

**BOARD OF SELECTMEN**  
**SEPTEMBER 14, 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 taped via audio and video. He asked if anybody in the audience was taping. Mr. George Morse of the Seekonk Star was taping audio.

**PUBLIC HEARING**

**Transfer of Ownership Annual Package Store Wine and Malt Alcohol License from Parker Meats & Deli, Inc., Marjorie Germoni, Manager, to Parker Meats & Deli, Inc., Sarah Schupp, Manager, Located at 22 Olney Street**

Chairman Parker opened the public hearing at 7:04 p.m.

Owner Barry Schupp and Sarah Schupp were in attendance.

Chairman Parker closed the public hearing at 7:07 p.m.

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

**VOTED:** To approve the transfer of ownership annual package store wine and malt alcohol license from Parker Meats & Deli, Inc., Marjorie Germoni, Manager, to Parker Meats & Deli, Inc., Sarah Schupp, Manager, located at 22 Olney Street.

Mr. Schupp expressed his appreciation to Ms. Rogers for her assistance during this process.

Chairman Parker commended Ms. Rogers.

As an employee of a package store, Mr. Whalen advised that the State Ethics Commission has informed him he could vote on this type license.

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**Transfer of Annual All Alcohol License, Pledge of License and Pledge of Inventory for Applebee's Neighborhood Grill & Bar, Michael MacDonald, Manager, Located at 105 Highland Avenue**

Chairman Parker opened the public hearing at 7:15 p.m.

Atty. Joseph Devlin of Demakis Law Offices and Mr. MacDonald were in attendance.

Atty. Devlin explained that Applebee's corporate is selling all Massachusetts locations and all New England restaurants to the larger Apple American Group. The ABCC investigated and approved this transaction. It now needs local approval.

The public hearing closed at 7:18 p.m.

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

**VOTED:** To approve the transfer of annual all alcohol license from Applebee's Neighborhood Grill & Bar to Apple N.E. LLC, Michael MacDonald, Manager.

Atty. Devlin also commended Ms. Rogers.

**CONSENT CALENDAR**

**Accept Gift of \$400 from Marilyn Spencer and Family in Memory of Col. James D. Spencer for the Veteran's Memorial Plaque**

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

**VOTED:** To accept the \$400 gift from Marilyn Spencer and family in memory of Lt. Col. James D. Spencer to be used for the Veterans Memorial Plaque.

Mr. Cavaco noted that Col. Spencer was the recipient of the Distinguished Service Cross.

**Consider Approval of Minutes for March 16, 2011 Regular and Executive, March 30, 2011 Regular, June 11, 2011 Regular and August 17, 2011 Regular and Executive**

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

**VOTED:** 3 Abstentions; 2 Ayes; To accept the Regular Session of March 16, 2011.

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

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The March 16, 2011 meeting was prior to the election. Mr. Cavaco and Chairman Parker were the only two in attendance. Chairman Parker advised the minutes are accepted by the rule of necessity.

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

**VOTED:** 3 Ayes; 2 Abstentions; To accept the Regular Session minutes of March 30, 2011.

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

**VOTED:** To accept the minutes of June 11, 2011 (Interviews for Town Administrator).

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

**VOTED:** To accept the Regular Session minutes of August 17, 2011.

Executive session minutes of March 16, 2011 and August 17, 2011 were deferred to Executive Session.

## **OLD BUSINESS**

### **EMD Update with Dennis LeClerc**

Prior to discussion, Chairman Parker and Board members expressed their condolences to Mr. LeClerc and his dad on the death of his grandmother.

Mrs. Nolan advised she is currently negotiating with AFSCME. There is a new requirement that will impact the Town's dispatchers.

Mr. LeClerc advised that the State has instituted an EMD certification, effective July 12, 2012. It is very detrimental to dispatch. There are three vendors in the State. The issue right now is the price and how to get it reimbursed. The cost is about \$50,000 of which \$40,000 is reimbursable.

The program is a basic EMD course that was condensed to card size tablets and is also computer driver. The State has changed the protocol and dispatchers must take information similar to what an EMT would do at the scene. It doesn't allow for disconnect unless all questions are answered.

Mr. LeClerc has met with the two top administrators in the State 911 department and expressed his concern. There is legislation that would make this mandatory. The Town could lose about \$40,000 in grant money if it does not comply.

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Mr. LeClerc noted that there is a big difference between the three vendors who provide the training and only one vendor the Town can use. That vendor will customize a program for Seekonk. He suggested a warrant article for the spring town meeting.

He noted that some towns and cities already do this.

### **Update on the Amended Contract for CODERED**

Mr. LeClerc advised that the Town went over on minutes with the Reverse 911 call system following Tropical Storm Irene. That amounts to a \$3,000 bill. He recommended the Town move to unlimited usage ó 17,500 general use minutes and unlimited emergency minutes. It is a five-year contract at the rate of \$7,781 per year for a total of \$39,405.

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

**VOTED:** To approve the amended CODERED Agreement in the total amount of \$39,405 for a five-year period.

Chairman Parker commended Mr. LeClerc on the job done with the Reverse 911 during the storm. He received positive comments from residents.

### **Update on Boards and Commission Vacancies**

Ms. Rogers advised that the advertising period was met as of September 8, 2011. There is one opening on the Banna Fire Station (Moderator) ó no applicants. CPC has one applicant for one position. There is one opening on the Historical Commission ó one applicant. The MCIC has one position from the BOS and one from the Moderator. One person was interviewed and another will be interviewed next week. The Property Tax Work Off needs two members ó 0 applicants. Recycling Committee needs one member ó no applicants. Planning Board ó one person is interested and will be at the next meeting (joint appointment by the Board of Selectmen and Planning Board). The Senior Center Building Committee needs one and there is an applicant for that.

Mr. David Viera objected because a candidate for the MCIC was given extensions and is still not available. That person was supposed to be at this meeting. He felt it is not fair to those who interviewed.

Board members agreed but could not make an appointment because it was not an agenda item.

**Consider Waiving Paramedic Requirement for Brian Rainey and Matthew Owens and Appoint as Firefighters**

Mrs. Nolan advised that she told the Fire Chief he did not have to be in attendance.

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

**VOTED:** 3 Ayes; 2 Nays; That the Board of Selectmen hire Brian Rainey and Matthew Owens as full time firefighters, waiving the paramedics requirement for this time only as voted by the Board of Selectmen on July 28, 2010, providing, as a condition of employment, that they complete paramedics school within four years as directed by the Fire Chief.

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

There was a lengthy discussion prior to the vote.

Mr. McLintock had several issues. One of these individuals may be licensed in Rhode Island. Neither of them is licensed in Massachusetts.

Mr. Whelan felt that the Board had required paramedics. He would prefer to have the Chief and possibly the individuals in attendance.

Mr. Rice said he would not vote for it either. He inquired about this when he was elected. He felt the Board had decided not to waive this issue. He asked who would pay for paramedicø school. He wanted information on these two individuals.

Mr. Cavaco responded that the Town pays for training.

Mr. McLintock said they are trained at the Townø expense and they go somewhere else to work. Mr. Whelan agreed.

Mr. McLintock said the issues at the Fire Department seem to revolve around the paramedics. He requested a work session with the Fire Chief.

Mr. Cavaco stated that three Selectmen who were on the Board in July 2010 wanted to hire call firefighters. These two individuals are call firefighters.

Chairman Parker felt it was not necessary to have them come before the Board.

Mr. McLintock stated that Town Meeting was not told there would be four new positions. The Finance Committee never introduced it as four new positions. It seems to be the dismantling of call firefighters.

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He felt this would not address the fact that coverage is needed at the north and south ends of town.

Chairman Parker noted the call firefighter department is still funded.

Mr. Rice questioned why a call firefighter who volunteered at the shelter during the storm was not on the list.

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

**VOTED:** 3 Ayes;2 Nays; That the Town Administrator prepare an Agreement, to be reviewed by counsel and signed by the two call firefighters prior to employment, that, as a condition of employment, they must attend paramedics training.

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

Mrs. Nolan advised that she spoke to call firefighters. They would like to discuss the status of the call fire department with the Board.

At Chairman Parker's request, Mrs. Nolan will check with legal counsel to determine if such discussion would constitute a problem with the bargaining unit.

### **NEW BUSINESS**

#### **Consider Setting Date for Fall Town Meeting According to By-Law Category 1**

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

**VOTED:** To set the date of the Town Meeting for Monday, November 28, 2011, and open the warrant as of September 14, 2011.

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

**VOTED:** That petitions and warrants close on Friday, September 30, 2011, at 12 noon.

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

#### **Accounts Payable – Outstanding Issues**

None.

**Discussion of "Cloud" Computing and Appointing a Commission to Review This Approach with Mr. Rice**

Mr. Rice advised that he and Mr. Paul Buckley have done some research.

The "Cloud" is a huge computer tied together by a carrier. There are people who provide software for access. He requested authorization to form a commission.

Mr. McLintock will work with Mr. Rice.

**COMMUNITY SPEAKS**

Mr. David Viera referred to Mr. LeClerc's presentation of the EMD. He said providing medical emergency advice to a lay person is time and money well spent. Emergency calls originate with the dispatcher. He noted that under Prop 2 ½ the State is required to fund mandates. He suggested legislators need to be reminded of that.

Chairman Parker said that Mr. Cavaco and Mr. McLintock have challenged the State and have been successful in the amount of \$1/4M dollars.

Mr. Viera announced that he is a candidate for the Board of Selectmen in April.

Mr. Donald Kinniburgh donated an American Flag for the cemetery on behalf of the American Legion. He said they would also be willing to donate a POW flag.

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

**VOTED:** To accept the flag donation from the American Legion.

Mr. Cavaco noted a flag was ordered for the cemetery and should be here by the end of the month. It is being made by Disabled American Veterans.

Mr. Whelan suggested there should be a second person in charge of the flags. The Fire Chief is the designated person for town buildings.

Mr. Kinniburgh advised that at one time the Veterans' Agent would call the schools about the flags, but they are not getting any phone calls.

Chairman Parker suggested checking with Chief Jack.

Mrs. Ellie Wiseman commended the EMTs who took care of her husband during a medical emergency. She felt a lot of pressure is being put on dispatchers.

**BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

Mr. McLintock reported on a meeting with Mass. Highway officials. They talked about excavation at 152. There are two options ó whole depth (\$188,000) or reclamation (\$167,000). It would come from the 10% contingency. There is a problem with National Grid. The 114A project will be in 2015.

Mr. Whelan asked Mrs. Nolan to check with Mr. Lamoureux about a guard rail on Woodward Avenue.

He announced that he would not seek re-election to the Board of Selectmen due to family and employment obligations and also health issues. Next year would have been 20 years in local politics.

He wished Mr. Viera good luck. There is another person who approached him and he will be supporting that person.

Mr. Rice said he thought they were going to talk about the signals at Bakers Corner.

Mr. McLintock said he has concerns about the document to be signed. He will meet with Town Engineer David Cabral. He has drawings.

Mr. Rice suggested a desk at Town Hall for Selectmen's use.

The Board of Selectmen meeting room is available.

Mr. Cavaco advised that he would prepare two articles for the warrant.

He requested an agenda item for the September 28<sup>th</sup> meeting to talk to representatives of the gas company about permits for road openings.

He referred to comments made by Mrs. Allen at previous meetings re: a warrant article for trash.

Chairman Parker advised that the Town Treasurer wants to have warrant article for debt exclusion for capping the landfill.

Mr. Whelan said it was defeated the first time because Prop 2 1/2 was included in the language.

Mr. McLintock stated that townspeople need to understand that without businesses their tax rate would be higher.



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Chairman Parker noted that all residents pay \$25. If it changes, it will be based on land ownership.

Mr. McLintock said the amount of services offered to taxpayers in this town needs some work.

Mr. Cavaco requested that the Town Administrator look into the issue that was raised several months ago regarding a Bloomfield Street resident and questions about the drainage. There was a question whether it was recorded in the Bristol County Registry of Deeds. He had an interoffice memo dated November 26, 1985.

Mr. Cavaco advised that he has information about the whereabouts of the engineering firm (MS Transportation) that defaulted on the contract.

Chairman Parker noted that the attorney had said there were no assets.

#### **TOWN ADMINISTRATOR'S REPORT**

None.

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

**VOTED:** To dissolve at 9:00 p.m.

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