

BOARD OF SELECTMEN
OPEN SESSION of June 23, 2021
Seekonk Town Hall, 100 Peck Street
BOS Meeting Room
JUNE 23, 2021

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

Town Administrator: Shawn E. Cadime

Asst. Town Administrator/
Director of Human Resources Carol-Ann Days

Chairman Sullivan opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

Any person recording must notify the Chairman at the beginning of the meeting.

BOARD AND COMMITTEE OPENINGS

Mr. Healy announced that volunteers are needed on the Capital Improvement Committee (2 BOS); Commission on Disability (5-13 BOS); Economic Development Committee (5 BOS); Energy Committee (1 BOS); Historical Commission (3 BOS); Recycling Committee (2 BOS); South End Fire Station Building Committee (1 Moderator), Veterans' Council (1 BOS), Zoning Board of Appeals (2 alternates)

COMMUNITY SPEAKS – None.

GENERAL DISCUSSION

A. Consider accepting the donation to the Seekonk Animal Shelter in the amount of \$2,510.75 from Jaylyn Kenney in memory of Dexter.

Chairperson Sullivan said there are many people and children in the community that are inspired by what Miss Kenney has done. He read and presented a proclamation and Town tile to Jaylyn Kenney for her donation to the Town and Animal Shelter.

A. Petronio made a motion to accept the donation to the Seekonk Animal Shelter in the amount of \$2,510.75 from Jaylyn Kenney in memory of Dexter; it was seconded by D. Andrade, and unanimously approved.

VOTE: 5-0 all in favor

PUBLIC HEARING

B. Consider the request for a Transfer of an Off-Premise Wines and Malt Beverages license from RWJ Beverage (MA) LLC, d/b/a The Wine Cellar of Seekonk to Mormax Corporation d/b/a BJ's Wholesale Club and an Alteration of Premises at 175 Highland Avenue, Seekonk, MA

A. Petronio read the public notice into the record: *The Board of Selectmen will hold a Public Hearing on Wednesday, June 23, 2021 at 6:00 P.M., or as close to that time as possible, in the Meeting Room, located at Seekonk Town Hall, 100 Peck Street, Seekonk MA 02771 to consider the request for a Transfer of an Off-Premise Wines and Malt Beverages license from RWJ Beverage (MA) LLC, d/b/a The Wine Cellar of Seekonk to Mormax Corporation d/b/a BJ's Wholesale Club and an Alteration of Premises at 175 Highland Avenue, Seekonk, MA*"

M. Healy made a motion to open the public hearing at 6:09 p.m.; it was seconded by A. Petronio, and unanimously approved.

VOTE: 5-0 all in favor

Attorney Eugene Richard from Hurwitz, Richard & Sencabaugh, LLP, 35 Braintree Hill Office Park, Suite 201 in Braintree, MA 02184 was present to summarize BJ's application to transfer their license. When BJ's first held the Off-Premise Wines and Malt Beverages License, the sales displays were located in the rear of the store and all sales went through the front sales registers. Attorney Richard addressed a letter of concern with minors being served. He advised they have not had an issue with minors having access to, or stealing the alcohol. Attorney Richard also discussed BJ's compliance operations and facility security. A warehouse model differs from the typical package store model. They do not sell cold beverages; everything is sold at room temperature.

Chairperson Sullivan asked if any Board members had any questions prior to opening it up for public comment.

D. Andrade asked Attorney Richard if the transfer would be contingent on having access to the entire store.

Attorney Richard stated the reason the application reads the whole store is to allow a buyer to shop the entire store before having to check out at the front of the store.

Someone in the audience said BJ's would still want to transfer the license even if access to the entire store is not granted.

Chairperson Sullivan asked if anyone in the audience wished to speak in favor or opposed to the transfer of the license and the proposed changes.

Keith Rondeau of 17 Shady Lane stated he was a distribution manager when large chain stores were allowed to serve alcohol in a store. Originally it did not seem restricting the alcohol area would be a benefit, however, with a dedicated area and dedicated cash register, a business could have some asset protection, better loss prevention, less sales to minors, and theft. Having all these controls are also a benefit to the Town, as well as general public.

Guy Larimar of 296 Anthony Street said he appreciates the benefit being offered, but would prefer if more controls would be in place. He supports the selling of products, but he would like to see the same controls that smaller stores are required to follow.

Nelson Almeida of 48 Quarry Street said as a resident and father of five children, he believes kids do not belong in a liquor store. He prefers the way BJ's is set up now with a store located at the entrance.

A motion was made by D. Andrade to close the public hearing at 6:45 p.m.; seconded by M. Healy, and it was unanimously approved.

VOTE: 5-0 all in favor

M. Healy stated he has concerns with how the store layout is being proposed may affect smaller businesses and that he prefers the current set up; therefore, he would not approve the license transfer.

D. Andrade stated that he believes the ABCC would have addressed any legal concerns and that it is the Board's purview to expand the square footage.

A. Petronio stated he also has concerns about the safety and image it presents to the community and minors. He also has concerns regarding the lack of controls as an open-ended business model. He would like it to remain in the caged area with the separate register for checkout.

C. Zorra asked Attorney Richard if there has been any theft at BJ's or in the Seekonk location.

Attorney Richard stated they have not had any violations, but it would be difficult to say that any business does not experience some amount of theft. He also stated BJ's business model has an employee standing at the entrance to verify receipts against items exiting the store.

C. Zorra stated he is ok with the transfer of the license as long as the product remains in the caged area.

D. Andrade said he was on the Board when the license was originally approved and thinks the convenience of BJ's having these items in a caged area allows a balance. He stated he does not see the benefit of opening it up to the entire store without having a loss of control. He asked if it's opened up to the store, does a customer have to provide a membership card to purchase the alcohol?

Attorney Richard stated having a membership is not a requirement to purchase alcohol because the ABCC does not allow a restriction to purchase of alcohol without a membership card, but someone cannot check out alcohol without having a TIPS trained cashier process the sale. D. Andrade said he does not see a problem with retaining the product in the cage. He believes the logic should remain under the current guidelines and stipulations set forth by the Board and the ABCC. He also stated he would not support the transfer of the license.

Chairperson Sullivan stated he is not in favor of expanding the sale of alcohol through the entire store but he would support maintaining the current process and would support with the transfer of the license.

Chairperson Sullivan entertained a motion to approve the license transfer as requested while maintaining the current square footage in the cage-in area with an independent register, and to adhere to all Massachusetts state laws.

D. Andrade made the motion to approve the request for a transfer of an Off-Premise Wines and Malt Beverages license from RWJ Beverage (MA) LLC, d/b/a The Wine Cellar of Seekonk to Mormax Corporation d/b/a BJ's Wholesale Club and an Alteration of Premises at 175 Highland Avenue, Seekonk, MA while maintaining the current square footage in the caged-in area with an independent register, "as it currently exists," and adhere to all Massachusetts state laws and it was seconded by C. Zorra.

**VOTE: 4 Ayes; 1 Nay
Mr. Healy – Nay; Mr. Petronio – Aye; Mr. Andrade – Aye; Mr. Zorra – Aye; Chairman Sullivan – Aye.**

LICENSE HEARING

C. Consider the request from National Grid to install 4 new solely owned poles #P2191-2, P2191-3, P2191-4, P2191-5 at 331 Central Avenue and Willis Avenue

D. Andrade made a motion to open the public hearing at 7:03 p.m. M. Healy seconded, and it was unanimously approved

A. Petronio read the public notice into the record: "*The Board of Selectmen will hold a Public Hearing on June 23, 2021 at 6:00 p.m., or as close to that time as possible, in the Meeting Room at the Seekonk Town Hall, 100 Peck Street, Seekonk, MA, to consider a petition from National Grid to install 4 new solely owned poles #P2191-2, P2191-3, P2191-4, P2191-5 at 331 Central Avenue and Willis Avenue. Please contact the office of the Board of Selectmen during regular business hours with any questions at 508-336-2910*"

Al Galvin, the design engineer from the Hopedale office, stated they would be installing a three-phase primary off Central Avenue, and in doing so, they would need four poles for the three transformers and the one disconnect switch which would allow them to have two primary taps. This will allow for a quicker response to power outages during inclement weather. They reviewed the Superintendent of Public Works, Dave Cabral request and they will coordinate with

DPW to push the poles four feet off of the paved surface to allow for a buffer zone or any future sidewalks.

A. Petronio asked if there would be any communications lines on these poles and whether or not they would be disrupted.

Mr. Galvin answered no and that any communications are on the primary. He said it will be beneficial to new homes in the area.

D. Andrade asked if a three-phase currently exists on the pole that is there.

Mr. Galvin answered yes, down Central Avenue.

D. Andrade asked if the transformers could be added to the existing poles.

Mr. Galvin answered not the way it is currently constructed.

D. Andrade said they often have issues with getting responses from National Grid, as well as pole removal.

A. Petronio stated this may be a different topic than what they were discussing at this meeting.

M. Healy stated that he is unsure if the gentleman present can answer the questions being posed.

Mr. Cadime stated that some of the existing poles around Town also have some old fire lines that exist on the remaining poles.

D. Andrade stated he's supportive of the infrastructure and redundancy to avoid outages.

Mr. Galvin stated as it is structured now National Grid places the poles and Verizon removes the poles.

Chairperson Sullivan stated that there are unresolved issues with National Grid and shares in Mr. Andrade's frustration.

D. Andrade expressed his frustration with National Grid's unresponsiveness when the Town was trying to open Aitken School.

Chairperson Sullivan asked Mr. Galvin to notify individuals at National Grid that someone needs to reach out to the Town to address some outstanding concerns.

Mr. Cadime stated he will reach out to Verizon where the double poles are and ask for a government representative to attend a meeting.

A. Petronio asked how quickly Verizon can get to a meeting.

Mr. Cadime stated he believes it would be reasonable to have someone present for an August or September meeting.

A. Petronio asked the Board members when approval for new items would stop.

Chairperson Sullivan stated that these tend to come before the Board on an as needed basis.

D. Andrade made a motion to close the public hearing at 7:14 p.m.; it was seconded by C. Zorra, and was unanimously approved.

VOTE: 5-0 all in favor

Chairperson Sullivan asked if there were any further questions or discussion.

C. Zorra made the motion for National Grid to install 4 newly solely owned poles ##P2191-2, P2191-3, P2191-4, P2191-5 at 331 Central Avenue and Willis Avenue; it was seconded by A. Petronio.

VOTE: 4 Ayes; 1 Nay

Mr. Healy – Aye; Mr. Petronio – Aye; Mr. Andrade – Nay; Mr. Zorra – Aye; Chairman Sullivan – Aye.

Mr. Andrade stated he welcomes the new infrastructure, but is unhappy with National Grid's response time.

D. Consider the request for the Holy Ghost Brotherhood of Charity to use Taunton Avenue for their annual procession

Chairperson Sullivan requested that this item be passed since there may have been some changes.

E. Consider the reappointment of Jennifer Miller as Conservation Agent for a three-year term

Mr. Cadime stated that he recommends Jennifer Miller for reappointment to another three-year term. The reappointment is in alignment with the Town Charter regarding reappointments.

D. Andrade made a motion to reappoint Jennifer Miller as Conservation Agent for a three-year term; A. Petronio seconded, and it was unanimously approved.

VOTED: 5-0 all in favor

F. Presentation and Discussion of the Open Space and Recreation Plan (OSRP) by the OSRP Working Group

Jennifer Miller the Conservation Agent, John Aubin the Town Planner, and Gene Bollinger and Amanda Gall with Weston and Sampson were in attendance.

Jen Miller, Conservation Agent, stated that the open space and recreation plan has been a collaborative effort with the Seekonk Land Trust, Community Preservation Commission, Planning Department, and Recreation Committee. She explained this has been a three to four-year process and the purpose is to use it as a guiding document for future decisions, for both open space and recreation, as well as an element of the Master Plan, and providing key grant opportunities.

Gene Bollinger with Weston and Sampson stated this is just a draft and there is need to incorporate public comment at this time. Mapping updates were completed to identify open spaces, natural resources, and assets. The highest and greatest needs were evaluated through meetings and surveys to help identify action items which will be a part of the draft report. The draft will be posted for public comment tomorrow and those comments received will be incorporated into the final document.

Amanda Gall with Weston and Sampson stated that property types have been categorized into Town-owned, private, and non-profit. All of the well-known properties have been listed within the individual categories. Ten different properties were inventoried: 1) Arcade Woods; 2) Burr's Pond; 3) Cole Street Athletic Complex; 4) Gammino Pond; 5) North School Athletic Complex; 6) Seekonk High School football field; 7) Seekonk Meadows; 8) Veterans Memorial; 9) Town Hall playground; and 10) Water Lane Athletic Complex. The general conditions were evaluated at each of these locations. All of this evaluating was incorporated into a needs analysis summary which was gathered through public meetings and surveys.

Tom Webb, President of the Seekonk Land Conservation Trust, stated that over several years the Land Trust has been cooperating with the Town. One of the main locations was the Arcade Avenue Woods where there are now trails connecting to the Town Hall trails. He is also excited that the Town Hall playground has been added which allows those who come visit the playground to access the trails.

Scott Olobri, Assistant DPW Superintendent, said the Town Hall playground was an idea brought to the Preservation Committee in 2018. Construction started in 2020, but COVID delayed it slightly. The playground opened for use in the Fall. There has been an overwhelming response from the Town. They are hoping to have a grand opening in the future. Site work remains ongoing and he hopes it will be near completion in late fall of 2021.

J. Miller stated that when she started Gammino Pond was an existing site. While collaborating with other organizations, they were able to open the staging area and increase the parking lot. Another staging area for those trails has been added at Dexter Ave. A lot of work has been done on those trails, including stairs which has increased safety. The storybook trail was also recently

added. The collaborative efforts show what we are able to do when all of these groups are brought together.

A. Petronio stated he is happy to see how far this has progressed and he is appreciative of the efforts. Hopefully this document will solve goals and interoperability with the overall Master Plan as it relates to open space, recreation, and grant writing.

Mr. Cadime said a lot of the work takes place behind the scenes and there is an amount of savings when all of the stakeholders work together. Sometimes the work and investment are overlooked and not always appreciated. The support and funding have allowed us to further improve these resources that the Town has. The playground has exceeded any of our expectations. He wanted to recognize the Department Heads for their hard work, the support from the Board of Selectmen, and the investment from stakeholders involved.

G. Consider the acceptance of the Student Awareness of Fire Education (SAFE) grant in the amount of \$4,692

A. Petronio made a motion to acceptance of the Student Awareness of Fire Education (SAFE) grant in the amount of \$4,692; M. Healy seconded, and it was unanimously approved.

VOTED: 5-0 all in favor

H. Consider the acceptance of the Senior Student Awareness of Fire Education grant in the amount of \$2,480

A. Petronio made a motion to consider the acceptance of the Senior Student Awareness of Fire Education grant in the amount of \$2,480; M. Healy seconded, and it was unanimously approved.

VOTE: 5-0 all in favor

I. Consider accepting the donation of 30 mattress covers from Walmart to the Fire Department

D. Andrade asked how this need for mattress covers were identified.

Fire Captain Michael Bourque said it was determined through COVID that mattress covers can offer additional protection against infection. The mattress covers are removed and washed daily to help cut down on infection rate.

A. Petronio made a motion to accept 30 mattress covers from Walmart to the Fire Department; M. Healy seconded, and it was unanimously approved.

VOTE: 5-0 all in favor

J. Consider the Bid Award for the Department of Public Works 2022-01 Surface Treatments to All States Construction, Inc.

Superintendent of Public Works, Dave Cabral stated that the bid in 2019 was not advertised correctly in Goods and Services through MA procurement. The bid document was posted exactly as the prior bid. The Department of Public Works solicited for bids for use in public works operations. Advertisements were placed with local media as well as with required state agencies. Bids were received at the Town Hall through Wednesday, June 9, 2021 at 1:00PM at which time bids received were publicly opened, read and recorded. A copy of the results was attached for the Board's review. The bid is for three years starting July 1, 2021 through June 30, 2024, with the option of three additional one-year extensions. After review of all the submitted packages, the Department of Public Works recommends awarding this bid to the lowest bidder, All States Construction, Inc.

Chair Sullivan questioned if there were funds carried over for those particular projects.

Mr. Cadime confirmed there were.

Chair Sullivan asked if this was the only bid that was received.

Mr. Cabral stated it is not uncommon. All States typically do these types of projects.

D. Andrade made a motion to accept the Bid Award from All States Construction for the Department of Public Works Surface Treatments for 2022-01; it was seconded by A. Petronio and unanimously approved.

VOTE: 5-0 all in favor

K. Consider the Bid Award for the Department of Public Works 2022-02 Tree Trimming and Removal Services to North-Eastern Tree Services, Inc

D. Andrade made a motion to accept the Bid Award for the Department of Public Works 2022-02 Tree Trimming and Removal Services to North-Eastern Tree Services, Inc.; it was seconded by A. Petronio and unanimously approved.

VOTE: 5-0 all in favor

L. Consider the Bid Award for the Department of Public Works 2022-03 Boiler Removal and Installation (at the Public Safety Complex) to Industrial Burner Systems, Inc.

Mr. Cabral stated the existing boiler is out of operation at public safety. The price exceeded the \$50,000 and the procurement law had to be followed. The Department of Public Works solicited for bids for use in public works operations. Advertisements were placed with local media as well as with required state agencies. Bids were received at the Town Hall through Wednesday, June 9,

2021 at 2:30 p. m. at which time bids received were publicly opened, read and recorded. A copy of the results was attached for the Board's review. The bid will become effective immediately upon your approval and will last for the duration of the project. After review of all the submitted packages the Department of Public Works recommends awarding this bid to the lowest bidder, Industrial Burner Systems, Inc.

C. Zorra made a motion to consider the Bid Award for the Department of Public Works 2022-03 Boiler Removal and Installation (at the Public Safety Complex) to Industrial Burner Systems, Inc.; it was seconded by D. Andrade and unanimously approved.

VOTE: 5-0 all in favor

M. Consider the reappointment of Board and Committee members; Cultural Council, Finance Committee, Historical Commission, Human Services Council, and Recycling Committee

M. Healy questioned a member that was not listed for reappointment on the Zoning Board of Appeals and if the individual is not being reconsidered.

Mr. Cadime confirmed that he will have the individuals before the Board of Selectmen at the next meeting, once he's had an opportunity to meet with Department Heads. Mr. Cadime recommended the reappointments as follows for three-year terms to expire on June 30, 2024:

Patti Dalton – Cultural Council
Michael Dressler – Historical Commission
Irene Andrews – Human Services Council
Josephine Veaider – Human Services Council
Paul Coutu – Recycling Committee
Donald Robillard – Zoning Board of Appeals
Shane Halajko – Zoning Board of Appeals

C. Zorra made a motion to reappoint the members; it seconded by A. Petronio, and it was unanimously approved.

VOTE: 5-0 all in favor

Moderator Appointments

Chairman Sullivan read the Town Moderator Peter Hoogerzeil's reappointment recommendation for the Finance committee: Philip Yan, Nelson Almeida, and Derick Medeiros with a term expiration of June 30, 2024.

N. – P. Consider the disclosure of G.L.c. 268A, § 20(f) and the reappointment of Special Police Officers James Roy, William Dallaire, and Ronald Rickey

A motion was made by A Petronio to approve the disclosure of G.L. Chapter 268A. § 20(f) and the reappointment of Special Police Officers James Roy, William Dallaire, and Ronald Rickey; it was seconded by Mr. Zorra, and unanimously approved.

VOTE: 5-0 all in favor

Q. – S. Consider the disclosure of G.L.c. 268A, § 20(f) and the reappointment of Detention Attendants Kathleen Coyle, Lisa Parker, and Melissa Zasowski

A motion was made by D. Andrade to approve the disclosure of G.L. Chapter 268A. § 20(f) and the reappointment of Detention Attendants Kathleen Coyle, Lisa Parker, and Melissa Zasowski; it was seconded by M. Healy, and it was unanimously approved.

VOTE: 5-0 all in favor

T. Consider the reappointment of Constables, Special Police Officers, Detention Attendants and Traffic Constables not requiring disclosure as recommended by the list provided by Police Chief Dean Isabella, dated June 15, 2021.

A motion was made by Mr. Andrade, seconded by Mr. Healy, and it was unanimously voted to reappoint the following individuals:

	<u>Constables 2021-2022</u>	
Chief Dean Isabella	Deputy Chief David Enos	Lt. Gerard LaFleur
Capt. Matthew Jardine	Sgt. Steven Fundakowski	Sgt. Thomas Hedrick
Lt. Christopher Kelly	Sgt. Adam Laprade	Sgt. Shaun Kelley
Lt. Eric Chalifoux	Sgt. Nicholas Peterson	Sgt. Gregory Casper
Sgt. Sean Dowd		

	<u>Special Police Officers 2021-2022</u>	
Andrew Galvao	Eric Dallaire	Paul Strollo
Scott Dumond	Edward McDonald	Craig Mace
Jason O'Hara	David Miller	

	<u>Detention Attendants 2020-2021</u>
Sandra Phillips	

VOTE: 5-0 all in favor

U. Discussion to give grant application authority to the Town Administrator unless it is a matching grant

Mr. Cadime stated grants require application sign-offs and he is requesting the Board for a general blanket to approve the submitted grants, unless it is a matching grant then it would come

before the Board of Selectmen. Once a grant was submitted and awarded, it would still require the approval from the Board of Selectmen. Based on timing, an opportunity may be missed if a vote from the Board is required.

D. Andrade stated in the past there were presentations from individuals that have an impact on policies and budget by applying for the grant. He would like to see a cap or expiration on this.

Mr. Cadime stated it should be approved each fiscal year.

Mr. Andrade said as long as the understanding that adding personnel would be considered a matching grant, he would be ok with that.

A. Petronio made a motion to give grant application authority to the Town Administrator unless it is a matching grant for Fiscal Year 2022; it was seconded by M. Healy, and unanimously approved.

VOTE: 4-1

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

V. Discussion regarding noise complaints and soil disturbance concerns on property owned by Lynch Corp.

Chairperson Sullivan stated Mr. Andrade brought this to his attention regarding ongoing issues and complaints that he had been receiving.

D. Andrade stated this issue has come before the Board in the past for excessive noise, and late night/early morning construction activities occurring during off hours. He has received continued messages about being woken up at 5- 6 a.m. There has also been a mound that has gradually increased in size and has caused concerns about it encroaching onto conservation areas. He contacted both Mr. Abelson or Ms. Miller. Mr. Andrade also stated he was repeatedly told that residents have made noise complaint calls to the Police Department. Lynch Company has been to a prior Board meeting and expressed their desire to be a good neighbor. He asked that Mr. Abelson and Ms. Miller to discuss what their findings were after their inspections.

The Building Inspector, Neal Abelson stated that he received a call from Mr. Andrade since Ms. Miller was on vacation that week. The Town Charter gives the Building Inspector the right to enter and inspect the property. On May 5th he went to Carter's Way to see if there was an open violation of wetland. He saw an excavator well within 50 feet of the wetland area. He was asked to cease and desist, which was agreed to. At that point, the owner of the company approached Mr. Abelson and stated he was trespassing. Mr. Abelson identified himself and provided his contact information. At that time, he called the Assistant Town Administrator to notify her of his actions. Mr. Abelson went back to Carter's Way the next day to view whether or not the activity was still ongoing. He continued to inspect the area over the next several days and it appeared the activity had ceased.

The Conservation Agent, Jen Miller stated the actual facility has a 0 Taunton Ave address. She provided a summary of her site visit on May 12th. She noted an issue with accumulation of materials and a separate berm, which now has arborvitae trees to provide a visual buffer to Carter's Way. Some of that berm had been removed to start on the accumulation materials and is encroaching on the wetland's buffer. Ms. Miller advised the Board that Lynch Company will be coming to the July 12th Conservation hearing for a restoration plan, and eventually, for a Notice of Intent to see if they can be permitted to do the work they're looking to complete. Ms. Miller expressed concerns about baghouse fines being dumped, on the Seekonk side, which are an end product from the asphalt process and should not be disposed of in that way. They're being dumped into a wetland area which continues into Seekonk. Ms. Miller reached out to DEP to see if there is a separate contamination issue. That day, and immediately thereafter, Lynch was very cooperative in putting up the barriers that were requested, but there remains a lot more to resolve at this site.

D. Andrade asked who would be responsible for the removal of the baghouse fines and remediation of the space?

J. Miller stated that would be Lynch's responsibility.

D. Andrade stated the residents in the area should continue to monitor the area and make complaints. This will allow the police department to track it and allow for appropriate actions to the company if they continue to operate in this manner.

M. Healy asked J. Miller if Lynch has contacted the Conservation Commission regarding the actions required.

J. Miller stated they are set to appear at their July 12th meeting.

M. Healy stated they would not be able to meet the 30-day timeline outlined and according to this noticed they would be fined \$300 a day.

J. Miller stated that the Conservation Commission ratified the notice of violation on June 14th, which would begin the start of the 30 days since it hadn't been ratified yet.

A. Petronio stated that if they continue to violate the By-law noise ordinance, a violation can be issued.

D. Andrade stated that is a good distinction in case the work is being completed in East Providence.

J. Miller stated that all the work occurring on that parcel is in Seekonk.

Antonio Goulart of 20 Carter's Way was present and stated that he resides behind Lynch and that the parcel is completely in Seekonk. Mr. Goulart said he purchased his parcel in 2012 and the mound has been growing ever since. He said he understands they are trying to run a business, but

they are not being a good neighbor. It's blowing nasty stuff and pollution onto Carter's Way. They've started again with the loud trucks and pollution. He said this is a Rhode Island business bringing stuff into our Town because not one piece of work and pollution resides on the Rhode Island parcel. He said he noticed someone grabbing dirt from the top of a pile and pushing it into wetlands. Every bit of the work they're doing is on Seekonk side. He said it has been better since the Conservation Agent went there. The gate has been locked and he hasn't seen that in years. The mound has been getting larger and wider.

Lawrence McCarthy, Vice President and general counsel of J.H. Lynch & Sons, Inc., was in attendance. Mr. McCarthy stated that he was in attendance in 2015 when there were 5 noise complaints. Mr. McCarthy said Lynch is an essential business which has contracts with Massachusetts and Rhode Island and those contracts request night work. Lynch does the best they can to control the noise and asks that workers do not go back there before the start time of 7:00 a.m. He said they need to know when there are complaints so they can address them. He said this location was purchased in 1998 and has been a sand and gravel plant since the 40's. MassDEP promotes the recycling of ABC material and are told to pile the material. They do not want the material to go to landfills. If it's being done in the purview of an asphalt plant, it does not require a permit. Lynch proposed to build a visual barrier and to minimize noise as well.

Chair Sullivan stated that Conservation should have been consulted, since Lynch knows the property abuts wetlands.

Mr. McCarthy stated that Lynch will comply with whatever requests are made from the Conservation Commission.

Chair Sullivan stated that Lynch and the Town need to work together to ensure that Lynch is not causing unnecessary noise for residents on Carter's Way.

D. Andrade stated it affects other neighborhoods in the area as well.

Mr. McCarthy stated he needs that type of information in order for it to be managed.

D. Andrade stated that Lynch can be proactive by reaching out to residents in the surrounding neighborhoods to encourage direct communication for complaints.

Mr. McCarthy stated that Lynch has the resources to manage the situations.

A. Petronio stated that Lynch should make sure that permits are being applied for and rules are being followed.

Mr. McCarthy stated there was a hearing on June 14th and a comment was made at the hearing asking why Lynch was not present. Mr. McCarthy said they did not receive notice until June 21st.

M. Healy asked Mr. McCarthy about the statement regarding the certified letter being received by Lynch on June 21st when the letter was mailed on May 25th.

Mr. McCarthy stated the letter was received via email on June 21st.

J. Miller stated she is unsure why the certified letter did not reach Lynch. An email was sent on June 21st when the representative did not attend the June 14th hearing. She said the mountain is significantly higher than the berm, and it is unclear why the statement was made that the mountain needs to be built up to reach the height of the berm.

Mr. McCarthy stated that the materials are being brought down.

J. Miller stated she was under the impression that the mountain of debris would continue to grow in both height and diameter.

C. Zorra asked if there were any future plans to take that mound and convert it to reprocessed gravel.

Mr. McCarthy stated they've already spent funds to start that process, but the market doesn't justify reprocessing gravel.

Mr. Andrade asked for the Board to receive an update following the Conservation Commission hearing on July 12th.

W. Consider the appointment of KP Law as Town Counsel for Fiscal Year 2022

Mr. Cadime recommended that KP Law be appointed for fiscal year 2022.

A motion was made by M. Healy to the appoint KP Law as Town Counsel for Fiscal Year 2022; it was seconded by D. Andrade, and unanimously approved.

VOTE: 5-0

X. Review and discuss the Open Meeting Law complaint dated June 11, 2021, regarding the Board of Selectmen's Executive Session minutes and response to the complaint filed by Doreen Taylor

Chairman Sullivan read the complaint into record. He also read the Town's response to the open meeting law complaint that will be sent to the State.

D. Andrade made a motion to accept receipt of the open meeting law complaint dated June 11, 2021; it was seconded by M. Healy, and it was unanimously approved.

VOTE: 5-0

Y. Consider accepting the Regular Session Minutes of April 14, 2021 and April 28, 2021

M. Healy made a motion accept the regular session minutes of April 14, 2021 and April 28, 2021; it was seconded by A. Petronio, and it was unanimously approved.

VOTE: 5-0

COMMUNITY SPEAKS

Keith Rondeau of 17 Shady Lane, also the Chairman of the Zoning Board of Appeals, was in attendance to speak. He said he was pleased to see the reappointment of Donald Robillard and Shane Halajko to the Zoning Board of Appeals but was confused at the omission of Vice-Chair Gary Sagar on the agenda. He advised the Zoning Board of Appeals sent a letter to the Town Administrator and Board of Selectmen to recommend the reappointment of all three members at their June 14th meeting. Gary is a long-time member and probably has the best knowledge of the Zoning By-laws of anyone else on the board. He asked the Board of Selectmen to consider his reappointment before their Board's next meeting on July 14th.

OTHER BUSINESS – None.

TOWN ADMINISTRATOR'S REPORT - None

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Aitken School Expansion Building Committee Report

C. Zorra advised a virtual tour of Aitken School has been released on-line and that a date will be determined soon for in-person access to the school. Channel 9 recorded the video and it is on the school's website.

540 Arcade Avenue Building Committee Report

C. Zorra advised that he should have more to report following next week's meeting.

EXECUTIVE SESSION

At 8:59 p.m. D. Andrade motioned and M. Healy seconded to go into Executive Session to:

- A. To consider the purchase exchange, lease or value of real property pursuant to MGL c 30A § 21(a) (6) as having the discussion in open session would be detrimental to the negotiating position of the town (650 Newman Avenue)
- B. To consider the purchase exchange, lease or value of real property pursuant to MGL c 30A § 21(a) (6) as having the discussion in open session would be detrimental to the negotiating position of the town (320 Pleasant Street)

- C. To consider the purchase exchange, lease or value of real property pursuant to MGL c 30A § 21(a) (6) as having the discussion in open session would be detrimental to the negotiating position of the town (2 North Street)
- D. To consider the purchase exchange, lease or value of real property pursuant to MGL c 30A § 21(a) (6) as having the discussion in open session would be detrimental to the negotiating position of the town (445 Cole Street)
- E. Skipped.
- F. To conduct strategy sessions with respect to negotiations with the Assistant Superintendent of Public Works, per MGL c 30A § 21(a) (2) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town.
- G. Skipped.
- H. 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 MGL c 30A § 21(a) (1) as having the discussion in open session would be detrimental to the litigation or bargaining position of the town.
- I. To act under authority of the Open Meeting Law, General Laws Chapter 30A § 22(f) and § 22(g), and review and approve the executive session minutes of April 14, 2021 and April 28, 2021 pursuant to G.L. c. 30A, Section 21(a)(7).

VOTE: 5-0

Mr. Healy – Aye; Mr. Petronio – Aye; Mr. Andrade – Nay; Mr. Zorra – Aye; Chairman Sullivan – Aye.

Respectfully submitted,
Adam Petronio, Clerk

Prepared by:
Kristen L'Heureux

Items Distributed at the June 23, 2021 Board of Selectmen Meeting

Documents for a transfer of license from RWJ Beverage (MA) LLC dba The Wine Cellar of Seekonk to Mormax Corporation dba BJ's Wholesale Club for use at 175 Highland Avenue, Seekonk, MA.

Petition for pole locations from National Grid.

Memo from David Cabral for Bid Award for DPW 22-01 Surface Treatments.

Memo from David Cabral for Bid Award for DPW 22-02 Tree Trimming and Removal.

Memo from David Cabral for Bid Award for DPW 22-03 Boiler Removal and Installation at the Public Safety Complex.

Correspondence from Department of Fire Services on the approval and funding of the Student Awareness of Fire Education and Senior SAFE grant applications.

Memo from Dean Isabella for the annual appointments of Constables, Special Police Officers, Traffic Constables, and Detention Attendants.

Notice of Violation 2021-03 Seekonk Wetlands Protection Bylaws to Lynch Corp.

Correspondence from Dean Isabella regarding noise complaints from Lynch Corp.