



Town of Dartmouth  
400 Slocum Road  
Dartmouth, MA 02747

Board of Selectmen

**Select Board Members Present:**

William J. Trimble-Chairperson  
Michael P. Watson-Vice Chairperson  
Lara H. Stone

Joseph Michaud  
Shawn McDonald

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The Chairman called the meeting to order at 6:30 p.m. on May 24, 2010 in room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

\$ 860,890.33	PR45	\$ 647,321.57	PD1045	\$ 154,189.41	D1046
\$ 22,982.15	P1046	\$ 69,450.36	S1046	\$ 912,575.15	T1046
\$ 864,534.00	PR46	\$ 638,527.60	PD1046	\$ 375,062.76	S1047
\$ 138,041.28	T1047				

**6:30/Application of Eric Pilotte & Christine Camara for a Special Beer & Wine License for July 10, 2010.**

Eric Pilotte was present for his application.

*After a motion was made by Vice-Chairman Michael Watson and seconded by Selectman Shawn McDonald, it was voted unanimously to approve the Application of Eric Pilotte & Christine Camara for a Special Beer & Wine License for July 10, 2010.*

### **6:35/Status Update for DPW Projects.**

David Hickox, Director of the Department of Public Works, briefed the Board on the various current projects: Water Pollution Control Facility, Miscellaneous General Projects, Water Division, Utility Projects, Roadway Projects and Design/Planning Phase Projects, Dartmouth Street Rehabilitation Project, Faunce Corner Road Redesign/I-195 Bridge Replacement Project and Faunce Corner Road/Rehabilitation/Congestion Remediation Projects.

James Hadfield, Transportation Planning Manager for SRPEDD, gave a power point presentation to the Select Board on the proposed new road connecting Tucker Road and Hathaway Road. Mr. Hadfield mentioned according to the latest traffic data during the periods 2006-2008, there were 24 crashes at Tucker Road and State Road, making it the 73<sup>rd</sup> dangerous intersection in Southeastern Massachusetts.

Adam Recchia, Senior Transportation Planner for SRPEDD, said that SRPEDD stated there were 37 crashed at Hathaway Road and State Road, making it the 41<sup>st</sup> most dangerous intersection in the region. Mr. Recchia mentioned the taking of the north Dartmouth Library on Tucker Road would substantially lower the costs of the project since it is a town-owned site.

Select Board members said the project presents an opportunity to relocate/replace the North Dartmouth Library if the Library site became part of the route.

*After a motion was made by Vice-Chairperson Michael Watson and seconded by Selectman Shawn McDonald, it was voted unanimously to request a public hearing on June 7, 2010 and to notify abutters.*

### **6:50/Application of Summit Grove Children's Holy Ghost Club for a Special License to sell Beer & Wine for June 6, 2010, June 13,2010 and July 16-18, 2010.**

Karen Carreiro, was present for the Application of Summit Grove.

*After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairman Michael Watson, it was voted unanimously to approve the Application of Summit Grove Children's Holy Ghost Club for a Special License to sell Beer & Wine for June 6, 2010 subject to the Police Chief approval.*

*After a motion was made by Vice-Chairperson Michael Watson and seconded by Selectwoman Lara Stone, it was voted unanimously to approve the Application of Summit Grove Children's Holy Ghost Club for a Special License to sell Beer & Wine for June 13, 2010.*

*After a motion was made by Vice-Chairperson Michael Watson and seconded by Selectman Shawn McDonald, it was voted unanimously to approve the Application of*

*Summit Grove Children's Holy Ghost Club for a Special License to sell Beer & Wine for July 16-18, 2010*

**6:55/Application of Jeffrey Gosselin for appointment as Constable.**

Jeffrey Gosselin, was present for his Application as Constable.

*After a motion was made by Vice-Chairman Michael Watson and seconded by Shawn McDonald, it was voted unanimously to approve the Application of Jeffrey Gosselin for appointment as Constable.*

**7:05/Meeting with Attorney John A. Markey for an Application of La-Belle Management, LLC d/b/a Cardoza's Wine & Spirits for a Pledge of the Liquor License.**

Attorney Tim Walsh, was present representing La-Belle Management, LLC d/b/a Cardoza's Wine & Spirits.

*After a motion was made by Selectwoman Lara Stone and seconded by Vice-Chairman Michael Watson, it was voted unanimously to approve a Pledge of the Liquor License for La-Belle Management, LLC d/b/a Cardoza's Wine & Spirits.*

**7:15/Dartmouth Community Park Project.**

Tim Lancaster, Superintendent of Parks, gave an overview of the Dartmouth Community Park Project, The Department of Parks & Recreation, in partnership with the Dartmouth Public Libraries and the Dartmouth School Department seeks to develop a community park. The Proposed location is the open, green space linking Southworth Library and Cushman School.

Liz Olympio, Town Resident, presented the Board with a Dartmouth Community Park Project Adoption Form which allows individuals to make a donation or a donation in honor or in memory of an individual.

**7:30/Economic Development Status on Padanaram Village.**

Kevin Santos, gave an update on his project in the Padanaram Village. Mr. Santos mentioned to the Board that his next steps will be going before the Planning Board and Zoning Board of Appeals.

Selectman Michaud questioned when the project will start. Mr. Michaud stated it has been three years and nothing has been done with the project.

Mr. Santos explained that he would like to start developing in the latter part of the summer as long as everything goes well with the Planning Board and Zoning Board of Appeals.

## **New Business:**

### **Memo from the Executive Administrator regarding NStar Gas Permits.**

The Executive Administrator recommended that as of June 1, 2010 the Select Board delegate any authority which they have over this to the Board of Public Works and the Public Works Department which is already involved in reviewing and acting on NStar Permits.

*After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairperson Michael Watson, it was voted unanimously to delegate the authority to the Board of Public Works for NStar Gas Petitions.*

### **Independent Audit.**

Mary Sahady of Hague, Sahady & Company, was present and answered any questions from the Board on the Independent Town Audit.

### **Designer Selection Procedures.**

**TOWN OF DARTMOUTH  
Dartmouth Select Board  
Designer Selection Procedures  
Adopted May 24, 2010**

1. These procedures govern the selection of designers for any municipality or local public agency building project subject to the state designer selection law, M.G.L. c. 7, §§38A½-O. Any other local law governing the procurement of services will be inapplicable to these procurements.
2. The Approving Body (Select Board) has the authority to conduct the designer selection process for the Awarding Authority (Director of Budget & Finance / Treasurer). The Approving Body may delegate any duties described herein to the extent such delegation is permissible by law.
3. The Approving Body shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process.

No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;

- b. is currently employed by, or is a consultant to or under contract to, any applicant;
    - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
    - d. has an ownership interest in, or is an officer or director of, any applicant.
4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the *Central Register* published by the Secretary of the Commonwealth, and in any other place required by the Approving Body, at least two weeks before the deadline for filing applications.
5. The advertisement shall contain the following information:
  - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
  - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;
  - c. when and where a briefing session (if any) will be held;
  - d. the qualifications required of applicants;
  - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
  - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
  - g. when and where the RFQ can be obtained and the applications must be delivered.
6. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available for download from the Massachusetts Designer Selection Board website at [Designer Selection Board \(DSB\) Procedures for Municipalities](#). The Application Form may be amended to include additional information on a project-specific basis.
7. The Committee shall evaluate applicants based on the following criteria:
  - a. prior similar experience,
  - b. knowledge and understanding of the project;

- c. past performance on public and private projects;
  - d. financial stability;
  - e. identity and qualifications of the consultants who will work with the applicants on the project;  
and
  - f. any other criteria that the Committee considers relevant to the project.
8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Approving Body.<sup>3</sup> No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c. 149, §44C shall be included as a finalist on the list.
- The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.
10. If the fee was set prior to the selection process, the Approving Body shall select a designer from the list of finalists. If the Approving Body selects a designer other than the one ranked first by the Committee, the Approving Body shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
11. If the fee is to be negotiated, the Approving Body shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Approving Body shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Approving Body is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Approving Body prior to selection of finalists.
12. If the Approving Body is unable to negotiate a satisfactory fee with any of the finalists, the Approving Body shall recommend that the Committee select additional finalists.
13. The Approving Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Approving Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, *provided* the Approving Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in M.G.L. c. 7, §38K(a)(1).
14. Every contract for design services shall include the following:

- a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
- b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
- c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- d. certification that the designer has internal accounting controls as required by M.G.L. c. 30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, §39R(d).

All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

15. The Awarding Authority shall not enter into a contract for design services unless the Awarding Authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Awarding Authority may require, for the applicable period of limitations. A designer required by the Awarding Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Awarding Authority prior to the award of the contract.
16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Approving Body may elect to authorize expedited procedures to address the emergency. The Approving Body shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.

The Approving Body may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Approving Body shall rank the finalists in order of qualification and select the designer for the emergency work.

18. The Awarding Authority shall publish the name of any designer awarded a contract in the *Central Register*.

19. The following records shall be kept by the Awarding Authority:

- a. all information supplied by or obtained about each applicant;
- b. all actions taken relating to the project; and
- c. any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.

20. The Awarding Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c. 7, §38E(g), and file completed evaluations with the Board and any other agency named in M.G.L. c. 7, Section 38E(g).

21. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.

22. For any municipal design or construction project *that includes funding provided by the Commonwealth, in whole or in part* (such as reimbursements, grants and the like), cities and towns must incorporate minority-owned business enterprise and women-owned business enterprise participation goals. If applicable, the Awarding Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

*After a motion was made by Vice-Chairperson Michael Watson and seconded by Selectman Shawn McDonald, it was voted unanimously to accept the Designer Selection Procedures.*

### **Wind Turbine Request for Qualifications.**

The Select Board discussed the Request for Qualifications (RFQ's) for Engineering Services Related to Development of a Wind Turbine Project.

*A motion was made by Selectman Joseph Michaud and seconded by Vice-Chairperson Michael Watson to accept the Request for Qualifications (RFQ's) and appointment of a committee in order to select a Designer.*

### **Roger Street-Waterways Commission.**

The Executive Administrator informed the Board that the Waterways Commission seeks direction and assurance from the Select Board concerning regulatory authority for proper uses of this parking facility. Specifically, the Commission understands that the Town must specifically confer authority to some specific Department regarding the



continued care and monitoring of this property. There is a need to re-direct the flow of traffic from the end section of Rogers St as one of the final steps in completion of the remediation effort.

*A motion was made by Selectman Joseph Michaud and seconded by Vice-Chairperson Michael Watson, to grant the regulatory enforcement authority to the Waterways Commission for the Rogers Street Landing.*

After further discussion the Board felt it would be better if all parties were present before making a discussion.

*Another motion was made by Vice-Chairperson Michael Watson and seconded by Selectwoman Lara Stone, it was voted unanimously to table this matter until all parties are present.*

### **Clark Cove Re-Opening-Shellfish.**

The Executive Administrator stated to the Board that two areas in the Clark Cove Area are Re-Opening for Shellfish. The Executive Administrator mentioned the Board needs to sign the agreement with City of New Bedford.

*After a motion was made by Vice-Chairman Michael Watson and seconded by Selectman Joseph Michaud, it was voted unanimously to sign the agreement.*

### **Town Meeting, June 2010 Message from the Select Board and Select Board Action on the Articles.**

The Chairman read the Message from the Select Board which addresses the following Staffing Summary, Finance Summary, Cost Savings Initiatives, Identified Project Priorities and Charter Review.

*After a motion was made by Vice-Chairperson Michael Watson and seconded by Selectwoman Lara Stone, it was voted unanimously to adopt the Policy for Town Meeting Warrants.*

### **Select Board Policy Regarding Recommendations for Warrant Articles for Special and General Town Meetings**

For the purpose of providing the Town Meeting with sufficient and useful information with respect to every warrant article upon which that body shall deliberate and vote, it shall be the policy of the Select Board to provide the Town Meeting with its recommendation, whether positive or negative, regarding each such article, in accordance with the procedures that are delineated in Section 2 of the Town Meeting By-Law.

*After a motion was made by Vice-Chairman Michael Watson and seconded by Joseph Michaud, it was voted unanimously to provide the message to Town meeting effective next week and continuing as an annual policy.*

### **Indemnification Agreement-Executive Administrator.**

#### **VOTE**

The Town of Dartmouth, by and through its Select Board, hereby agrees, as provided in M.G.L. c. 258, §§ 9 and 13, to indemnify and save harmless David G. Cressman from personal financial loss and expense, including reasonable legal fees and costs, if any, arising out of any and all claims, including intentional tort claims, filed in a case in Bristol County Superior Court entitled Doris Copley v. Town of Dartmouth and David G. Gressman (sic), Individually and as Executive Administrator for the Town of Dartmouth, Docket No. BRCV2010-00510.

*After a motion was made by Selectman Joseph Michaud and seconded by Vice-Chairperson Michael Watson, it was voted unanimously to accept the vote above.*

#### **AMENDMENT TO EXECUTIVE ADMINISTRATOR EMPLOYMENT AGREEMENT**

The Town of Dartmouth, acting by and through its Select Board (hereinafter called the "Town"), and the Employee, David G. Cressman, (hereinafter called the "Employee") hereby agree to amend that certain Executive Administrator Employment Agreement, dated August 28, 2009, by and between the Town and the Employee, by adding the following provision as Paragraph 13(J) of said Employment Agreement:

"The Town shall indemnify and save harmless Employee from personal financial loss and expense, including reasonable legal fees and costs, if any, as provided for in M.G.L. c. 258, § 13, said statute having been accepted by the Town on April 7, 1980."

*After a motion was made by Vice-Chairperson Michael Watson and seconded by Selectman Shawn McDonald, it was voted unanimously to accept the Amendment to Executive Administrator Employment Agreement.*

### **Section 18 Implementation.**

The Executive Administrator stated to the Board Randy Kay and Melisa Jerome of the Treasurer's Office, have done an excellent job in implementing Section 18. To date, the Town has more than doubled the number of Medicare eligible retirees moving to Medicare. This will reduce the number of participants on the HMO and indemnity plans by 14% (86 of projected to be \$130,000 minus the penalties the Town will have to pay.) We, then, can expect a savings of \$100,000.

## **Minutes:**

Minutes of May 10, 2010.

*After a motion was made by Selectwoman Lara Stone and seconded by Vice-Chairperson Michael Watson, it was voted unanimously to approve the Minutes of May 10, 2010.*

## **Announcements:**

The Annual & Special Town Meetings will be held on Tuesday, June 1, 2010 at 9:00 a.m. at the Dartmouth Middle School.

Members of Boards, Commissions and Committees whose terms are expiring as of June 30, 2010 should send a letter of interest by Friday, June 11<sup>th</sup> to the Select Board Office.

With no further business to be discussed the Chairperson declared the regular meeting adjourned at 9:15 p.m.

Attest:

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David G. Cressman, Executive Administrator

Transcribed by: Linda Torres

