

**BOARD OF SELECTMEN**  
**AUGUST 3, 2011**  
**REGULAR SESSION**

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

Town Administrator: Pamela T. Nolan

Executive Assistant: Anne P. Rogers

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 recorded via audio and visual and asked if anybody in the audience was taping. Mr. George Morse of the Seekonk Star was taping audio and Abigail Crocker of The Patch was taping audio and visual.

**LICENSE HEARING**

**Consider Approval of Class II Motor Vehicle License for International Global Trading, LLC to be Located at 54 Olney Street, John Vanikiotis, Manager**

Mr. Vanikiotis was in attendance. He assured that no vehicles would be parked on the premises.

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

**VOTED:** To approve the Class II Motor Vehicle License for International Global Trading LLC to be located at 54 Olney Street, John Vanikiotis, Manager, with the stipulation that no vehicles be parked on the premises.

**Janet Label from Senator John Kerry's Office**

**Update from Selectmen on Concerns the Town May Want to Have Addressed by the Senator**

Ms. Label from Sen. Kerry's Fall River office indicated that the Senator has instituted a plan to reach out to communities to find out if there are any concerns he can provide assistance.

Mr. McLintock stated that the Town is still waiting for money for repairs to Woodward Avenue following the floods of March 2010.

Ms. Label suggested the Board submit a formal written request. She will forward it to Sen. Kerry's Washington office.

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Chairman Parker noted that funding was approved by FEMA. The Town has begun repairs using Chapter 90 funds with the expectation that this money is forthcoming.

Mr. Whelan inquired about National Security funds for small towns like Seekonk.

Ms. Label replied that most cities and towns have the same concern. She suggested that also be in writing.

Mr. Cavaco said he has two concerns: the senior center and road money.

Mr. Rice said he would like to have Sen. Kerry look into ways to facilitate bus services between Massachusetts and Rhode Island. He will write a letter.

Chairman Parker expressed his appreciation to Ms. Label. He noted that representatives and senators in Washington should stop acting like they are democrats or republicans and start acting like they are Americans.

### **CONSENT CALENDAR**

#### **Consider Approval of Minutes for May 18, 2011 Open Session, June 8, 2011 Open and Executive Session, June 22, 2011 Open and Executive, July 6, 2011 Open Session**

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

**VOTED:** 3 Ayes; 2 Abstentions; To accept the Regular Session minutes of May 18, 2011.

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

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

**VOTED:** To accept the Regular Session minutes of June 8, 2011.

Mr. McLintock questioned if money had been encumbered for the sign at the entrance to Town Hall.

Chairman Parker said he would check with Mr. Alexander.

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

**VOTED:** To accept the Executive Session minutes of June 8, 2011.

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

**VOTED** To strike the last paragraph on page 5 of the June 22, 2011 minutes.

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

**VOTED:** To accept the Regular Session minutes of June 22, 2011, as amended.

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

**VOTED:** To accept the Executive Session minutes of June 22, 2011.

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

**VOTED:** To accept the regular session minutes of July 6, 2011.

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

**VOTED:** 4 Ayes; 1 Abstentions; To accept the Executive Session minutes of July 6, 2011.

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

**Present Gift to Save-A-Pet in the Amount of \$300 from Francis Cavaco for Dave Parker's Mustache**

Mr. Cavaco presented a check in the amount of \$300 to Pat Clouthier, President of Save-A-Pet. He lost a bet to Mr. Parker that he would donate \$100 a month for three months if Mr. Parker did not shave his moustache.

Mrs. Clouthier expressed her appreciation.

Mr. Cavaco said he would have another challenge for Mr. Parker.

**Accept \$500 Gift from American Legion for Memorial Garden**

Mr. David Viera of the American Legion presented a check in the amount of \$500 for the Memorial Garden in front of Town Hall.

Chairman Parker said that the Garden will look even better with the expansion thanks to the generous donations.

**Accept Private Donation of \$100 for Memorial Garden in Remembrance of Douglas Spencer**

Ms. Rogers stated that the Board had received a check from Janet Bowden in memory of her brother, James Douglas Spencer, who served in the Air Force. Mrs. Bowden was in attendance.

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

**VOTED:** To accept the gifts of \$500 from the American Legion and \$100 from Mrs. Janet Bowden for the Memorial Garden.

**Consider Authorization of the Board of Selectmen to Acquire Carter's Way and Gerry Drive as Accepted at Town Meeting Held on June 20, 2011**

Town Planner John Hansen stated that this is the proper procedure to follow as per M.G.L. He couldn't answer why it was never done in the past. Essentially, it is the Town's responsibility to maintain these roads.

Mr. Rice said that he reviewed M.G.L., Chapter 82, Sections 21-24, which discusses this in detail, and Mr. Hansen is absolutely correct.

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

**VOTED:** To acquire the deeds for Carter's Way and Gerry Drive as accepted at Town Meeting on June 20, 2011.

**NEW BUSINESS**

**Consider Approval of Police Chief to Begin Hiring Process to Replace Officer due to a Retirement**

Chief Charron said this is a formal request to move forward. He has a candidate in mind from previous hiring.

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

**VOTED:** To approve the Police Chief's request to begin in the hiring process.

**General Discussion on MA PE License with David Cabral**

Mr. Cabral provided the Board with a copy of the letter dated July 19, 2011. He has met all requirements for the civil engineer license.

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Mr. Cavaco asked if he could take over some of the work that is outsourced.

Mr. Cabral responded that most of that work takes a lot of time. It would be very difficult with the current workload he has right now at DPW.

Mr. Whelan congratulated Mr. Cabral.

Mr. McLintock also congratulated Mr. Cabral. He felt the reason for hiring Mr. Cabral was so that certain projects would not have to be outsourced.

Mr. Cabral felt that he has influenced the Central Avenue project because of his experience.

Chairman Parker congratulated Mr. Cabral.

### **Discussion with Planner re: Inclusionary Housing**

Town Planner John Hansen requested endorsement from the Board for a grant for free technical assistance from the State. It can be used for zoning bylaws related to housing, open space or economic development. SRPEDD would be doing the work. He is specifically seeking assistance with a bylaw for inclusionary housing.

Mr. Rice wanted to support this issue. He said that Board members have to consider whether they want affordable housing in this community.

Mr. McLintock noted that residents are not ready to support affordable housing.

Mr. Rice said it is an issue but not a majority issue on each side.

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

**VOTED:** To support the Town Planner's request to seek a grant for free technical assistance.

### **Discussion with Planner Regarding Overlay District for Future Liquor Licenses**

Mr. Cavaco said that he has spoken several times about obtaining additional liquor licenses to attract restaurants to come into this community. He spoke to Sen. Timilty and Rep. Howitt. They said the Town would have to obtain an overlay district. It will be on the warrant in November to start the process.

Chairman Parker felt they need more information. According to the ABCC, the Town does not need to have an overlay district. The Towns of Foxboro and Dedham did not have to have one.

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

**VOTED:** To postpone the matter of overlay district indefinitely until September.

### **OLD BUSINESS**

#### **General Discussion on Route 114A at Arcade Avenue and Mill Road Project**

Town Engineer David Cabral noted that two weeks ago he asked the Board to postpone the assignment of design contract to GPI. A lot went on with regard to funding and design, etc. He provided an e-mail sent to Kim Hasner, District 5, indicating the item was on the July 20<sup>th</sup> Board of Selectmen agenda and asking about the 25% design review comments.

While attending a JTPG meeting at SRPEDD on July 20, 2011 to discuss the TIP, he got a phone call from Mr. Bob Gregory that the State had approved taking over the design responsibility. That was a direct result of Mr. Cavaco and Mr. McLintock meeting with Mass. DOT and our State officials and represents a savings of \$200,000 plus.

Mr. McLintock said that he talked to Ms. Hasner two days ago, and she reinforced that the State would pick up the charges. The amount of the design contract with GPI is \$214,000. Seekonk is on the TIP for 2015, but that needs to be moved up. However, it is difficult because of the availability of funds. He suggested that the Board get involved with SRPEDD and MPO.

Mr. Cabral clarified that certain engineering firms are on call with Mass. DOT. He noted that he has been advocating this project at the JTPG for over a year as well as SRPEDD and the Mass. DOT. DPW Superintendent Robert Lamoureux and he have been attending meetings for the past 1 ½ years. With regard to the TIP, a No. Attleboro project is on the FY 2014. Because of Seekonk's design component, it appears that Seekonk may be on the TIP before No. Attleboro.

Mr. Cavaco said that he talked to Mr. Cabral and the Town Administrator to get the TIP moved up to FY 2013.

Mr. McLintock expressed concern that the Town will lose control of the project with the State take over. He wouldn't want the State to have total control of the project. He questioned whether the State would come back with a roundabout.

Mr. Cabral said that under review for the 25% design is the signalized option, as voted by this Board.

Mr. Lamoureux said that the State would be responsibility for land takings.

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As far as moving up on the TIP, Mr. Lamoureux said that Mr. Cabral and he would look into other options with JTPG because it is has been rated as one of the dangerous intersections in the State.

Mr. McLintock said that he has changed his original thinking and perhaps the Board should consider a roundabout.

Mr. Cavaco suggested that \$50,000 of the \$214,000 saved should be set aside for the light at the entrance to the public safety complex.

**Discussion on 41 Lake Street Well and Proposal Site Assessment and Response Action Outcome (Assess Current Groundwater and Regulatory Closure of the Site) at the DPW Facility**

Mr. Lamoureux had a proposal of the design work to submit to the DEP. He will have to get quotes to dig a deep well. There is about \$6,000 in an account for Lake Street water main.

Mr. Whelan said he understood there would be no additional financial obligation.

Mr. Lamoureux said that, according to the Administrative Consent Order, the report is due by September 15, 2011 or they will have to request an extension.

Mr. McLintock stated that Mr. Carroll and Mr. Lamoureux indicated that capping would be the end of this. It was also mentioned at Town Meeting, when voters agreed to that the land by eminent domain. He noted that the Town has spent over \$1/2M dollars thus far. He felt if Weston and Sampson is going to charge all this money, the Town should go back to the way it was done in 2002 or 2001, when the cost was almost nothing.

Chairman Parker noted that the Town will not spend the \$30,000 for testing; \$13,000 now and it is over.

Mrs. Nolan indicated that, from her experience, it would have to go back to Town Meeting to re-appropriate the money for another reason.

Mr. Lamoureux said the money was appropriated for the MCP, and this is part of the MCP.

Mr. McLintock said the he doesn't understand why the Town is paying Weston & Sampson \$30,000 a year to test the wells when prior to that it was done by DPW.

Bob Lamoureux responded that it is required by the DEP.

Mr. McLintock felt the Water Department could do that.

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

**VOTED:** 4 Ayes; 1 Nay; To sign the contract for testing and reporting to complete the process at 41 Lake Street.

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

### Central Avenue Update

Town Engineer David Cabral reported the County Street Bridge opened last week. The drainage issues on Central Avenue have been resolved.

Full depth construction at Bakerø Corner should start on Monday and be completed in about four weeks, prior to the start of school.

Mr. McLintock asked about a new catch basin at the corner of Route 152 and Oak Hill Avenue.

Mr. Cabral responded that drainage improvements have already been completed.

He noted that the new CVS going in that area will use the same curb cuts as the Stop & Shop.

There was no discussion on Mrs. Christine Allenø comments about Route 152 because it was not an agenda item.

### **Update on Banna Station Financial Needs with Arthur Foulkes**

Mr. Arthur Foulkes, Chairman of the Banna Station Subcommittee, presented an update. He said there have been dramatic cost changes since the project estimates were made. Sprinklers are required at \$100,000 to \$150,000. He needs a letter from the Board of Selectmen requesting that the Water District waive charges.

The Subcommittee is short one member. He felt it would be good to have a construction person.

### **Reconsideration of Town Hall Hours**

Mr. Cavaco noted that this was originally discussed because there are women alone in the building on the Wednesday nights the Board does not meet.



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Mr. Rice took exception to the statement. He said there are "people" in the building.

Mr. McLintock said it is an issue.

Mr. Whelan suggested the Town Administrator check on it.

### **Town Administrator's Report**

Mrs. Nolan advised that she has met with department heads and has toured the Town with some of them. She has also met with some union representatives. She said that all town employees have been very generous with their time.

She met with the newly-appointed Rehoboth Town Administrator. They decided to meet with other local town administrators/town managers.

She got a purchasing certificate, so she is the purchasing agent for the Town. She told department heads that all bids must be signed by her. That also applies to committees. She expects to be involved in all hiring.

### **BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

Mr. Cavaco questioned why the Board of Health is returning a grant in the amount of \$12,868.10 for vaccines.

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

**VOTED:** To refer the matter to the Town Administrator to follow up with the Board of Health.

Prior to the vote, Mr. Rice indicated the Board of Health had advertised the free vaccine but residents did not respond.

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

**VOTED:** 4 Ayes; 1 Nay; To have regular meetings every two weeks and work sessions on the off weeks.

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

Prior to the vote, Mrs. Nolan advised that she is meeting with Town Counsel and she will discuss this matter.

Mr. Cavaco said that contractors should have insurance certificates filed with the Town in order to work for the Town.

He is still working with the banks regarding maintenance of foreclosed properties.

Chairman Parker advised that Bristol County has a Reverse 911 system similar to the one in Town.

He said that the Town Report needs to be done on time. It was late last year. He had several other items to be discussed at future meetings.

Mr. McLintock said that some of the departments are not using the purchasing system.

Mrs. Nolan will check with Mr. Alexander.

### **COMMUNITY SPEAKS**

Mr. Foulkes cautioned about hiring a new police officer because of the lack of federal funding.

Mrs. Ellie Wiseman talked about the need for the Banna Station. She repeated her comments made at a previous meeting that the response time for an emergency call to her house took 30 minutes.

Mrs. Christine Allen requested that the trash fee should be an article for the Fall Town Meeting. She felt it is unfair that people who are buying bags are the only ones paying to cap the landfill. It would reduce the fee to all taxpayers and would be tax deductible.

Mr. Rice said it is more than just the people who buy the bags. He was at a Board of Health meeting today and two residents complained about dumpster fees and the billing process.

Chairman Parker noted that people did not understand debt exclusion.

Mr. McLintock noted that commercial taxes are almost twice what residents pay.

### **EXECUTIVE SESSION**

At 9:40 p.m., Mr. Whelan motioned, seconded by Mr. Cavaco, to go into Executive Session per M.G.L. Chapter 39, Section 23B, for matters related to collective bargaining; not to return to Open Session.

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

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer, Secretary