

**BOARD OF SELECTMEN**  
**OCTOBER 22, 2014**  
**REGULAR SESSION**

Members Present: Nelson Almeida, David Andrade, Michael Brady, Gary Sagar

Absent: David Parker

Town Administrator: Shawn E. Cadime

Executive Assistant: Anne P. Rogers

Vice Chairman Almeida opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting both audio and video.

**BOARD AND COMMITTEE OPENINGS UPDATE**

Vice Chairman Almeida announced that volunteers are needed on the Capital Improvement Committee, Conservation Commission, Cultural Council, Economic Development Committee, Energy Committee, Property Tax Work-Off Committee, and Zoning Board of Appeals. Talent bank forms are available at Town Hall or on the website.

**PUBLIC HEARINGS**

**New Wine and Malt Restaurant License for Chipotle Mexican Grill located at 35 Highland Avenue, Glenn Fritsch, Manager**

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED** To open the public hearing at 6:03 p.m.

Atty. Jeff Simons and Manager Glenn Fritsch were in attendance. Atty. Simons explained that the company will only sell beer. There are seats inside and outside.

Mr. Brady asked if customers would be told they cannot go outside with the beer.

Mr. Fritsch said it will be posted on the door.

Vice Chairman Almeida wanted to make sure servers would be TIP certified.

Mr. Fritsch said they will all be TIP certified this week.

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No comments from the public.

A motion was made by Mr. Andrade, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To close the public hearing at 6:06 p.m.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

**VOTED:** To approve the wine and malt restaurant license for Chipotle Mexican Grill located at 35 Highland Avenue.

**Change of Stock, New Officer/Director Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse, Joel Moreno, Manager**

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

**VOTED:** To open the public hearing at 6:07 p.m.

Ms. Rogers explained this is a formality. It was pre-approved by the ABCC upon local licensing approval.

No comments from the public.

A motion was made by Mr. Andrade, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To close the public hearing at 6:08 p.m.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

**VOTED:** To approve the change of stock, new officer/director of Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse.

**LICENSE HEARINGS**

**Request for Manager Change for Not Your Average Joe's from Seth Caplan to Michael Vaccaro**

Mr. Vaccaro was in attendance.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

**VOTED:** To approve the request for manager change for Not Your Average Joe's from Seth Caplan to Michael Vaccaro.

**Approve Araujo Liquors, LTD d/b/a Regency Liquors Request to Open at 10 a.m. on Sunday under the New Ruling by the ABCC**

Ms. Rogers explained that as of this weekend the ABCC has changed the Sunday hours from 12 noon to 10 a.m. Board approval is not needed, but the ABCC would like to know which stores will open at 10 a.m.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To amend the license to allow Araujo Liquors, LTD d/b/a Regency Liquors to open at 10 a.m. on Sunday.

**Approve Seekonk Liquors, Inc. d/b/a Chris Gasbarro's Fine Wine & Spirits to Open at 10 a.m. on Sunday**

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To amend the license to allow Seekonk Liquors, Inc. d/b/a Chris Gasbarro's Fine Wine & Spirits to open at 10 a.m. on Sunday.

**Consider Approval of Class II Motor Vehicle License for Body Talk, located at 246 Pine Street**

**Consider Approval of Class III Motor Vehicle License for Body Talk, located at 246 Pine Street**

Mr. Stanley Arcisz, owner of Body Talk was in attendance.

Mr. Sagar asked how long ago his license lapsed.

Mr. Arcisz said about six years ago. He sold vehicles personally but not through the company. He has an auto body shop at that location.

Mr. Sagar said he has about a dozen unregistered vehicles.

Mr. Arcisz said the trucks are U-Haul trucks.

He indicated he had asked that Mr. Sagar not sit in on this. It is a conflict of interest.

Mr. Sagar said there is no conflict of interest. There was a misunderstanding in a business relationship that was resolved. He drives by the location and sees cars out there.

Chief Mace explained that an officer went out there. There were no vehicles in violation. The officer saw several vehicles present and no indication that any were being sold at this time.

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Ms. Rogers pointed out that the building inspector also went out there. There is an auto body shop.

Mr. Brady said the law allows one vehicle on the property unless selling.

Based on the Chief's report, Mr. Sagar motioned, seconded by Mr. Brady, and it was unanimously

**VOTED:** To approve the Class II and Class III Motor Vehicle license for Body Talk, located at 246 Pine Street

**Approve Request for Verizon to Relocate Pole #317 on Warren Avenue at Becky Lane**

Mr. Cadime advised that Mr. Lamoureux approves the relocation.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

**VOTED:** To approve the request to relocate pole #317 on Warren Avenue at Becky Lane.

**PRIORITY MATTERS**

**Approve the Promotion and Swear in Lt. Michael Bourque to the Rank of Captain for the Fire Department**

Chief Michael Healy advised the position was posted internally with the requirements. Two lieutenants applied. They both took the written test and passed. He created an oral board consisting of the Town Administrator and the fire chiefs from Swansea and No. Attleboro. The same questions were asked of both applicants. They were ranked. It was videotaped. After review, the oral part and written scores were combined.

Chief Healy and Mr. Cadime recommended the promotion of Lt. Michael Bourque.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To promote Lt. Michael Bourque to the rank of Captain for the Fire Department.

Mr. Sagar noted that Mr. Bourque is Vice Chairman on the Banna Fire Station Building Committee, Clerk of the Planning Board, and he served on the Public Safety Complex Building Committee.

Mr. Brady said it is good to see qualified people move up the ranks.

Vice Chairman Almeida concurred with the recommendation.

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Capt. Bourque was sworn in by Asst. Town Clerk Karen McHugh.

Mr. Cadime congratulated Capt. Bourque. He said he did an excellent job in the interview. He was articulate and well thought out. He will be a great leader in the Fire Department. The Town of Seekonk is lucky to have two great candidates. It was a difficult decision.

**Approve the Promotion and Swear in Shaun Whalen to the Rank of Lieutenant for the Fire Department**

Chief Healy advised that Firefighter Whalen is the #1 candidate on the lieutenant's list. He took the test in March 2013. He has already been interviewed.

Chief Healy and Mr. Cadime recommended the promotion.

A motion by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To promote Shaun Whalen to the rank of Lieutenant for the Fire Department.

Mr. Sagar noted that Lt. Whalen is very active in the muscular dystrophy association. He received the Kevin Williams award for his work with the association. Lt. Whalen is respected by his colleagues.

Mr. Brady said he has worked with Lt. Whalen. He will do a good job as lieutenant.

Asst. Town Clerk Karen McHugh swore in Lt. Whalen.

Vice Chairman Almeida congratulated him.

**Consider Conditional Offer of Employment for Firefighter to the Next Candidate Remaining**

Chief Healy advised that he would like to move forward in the process. The money is budgeted.

Mr. Cadime recommended to proceed.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To authorize Chief Healy to extend an offer of employment to the next candidate.

Mr. Sagar asked how the Fire Department is equipped to handle Ebola.

Chief Healy advised he met with the EMS Coordinator and Communications Director to brainstorm how to handle any potential case of an infected person.

The Communications Director had directives for his people. The #1 question is whether a person has traveled outside the United States and where.

**Consider Appointment of Ashley O'Connell as Part Time Assistant Animal Control Officer**

Mr. Cadime recommended the appointment.

Animal Control Officer Sharon Hall stated that Ms. O'Connell has been a kennel worker.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To appoint Ashley O'Connell as part time Assistant Animal Control Officer.

**Vote to Accept the Bonds for Banna Fire Station**

Town Treasurer Christine DeFontes advised they went to the market today to sell the bonds \$1,410,494. The winning bid was 2.2390%. Notes will be ready for Board of Selectmen signatures next week.

Mr. Sagar asked where does the interest compare to refinancing debt last year.

Mrs. DeFontes said it is close.

A motion was made by Mr. Andrade, seconded by Mr. Sagar, and it was unanimously

**VOTED:** See attached.

Mr. Brady asked if that is the amount that can be expended and if the Board would control every expenditure.

Mr. Cadime said that the bonding will fund that account item, but the Board would have control over all the expenses. He assured there would be updates later on.

**OLD BUSINESS**

**Update on Old Town Hall with Seaconke Wampanoag Tribe**

Historical Commission Chairman Michael Markley, Seaconke Wampanoag Tribe member Dr. Roger Lincoln, and Daryl Waldron, Executive Director of the R. I. Indian Council, were in attendance.

Mr. Markley explained that in August the tribe came forward with a presentation that would take most of the burden off of the Town. It would incorporate renovation, restoration and daily maintenance of the building.

Dr. Lincoln presented the proposal to allow the Seconke Wampanoag tribe to fully fund the restoration and maintenance of the Old Town Hall and free the Town of any expenses with regard to the restoration of the building. The project is a partnership between the Seaconke Wampanoags, Historical Society and the Town of Seekonk. The Old Town Hall is the Town's oldest municipal building.

It would be used as a community center for residents and offices for the tribe and Historical Commission. It will be a Native American Learning and Cultural Center and Arts and Education Center. The exterior of the building will be converted to its original form. There are numerous ANA grants through the R. I. Indian Council. The ANA provides technical assistance for grant writing. A panel reviews and analyzes and scores these grants. The ANA looks favorably on funding projects that are owned by tribes. The title of the property must be held by the tribe. They fund three-year phase grants of \$300,000 for a total of \$900,000 over a period of nine years. This will allow them to restore and maintain the building.

Mr. Waldron said the ANA organization is for start up projects. He felt the Wampanoags would be eligible for more than \$300,000.

Mr. Sagar said there might be an issue on the title. He has a couple of ideas.

Mr. Brady felt they need to research with legal and the State. It would need permission at Town Meeting.

Mr. Cadime said if the property is valued at \$35,000 or greater it has to go out for an RFP. He doesn't know of any exemptions but he could talk to Atty. Fair.

Mr. Brady said if it goes out for an RFP there is no guarantee it would go directly to the tribe. The wording would have to be very specific.

Mr. Cadime said it would have to be specific with conditions.

Mr. Sagar asked how it could be an RFP since they have a lease.

Mr. Andrade questioned if there could be a covenant on the deed that would ensure that it would be for town use and tribe use and in perpetuity.

Mr. Sagar suggested they open the warrant and include an article asking the Town to authorize the Board of Selectmen to negotiate. He didn't want to wait until June, 2015.

Mr. Waldron said there is another funding opportunity in March. They have already missed two funding cycles.

He felt it should be a gentlemen's agreement.

Mr. Andrade wanted to wait until June and make it absolutely clear to residents that this is town property and they are giving up all rights.

Mr. Waldron said there are different opportunities and language that could go into a lease. Indian projects are Native American projects. This is a State recognized tribe. There are laws involved with state government. He is not sure if Native American communities are included in state plans.

Mr. Andrade suggested they continue with the application with the provisions that the Town would look into turning it over to the tribe.

Mr. Waldron said a 100-year lease would be better than what they have right now. He is confused why the Town does not want to give up the title.

Mr. Andrade said he is not against given up the title. It is up to the residents.

Mr. Waldron said they need a letter of intent for the ANA.

Vice-Chairman Almeida said the building has been at a standstill. The Town removed mold and asbestos and took care of the issue with roof and gutters. Yet, nothing has been done inside the building. He felt it would be difficult to ask residents to sign over the title without something from the tribe.

Mr. Waldron said it could be a nice project. There is some real value to it.

Mr. Markley said the roof project has not been completed yet.

Mr. Waldron noted that the larger projects have a better chance of funding than a smaller project like this one.

He suggested a 100-year lease would be better. Ownership is the issue.

Mr. Brady said a vote at Town Meeting is necessary to dispose of the property.

A member of the tribe noted this has come before Town Meeting twice and it got approval under four different administrators. He felt the people would vote in favor of the Indians.

Ms. Karen McHugh felt there should be a concerted effort by the Historical Commission to keep residents informed.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To open the warrant and include an article #12 to seek authorization of citizens to dispose of the property known as the Old Town Hall/ Police Station for Native American and historical use.

A motion was made by Mr. Andrade, seconded by Mr. Brady, and it was unanimously

**VOTED:** To close the warrant.

### **Continued Discussion of Cole Street at Anthony Street**

DPW Superintendent Robert Lamoureux explained that he met with the resident last week regarding the issue at that intersection. She indicated she took down the shrubbery that was blocking the view. He said the design speed is only 30 mph at that area. The site distance should be 205 ft. It is 305 ft. so there is 100 ft. of additional site distance.

Mr. Brady said the shrubbery is still there.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To install two additional stop signs at the intersection of Cole and Anthony Streets.

### **NEW BUSINESS**

#### **Discuss and Vote to Approve State Agreement for Public Safety Traffic Light**

Mr. Lamoureux advised the design phase has been completed. There were some delays in waiting for Mass DOT to review and return the comments to the engineer (GPI). That has been done. He has two copies of the agreement to sign for permits before installation. The State will complete the necessary information and return to the Town.

He noted this also includes the preemption system at Arcade Avenue.

Mr. Cadime said that maintenance of the light will be the burden of the Town.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To approve and sign the State Agreement for the public safety traffic light.

**OLD BUSINESS**

**Continued Discussion and Review of Charter Change Amendments on Fall Town Warrant**

Mr. Neal Abelson, Planning; Mr. Paul Buckley and Mr. Bill Barker, Assessors; were in attendance.

Mr. Cadime advised that Atty. Fair had made the changes based on the recommendations.

Mr. Buckley read an amendment to Section B iv. The Board of Assessors had discussed this.

Mr. Sagar said a big part of the recruitment process is to have an administrative policy, which has to be developed. He suggested they could have a preliminary meeting.

Mr. Sagar said he would not support the Assessors' amendment.

Mr. Cadime suggested they remove names and faces and focus on the position.

Mr. Sagar said there has been a lot of mistrust. They should be working together.

Mr. Abelson said the Planning Board is more concerned about the reappointment of the incumbents.

Mr. Brady felt that any collective bargaining position should not be a three-year appointment. Once appointed they stay until they resign or retire. He noted assistants do not have to be reappointed.

Mr. Sagar said four were grandfathered.

Mr. Brady felt it is not fair to the others. Six people appointed are in the collective bargaining unit.

Mr. Cadime noted if they remove the three years there would still be individuals with three years.

Mr. Brady did not like the word "grandfathered." He suggested language that the provision would apply to those hired after July 1, 2015.

Mr. Barker said the idea of having respective boards appoint the person provides balance to the process and the interim person needs to be technical and those boards can determine the technical capabilities of that interim person.

Mr. Cadime will have Atty. Fair incorporate the provision to July 1, 2015.

**Continued Discussion on Chicken By-Law**

Mr. Abelson advised that he spoke to the Animal Control Officer. She is under the impression that if it becomes a bylaw the zoning enforcement officer will do it all. The zoning enforcement officer can't do a barn inspection. She only has two months to inspect every barn in town. It is a state law. She would do the five acres lots and the building inspector would do the others.

Vice Chairman Almeida said he was requesting six chickens, no rooster and inspection of the barn yearly.

Mr. Brady suggested they get input from the health department, animal control and building inspector.

Vice Chairman Almeida noted this came up months ago and nothing has been done. He will do research and come up with a plan.

**Continued Discussion, Review, and Vote on Warrant Articles for Town Meeting**

Mr. Cadime advised that Article 3 had changes - recreational facility was eliminated. Article 9 changed to \$35,000. Article 10 is permanent building committee. Article 11 is for the charter amendment and Article 12 for the Old Town Hall.

A motion by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To approve the warrant articles, as amended.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To recommend approval of Article 2.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To recommend approval of Article 3.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** Not to recommend approval of Article 4.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was

**VOTED:** 3 Ayes; 1 Nay; To recommend approval of Article 5.

The vote: Mr. Sagar – Aye; Mr. Andrade – Aye; Vice-Chairman Almeida – Aye; Mr. Brady – Nay.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was

**VOTED:** 3 Ayes; 1 Nay; To recommend approval of Article 6.

The vote: Mr. Brady – Aye; Mr. Sagar – Aye; Vice-Chairman Almeida – Aye; Mr. Andrade – Nay.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To recommend approval of Article 7.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To recommend approval of Article 8.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To recommend approval of Article 9, not to exceed 35,000.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOT ED:** To recommend approval of Article 10.

A motion was made by Mr. Brady, seconded by Mr. Andrade, and it was unanimously

**VOTED:** To recommend approval Article 11 with amendment on start date of appointments.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To recommend approval of Article 12.

### **COMMUNITY SPEAKS**

None.

### **NEW BUSINESS**

#### **Discussion on Removal of Signs on Verizon Poles**

Memo that town official has the ability to remove signs from the poles.

**Consider Approval of Regular Session Minutes of September 17, 2014 and September 24, 2014**

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

**VOTED:** To accept the Regular Session minutes of September 17, 2014 and September 24, 2014.

**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**

Mr. Andrade clarified that he would abstain from any discussion regarding the senior center project because the office he works for does bid and will be bidding on this project. He has filed the appropriate paperwork with the Town Clerk.

He thanked the boy scouts who were clearing a path on land trust property at the corner of Allen Avenue and No. Wheaton Avenue.

He was forwarded an e mail from Susan Waddington to bring attention about newspaper articles regarding the use of CPC funds to purchase property for the land trust.

With regard to an earlier discussion on licensing, Mr. Brady noted that the bylaw clearly states one vehicle unless it is in an enclosed building.

He thanked his colleagues for their support regarding the stop signs at Anthony and Cole Streets.

Mr. Sagar had Administrative Policy #23 passed in 1991 which stated that all evening Board meetings should convene at 7:30 p.m. and adjourn no later than 10 p.m.

He reported on the site visit and meeting of the Banna Fire Station. In attendance were Mr. Cadime, Town Counsel Mark Reich, Building Commissioner John Santos, three members of the building committee, architect, clerk of the works, representatives from the modular company, state engineer, and representative from Nadeau Corp. They went through twenty-six issues. December 24, 2014 is the projected completion date.

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Mr. Cadime noted he predicted Christmas.

Mr. Andrade felt it would be better to put the top coat down in the spring.

Mr. Sagar said they want to get it done in light of the \$500 per day penalty.

Vice Chairman Almeida asked if it would be possible to spread out the trash fees.

Mr. Cadime said it would be a question of how to do it. He suggested perhaps quarterly.

Vice Chairman Almeida attended the "Food for Fuel" pasta night. He thanked the organizers.

He apologized to Capt. Bourque for mispronouncing his name.

He wished everyone a Happy Halloween.

### **COMMUNITY SPEAKS**

None.

### **EXECUTIVE SESSION**

At 9:30 p.m., Mr. Sagar motioned, seconded by Mr. Brady, to adjourn Open Session and go into Executive Session to discuss strategy for collective bargaining with Dispatch Union per M.G.L. Chapter 30A, Section 21(3) and to consider approval of Executive Session minutes of September 24, 2014; not to reconvene to Open Session.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. Andrade – Aye; Vice-Chairman Almeida – Aye.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary