

BOARD OF SELECTMEN
OCTOBER 19, 2011
REGULAR SESSION

Members Present: David Parker, William Rice, Francis Cavaco

Absent: John Whelan due to illness

Robert McLintock arrived late.

Town Administrator: Pamela T. Nolan

Atty. Jackie Cowen of Kopelman & Paige was in attendance.

Chairman Parker called the meeting to order at 7 p.m. followed by the Pledge of Allegiance and moment of silence. He announced that the meeting was taped via audio and video and asked if anybody in the audience was taping. None.

HEARING ON LICENSE VIOLATION

Chairman Parker advised that he filed Form 268 with the Town Clerk indicating that he is a neighbor of this business.

Seekonk Speedway

Police Chief Ronald Charron stated the alleged violation of the entertainment license at Seekonk Speedway occurred on September 4, 2011.

At 7:30 p.m. the Chief witnessed people leaving and re-entering the stadium at the rear gate. Detail officers were told to stop re-entering. It created issues for those officers at the gates. The signs of no re-entry had been removed. It was clear that it was done at the request of the management.

Chief Charron noted the situation was under control fairly quickly. He did not know if it occurred previous nights.

He considered this a serious situation.

He mentioned that no re-entry signs were up this past weekend. The Speedway had taken steps to assure compliance with that.

Atty. Steven Miller, attorney for the Speedway, said he spoke to Bob Souza, Director of Security. It is on the entertainment license and it is not a good business practice to allow people to leave to have their own drinks outside the premises. It is also difficult to monitor.

When this occurred that evening, action was taken and an announcement was made regarding no re-entry.

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Atty. Miller agreed with Chief Charron. He apologized to the Chief and the Town on behalf of the Speedway. He noted that there were no issues during the season, and it was unfortunate this occurred late in the season. This situation has been remedied.

Chairman Parker requested comments from the audience. None.

Chief Charron recommended a one-event suspension to be held in abeyance from this date until 2012 for the entire next season. If there is a violation, there would have to be another public hearing.

The Public Hearing closed at 7:19 p.m.

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

VOTED: To find that a violation of the entertainment license occurred at Seekonk Speedway on September 4, 2011.

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

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

VOTED: That the Board impose a one-event suspension at the Seekonk Speedway to be held in abeyance for next year for any violation of the entertainment license.

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

Chairman Parker thanked the management of the Speedway for their cooperation and recognition to step forward.

Atty. Cowen asked that the Board state why the vote was taken.

Chairman Parker said he believed the Board recognized there was a violation and wants to have some type of punitive resolution to it and that this resolution by the Chief was a fair response to the violation.

A two minute recess was taken at this time.

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

VOTED: To move to OLD BUSINESS, öMemorandum of Agreement between the Town of Seekonk and Seekonk FirefightersøUnionö and NEW BUSINESS, öConsider Appointment of Four Full Time Firefighters and Swear In.ö

OLD BUSINESS

Memorandum of Understanding Between the Town of Seekonk and Seekonk Firefighters' Union

Mr. Parker announced that he filed the proper paperwork with the Town Clerk. He will not vote on any contracts even though it is not a conflict of interest.

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

VOTED: 2 Ayes; 1 Abstention: To accept the Memorandum of Agreement between the Town and Seekonk and Seekonk Firefighters' Union.

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

NEW BUSINESS

Consider Appointment of Four Full Time Firefighters and Swear in.

Chief Alan Jack advised that the 4th candidate, Cory Silva, had withdrawn.

Chief Jack recommended the appointment of Brian Rainey.

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

VOTED: 2 Ayes; 1 Abstention; To appoint Brian Rainey as Probationary Full Time Firefighter.

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

Chief Jack recommended the appointment of Matthew Owens.

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

VOTED: 2 Ayes; 1 Abstention; To appoint Matthew Owens as Probationary Full Time Firefighter.

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

Chief Jack recommended the appointment of Brian Miranda.

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

VOTED: 2 Ayes; 1 Abstention; To appoint Brian Miranda as Probationary Full Time Firefighter.

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

The meeting returned to the regular order of business.

CONSENT CALENDAR

Consider Approval of Minutes of September 21, 2011 Regular Session

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

VOTED: To accept the Regular Session minutes of September 21, 2011.

Accept the Retirement of a Police Officer and Approval to Begin Recruitment to Replace

Chief Ronald Charron announced the unexpected retirement of a police officer, effective October 30, 2011. He requested authorization to begin the recruitment process. The position will not be filled until after the holidays.

Within a few weeks, the Chief will recommend the appointment of an officer to replace a retirement that occurred in the summer.

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

VOTED: To authorize Police Chief Charron to begin the recruitment process for a police officer to replace a retirement.

Accept Gift of \$2,000 from Wal Mart for Police Department

Lt. David Dyson explained that the award was made under the Community Outreach Program. It will be used for the bike program and car seat check points, etc.

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

VOTED: To accept the \$2,000 gift from Wal Mart to the Seekonk Police Department.

Accept Gift of Water Bottles from Town Clerk

This was done to correct the action taken at a previous meeting.

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

VOTED: To accept the gift of water bottles from the Town Clerk.

Accept Gift of American Flag from Veteran's Association

This was also done to correct the action previously taken.

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

VOTED: To accept the gift of an American Flag from a Veterans Association.

NEW BUSINESS

Consider Appointment of Dr. Michael DiTullio for the Purpose of Conducting an Independent Medical Exam

Chief Charron explained that Board action is required under Chapter 41, Section 111F.

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

VOTED: To designate Dr. Michael DiTullio to conduct independent medical exam of employees.

Consider Appointment of Lisa Parker as Police Matron

Chief Charron recommended the appointment of Lisa Parker.

Chairman Parker disclosed that Mrs. Parker is his daughter-in-law. He will not vote; even though he can because state law indicates a daughter-in-law is not an immediate family member.

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

VOTED: 2 Ayes; 1 Abstention; To appoint Lisa Parker as Police Matron.

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

In response to Mr. Rice's question, Chief Charron advised that she will not be paid extra if during the day, but she will be paid overtime if needed at night.

Consider Support of Bill HB1972 Which Will Significantly Improve Voter Success for Military Members

Town Clerk Janet Parker advised that this would combine the two primaries of March and September 2012. It would save money and allow more time to get ballots printed and oversees for the November election. She encouraged the Board to support this legislation.

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

VOTED: To support and accept Bill HB1972 to significantly improve voter success for military members and to write a letter of support.

Consider Supporting an Increase in the Purchase Price of Graves in the Town Cemetery

Town Clerk Janet Parker said there are approximately 100 graves left. She checked with other towns. Some have limited to only residents; but Seekonk does not.

She asked the Board to consider leaving the fee for residents at \$600 and increase the fee for non-residents to \$1,000.

She suggested the Board meet with the Water District to discuss donation of land to extend the cemetery.

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

VOTED: To increase the cost of graves to \$1,000 for non-residents.

COMMUNITY SPEAKS

Ms. Lauren Walsh, Chairwoman of the Municipal Capital Improvement Committee, advised that the CIC website has been updated with information about the five year plan.

She requested a work session with the Board of Selectmen to talk about the CIC process.

Chairman Parker thanked all those who attended the Open Meeting Law seminar. It was very well attended. He was a little disappointed that nobody from the School Department attended.

Mr. David Viera stated that the American Flag was donated by the American Legion.

Mr. Al Silva asked if the "mystery selectman" still gets paid.

Chairman Parker said he got a message at 5:48 p.m. that he was going to the hospital for a shot. The Chairman was informed at 7 p.m. that the other Selectman who was absent would be slightly late.

TOWN ADMINISTRATOR'S REPORT

Introduction of Warrant Articles for Upcoming Town Meeting

Mrs. Nolan said there are 17 articles, which will be addressed in the next two meetings. The draft warrant has been distributed to the Town Moderator, Capital Improvement Committee, Finance Committee, Town Counsel, and others.

Chairman Parker commended Mrs. Nolan. He said this is a very good start to the process.

Mr. Cavaco said the format is easier to follow.

Weston & Sampson Report

Mrs. Nolan said she checked with Mr. Alexander. He told her the contract was in 2008 and needs to be updated. It could either be updated or the Town could go out to bid for new engineering services. She provided invoices by year and noted that the cost has gone down significantly in the past three years.

Mr. Cavaco would like to go out with a RFP.

Mr. Rice felt that expenses went down because of not as much work for subdivision proposals. He would like to see what Weston & Sampson has done and what a future RFP would look like.

Chairman Parker agreed.

Mrs. Nolan advised she would be attending the MMA Annual Meeting & Trade Show on January 20, 2012. She would like department heads to attend the trade show. Board members can also attend.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Mr. Cavaco advised he found one item. An auctioneer was hired for the auction this past Saturday. The quote came in at \$1,350; however, the auctioneer charged an additional \$150 because there were extra items.

Mrs. Nolan said she understood one department showed up with a lot of extras.

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

VOTED: To hold the bill for an explanation and release payment no later than Friday of this week.

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

Mr. Rice suggested proper documentation should be attached to bills so that payments are made in a timely manner.

Mr. McLintock said the quote was for 150 items and ended up with almost 300. He suggested the auction should be held more than just once a year. Items could also be sold on the Internet.

Mr. McLintock said a pipe will probably have to go in on Newman Avenue at Route 152 for the fire system for the CVS going in that location.

Mr. Rice thanked Ms. Lauren Walsh for her report.

Chairman Parker reminded residents about the Food for Fuel Pasta Night at Seekonk High School at 6 p.m. on Thursday, October 20, 2011.

Mr. Cavaco had several agenda items for the October 26, 2011 meeting. He wanted to discuss reopening the warrant to include an article to appropriate \$100,000 from surplus cash to the Animal Shelter Building Committee to supplement the money raised by Save-A-Pet. He suggested the Building Committee members and the Animal Control Officer attend. He wanted to talk about holiday hours.

Mrs. Nolan noted that holiday hours are contractual.

Mr. McLintock had a point of order. He felt the Capital Improvement Committee should have a presentation from the Animal Shelter Building Committee before it comes to the Board to reopen the warrant.

Mr. Cavaco had another agenda item - an Administrative Policy re: TIP certified or Serve Safe.

Chairman Parker said he is in the process of obtaining information. He met with the manager of one restaurant regarding the difference between serve safe and TIP certified in MA and in RI. and should it be included on the license.

Mr. Cavaco said he has further questions regarding road opening permits with gas company representatives for the October 26th meeting.

Chairman Parker noted that matter should be between the DPW Superintendent and Town Administrator. The Board does not have to be involved.

Mr. Kinniburgh felt this was a violation of the Open Meeting Law because it was not on the agenda.

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Mr. Cavaco and Chairman Parker noted the policy was changed in 2010.

Mr. Cavaco said he went to Bellingham, MA to discuss Verizon and the removal of poles. He obtained information which he gave to the Town Administrator and Chairman. According to State Law, Verizon has 90 days to replace a pole.

Mr. McLintock felt that Verizon is out of control.

At 8:40 p.m., a motion was made by Mr. Rice, seconded by Mr. Cavaco, to go into Executive Session per Chapter 30A, Section 21 to discuss 41 Lake Street litigation; not to return to Open Session.

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

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer, Secretary