

BOARD OF SELECTMEN
JANUARY 23, 2019
REGULAR SESSION

Members Present: David Andrade, Nelson Almeida, David Viera
Michelle Hines, Chris Zorra

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), anyone who wanted to record the meeting must notify the Chairman. The Board of Selectmen is recording via audio and visual.

Channel 10, The Sun Chronicle and Robert Lopez recording the part on marijuana use facility.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Viera announced that volunteers are needed on the Charter Study Committee (up to 6 Board of Selectmen appointments), Conservation Commission (3 BOS), Cultural Council (2 BOS), Energy Committee (1 BOS), Historical Commission (3 BOS), Property Tax Work-Off Committee (3 BOS), Recycling Committee (up to 4 BOS), Taxation Aid Fund Committee (1 BOS), 540 Arcade Avenue Phase II Building Committee (2 BOS), Veterans Council (5 BOS).

COMMUNITY SPEAKS

Town Moderator Peter Hoogerzeil announced the following appointments to the 540 Arcade Avenue Phase II Building Committee: Noah Escalar, John Vatcher, and David Viera.

Mr. Hoogerzeil asked about an updated list of boards and committees.

Mr. Cadime said his office continues to update the list.

PRIORITY MATTERS

Consider the Appointment and Swearing in of Jesse Kingman as a Probationary Third Class Firefighter

Chief Michael Healy recommended the appointment with certain stipulations. Mr. Cadime recommended as stated by the chief.

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

VOTED: To appoint Jesse Kingman as a Probationary Third Class Firefighter with the Seekonk Fire Department, effective January 27, 2019, with the stipulations that he obtain a paramedic license within 6 months of employment and he has up to 12 months to relocate within the 15 miles requirement.

Asst. Town Clerk Loraine Sorel swore him in. His father, Brian, pinned his badge.

Consider the Appointment of Douglas Hood to the Position of Third-Class Patrolman

Chief Frank John requested the appointment. Mr. Cadime recommended as stated by the chief.

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

VOTED: To appoint Douglas Hood to the position of Third Class Patrolman with the Seekonk Police Department, effective February 1, 2019.

Mr. Hood was introduced to the Board. Chief John advised he will be sworn in at a later date.

Consider the Appointment of Patrolman Steven Fundakowski to the Rank of Sergeant

Chief John requested the promotion of Patrolman Steven Fundakowski to the rank of Sergeant.

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

VOTED: To promote Steven Fundakowski to the rank of Sergeant with the Seekonk Police Department, effective February 20, 2019.

Sgt. Fundakowski is a K-9 Officer. Mr. Zorra asked what will happen with the dog.

Chief John said Sgt. Fundakowski has more flexibility and will be able to patrol the town with the dog.

Consider the Appointment of Lieutenant David Enos to the Rank of Deputy Chief

Chief John respectfully requested the promotion of Lt. David Enos to the rank of Deputy Chief. Mr. Cadime recommended as stated by Chief John.

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

VOTED: To promote Lt. David Enos to the rank of Deputy Chief with the Seekonk Police Department, effective February 20, 2019.

Chief John advised that Sgt. Fundakowski and Deputy Chief Enos will be sworn in at a future meeting.

Consider Accepting a Donation in the Amount of \$50 from Mohan Patel to the Human Services Gift Account

Mr. Cadime recommended, Mr. Viera motioned, Ms. Hines seconded, and it was unanimously

VOTED: To accept the \$50 donation from Mohan Patel to the Human Services Gift Account.

Consider the Designation of Sharonlynne Hall as Animal Control Officer per M.G.L. Chapter 140, Section 151

Mr. Cadime explained the designation is an annual requirement in accordance with M.G.L. Chapter 140, Section 151.

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

VOTED: 4 Ayes; 1 Abstention; To designate Sharonlynne Hall as Animal Control Officer.

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

Consider the Designation of Andrea Russo as Assistant Animal Control Officer per M.G.L. Chapter 140, Section 151

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

VOTED: 4 Ayes; 1 Abstention; To designate Andrea Russo as Assistant Animal Control Officer.

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

Consider the Designation of Nicole Wheeler as Assistant Animal Control Officer per M.G.L. Chapter 140, Section 151

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

VOTED: To designate Nicole Wheeler as Assistant Animal Control Officer.

Accept the Resignation of Louis Alves as Truck Driver/Laborer with the Department of Public Works

Mr. Cadime advised that Mr. Alves indicated he was offered a job with a higher salary.

Mr. Viera asked if this is the gentleman who came from ABC Disposal.

Chairman Andrade said "yes."

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

VOTED: To accept the resignation of Louis Alves as truck driver/laborer with DPW.

JOINT MEETING WITH PLANNING BOARD

Joint Meeting with Planning Board to Discuss Outstanding Items and Concerns within the Pine Hill Subdivision (Jacoby Way off Newman Avenue)

Atty. Amy Kwessel of KP Law was present. Town Planner John Aubin III and Planning Board Members David Sullivan, Sandra Foulkes, and Bruce Hock were in attendance.

Chairman Andrade explained this item was put on the agenda because the Board had received a letter from residents of Jacoby Way. However, it is a Planning Board matter.

Mr. Adam Lastrina of 9 Jacoby Way stated that he has lived in the neighborhood for almost four years. It has been an ongoing issue. Unprecedented type things are happening.

Chairman Andrade said the development's LLC went bankrupt. The development was left unfinished and does not meet the criteria approved by the Planning Board to be accepted as a street to be maintained by the town.

Mr. Lastrina said residents received a letter from KP Law indicating that unfinished items are their responsibility.

Chairman Andrade said a developer is responsible for completing a development. This development has a homeowners association. Because the developer abandoned the subdivision, the responsibility falls on the HOA. There are three options – sue the developer, make the repairs and try to get the money from the developer, or make the repairs.

Mr. Lastrina asked about the bond and why was it released.

Chairman Andrade believed the surety taken for the development was a lot and that was sold in foreclosure.

Mr. Lastina said it seems like negligence on the part of the town.

Mr. Aubin explained the covenant means a building permit cannot be pulled on that lot.

Mr. Sullivan said the bankruptcy court sold that lot as an asset. The covenant went with the new owner. This matter is in litigation. The Planning Board is trying to reach an agreement with the homeowners association and the covenant lot owner.

Atty. Kwessel said the actual statute only allows for certain mechanisms and one of them is the covenant. It is not as if the town did anything wrong.

Mr. Sullivan said the choice of surety is up to the developer.

Mr. Aubin said the Planning Board has taken action to eliminate this type of situation. Now, if someone wants to come forward with a covenant over the entire development, that is fine. A partial covenant will not be accepted as surety. It doesn't help in this situation, however.

He said changes have been made to the subdivision regulations and rules to tighten up procedures.

Mr. Sullivan said the surety amount is a recommendation from a consulting engineer.

Ms. Hines asked about the HOA. She said this developer is coming in with another LLC.

Atty. Kwessel said there is no provision to limit the developer from coming in under another LLC.

Mr. Aubin explained the responsibility of the HOA.

He noted the Planning Board will meet on Tuesday, February 12. He suggested representatives of the HOA should attend as well as the owner of the covenant lot.

Mr. Aubin said he could bring it to the Technical Review Committee at the next meeting.

NEW BUSINESS

Consider the Amended Seekonk Speedway License Agreement for 2019

Chief John outlined the changes. Speedway officials want to change the number of police officers to 12 during matinee thrill shows. The Chief is adding an hour to the first two officers for prep time.

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

VOTED: To approve the amended changes to the Seekonk Speedway License Agreement for 2019.

Consider Posting the Position of Assistant Director of Human Services

Mr. Cadime noted the Assistant Director was offered the Director position leaving that position open.

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

VOTED: To post the position of Assistant Director of Human Services.

Discuss Tree Updates Including Priority Lists

Postponed until next meeting.

Discussion with Property Owner Regarding Proposed Future Plans for a “Marijuana Medical and Business Use Overlay District” at 800 Fall River Avenue

Atty. Eric Brainsky was in attendance on behalf of the property owner and future petitioner for a potential zoning by-law amendment and zone change application (Showcase property).

A meeting was held recently with the town planner, town administrator, and property owner to discuss a concept.

A draft petition mentioned a special town meeting but because of a timing issue this will require extensive review so they will not apply for a special town meeting at this time.

Atty. Brainsky said his client purchased the property that has been vacant for years. He has looked for appropriate uses for the building. It is in good shape structurally. An aquaculture facility or fish farm was met with backlash from residents. They are now looking at a medical marijuana grow facility.

Chairman Andrade noted the area is not zoned for marijuana. The Planning Board and the town identified an area that was right in the overlay district (Route 6).

Atty. Brainsky said there is no room for a 50,000 square foot building where currently zoned. He noted the town could gain up to \$6M in taxes per year.

Chairman Andrade said as time passes and more facilities open that would decrease and is limited to a certain timeframe.

Mr. Cadime said there is a 3% impact fee on community host agreements. That is to reimburse the town for impacts from the facility. It is only allowed for five years but could try to

renegotiate the impact fee. The Spring Town Meeting will include an article to accept the M.G.L. 3% sales tax on marijuana.

Atty. Brainsky said his client is willing to accept the 3% impact fee for five years and then some sort of agreement.

Chairman Andrade found it hard to believe a marijuana grow facility is the best use to protect the investment of Greenbrier, as stated by Atty. Brainsky or Mr. Tapalian at a previous meeting.

Atty. Brainsky denied saying that. He said Mr. Tapalian bought the property to protect Greenbrier and they are looking for the best possible use of the building.

Dr. Charles Tapalian, Jr. talked about the host agreement. It has potential to bring in \$5M to \$6M per year for the town (host agreement plus tax revenue). They have informal agreements to go beyond the five years. It will be an enclosed facility that will produce 50,000 to 60,000 pounds a year. They already have distributors.

Mr. Jaime Crumb and Mr. Peter Panaduci were in attendance. Mr. Panaduci said they selected Seekonk because of the favorable vote taken at town meeting.

Mr. Crumb said the big focus will be cultivation and processing.

Ms. Hines clarified that Mr. Crumb is a registered caregiver grower in Maine. He could grow up to 36 plants. He hopes to grow thousands of plants here.

Mr. Almeida asked who is tracking revenue.

Mr. Crumb said everything will be tracked.

Mr. Viera asked how money will be handled.

Chairman Andrade asked if money will be deposited into a federally-insured bank and payments made to the town.

Atty. Brainsky said there are no federally-insured banks that take money from grow facilities. There might be banks that accept by the time they need a bank.

Mr. Crumb said Century Bank in Medford, MA handles all transactions. Seed to sale is fully tracked. His group is financially backed.

He noted that marijuana grow is coming. They intend to have “by appointment only” for recreational portion to curtail traffic.

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Chairman Andrade said that town meeting identified where it should go.

Mr. Crumb said facilities are inspected regularly by the State.

Ms. Hines asked Atty. Brainsky if he is going to ask to rezone this property.

Chairman Andrade said Atty. Brainsky wants to modify and create a new zone.

Ms. Hines suggested a grow and distribution center on the site and retail at the overlay district.

Atty. Brainsky said he doesn't know if his client thought about that. Personally, he likes the idea.

Mr. Almeida asked about security.

Mr. Crumb explained they will have a complete plan for the Board. They need to make sure employees and neighbors are safe in conjunction with police and fire.

Atty. Brainsky advised a presentation will be made on January 30, 2019, at 7 p.m., at the Clarion Hotel. All are welcome.

Consider Referring the Special Town Meeting Greenbrier Rental Vouchers to the Attorney General's Office and District Attorney's Office for Investigation of Massachusetts General Laws Chapter 56, Section 32

Chairman Andrade said the Board had received an e-mail that the owner of Greenbrier had sent out notice of \$500 vouchers if residents attended the town meeting. It was referred to legal and the Secretary of State. The ruling from the Secretary of State's office is that it would have been illegal if it had been a state election. Chairman Andrade noted, if legal, Mr. Tapalian has solved the problem of attendance at town meeting. Offering a break on taxes would assure attendance at town meeting. Atty. Brainsky later indicated the offer was rescinded.

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

VOTED: To request an opinion from the Atty. General and District Attorney regarding the legality of the intent to offer \$500 vouchers to residents in exchange for attendance at town meeting.

Discuss Potential Priorities for the 540 Arcade Avenue Phase II Building Committee

Ms. Hines questioned this. She has never seen an agenda item to discuss priorities. They have direction through the article. She noted the Board has a representative to the building committee.

Chairman Andrade disagreed. This is different. The Board has to decide the best use for the empty space.

The Chairman and Mr. Cadime asked School Committee members if they would be interested. The School Committee felt it might be good to house an out-of-district placement that is brought back into town.

Mr. Viera felt the Board of Selectmen should have input on what this building should look like.

Chairman Andrade said the Supt. of Schools felt they could free up space at the middle school by moving school administration to the senior center building. The Veterans Agent is at the center and they need room for the Recreation Director and meeting space. The senior center needs more space but does not need to occupy the entire building.

Mr. Cadime suggested they configure the space and floor plan.

Ms. Hines said the building needs to be finished but not necessarily occupied.

Mr. Zorra suggested they have a joint meeting once the building committee is formed.

Mr. Viera said they have to decide how much money they want to spend.

Consider the Approval of Regular Session Minutes of January 9, 2019

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

VOTED: To accept the Regular Session minutes of January 9, 2019 with the change of the date on the first page.

OLD BUSINESS

Consider the Wording for the Ballot Question Regarding the Town Charter Amendment for Conservation Commission

Mr. Cadime noted that town meeting voted to reduce the number of Conservation Commission members from 7 to 5. It has been difficult to get a quorum. It now needs a ballot question. The Board would have to notify the Town Clerk that the Board voted to adopt the question and summary and authorize her to issue the charter changes. Legal has provided the summary and ballot questions.

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

VOTED: To adopt the questions and summary.

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

VOTED: To notify the Town Clerk that the Board of Selectmen adopted the questions and summary.

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

VOTED: To authorize the Town Clerk to send out notice to all registered voters.

Consider the Approval of the Green Communities Project Relative to a Grant in the Amount of \$160,790

Mr. Cadime had a list of projects. He recommended the two public safety items – energy management system and the valuable frequency motors and drives - for about \$86,000. The remainder. He reached out to Jim Roye at the School Department for input.

Mr. Almeida said there is \$20,000 allocated for and they should be getting a new building.

Mr. Cadime said questioned whether it could be transferred to a new building

Mr. Viera asked if we can make p[rovisions for people to take showers.

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

V

Consideration of the Library Grounds Memorandum of Agreement

Mr. Cadime said the Board of Library Trustees is OK with this agreement.

Mr. Viera asked if the name of veterans council is affected. Shawn said it is ok.

Ms. Hines asked if ten days is enough to for second chair person to respond
On line 33 and 35 appointees and not a member of either board.
Chairman said that is the intent.

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

VOTED: To approve with the amendment.

COMMUNITY SPEAKS

Mr. John Alves 25 River Street, Chairman of Community Preservation Committee. asked for an update on the old town hall..

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Mr. Cadime received information that the tribe will turn the deed over.

OTHER BUSINESS

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

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime noted that the town moderator had made appointments to the 540 Arcade Avenue Phase II Building Committee. He will make appointments at the next meeting.

He asked Rep. Steve Howitt to submit a bill that would be specific to Seekonk. Any project under \$5M would be exempt from prevailing wage.

The governor released his budget. They are still committed to increasing the unrestricting local aid based on the sales tax which is a 4% increase.

BOARD OF SELECTMEN LIAISON REORTS AND COMMENTS

Aitken School Expansion Building Committee Report

Mr. Zorra advised a public hearing was scheduled for Thursday at 6 30 p.m. All are invited to attend and view the proposed plan.

He has received calls about the renovations at town hall.

Mr. Cadime said that renovations were budgeted over the last two years. TV9 budgeted money to update equipment, sound, and lighting. It was a team effort. The equipment they put in is extremely expensive.

Mr. Zorra felt badly for Jacoby Way residents. It is a terrible situation.

Ms. Hines said Mr. Aubin and the Planning Board are doing whatever they can.

Mr. Viera said the covenant is a joke.

Mr. Cadime said the law should change to take either the surety or covenant

Mr. Almeida said townspeople really need to be involved and show interest. Social media poss and comments and yet at town meeting about 150 people show up.

Mr. Almeida noted that Greenbrier is not the only one that has contributed to the population of the schools. There are other new developments that contributed to the increase of student population. He heard that , at a recent PTO meeting, the principal said the school is turning out to be Greenbrier Academy. He felt the School Committee should look into that and that principal should apologize.

Mr. Almeida agreed that the owner should put a little more into that area.

Mr. Viera had a complaint from a resident at 202 Ledge Road about potholes.

Chairman Andrade reminded residents about the town meeting on Monday to discuss the extension of the multifamily overlay district. He urged residents to come out and vote.

EXECUTIVE SESSION

At 10: 05 p.m. Mr. Viera motioned, seconded by Ms. Hines, to go into Executive Session to investigate charges of criminal misconduct or to consider the filing of criminal complaints pursuant to M.G.L. Chapter 30A, Section 21(a)(5) as having discussion in open session would be detrimental to the litigation or bargaining position of the town and to consider the approval of the Executive Session minutes of December 26, 2018 and January 9, 2019; not to reconvene in Open Session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary