

BOARD OF SELECTMEN
AUGUST 9, 2017
REGULAR SESSION

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

Town Administrator: Shawn E. Cadime

Atty. Jeffrey Blake of KP Law was in attendance.

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 21(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 on the Capital Improvement Committee (2 BOS appointments), Conservation Commission (3 BOS), Energy Committee (2 BOS). Historical Commission (1 BOS), Property Tax Work-Off Committee (2 BOS), Zoning Board of Appeals (1 BOS).

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Consider the Conditional Offer of Employment to Shandra Ferreira to the Position of Senior Secretary to the Building Inspector

Mr. Cadime recommended.

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

VOTED: To extend a conditional offer of employment to Shandra Ferreira to the position of Senior Secretary to the Building Inspector.

Consider the Conditional Offer of Employment to Edward Oliver III as Firefighter/ Paramedic Third Class

Chief Healy requested authorization to extend a conditional offer of employment to Mr. Oliver.

Mr. Cadime recommended.

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

VOTED: To extend a conditional offer of employment to Edward Oliver III as Firefighter/Paramedic Third Class.

Rescind the Conditional Offer of Employment for Meghan Joyal for the Position of Part-Time Conservation Secretary

Mr. Cadime advised that she has reconsidered the position.

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

VOTED: To rescind the conditional offer of employment to Meghan Joyal for the position of part-time Conservation Secretary.

Consider the Conditional Offer of Employment for Maria D. Balboni for the Position of Part-Time Conservation Secretary

Mr. Cadime advised that Ms. Balboni had interviewed for the position in the Building Department. Conservation Agent Jennifer Miller met with her and feels she is a good fit for that office. He recommended the offer of employment.

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

VOTED: To extend a conditional offer of employment to Maria D. Balboni for the position of part-time Conservation Secretary.

Consider the Appointment of Deborah Baldizar to the Arts Council

Ms. Baldizar was in attendance. She is an artist and honored to be able to serve on the council.

Mr. Cadime recommended the appointment.

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

VOTED: To appoint Deborah Baldizar to the Arts Council for a three-year term.

Consider the Public Amusement License Application for Fear Town Productions, LLC by Michael Quill to Operate Fear Town Haunted House at 1710 Fall River Avenue

Mr. Quill was in attendance.

Mr. Cadime advised this is an annual request. Mr. Quill would like to extend the time from 4 p.m. to 2 a.m. this year.

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

DEFEATED: 3 Nays; 2 Ayes; to approve the license for Fear Town Productions, LLC to operate Fear Town Haunted House from 4 p.m. to 2 a.m.

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

Prior to the vote, Mr. Quill stated it's really busy in October so he wanted to make sure there was enough time. It takes 45 minutes to get through the event. There has never been a problem with noise.

Ms. Hines noted the Police Department does not seem to have a problem.

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

VOTED: To approve the license for Fear Town Productions, LLC to operate Fear Town Haunted House at 1710 Fall River Avenue from September 28 to November 5, 2017 from 4 p.m. to 1 a.m.

Discussion and Ratification of an Earlier Vote Taken by the Board of Selectmen on June 28, 2017 Regarding the Computer-Assisted Mass Appraisal (CAMA) Contract for Property Valuation

Mr. Cadime advised this was placed on the agenda in order to clarify CAMA in response to an open meeting law violation.

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

VOTED: To ratify the vote taken on June 28, 2017 for the Computer-Assisted Mass Contract (CAMA) for property valuation.

PUBLIC HEARING

Consider the Request for the Street Acceptance of Becky Lane in the "Summer Meadows" Subdivision by In-Site Engineering

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

VOTED: To open the public hearing at 7:16 p.m.

Mr. Eric Bradberry of 5 Becky Lane said the builder never completed some of the work. The residents filled in with loam. He asked if anything could be done for the residents.

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Town Planner John Aubin said there is still a surety. He suggested Mr. Bradberry submit a claim to the developer.

Chairman Andrade suggested it should be deferred to legal for clarification.

Mr. Viera wanted to make sure the residents are compensated by the developer.

Mr. Bradberry said there was supposed to be a fence behind his property.

Mr. Viera suggested that Mr. Bradberry check with Mr. Aubin about all his concerns.

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

VOTED: To close the public hearing at 7:25 p.m.

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

VOTED: To place the street acceptance of Becky Lane on the warrant for the November Town Meeting and refer to the Planning Board.

Prior to the vote, Mr. Almeida asked why the Planning Board had voted on July 11 to reduce the amount of surety since there are still items for completion.

Mr. Aubin advised there is \$15,200 that was reduced from a previous amount. That is to cover remaining public improvements. He will get a punch list from the developer.

He noted that he is dealing with subdivisions that go back to 1995.

Mr. Almeida suggested Mr. Bradberry attend town meeting if there are any unresolved issues.

Chairman Andrade said it is not uncommon to reduce a surety.

Mr. Aubin explained the process when a request is made for a surety reduction.

Dangerous Dog Hearing for Dog Owned and/or Kept by Nelia Couto at 380 Central Avenue

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

VOTED: To open the public hearing at 7:29 p.m.

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Animal Control Officer Sharon Hall advised that Ms. Couto was unable to attend the meeting because she was taking care of elderly parents. Ms. Hall observed the mussel and crate for the dog and took pictures. Ms. Couto does not have the insurance or outdoor pen.

Chairman Andrade referred to a handout given to Board members from Deana Smith regarding a previous incident on 2013 with a dog (Oscar) owned by Ms. Couto.

Mr. Almeida felt it is important to read the letter to prove the track record of this dog owner and continuance of negligence owning a dog.

Atty. Jeffrey Blake said he worked with Ms. Hall on that dog complaint. The dog was surrendered.

Mr. Cadime said this matter concerns the dog, Duke.

Atty. Blake questioned the relevance of the letter. The reason for this hearing is to determine whether the owner complied with the order of May 22, 2017.

Chairman Andrade said they would take the letter under advisement.

Atty. Blake said he spoke to Ms. Hall. She spoke to the dog owner and knows whether the order has been complied with.

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

VOTED: To close the public hearing at 7:37 p.m.

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

VOTED: To remove the second dog from the home for non-compliance of the original order. (Motion withdrawn later on.)

In discussion prior to the vote and reading from the stipulations of May 22, Ms. Hines asked if the dog has been securely confined indoors or outdoors in an enclosed-locked dog pen or run.

Ms. Hall said she took pictures of him inside the crate and she saw the dog mussel he has to wear when he goes out on the leash. Ms. Couto does not have a confined outdoor area. She doesn't have insurance because she does not own the house. She showed Ms. Hall a list of the insurance companies she called.

Ms. Hall added that she has not heard of any incident when the dog was out without the mussel.

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

VOTED: That the dog owner is ordered to immediately surrender the dog and license to the licensing authority because she failed to comply with the May 22 order which required her to have a fenced area outside and get \$100,000 insurance or make a reasonable effort to get insurance. The owner shall be prohibited from licensing a dog within the Commonwealth for five years.

The previous motion by Mr. Parker, seconded by Mr. Viera to remove the dog was withdrawn.

Mr. Almeida asked what happens if the dog disappears.

Ms. Hall said she will contact surrounding towns and the Connecticut town Ms. Couto is from to look out for the dog.

Atty. Blake said they could ask the court to order her to surrender the dog.

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

VOTED: To authorize the town administrator to work with town counsel and the animal control officer to move forward with legal proceedings if the dog is found loose or not in the possession of Ms. Couto or family members.

Rgarding the second dog, Ms. Hall said it has been evaluated and will be evaluated one more time. If all goes well, the dog will be leaving to another facility

OLD BUSINESS

Consider and Sign the Old Town Hall Deed

Mr. Cadime said the title exam was completed and all covenants and restrictions included in the deed. He recommended the Board sign.

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

VOTED: To sign the Old Town Hall Deed.

Consider and Sign the Extension of the Purchase and Sales Agreement for the Benson Property Located at 0 Read Street

Mr. Cadime said the legal description of the property is vague. There are no boundaries. The property is landlocked. The right of way is not valid and the location cannot be ascertained.

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The attorney recommends a survey.

Atty. Klein of KP Law suggested the Board has three options – (1) additional title work on other properties to see if any specific language regarding right of way (2) forgo the purchase of the property or (3) to assume that the right of way may be challenged.

The Benson family is looking to have the property named after Herman Walker Tingley, former owner of the property and grandfather to the Bensons. The family goes back quite some time in the Seekonk/Rehoboth area. Atty. Klein indicated there is no guarantee the property would always be named that since the Board can't make that determination

They are looking to move the closing to September 29th at 11 a.m.

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

VOTED: To sign the extension of the purchase and sales agreement for the Benson Property located at 0 Read Street, without naming rights.

Chairman Andrade and Ms. Hines want to know about the right of way.

NEW BUSINESS

Preliminary Discussion of a Partial Rezone of a Portion of 800 Fall River Avenue from Residential-3 (R3) to Highway Business

Town Planner John Aubin III said work has been done over the past 18 months for 800 Fall River Avenue – former showcase cinema. The proposal would be to relocate the highway business sign to confirm the commercial use of that area and lay ground work. He had referred to aerial photos showing proposed zoning. He suggested moving forward with rezone for the Fall Town Meeting and passing along more information to the Economic Development Committee.

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

VOTED: To refer the partial rezone of a portion of 800 Fall River Avenue from Residential-3 (R3) to Highway Business to the Economic Development Corporation and the Planning Board for preliminary review.

Mr. Almeida would consider a rezone to commercial but a large increased buffer – maybe 100 ft.

Mr. Viera said the back of the property is zoned residential. The town had requested a rezone in the past but it was rejected at town meeting.

Mr. Aubin will come back with information regarding a recommendation.

Discussion of Traffic Safety Concerns in the Banna Estates/Pleasant Street Area Raised During the Planning Board's Site Plan Review of 214-224 Taunton Avenue

Mr. Aubin said he drove the area of Pleasant Street and through the development. He only saw one speed limit sign at 30 miles per hour.

The Planning Board voted to ask the Board of Selectmen to direct police and DPW to place additional traffic controls or signs in preparation for Cumberland Farms.

Mr. Aubin noted there are residents in the audience. It came up as a general concern at a Planning Board meeting.

Mr. Parker motioned, Mr. Viera seconded, and it was unanimously

VOTED: To refer the matter to DPW and Police Department to do an investigation for additional signage and to post speed limits. Residents should be included in discussions.

Mr. Parker noted that speed limits are not posted because sometimes the speed limit from the state is actually higher.

Mr. Cabral said that speed limits have to be limited through Mass. DOT. He felt the problem is to enforce the cut-through traffic

Mr. Parker wanted to make sure that DPW will listen to residents.

Mr. Viera said that Pleasant Street is too narrow for truck traffic.

Mr. Almeida wanted to allow residents in the audience to speak.

Mr. Viera would like to see concerns in writing in order to be properly addressed.

Mr. Parker assured residents they will be included in the decision process.

Mr. Viera said he would be in favor of no permit to store gasoline for this Cumberland Farms.

Mrs. Heather Hunt of 13 Evelyn Way liked the idea of a one way. She said the one sign was taken down and now trucks are going down Pleasant Street. The biggest concern is the gas and that construction vehicles will park on Evelyn Way.

Chairman Andrade said a parking plan is part of the construction plan that is approved by the Board.

Application for the Conduct of a “Toll Road” for a Fill the Boot Campaign at Bakers Corner on August 27, 2017

Mr. Cadime advised this is a request by the firefighters’ union. The “Fill the Booth” event will be on Sunday, August 27, 2017 from 9 a.m. to 3 p.m. It has Chief Healy’s approval.

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

VOTED: To approve the request from the Firefighters Union Local 1931 to conduct a “Toll Road” at Bakers Corner for “Fill the Boot” campaign on Sunday, August 27, 2017 from 9 a.m. to 3 p.m.

Discussion of Assistant Town Administrator/Human Resources/Procurement and/or Part Time Administrative Assistant

Mr. Cadime said there have been several requests for him to look into the above to help assist with some of the duties he takes on in town. He has given it serious consideration. An assistant position would cost from \$90,000 to \$120,000. With in-house staff, he could delegate duties to an additional clerical position at a salary of \$20,000. The goal would be to eventually make it a full time position combining the two part time positions.

Mr. Viera asked if that takes into consideration the HR position as per charter.

Mr. Cadime said he would continue to do that.

He is looking to go in a different direction. He is looking to fill the position internally.

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

VOTED: 4 Ayes; 1 Nay; To authorize the Town Administrator to go forward and put together a plan, including job description and figures and bring it back to the Board.

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

In discussion prior to the vote, Ms. Hines wanted to see a job description.

Mr. Parker stated that he personally very much opposes this at this time for several reasons. There was a Town Meeting recently. Traditionally, staff is not added after a Town Meeting. He commended Mr. Cadime on his presentation at Town Meeting, but questioned how 60 days later he can say he needs additional staff. He is looking to add another person part time which will become full time with benefits next year. It is not a good idea..

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Mr. Parker stated further that the Board had added \$5,000 to the Finance Director's salary to serve as procurement officer and assistant town administrator.

The job description for the current part time administrative assistant was rewritten at a higher salary. He asked if that person is doing the job.

Chairman Andrade said that Mr. Cadime needs more clerical help.

Mr. Cadime said that happened before his time. She does other duties when not doing minutes.

He can't justify an assistant town administrator position at the salary they would have to pay.

Also, the stipend for the Finance Director was a cost adjustment and stipend for serving as town administrator when the town administrator is not here. That was also done before his time.

Mr. Viera said that unintentionally some things have fallen through the cracks. The Board has always taken the recommendation of department heads so this should be no different.

Mr. Almeida said the salaries of the two would be \$40,000 to avoid a \$100,000 position.

Mr. Cadime said there is money because the building inspector secretary position has been vacant for some time and has just been filled and the Conservation Commission secretary position is still vacant.

Mr. Almeida suggested waiting until the November Town Meeting to satisfy Mr. Parker's concerns.

Mr. Parker said there is a procedure for adding people.

Chairman Andrade asked when the full time would happen.

Mr. Cadime said he would not look for a full time position until the next fiscal budget.

He added that he is the procurement officer.

Mr. Parker said this was never on the agenda. He does not attend executive sessions but he has all the minutes. He felt that he is not in "the group."

Chairman Andrade said that's because he is not always there.

Ms. Hines said she is unsure. To Mr. Parker's point, if someone is being paid to be procurement officer and is not doing it, the salary should be adjusted.

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Mr. Cadime said there are constant interruptions for Mrs. Testa. She has done a phenomenal job changing the culture of the town administrator's office. There is always room for improvement.

Mr. Viera suggested changing the make up of the office.

Consider the Approval of Regular Session Minutes of July 26, 2017

Ms. Hines did not get minutes.

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

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

COMMUNITY SPEAKS

Mr. Paul Miles Matthias of 363 Ledge Road asked who is responsible for the large green howitzer sitting on the library property.

Mr. Viera said it was discussed at a Veterans Memorial Park Committee meeting and brought to the Board of Selectmen for discussion.

Mr. Matthias said he hoped that Board members read the letter from residents. He didn't think this was the proper way to remember veterans and not sure that everybody thinks a 20 ft. howitzer is a good idea. He proposed this be brought up with a larger group of people for a consensus vote if the howitzer should be placed alongside the Veterans Memorial. He proposed a peace sign to represent the other end of the spectrum might be appropriate.

Chairman Andrade said his interpretation is that we are a sovereign free nation because of that howitzer.

Mr. Matthias suggested a machine gun or a rocket. He thought that area was to honor those who have served and he is not sure the cannon is along those lines. A number of people are not very excited or pleased with it.

Chairman Andrade said he hasn't heard any comments except for the letter and now from Mr. Matthias.

Mr. Matthias expected there would be more. He felt it is overstepping the boundaries of what the residents thought the memorial would be.

He questioned whether the Veterans Memorial Committee has the right to put anything up without a vote.

Chairman Andrade said that is not what he said.

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Mr. Viera said it is not disrespectful to anybody. It is a model of war and many veterans dealt with that.

Mr. Matthias said it was not on the agenda.

Chairman Andrade said it was discussed during liaison report. It was the consensus of the Board to put it there. It is a donation through Rep. Howitt.

Mr. Matthias said there must some rules and regulations that the Veterans Memorial Park Committee must adhere to.

Chairman Andrade said no.

Mr. Cadime noted the town maintains the property.

Mr. Matthias asked how he can tell people what he wants to put up there.

Chairman said it would have to be an agenda item.

Mr. Cadime said Mr. Matthias' tone is that he is suggesting a consensus is a bad thing.

He said that Mr. Viera is the liaison from the Veterans Memorial Park Committee. He came to the Board and explained that the committee was considering accepting the donation of a howitzer. There was no objection so the town moved forward using Rep Howitt and the National Guard to acquire it. That location is only temporary. Not sure if it is on the portion of land that belongs to the town.

Mr. Matthias will write a letter to put something else up there.

Mr. Viera told him to address it to him and he will bring it to the committee and then to the Board for a consensus vote.

Mrs. Kathleen Keenaghan of 120 Meadowlark Drive said she has a son in the military. Her concern is that it is adjacent to the library which is a children's place. Somebody should take into consideration this is a dangerous weapon and a symbol of violence associated with the military.

Mr. Viera said they are in the process of placing it but he can't say that it won't be at that location. The committee hasn't decided where the location will be.

Christina McKenrick of 32 Walker Street has a son who is a veteran. She lives across the street from the library and the cannon is headed toward her house. She is disappointed on how this came about and that it was not open to conversation from residents.

TOWN ADMINISTRATOR'S REPORT – None.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Veterans Memorial Committee Liaison Report

Mr. Viera stated they are moving along with the bricks that need to be placed. The howitzer is in place. There is a meeting Thursday night to decide a permanent location for it. DPW has assisted placing it at the current location.

He emphasized that it is not meant to disrespect anybody. He doesn't see it as promoting war. He was in the military and sees it as another tool – a war tool. It is not sending that type of message.

He mentioned that the Board had received a letter from the concerned citizens group. He requested that be an agenda item for the next meeting.

He watched the DVD of the meeting the night that appointments were made. He would like that on the agenda as well. He needs to set the record straight.

Mr. Cadime noted that Mr. Viera has talked about Seekonk Auto Salvage on Erimlinda Street. He personally went there. As far back as 2009, a Class III license has not been issued to this individual as required. There is a court judgment back to 1995 where this particular parcel is grandfathered in. There was farming and somewhat of a salvage yard. The business is allowable but he needs to apply for a Class III license. The Assessor's office has the judgment on file.

There have been some complaints. The Building Department has issued a letter that the business is in violation of zoning. The police chief will enforce the fact that there are a number of unregistered vehicles without a Class III license.

Mr. Almeida thanked the ZBA re: Banna/Pleasant Street concerns. The end result was not what the abutting neighbors wanted, but they did grant a permit with restrictions that coincided with some of the concerns the residents had.

He questioned why the road work at the Grist Mill intersection is taking so long.

Mr. Parker said that Rep. Steve Howitt is on top of it. He has gotten the same update now as in February. It's a state project so nothing can be done.

Mr. Viera cautioned to be careful because there are other projects to be funded by the state.

Mr. Matthias suggested the Grist Mill should have been moved back when it was rebuilt to make more room for the road.

EXECUTIVE SESSION

At 9:49 p.m., Mr. Viera motioned, seconded by Mr. Parker, to go into Executive Session to conduct strategy sessions with respect to negotiations with Seekonk Firefighters Union IAFF Local 1931 per M.G.L. Chapter 30A, Section 21(a)(3), DPW AFSCME Council 93 per M.G.L. Chapter 30A, Section 21(a)(3), United Steelworkers of America Clerical Unit Local 16031 per M.G.L. Chapter 30A, Section 21(a)(3), United Steelworkers of America Supervisors Unit Local 16031 per M.G.L. Chapter 30A, Section 21(a)(3), Dispatch 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 and to consider the approval of Executive Session minutes of May 17, 2017, June 28, 2017, and July 26, 2017; not to return to Open Session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary