

BOARD OF SELECTMEN
SEPTEMBER 19, 2018
REGULAR SESSION

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

Town Administration: 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. Almeida announced that volunteers are needed on the Board of Registrars (1 Board of Selectmen appointment), Capital Improvement Committee (1 BOS), Charter Study Committee (up to 6 BOS), Conservation Commission (3 BOS), Cultural Council (2 BOS), Energy Committee (2 BOS), Finance Committee (1 Moderator), Historical Commission (3 BOS), Parks & Recreation (1 BOS), Property Tax Work-Off Committee (3 BOS), Recycling Committee (up to 4 BOS), Taxation Aid Fund Committee (1 BOS).

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Appoint and Swear in Michael Gilligan to the Position of Probationary Third Class Firefighter/Paramedic

Chief Michael Healy noted that the Board had previously approved the conditional offer of employment for Mr. Gilligan and Mr. Pratt (next appointment).

He stated that Mr. Gilligan had been a call firefighter for Seekonk. He has a great amount of training but he will have to go to the fire academy because his training is not certified in the State. He has passed all tests and screening. If appointed, he will have to become a paramedic within three years. He has signed Attachment A (reimbursement clause).

Chief Healy requested the appointment with stipulations. Mr. Cadime recommended as stated by the Chief.

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

VOTED: To appoint Michael Gilligan as Probationary Third Class Firefighter/Paramedic with the stipulation that he obtain his paramedic license within three years of appointment, effective September 27, 2018.

Firefighter Gilligan was sworn in by Town Clerk Florice Craig. His grandfather, Richard, pinned his badge.

Appoint and Swear in Alex Pratt to the Position of Probationary Third Class Firefighter/Paramedic

Chief Healy advised that Mr. Pratt is currently a paramedic. He has passed all tests and screening. He has signed Attachment A (reimbursement clause)

Chief Healy 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 Alex Pratt as Probationary Third Class Firefighter/Paramedic, effective September 25, 2018.

Firefighter Pratt was sworn in by Town Clerk Florice Craig. His father, Steve, pinned his badge.

Chief Healy stated the Fire Department is now fully funded and fully staffed.

Consider the Conditional Offer of Employment to Taylor Cordeiro as Dispatcher in the Communications Department

Communications Director Chris Campbell requested the appointment. Mr. Cadime recommended as stated by Mr. Campbell.

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

VOTED: To extend a conditional offer of employment to Taylor Cordeiro as Dispatcher.

Mr. Viera wanted assurance that she would be able to get to work from her home in Bridgewater in a short amount of time.

Mr. Campbell said it was discussed during the interview and she is well aware of that.

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Consider Opening the Warrant for the Annual Fall Town Meeting

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

VOTED: To open the warrant for the Fall Town Meeting as of today (September 19, 2018) and closing at the close of business on October 5, 2018.

Consider the Request for an Entertainment License for Rockwell Amusements to Conduct a Carnival in the Parking Lot at 1110 Fall River Avenue from October 5 to October 11, 2018

Mr. Harold Fera, President of Rockwell Amusements, was in attendance. He noted the end date should be Sunday, October 14.

Ms. Hines noted the paperwork indicates the 14th.

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

VOTED: To grant an entertainment license for Rockwell Amusements to Conduct a Carnival in the parking lot at 1110 Fall Rive Avenue from October 5 to 14, 2018, pending submission of written approval from the property owner.

Prior to the vote, Ms. Hines asked if he has permission from property owner.

Mr. Fera said he has verbal permission and he will get a letter that he will bring to town hall.

Mr. Almeida asked about police and fire details.

Mr. Fera said they submit a schedule to police department and they tell how many police they need. Fire detail is not necessary but an inspection is done by the state and local electric inspector.

PUBLIC HEARING

Consider the Request to Amend an Underground Storage Tank License for One (1) 15,000 Gallon Gasoline Tank for Colbea Enterprises located at 430 Taunton Avenue

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

VOTED: To open the public hearing at 7:17 p.m.

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

Mr. Pedro from Ayoub Engineering was in attendance on behalf of Colbea Enterprises. He said on May 30 the Board of Selectmen approved an amendment from three storage tanks to two 15,000 gallon storage tanks. The company now wants to go with one 15,000 gallon tank (9,000 regular and 6,000 premium). This is the Shell Station at 430 Taunton Avenue.

No comments.

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

VOTED: To close the public hearing at 7:19 p.m.

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

Ms. Hines clarified there was supposed to be three 12,000 gallon underground storage tanks that included diesel that will now be replaced with one 15,000 gallon tank. No diesel gas.

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

VOTED: To approve the request to amend an underground storage tank license for one (1) 15,000 gallon gasoline tank for Colbea Enterprises located at 430 Taunton Avenue.

Consider the Request from National Grid and Verizon to Relocate Existing Pole 1058 35' West of Current Location at 0 Taunton Avenue, Plat 17, Lot 188

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

VOTED: To open the public hearing at 7:21 p.m.

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

Mr. Chris DiFozio of National Grid requested permission to relocate the pole for a new subdivision on Taunton Avenue.

No comments.

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

VOTED: To close the public hearing at 7:23 p.m.

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Ms. Hines said she looked at the pole and the paperwork and can't understand why it has to be moved.

Mr. DiFozio said it would have blocked the entrance way to the new development.

Ms. Hines asked if the pole was already moved. She said he is asking to move it when it has already been moved.

Mr. DiFozio said yes. There was a mistake in the paperwork. The work wasn't supposed to be done until the petition was heard. He apologized.

Board members felt that was not acceptable.

Ms. Hines said there is also a trench right there.

Mr. DiFozio said the pole is in the correct location. The trench was done by a contractor.

DPW Superintendent David Cabral said the pole was moved and set in a normal way. The contractor was responsible for bringing the trench to the pole and up about 10 ft. He noticed the pole had been moved around September 13.

Chairman Andrade asked if he notified Mr. Cadime that the pole was moved.

Mr. Cadime said he did.

Mr. Cabral said he did not contact National Grid after the pole was moved.

Mr. DiFozio said he had no prior knowledge the pole was moved.

Chairman Andrade noted there had been a previous request from National Grid and nobody showed up. It could have been for this pole.

Mr. Viera asked where it stops. Utilities are doing what they want.

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

VOTED: To deny the request from National Grid and Verizon to relocate existing Pole 1058 35 ft. west of current location at 0 Taunton Avenue, plat 17, lot 188.

In discussion prior to the vote, Ms. Hines said they will not move it back. It is a brand new pole.

Mr. Zorra asked about the recourse.

Chairman Andrade said there is a procedure to be followed. There has been other issues with utilities companies.

He said National Grid should take the pole away and let the contractor do the work and then put the pole where it belongs.

Mr. DiFozio said he was just made aware of this. They were not trying to bypass the town. National Grid has a good relationship with the town.

Chairman Andrade said there has always been a problem with the removal of old poles.

Mr. DiFozio said National Grid install poles and Verizon removes them.

Mr. Almeida said the department head knew about this a week ago. He should have contacted National Grid.

Mr. Viera said this might have been approved if it wasn't for Ms. Hines.

Mr. Cadime said he was waiting for Mr. DiFozio's presentation to reveal that information.

Chairman Andrade noted it doesn't mean the request will not be approved. Mr. Cadime and Mr. Cabral will follow through to make sure corrective action is taken. At that point, paperwork should be refiled and there will be another public hearing.

Board members pointed out it was no reflection on Mr. DiFozio.

He apologized again.

NEW BUSINESS

Consider the Proposed Zoning Bylaw Amendments to Refer to the Planning Board for a Public Hearing

Planning Director John Aubin presented amendments for the November Town Meeting as follows:

Section 1.4.3 Lot Design/Layout amended to add lot frontage as a consideration in the review of pork chop, rat tail or otherwise distortedly shaped lots;

Section 3, 6.10 and 7 regarding proposed zoning by-law amendments related to Recreational Marijuana sales and map revised from the Spring Town Meeting version in accordance with Town Counsel's comments and including a prohibition by-law;

Section 5 Table 5.1.4 to make the "square rule" applicable to all new lots for development.

Section 1.4.3 and Table 5.1.4 are designed to help provide for more regularly shaped lots.

The letter from the ZBA includes comments to preliminary draft of the proposed amendments. The ZBA has concerns about the elimination of the alternate minimum standard provisions. That would create a huge number of non-conforming lots. For that reason that was pulled.

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

VOTED: To approve referring the proposed Zoning Bylaw Amendments to the Planning Board for a public hearing.

Mr. Aubin said the public hearing will be on October 9, 2018.

Consider the Request for a Right of Way Opening at 367 Lincoln Street while under a Moratorium

Atty. Stephen Navega was in attendance to represent Jeff Seyboth, new resident at 367 Lincoln Avenue.

He requested water service at 367 Lincoln Avenue. There is no water there right now. In October 2016, the Board of Selectmen heard the same petition from the previous owner. At that time it was unanimously voted by this Board.

Mr. Ken Foley, contractor, was in attendance.

Mr. Cadime said the Board declared an emergency because the well was dry.

Atty. Navega said it will not encroach on the asphalt. They are adhering to all Mr. Cabral's stipulations.

Chairman Andrade said the Board approved it in October 2016 in an emergency because there was someone living in the house without water.

Atty. Navega questioned whether someone was living in the house at that time.

Mr. Cabral said the gentleman was living there for two weeks without water because the well had gone dry. The permit isn't perpetual.

He expects it to fully impact the roadway because of the work being done in this case.

Chairman Andrade asked what is the emergency. Nobody lives on the property.

Atty. Navega said there is no water into the building. His client inherited this situation. It is an extraordinary financial burden to the homeowner. It constitutes an emergency because there is no water into the building.

Chairman Andrade stated he would agree if there was no location on the site to put a well.

Atty. Navega felt that Mr. Seyboth didn't understand he was not permitted to put in the water line. He would probably do what he has to do to put that in without undermining the road or whatever is necessary.

Mr. Almeida said Mr. Seyboth came before the Board. Three of the five members were on the Board at that time and granted that permission in 2016. He is inclined to grant this.

Mr. Foley said it is a minimum impact on that road.

Mr. Zorra motioned, seconded by Mr. Almeida, and it was

VOTED: 2 Ayes; 3 Nays; To approve the request for a right of way opening at 367 Lincoln Street while under a moratorium, with the stipulation that Mr. Cabral or his representative, oversee the excavation process and asphalt must be restored to natural state.

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

Mr. Cabral reiterated there will be an impact to that street.

Consider the Approval of Regular Session Minutes of August 8, 2018, August 22, 2018, and September 5, 2018

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

VOTED: To accept the Regular Session minutes of August 8, 2018.

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

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

VOTED: 3 Ayes; 2 Abstentions; To accept the Regular Session minutes of August 22, 2018.

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

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

VOTED: To accept the Regular Session minutes of September 5, 2018.

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

COMMUNITY SPEAKS – None.

OTHER BUSINESS

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

EXECUTIVE SESSION

At 8:17 p.m. Mr. Viera motioned, seconded by Ms. Hines, to go into Executive Session to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual per M.G.L. Chapter 30A, Section 21(a)(1) as having the 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 August 8, 2018, August 22, 2018, and September 5, 2018; not to reconvene to 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

Items Distributed at the September 19, 2018 Board of Selectmen Meeting

E-Mail from Communication Director Chris Campbell regarding hiring of Taylor Cordeiro as Dispatcher

Documents for Rockwell Amusements Carnival License

Documents to amend license for underground storage tank at 430 Taunton Avenue

Documents for National Grid and Verizon request to relocate pole at 0 Taunton Avenue

Proposed Zoning By-Law Amendments for November 19, 2018 Fall Town Meeting

Request from Jeff Seyboth for right of way opening at 367 Lincoln Avenue