

BOARD OF SELECTMEN
MAY 17, 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 Mass. General Laws 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

Ms. Hines announced that volunteers are needed on the Board of Health (1 Board of Selectmen appointment), Conservation Commission (3 BOS), Economic Development Committee (1 BOS), Historical Commission (1 BOS), Human Services Board (1 BOS), Permanent Building Committee (5 BOS), Property Tax Work-Off Committee (2 BOS), Recycling Committee (1 BOS), Veterans Memorial Park Committee (1 BOS), and Zoning Board of Appeals (1 BOS).

COMMUNITY SPEAKS

Mrs. Eleanor Shepherd of 53 Read Street updated the Board on the complaint she had raised awhile ago about water accumulation in the road in front of her house. The work was done and she is very pleased. She had before and after photos.

Mr. Charlie Tapalian of 44 Davis Street said he had submitted a packet for the Board. He believes the Tax Assessor is incorrectly assessing the property in the town. He had a chart showing the difference between the evaluation of property and what it had sold for. He said in the assessment business there is only one thing that prevails and that is the true value. After a sale, the assessed value should be basically equal to the sale price. It's been brought to the assessor's attention with little or no action. The reason is the appeal process. It takes seven or eight years. It's time consuming and expensive. 99% of people will not go that route. They just pay their taxes. The State Constitution says no citizen should pay more than their fair share of the burden of carrying out the business of the State. The listing price is below the assessed price on the sheet he had. It affects everybody in Seekonk and people can't afford to go the appeal route. The Board of Selectmen has the right to investigate.

He had another example. They complained about the assessment on the 61B Recreational land program and they filed suit and his attorney was given a letter that he would not be allowed to speak at Board of Assessors meetings, which is illegal. They didn't pursue it. They pursued the suit. The attorney hired by the Assessors never addressed the 61B being applied properly or improperly. They did put in an action to have the case sent to the appeals court. In his case, it is monetary but more principal.

He said that golf courses in the community have lost the right to own those courses because assessments were done incorrectly. He could also guarantee that everyone in town hall is being over-assessed in their house.

He read from 61B that land is assessed at its recreational use value. To him that means what is the value of that operation. There are three courses in this community and all three have lost money every year for the last three years. The recreational value of a golf course is zero. It goes on to say that the recreational use value cannot be more than 25% of the assessed value.

Mr. Cadime cautioned that the golf course issue is in appeal and cannot be discussed.

Mr. Tapalian said the point is it is not done right. He has difficulty accepting how the Tax Assessor operates. She will not acknowledge that she made a mistake. She is not following the laws of the State and someone should investigate.

Mr. Cadime said there are multiple approaches to assessments. That's why there are abatements.

Mrs. Susan Waddington, 799 Read Street, said, at a recent Board of Selectmen meeting, a letter was discussed that included three references to possible conflicts of interest involving the Community Preservation Committee. The first was discussed and action taken. The second concerns her directly and says the CPC purchased property from the Waddington family while one or more members of that family were on the CPC. She has not sold any property. It is an accusation that could easily be verified. The CPC does not hold meetings without a quorum. It was an anonymous letter dated in February 2017 and should have been discussed and dealt with in a timely manner.

PRIORITY MATTERS

Consider the Appointment of Patricia Marino to the Position of Clerk in the Treasurer/Collector's Office

Treasurer/Collector Christine DeFontes and Mrs. Marino were in attendance.

Mr. Cadime said it is an honor and privilege to recommend Mrs. Marino to the position. She has been working part time in the Veteran's office.

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

VOTED: To appoint Patricia Marino as junior clerk in the Treasurer/Collector's office.

Consider the Appointment of Carol A. Poncin to the Position of Community Liaison Coordinator for Human Services

Mrs. Poncin was in attendance. Mr. Cadime recommended the appointment.

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

VOTED: To appoint Carol A. Poncin as community liaison coordinator for Human Services.

Consider the Appointment of Margaret M. Perkins to the Position of Coordinator for Human Services

Mrs. Perkins was in attendance. Mr. Cadime recommended the appointment.

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

VOTED: To appoint Margaret M. Perkins as coordinator for Human Services.

Consider the Appointment of Kyle Corbin to the Board of Health

Mr. Corbin was in attendance. Mr. Cadime recommended the appointment. Mr. Corbin is a chiropractor.

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

VOTED: To appoint Kyle Corbin to the Board of Health for a three-year term.

Consider the Appointment of Paul Coutu to the Recycling Committee

Mr. Coutu was in attendance. Mr. Cadime recommended the appointment. Mr. Coutu is a retired physician.

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

VOTED: To appoint Paul Coutu to the Recycling Committee.

Mr. Coutu will be speaking to seniors at Human Services about health issues.

Consider the Appointment of Josephine Veader to the Human Services Council

Mrs. Veader was in attendance. Mr. Cadime recommended the appointment.

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

VOTED: To appoint Josephine Veader to the Human Services Council.

Mr. Viera is happy to see her back.

Consider the Appointment of Steven D’Amico as the Board of Selectmen Representative to SRPEDD

Mr. D’Amico was in attendance. Mr. Cadime recommended the reappointment.

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

VOTED: To reappoint Steven D’Amico as the Board of Selectmen Representative to SRPEDD.

Mr. Viera requested that he come in quarterly to update the Board.

Consider the Resignation of Margie Kimball from the Position of Secretary to the Conservation Commission

Mr. Cadime recommended the Board accept the resignation with regret.

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

VOTED: To accept the resignation of Margie Kimball as secretary to the Conservation Commission with regret.

Consider the Resignation of Alexandra Cambra from the Police Department

Mr. Cadime advised that she has accepted a position with the Taunton Police Department.

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

VOTED: To accept the resignation of Alexandra Cambra from the Police Department with regret.

PUBLIC HEARING

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

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

VOTED: To open the Public Hearing at 7:48 p.m.

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

Atty. Jeffrey Blake of KP Law was in attendance.

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

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

VOTED: To open the Public Hearing at 7:45 p.m.

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

Mr. Cadime explained there was a complaint that loose dogs killed two goats and two chickens that were pets. Proper notification was given to all parties. The owner of the pets is Claire Duckmanton and dog owner is Nelia Couto. Copies of documentation were included in the agenda packet.

Atty. Jeffrey Blake of KP Law stated the hearing is in accordance with M.G.L. Chapter 140, Section 157. Testimony will be given by the complainant and dog owner. Parties will be sworn in. The Board can then determine if it is dangerous dog, nuisance dog, or the dogs are none of the above. He gave definition of dangerous and nuisance dog.

Animal Control Officer Sharon Hall, Assistant Animal Control Officer Nicole Wheeler, and Complainant Claire Duckmanton were sworn in by Chairman Andrade.

Chairman Andrade read the notice of the hearing.

Ms. Wheeler stated that on April 7, 2017 at about 7:30 a.m. she received a call from Dispatch reporting two loose dogs. They were confined by somebody at that time. She had a phone number for Amanda LeBlanc. Those dogs – two male pitbulls - are loose pretty regularly in the area. She knew exactly who the owner is and address. She went to the shelter to alert the owner that the dogs were captured. There were two voicemails - one from the owner's daughter alerting that the dogs were loose and the second from Nelia Couto that she had been looking for the dogs but had to leave for a meeting. Ms. Wheeler wasn't able to talk to Nelia until about 4 p.m.

She was on her way to Amanda's when she got another call from Dispatch that the dogs were loose again and there was reported to be blood at 25 Elaine Avenue and they had gotten into a goat pen. She found the dogs in the pen with the goats and dead chicken. She put the dogs in the van and tried to call Claire. She left a number for her. She called later that afternoon and she informed her of the situation. She wrote the report. Later the witness completed a report. They had a video and pictures.

Mr. Parker asked if the dogs had been out before.

Ms. Hall said those dogs have been picked up about four times between the two of them.

Mr. Parker asked if they are considered nuisance or dangerous.

Ms. Hall said they were considered a nuisance for being loose. One was hit by a car and picked up in Attleboro. She went to Attleboro to get the dog. She reached out to the owner about neutering them. That sometimes is a reason why they want to run. Using grant money, they neutered the dogs for Ms. Couto so they wouldn't break leash. They are breaking the leash and tieout. She said the owner got tickets for these dogs.

Mr. Viera asked about fenced in area.

Ms. Hall said no. They would take them out on leash and the dogs would get away from them. She felt they did not have strength to hang onto them.

This is not the first time. Back in 2013, they had a collie that was always loose. She was ticketed many times on that dog. That dog bit a little girl. Each time they get a ticket, the amount goes up. Ms. Hall and Ms. Wheeler both wrote about four tickets each.

Ms. Hines asked if dogs are licensed.

Ms. Hall said these two are licensed. There is a third dog at the residence that is not. Third dog has not been an issue. She felt the third dog is the mother to one of the two pitbulls.

Ms. Hall said dogs are on restraining order at the house. They can go out on leash until there is a ruling.

Mr. Parker asked if the animals attacked were properly zoned and protected.

Ms. Hall said the dogs jumped over the fence.

Chairman Andrade said it is about a 4 ft. fence.

Ms. Hines asked Ms. Duckmanton how close her property is to Ms. Couto's property.

Ms. Duckmanton replied within minutes of each other – 328 Central Avenue.

Mr. Viera clarified that the animals were in a fenced-in area in Ms. Duckmanton's yard. Thee dogs came into her yard.

Ms. Claire Duckmanton, 328 Central Avenue, said her family had these goats for 12 years. They were her children's pets. They were not live stock. It is devastating.

Ms. Hines asked if they are considered pets.

Ms. Hall said technically goats are farm animals.

Mr. Parker asked Ms. Hall if she considers these dogs dangerous to people.

Ms. Hall replied they are friendly with people.

Ms. Duckmanton said luckily her ten-year old son or her dog was not out in the yard.

Ms. Hall said she doesn't know what would happen if someone tried to pull the dogs off during the attack.

Mr. Viera said they can assume the dogs are people friendly. He felt nobody could determine what dogs are going to do when they put their mind to be destructive.

Ms. Hines asked if they killed the animals to kill them or eat them.

Ms. Wheeler responded just to kill them.

Mr. Almeida said the video shows the gate is closed. He asked if there was a padlock on the gate.

Ms. Duckmanton said no padlock but you have to lift the latch.

Mr. Almeida felt maybe kids in the neighborhood opened the gate.

Mr. Viera said the dogs jumped over the fence.

Mr. Almeida said to be fair and open-minded he requested to visit the dogs. Sometimes if a dog is starving or not taken care of. He went to the property. The dogs were locked up in cages. Visually, they look like they are well taken care of and very friendly.

Atty. Blake asked who took the video tape.

Ms. Duckmanton said the witnesses that are here.

Atty. Blake said the dog owner can question these three ladies (Ms. Hall, Ms. Wheeler, Ms. Duckmanton).

Witnesses Adam Carvelis and Amanda LeBlanc of 21 Forest Avenue came forward and were sworn in.

Ms. LeBlanc said whenever she sees a dog loose she tries to control it and call animal control because her first priority is that nothing happen to animals - get hit by a car or anything.

She was leaving for school and taking Adam to work. She tried to contain the dogs and they broke the leash they had. She and Adam split up and tried to find the dogs.

The dogs were friendly to her and didn't seem like vicious dogs.

Mr. Carvelis said the dogs ran up to them when they left the house. They had seen the dogs before so they knew they were kind of friendly. They tried to restrain them with leashes but they broke them both. When they broke off the leashes they went through a yard to Menard Street. He followed them and there was somebody coming off the side street off of Menard. That person asked if he was looking for two dogs. He said yes. They were trying to keep an eye on them for animal control because they had already called.

He couldn't find the dogs so he went back to Amanda and they walked to 152 towards the church. When they got to the top of 152, she went down Menard and he continued to the church. As he was walking on the church parking lot he could see Ms. Duckmanton's property and the dogs were in there. He backed off. Goats were dead. He didn't want the dogs to see him. He called Amanda. She called animal control again.

Amanda said she didn't know how the dogs would be after that. The best option would be to let them stay in the enclosure. It looked like they were playing; not eating.

Atty. Blake asked Adam if he knew the owner.

Adam said no but he had seen the dogs before. He described the dogs.

Mr. Almeida asked if he actually saw the goats alive and the dogs taken them down to kill them.

Adam said in the video it does appear as though one was not completely dead.

Amelia Couto and her daughter Chelsea were sworn in. She lives at 380 Central Avenue with three children.

Ms. Couto said hearing Ms. Hall speak of the dogs and how they are a nuisance.

She asked Amanda and Adam if they felt they were in fear of the dogs.

Amanda said she saw them loose before. She was afraid of them at that point. But, she was down on the ground with them holding the harness.

Chairman Andrade read the definition of a dangerous dog.

Ms. Couto said they were farm animals.

She asked Ms. Hall if she thought the dogs were dangerous.

Ms. Hall replied yes, they killed animals. She never had an incident with another animal. They are friendly with people. These were pets to Ms. Duckmanton's children just like the dogs are pets to her.

She mentioned that when Ms. Wheeler contacted Ms. Couto, she asked if the dogs killed a dog or a person.

Chairman Andrade told Ms. Couto this is the time to ask questions of the witnesses or Ms. Duckmanton.

Ms. Couto said they could show the video.

Chairman Andrade and Mr. Cadime agreed not to do that.

Ms. Couto said she was not aware that Ms. Duckmanton had goats. She asked her if she informed all neighbors that she would be raising farm animals.

Chairman Andrade said that is not relevant. He asked Ms. Couto, if she knew that, would she restrain her dogs more.

Ms. Couto said no. She had no further questions.

Mr. Al Silva of 79 Pershing Avenue stated that he has known Ms. Duckmanton for awhile. He is sure she is not here to have animals put away.

Chairman Andrade did ask Board members if they wanted to see the video now. Anybody who did not want to see it could leave the room.

Mr. Viera felt the pictures are graphic enough.

Mr. Almeida said he saw the video.

Chairman Andrade thanked the witnesses for coming forward.

Ms. Couto said she knows that Ms. Hall loves both her dogs. They have been in her family and they are very friendly. The oldest dog is her dad's dog. He treasures that dog. He is around

teenagers. He goes to the dog park with other dogs. The grey and white dog is the son. He is the friendliest dog. When you hear pitbull, you think they are vicious dogs. She feels bad about what happened to Ms. Duckmanton's pets and would do anything to compensate. She believes the dogs were playing. She apologized for that.

In the 60 days restraining order, the dogs have been kept in crates and they have kept them on a leash. They have never gotten away. Her daughter, Tony, said that but it has never happened.

Chelsea said they can hold them on a leash

Chairman Andrade said he saw the video. That was not play.

Ms. Couto said the dog, Red, killed one of her bunnies.

Chairman Andrade said the dogs jumped the cage and killed two goats and chickens. He read the definition of a nuisance and dangerous dog.

Ms. Couto said who's to say if a dog sees goats and wants to play with them.

She said it would not have happened if the dogs were separated.

Chairman Andrade questioned if she does not see the dogs not knowing their own strength, as a problem especially when there are multiple incidents of them being loose.

Ms. Couto said they are not dangerous to people.

Mr. Viera asked if she is denying her dogs killed the goats. What does she think provoked that?

Ms. Couto said she is not denying they killed the goats. They were loose and playing.

Mr. Viera said they jumped into the fenced-in area to accomplish this. He asked who's to say they will always be friendly to people. You can't guarantee that.

She said she can say that. They won't be a problem after September because she is moving to Florida.

Mr. Parker asked how many times the dogs were picked up.

Ms. Couto said at least four in the last year. That is a lot. The restraining order has worked out. She lets them run in her basement. She can't tie them to a tree.

Mr. Parker asked if she had a leash only order could she assure the Board those dogs would never be loose again.

She said they are beautiful dogs. When approached, they wag their tails.

She said she has to lock every door in her home because they have learned how to open doors.

She can buy a baby goat for Claire son.

They are pitbull mix but it doesn't mean they are mean dogs.

Chairman Andrade stated that is not in question. The hearing has nothing to do with the fact that they are pitbull mix. It is the incident that occurred. It is prohibited to have a hearing just because it is a pitbull.

Mr. Almeida asked for the recommendation of the animal control officer.

Ms. Couto said that Ms. Hall offered to neuter both dogs. She took her up on that for their safety and to calm them down. She doesn't have any problem restraining them until she moves.

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

VOTED: To close the Public Hearing at 8:53 p.m.

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

Chairman Andrade read what can be done with a dangerous dog. 1. Dogs humanely restrained, 2. Dogs confined to the premises of the keeper of the dog, fenced secured, 3. Off the property muzzled, 4. Not less than \$100,000 insurance on the dog, 5. Provide information to identify the dog, 6. neutered, and 7. euthanized..

Ms. Hall identified #2, #3, and #4.

Ms. Couto disagreed.

Chairman asked if she is able to build an enclosure

She said she can't do that. She would rather restrain the dogs like they have been.

Chairman Andrade noted that some of these have financial implications that she would have to adhere to.

Mr. Viera felt this Board should not be concerned as to whether she can afford to do this or not.

Mr. Cadime asked about the appeal process.

Atty. Blake advised it is a ten-day process. It is a two-step process. The dog owner would appeal to the clerk magistrate of the district court. The magistrate reviews the Board's decision.

If upheld, the owner has ten days to appeal that to the district court judge. It would be a new hearing with witnesses for the owner and the town.

Mr. Cadime asked what enforcement action the town has if there is no appeal.

Atty. Blake advised there is a substantial fine and jail penalty in accordance with M.G.L. Chapter 140, Section 141. If fines don't work, the town can get a restraining order or preliminary injunction in Superior Court for violating the town's order.

Mr. Almeida asked Ms. Duckmanton if she is satisfied with the recommendation.

Ms. Duckmanton wants to make sure those dogs do not go onto her property again.

Mr. Almeida wants to make sure she feels safe to be in her yard.

Atty. Blake provided the following findings to be adopted.

1. On or about April 7, 2017, the dogs, Red and Duke, were running loose not in control of owner or any keeper.
2. The dogs, Red and Duke, entered a goat pen at 328 Central Avenue and killed two goats.
3. The dogs, Red and Duke, also killed two chickens at 328 Central Avenue.

As a result of the above-described events, the Board finds that the dogs are either dangerous dogs or nuisance dogs as defined in Chapter 140 Section 136a and hereby orders the following:

That the dogs be kept in an enclosure as defined in Chapter 140 Section 157C(2) and leashed and muzzled when off the property as defined in Chapter 140 Section 157C(3) and that the owner have adequate insurance as prescribed in Chapter 140 Section 157C(4).

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

VOTED: To adopt the findings.

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

VOTED: That the dogs are considered to be dangerous.

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

VOTED That, going on the recommendation and experience of the animal control officer and assistant, to follow Chapter 140, Section 157C(2) that the dogs be confined to the premises of the keeper of the dogs provided that means securely confined indoors or outdoors in a securely

enclosed and locked pen or dog run area upon the premises of the owner or keeper. Further, that such pen or dog run shall have a secured roof and if such enclosure has no floor, secured to the sides embedded into the ground for not less than 2 ft. and provided further within the confines of such pen or dog run a dog house or proper shelter from the elements to protect the dogs and that when removed from the premises of the owner or keeper, the dogs shall be humanely restrained with a chain or tethering device at a minimum of 300 pounds and not exceeding 3 ft. in length. That the owner or keeper of dogs provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim in lost damage or injury to persons, domestic animals or property resulting from the act whether intentional or unintentional of the dogs or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued or provided. However, if a policy has been issued, the owner or keeper shall produce such policy upon request of hearing authority or justice of the district court within 30 calendar days.

Ms. Hall said she has to notify the community where Ms. Couto is moving to.

Atty. Blake advised if the animals are found running loose, the animal control officer can seize these dogs and notify the owner. The owner may file a petition with the hearing authority for return of the dogs within seven days. At that point, the hearing authority (Board of Selectmen) would make the decision whether or not these dogs would be returned to the owner.

He added that the Board's order is valid throughout the Commonwealth of Massachusetts.

Chairman Andrade suggested Ms. Couto can contact the Board if she has any questions.

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

VOTED: To close the Public Hearing at 8:53 p.m.

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

LICENSE HEARINGS – None.

OLD BUSINESS

Presentation by Seth Pickering, Mass DOER, Regarding Green Communities Benefits

Mr. Pickering of the Lakeville DEP office continued discussion from the previous meeting.

Chairman Andrade said they all realize the benefits of being part of the green communities.

He spoke to local building inspectors. There would be a slight increase in residential development and construction costs but those costs would be offset by benefits of the rebate programs and savings that stretch code will implement.

Chairman Andrade said the additional cost is for the Hers Rater. Building Inspectors find it to be a valuable resource.

Mr. Parker said developers will get benefits as well. He heard it will add 10% to the price of the house because of all the extra benefits.

Chairman Andrade clarified the main difference between the base code and stretch code is the Hers Rater requirement for new residential construction

Mr. Pickering said the stretch code has more flexibility in design.

Laboratories and supermarkets 40,000 sq. ft. and greater are subject to the stretch code. Industrial and commercial over 100,000 sq. ft have the same requirement.

Ms. Hines asked if public safety is included in the criteria that the Town has to purchase only fuel efficient vehicles.

Mr. Pickering said cruisers are exempt and any vehicles 8,500 lbs. or over. Emergency vehicles would also be exempt.

Mr. Almeida was comfortable adding this to the warrant with the stipulation that Mr. Pickering or someone from DOER be in attendance to respond to questions.

Mr. Pickering said residents need to be well informed.

Chairman Andrade advised the Energy Committee had prepared a flyer for distribution. He suggested putting the flyer on the website.

Mr. Pickering said he would be glad to come back and bring experts with him.

Ms. Hines asked if the Building Inspector is aware of this.

Chairman Andrade said he spoke to Mr. Abelson.

He asked about mechanical ventilation.

Mr. Pickering said that's the best way to go.

Chairman Andrade felt it is a tight window to fit a presentation in the three weeks before the Spring Town Meeting.

Mr. Parker felt most of the interest isn't going to come from townspeople because they'll never build a new house. It is the contractors.

Mr. Pickering said, in his experience, people are concerned if it will affect the economy or competition in the building market.

He advised that applications are usually due by the end of October.

Mr. Pickering said it would be great for Seekonk to be the first green community in this area.

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

VOTED: To coordinate with the DOER to prepare for a green communities warrant article in the fall.

NEW BUSINESS

Consider Signing the Benson Property P&S with an "Exception"

Mr. Cadime stated that Atty. Klein of KP Law in her conversations with Atty. Patrick Sullivan, representing the Bensons, was notified there might be an issue with regard to the easements of the property. Atty. Klein informed Atty. Sullivan that the Town wants an exception that if there was an issue with the easement, the Town could back out of the Purchase and Sales Agreement. Atty. Sullivan indicated his clients are not willing to do that because the CPC was notified there may have been an issue. That was taken into consideration with the sale of the property.

Atty. Klein is comfortable that she can draft some language that if the Town decided to pull out from the purchase of the property it would only lose the cost of title exam. There was no deposit. Mr. Cadime did not feel comfortable making that decision so he wanted a vote that the Board is comfortable signing the P & S without the "exception".

Mr. Almeida said this was presented to the CPC and not to the Board or townspeople. He asked what the concern is with the easement.

Mr. Cadime said it is not recorded in the deed. It is the rear of the property that is landlocked. There is a passable easement.

They are saying it was presented to CPC in an open meeting. The point of the purchase of the property was for true conservation.

Mr. Almeida said he voted for this at Town Meeting, but he had a concern. If the property is purchased for preservation and there is no easement, why spend the money.

Mr. Cadime said there is a claim of an easement, but is it recorded at the Registry?

Chairman Andrade said an abutter could buy it and build on it.

Ms. Hines said the warrant article doesn't say anything about an easement.

Mr. & Mrs. Douglas Benson of 25 Baker Street were in attendance. Mr. Benson stated this has been going back and forth with CPC for about four or five years. There was an interest at that time to keep it as open space for wild life reserve.

Mrs. Benson read from the description of land use control. It was always known from the beginning and it was reflected in the purchase price. It is being purchased as open space not a buildable lot. Appraisal had copy of deeds.

May 17, 2017

-8-

Chairman Andrade said the appraisal denotes there is a deeded easement. He asked why they object to having the exemption in the P & S.

Mrs. Benson said Atty. Sullivan is concerned the Town would come back and tell them they would have to put a walkway and parking area in there.

Chairman Andrade explained the exception means a title search will be done to find the easement. If there is no easement, the Town will not purchase the land.

Mr. Cadime referred to an e-mail from Atty. Klein. The CPC knew that access to this property may be problematic or non-existent. The appraisal is saying something different than what Atty. Sullivan is suggesting.

Mrs. Benson read from the minutes of the September 19, 2016 CPC meeting which said that Mr. Alves checked with ZBA about an easement. No record was found of an easement on this property. That is the agreement made with the purchase of the land. The appraisal is dated September 27, 2016.

Chairman Andrade said the fact that it has an easement makes the purchase more appealing.

Mr. Viera said CPC knew there was no easement to this property and it should have been part of the warrant article. The outcome at Town Meeting might have been different with this information.

Mrs. Benson said that wasn't her assessment at Town Meeting. It was defined as open space and it was landlocked at a \$25,000 price. The population at that meeting was intelligent about putting that together.

Chairman Andrade asked if the Bensons would be willing to incorporate an exception in the P & S to include the research for the easement. If no easement is found, the Town would have the option to back out of the deal.

Mrs. Benson said it is not up to them. It is the signature of the Board.

Chairman Andrade said their attorney is telling the Town attorney that they don't want the exception in the P & S. Mr. Cadime could instruct the Town attorney to incorporate that language in the P & S to find the easement.

Mrs. Benson said it passed at Town Meeting without that information. It sounds like the CPC knew about the easement that is why the price was reduced by \$5,000. They signed the agreement for \$25,000. She felt they should consult with their attorney.

Mr. Parker said the conversation is totally improper. Both parties should not be talking except through the attorneys.

Mr. Almeida said he would not sign the P & S without the exception.

Ms. Hines felt CPC members should come to the Board of Selectmen.

Chairman Andrade said Mr. Cadime will instruct Atty. Klein to talk to Atty. Sullivan.

Consider the Approval and Sign the Annual Spring Town Meeting Warrant

Mr. Cadime said the warrant has been reviewed by legal counsel and minor changes made. The stretch code was ruled out at this time.

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

VOTED: To approve and sign the Annual Spring Town Meeting Warrant.

Discuss Town Counsel's Opinion Regarding Serving on the Finance Committee and an Additional Board and/or Committee

Chairman Andrade noted the question came up when Finance Committee member David Saad was interviewed for the Charter Study Committee.

Town Counsel Joe Fair and Mr. Cadime researched this. The Charter states that a town employee or town official cannot serve on Finance Committee and another town committee. The Charter has no definition of town officer.

Mr. Cadime read from the Charter with respect to the Finance Committee. The intent may have been for that committee to be completely independent from all other committee.

Atty. Fair felt an argument can be made both ways.

Mr. Cadime said it opens up to the fact that members of the CIC can now serve on the Finance Committee.

Chairman Andrade noted that Mr. Saad had indicated he wanted to be on the Charter Commission when it becomes a commission. He would have to take a leave of absence from the Finance Committee.

Mr. Cadime noted this has no reflection on the individual. Mr. Saad got an opinion from the Ethics Commission, which was forwarded to Atty. Fair. The Ethics Commission stated the Charter is illegal by not allowing Mr. Saad to serve on the Finance Committee. Mr. Saad will have to make a determination about which board he wants to serve on.

Consider the Approval of Minutes of April 19 2017

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

VOTED: 4 Ayes; 1 Abstention: To approve the Regular Session of April 19, 2017.

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

COMMUNITY SPEAKS

Mr. Don Kinniburgh stated that he submitted a talent bank form for the Veterans Memorial Committee two months ago. He hasn't heard.

Mr. Cadime said they will not be filling any positions right now because the project is completed.

Mr. Viera pointed out the committee didn't have a quorum at the last meeting.

Mr. Cadime said there is a non –profit associated with the Veterans Memorial Committee.

Mr. Viera said this Board agreed that the Friends would work directly through the Veterans Memorial Park Committee.

There are bricks to be put down. It will be an ongoing project.

Mr. Kinniburgh noted that he attends all meetings even though he is not on the committee. They have four members right now.

Ms. Hines noted they cannot vote because it is not an agenda item.

Mr. Cadime will interview Mr. Kinniburgh. It will be an agenda item for the next meeting..

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

As stated as previous meetings, Mr. Viera reported that stones purchased last year will be in place by Memorial Day and repairs done as well. New stones will be added later.

He advised the Memorial Day Parade is on Saturday, May 27, 2017, stepping off from the high school at 10 a.m. A ceremony will be held at the Veterans Memorial Park after the parade.

He said that Gas-on-the-Run on Newman Avenue has added U-Haul vehicles there. The Board had limited the number of vehicles when the license was issued.

Mr. Viera stated that about six months ago there was discussion about having a representative from Comcast come before the Board to talk about additional channels in Seekonk.

Mr. Cadime said it seems that Comcast is the hold up as far as Channel 20 (Portuguese) coming into Seekonk.

Mr. Viera suggested another company might come into town.

Mr. Parker said no other company will pay for Comcast wiring.

Chairman Andrade would like to meet with a representative from Comcast as soon as possible.

Mr. Parker asked if the by-laws are back from the Atty. General’s office.

He asked if animal shelter has gone out to bid.

Mr. Cadime said it was on Central Register as of Wednesday.

Mr. Parker asked about the situation on School Street.

Mr. Cadime said they are cleaning up.

With respect to a comment made earlier in the meeting, Mr. Viera stressed that nobody is given preferential treatment by department heads.

Chairman Andrade noted he is a prime example of that with regard to the process to re-build at the same location where his house was destroyed by fire.

Mr. Almeida mentioned that residents are upset that dumpster fees went up to \$100. He noted the final decision is made by townspeople at town meeting.

Mr. Cadime clarified that the Board sets the fees. It is included on the warrant as local receipts.

Mr. Almeida noted the Board has done everything possible to get people to attend town meeting.

Mr. Parker suggested sending out postcards to every residence.

Chairman Andrade said there seems to be a disconnect between town meeting and board meetings.

Mr. Viera felt that town meeting should not be televised live.

Chairman Andrade suggested the issue with the title search of the old town hall property should be resolved immediately.

He talked about the request from the School Department for MSBA funding for windows and door project at Aitken School.

Mr. Cadime heard the roof project was approved. He was not familiar with the windows and door project.

EXECUTIVE SESSION

At 11:40 p.m., a motion was made by Mr. Parker, seconded by Mr. Viera, to go into Executive Session to conduct strategy sessions with respect to negotiations with United Steelworkers of America Clerical Unit Local 16031 per M.G.L. Chapter 30A, Section 21(a)(3), United Steelworkers of America Supervisors Local 16031 per M.G.L. Chapter 30A, Section 21(a)(3), Director of Communications per M.G.L. Chapter 30A, Section 21(a)(2), and Seekonk Public Library Employee Association, MLSA, AFT Massachusetts, AFL-CIO per M.G.L. Chapter 30A, Section 21(a)(3) as having discussions in open session would be detrimental to the litigation or bargaining position of the Town; not to reconvene to Open Session.

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

Respectfully submitted,

Prepared by:

David Viera, Clerk

Patricia Gamer, Secretary