

BOARD OF SELECTMEN
OCTOBER 16, 2019
REGULAR SESSION

Members Present: David Andrade, Nelson Almeida, David Viera,
Chris Zorra, Justin Sullivan

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

Mr. Viera announced that volunteers are needed on the Board of Registrars (1 Board of Selectmen appointment), Capital Improvement Committee (1 BOS), Economic Development Committee (4 BOS), Energy Committee (1 BOS), Historical Commission (4 BOS), Recycling Committee (up to 3 BOS), Taxation Aid Fund Committee (1 BOS), Zoning Board of Appeals (2 Regular and 2 Alternates).

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Consider the Appointment of Christine Ribeiro for the Position of Executive Assistant to the Chief of Police

Interim Chief David Enos noted that the Board had approved a conditional offer of approval on September 18, 2019. She has met all requirements. Through Mr. Cadime, Chief Enos requested the appointment. Mr. Cadime recommended as presented by the chief.

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

VOTED: 4 Ayes; 1 Abstention; To appoint Christine Ribeiro as Executive Assistant to the Chief of Police, effective October 21 2019.

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

Mr. Sullivan stated that Ms. Ribeiro had previously worked for his wife.

Consider the Appointment of Michael Jacques to the Position of Patrolman 3rd Class with a Start Date of November 1, 2019

Interim Chief Enos noted the Board had approved a conditional offer of employment on July 24, 2019. He met all conditions of the offer. He was employed by the Westport Police Department. Through Mr. Cadime, Interim Chief Enos requested the Board appoint Mr. Jacques.

Mr. Cadime recommended as mentioned by Chief Enos, effective November 1, 2019.

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

VOTED: To appoint Michael Jacques to the position of Patrolman 3rd Class, effective November 1, 2019.

Consider the Conditional Offer of Employment to Christopher MacKenzie for the Position of Chief of Police

Mr. Cadime advised a search committee was formed consisting of Justin Sullivan, Carol Ann Days, Fire Chief Michael Healy, and Mr. Cadime. There were 27 strong applicants. During two rounds of interviews, Deputy Christopher MacKenzie quickly stood out and established himself as a frontrunner for the position of chief. He poses tangible and intangible qualities of a leader that they were looking for in the Police Department. He has been with the Walpole Police Department for 21 years. He has a long list of commendations and certifications. He has volunteered at various levels in Walpole. Mr. MacKenzie has a strong commitment to the community. He focused that the Police Department is a community oriented team approach. That is a great fit for the Seekonk Police Department. He would be a great leader.

Mr. Cadime said the search committee did a thorough job. They found somebody who could be in Seekonk for many years and start planning for a succession plan within the Police Department.

Mr. Cadime recommended the Board extend a conditional offer of employment to Mr. MacKenzie for the position of Chief of Police. Mr. MacKenzie was in the audience.

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

VOTED: 2 Ayes; 3 Nays; To extend a conditional offer of employment to Christopher MacKenzie.

The vote: Mr. Sullivan – Aye; Chairman Andrade – Aye; Mr. Almeida – Nay; Mr. Viera – Nay; Mr. Zorra – Nay.

Mr. Sullivan thanked Deputy Chief Enos for his service in stepping in two weeks after his promotion to deputy chief. He commended and truly thanked him.

He acknowledged that the Board wants to promote from within whenever possible. Giving the short time they had and looking at Deputy Chief Enos and the situation on its own, they had to conduct an open search.

There were many quality candidates and Mr. MacKenzie stood out as the top candidate. He has served in his childhood Town of Walpole. He has a history of exemplary service, education, training, and commendations. Walpole is a similar size and type community to Seekonk. He expected the Police Department would also see the same strengths in Mr. MacKenzie and assure a strong transition. He understands team approach and how important utilizing Deputy Enos will be.

Mr. Sullivan said that Mr. MacKenzie was unflappable during the interview process. He is excited to present Mr. MacKenzie to the Board for the position of Chief of Police.

Mr. Zorra said he supports in-house chief. He has always been big on internal promotions. There have been a few issues but the Deputy has done an outstanding job. Nothing against Mr. MacKenzie; but, there is no reason why the Deputy Chief Enos can't move up to Chief.

Chairman Andrade said there was an interview process to bring in a total number of candidates.

Mr. Almeida concurred with Mr. Zorra. He agreed that Mr. MacKenzie is qualified for the position. However, the only reason he would seek outside is if there is corruption within or if no one within applied. In this case, Deputy Chief Enos stepped into issues which were resolved. A recent tragedy was handled properly under Deputy Chief Enos.

Chairman Andrade asked if they should go back to interviews.

Mr. Cadime noted the amount of time and effort put in by the search committee. He has never taken his recommendations lightly. Mr. MacKenzie fits the criteria he looks for. He could do a phenomenal job from the Police Department standpoint.

There were 27 applications, 1 1/2 hour interviews, two rounds. As Town Administrator, he takes exception to the time and commitment to now send the search committee back out. It was a legitimate process. It was vetted. He was extremely excited about this candidate. That doesn't happen very often. The entire search committee was excited to have Deputy MacKenzie come on board. It is disheartening.

Mr. Sullivan said he is extremely disappointed. He appreciates the fact that hiring from within is important. There was a process put in place. They interviewed a number of candidates and vetted this out. The selection of Mr. MacKenzie, without a doubt, couldn't be more exciting. To go through this process tonight because some of us chose to stick to what was said two meetings ago for political expedience rather than consider the qualifications of this man.

Chairman Andrade said the selection committee reviewed qualifications of every candidate that applied. To make a decision without going through the process doesn't make sense.

Mr. Sullivan said it further railroads the process going forward. We got excellent candidates.

Mr. Viera said everybody's point is well taken. He understands the frustration. The charter is clear the recommendation comes from the Town Administrator and the Board of Selectmen makes the final decision. He doesn't know Mr. MacKenzie but knows some of the other candidates. He has to go with his heart and that is exactly what he is doing.

Mr. Cadime respectfully requested the Board reconsider the vote. Statements were made to go in house. We are not taking away from the in-house individual. The recommendation before the Board is for the best individual.

Mr. Zorra said he has been with the internal candidate from day one not two meetings ago.

Mr. Sullivan said he can accept that some want to support the in-house candidate. He takes exception to ignoring the background of the candidate presented. This town would be lucky and fortunate to have Mr. MacKenzie.

Mr. Zorra said there hasn't been any issues with Deputy Enos at the helm.

Mr. Almeida suggested they move on.

Discussion with Attorney Matthew Porter Requesting Board of Selectmen to Petition the State for Additional Package Store Licenses

Atty. Porter representing Oak Hill Mini Mart, 545 Central Avenue, and Ms. Patel were in attendance. Atty. Porter asked if there would be support to petition the State for additional package store licenses. Oak Hill Mini Mart has a beer and wine license. There is adequate parking. They have received support from customers. There is no full liquor store in that area.

Mr. Viera said there is one liquor store further down on Central Avenue.

Mr. Zorra said he would support it.

Mr. Sullivan would consider it. He would like to hear from residents in that area.

Atty. Porter said they would go before the Town Meeting and then the Board would petition the State.

Mr. Almeida said the Town Meeting is in November. The next one would be in the spring except if there is a special town meeting.

Atty. Porter said they could come back in January or February.

Mr. Almeida said if they go through the process the request should be for more than one liquor license.

Presentation of the Proposed Playground on the Town Hall Property

DPW Assistant Superintendent Scott Olobri, Recreation Director John Pozzi, and Tiffany Tiberio and Jay Cooke from Kompan were in attendance.

Mr. Pozzi stated that, in July 2018, Town Planner John Aubin III came to the Town Administrator with a grant proposal to put a playground in under Community Housing. They had two weeks to put it together. However, they didn't get the \$385,000 grant. Residents want a community playground.

For the Fall Town Meeting, they worked with Tiffany Tiberio, designer. Total cost is \$357,470. CPC will give \$300,000 toward the playground. This is the first project with CPC for recreation. There is a warranty package.

The Town Hall site is central to the town. The playground will be all natural wood. It might increase adoptions since the playground is near the animal shelter. Responses from the public show the playground will cater to the younger population and also senior citizens who will bring grandchildren to the playground.

Ms. Tiberio had a power point presentation. The design is broken down by age groups.

Chairman Andrade said he would like to see the whole package for Town Meeting such as having mini parks across town.

Mr. Pozzi said they were looking at Water Lane.

Mr. Almeida asked about restrooms.

Mr. Pozzi said they will consider Phase II when the old animal shelter goes down.

Chairman Andrade felt they should go to Town Meeting with the entire picture.

Mr. Almeida didn't see a need for the smaller playgrounds. There are also playgrounds at some of the schools.

Mr. Viera inquired about additional parking.

Mr. Olobri said there will be an entrance and parking at the area that is now the old animal shelter.

Mr. Viera concerned that people would park in the town hall parking area. He suggested blocking the town hall area from the playground.

Mr. Pozzi said they could use plants to block the area.

Chairman Andrade asked if it falls under the easement.

Mr. Pozzi said it is not that far back.

Mr. Zorra asked about drainage and concussion proof turf.

Mr. Jay Cooke said it is critical fall height figured. There is padding that goes under the turf and figured into the design of the playground and there is draining. Life expectancy is 12-15 years. It is all in the warranty package.

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

VOTED: 4 Ayes; 1 Nay; To open the warrant to include funding for the playground.

The vote: Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Almeida – Aye; Mr. Sullivan – Aye; Chairman Andrade – Nay.

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

VOTED: 4 Ayes; 1 Nay; To include a warrant article in the amount of \$357,470.51 of which \$300,000 is CPC funding for construction of a playground.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Mr. Sullivan – Aye; Mr. Zorra – Aye; Chairman Andrade – Nay.

Chairman Andrade explained that he supports the playground construction but the package isn't complete.

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

VOTED: To close the warrant.

Consider Approving the Warrant for Fall Town Meeting

Article 1 – Reports, Article 2 – EMS Six active shooter backpacks, Article 3 – Purchase of two monitor/defibrillators using ambulance receipts; Article 4 – School Committee for design and engineering of the athletic complex at Seekonk High School, Article 5 – Funding of first year of Police Contract, Article 6 - Establish and fund Stabilization Account, Article 7 – Transfer into

Stabilization Account, Article 8 - Change in General By-laws – ZBA authority to enforce all provisions, except those delegated solely to police officers; Article 9 – Veterans tax exemption, Article 10 – Establishment of Disability Commission, Article 11 – Chicken By-law, Article 12 – On-line permitting, Article 13 – Limiting of marijuana licenses, Article 14 - Voter Petition for Sign By-law.

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

VOTED: To open the warrant.

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

VOTED: To include Article 15 on the warrant for Fall Town Meeting.

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

VOTED: To close the warrant.

Mr. Sullivan stated the Board had previously discussed reconsideration of the expansion of the overlay district that was voted down at the Spring Town Meeting.

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

VOTED: To open the warrant to include another article.

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

VOTED: To include the same warrant article as presented at the Spring Town Meeting regarding expansion of the overlay district.

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

VOTED: To close the warrant.

Discussion Regarding Adding Military Conflicts to the Veterans' Memorial

Mr. Viera noted this was placed on the agenda at his request. He requested authorization from the Board to add the names of the conflicts on the wall going back to the American Revolution.

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

VOTED: To add the military conflicts to the Veterans' Memorial.

Prior to the vote, Board of Library Trustees Chairman Michael Durkay thanked the Board for the invitation to provide input. He noted this is the intent of the MOA. There are no issues.

Chairman Andrade said the MOU states there should be discussion between the chairs of the two boards.

DISCIPLINARY HEARING

Consideration of Disciplinary Action for Plaza Azteca Seekonk, Inc., d/b/a Rebeco Mexican Bar and Grill, 353 Highland Avenue Relative to the Status of an Approved Manager or Change of Manager

Mr. Cadime explained that M.G.L. Chapter 138, Section 26, requires all establishments with a liquor license must have a manager approved by the Board of Selectmen or ABCC.

On October 8, 2019, a letter was sent to them stating the Board was informed that Timothy Collins, manager, was no longer an employee. Notices were sent on June 18, September 9 and September 30. The business failed to respond. They were notified via certified mail that there would be a disciplinary hearing which action could be a warning, suspension, or revocation of their license. He also had copies from the Board of Health regarding health violations. The Board may not want to use that for considerations and terms going forward.

Atty. John Kennelly thanked the Board for the opportunity to discuss the matter. He specifically thanked Mrs. Christina Testa who has been extremely helpful over the last several weeks.

He clarified that Mr. Collins is an approved manager by the ABCC and the Town and is still an affiliate of the company. He was moved in favor of a new manager who is a Seekonk resident. He felt the hearing would not be necessary because they provided the complete packet necessary on the new manager. An inspection was done and there are no health issues.

He said the staff at Town Hall is very busy and the manager candidate had visited several times.

Chairman Andrade said the last four notices were ignored.

Atty. Kennelly said he spoke to Mrs. Testa via e-mails back and forth starting in June. He acknowledged he was not as timely as he should have been. One of the holdups is getting an appointment with the Police Department for fingerprinting. He has four out of eight signatures required. The application is in possession of the Building Department. He asked for two weeks to get the necessary signatures.

Chairman Andrade understood he is trying to rectify it now, but he is here because the notices were ignored by his client.

October 16, 2019

-9-

Mr. Viera said he is dancing around the issue. He has not given a reason why the correspondence from the town has been ignored several times. He is ignoring the statute as required by law.

Atty. Kennelly said Mr. Collins is still affiliated with the company.

Mr. Cadime said somebody from Rebeco has said over and over Mr. Collins is not the general manager.

Mr. Cadime said Mrs. Testa reached out to him on multiple levels and messages were ignored. He took offense to putting the blame on Mrs. Testa because he knows the amount of time and effort she spent to try to rectify this.

Atty. Kennelly noted he started by thanking her. She has been very helpful to him. He apologized.

Mr. Almeida motioned, seconded by Mr. Viera, and it was unanimously

VOTED: To indefinitely suspend the liquor license of Plaza Azteca Seekonk, Inc., d/b/a Rebeco Mexican Bar & Grill, 353 Highland Avenue, and the license is surrendered to the Town Administrator's office and that no liquor is sold until there is an approved manager in place.

Mr. Almeida clarified that the liquor has to be removed from the premises or the business shut down.

Atty. Fennelly asked if suspension and approval of a manager by this body or by ABCC.

Chairman Andrade said after approval by the Board it would go to the ABCC.

Atty. Fennelly respectfully asked for a little leeway. He understands there is no proof that Mr. Collins is not the manager. The Board's action is significant to this business.

Chairman Andrade noted multiple notices were ignored. There is sufficient information that Mr. Collins is not at this location.

OLD BUSINESS

Discussion Regarding the Paving on Donald Lewis Drive

DPW Supt. David Cabral and Asst. Supt. Scott Olobri were in attendance.

Chairman Andrade said he has been out to that road a couple of times since he spoke to Mr. Cabral. The amount of stone he saw was really bad. Something is going on with the base. It was a smooth pavement and is now set with ruts.

Mr. Viera has received several complaints.

Mr. Almeida said they need a fix. Mr. Cabral will offer an explanation on the process and what to expect but we are past that.

Mr. Zorra asked about a vibratory roller but found out it is not good to do on that.

Mr. Cabral said the contractor would not recommend that.

He provided Mr. Cadime with some roads done last year with the stone seal. He said they are gaining on it in terms of loose stone.

Chairman Andrade questioned whether this is the appropriate application for the type of street. He said whenever they do chip seal there is a lot of concerns from residents. It usually takes a year.

He said the rubberized chip seal has very little loose stone.

Mr. Almeida asked why rubberized was not used on Donald Lewis Drive.

Mr. Cabral said he always checks with the contractor on a recommendation for a particular street.

Mr. Almeida said the residents don't want the road to be that way. He suggested maybe they should do less roads.

Mr. Cabral said he ran numbers. Right now to fix it is to do a mill and overlay. It will not be a Chapter 90 project and could not be done this year. The cost is \$140,000 to redo roadways just done with mill and overlay.

If money is available, Mr. Almeida asked if it would require a motion to go ahead and do mill and overlay and change the way the roads are done. They wouldn't be able to do as many roads or find more money.

Arleen Kennedy, 31 Massasoit Drive, presented a petition signed by all residents in the area to have Donald Lewis Drive redone. She had photos of the road. She felt the quality of the chips used is inferior. Allen Avenue had smaller chips. She said chip stone is the wrong solution for the roads. She showed the size of a chip she picked up from the roadway. She said not to put another Seekonk resident through this.

Mr. Cabral offered to have the engineer come out and see if they can put rubberized chip seal over the current road. Even if it can be done, it won't be now.

Chairman Andrade lives on Allen Avenue. He is pleased with the condition of the road which was done with 3/8" chips.

Mr. Sullivan said that Mr. Zorra and he stressed that they need to pick and choose the roads that would be mill and overlay. Residents should not be driving on gravel for any period of time.

Mr. Cabral will get information from vendors and he will check the pile of stones tomorrow.

Chairman Andrade said it appears any fix will have to be next year as long it wasn't poor workmanship.

NEW BUSINESS

Consider Accepting the Donation of \$50 to the Human Services Gift Account

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

VOTED: To accept the donation of \$50 to the Human Services gift account.

Consider Accepting the Donation of an Oasis Tabletop Water Cooler from LuckyCharms LLC to the Senior Center

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

VOTED: To accept the donation of an Oasis Tabletop Water Cooler from LuckyCharms LLC to the senior center.

Consider Accepting the Donation of a \$50 Gift Card to Target from Bristol County Savings Bank for the Employee Appreciation Luncheon

A motion was made by Mr. Zorra, seconded by Mr. Sullivan, and it was unanimously

VOTED: To accept the donation of a \$50 gift card to Target from Bristol County Savings Bank for the employee appreciation luncheon.

Consider Accepting the Donation of a \$50 Gift Card from BJs for the Employee Appreciation Luncheon

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

VOTED: To accept the donation of a \$50 gift card from BJ's for the employee Appreciation luncheon.

Consider the Donation of a \$25 Gift Card from Stop and Shop, 1475 Newman Avenue, for the Employee Appreciation Luncheon

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

VOTED: To accept the donation of a \$25 gift card from Stop and Shop for the employee appreciation luncheon.

Board members expressed their appreciation for the above donations.

Discussion on Establishing a Board of Selectmen "Employee of the Quarter"

Mr. Viera stated unfortunately the only interaction Board members have with employees is for disciplinary reasons.

He suggested recognizing employees who go above and beyond by giving them their birthday off.

Chairman Andrade said when Mr. Viera proposed the idea he thought it was going to be an employee of the year.

Mr. Viera suggested it should be an employee from every department. He suggested a plaque hanging in Town Hall to identify the individual.

Chairman Andrade liked the idea of the plaque. Employee would get a proclamation.

Mr. Zorra questioned whether it should be separate - town and public safety.

Mr. Viera said the police do an employee of the year chosen by the Selectmen but the Board never had input into it.

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

VOTED: To have a plaque and certificate for Employee of the Quarter.

Consider Approving the Minutes of September 4, 2019

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

VOTED: To accept the Regular Session minutes of September 4, 2019 as distributed.

COMMUNITY SPEAKS – None.

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

Bristol County Advisory Board – None.

Aitken School Expansion Building Committee Report – None.

540 Arcade Avenue Building Committee Report – None.

Veterans' Council – None.

Mr. Zorra reminded residents that Friday is the deadline for purchasing tickets to the Pasta for Fuel on Wednesday, October 23, 2019, from 4:30 to 7 p.m. p.m. at Seekonk High School. Tickets are \$10 for adults and are available at the Town Clerk's office and the senior center.

Mr. Almeida referred to a vote taken earlier in the meeting. Unfortunately, at times votes do not go in everyone's favor. When votes do not go in his favor, he respects the decision whether he thinks it was idiotic or foolish.

Mr. Sullivan acknowledged Public Safety for hosting Public Safety Day. It was a great event.

He asked about an agenda for the Quad Board meeting.

Chairman Andrade said it will go out prior to the meeting. He said discussions have been mostly about schools. It needs to be more diversified.

EXECUTIVE SESSION

At 9:38 p.m., a motion was made by Mr. Viera, seconded by Mr. Almeida, to go into Executive Session to conduct strategy sessions with respect to negotiations with the Fire Chief per M.G.L. Chapter 30A, Section 21(a)(2), 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) as having discussion in open session would be detrimental to the litigation or bargaining position of the town, and to consider the approval of executive session minutes of September 4, 2019; not to return to open session.

October 16, 2019

-14-

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Mr. Sullivan- Aye; Mr. Zorra – Aye; Chairman Andrade – Aye.

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary

Items Distributed at the October 16, 2019 Board of Selectmen Meeting

Resume for Christine Ribeiro for the position of Executive Assistant to the Police Chief

Letter from Interim Police Chief David Enos re: appointment of Michael Jacques as Patrolman Third Class

Resume for Christopher Mackenzie as Police Chief

Documentation re: disciplinary action for Plaza Azteca/Rebeco re: status of an approved manager

List of Military Conflicts in U. S. History

Human Services Director Brittney Faria re: donations to the senior center