

BOARD OF SELECTMEN
NOVEMBER 2, 2011
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

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. Mr. George Morse of the Seekonk Star was taping audio.

CONSENT CALENDAR

Consider Approval of October 19, 2011 Regular Session Minutes

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

VOTED: To accept the Regular Session minutes of October 19, 2011.

Consider Acceptance of \$500.00 Grant from the Massachusetts Call Volunteer Firefighters Association

Lt. James Garrott explained that on October 20 2011 the call firefighters received a \$500 grant to be used for advertisements to recruit call firefighters. They want to work with the Town and Fire Chief to try to recruit more firefighters. The money is currently in the call firefighter account.

A motion by Mr. McLintock, seconded by Mr. Whelan, was

DEFEATED: 3 Nays; 2 Ayes; To accept the \$500 grant from the Mass. Call Volunteer Firefighters Association.

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

A lengthy discussion preceded the vote.

Mr. McLintock said he still hasn't figured out what the problem is in Seekonk.

Mr. Whelan said he is more than willing to accept the grant.

Mr. Rice mentioned that his remarks have nothing to do with the call fire department. Since the Finance Director is in attendance, he asked if the Board could accept a gift that has strings attached to it.

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Finance Director Bruce Alexander affirmed that the Town could accept such gifts; however, it has not happened during his tenure.

Mr. Cavaco asked Chief Jack. The Chief responded that he was not aware of any grant of this type.

In response to Mr. Cavaco, Chief Jack said there is no money in the budget because the line item for call firefighters was incorporated into a salary line item by the previous town administrator to pursue putting on additional career firefighters.

Mr. McLintock asked how the money was moved without Town Meeting authorization.

Mr. Alexander explained that the Fire Department has always had two lines - Fire Department payroll and Fire Department expenses.

Mr. McLintock said he didn't know they were going to dismantle the call firefighters without approval from the Board. He stated that he has requested a meeting with the Fire Chief since his election in April.

Chairman Parker advised it would happen prior to preparation of the next budget.

Mr. Rice asked who would have control of the ads.

Mr. Whelan said that it is at the discretion of the Fire Chief.

Mrs. Nolan said that Lt. Garrott indicated it would be the Chief, Lt. Garrott, and her.

Mr. Whelan added the Chief would have the ultimate say.

Mr. McLintock said the Chief runs the day- to-day operation of the Fire Department; however, this Board sets the goals and objectives, which have not been adhered to. He noted that three people at this table were there when it was drafted.

Mr. Cavaco raised a point of order that discussion is on the grant.

Chairman Parker said it is the utilization of those funds.

Mr. Whelan asked about the goals and objectives of the Fire Chief.

Mr. McLintock stated that he has asked to meet with the Fire Chief for the past six months and now it won't be until January.

In response to Chairman Parker's question, Mrs. Nolan advised, if the Board accepts the grant, it must be used for advertising or the money must be returned.

Lt. Garrott advised that the Call Volunteer Firefighters Association received a \$1.7M grant from the Federal Government. Call firefighters could receive \$4,500 a year to go to college. In turn, they would have to give the Town four years of service or the money would have to be returned.

Mr. McLintock asked Lt. Garrott to get those requirements for the Board.

Consider Contract for Scope of Services for the Town from the Massachusetts Cultural Council and Sign

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

VOTED: To accept the Cultural Council grant in the amount of \$3,870 for the period July 1, 2011 to June 30, 2012.

OLD BUSINESS

Discussion with Weston & Sampson re: Consent Order Amendment for Lake Street Property

Chairman Parker advised this is a follow up from the previous meeting.

Mr. Lamoureux introduced Roger Alcott and Shawn Healey of Weston & Sampson.

Mr. Alcott displayed a description of the site. Three underground storage tanks at the DPW property were removed in 1992 and 1998. Some evidence of contamination was found, which required a series of monitoring, notification, and reporting over the years. The site is categorized as GW1 because it is 500 ft. from a residential well. The products in the ground have to be below a certain standard. Over the last few years, the categorization changed to GW2 standard.

During the last year a private well was decommissioned and that resulted in legal action. The DEP granted authorization to extend the reporting.

Mr. Healey explained that the Consent Order Amendment is simply an extension of the date.

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

VOTED: 3 Ayes; 1 Nay; To authorize the signing of the Consent Order Amendment for the Lake Street property.

The vote: Mr. Rice – Aye; Mr. Cavaco – Aye; Chairman Parker – Aye; Mr. McLintock – Nay. Mr. Whelan was not in the room at the time of the vote.

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In discussion prior to the vote, Chairman Parker asked why they missed the deadline.

Mr. Healey responded that it was due to the time involved in land taking by eminent domain.

Chairman Parker stated there has been considerable discussion that the Board would be personally obligated if the Consent Order is signed. He contacted Mr. Hemburger at the DEP, who indicated that is not true.

Mr. Cavaco asked who was responsible for completing the paperwork with DEP.

Mr. Healey said Weston & Sampson.

Mr. Cavaco asked how many times had non-compliance occurred on this project and why another Consent Order at the last minute.

Mr. Healey noted it is simply a change in date.

Mr. Whelan said that he has the utmost faith in Weston & Sampson.

Mr. McLintock said he doesn't understand. The first Consent Order came before the Board over a year ago. It had to be signed quickly. Now, another one. He felt these people are experts who should know the deadline and should have requested an extension.

Mr. Healey said they were advised by the DEP they had until the end of the year to meet the deadline.

Mr. McLintock asked about liability.

Mr. Healey responded that would be a legal question.

Mr. McLintock said the Town and Board members who sign the form will be responsible if there is more contamination.

Mr. Healey said he understands the Town is responsible to remediate the site to today's appropriate standards. He doesn't know what will happen five years from now. The site has been very well assessed, and Weston & Sampson has very good data on it.

Chairman Parker stopped Mr. McLintock's questioning because it was not an agenda item.

Mr. McLintock stated that he would not sign the Consent Order.

Update on Town Hall Security with Communications Director

Chairman Parker indicated he did not know why this was on the agenda.

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Mr. Dennis Leclerc said that clerks who work in Town Hall are concerned about after hours. He suggested expanding the program that monitors the schools for less than \$5,000. The cameras will monitor the hallways, doors and the rear parking lot.

Review of Fall Town Meeting Warrant Articles 9 through 17 with CPC, School, DPW, Finance, Communications, and Senior Center Building Committee

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

VOTED: 4 Ayes; To support Article 9 (overlay district).

Mr. Whelan was not in the room at the time of the vote.

Community Preservation Commission Chairman Ronald Blum was in attendance for Articles 10 and 11.

Mr. Blum requested that Article 10 (Newman Avenue property purchase) be removed from the warrant.

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

VOTED: To endorse Article 11 (South Wheaton Avenue).

Mr. Rice noted that at a Planning Board meeting those in attendance overwhelming supported open space as a priority.

Mr. Blum responded to Mr. McLintock's question about money.

Supt. of Schools Madeline Meyer advised that Article 12 would allow the School Department to continue to upgrade technology in the school system. The total cost is \$73,442. It would provide for two more access points for the middle school and additional access points for the high school. They want to bring the elementary schools on line. They need access points for the I-pad cards that were purchased and LCD projectors for the elementary schools. The School Department has to provide hearing aids and access for students who need it. The purchase of 16 wall-mounted FM systems for the middle school would benefit the entire class. They also want to purchase a network.

Chairman Parker suggested that this request should go to Capital Improvement Committee and that the Board take no action.

Mrs. Meyer said the School Committee would vote on these articles at next week's meeting. She will meet with the Finance Committee on November 21, 2011.

No action was taken on a motion by Mr. Whelan, seconded by Mr. Cavaco, for purpose of discussion.

Mrs. Meyer said that last year the Capital Improvement Committee indicated they do not do technology.

Mr. Rice wanted feedback from the CIC before spending any money.

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

VOTED: To endorse Article 13 (Category 2A, Section 2A.4.1).

DPW Superintendent Robert Lamoureux explained that Article 14 is an estimated price for the rental of a tub grinder.

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

VOTED: To endorse Article 14 (Tub grinder rental - \$35,000).

Finance Director Bruce Alexander said he is trying to be proactive by replacing the M server, at the recommendation of the IT consultant.

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

VOTED: To endorse Article 15 (replace computer server - \$12,942.87).

Communications Director Dennis Leclerc stated that Article 16 refers to a state-mandated program that has to be in place by July 2012.

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

VOTED: To endorse Article 16 (Emergency Medical Dispatch program – \$50,028).

Mr. David Bowden, Chairman of the Human Services/Senior Center Building Committee, advised the group had decided to proceed with the project so that it can go to the ballot. They have gotten estimates that seem to be within the realm with the current debt write off and the bond capability.

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

VOTED: 3 Ayes; 1 Abstention; 1 Not Voting; To endorse Article 17 (Human Services/Senior Center).

The vote: Mr. Whelan – Aye; Mr. Rice – Aye; Chairman Parker – Aye; Mr. Cavaco – Abstained; Mr. McLintock –not voting because he is a member of the building committee.

Articles 18 and 19 deferred until next week.

Discussion on Town Hall Holiday Hours for Wednesday before Thanksgiving

Mr. Alexander advised that the only people in the building would be supervisors. The clerks leave at noon, as per contract.

A motion by Mr. Whelan, seconded by Mr. McLintock, was

DEFEATED: 4 Nays; 1 Aye; To maintain normal business hours
8:30 a.m. to 4:30 p.m.

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

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

VOTED: 3 Ayes; 2 Nays; To close at noon for all employees of the
Town, with the exception of emergency employees.

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

Mr. McLintock felt it was a mistake to expose the Town to possible litigation by unions who cannot take advantage of the noon shutdown. Employees who want to leave could use personal time.

The Board of Selectmen will not meet on November 23, 2011.

Corrected Minutes of June 8, 2011

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

VOTED: 3 Ayes; 2 Nays; To accept the corrected minutes of
June 8, 2011 (re: DPW subcommittee appointment).

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

Define Role of Road Projects Subcommittee

Mr. Rice stated that he would like to resubmit his motion to define the responsibilities of this subcommittee.

Chairman Parker noted the minutes were amended and approved.

Mr. Rice said the minutes are not clear as to if this subcommittee was originally formed to negotiate with the State or more appropriately whatever politicians were involved to get this thing (114A) paid for.

Mr. McLintock asked if the Town should return the money the subcommittee was able to obtain.

Mr. Rice said the subcommittee members are not supposed to go out and tell the contractors how to do their job, such as laying asphalt and placement of telephone poles.

Mr. Whelan said he felt the scope was just for 114A project, not anything beyond that. He felt it is a violation of the charter.

Chairman Parker referred to minutes. It was for the subcommittee to serve as liaison with the State and DPW re: 114A and 152. They are authorized to work and speak on behalf of the Board of Selectmen. In fact, they corrected problems and together got the Town almost \$200,000.

Mr. Whelan asked for clarification from Town Engineer David Cabral.

Mr. Cabral said he reviewed the DVD of the June 8, 2011 meeting. The vote on the subcommittee was taken during discussion on the approval of an engineering firm for 114A design services, and it was made specifically for funding for the 114A project.

Chairman Parker said that several meetings before that there were problems at the north end of Town. Mr. McLintock and Mr. Cavaco were appointed as spokesmen for the 152 project, so they added 114A.

Mr. McLintock noted that Mr. Cavaco or he always report to the Board.

A motion by Mr. McLintock, seconded by Mr. Cavaco, was

DEFEATED: 4 Nays; 1 Aye; That Mr. McLintock and Mr. Cavaco continue to work on all major road projects in Town.

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

Consider Recommendation from Town Counsel on Findings and Statement of Reasons for Seekonk Speedway License Violation and Vote to Accept

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

VOTED: 4 Ayes; To accept the Findings and Statement of Reasons re: Seekonk Speedway License Violation regarding the readmission policy and authorize the Chairman to sign the document.

The vote: Mr. Whelan – Aye; Mr. McLintock – Aye; Mr. Rice – Aye; Chairman Parker – Aye; Mr. Cavaco was not in the room at the time of the vote.

NEW BUSINESS

Interview Candidates for Board of Health Commission
Chris Pelletier, Bob McLintock, Francis Cavaco, William Rice

Mr. Rice said his name is on this list. He had a phone call from a citizen. He called the Ethics Commission and was advised that it had the earmarks of an investigation. However, an investigation is conducted only after an incident. Therefore, he removed his name from the list.

Mr. Cavaco and Mr. McLintock both advised that they filed Form 268A with the Town Clerk.

Mr. Pelletier was not in attendance. He was notified about tonight's meeting.

Chairman Parker stated that it is perfectly legal to appoint a member of the Board of Selectmen to the Board of Health as long as the Form 268A is filed with the Town Clerk and it is due to lack of candidates.

Appoint Two (2) Members to Board of Health Commission

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

VOTED: 3 Ayes; 2 Nays; To appoint Mr. McLintock to the Board of Health.

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

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

VOTED: 3 Ayes; 2 Nays; To appoint Mr. Cavaco to the Board of Health.

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

Mr. Whelan stated that he backed off on an appointment to the Historic Commission based on recommendation of former Town Administrator. He felt these appointments would cause a bad situation for the Board.

Chairman Parker said he contacted Town Counsel and advised there were no other candidates.

Discussion Plan of Action with Call Firefighters Union

No discussion at this time. It was noted that Mr. Garrott had requested this but he was not in attendance.

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan reported that Building Commissioner Mary McNeil will be leaving at the end of the month. The Board had previously appointed the inspector from Rehoboth because Mrs. McNeil thought she might have to serve on federal jury duty.

Mrs. Nolan will begin to advertise and fill the position. It is a crucial and critical position for the Town of Seekonk.

She said that Mrs. McNeil is a very good employee and has worked hard with the people in Town. Chief Jack and others mentioned that at today's department head meeting. She treated the residents well and was extremely good to work with. She will be missed.

Mr. McLintock commented that this is a great loss. Mrs. McNeil has been a great employee. She acts in a manner anyone would be proud of. It will be difficult to replace her.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Mr. Cavaco advised there is one item pending documentation. It concerns the renewal of a license covered by the employee's contract. The driver's license has expired and that employee has been driving without a license.

Mr. McLintock provided an update on the 152 project. Curbing was installed but trucks had a problem getting in and out of the strip mall. That has been resolved.

Mr. Cavaco stated that Mrs. McNeil's resignation is a great loss to the Town.

He suggested that the Chairman be involved in the interview process.

Chairman Parker said an exit interview is scheduled for Thursday at 1 p.m. He will report back to the Board. He noted that Mrs. McNeil is one of the most professional people he knows.

Mr. Cavaco said he would like to meet again with the Chairman of the Appropriation Committee to try to get more money for the Town.

Mr. Rice also had kind words about Mrs. McNeil. He will miss her.

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Chairman Parker said that this Board inadvertently appointed a town employee as a member of the Capital Improvement Committee. That is a by-law violation. There are no candidates at this time.

Mrs. Nolan felt the by-law also applies to other boards or commissions.

Chairman Parker said there is another member of the CIC that serves on another committee.

He cautioned residents about a scam regarding water service.

COMMUNITY SPEAKS

Mr. Bob Blanchard talked about qualifications for people who want to serve on committees.

Mr. Rice said it was suggested by Mr. Horsman during a meeting with the Planning Board. He is in full agreement with that.

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

VOTED: To dissolve at 9:37 p.m.

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

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer

Patricia Gamer, Secretary

accepted 12-14-11