

**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,

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

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.

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

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. 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

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

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

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 Veader – 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 to 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.