

**Board of Selectmen
Open Meeting of July 19, 2023
Seekonk Town Hall, 100 Peck Street
BOS Meeting Room**

Members Present: Justin Sullivan, Pam Pozzi, Chris Zorra, Michelle A. Hines, Michael P. Healy
Town Administrator: Shawn E. Cadime
Assistant Town Administrator/HR Director: Carol-Ann Days

Chair Healy opened the meeting at 6:00 p.m.

Board and Committee Openings

J. Sullivan read the Board and Committee vacancies into the record.

Community Speaks – No one was present to speak.

A. Recognition of Frank Oliver for 17 years of service on the Board of Registrars

M. Hines presented a proclamation for Frank Oliver.

B. Consider the appointment of Peter Matonis to the Historical Commission

Mr. Cadime made the recommendation to appoint Peter Matonis to the Historical Commission for a three-year term.

M. Hines made a motion to appoint Peter Matonis to the Board to the Historical Commission; it was seconded by J. Sullivan, and unanimously approved.

Vote: 5-0 all in favor

C. License Hearing: Consider the request for a Change of Manager for Mormax Corp, d/b/a BJ's 174 Highland Avenue, Timothy Regan to be manager

Timothy Regan, Manager, was present to answer any questions regarding changing the manager at BJ's.

M. Hines made a motion to approve the request for a change of manager for Mormax Corp, d/b/a BJ's located at 174 Highland Avenue; it was seconded by J. Sullivan, and unanimously approved.

Vote: 5-0 all in favor

D. License Hearing: Consider the request from Ocean State Multisport to waive the strict compliance of the requirements from the "One Day Special Event" Bylaw and to conduct three road races to be held on November 23, 2023, January 1, 2024 and May 5, 2024 with a start to be located at the Newman YMCA, 472 Taunton Avenue

Gary Menissian, owner of Ocean State Multisport asked the Board to waive the strict compliance of the requirements from the “One Day Special Event” By-law and to conduct three road races for November 23, 2023, January 1, 2024 and May 5, 2024. These races have been held without incidents for thirteen years and no changes will be made.

M. Hines made a motion to approve the request waive the strict compliance of the requirements from the “One Day Special Event” By-law and to conduct three road races to be held on November 23, 2023, January 1, 2024 and May 5, 2024; it was seconded by J. Sullivan, and unanimously approved.

Vote: 5-0 all in favor

E. Public Hearing: Nuisance Dog Hearing for a Dog Owned and/or kept by Derek Amaral, 27 Blacksmith Road

M. Hines made a motion to open the public hearing at 6:08 p.m.; it was seconded by J. Sullivan, and it was unanimously approved.

Chris Zorra recused himself from the meeting.

**Roll Call Vote: 4-0 all in favor (C. Zorra recused himself)
Justin Sullivan-Aye; Pam Pozzi-Aye; Michelle Hines-Aye; Michael Healy-Aye**

Present: Attorney Jeffrey Blake, Town Council from KP Law
Andrea Russo, Animal Control Officer
Richard Amaral (homeowner)

Animal Control Officer Andrea Russo summarized the reasons for the hearing. In summary, the dog has escaped the yard numerous times and is very intimidating. Animal controls has received many complaint calls about the dog escaping, but the complainants have asked to remain anonymous. She explained to the neighbors they can have a hearing, but they have refused to do so. The homeowner, Richard Amaral, has done everything they have asked him to do to keep the dog in the yard but the dog finds ways to escape. The dog has not bitten anyone when it gets, but there was an incident the dog nipped someone in the home.

P. Pozzi asked when the last complaint was filed after he made the improvements to the fence.

A. Russo answered this past March.

J. Sullivan said according to the report there have been long periods of time without any complaints. If the last complaint was in March, why was it being addressed now.

A. Russo said it took time to obtain all the information. This is different than other nuisance dog hearings. Since the neighbors won't come forward, Ms. Russo asked the Board for direction how to move forward.

M. Hines asked for the definition of a nuisance dog.

Attorney Blake from KP Law defined a nuisance dog under MGL Chapter 140 §136A a dog that (i) by excessive barking or other disturbance, is a source of annoyance of a sick person residing in the vicinity; or (ii) by excessive barking, causing damage, or other interference a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock and/or a domestic animal or person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances. A dangerous dog is a dog that 1) either without justification attacks a person or domestic animal causing physical injury or death; or 2) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or domestic or owned animal.

Attorney Blake said the dog nipped someone in the house when they were horsing around. There is a pattern of the dog escaping but there it is stretched out over a period of time. The Select Board, as the hearing authority can deem the dog a nuisance or dangerous dog and 1) dismiss the complaint or 2) deem the dog a nuisance or dangerous dog. If it is a nuisance dog, you could stipulate that it the fence be double gated or add a 10' fence.

Richard Amaral, 27 Blacksmith Road, explained the dog was his son's but he has since moved. The dog is a shepherd/retriever mix. He has added a 6' fence, gate in the house, and uses 2 electrical collars (in case 1 fails). He has since spoke with one neighbor and explained the situation (illness). Mr. Amaral stated he thinks the issue is more about him than the dog. Mr. Amaral said he has a picture of a dog that looks just like his dog on his phone. He said he does not let the dog out until 8:00 or 9:00 a.m.

J. Sullivan asked Mr. Amaral if he considered putting in an electrical fence.

Mr. Amaral said he had one before but is concerned if the battery dies.

M. Hines made a motion to close the public hearing at 6:31p.m.; it was seconded by J. Sullivan, and it was unanimously approved.

**Roll Call Vote: 4-0 all in favor (C. Zorra recused himself)
Justin Sullivan-Aye; Pam Pozzi-Aye; Michelle Hines-Aye; Michael Healy-Aye**

P. Pozzi said she would not consider the dog as a nuisance dog since it has been four months since the last incident and the owner has done everything that has been asked of him.

M. Hines explained to Mr. Amaral that the neighbors are afraid of the dog and Animal Control will continue monitoring the situation.

Chair Healy asked the Board if they had any objections to allow one of the neighbors speak even though public hearing was closed. There were no objections.

Sara Ferreira, 28 Blacksmith Road, lives across the street. She said the dog is a concern of hers and has been for three years. She has children and a dog, and does not feel safe in her own yard. She also said

the dog barks for hours, neighbors can't go for walks, ride bikes or play in the road. She said she needs reassurance that they will be safe in their neighborhood.

J. Sullivan said there were numerous complaints filed in 2020 and 2021. From August 2021 to August 2022 there were no complaints filed. The next complaint was filed in March 2023.

Ms. Ferreira said the fence has helped. When the dog got out in March it ran out to a man with 2 dogs. She asked that a sign be posted or he have an alarm system that alerts Mr. Amaral that the dog has gotten out. She said the dog is out for thirty minutes or more harassing people.

Mr. Amaral replied Ghost is not out for hours. He has secured the fence with zip ties and locks.

J. Sullivan asked Mr. Amaral to consider installing an invisible fence around the backyard.

M. Healy asked the Attorney if the Board could stipulate the homeowner to install an invisible fence or would they need to deem the dog a nuisance dog to add the stipulation.

Attorney Blake said in order for the Board to have jurisdiction over the dog the Board would need to find the dog a nuisance dog, or the Board could continue the hearing for 60 days and ask the homeowner to add an electric fence. At that time, the homeowner would come back to the Board with proof of installation and the Board could dismiss it or deem the dog a nuisance dog.

J. Sullivan made a motion to continue this nuisance dog hearing for 60 days until September 13, 2023 at 6:00 p.m. for further discussion; M. Hines seconded the motion; and it was unanimously agreed.

Vote: 4-0 all in favor (C. Zorra recused himself)

M. Hines advised if there were any further complaints during this time, to have them contact Animal Control.

Chris Zorra reentered the meeting.

F. Consider accepting the Warrant from the Animal Control Officer

A. Russo read the warrant into the record.

M. Hines made the motion to accept the Warrant from the Animal Control Officer; J. Sullivan seconded the motion, and it was unanimously approved.

Vote: 5-0 all in favor

G. Consider the reappointment of KP Law as Town Counsel

S. Cadime advised the Board, per the town Charter, the Select Board needs to appoints Town Counsel on a yearly basis. He requested the Board reappoint KP Law as Town Counsel.

P. Pozzi asked how many years KP Law has served as Town Counsel.

S. Cadime replied he was not positive since it was before he became the TA. They did change once but it did not work out and they reappointed KP Law.

M. Hines made the motion to reappoint KP Law as Town Counsel; J. Sullivan seconded the motion, and it was unanimously approved.

Vote: 5-0 all in favor

COMMUNITY SPEAKS: No one was present to speak.

OTHER BUSINESS: Discuss other topics not reasonably anticipated by the Chairman 48 hours before the meeting. Nothing at this time.

TOWN ADMINISTRATOR'S REPORT

- A. South End Fire Station Building Committee – Nothing new to report.
- B. Department of Public Works Building Committee – Nothing new to report. The next meeting is scheduled for August 9th.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

- A. Accounts Payable Warrant – Signed
- B. Bristol County Advisory Board (M. Healy) – nothing new to report at this time.
- C. Aitken School Expansion Building Committee Report (C. Zorra) – nothing at this time.
- D. 540 Arcade Avenue Building Committee Report (M. Hines) – The restrooms are going in the week and there is a construction meeting tomorrow.
- E. TV9 liaison (M. Healy) - nothing new to report at this time.

M. Hines said she has been receiving complaints about Verizon cell service. She asked if the Town had a liaison for Verizon.

P. Pozzi said there are a lot of dropped calls and thinks the issue is beyond Verizon since it happens with other carriers as well.

M. Hines said she spoke with D. Cabral about a drain concern on Lincoln at County Street. She also asked when the Board would discuss either a Town Charter Committee or Commission.

J. Sullivan said conversation should begin this Fall.

M. Healy thanked Mr. Cadime, the Police Department, and DPW for additional signage on Mill Road to help with speeding and no left turn.

M. Healy reminded the Board there was a joint executive session meeting for Monday, July 24th and the next Board of Selectmen meeting would be held on August 16th.

M. Healy reminded the Board the Town voted to approve \$100,000 at Spring Town Meeting for a feasibility study for the library. He asked the Board to consider appointing someone from the Select Board to sit on the committee.

S. Cadime said he met with the Board of Library Trustees Chairperson. The BLT were having a meeting tonight to discuss the committee and they would provide more information after the meeting.

C. Zorra said National Night Out was scheduled for August 2nd at the Public Safety Complex.

Adjournment

M. Hines made a motion to enter into Executive Session at 7:17 p.m. and reenter into open session for potential contract approval to A) to conduct a strategy session with respect to negotiations with the Seekonk Public Library Employee Association, MLSA, AFT Massachusetts, AFL-CIO per MGL c 30A § 21(a) (3) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town; B) to conduct a strategy session with respect to negotiations with DPW AFSCME Council 93 per MGL c 30A § 21(a) (3) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town; and C) to conduct strategy sessions with respect to negotiations with the Assistant Town Administrator/HR Director per MGL c 30A § 21(a) (2) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town; it was seconded by J. Sullivan, and it was unanimously approved.

Roll Call Vote: 5-0 all in favor

Justin Sullivan-Aye; Pam Pozzi-Aye; Chris Zorra-Aye; Michelle Hines-Aye; Michael Healy-Aye

Contract Approval

J. Sullivan made a motion to enter back into open session at 8:04 p.m.; it was seconded by C. Zorra, and it was unanimously approved.

Vote: 5-0 all in favor

M. Hines made a motion to approve the Assistant Town Administrator/HR Director's contract as amended; it was seconded by J. Sullivan, and it was unanimously approved.

Roll Call Vote: 5-0 all in favor

Justin Sullivan-Aye; Pam Pozzi-Aye; Chris Zorra-Aye; Michelle Hines-Aye; Michael Healy-Aye

Adjournment

J. Sullivan made a motion to adjourn the meeting at 8:05 p.m.; it was seconded by M. Hines, and it was unanimously approved.

Roll Call Vote: 5-0 all in favor

Justin Sullivan-Aye; Pam Pozzi-Aye; Chris Zorra-Aye; Michelle Hines-Aye; Michael Healy-Aye

Respectfully submitted,
Michelle A. Hines, Clerk

Prepared by:
Kristen L'Heureux

Items Distributed at the July 19, 2023 Board of Selectmen Meeting

- Talent Bank Form for Historical Commission
- Change of Manager Application for Mormax Corp. d/b/a BJ's 174 Highland Avenue
- Request from Ocean State Multisport to waive the strict compliance from the One Day Special Event By-law
- Nuisance Dog Hearing correspondence
- Animal Control Office Warrant