

**BOARD OF SELECTMEN**  
**MAY 2, 2018**  
**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), anybody 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 Charter Study Committee (2 Board of Selectmen appointments), Conservation Commission (2 BOS), Energy Committee (2 BOS), Finance Committee (2 Moderator), Historical Commission (1 BOS), Property Tax Work-Off Committee (3 BOS).

**COMMUNITY SPEAKS**

Mr. Charles Tapalian, 44 Davis Street, stated that, at a Town Meeting several years ago, residents approved a CCRC for Tapalian Care Campus for older people in the community. It is part of the Master Plan. They have been working with DEP in order to tie into the sewer treatment plant and received approval to run the lines in October 2017. It was also approved at Town Meeting to connect through the town right of way from one location to the other.

He requested a road cut permit from DPW Supt. David Cabral. Mr. Cabral told him no more permits until April 1. He also told him he wanted a guarantee that they would maintain what they were putting in. It is two insulated lines.

Mr. Tapalian's attorney wrote up a guarantee. Mr. Cabral now wants to meet with the engineer before paving starts in June. He doesn't like the way it was handled. He talked to his attorney about getting an injunction to prevent paving.

On another matter, Mr. Tapalian has signed a contract to purchase the Showcase Cinema property. He was concerned about what might go in there. He has a couple of ideas.

Ms. Hines asked about the status of the road opening.

Mr. Cadime said he has a document but has not reviewed it with respect to the town's liability.

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Mr. David Saad of 150 Forsythe Circle expressed concern about the budget process. According to the Charter, the budget is supposed to be submitted 45 days prior to Town Meeting, which this year is April 1. He has not seen a recommendation from the Finance Committee. He suggested the Town Meeting be moved into June so people have enough time to review the budget.

Mr. Cadime wholeheartedly disagreed with Mr. Saad. The deadlines were met. The budget was submitted to the Board of Selectmen and Public Hearing held on April 1. There is nothing in the by-laws or town charter that states recommendations have to be made.

Mr. Saad said the budget on line was a draft.

Mr. Cadime said the budget submitted was the budget from the Board of Selectmen. The charter clearly states it is supposed to be the Board of Selectmen budget. It is also on the website.

Chairman Andrade explained the budget hearing was on April 1 and carried over to April 18.

Ms. Doreen Taylor, 175 Bradley Street, followed up on Mr. Saad's comments. She asked if the Board of Selectmen had met with the School Committee to discuss the financial conditions. The CIC and Finance Committee are supposed to be involved. Further, public hearings are supposed to be held by the Board of Selectmen and School Committee, to include the Finance Committee.

Mr. Cadime noted a Quad-Board meeting was held with those boards in attendance. The last Quad-Board meeting was specific to classroom size.

### **PRIORITY MATTERS**

#### **Update from the Town Charter Study Committee**

Mr. John Alves and Mr. David Saad were in attendance. Chairman David Sullivan was unavailable. Mr. Alves read a letter from him.

They talked to town officials and residents. Some of the changes are a result of that. Some of the recommendations are as follows: make Town Clerk a 4 year elected position and amend make-up of Housing Authority to match current regulations and state law. There are discussions about recall of town officials that have issues that require further discussion. The committee has one more meeting on May 25 to finalize recommendations for submission to the Board of Selectmen in June.

#### **Consider Accepting the Donation of Signs to the Town for the Softball Fields from Mike Hebert**

Mr. Zorra advised that Mr. Hebert was unable to attend.

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

**VOTED:** To accept the donation from Mike Hebert of three signs for the Cole Street softball fields.

**LICENSE HEARING**

**Request for a Change of Manager to Shaban Asghar for Sam's Food Store, Inc. located at 1035 Newman Avenue**

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

**VOTED:** To approve the change of manager to Shaban Asghar for Sam's Food Store, Inc. located at 1035 Newman Avenue.

Ms. Hines questioned why the Certificate of Good Standing was in the name of Sam's Food Store.

Mr. Asghar said it will not be in his name.

**OLD BUSINESS**

**Consider Appointing Two Members of the Board of Selectmen to the Conservation Commission**

Chairman Andrade explained the Conservation Commission is having difficulty obtaining a quorum. This would be temporary appointments until volunteers come forward. There will be a request at the May 14 Town Meeting to reduce the number of members from 7 to 5.

Mr. Almeida said he has heard rumors that Board members want to sit on multiple boards.

Mr. Zorra and Mr. Viera volunteered.

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

**VOTED:** To appoint Mr. Zorra and Mr. Viera to serve on the Conservation Commission on a temporary basis.

**Discuss the Memorandum of Understanding between the Board of Library Trustees and the Board of Selectmen for the Veterans' Memorial Park**

Board members reviewed the Memorandum and made changes.

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

**VOTED:** To authorize the Town Administrator to submit the amended Memorandum to the Board of Library Trustees for review.

**Discussion with Representatives from the Wampanoag Tribe regarding the Old Town Hall located at 624 Taunton Avenue**

Atty. Katherine Klein of KP Law was in attendance.

Dean Robinson, Corporate Counsel for the Seekonk Wampanoag Tribe, stated that the purchase agreement indicated the tribe would be responsible for the restoration of the building to historical standards. The tribe has attempted to secure grants unsuccessfully due to certain restrictions and covenants in the deed. The tribe is asking to revise two of those and put two of those into a separate agreement. The two to have removed are a covenant that imposes a perpetual historical preservation restriction on the property in favor of the Mass. Historical Commission and the second is to provide the town with right of entry.

Chairman Andrade said it is a 99 year lease (reverter clause).

Mr. Cadime asked if they would have to go through the bid process again. Other tribes might have put in a proposal if those clauses were not in there.

Atty. Klein said this document was revolved from the RFP. It is clear that town meeting vote would be required in order to change conditions.

Chairman Andrade asked Chief Waldron if he was the individual who spoke re: funding and modifying the property to be a 99 year lease for the reverter clause.

Mr. Waldron said he was in attendance with another individual. It is better for funding if the tribe owns the property

Atty. Klein said the tribe absolutely owns the property.

Chairman Andrade said the tribe was given a building for \$55 with the intent it would remain a historic building. To insure that, the deed restriction was put in that the town would take the building back.

He spoke to Chief Waldron about 4 to 6 months ago. At that time, the Chief indicated if the tribe can't get funding the town should take the building back

Chief Waldron said he tried. He called several times.

Mr. Cadime said this has been a long process. Without being disrespectful, he noted he has reached out as well as town counsel. Executive sessions were scheduled and cancelled. The town has not heard anything from the tribe. Chief Waldron was involved in reviewing the document and should have brought out any concerns at that time.

He has seen communications from town counsel trying to resolve this situation in lieu of a reverter clause.

The town would have to go through the court system and there is no guarantee the property would be turned back over to the town if certain requirements are not met.

Atty, Klein said there is language in the deed gives the town authority to enforce restrictions and that would require going to court and also attorney fees. There is no guarantee the town would prevail.

Mr. Robinson said Chief Waldron heard objections after the deed was recorded.

Chief Waldron said it is a difficult project to get funded. If the tribe invests money and later the town takes the building back, the tribe would lose that money.

Ms. Hines asked if the Chief had anything in writing that says they cannot get funding because of the reverter clause.

Mr. Waldron said no.

Ms. Hines expected to hear an alternative plan from the tribe. It would have to be approved by the Board.

Mr. Robinson said he has briefly discussed the matter with town counsel. He does not have any suggestions. He felt that town counsel would like guidance from the Board to enter into discussions with the tribe members.

He said the reverter clause is the problem.

Chief Waldron said it is a lot of work and he can't do it with the restrictions. He said there are no benefits to the tribe.

Mr. Cadime said the RFP was drafted tailor-made to the tribe. The only benefit the town wants is to have that building maintained to historic preservation

Mr. Vieira questioned how the Chief can say he can't get funding when he hasn't tried.

He would prefer to see that building stay within the town under the Historic Commission.

Chief Waldron said it is an incredibly amount of work and about \$8,000 in staff dollars. He won't do it because he knows the results.

Chairman Andrade said Mr. Cadime, Attorney Klein, Board and Historic Commission have spent two years to put this together.

Chief Waldron said he read the document after he talked to Chairman Andrade.

Mr. Cadime noted the tribe had legal counsel to review it.

Mr. Almeida suggested an added clause that says they would get back whatever they put into it

Mr. Waldron said that would help. He repeated that the project has to be complete benefit to the tribe 100%. He said this tribe has zero dollars.

Chairman Andrade said it would be about \$600,000 to \$1M to renovate that building. The tribe is looking for the money they put into that building.

Atty. Klein said that would not work.

**Discussion Regarding the Request to Rezone a Portion of the Property located at 800 Fall River Avenue from "Highway Business/Residential-3" to Highway Business"**

Chairman Andrade advised that the owners of the property asked the Planning Board not to go forward with the public hearing because they have entered into agreement on the property.

**NEW BUSINESS**

**Discuss the Striping of Streets with the Superintendent of the Department of Public Works**

DPW Superintendent David Cabral said there are two different types of pavement markings – painted lines and thermal markings. He had listing of thermal roadways - 24-25 sections of roadways. Arcade Avenue at Newman Avenue, Commerce Way. Specific intersections – Brook Street from the Pawtucket line to Newman Avenue. He has identified 12 out of 25 roads but can only do six or seven of those due to cost. Arcade Avenue from Rte. 44 to the high school, Central Avenue from state line in Pawtucket to Bakers Corner, Cole Street, section of Lincoln Street, Onley Street, Warren Avenue and Woodland Avenue. Probably do half this year and half next year.

Ms. Hines said she understands the scheduling but Arcade and Newman Avenues needs to be done now and should have been done six months ago. That is a major intersection. That needs to be done regardless of the four year schedule.

Mr. Cabral is aware of the condition. Some roads are done more often than the four-year cycle.

Dave Viera asked how often lines are painted.

Mr. Cabral said once a year, usually in the fall. The thermal costs about four times more. It costs about \$20,000 to paint roads.

Mr. Viera suggested it would be more cost effective to use the thermal on the roadways.

Mr. Cabral said there is a pretty good balance with the painted and thermal roadways. He prefers to use thermal on the high volume roads.

He offered to do a cost benefit analysis.

**Consider the Request for a Road Opening Permit for Costa Development at 340 Lincoln Street while under the Moratorium**

Mr. Almeida abstained and left the room.

Mr. Michael Costa requested permission to cut into the road to tie into water and gas. He has preliminary approval for 16 lot subdivision. The cut would happen in about six months.

Mr. Cabral said the roadway was done in 2016. The moratorium is in effect until June 2020.

Mr. Costa said about four years ago he was able to cut into the roadway during moratorium.

Mr. Viera said this Board doesn't typically like to do that. He will not agree with it.

Chairman Andrade noted that Mr. Costa doesn't have a definite plan. It will be about a year before he is ready. The Chairman, himself, would be in a better position to approve a road cut within six months of the moratorium end.

Mr. Viera said it doesn't mean they can approve road openings when the moratorium is over.

Mr. Zorra would like to see hydrants there. He would support bringing the water in there.

Ms. Hines said she would not have an issue if it was closer to the end of the moratorium.

Mr. Costa said he would go with well water if the request is denied.

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

**VOTED:** 3 Ayes; 1 Nay; 1 Abstention; To deny the request for road opening permit for Costa Development at 340 Lincoln Street.

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

Mr. Zorra said it is a public safety issue. There should be hydrants.

Mr. Costa said he would configure lots with septic, if needed.

**Consider Adopting a “Carry-In Alcoholic Beverages Policy”**

Mr. Cadime advised that legal drafted a policy. It does not include a cap on the number of permits issued in a 12-month period. The Board would have to decide on a fee. The state average is \$50.

Ms. Hines noted there can't be a limitation on the number of permits.

Mr. Viera asked who would make sure the bottle is unopened.

Mr. Cadime said the manager. It is possible to put a maximum amount of beer and wine that can be carried into the facility. The business cannot charge a fee.

Mr. Almeida felt it is unfair to the restaurants in town that pay to have a license. He does not support it.

Mr. Cadime advised that customers can take only one bottle of wine out of the establishment. It has to be in a steel bag purchased from the State and provided by the establishment.

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

**DEFEATED:** 3 Nays; 2 Ayes; To adopt a “Carry in Alcohol Beverage Policy” as presented.

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

**Assign Warrant Articles and Make Recommendations for Spring Town Meeting**

Article 1 – Reports. - Mr. Andrade to present.

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

**VOTED:** To recommend Article 2 (FY'19 Budget). - Ms. Hines

Article 3 – Elected Officials Salary. - Mr. Viera

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

**VOTED:** To recommend Article 4 (Free Cash). - Mr. Zorra

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

**VOTED:** To recommend Article 5 (Dog Receipts) – Mr. Viera

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

**VOTED:** To recommend Article 6 (Lease for Fire Engine) – Mr. Almeida.

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

**VOTED:** To recommend Article 7 (Capital Items). – Ms. Hines

Article 8 – To be removed. – Mr. Zorra

Article 9 – A motion was made by Ms. Hines, seconded by Mr. Viera, and it was unanimously

**VOTED:** To recommend Article 9 (CPC). Mr. Andrade

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

**VOTED:** To recommend Article 10 (Surplus Property). Mr. Viera

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

**VOTED:** To recommend Article 11 (Treasurer to Borrow Anticipated Notes). – Mr. Viera

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

**VOTED:** 4 Ayes; 1 Abstention; To recommend Article 12 (Snow & Ice Expenses). – Mr. Viera

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

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

**VOTED:** To recommend Article 13 (Agricultural Restriction) – Mr. Andrade

Article 14 – Planning Board.

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

**VOTED:** To recommend Article 15 (Aitken School repair projects) – School Committee

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

**VOTED:** To recommend Article 16 (Ambulance Receipts). Mr. Zorra

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

**VOTED:** To recommend Article 17 (Conservation Commission). Mr. Andrade

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

**VOTED:** To recommend Article 18 (Collective Bargaining – Fire). Mr. Viera

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

**VOTED:** To recommend Article 19 (Collective Bargaining – DPW). Mr. Viera

Article 20 – Zoning Amendments. Planning Board

Article 21 – Zoning Amendments. Planning Board

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

**VOTED:** To recommend Article 22 (General Bylaw Amendments). Mr. Andrade

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

**VOTED:** To recommend Article 23 (General Bylaw Amendment). Ms. Hines

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

**VOTED:** To recommend Article 24 (General Bylaw Amendment). Ms. Hines

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

**VOTED:** To recommend Article 25 (General Bylaw – Alcohol). Mr. Viera

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

**VOTED:** To recommend Article 26 (Door to Door Canvassing). Ms. Hines.

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

**VOTED:** To recommend Article 27 (General Bylaws – Fine Schedule). Mr. Viera

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

**VOTED:** 4 Ayes; 1 Nay; To recommend Article 28 (Lease Two Modular Classrooms).

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

Prior to the vote, the question came up as to why the Finance Committee vote was 3 to 2 in favor. No one from Finance was in attendance.

Mr. Almeida heard the Finance Committee wanted the money to come from the operating budget.

School Committee Chairwoman Kim Sluter said they reduced the request to one module at each of the two schools. The lease portion (\$83,000) is from the operating budget.

Mr. Almeida didn't want to spend this kind of money on these units because both schools have adequate space for temporary classrooms (cafeteria and gym).

Supt. Bosco explained how those areas are used to full capacity.

### **Consider the Approval of Regular Session Minutes of April 4, 2018**

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

**VOTED:** To accept the Regular Session minutes of April 4, 2018.

### **COMMUNITY SPEAKS**

Mr. David Saad argued that residents did not get the Finance Committee budget. According to the Charter, the town has to vote on the Finance Committee budget.

Mr. Cadime and Board members stated it is the Board of Selectmen meeting, as per Charter.

Ms. Hines had a legal opinion.

Mr. Saad felt the request to decrease the Conservation Commission should have gone to the Charter Committee.

**OTHER BUSINESS**

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

**TOWN ADMINISTRATOR'S REPORT**

Mr. Cadime advised that the new town website is up. Residents can subscribe to get notifications.

**BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

**Veterans Memorial /Committee Liaison Report**

Mr. Viera advised plans are underway for the Memorial Day activities on Saturday, May 26. The parade will step off at 10 a.m. from the high school. A ceremony will follow at the Veterans Memorial Park.

Mr. Zorra said the Spring Fling at Martin School is on June 9. Town Meeting is on May 14 at the high school.

Ms. Hines noted that the senior center sign is in place and it looks good. She navigated her way around the website. It was easy to do.

Mr. Almeida reminded residents to lock their car and home.

**EXECUTIVE SESSION**

At 10:13 p.m. Ms. Hines motioned, seconded by Mr. Viera, to go into executive session to consider the purchase, exchange, lease or value of real property pursuant to M.G.L. Chapter 30A, Section 21(a)(6) as having discussion in Open Session would be detrimental to the negotiating position of the town (Old Town Hall – 624 Taunton Avenue) and to consider the approval of executive session minutes of April 4, 2018.

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

Respectfully submitted,

Prepared by:

David Viera, Clerk

Patricia Gamer, Secretary

