessions with respect to negotiations with the Fire Chief per M.G.L. Chapter 30A, Section 21(a)(2), the Finance Director with respect to M.G.L. Chapter 30A, Section 21(a)(2), DPW AFSCME Council 93 per M.G.L. Chapter 30A, Section 21(a)(3), and Seekonk Public Library Employee Association, MLSA AFT Massachusetts, AFL-CIO per M.G.L. Chapter 30A, Section 21(a)(3), as having discussion in open session would be detrimental to the litigation or bargaining position of the town; not to reconvene to open session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary