

BOARD OF SELECTMEN
OCTOBER 18, 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), any person 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 Capital Improvement Committee (1 Board of Selectmen appointment), Charter Study Committee (1 BOS), Conservation Commission (2 BOS), Energy Committee (2 BOS), Finance Committee (1 Moderator), Historical Commission (1 BOS), Property Tax Work-Off Committee (3 BOS), and Zoning Board of Appeals (1 BOS).

COMMUNITY SPEAKS

Ms. Allison Weygand of 41 Chelsea Drive asked if Board members are aware of the conditions at the Cole Street soccer fields.

Chairman Andrade said they are aware of it.

Mr. Cadime stated there have been conversations with School Department administrators and they walked the fields. DPW will go through a grid pattern with metal detectors to make sure there are no metals in the fields.

The company that does aeration of the fields has offered to go through with a magnet that would pick up metals that might be loose inside the aeration. They are also talking about addressing policies with use of the fields.

The problem is that pop up tents are put up. There is nobody there from the town to supervise it.

DPW Supt. David Cabral said the first incident was on Monday, September 25. Two DPW workers went out there. At a meeting with School Department officials on September 29, it was noted there was another incident on Tuesday, September 26. Parks and Recreation reported another spike was found on October 13 and the president of Seekonk Soccer informed the Recreation Director that another incident had occurred on Saturday, October 14.

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Mr. Cabral ordered two metal detectors.

On the following Monday, Mr. Cabral went out on the field and found metal. Two DPW workers went out today using the new metal detectors. They found nothing. They intend to go grid by grid and concentrate on the goalie area.

Ms. Hines felt the fields should be shut down until properly inspected.

Mr. Cadime said that Recreation Director John Pozzi requested that anybody who finds stakes should contact him.

Mr. Cabral said he has been in contact with Mr. Pozzi. The total number of incidents is six.

Mr. Cadime felt the incidents were rectified. He agreed that all fields should be surveyed with metal detectors and, if need be, the fields will be closed.

Ms. Hines said she would go out there.

Mr. Viera agreed the fields should be shut down.

Chairman Andrade said he would prefer not to have volunteers.

Mr. Cadime reiterated that they need to develop a strong policy about the use of the fields.

It was the consensus of Board members to post signs that the fields are closed for the upcoming weekend.

Mr. Bill Harley of 301 Jacob Street felt the howitzer should be placed in another location. He spoke to Rep. Steve Howitt about how the howitzer came to Seekonk. He said it represents the damage a war does. He read from a prepared statement about entitlement at which point Chairman Andrade stated it was enough.

Mr. Robert Richardson of 207 Greenbrier Dr. questioned comments at the previous meeting regarding the swearing in of people for committees. He asked if the town attorney ruled it is a formality.

Mr. Cadime noted that he said everybody should be sworn in; however, the swearing in does not negate all the votes that have taken place by that board.

PRIORITY MATTERS

Appoint and Swear in Adam Colaianni as a Probationary Third Class Firefighter/Paramedic for the Fire Department

Fire Chief Michael Healy requested and Mr. Cadime recommended the appointment.

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

VOTED: To appoint Adam Colaianni as Probationary Third Class Firefighter/Paramedic for the Fire Department.

Firefighter Colaianni was sworn in by Town Clerk Florice Craig. His mother pinned his badge.

Presentation to the Board of Selectmen and Oath of Honor Ceremony for Patrolman Brad Lucke

Police Chief Craig Mace noted that the Board had approved the appointment on September 20th. He is the son of retired Special Officer Stephen Lucke. He was already sworn in by the Town Clerk.

He recited the Law Enforcement Oath of Honor. His dad pinned his badge.

Accept the Resignation of Kurt Gaw from the Position of Truck Driver/Laborer for the Department of Public Works

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

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

VOTED: To accept the resignation of Kurt Gaw as truck driver/laborer, with regret.

Consider Advertising the Positions of Department of Public Works Operator/Laborer and Driver/Laborer as needed to fill Vacant Positions

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

VOTED: To post the positions of DPW operator/laborer and driver/laborer.

Mr. Cadime noted that Mr. Gaw would have been promoted but he accepted a position in another town.

The order of business moved to:

OLD BUSINESS

Presentation of the Open Space and Recreation Plan Public Service Announcement

Conservation Agent Jennifer Miller showed the announcement. She said a meeting is scheduled for Thursday, October 19, from 7 to 8 p.m. at the senior center and also office hours on Wednesday, October 25 from 10 a.m. to 3 p.m.

JOINT DISCUSSION WITH PLANNING BOARD

Discussion with the Planning Board on Procedures for Incomplete Subdivisions and Roadway Acceptance Initiation

Chairman Andrade opened the meeting at 7:49 p.m.

The Planning Board was called to order on a roll call.

The vote: Chairman David Sullivan – Aye;; Jeff Harris – Aye; James Royce – Aye; Michael Bourque – Aye; Sandy Foulkes – Aye; Ron Bennett – Aye.

Town Planner John Aubin III stated over the last six months they have been working to update subdivision rules and regulations in town. Town counsel ruled that the town is not allowed to go out and finish subdivisions. A public hearing will be held on November 14. There are some subdivisions that cannot be resolved. The Planning Board is working with town counsel on procedures.

Chairman Andrade asked if there are bonds and securities in place.

Mr. Aubin said yes. However, the prevailing wage was not taken into consideration.

Mr. Viera asked if there is a way to revoke license of developers who come in under a different name.

Mr. Aubin said the Planning Board does not have that authority.

Mr. Viera said the problem is when these developers decide not to complete the project and walk away the people who purchased expect the town to finish the project.

He said the town cannot tell the developer what they will give in the way of surety.

Chairman Andrade said the town should be able to require a performance bond.

Mr. Charles Tapalian asked if these are subdivisions that haven't completed infrastructure. He knows he is held by a different set of rules.

Chairman Andrade said nobody is held by different rules.

Discussion with the Planning Board to Consider Designating the Members of the Planning Board as Special Municipal Employees as defined in M/G.L. Chapter 268A, Section 1(n)

Mr. Aubin said this is to provide designation by the Board of Selectmen. There is a ruling from town counsel. The benefit would be to potentially open up someone to run for a position on the Planning Board and allow them a little more flexibility as far as someone who might be interested in a piece of property.

Mr. Sullivan explained that a member of the Planning Board came before them about a piece of land. Town Counsel ruled that members of the Planning Board be deemed as special municipal employees. It is an ethics issue. The Board still has to file a disclosure with the town clerk.

Mr. Cadime felt it is an issue to have any one of these members of the Planning Board representing people before the Planning Board. It questions the integrity of the process itself.

Ms. Hines suggested that legal come before the Board before a vote is taken.

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

VOTED: 3 Ayes; 1 Abstention; To table designating the members of the Planning Board as special municipal employees.

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

EXECUTIVE SESSION WITH PLANNING BOARD

At 8:30 p.m., Mr. Roach motioned, Mr. Harris seconded, to go into Executive Session to conduct strategy sessions with respect to the legal position of the Planning Board, Board of Selectmen, and the Town of Seekonk and possible litigation regarding the following applications per M.G.L. Chapter 30A, Section 21(a)(c) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town: 1) Pine Hill Estates/Jacoby Way – 11 lot Definitive Subdivision of land located off Newman Avenue and 2) Caleb Estates/Logan Court – 5 lot Definitive Subdivision of land located off Olney Street.

The vote: Mr. Roach – Aye; Mr. Harris – Aye; Mr. Bourque – Aye; Mr. Bennett – Aye; Mrs. Foulkes – Aye; Chairman Sullivan – Aye.

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At 8:30 p.m., Ms. Hines motioned, seconded by Mr. Parker, to go into Executive Session to conduct strategy sessions with respect to the legal position of the Planning Board, Board of Selectmen, and the Town of Seekonk, and possible litigation regarding the following applications per M.G.L. Chapter 30A, Section 21(a)c) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town: 1) Pine Hill Estates/Jacoby Way – 11 lot Definitive Subdivision of land located off Newman Avenue and 2) Caleb Estates/Logan Court – 5 lot Definitive Subdivision of land located off Olney Street; to reconvene to open session.

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

The meeting reconvened at 8:49 p.m.

A motion was made by Mr. Roach, seconded by Mr. Bourque, and the Planning Board unanimously

VOTED: To adjourn at 8:50 p.m.

The vote: Mr. Roach – Aye; Mr. Bourque – Aye; Mr. Harris – Aye; Mr. Bennett – Aye; Mrs. Foulkes – Aye; Chairman Sullivan – Aye.

OLD BUSINESS

Update on the Status of the Attleboro Dye Works Pond

Mrs. Miller advised there are a couple of processes going on up there - whether the dam and sluiceway should be repaired or the natural river dynamic re-established. Repairs would be costly. She had pictures from the most recent visit out there. The next step is to work with the consulting firm to do Phase I. She talked about the chromium levels compared to 2002. The consultant will do additional sampling.

Discussion with the Library Board of Trustees Regarding the Location of Howitzer Cannon

Prior to discussion, Mr. Almeida motioned, seconded by Mr. Viera, and it was

DEFEATED: 2 Ayes; 3 Nays; To remove the howitzer cannon for refurbishing and put into an indoor facility for the winter months and continue discussions in the spring as needed.

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

Mr. Almeida wanted to elevate all pressure on all sides.

Mr. Viera did not have a problem with that. He noted the cannon might be put back at the Veterans Memorial Park.

Board of Library Trustees Chairman Michael Durkay recapped that he had previously told the Board of Selectmen the position of the trustees. Since that time, he met with Chairman Andrade, Mr. Cadime, Mr. Viera and Mr. Fuller.

The trustees agreed to leave the cannon at the Memorial Park provided there are regulatory guidelines. Library Director Peter Fuller prepared a document based on what was discussed at the meeting. They considered a survey to see what residents want but it would take too long. He wanted to make sure the Planning Board agrees with the howitzer at the Veterans Memorial Park. For now, the Board of Trustees requests the cannon be removed as quickly as possible for refurbishing and storage, finish the Memorandum of Agreement, and the Board of Selectmen and Board of Library Trustees determine the best place for the howitzer.

Mr. Durkay said he has heard talk about a move at the upcoming town meeting to turn control of the land to the Board of Selectmen. He requested that not happen. They don't know how much land will be required when a new library is built. The issue would be entering and exiting the library.

Chairman Andrade said that is a rumor.

Mr. Viera said that more people want the cannon to stay at the park.

Mr. Parker asked if the Memorial Park Committee has a location to put the cannon during the winter. It was donated to the committee which is part of the Town of Seekonk. It was a loan for that one place and, if it doesn't go there, it should be returned.

Mr. Viera said it wasn't specific that it has to go to the memorial.

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

VOTED: To remove and store the howitzer cannon in a save place until a decision is made who is paying for refurbishing and its permanent location.

Mr. Parker asked who will decide where to put the howitzer.

Chairman Andrade said the Memorandum of Agreement will be reviewed and approval by both boards.

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Ms. Lauren Walsh of 150 Hope Street asked if Mr. Cadime had shared a copy of the Memorandum of Agreement from the Mass. Army National Guard with the Board of Selectmen.

Mr. Cadime said they have a copy.

Ms. Walsh continued that every member of the Board knows this is a permanent transfer of federal property. That is what Mr. Cadime signed. They are not being honest with the public. It was not given by Rep. Steve Howitt; it was solicited.

Chairman Andrade said at any point the National Guard can take the cannon back. Further, Mr. Viera said many times, he had approached Rep. Howitt.

Ms. Walsh said the public deserves the truth.

Mr. Cadime said the agreement says permanent loan. Legal counsel determined it is a "loan" and the National Guard can take it back.

Dr. Paul Miles Matthias of 363 Ledge Road said there was never a plan to place a weapon at the Veterans Memorial Park. Very little effort was made to inform the public or conduct a survey. He felt it was done that way because people in town, like him, would object to placing it there. It is a 4,000 lb. hunk of metal that kills people. That might be objectionable to people. He suggested polling the people.

Mr. Viera suggested a non-binding question on the ballot.

Mr. Parker said an election is the only way to get a broad sample.

Dr. Mathias suggested at town meeting.

Mr. Viera said town meeting could be stacked.

Mr. Cadime explained that town meeting is a legislative body and deals with legislative matters, which is clearly the approval and appropriation of funds.

Mr. Parker noted that the same people who vote are allowed to come to town meeting but don't.

Mr. Cadime said Dr. Matthias's suggestion that everything go before the voters would stifle the operation of the town.

Mr. Robert Blanchard of Sykes Street asked about the memorial being all granite.

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Ms. Hines read from the Memorandum of Agreement between the Mass. Army National Guard and the Town of Seekonk that the transfer of the howitzer is a permanent loan.

Chairman Andrade noted the key is “permanent loan.”

Mr. Chris Pelletier of 230 Woodward Avenue offered a piece of property on Cole Street as a permanent home for the howitzer.

Tom Benoit of 80 Ferncliffe Road asked about the proper name of the Veterans Memorial Committee in order to find meeting minutes on the website.

NEW BUSINESS

Consider Converting Old Incandescent and Halogen Street Lights to LED Lighting

DPW Supt. David Cabral explained that Finance Director Bruce Alexander has been pursuing this. National Grid will convert the lighting. The current cost is \$53,220.67. The new LED street lighting is \$54,224.69. The annual kWh savings is \$12,019.31 and the total projected savings is \$11,015.29.

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

VOTED: To approve the conversion of old incandescent and halogen street lights to LED lighting.

Consider the Proposal by Charles Tapalian for an Alternative Use for the Property Located at 800 Fall River Avenue

Mr. Tapalian stated that Showcase Cinema is paying \$111,000 a year in taxes. Greenbrier is paying \$700,000 in taxes which will increase to \$800,000 with the new building. He proposed converting the existing building in front to medical and related services or they would tear it down and put up a new building. Taxes would exceed \$300,000. It is 22 acres of land. He felt it is a win/win for the town. He went before the Planning Board at the public hearing. He has been talking about purchasing the former Showcase Cinemas since the property went on the market. He was shocked to see the Board was thinking about rezoning. If that happens, it would become a huge car lot.

Mr. Parker said town meeting would have to vote on rezoning.

Mr. Almeida said he entertained changing the zoning because the building has been vacant for so many years. It was partial commercial and residential.

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Mr. Tapalian said there is an enormous demand for the townhouses. They turn away six or eight people a week.

Mr. Cadime said it is not the intent to have a car dealership go in there. Developers are trying to get anchor tenants. It is zoned as highway business. The intent is to eliminate residential. That creates a more marketable parcel of land.

Mr. Tapalian said the only thing that would go there is a car lot or auto auction.

Mr. Parker felt that companies are discouraged when they hear the land has to be rezoned.

Mr. Aubin stated that the Planning Board had a few questions regarding the zone changes.

Review, Discuss, and Approve Warrant Articles for Fall Town Meeting

Mr. Cadime advised the articles were submitted to KP Law for review and recommended changes. Article 1 - report of committees. Article 2 - street acceptance of Becky Lane. Article 3 - request to dissolve library facilities committee. Article 4 - request for \$170,052 for on-line permitting and licensing system. Article 5 - rezoning of: Showcase property. Article 6 - amendment to zoning by law for non-residential mixed used. Article 7 - \$100,000 place holder for fire station and senior center. Article 8 - funding for Steelworkers Clerical and Supervisors. Article 9 - Stretch code. Article 10 (submitted by Mr. Cabral) \$236,000 for loader replacement. Article 11 - \$67,000 for purchase of dump truck for School Committee replacement. Article 12 - DPW to increase the tree budget by \$15,000. Article 13 - asbestos removal at library. \$100,000 is a place holder. Article 14 (submitted by Charter Committee) - Home Rule Charter amendment. Article 15 - Finance Committee.

Ms. Hines asked why Article 15 is submitted by Charter Committee and not the Board of Selectmen.

A motion by Mr. Almeida, seconded by Mr. Viera, to approve the warrant with the exception of Article 15 was withdrawn.

Mr. Viera wanted to hear from a member of the Charter Committee to explain the reason for this article.

Mrs. Beth Eklund explained there are ad hoc committee members that are not allowed to be on the Finance Committee. At this time, it is difficult to get people to serve on committees.

Mr. Viera suggested they allow this to go forward. It is the recommendation of the Charter Study Committee so it should go to town meeting and then to the ballot.

Mr. Parker agreed.

Mr. Parker noted there should have been a warrant article for seed money for the cemetery.

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

VOTED: To open the warrant.

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

VOTED: To add a dollar amount for the cemetery.

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

VOTED: To close the warrant.

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

VOTED: To accept the warrant as presented and include Article 16 and change the wording from “spring” to “fall.” Also, to authorize the Town Administrator to make adjustments with oversight of legal counsel, as needed.

Consider the Approval of Regular Session Minutes of October 4, 2017

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

VOTED: 4 Ayes; 1 Abstention; To accept the Regular Session minutes of October 4, 2017.

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

COMMUNITY SPEAKS

Mr. Robert Araujo, a 60 year resident of 85 Bishop Avenue, opposed to the proposed access to the north school field off the dead end of Bishop Avenue.

Mr. Cadime said there is no proposed access. DPW needs to get in there for field maintenance.

Mr. Cabral agreed.

Mrs. Elizabeth Longbottom of 76 Bishop Avenue read a statement from her husband. He is concerned about ground water on the street. Removal of trees would create more ground that cannot absorb the water. He is also concerned about additional truck traffic.

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Mr. Cabral explained that some clearance might be necessary for emergency use during the work on the culvert.

Mr. Almeida stated this is another incidence that residents are aware but not the Board.

Mr. Paul Lamoureux, 65 Bishop Avenue, is also opposed to any access.

Mr. Araujo invited Mr. Cadime and others to come down and look at the road.

Mr. Almeida asked how they knew about it.

Mr. Araujo said he talked to town's people who were out there.

TOWN ADMINISTRATOR'S REPORT – None.

OTHER BUSINESS

Discuss Other Topics Not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting – None.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Veterans Memorial Park Committee Liaison Report

Mr. Viera reported that the controversy with the howitzer continues.

He asked for an update on a snow removal contract.

Mr. Cabral explained that he has a packet for vendors. He also spoke to some contractors. He will have policy that outlines how much snow has to be on the ground before contractors are called in.

Ms. Hines said she attended the open house at public safety. She wished more people had gone. There were four or five antique fire trucks there. It was nice to see. The canine officer was there with the dog.

She attended the "5th Annual Seekonk Open Studios." Artists in town open their homes to show off their art work. There were nine homes. She was amazed at the talent in this town. She asked the coordinator to let her know in advance so that she can announce it.

She asked if Route 6 will be paved after new pipes are put in.

Mr. Cadime said it is temporary patches.

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Ms. Hines announced the 10th Annual Food for Fuel Pasta Dinner on next Wednesday, October 22, 2017, from 4:30 to 7 p.m. at the high school.

Mr. Almeida clarified that when he asked the resident where he got information, it was no reflection on the Town Administrator. It seems like a lot of information is on social media.

Mr. Cadime said he talked about this at the last department head meeting. The Town Administrator and Board of Selectmen need to be informed before going to social media.

EXECUTIVE SESSION

At 11:21 p.m. Mr. Viera motioned, seconded by Ms. Hines, 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), Seekonk Public Library Employee Association, MLSA AFT Massachusetts, AFL-CIO per M.G.L. Chapter 30A, Section 21(a)(3), and Dispatch AFSCME Council 93 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 return 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

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Items Distributed at the Board of Selectmen Meeting of October 18, 2017

DPW Superintendent David Cabral – re: Cole Street soccer fields and metal spike notification and follow up

Chief Craig Mace – re: introduction of Patrolman Brad Lucke

Town Planner John Aubin III – re: incomplete subdivisions and roadway acceptance

Town Planner John Aubin III – re: special municipal employees

Finance Director Bruce Alexander – re: conversion old incandescent and Halogen Street light to LED lighting