

**BOARD OF SELECTMEN**  
**JULY 14, 2010**  
**REGULAR SESSION**

Members Present: Robert Richardson, David Parker, Michael Brady,  
Francis Cavaco

John Whelan was absent.

Town Administrator: Michael J. Carroll

Chairman Richardson called the meeting to order at 7:04 p.m. followed by the Pledge of Allegiance and moment of silence.

Mr. Cavaco noted that the Board had received an amended agenda prior to the start of the meeting. He felt the agenda could not be amended under the new Open Meeting Law.

Mr. Carroll said that, according to regulations issued by the Attorney General, unanticipated items can be added within a 48-hour period. Those items are included in the Town Administrator's report.

Mr. Parker felt that discussion on year end transfers should have been on the original agenda if the deadline is July 15<sup>th</sup>.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; That year end transfers would be the only amended item discussed at this meeting.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye;

**CONSENT CALENDAR**

**Reappointments**

Mr. Parker asked if these individuals wanted to be reappointed and responded to the question regarding being televised.

A motion was made by Mr. Parker, seconded by Mr. Cavaco, and it was unanimously

**VOTED:** To reappoint Philip Fox to the Taxation Aid Fund Committee for a three-year term to expire June 30, 2013.

A motion was made by Mr. Parker, seconded by Mr. Cavaco, and it was unanimously

**VOTED:** To reappoint Mary Meli and Nancy Wolfe to the Historical Committee for a three-year term to expire June 30, 2013.

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A motion was made by Mr. Parker, seconded by Mr. Cavaco, and it was unanimously

**VOTED:** To reappoint Joleen Vatcher as Registrar for a three-year term to expire June 30, 2013.

A motion was made by Mr. Cavaco, seconded by Mr. Parker, and it was unanimously

**VOTED:** To reappoint Susan Waddington and John Alves to the Community Preservation Committee for a three-year term to expire June 30, 2013.

A motion was made by Mr. Parker, seconded by Mr. Cavaco, and it was

**VOTED:** 3 Ayes; 1 Nay; To reappoint Victoria Kinniburgh to the Board of Health for a three-year term to expire June 30, 2013.

The vote: Mr. Parker ó Aye; Mr. Cavaco ó Aye; Mr. Brady ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Cavaco, seconded by Mr. Parker, and it was unanimously

**VOTED:** To reappoint Ann Libby and Christine Allen to the Human Services Council for a three-year term to expire June 30, 2013.

A motion was made by Mr. Cavaco, seconded by Mr. Parker, and it was unanimously

**VOTED:** To reappoint Frank Oliver to the Recycle Committee for a three-year term to expire June 30, 2013.

### **Approval of Minutes**

A motion was made by Mr. Parker, seconded by Mr. Cavaco, and it was unanimously

**VOTED:** To approve the minutes of June 23, 2010 as submitted.

### **Accept Equipment Grant from USAFH**

Recreation Director Karen Macek said this would be for a field hockey league in August.

A motion was made by Mr. Parker, seconded by Mr. Cavaco, and it was unanimously

**VOTED:** To accept the grant from the U. S. Association of Field Hockey.

**NEW BUSINESS**

**Consider Appointment of Gail Ardito to the Municipal Capital Improvement Committee**

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was unanimously

**VOTED:** To approve the appointment of Gail Ardito to the Municipal Capital Improvement Committee to fill an unexpired term to expire on June 30, 2012.

**Joint Meeting with the Senior Center Building Committee**

Chairman David Bowden and members Robert McLintock, Jack Vatcher, James Reinke, Gail Ardito were in attendance.

Mr. Brady said that the Board wants to stay within the \$1.5-\$2M for a 7,000 sq. ft. building.

Ms. Bragg raised a point of order that items to be discussed should have been on the agenda.

Mr. Parker suggested that anyone who wants to challenge should call the Attorney General's office.

There was discussion about when the committee would come up with a dollar amount. Mr. Bowden felt it could be by November.

Mr. McLintock suggested a special election and Town Meeting, if necessary.

Mr. Carroll stated that he asked Mrs. Huck to prepare a RFP for a grant writer specific to the building but not to the source of funds.

**OLD BUSINESS**

**Continued Discussion on Ballot Question for Debt Exclusion for Senior Center**

Deferred until the next meeting.

**NEW BUSINESS**

**Request to Support to Apply for Land Grant Presented by Richard Wallace and Kelley Whitmore**

Conservation Commission Chairman Richard Wallace advised that the Commission had voted to apply to the Executive Office of Environmental Affairs for a grant to purchase land on

Arcade Avenue. This parcel of land would tie in with trails that run behind Town Hall. The grant will provide 58% of the funds and the remainder will be as an application to the Community Preservation Committee applied for by the Seekonk Land Trust, trustees for the reservation., and Seaconke Trails Committee. The grant application requires the signature of the Board of Selectmen. The land appraised at \$320,000.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was unanimously

**VOTED:** To support the application for the land grant as presented by Richard Wallace and Kelley Whitmore for Arcade Woods and Trail Project and authorize the Chairman to sign on behalf of the Board of Selectmen.

**Consider Technical Assistance Grant – Housing Production By-Law Presented by John Hansen**

Town Planner John Hansen explained that this grant would provide technical assistance in the implementation of an Affordable Housing By-law. Currently there is significant need for affordable housing in the Town of Seekonk. Twenty-five percent (25%) of families in town are low and moderate income and only 3.5% of the housing stock would be affordable to those families. He said that July 15 is the deadline for submission of the application.

Mr. Brady said that this is in direct conflict to the by-law just passed for the Village District, which is to keep a rural residential character to the Town. It would authorize the building of multiple-unit housing. He cannot support it.

Mr. Cavaco and Mr. Parker agreed. Mr. Parker suggested the Board meet with the Planning Board to get more information.

A motion was made by Mr. Brady, seconded by Mr. Cavaco, and it was

**VOTED:** 3 Ayes; 1 Abstention; To deny the request for consideration of a technical assistance grant for Housing Production By-Law, as presented by the Town Planner.

The vote: Mr. Brady ó Aye; Mr. Cavaco ó Aye; Mr. Parker ó Abstained; Chairman Richardson ó Aye.

This item will be on the agenda when the Planning Board meets with the Board of Selectmen to discuss a housing production plan.

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**Continued Discussion on Fee Revisions**

Mr. Alexander, Mr. Lamoureux and Mrs. MacNeill were in attendance.

Mr. Brady wanted to make sure the fees were proportionate with the service provided.

Mr. Parker motioned, Mr. Brady seconded, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the proposed fees submitted by the Building Commissioner/Zoning Enforcement Officer.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the proposed fees as submitted by the Animal Control Officer.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the proposed fees for the Fire Department as submitted.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the proposed fees for the Police Department as submitted.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To eliminate the \$5.00 fee for voter's certificate in the Town Clerk's office.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

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A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the trash fee cost calculation for FY 2011 in the amount of \$185.00 as submitted.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the bulky pass fee for FY 2011 in the amount \$65.00 as submitted.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the sticky sticker fee program for 2011 in the \$4.50 as submitted.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the appliance removal fee for FY 2011 as submitted.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the large bag fee of \$1.05 and small bag fee of 65 cents for 2011 as submitted.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

### **Continued Discussion of Motor Vehicle Usage Policy**

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was unanimously

**VOTED:** To accept the motor vehicle usage policy, as amended, and re-submitted by the Town Administrator.

**Continued Discussion on Contracts for DPW Superintendent, DPW Town Engineer/Assistant Superintendent and Fire Chief**

Mr. Carroll advised that he met with all three individuals and they are in agreement with the final draft wording.

Mr. Cavaco stated that he had a problem with Mr. Lamoureux, citing the 152 project and MS Transportation, which cost the taxpayers \$149,660.

Mr. Brady cautioned that Mr. Cavaco is bordering on slander because he has no evidence.

Mr. Cavaco complained because, at the time of his hiring, Mr. Cabral indicated he would obtain his Massachusetts professional engineer license, and he has not done that.

Mr. Cabral said he has a folder with all the requirements necessary. It is a lengthy process and because of project involvements he has not had time to do this.

Mr. Parker said he would absolutely support these gentlemen. He noted that nothing is documented.

Mr. Carroll noted that Mr. Cabral has been commended by representatives at the Mass. Department of Transportation

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was unanimously

**VOTED:** To approve the written contract with Chief Jack, subject to his acceptance and signature.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was

**VOTED:** 3 Ayes; 1 Nay; To approve the written contract with Mr. Lamoureux, subject to his acceptance and signature.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it

**VOTED:** 3 Ayes; 1 Nay; To approve a three-year contract for David Cabral, subject to his acceptance and signature and that he make his best effort to submit documents to the State for certification in Mass. within six months.

The vote: Mr. Parker ó Aye; Mr. Brady ó Aye; Mr. Cavaco ó Nay; Chairman Richardson ó Aye.

**Board of Selectmen Comments**

Mr. Parker announced that passport fees have increased. The Town Clerk took in \$1,100 this past week. Dog licenses were due by May 31, 2010. The late fee is \$20.

A meeting is scheduled for August 26, 2010 at 7 p.m. in the Town Hall meeting room to plan for the Town's 200<sup>th</sup> Anniversary.

The ceremony to remember 911 is scheduled for September 9, 2010 at the Public Safety Complex at 6:30 p.m.

The State election will be on September 14, 2010 from 7 a.m. to 8 p.m. All voting is at the high school.

Mr. Parker said that he spoke to Rep. DeAmico about the requirement that homeowners replace oil lines. It will cost from \$200 to \$400 for every house in Massachusetts.

Chief Jack said there is a movement to see if that could be delayed for a year.

Mr. Parker said that the change in liquor licenses is in the 3rd reading and will then be sent to legal.

Mr. Cavaco requested that Mr. Alexander attend the July 28<sup>th</sup> meeting to discuss the website.

He talked about complaints regarding drainage at Eleanor and Jean Drives, debris at 85 Kent Street, and parking at Luthers Corner.

**Town Administrator's Report**

**Year End Transfers**

A motion was made by Mr. Brady, seconded by Mr. Parker, and it was

**VOTED:** 4 Ayes; 1 Abstention; To increase the Town Hall expense line by \$450, decrease the Tax Collector expense line by \$450, increase Assessor's payroll by \$356.31, decrease Treasurer's payroll by \$356.31, increase Town Clerk payroll by \$1,957, decrease Registrar expense by \$1,957, increase ZBA payroll by \$679.90, decrease ZBA expense by \$679.90, increase Planning Board payroll by \$183.28, decrease Planning Board expense by \$183.28, increase Tri-County assessment by \$1,480, increase Bristol County assessment by \$1,617, decrease Medicare expense by \$3,097, increase Board of Health payroll by \$1,931.14, decrease Board of Health expenses by \$1,418.89, decrease Parks & Recreation by \$512.25, increase Human Services payroll by \$17.20; for transfers totaling \$6,734.32.



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The vote: Mr. Brady ó Aye; Mr. Parker ó Aye; Mr. Cavaco ó Abstained; Chairman Richardson ó Aye.

### **Report on Bid Award for Siding of Town Hall**

Mr. Carroll advised that he received a revised pricing proposal from the sole bidder on the siding project for Town Hall. The original appropriation was \$153,516. The roof cost was \$44,564, leaving approximately \$109,000 for siding. The bidder reduced his bid price on all three options of siding materials by \$4,200 and another \$12,000 for vinyl siding. Revised prices are \$107,000 for vinyl, \$141,000 for hardy plank, and \$152,000 for cedar shingles. There is another option of putting hardy plank on the front of the building and vinyl on three sides at a cost of \$131,000. With this option, sufficient funds are available in the line item for town hall repairs.

A motion was made by Mr. Brady, seconded by Mr. Cavaco, and it was unanimously

**VOTED:** To select the vinyl siding option for Town Hall at a bid price of \$106,690 in the classic linen color.

### **Selectmen Office Staffing of Two Part time Employees**

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was unanimously

**VOTED:** To accept the job description and authorize the Town Administrator to post the position up to 19 hours per week at \$12 per hour.

Mr. Cavaco inquired about the Executive Assistant's job description.

Mr. Carroll responded that there is no formal job description for her. She would have more time to work closely with him on human resources, developing the warrant and following up with departments. He would have a job description for Ms. Rogers at the July 28<sup>th</sup> meeting.

In response to Mr. Cavaco's request, Mr. Carroll said that he met last week with Mr. Kobayashi and will meet again on July 26<sup>th</sup> to review final job descriptions.

Chairman Richardson questioned why two days before the next Board meeting.

Mr. Cavaco said that Mr. Carroll had a deadline of July 7 for submission of job descriptions. He submitted a disciplinary action form for Mr. Carroll because he is held to the same standards as everybody else.

Mr. Carroll acknowledged that he did not meet the deadline but it was out of his control.

Mr. Brady felt this was not the proper procedure.

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Chairman Richardson gave Mr. Carroll until August 11 to have job descriptions in hand for the Board.

Mr. Parker suggested that there might be a recording device that would tie in with the computer system that could be used to record minutes.

Mr. Carroll noted that the open meeting training session sponsored by Kopelman & Paige is scheduled for Tuesday, July 27, 2010 at 7 p.m. at the Rehoboth Senior Center on Route 118. Invitations were sent to board members and elected officials. The program will be recorded by Cable 9 to be used as a training program for future board members.

Mr. Carroll advised that Ms. Rogers was nominated to the Municipal Licensing Group. Seekonk would be represented statewide.

Farmers Market coupons will be distributed at the Human Services office starting on July 26. Seniors of at least 60 years of age with limited income are eligible.

Mr. Carroll noted that the Town Administrator's office is working with the Water District by including notices on the Cable 9 Bulletin Board.

The amount submitted to FEMA for damages related to the flood in March is \$315,392; almost \$200,000 of that is for Woodward Avenue. The Town is eligible for 75% reimbursement.

There was an e-mail from Town Counsel indicating the court had ruled in favor of the Town in the case of a former town administrator (now deceased) who had sued the town.

Mr. Parker talked about the reason for the increase in water bills. It is an adjustment to ensure that fees cover the operating expenses.

Chairman Richardson said that legal fees thus far this year are \$160,000 covering a number of grievances, lawsuits, legal opinions, and zoning appeals.

The Banna Fire Station will be on the next agenda.

### **COMMUNITY SPEAKS**

Ms. Carol Bragg, 44 Hope Street, said that she appreciates receiving the agenda by e-mail. She asked that other boards and committees do the same.

She talked about addressing the poor air quality at the Human Services building.

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Mr. Parker noted that, under the new open meeting law, Board members can attend another committee meeting as long as they do not participate or vote.

Mr. Ed Wiseman, 12 Westdale Avenue, commended Veteransø Agent Seth Bai, who visits the veteran who lives across from him.

At 10:40 p.m. Mr. Brady motioned, seconded by Mr. Parker, to adjourn Open Session and go into Executive Session for firefighters collective bargaining negotiations; not to return to Open Session.

The vote: Mr. Brady ó Aye; Mr. Parker ó Aye; Mr. Cavaco ó Aye; Chairman Richardson ó Aye.

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer, Secretary