

BOARD OF SELECTMEN
AUGUST 19, 2020
REGULAR SESSION

Members Present: Justin Sullivan, Chris Zorra, David Viera,
David Andrade, Adam Petronio

Town Administrator: Shawn E. Cadime

Chairman Sullivan opened the meeting at 7 p.m. followed by the Pledge of Allegiance and moment of silence. The meeting was held at the Seekonk Senior Center, 540 Arcade Avenue.

He announced that, per Governor Baker's order suspending certain provisions of the Open Meeting Law, M.G.L. Chapter 30A, Section 20, the number of attendees to physically access the meeting is limited to ten. Pre-registration is encouraged in order to reserve a seat at a meeting.

Any person recording the meeting must notify the Chairman.

Mr. Viera recognized the passing of David Parker. Mr. Parker was a member of the Board of Selectmen and Town Moderator for many years.

BOARD AND COMMITTEE OPENINGS

Mr. Andrade announced that volunteers are needed on the Capital Improvement Committee (2 Board of Selectmen appointments), Commission on Disability (5-13 BOS), Economic Development Committee (5 BOS), Energy Committee (1 BOS), Historical Commission (3 BOS), Recycling Committee (3 BOS), South End Fire Station Building Committee (5 Moderator), Zoning Board of Appeals (2 Alternates).

COMMUNITY SPEAKS

Newly-appointed Fire Chief David Rave stated he is honored to have been selected as chief. He spent several days with Retired Chief Michael Healy. He thanked him for his service to the Town of Seekonk and also for bringing him up to speed. Chief Rave said he is looking forward to starting. He met some of the men and women of the department and from what he has seen and heard it is a very professional fire department.

Chairman Sullivan thanked him for coming to meet board members in person. They are looking forward to his start on Monday, August 31, 2020.

LICENSE HEARING

Consider the Request for the Change of Manager for Da Tong, Inc., d/b/a Tai-Pan Restaurant, located at 1641 Fall River Avenue to Lyn Tan

Atty. Hagop Jawharjin, representing the business, was in attendance virtually.

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Ms. Lyn Q. Tan was in attendance.

Atty. Jawharjin advised the president of the corporation wants to vacate being actively involved in the business.

He respectfully requested that the petition be granted.

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

VOTED: To approve the request for change of manager for Da Tong, Inc., d/b/a Tai-Pan Restaurant, 1641 Fall River Avenue, to Lyn Tan.

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

GENERAL BUSINESS

Presentation of Traffic Camera Options by “Transportation Services Consultants”

Mr. Mike Lenza was in attendance. He had a presentation showing the system. He said all traffic cameras are a public safety initiative.

Chairman Sullivan asked if incidents have decreased by putting these cameras in.

Mr. Lenza said there are several studies. He would be glad to get information.

Mr. Andrade noted that Mr. Viera has brought up the elimination of speeding in school zones. Drivers slowdown in school areas but speed up again when out of the camera view.

Mr. Lenza said the purpose of cameras is to change driver behavior. The only way to do that is a \$50 ticket. He said school zone is a popular program and it works.

Mr. Viera said our police officers are doing an excellent job. But, it is not feasible to have a police officer at all the schools.

Mr. Lenza said the limit is one camera per 2,500 population. He said that work zone is also popular.

Mr. Viera said there are legislators who want to support a bill similar to Rhode Island.

He said there are many accidents on Arcade Avenue near the high school due to inexperienced drivers and high speed.

Mr. Lenza said he would read over the bill and rework a draft that legislators can get through and will work for cities and towns.

He said the town could apply for home rule petition.

Mr. Petronio asked what other towns and cities have had legislation passed.

Mr. Lenza said none. The vendor selected will do a public awareness program.

Consider the Request for a Right-of-Way Opening Permit while under a Moratorium at 1075 Newman Avenue to Install a Water and Gas tie-in for a Proposed Redevelopment Project

DPW Supt. David Cabral and Asst. Supt. Scott Olobri were in attendance. Conservation Agent Jen Miller was in attendance virtually.

Atty. Stephen Navega was in attendance virtually representing the owners of 1075 Newman Avenue requesting an opening permit while under moratorium to tie in water and gas at the property. The service bay is not operational and the hydraulic lift system has been removed. The building was inspected and passed. The plan was unanimously approved by the ZBA and is now before the Conservation Commission. They will completely remodel the existing building and install a state of the art white night septic system and remove asphalt in front and back of the building to make more green space. In the middle of this, there was an appeal from an abutter that had to be defended in Supreme Court and then the delay due to the pandemic.

They went to the Planning Board for site planning review. They were referred to Conservation. They have had several meetings and agreed to incorporate the town engineer's peer review directions. They agreed to install drainage that will accommodate 25 year storm versus current 10 year storm. This is an additional cost of \$100,000 or more. The other improvements are approaching \$1M or more.

The water line accessing the building is inadequate (need 2 inch line) and gas service will be needed immediately or in the near future. They need an opening to get across the roadway. Newman Avenue will be repaved. Because there is a moratorium, they need the opening permit. The project will cause little impact on the overlay work. Newman Avenue repaving will start at Central Avenue. It will coincide with the asphalt overlay.

Atty. Navega said they had a productive meeting with Conservation and reached a consensus the work can be done without significant impact. It will be a real plus to the town.

Mr. Andrade read from Ms. Miller's memo which noted there was underground contamination. Atty. Navega had indicated there was no contamination.

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Atty. Navega said he has been involved in the project since 2014 and the first time he heard about contamination was in the memo from Ms. Miller.

Ms. Miller said it is not surprising because it was a gas station. There has been remediation on site. It is not always full cleanup for the state to accept it.

Mr. Cabral explained the road work to be done.

Atty. Navega confirmed that he proposed a 2 inch mill and overlay and move the seams back. The work would have to be done to Mr. Cabral's expectations.

Mr. Andrade said this is not the standard request to override the moratorium because there was ongoing road work and it was going to have a seam no matter what.

Mr. Viera asked if Mr. Cabral had reached out to the Water District.

Mr. Cabral said he did talk to Mr. Bernardo and he reached out to the gas company.

In response to Chairman Sullivan, Mr. Cabral listed streets to be done starting August 31, 2020.

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

VOTED: To approve the request for a right-of-way opening permit at 1075 Newman Avenue provided there are no additional seams and shifting the existing seam on Newman Avenue and Brook Street knowing the work would be done at the same quality that DPW expects from our contractors. Expecting the work can be done within the next six weeks but with the possibility that segment be delayed until the spring 2021.

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

Mr. DeSouza, Site Engineer, said, upon approval tonight, he will get the street work out of the way while wrapping up with the Conservation Commission. He estimated around six weeks for completion. He noted the Gas Company is usually the slowest. He will meet with client and contractor to prepare their schedule for the work on the roadway. He hasn't talk to the Water District but will contact them.

Mr. Zorra asked about the vacant lot near Micoletti's Restaurant on Newman Avenue.

Mr. Cabral said they are planning to put in a parking lot there.

Ms. Miller said it will be a gravel lot and put up a fence.

Mr. Viera suggested that Mr. Cabral advised them that the Board will not cut this road up again in five years.

Discussion of the 2020 Road Improvements

DPW Superintendent David Cabral and Asst. Scott Olobri presented the list for road improvements.

Mr. Cabral said Newman and Central Avenues are pending and should be done soon. Elm Street and Greenwood Avenue have rubberized stone seal. Proper bidding procedures were not followed. That was pulled until next year.

Mr. Andrade complained about the look of streets done with rubberized stone seal. He talked about the area at Anthony and Cole Streets where the crossing guard parks his vehicle. It looks like the road is spreading.

Mr. Cabral said the grass is worn out from that gentleman parking his car. Some improvements could be made in the spring.

Mr. Viera suggested the Town Administrator talk to the Superintendent of Schools so the crossing guard doesn't park there.

Mr. Cabral said there is an opportunity for six homes in the Donald Lewis Drive area to tie into gas service.

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

VOTED: To postpone work on Leonard Street, Jerry Lane, Perry Avenue, Luther Street, Smith Street, Spring Street, Grove Street until the spring and coordinate work at Luther's Corner and to postpone until spring work on Donald Lewis Drive, Mohawk Drive, and Colfax Street to allow resident to tie into gas service if desired. If not, those roads to be done in the fall. Also, Elm Street and Greenwood Avenue not done this year.

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

Discussion of the Seekonk Speedway Rules and Regulations

Atty. Erik Brainsky and Mr. St. Germain of the Speedway were in attendance. This was a continuation of discussion at the previous meeting.

Chairman Sullivan stated there were questions concerning motions put in place with regard to the 72 hour travel ban and 72 hour requirement to have a negative COVID-19 test. It was supposed to be the Seekonk Board of Health to regulate that process and not sure about the COVID compliance regulations from the State.

In order to have a Rhode Island resident come into Massachusetts, they would have to have COVID test on Monday, get it on Tuesday, deliver to the Speedway on Wednesday, and turned over on Thursday for a Friday event. That is outside the 72 hour window. The whole process is a little more convoluted. That will be addressed tonight.

The second piece to be addressed is was there a capacity limit imposed on the Speedway and how that came into play. Chairman Sullivan felt the Board did not impose a cap because the State has its own limitations. They used the number of 500 people hypothetically and also based on a letter from Capt. Lowney. The Board tried to identify with Chief Enos how many officers he would assign for details.

Mr. Petronio said the motion was that the chief had the discretion to increase details as needed based on his judgment. That was only for Saturday nights and only during this crisis.

Chief Enos said he will collect attendance numbers from the Speedway and a site visit.

Chairman Sullivan said that 500 was never a limit.

He asked if the Board wanted to amend the motion to remove the Board of Health from monitoring the tests.

Mr. Andrade said the Speedway doesn't meet any of the criteria from the State. The Board asked for a COVID test be provided to the Board of Health so we have a record of it.

Atty. Brainsky said it is widely circulated that it is a travel ban from Rhode Island. They are saying that essential workers are exempt from COVID requirements. People going for groceries or pharmacy are exempt. People are not required to produce test results. They are only required to fill out Mass. travel form. State officials are allowed to ask to produce the form or test results.

Mr. Andrade read from the State website that travelers are exempt if traveling to Massachusetts for short trips.

Atty. Brainsky also read from the State website.

Board of Health Agent Jessica Horsman clarified any traveler from a high risk state is required to fill out Mass travel form. The State forward forms to the local level.

Atty. Brainsky said it shifts liability from the government to the individual.

Chairman Sullivan clarified that the Board rescinded the portion about COVID-19.

Discussion of Governor Baker's Order Relative to Travelers from High Risk States Attending Events/Businesses in Town

Chairman Sullivan noted this concerns discussion at the last meeting.

Mr. Petronio referred to the COVID-19 Order No. 46 regarding the CDC guidance for large gatherings and community events, such as conferences, festivals, parades, concerts, sporting events and other potentially super-spreading events recognizing they significantly contribute to the spread of COVID-19 and introduce the virus to new communities.

Mr. Andrade said the vote just taken negates this. The Board, as a body, voted to say just provide the form.

Chairman Sullivan asked Health Agent Jessica Horsman if Monster Mini Golf is included.

Mrs. Horsman said those businesses are not required to submit forms under the Governor's orders. They are required to complete the form on line.

Town Administrator's 2021 Performance Goals

Chairman Sullivan noted the Board had copies of the 2020 Performance Review and a blank copy for any notes. He would like to go through each section by section.

Mr. Petronio said they are in the middle of a process and need to work with what they have. He would like to wait closer to the 4th quarter of the fiscal year so that Mr. Cadime could start off in the new fiscal year with a new form and function.

Section 1 Board Support and Relations

Mr. Andrade noted that Mr. Cadime and he have had many discussions over the last four years. Some have been venting sessions. A comment he would have is to work on wearing his emotions less on his sleeve. Another would be to hold department heads more accountable and not play cover as much. It does not afford the individuals the opportunity to grow. And, to delegate to the new Assistant Town Administrator.

Mr. Petronio said it is great that Mr. Cadime keeps the Board informed of critical events. He would like to see working on self-mastery and communicating effectively with superiors, subordinates, and peers.

When dealing with negotiations, take time to collect himself. Mr. Petronio said that Mr. Cadime possesses a great deal of integrity in serving what is best for the town. It reflects poorly when we let emotions get the best of us

Mr. Cadime said the contract states goals and objective have to be mutually agreed upon. He would have a hard time agreeing to goals and objectives that are not measurable. As far as wearing emotions on his sleeve, he would fail. That is what makes him who he is.

He said the Board sees him for a couple of hours. They do not see him behind the scenes. He is passionate about the investment in the town. He know where this is coming from. It is frustrating when he is trying to support this Board and statements are made by the Board off line.

Mr. Sullivan said they appreciate the passion Mr. Cadime has for this town. The amount of work he does is under appreciated. They don't want it to boil over and overshadow the quality of the work he does.

Mr. Viera said it is more diplomacy. He felt there should be a quarterly work session.

Chairman Sullivan said that's an option - there are items that need discussion.

Financial Management

Mr. Petronio would like to see 2021 budget presentation more of a functional analysis opposed to line item analysis.

Mr. Cadime said they need to talk about what he is looking for. We have presented a base line budget.

Mr. Andrade said the budget presented was a directive from the Board. That was before COVID.

Personnel Management/Organizational Leadership

Chairman Sullivan added to conduct an annual review process, which is underway. Communicate the results of department heads back to the Board. Provide a training and development plan for department heads by March 2021.

Community Leadership/Public Relations

Mr. Cadime has already started on this – Continued management of Facebook pages and Town Administrator report on Cable TV at least three of four times a year.

Town Operations/Infrastructure

Mr. Petronio said Mr. Cadime does a good job with publicizing on TV9. He asked about the cable contract – get information out to the public about meetings.

Chairman Sullivan said TV9 has a link.

Personal/Professional: Individual Qualities & Professional Skills and Status

Mr. Petronio said Mr. Cadime should include what he does for personal development.

Chairman Sullivan, Mr. Cadime and Mrs. Testa will meet next week to update the goals.

Consider the Approval of Regular Session Minutes of June 24, 2020 and July 22, 2020

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

VOTED: 4 Ayes; 1 Abstention; To accept the Regular Session minutes of June 24, 2020.

The vote: Mr. Petronio – Abstained; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye and unanimously

VOTED: To accept the Regular Session minutes of July 22, 2020.

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

COMMUNITY SPEAKS – None.

OTHER BUSINESS – None.

TOWN ADMINISTRATOR'S REPORT

Radio Project

Mr. Cadime advised work is being done on the antenna location. The current radio equipment will be reprogrammed for digital.

DPW Facility

Mr. Cadime stated there was a meeting last week. Mr. Cabral asked the architect to make the necessary changes. There should be a report to the Board within a month or so.

Playground at Town Hall

There will be information on social media that the playground is open. It was inspected. DPW did a phenomenal job on leveling the landscaping. The parking lot still needs work. There will be caution tape in some areas.

Mr. Petronio asked about COVID-19 restrictions.

Mr. Cadime said there are no restrictions right now based on the number of people who use it. The equipment is pretty well spaced out.

Chairman Sullivan noted his children like it. He pointed out the amount of time DPW continues to put in there. They have done a great job and saved the town money.

Mr. Petronio said children's approval is a great endorsement. He asked if the drain on the outside of the playground was covered.

Mr. Cadime felt it was.

Mr. Petronio said it came out really nice. He met a resident there who was very impressed.

Mr. Cadime said the vendor is extremely impressed. Along with the trails, it is a multifunctional area.

Cable Contract

Mr. Cadime advised they met on Tuesday. He asked the Superintendent of Schools to prepare capital items. Cody at TV9 is working to get an operational budget. The contract that just came in was forwarded to KP Law. Not sure if changes are due to federal or state law or omitted. The attorney from KP Law will attend the next Cable Advisory Board meeting. A request will be submitted to Comcast. Hopefully, will be able to have a presentation for the Board of Selectmen within a month.

Mr. Andrade said the money will come out of a surcharge that comes out of the cable bill.

Mr. Cadime said Comcast recognizes there are a lot of complaints with cable pricing and losing customers.

Chairman Sullivan said as they are losing customers the amount of money needed gets split up amongst fewer people.

Mr. Cadime said they have to make sure TV9 is sustainable and how it impacts rate increase and that Comcast will be willing to accept some of these item.

Mr. Petronio said more and more people are disconnecting and going with 5G technology.

BOARD OF SELECTMEN LIAISON REPORTS AD COMMENTS

Bristol County Advisory Board

Nothing to report.

Chairman Sullivan wanted to touch on something that Mr. Viera brought up at the start of the meeting about the passing of Dave Parker. Mr. Parker contributed a considerable amount to the Town and some of the Board members had the pleasure of working with him over the years and getting to know him. He served as moderator and selectman. He founded Save-A-Pet with his wife Jan. He coached Little League and was a band parent.

There was discussion at the shelter about planting a tree in his honor as a gift from the Town.

Mr. Andrade said there has been discussion about a memorial for prior selectmen that passed away. Board members talked about naming buildings, but there are only so many buildings.

He had an initial draft of an idea that could be implemented. To take a simple tree (weeping cherry tree) and place it out, surround it by a planting bed and line it with 4 x 6 markers. Individuals would have the opportunity to go and get a granite marker themselves. At the same time, implement an 8 to 10 ft. slab of granite where names could be engraved. It could be placed in the town hall circle.

Mr. Viera noted when the town hall property was purchased it was originally planned to be the town center complex.

It might be appropriate to place a plaque inside the animal shelter since Mr. Parker was a founder of Save-A-Pet.

Mr. Viera said it is part of history. It is an excellent idea.

It will be an agenda item.

Chairman Sullivan wanted to make sure all school crosswalks are painted.

Aitken School Expansion Building Committee Report

Mr. Zorra advised the air conditioner manufacturer had to shut down due to COVID so there is a delay.

National Grid has not installed the pole. Mr. Zorra reached out to Sen. Paul Feeney to try to get the pole.

Chairman Sullivan also contacted Sen. Feeney and Rep. Steve Howitt to get it done before school starts.

540 Arcade Avenue Building Committee Report

Mr. Cadime advised bids went out for the walk through of the second phase. Four companies were identified. They have until Friday to submit bids. Two of the four companies came to walk through the building.

Veterans' Council

Mr. Viera said he had a phone call from Carol Bragg. She is part of a peace committee. She is concerned about the way some veterans of the Viet Nam War were treated when they came back home. She wants to get together with individuals who would be willing to speak to those veterans and give them an opportunity to voice their concerns. He spoke to Mrs. Faria about holding meetings at the senior center.

Mr. Viera said they need to get together and decide how involved the Veterans' Council can be. The group wants to do more. Need to coordinate with Veterans Agent James LaFlame.

Mr. Viera asked about 9/11 Ceremony.

Chief Enos said it will not be a gathering. Police and Fire will do something.

Mr. Viera talked about Veterans' Day. There usually is a ceremony at the Veterans Memorial Park. That can't happen this year because of COVID.

Mr. Cadime suggested a motorcade around town to honor veterans.

EXECUTIVE SESSION

At 10:23 p.m. Mr. Petronio motioned, seconded by Mr. Andrade, to go into Executive Session (A) 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

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litigation or bargaining position of the town, (B) to conduct strategy sessions with respect to negotiations with the Fire Chief per M.G.L. Chapter 30A, Section 21(a)(2), (C) to conduct negotiations with Dispatch AFSCME Council 93 per M.G.L. Chapter 30A, Section 21(a)(3), (D) to discuss negotiations with DPW AFSCME Council 93 per M.G.L. Chapter 30A, Section 21(a)(3). (E) to discuss negotiations with United Steelworkers of America Clerical Unit Local 9517-10 per M.G.L. Chapter 30A, Section 21(a)(3), (F) to discuss negotiations with United Steelworkers Supervisors Unit Local 8517-09 per M.G.L. Chapter 30A, Section 21(a)(3) as having the discussion in Open Session would be detrimental to the litigation or bargaining position of the town; not to return to open session.

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

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary

Items Distributed at the August 19, 2020 Board of Selectmen Meeting

Documents for Change of Manager – D Tong Inc.

Letter from Atty. Stephen Navega and Jennifer Miller re: 1075 Newman Avenue Project

List of 2020 Road Improvements

Governor Baker's COVID-19 Order No. 46

Town Administrator's FY2021 Performance Goals