

BOARD OF SELECTMEN
AUGUST 5, 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 7:04 p.m. followed by the Pledge of Allegiance and moment of silence. The meeting was held virtually.

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 at the meeting is limited to ten. People who want to attend a meeting should pre-register. Public comments and questions may also be submitted to the Board in advance of the meeting by completing the Google Form prior to the meeting by Monday at noon. The meeting is broadcast live via Seekonk Cable TV9.

In accordance with M.G.L. Chapter 30A, Section 20(f), any person recording the meeting must notify the Chairman.

BOARD AND COMMITTEE OPENINGS

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

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Consider the Appointment of David Rave to the Position of Fire Chief

Mr. Cadime advised that, following the conditional offer of employment, a background check was done which included a physical and mental test. He recommended the Board extend a formal offer of employment, effective August 31, 2020.

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

VOTED: To extend an offer of employment to David Rave as Fire Chief, effective Monday, August 31, 2020.

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

Consider the Approval of the Fire Chief's Contract

Mr. Cadime noted the Board had approved the terms of the contract in executive session.

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

VOTED: To approve a three-year contract between the Town of Seekonk and David Rave as Fire Chief, effective August 31, 2020.

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

Mr. Cadime said Chief Rave will be introduced to the Board at the next meeting. He was in attendance virtually.

Board members welcomed him. Chief Rave said he is looking forward to serving as the next Fire Chief.

Consider Appointing Ann-Marie Gillett to the Cultural Council for a Three-Year Term, effective through June 30, 2023

Mrs. Gillett was in attendance. Mr. Cadime recommended the appointment.

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

VOTED: To appoint Ann-Marie Gillett to the Cultural Council for a three-year term, effective through June 30, 2023.

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

LICENSE HEARINGS

Consider the Request for a Place of Public Amusement License for Black Spot LLC to Operate a Monster Mini Golf to be located at 140 Taunton Avenue

Mr. Andrade explained that Monster Mini Golf closed during COVID-19.

The new owner, Patrick Vitagliano, said, when they were allowed to reopen, he purchased the business from the previous owner.

In response to Mr. Viera's question, Board of Health Agent Jessica Horsman said they haven't gone through individual plans with them. They would need to have a plan in place and the Board of Health would have to approve their COVID-19 operational plan.

Mr. Vitagliano said he lives in Nevada and cannot meet personally with Mrs. Horsman. They have 26 locations; 23 are now open. One is in Norwood, MA. All COVID-19 plans are in place. The marketing director lives in Providence. The general manager of Norwood will be the regional manager of both.

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

VOTED: To approve the request for a Public Amusement License for Black Spot LLC to operate a Monster Mini Golf to be located at 140 Taunton Ave. with the stipulation that the COVID-19 plans are approved by the Town's Health Agent.

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

Consider the Request for an Amusement Machine License for Black Spot LLC to have 22 Coin-operated Machines at Monster Mini Golf to be located at 140 Taunton Avenue

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

VOTED: To approve the request for an Amusement Machine License for Black Spot LLC to have 22 coin-operated machines at Monster Mini Golf to be located at 140 Taunton Avenue with the stipulation that the COVID-19 plans are approved by the Town's Health Agent.

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

NEW BUSINESS

Consider the Request to Amend the Seekonk Speedway Rules and Regulations

Fire Chief Michael Healy, Police Chief David Enos, and Director of Business Development at Seekonk Speedway Ed St. Germain were in attendance.

Fire Chief Healy explained the license is now for one Advanced Life Support (ALS) Rescue Vehicle and one Basic Life Support (BLS) Rescue Vehicle that includes drivers and spectators on Friday and Saturday nights. The chief and two captains are in full support of one ambulance temporarily while there are no spectators. There might be about 100 people there.

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Chief Enos advised he would amend manpower there. There is no alcohol. He suggested two officers to start. He would like to see how many people come in as part of the crew.

Mr. Viera applauded the chief for making that decision on behalf of the Speedway.

He asked Mr. St. Germain if the allowance is 10 individuals per car.

Mr. St. Germain said the State does not limit how many people on a team. The average team is 4 to 5 people.

Mr. Viera asked how many cars.

Mr. St. Germain said it depends on how many come. The 40 to 45% of vehicles coming from Rhode Island are not allowed right now because of the restrictions to test or self-quarantine. If the test is negative, they don't have to quarantine. People have to be retested every week.

Mrs. Horsman noted there is a travel form on line to be completed. It has to be completed every time people travel into Massachusetts. She would work with Mr. St. Germain on a weekly basis to authorize people to come in from out of state.

Mr. Viera noted that the Board just required Monster Golf to present a plan to the Board of Health. That should be the same with the Speedway.

He noted if 100 cars with four people each come in that would be 400 people to work on cars and view the race. He emphasized there needs to be stipulations that would be adhered to. He wanted to make sure a Seekonk ambulance would not go to the Speedway to standby in the event the ALS ambulance goes out from the Speedway.

Chief Healy said that is not what he said. He clearly stated there is no problem with one ambulance. If that ambulance leaves to transport to the hospital, Speedway management agreed to shut down until they get another ambulance from a private company. If something happens in the meantime, Seekonk ambulance would respond to transport; not to sit there.

Mr. Andrade said Capt. Lowery indicated it would be appropriate to staff one ambulance if 500 people were there.

Chief Enos said he will personally monitor attendance. He would be happy with a minimum of two officers for 500 people. If over 500, three officers. This is specifically for Saturday nights.

Mr. Zorra's comments were not audible at this point.

Mr. St. Germain said they may not reopen if they have to add one additional police officer for a total of three.

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Chairman Sullivan suggested 2 police officers for less than 350 or 3 for more than 350 people.

In response to Mr. Petronio's question regarding the current detail, Chief Enos said there are 9 officers on Saturday nights and 2 on Friday nights.

Mr. Petronio suggested reserving the right for the police chief to increase the number of officers.

Mr. Cadime said the process will be cumbersome to the Health Department.

Mrs. Horsman said Mr. St. Germain will have to submit a list of people coming in from out of state.

Mr. St. Germain noted the cost of the test is \$160.00. He can't see people paying that. He asked if other businesses would be held to the same standards.

Mr. Viera said those same stipulations should apply to other businesses, such as Monster Golf and the go cart track, etc.

Chairman Sullivan said that would be taken up for consideration at an upcoming meeting.

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

VOTED: To amend the Seekonk Speedway Rules and Regulations to allow the ambulance detail as recommended per the Fire Chief, a police detail of two officers for up to 500 people with the discretion of the Police Chief to increase number of officers if attendance is larger, and out of state attendees must provide a negative COVID-19 test conducted 72 hours prior to the race. This is a temporary amendment to the license during the COVID-19 pandemic.

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

Consider the Request for a Right-of-Way Opening Permit While Under a Moratorium for Ryan DuVally and Moonlight Realty LLC to Install a New 8" Water Main for the Proposed Subdivision known as "Berson Estates" to be located off Pine Street, Map 28, Lot 20

DPW Supt. David Cabral, Planning Board Chairman David Sullivan, Planning Director John Aubin III, Fire Chief Michael Healy, Paul D. Carlson, P.E. Project Manager for InSite Engineering Services LLC, and Ryan DuVally were in attendance.

Mr. Cabral advised DPW is opposed because the roadway is currently under moratorium. It is up to the Board to determine whether an emergency condition assists per the by-law.

Mr. Cabral referred to the letter from InSite. He said this item was brought forward in July 2019 after roadway work was approved by the Board and notifications made. InSite did not have the plans available to present to the Water District for approval.

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

VOTED: To table the request for a right-of-way permit until Mr. Carlson and/or Mr. DuVally report back after contacting the Water District.

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

In discussion prior to the vote, Mr. Paul Carlson said he is requesting a right of way opening permit located on Pine Street, just north of Eagle Way and south of 748 Pine Street, to install an 8" water line for the proposed 12-lot subdivision called Berson Estates to provide domestic water and fire protection. The moratorium remains in effect until 2024.

Under the General By-Laws, the owner has 60 days to install and lay pipe lines and, if an extension of time is needed, can make a written application to the Superintendent of Public Works. Additionally, Atty. Brainsky, representing Mr. DuVally, forwarded a letter dated July 1, indicating there was a request coming for installation of the water line to a proposed subdivision.

Mr. Carlson said there are a few ideas but the easy option would be to work with the Water District prior to the installation of the chip seal. The owner would install and pay the \$45,000 tapping fee. The Seekonk Water District does not allow taps of the mains until subdivision is approved. This would take over a year.

Mr. Carlson said they could not compromise with Mr. Cabral. He has letters from the Fire Chief and Board of Health and a recommendation from the Planning Board.

He said the solutions are more extensive and would be in better condition than the chip seal overlay presently there. They would post a bond a year or two beyond the moratorium based on prevailing wage and general construction costs from Mass. DOT. Proposed treatment would be installation of the main which has worked in the past on other projects, install overfill which prevents settling, pave portion of disturbed pavement and heat seal the edges. This would be better than the chip seal there and would serve the conditions of the subdivision and meet the needs of the Fire Chief, Board of Health, and Planning Board.

Mr. Petronio questioned that the request was made on July 1, 2019, a month before the work in Pine Street.

Mr. Cabral said the resurfacing had occurred and the roadway was automatically under moratorium.

Mr. Carlson said they are allowed to make a request for extension according to by-laws.

Mr. Cabral advised that notification was made to property owners after the Board of Selectmen approved the 2019 roadway program. All addresses were from a certified list in the Assessor's Office.

He got an e mail sent on July 1. He responded to that. He talked to Mr. Cadime about the situation and coordinating with the Water District that they did not have an approved plan to allow the water connection. The property was still being acquired. He said they looked and considered it and decided to go forward with the project. It was approved as part of the 2019 roadway project.

Mr. Andrade said Mr. DuVally should have verified if there was a moratorium in preparing the plan for the subdivision.

Mr. DuVally said they were unaware of any plans. It came to his attention in May.

Mr. Andrade said this is the second developer that has come forward in the last year. If the Water District would allow developer to put in a sleeve ahead of time that would eliminate discussion of having to cut into a \$250,000 taxpayer investment roadway. A sleeve could have been accommodated.

Mr. DuVally said a complete resurfacing of a roadway with new pavement vs. chip seal is a different process and expense as opposed to cutting into a newly paved roadway.

Mr. Andrade disagreed. He said a chip seal process is a means of preserving a roadway that has not deteriorated to the point that it would have to be replaced.

Mr. Carlson said there has to be some sort of process to allow and help this go through. If a developer is willing to pay the \$45,000 tapping fee and install at his own expense there has got to be a mechanism that would allow this.

Mr. Petronio asked if well water was considered until the moratorium was over.

Mr. Carlson said it was always water line. It is preferred by the Board of Health and Fire Department.

Chairman Sullivan asked if there was approval from the Water District to tap into the water line back in July.

Mr. Carlson said the Water District will not allow discussion until the subdivision is fully approved by the Planning Board.

Mr. Andrade referred to an incident concerning Federal Ex and the Water District. He noted the Board of Selectmen had requested to meet with the members of the Water District and they refused. This is the second time the Board has received correspondence from Planning and the Board of Health asking them to ignore the by-law.

Mr. Viera said the Board of Health and Planning Board support the lifting of the moratorium. Yet, there has never been a formal request to change the by-law. Several times this Board has refused requests from developers to lift the moratorium because it did not constitute an emergency. To Mr. Cabral's point, the Town spends a lot of money on roads and it is not right to have them dug up a year or so later.

Mr. Cadime noted the Fire Department is not recommending approval. The Fire Department is recommending to tie into town water and not use wells if the developer wants to move forward.

Mr. DuVally read Capt. Lowery's letter that the moratorium should be reconsidered.

Mr. Cadime said the Fire Department shouldn't be supporting it. It should have come through him. The Planning Board approved a subdivision plan knowing there is a moratorium. No department should be recommending reconsideration of a moratorium. There are no homes there so it is not an emergency. The by-law study committee that met a few years ago never suggested to change the by-law regarding the moratorium. In fact, there was discussion that the by-law should remain in place because of the investment.

Planning Board Chairman David Sullivan stated the Planning Board also invited the members of the Water District to attend a meeting several times and they have refused.

In March, the Planning Board had requested a joint meeting with the Board of Selectmen to discuss several items, including the by-law. That was when government shut down due to COVID-19. The Planning Board intends to continue to set meetings going forward.

Mr. Sullivan took exception to comments made. The Planning Board is doing its job just like the Board of Selectmen. Insinuations are being made by certain people that the Planning Board is not doing what it supposed to and creating a problem. That is not the case. They are following their duty per M.G.L. A lot of it hangs with the Water District for not being cooperative in the process.

Mr. Cadime replied that nobody was insinuating anything. The fact is that the Planning Board has come before the Board of Selectmen on many occasions to ask the Board to ignore the by-law that clearly states should only be for emergency purposes. He asked the Chairman and also the Board of Health if they feel there should be a cut in the roadway and ignore the hundreds of thousands of dollars investment made by the Town.

Mr. Sullivan said it doesn't make any sense that the subdivision of 12 to 14 houses will not receive utilities.

Mr. Cadime replied that is a complete 180 on Mr. Sullivan's stance. As chairman of the by-law study committee, Mr. Sullivan agreed to allow the moratorium to stay in place because of the investment.

Mr. Sullivan said he voted the way the committee wanted. He still doesn't agree with how it's done.

Mr. Andrade said it is an issue of a want from a developer and not necessarily a need to live.

Chief Healy took offense to a comment made by Mr. Cadime that he would deal with it in his own way. The Fire Department is not questioning the by-law. Capt. Lowery's letter was drafted by him because he is not at work every day. The Fire Department was following the Planning Board regulations for subdivisions. He clearly takes offense to Mr. Cadime's comment. There were accusations that the Fire Department wasn't following the by-law.

Mr. Cadime said he clarified that the Fire Department was not suggesting violating the by-law. Mr. DuVally said that was exactly what the letter said. Mr. Cadime then said he would talk to them because it was never brought to his attention about making a suggestion to forego the moratorium.

Chief Healy said that is how he took it.

Chairman Sullivan said he did not know the Board of Selectmen was made aware there was a request for this moratorium last August.

Mr. Andrade said they knew a developer was looking at the parcel. The Board is not necessarily notified of every request.

Mr. Cabral noted the majority of these conversations do not occur at the time the Board decides on the paving plan or when notification goes out. It is when there is a sale of the property. He doesn't know when that property was purchased. There was a change of ownership at the 11th hour.

Mr. Viera said he still doesn't see the emergency and Mr. Cabral is not in favor of it.

Chief Healy said it makes sense. It is about public safety. He felt as executive board of the community, the Board of Selectmen, should do the right thing. He doesn't want to ignore the by-law.

Mr. Andrade asked Mr. Carlson about digging down 8 ft. and boring the road horizontally and connect downward.

Mr. Carlson said it was done at Madison Estates. Three years ago, this Board granted a request on Walker Street making a connection to Newman Avenue, which is under moratorium.

Mr. Cabral said whatever they do in terms of excavation they will have to go down 5 ft. minimum. He said an 8 in line is a substantial water main.

Mr. Andrade suggested the developer approach the Water District. If they do not cooperate, come back to the Board of Selectmen.

Chairman Sullivan agreed the developer and engineer should reach out to the Water District. If the plan involved impairment to the roadway, the matter would have to come back before the Board of Selectmen. He is unsure about the idea. He is looking at additional residents who would need services and also the respect to preserving the by-laws with respect to an emergency moratorium.

Mr. DuVally said he is happy to reach out and see what kind of response they get.

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

VOTED: To table the request for a right-of-way opening permit for a new subdivision (Berson Estates) located off Pine Street until the developer and engineer report back following a meeting with the Water District.

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

Consider Accepting the “Assistance to Firefighters Grant” (AFG)

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

VOTED: To accept the “Assistance to Firefighters Grant” in the amount of \$42,857.14.

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

Consider and Sign the Warrant for the State Primary Election

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

VOTED: To sign the warrant for the State Primary Election.

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

The warrant will be at Dispatch for Board members to sign.

Consider the Approval of the Regular Session Minutes of May 20, 2020

Mr. Andrade corrected the minutes of May 20, 2020 as follows: Page 3 – Charter changes will begin with Spring Town Meeting; Page 6 – eliminate the last sentence in the first paragraph.

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

VOTED: 4 Ayes; 1 Abstention; To approve Regular Session minutes of May 20, as amended.

The vote: Mr. Petronio – Abstained; 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 reported the old tower was taken down.

DPW Facility

A meeting is scheduled for next week.

Senior Center Phase II/540 Arcade Avenue - None

Playground at Town Hall

The project nearly complete.

Cable Contract

Mr. Cadime spoke with attorney from KP Law. He received a formal request from Comcast. He will forward to the Board. It is approximately 100 pages.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Bristol County Advisory Board – None.

Aitken School Expansion Building Committee Report

Mr. Zorra advised the roof is up. There is a delay with the pole from National Grid. It will probably be pushed back because of the recent storm. The parking lot and emergency vehicles road will be paved. Ventilators will be installed when they arrive.

540 Arcade Avenue building Committee Report –None.

Veterans' Council

Mr. Viera wanted to replace the flag at the library. The Veterans' Council will meet with the Veterans' Agent to discuss Veterans Day activities. There isn't going to be a parade because of the pandemic situation. Thinking about a motorcade through town to recognize the veterans.

EXECUTIVE SESSION

At 9:49 p.m. Mr. Andrade motioned, seconded by Mr. Viera, to go into Executive Session to discuss negotiations with United Steelworks of America Clerical Unit Local 9517-10, United Steelworkers Supervisors Unit Local 9517-09, Dispatch AFSCME Council 93, and DPW AFSCME Council 93 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 5, 2020 Board of Selectmen Meeting

Talent Bank form for Ann-Marie Gillett for Cultural Council

Documents for license for Black Spot LLC to operate a Monster Mini Golf at 140 Taunton Avenue

Request from Seekonk Speedway to amend Rules and Regulations. Letter from Capt. Sandra Lowery, Fire Department

Documents for right-of-way permit opening from Ryan DuVally and Moonlight Realty, LLC for installation of water main

Award Letter from U. S. Department of Homeland Security re: 2019 Assistance to Firefighters Grant in the amount of \$42,857 and information on the grant

Town Moderator Peter Hoogerzeil on appointment of Nelson Almeida to fill vacancy on the Finance Committee