

BOARD OF SELECTMEN
JANUARY 8, 2020
REGULAR SESSION

Members Present: David Andrade, Nelson Almeida, David Viera,
Justin Sullivan, 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 recording the meeting must notify the Chairman. The Board of Selectmen is recording via audio and video.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Zorra announced that volunteers are needed on the Capital Improvement Committee (1 Board of Selectmen appointment), 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 (3 Alternates).

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Consider the Appointment of Andrea Russo to the Position of Animal Control Officer

Although not necessary, Mr. Viera recused himself and left the room.

Mr. Cadime explained, with the new shelter and the expected volume in services, he recommended the appointment of Andrea Russo as Animal Control Officer. There will be two full time animal control officers and one part-time.

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

VOTED: 4 Ayes, 1 Abstention; To appoint Andrea Russo as Animal Control Officer.

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

Ms. Russo expressed her appreciation to Mr. Cadime and Board members for having confidence in her.

Consider the Conditional Offer of Employment to Donald Morin for the Position of Truck Driver/Laborer for the Department of Public Works

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

Mr. Cabral recommended the conditional offer of employment to Donald Morin.

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

VOTED: To extend a conditional offer of employment to Donald Morin as truck driver/laborer with the Department of Public Works.

Consider the Conditional Offer of Employment to Stephen Hamilton for the Position of Truck Driver/Laborer for the Department of Public Works

Mr. Cabral recommended the conditional offer of employment to Stephen Hamilton.

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

VOTED: 4 Ayes; 1 Nay; To extend a conditional of employment to Stephen Hamilton as truck driver/laborer with the Department of Public Works.

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

Mr. Almeida noted that Mr. Hamilton retired from a position in 2018. He asked if Mr. Hamilton would be able to work 40 hours. Mr. Almeida also asked why he didn't want his employer to be contacted.

Mr. Cabral said Mr. Hamilton is used to working long hours. He didn't ask about his former employer.

Mr. Cadime noted that the retirement doesn't have an impact unless it is a public entity. That is when the 960 hours comes into consideration in Massachusetts.

Chairman Andrade understood why he would not want his employer to know he was looking for another job.

Mr. Cadime said the next step is an extensive background check done by the Police Department.

Mr. Viera complained about the uncompleted application with respect to references. He suggested that Mr. Cabral should make sure applications are properly completed.

Consider the Appointment of Joshua Young as Truck Driver/Laborer for the Department of Public Works

Mr. Cabral recommended the appointment of Joshua Young as truck driver/laborer.

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

VOTED: To appoint Joshua Young as truck driver/laborer, effective January 27, 2020.

Mr. Viera complained about the uncompleted application.

Mr. Almeida commended Mr. Cabral, Mr. Olobri, and the team on their snow removal plan.

Consider the Appointment of Diane Perry to the Board of Registrars

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

VOTED: To appoint Diane Perry to the Board of Registrars for a three-year term to end in 2023.

Ms. Perry said she intends to do her very best.

Consider the Appointment of Gregory Gauthier as an Alternate for the Zoning Board of Appeals

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

VOTED: To appoint Gregory Gauthier as an alternate for the Zoning Board of Appeals.

Mr. Cadime noted there are three alternates.

Consider the Reappointment of Neal H. Abelson as Local Building Official

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

VOTED: To reappoint Neal H. Abelson as Local Building Official (one year appointment).

Vote to Continue to Endorse Save-A-Pet Society

Save-A-Pet President Patricia Cloutier was in attendance.

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

VOTED: To endorse the Save-A-Pet Society.

Vote to Allow the Town Administrator to Accept Gifts, Monetary and Tangible, Donated by Save-A-Pet Society to the Seekonk Animal Shelter during the Year 2020

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

VOTED: To authorize the Town Administrator to accept gifts, monetary and tangible, donated by Save-A-Pet Society to the Seekonk Animal Shelter during the Year 2020.

Ms. Cloutier advised the Save-A-Pet Auction will be on Friday, April 24, 2020, at the Ramada Inn. On-line bidding will start a month before the auction at Seekonk Save-A-Pet.org.

Consider Accepting a Donation to the Human Services “Donation and Gift Account” from the Faith Christian Center in the Amount of \$250

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

VOTED: To accept the \$250 donation from the Faith Christian Center to the Human Services “Donation and Gift Account.”

Consider Accepting a Donation to the Human Services “Donation and Gift Account” from Michelle Hines in the Amount of \$100

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

VOTED: To accept the \$100 donation from Michelle Hines to the Human Services “Donation and Gift Account.”

Consider Accepting Various Donations in the Amount of \$1,879 to the Animal Shelter Gift Account

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

VOTED: To accept various donations in the amount of \$1,879 to the Animal Shelter Gift Account.

Chairman Andrade read the names of those who gave donations.

Board members expressed their appreciation to all of the above.

PUBLIC HEARING

**Consider the Change of Officers/Directors and Change of Beneficial/Ownership Interest
Application for an Annual Restaurant All Alcoholic Beverages License of 99 Restaurants of
Boston, LLC or 99 West LLC d/b/a 99 Restaurant & Pub located at 821 Fall River Avenue,
Seekonk, MA (continued from December 18, 2019)**

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

VOTED: To open the public hearing at 7:25 p.m.

The attorney representing 99 Restaurants stated 99 Restaurant in Seekonk is owned by 99 West LLC. The manager in Seekonk will be the same. Nothing is changing.

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

VOTED: To close the public hearing at 7:29 p.m.

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

VOTED: To approve the change of officer and beneficial interest for an Annual Restaurant All Alcohol Beverages License of 99 Restaurants of Boston, LLC or 99 West LLC, d/b/a 99 Restaurant & Pub, 821 Fall River Avenue, Seekonk, MA.

LICENSE HEARINGS

**Consider the Request to Amend a Class 1 Motor Vehicle License for Motorsports Nation to
add both the Suzuki Motor of America and Can-Am as Additional Franchises to the Dealer
License at 3-5 Progress Street Seekonk, MA - postponed**

The order of business moved to:

OLD BUSINESS

Follow-up Discussion Regarding Redline Auto, 1853 Fall River Avenue, Seekonk, MA

Mr. Abelson said he had checked on the property a few times, including today. The owner is not in compliance. There are approximately 55 cars on the property.

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

VOTED: 4 Ayes; 1 Nay; To give Redline Auto an extension. He should contact Mr. Abelson when the property is cleaned up.

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

In prior discussion, Mr. Zorra noted the owner had indicated at the previous meeting that he would not be able to move the vehicles without a license at the beginning of the year.

Mr. Sergio Gomes said he had trouble finding another location with a secured yard. He finally found a place in Rhode Island. He is looking for an extension.

Mr. Sullivan suggested a month to month license and give him until the first of February to get into compliance.

Chairman Andrade and Mr. Viera felt it isn't fair to other businesses.

Chairman Andrade said it is not necessary for Mr. Gomes to attend a meeting until he is in compliance.

JOINT DISCUSSION/MEETING WITH TOWN CHARTER STUDY COMMITTEE

Town Charter Study Committee Members David Sullivan, John Alves, Beth Eklund, and Kyle Laprade were in attendance.

Article 1, Section 3, (page 4) – There was discussion about non-residents serving as a non-voting member on committees, boards and ad hoc committees.

Mr. Cadime felt that only residents should serve on committees and boards. Search committees would become an issue. The word "employees" could be included.

Mr. Sullivan felt there is some advantage of having someone from out of town serving on certain committees.

Chairman Andrade suggested adding that non-resident town employees should be included.

Article 2, Section 1, (page 6) – Added language about censure.

Mr. Cadime cautioned that censuring would create a political atmosphere at town meeting. It is creating a situation that town meeting has authority or, as listed in the charter, town meeting has no authority. Language could be misinterpreted. Voters have the ability at the ballot to censure somebody.

Article 3, Section 2, (page 6) – Talked about Town Clerk serving “pro tempore.”

Article 3, Section 4, (page 7) - Duties at Town Meeting.

Article 3, Section 5, (page 7) - Establish dates for Spring and Fall Town Meeting with a minimum of 90 days notice.

Mailing warrant to every household with a registered voter. There was discussion about the cost of printing and mailing.

Mr. Cadime said everybody has access to the web.

Article 3, Section 4, (page 9) – Change from 15% to 10% for recall of elected officers.

Article 4, Section 1, (page 10) – Added “for three overlapping terms” for Board of Selectmen. Town Clerk from three to four year term.

Mr. Almeida didn’t understand the justification to change from three to four years for Town Clerk.

Housing Authority – change to three elected members, one member elected who is a resident, and one member appointed by the governor.

Article 4, Section 1, (page 11) – Under Moderator, strike out entire reference to Capital Improvement Committee.

Mr. D. Sullivan said the CIC is doing the work that the Town Administrator, Finance Committee, and Board of Selectmen are doing.

Article 5, Section 1, (page 11) – Should Board of Selectmen be elected one from each precinct or one at-large.

Mr. Zorra noted the Board of Selectmen is working for the entire town rather than a specific area.

Chairman Andrade is not in favor of the idea. He said it is typically three at large in order to give more opportunities and get more voices out there.

Article 5, Section 2, (page 11) – Interaction with department heads.

Mr. Almeida had a problem with that. He felt concerns should go directly to the Town Administrator rather than the Chairman of the Board.

Mr. Cadime said, prior to his appointment, the perception was that members of the Board of Selectmen were micromanaging. In order to keep good department heads they need to know that the Board will be supportive without daily interruptions. There are times when there are

members who want power. The only authority the Board of Selectmen, School Committee or other elected boards have is as a unified group.

Mr. D. Sullivan said they added the sentence that the Board of Selectmen shall establish and publish the goals and objectives for the upcoming fiscal year and will be presented at the Spring Town Meeting.

Section 3 Specific Powers and Duties (page 12) the word “may” is replaced by “shall.”

Section 5 Appointment of Board and Committee Members – Responsibility of the Board of Selectmen to notify board members that they must be sworn in by the Town Clerk.

Article 6 Town Administrator – Language changes in the responsibility of the Town Administrator. Talked about the negotiations process.

Mr. Cadime noted that the Town Administrator does not have authority in negotiations. The Board of Selectmen sets the parameters and those are the ones that dictate.

Chairman Andrade said a selectman can attend negotiations if he wants to.

Mr. Cadime said it has to be posted if it's a quorum.

Mr. Viera said the feelings of the Board were not properly relayed to the union.

Mr. Almeida said a previous town administrator did not accurately represent the Board.

Section J refers to Human Services Advisory Board.

Page 16 – Mr. Zorra said the Capital Improvement Committee members do a good job.

Mr. Viera said the CIC isn't needed if the Town Administrator and Finance Committee do their jobs.

Mr. Cadime said the Community Preservation Commission exists because it was adopted by the Town. It would require legislation to dissolve it.

Mr. Alves said it has to be a ballot.

Delete Human Services Director on page 17.

New language that two members of the Board of Selectmen must participate in the screening and interview process with the Town Administrator. If not satisfied, the Board has the right to request a new candidate.

Mr. Cadime said the Town Administrator makes a recommendation. The Board of Selectmen is a political position. If you want good operation in government, you have to remove politics out

of the day to day operations. You have got to have faith in the people you hire. You have to look at what is best for the Town aside from politics.

Chairman Andrade asked about override recommendation.

Mr. Cadime said it would have to be an override by super majority – four members of the Board.

There has to be check and balance.

Finance Department – Chairman said to strike out municipal and leave it “experience in financial matters.”

Section 7 – added Saturday for inclusion of “counting of day.”

Changed 5 consecutive days to 3 for missing meetings.

The Board will meet again with the Charter Review Committee on February 19, 2020.

NEW BUSINESS

Consider and Sign the Deed for Property at 351 Fall River Avenue (rear)

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

VOTED: To accept and sign the deed for property at 351 Fall River Avenue (rear)
American Legion Property.

Mr. Cadime said this is part of closing documents. Should be on January 13, 2020.

Consider and Sign the Lease Agreement for Property at 45 Woodland Avenue

Mr. Cadime said this is a lease for cell phone tower for the radio equipment.

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

VOTED: To sign the lease agreement for property at 45 Woodland Avenue.

Consider Approving the Minutes of October 30, 2019 and November 20, 2019

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

VOTED: 4 Ayes; 1 Abstention; To accept the Regular Session minutes of
October 30, 2019.

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

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and unanimously

VOTED: To accept the Regular Session minutes of November 20, 2019.

COMMUNITY SPEAKS – None.

OTHER BUSINESS

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

TOWN ADMINISTRATOR'S REPORT

Radio Project

Mr. Cadime noted the Board had just signed the lease. Waiting for lease with Verizon for Fall River Avenue. That project is still on schedule.

DPW Facility

The committee met today to discuss requirements and needs of the building. Should have information for the Board in about 6 to 8 weeks.

Senior Center Phase II/540 Arcade Avenue

Mr. Cadime met with the Chairwoman re: RFQ for designer services. Should have information for the Board within a few weeks.

Animal Shelter

Mr. Cadime said the project is on target. Should be 95% complete by the end of the month. Hopefully, the electric will be tied in within a week or two.

South End Fire Station – None.

Old Town Hall

The committee has scheduled a site visit on January 25.

Cable Contract – None.

Policies and Procedures – Ongoing.

ADW/Maple Avenue Project

No updates. Grant application submitted to EPA.

Dam Projects/Remediation

Mr. Cabral and Ms. Miller working to coordinate a site visit on Pond Street Dam.

Online Permitting

More work to be done. Conversion might be in a month.

Mr. Cadime stated the deadline for fire chief applications is January 31, 2020 and police chief is February 14, 2020.

Mr. Almeida could not recall discussion on having a consultant for the police chief position.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Bristol County Advisory Board – None.

Aitken School Expansion Building Committee Report

Mr. Zorra advised the committee will meet the following night at 6:30 p.m. to go over bid documents.

540 Arcade Avenue Building Committee – None.

Veterans Council – None.

Mr. Zorra asked if Board members could attend the site visit at the Old Town Hall.

Mr. Cadime said it was posted as an open meeting. Under the open meeting law, site visits don't have to be posted unless there will be deliberations.

Mr. Zorra mentioned potholes on Mink Street.

Mr. Zorra suggested there should be a further delay at the light going into Commerce Way to prevent the back up when making a left turn. He also talked about water build up at the access road into the old Showcase It is freezing up. He suggested blocking that road off for the winter months.

Chairman Andrade said that is private property.

Mr. Cadime will contact the owner.

Mr. Zorra noted the Police Department is hiring.

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Mr. Viera said he spoke to Rep. Howitt about re-opening Progress Street to provide access from Route 114A to Route 6. The State has a salt shed there. Rep. Howitt suggested Mr. Cadime send him a written request and he will do whatever he can.

Mr. Sullivan congratulated and commended the people responsible for the Small Business Expo. Thirty two businesses attended. It was a good networking event. Free and well attended. They expect to do it again next year.

He asked dedicated business owners who live in Seekonk to consider joining the Economic Development Committee.

EXECUTIVE SESSION

At 9:57 p.m. Mr. Zorra motioned, seconded by Mr. Viera, to go into Executive Session to discuss strategy with respect to litigation (Butterworth v. Seekonk, MCAD No. 19BEM03023) pursuant to 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 November 20, 2019; not to return to Open Session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary

Items Distributed at the January 8, 2020 Board of Selectmen Meeting

Application from Donald Morin for the position of Truck Driver/Laborer

Application from Stephen Hamilton for the position of Truck Driver/Laborer

Application from Joshua Young for the position of truck Driver/Laborer

Talent Bank form for Diane Perry to the Board of Registrars

Talent Bank form for Gregory Gauthier as alternate for the ZBA

Faith Christian Center - \$250 donation to Human Services

Michelle Hines – \$100 donation to Human Services

Various donation in the amount of \$1,879 for animal shelter

Documentation from Devlin Law for 99 West LLC – 99 Restaurants

Documentation for Motorsports Nation to add Suzuki Motor of America and Can-AM

Deed for American Legion property

Draft copy of Charter