

BOARD OF SELECTMEN
MAY 4, 2011
REGULAR SESSION

Members Present: David Parker, William Rice, John Whelan, Francis Cavaco,
Robert McLintock

Town Administrator: Michael J. Carroll

Chairman Parker called the meeting to order at 7 p.m. followed by the Pledge of Allegiance and moment of silence. He advised the meeting was being taped via audio and video and asked if anybody in the audience was taping. Mr. George Morse of the Seekonk Star was taping audio.

The Chairman expressed his appreciation to the Cable 9 Board of Directors for replacing cameras at a cost of \$1,000 each and the generator.

LICENSE APPROVALS

Approval of Class II Motor Vehicle License for Group One Cars located at 18 Highland Avenue, Brian Sadler, Manager

Mr. Sadler was in attendance.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: To approve the Class II Motor Vehicle License for Group One
Cars located at 18 Highland Avenue.

CONSENT CALENDAR

Consider Approval of April 13, 2011 Minutes

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was

VOTED: 4 Ayes; 1 Abstention; To accept the Regular Session
minutes of April 13, 2011.

The vote: Mr. Whelan ó Aye; Mr. Rice ó Aye; Mr. McLintock ó Aye; Chairman Parker ó Aye; Mr. Cavaco ó Abstained.

NEW BUSINESS

Consider Appointment of Brian Everett to Shop Foreman for DPW

DPW Superintendent Robert Lamoureux recommended the appointment of Mr. Everett. He noted that Mr. Everett has been with the department for nearly 15 years.

A motion by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: To appoint Mr. Brian Everett to the position of Shop Foreman for the DPW.

Mr. Carroll requested authorization to fill the vacant position of mechanic.

A motion by Mr. Rice, seconded by Mr. Cavaco, to fill the vacated mechanic position was withdrawn following discussion.

Mr. McLintock said it was not an agenda item.

Mr. Lamoureux explained that DPW is a man short.

The matter was deferred until the next meeting; however, Mr. Lamoureux said he could not attend.

Discussion on Complaint with Board of Health

Board of Health Chairman David Evans and Health Agent Beth Hallal were in attendance.

Chairman Parker advised that some of the Board members have received complaints about the Board of Health.

Mr. McLintock said there have been numerous complaints related to the Board of Health. He ran into a situation last week where an administrative policy has been instituted. He questioned on whose authority.

Mr. Carroll said that in accordance with M.G.L., Chapter 111, Section 31, the Board of Health may make reasonable rules and regulations.

Mrs. Hallal and Mr. Evans both said they were at the meeting to address a specific complaint.

Mr. McLintock said the complaint concerned property at 89 Chestnut Street. He said the Board of Health approved a design that is right against the property line. It is supposed to be 25 ft.

Mrs. Hallal explained that the plan was approved by a professional engineer and a registered land surveyor. It concerned a septic system repair and conforms to Title 5.

The complainant was in the audience. Mr. McLintock assured him that he would pursue it.

It was decided to set up a work session within the next two weeks to address various issues.

OLD BUSINESS

Continued Discussion on Each Warrant Article for Selectmen Recommendation

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: That the Board of Selectmen recommends approval of Article 1.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: That the Board of Selectmen recommends approval of Article 2.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: That the Board of Selectmen recommends approval of Article 3 (Revolving Funds).

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

VOTED: That the Board of Selectmen recommends approval of Article 4 (dog license receipts).

A motion and second on Article 5 was withdrawn because there was no amount included for the transfer from free cash to Municipal Capital Stabilization Fund.

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

VOTED: To recommend approval of Article 6 (\$57,252 for the 6th year of a seven-year lease/purchase of fire apparatus and \$69,112.66 for the 3rd year of a five-year lease purchase of a telecommunications network and applications).

There is a difference in Articles 7 and 8 between the amounts recommended by the Capital Improvement Committee and the School Committee with regard to crack sealing or repaving the parking areas at the schools.

May 4, 2011

-4-

Ms. Carol Bragg, a member of the Capital Improvement Committee, said they considered limited resources and felt the best use of funds would be the crack sealing and painting of the pool ceiling.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was

VOTED: 4 Ayes; 1 Nay; To recommend approval of Article 7.

The vote: Mr. Whelan ó Aye; Mr. Rice ó Aye; Mr. Cavaco ó Aye; Chairman Parker ó Aye; Mr. McLintock ó Nay.

A motion by Mr. Rice, seconded by Mr. Whelan, to recommend approval of Article 8 was

DEFEATED: 1 Aye; 1 Abstention; 3 Nays.

The vote: Mr. Rice ó Aye; Mr. McLintock ó Abstained; Mr. Cavaco ó Nay; Mr. Whelan ó Nay; Chairman Parker ó Nay.

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

VOTED: To recommend approval of Article 9 (pool ceiling ó high school).

A motion was made by Mr. Whelan, seconded by Mr. McLintock, and it was unanimously

VOTED: To recommend approval of Article 10 (Community Preservation Comm.).

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

VOTED: To recommend approval of Article 11 (\$16,000 - trails on Arcade Ave.)

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

VOTED: To recommend approval of Article 12 (dispose surplus property).

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: To recommend approval of Article 13 (borrow on short term).

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was

VOTED: 4 Ayes; 1 Nay; To recommend approval of Article 14 (transfer ó snow & ice).

May 4, 2011

-5-

The vote: Mr. Whelan ó Aye; Mr. Rice ó Aye; Mr. Cavaco ó Aye; Chairman Parker ó Aye; Mr. McLintock ó Nay.

Mr. McLintock wanted a list of items paid with reserve funds.

Article 15 ó No action at this time (senior center).

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

VOTED: To recommend approval of Article 16 (Banna Station).

Chairman Parker requested an update on Banna Station for a June meeting.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was

VOTED: 4 Ayes; 1 Nay; To recommend approval of Article 17 (Board of Health bylaw).

The vote: Mr. Whelan ó Aye; Mr. Rice ó Aye; Mr. Cavaco ó Aye; Chairman Parker ó Aye; Mr. McLintock ó Nay.

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was unanimously

VOTED: To recommend approval of Article 18 (Police Chief recommendation ó increase of fine).

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

VOTED: To recommend approval of Article 19 (prior wages ó former employee).

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

VOTED: To recommend approval of Article 20 (Salary and Wage Plan).

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

VOTED: 4 Ayes; 1 Abstention; To recommend approval of Article 21 (elected officials stipend).

The vote: Mr. Cavaco ó Aye; Mr. Whelan ó Aye; Mr. McLintock ó Aye; Mr. Rice ó Aye; Chairman Parker ó Abstention.

May 4, 2011

-6-

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was unanimously

VOTED: To recommend approval of Article 22 (Zoning Bylaw ó signs).

At this time, the order of business moved to New Business and will return to the Articles.

NEW BUSINESS

Consider Joint Appointment to the Planning Board with Planning Board

Mr. Roger Ross, Ms. Tina Tinley and Mr. Russell Horsman addressed the Board and responded to questions.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was

VOTED: 7 Ayes; 3 Abstentions; To appoint Russell Horseman to fill the unexpired seat on the Planning Board until April 2012.

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was

VOTED: 4 Ayes; 1 Nay; To reopen the warrant.

The vote: Mr. McLintock ó Aye; Mr. Whelan ó Aye; Mr. Rice ó Aye; Chairman Parker ó Aye; Mr. Cavaco ó Nay.

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was

VOTED: 4 Ayes; 1 Nay; To remove Article 24 from the warrant (temporary signs).

The vote: Mr. McLintock ó Aye; Mr. Whelan ó Aye; Mr. Rice ó Aye; Chairman Parker ó Aye; Mr. Cavaco ó Nay.

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was

VOTED: 4 Ayes; 1 Nay; To close the warrant.

The vote: Mr. McLintock ó Aye; Mr. Whelan ó Aye; Mr. Rice ó Chairman Parker ó Aye; Mr. Cavaco ó Nay.

A motion was made by Mr. Whelan, seconded by Mr. Rice, and it was

VOTED: 4 Ayes; 1 Nay; To recommend approval of Article 23 (temporary Signs ó 60 days).

May 4, 2011

-7-

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was

VOTED: 4 Ayes; 1 Nay; Not to recommend approval of Article 25
(Assisted Living).

The vote: Mr. McLintock ó Aye; Mr. Whelan ó Aye; Mr. Rice ó Aye; Chairman Parker ó Aye; Mr. Cavaco ó Nay.

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was unanimously

VOTED: To amend the original Article 26 to state, subject to receipt of a letter from DPW (Carterø Way and Gerry Drive).

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

VOTED: To recommend approval of Article 26, as amended.

A motion was made by Mr. Rice, seconded by Mr. McLintock, and it was

VOTED: 3 Ayes; 2 Nays; To recommend approval of Article 27
(Anthony Street rezone).

The vote: Mr. Cavaco ó Aye; Mr. Rice ó Aye; Chairman Parker ó Aye; Mr. McLintock ó Nay; Mr. Whelan ó Nay.

Board members will take turns presenting the articles at Town Meeting.

A motion was made by Mr. McLintock, seconded by Mr. Whelan, and it was unanimously

VOTED: To post the warrant, as completed at this meeting.

COMMUNITY SPEAKS

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Carroll distributed a copy of Chief Jackø goals, as requested by a Board member.

He advised that the Mass. Audubon Society is conducting a workshop on the Mass. Green Communities Act on May 5, 2011 from 7- 9 p.m. at the Wildlife Sanctuary on Park Avenue in Attleboro.

May 4, 2011

-8-

Mr. Carroll advised that he received a letter from the Attleboro Department of Planning and Development offering the Town a 5,000 sq. ft. parcel of open space on Oak Hill Avenue near the railroad tracks. It is currently used as a parking area. It is big enough for a basketball court. The Conservation Agent will check it out.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Mr. Cavaco had a bill in the amount of \$2,455.09 for repairs to town equipment. The department head cannot sign for expenses over \$500 and it needs a green sheet attached.

Mr. Carroll noted that he had the green sheet; it didn't get attached.

A bill for \$26.24 was an oversight by the department head.

Mr. Cavaco motioned, seconded by Mr. Rice, and it was unanimously

VOTED: To pay the bill that was withheld at the previous meeting.

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

VOTED: To withhold the two bills in question until there is proper documentation.

A bill in the amount of \$2,300 is withheld pending information from the Chief of Police and Recreation Director.

Mr. McLintock talked about the building on Pleasant Street.

Chairman Parker requested a meeting with the Recreation Commission to talk about scheduling of fields and safety issues.

Mr. McLintock said that this town is faced with a serious problem in terms of recreational areas.

Mr. Whelan suggested talking to the Police Chief.

Mr. McLintock advised that a meeting was scheduled for May 5th at the State House to discuss new growth and local aid. Sen. Timilty, Mr. Tobin, Mr. Alexander, and Mr. McLintock will attend. He will report to the Board of Selectmen.

Mr. McLintock talked about several issues with the Board of Health. He felt the Board of Selectmen deserves answers. He has received many complaints from constituents.

May 4, 2011

-9-

Mr. Rice felt that the Health Agent is enforcing the laws; the question is where those laws came from.

The Board agreed that a subcommittee (Mr. McLintock and Mr. Rice) will meet with a subcommittee of the Board of Health and report back to the Board.

Mr. Rice noted that this is an example of what a liaison would do.

Mr. Cavaco advised that he talk to Sen. Timilty about a traffic light on Route 44 at the entrance to the Public Safety Complex.

He will inquire about a House Bill regarding protestors during military funerals and memorial services.

Mr. Rice referred to implications at a previous meeting that the Superintendent of Public Works had incorrectly completed forms. It appears the error was made in Rep. Howitt's office.

Mr. Cavaco responded that his concern is to get the money for the project.

Chairman Parker advised that there are excess minutes in the Reverse 911 system. Those minutes are available to non-profit organizations.

At 9:58 p.m. Mr. Whelan motioned, seconded by Mr. Rice, to go into Executive Session as per Chapter 30A, Section 21, for matters related to Collective Bargaining and to approve the minutes of April 13, 2011; not to return to Open Session.

The vote: Mr. Whelan ó Aye; Mr. Rice ó Aye; Mr. Cavaco ó Aye; Mr. McLintock ó Aye; Chairman Parker ó Aye.

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer, Secretary