

**BOARD OF SELECTMEN**  
**DECEMBER 7, 2011**  
**REGULAR SESSION**

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

Absent: John Whelan

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.

Mr. Ed Wiseman recited a poem in honor of those who died in Pearl Harbor on the occasion of the 70<sup>th</sup> anniversary.

Chairman Parker advised the meeting was recorded via audio and video. Mr. George Morse of the Seekonk Star was recording audio.

**NEW CLASS II MOTOR VEHICLE LICENSE HEARING**

**CFK Inova, Inc., d/b/a Showcase Shell, Located at 738 Fall River Avenue, Freidy Elkhoury, Manager**

Chairman Parker opened the hearing at 7:03 p.m.

The applicant was not in attendance. Mr. Cavaco wanted to table for now due to the weather conditions.

The Board returned to this item when Mr. Elkhoury arrived.

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

**VOTED:** 3 Ayes; 1 Nay; To approve the new Class II Motor Vehicle License for CFK Inova, Inc., d/b/a Showcase Shell, located at 738 Fall River Avenue (six vehicles).

The vote: Mr. Rice – Aye; Mr. McLintock – Aye; Chairman Parker – Aye; Mr. Cavaco – Nay. He said he was not comfortable with six vehicles. He would go with five and review when it comes up for renewal.

**CONSENT CALENDAR**

**Consider Approval of Regular Session Minutes for November 16, 2011 and November 28, 2011**

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

**VOTED:** To accept the Regular Session minutes of November 16, 2011.

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

**VOTED:** To accept the Regular Session minutes of November 28, 2011  
(prior to Town Meeting).

**Consider Approval of Renewals for 2012 Class I Motor Vehicles**

Executive Assistant Anne Rogers advised that Class I is new vehicles. Department heads have signed off.

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

**VOTED:** To approve all 2012 Class I Motor Vehicles renewals as presented, with stipulated restrictions (attached).

**Consider Approval of Renewals for 2012 Class II Motor Vehicles**

Ms. Rogers explained these are used vehicles.

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

**VOTED:** To approve all Class II Motor Vehicles renewals as presented, with stipulated restrictions (attached).

**Consider Approval of Renewals for 2012 Class III Motor Vehicles**

Ms. Rogers explained these are scrap dealers. They buy and sell junk cars and parts.

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

**VOTED:** To approve all Class III Motor Vehicles renewals as presented, with stipulated restrictions (attached).

**Consider Acceptance of Technical Assistance Grant under the South Coast Rail Project**

Mrs. Nolan stated that Town Planner John Hansen had informed her that the Board of Selectmen had agreed to this. She asked the Board to sign. It is to write an inclusionary housing bylaw. A consultant will be hired to assist the planner.

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

**VOTED:** 3 Ayes; 1 Abstention; To accept the Technical Assistance Grant under the South Coast Rail project.

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

Prior to the vote, Mr. McLintock said he wanted further information from Mr. Hansen.

Mr. Rice noted that the Board had already approved the application for this grant.

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

**VOTED:** 3 Ayes; 1 Abstention; To authorize Chairman Parker to sign the Agreement with SRPEDD.

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

**OLD BUSINESS**

**Consider Approval of Snowplow Vendors**

Mrs. Nolan advised there are 11 more applications.

A motion by Mr. Rice, seconded by Chairman Parker,

**FAILED:** 2 Ayes; 2 Nays: To accept the applications as presented.

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

In discussion prior to the vote, Mr. McLintock and Mr. Cavaco questioned why they received an e-mail from Mr. Lamoureux at 4 p.m. today. They raised questions about insurance.

Mrs. Nolan noted the need to have drivers ready in case it snows.

December 7, 2011

-4-

Chairman Parker said that these people have CDLs so they must have insurance.

Mr. Rice said the application form simply says they have to have insurance.

Chairman Parker stated that generally there are about 17 vendors plowing for the Town. Right now there are only six. Five withdrew because of the insurance issue. He said it hasn't been a problem in the past, so why is it a problem now.

Mr. Cavaco cautioned if majority of the Board wants to circumvent the law and bodily or property damage occurs the Town will be sued.

Mr. McLintock agreed. He felt the process should be done the right way.

Mrs. Nolan noted that they do have insurance.

### **RECOGNITION OF SEEKONK JR. WARRIORS CHEERLEADERS**

The coach and members of the cheerleader squad were in attendance and recognized by the Board. They placed third in N. E. competition and qualified to compete in National Competition in Orlando, Florida. They are leaving on Thursday and will compete on Saturday. Donations can be made by contacting [www.seekonkjr.warriors.com](http://www.seekonkjr.warriors.com).

### **NEW BUSINESS**

#### **Consider Appointment of Robert Blanchard to Municipal Capital Improvement Committee**

Mr. Blanchard said that he volunteered because people are not interested.

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

**VOTED:** To appoint Mr. Robert Blanchard to the Municipal Capital Improvement Committee.

#### **Consider Approval of Cleaning Service Contract and Sign Contract**

Mrs. Nolan advised that four bids were received to clean the Town Hall and the Public Safety Complex. She recommended awarding the contract to Janitech. This firm also does the Library. They started working prior to going out to bid. She is very happy with their work.

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

**VOTED:** To award a three-year contract for cleaning services at Town Hall and Public Safety Complex to Janitech in the amount of \$35,620 per year.

Mr. Rice expressed concern about the use of cleaning chemicals.

Mrs. Nolan advised they use environmentally safe materials that meet regulations.

Mr. Cavaco commended Mrs. Nolan on her bidding procedures.

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

**VOTED:** To authorize the Town Administrator to sign the contract with Janitech.

**Discussion on ZBA Request to Hire Legal Counsel**

Mrs. Nolan advised that the ZBA Chairman has requested permission to hire outside counsel to represent them in a legal matter. Town Counsel is completely against this.

For the purpose of discussion, a motion was made by Mr. Cavaco, seconded by Mr. McLintock, and it was

**VOTED:** 2 Ayes; 1 Nay; 1 Abstention; To allow the ZBA to hire an attorney.

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

Prior to the vote, Mr. Cavaco referred to Administrative Policy #3 re: legal counsel, which was adopted in 1997 and readopted in July 2002.

Chairman Parker noted that Town Counsel was opposed to this action. They will have to find the money to pay for this.

Mr. Donald Kinniburgh argued that he wanted to speak on this.

Chairman Parker stated that he would have to wait until “Community Speaks”.

**TOWN ADMINISTRATOR’S REPORT**

Discussion on meeting dates for the remainder of the year will be on next week’s agenda.

Mrs. Nolan read a letter of appreciation from Save-A-Pet to the volunteers who made the Santa visits a success.

She announced that liquor stores cannot sell any liquor on Christmas Day because it is a Sunday.

She said there are possibly two vacancies on the Board of Health.

Board of Health Chairwoman Vicky Kinniburgh said it is imperative to get someone on the Board right away. She knew of one person who put in an application. She didn't realize that applications had come in. She felt it was unethical to have two selectmen as the majority on the Board.

Chairman Parker asked the Board to suspend the previous policy to have the candidates come before the Board. There are three candidates for one vacancy at this time.

Ms. Rogers said that the vacancy was advertised.

Mrs. Kinniburgh stated the way the appointments were made speaks very clearly about the intention of the Board of Selectmen.

Mr. Rice referred to the legal opinion from Town Counsel concerning this topic.

Chairman Parker indicated that it is legal and ethical to appoint members of the Board of Selectmen to the Board of Health. However, they may not discuss and may not vote on anything at a Board of Selectmen meeting pertaining to the Board of Health.

Mr. David Saad suggested that the two Selectmen resign from the Board of Health.

Chairman Parker read from page 10 of the Open Meeting Law that no one can address the public body without the Chairman's permission.

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

### **Accounts Payable Warrant**

Mr. Cavaco noted the warrant is in order.

Mr. McLintock said that it is ironic that some of the people raising issues (the previous speakers) really need to be informed about what is happening in this town. A subcommittee of the Board of Selectmen, Mrs. Kinniburgh, Mrs. Nolan and another individual met to address issues. Board members are doing what they were elected to do. He is open to any legitimate complaints.

Chairman Parker inquired about the sign at the entrance to Peck Street. He found out today that on November 21, 2011 DPW had forwarded estimates to the Town Administrator.

It will cost \$800 to \$1,000 for some repairs, up to \$1,200 for extensive repairs, or \$3,000 to \$4,000 for a new sign. The amount appropriated is \$1,000.

Mrs. Nolan said she had not received that information.

Chairman Parker advised a Quad Board meeting was scheduled for Thursday, December 15, 2011, at 6 p.m. at Seekonk High School.

He said the Animal Shelter Building Committee had requested a copy of the initial report from the engineering firm, and the Chair of the Capital Improvement Committee said they could not have it.

Mrs. Nolan advised that it is a public document.

Mr. Rice stated that he is more than extremely disappointed that Dr. Brown intends to resign from the Board of Health. State law requires a physician or someone with comparable experience on that Board. He wanted to make sure this Board would appoint a physician.

Mrs. Kinniburgh noted that Dr. Brown is the one who signs for all the vaccines for the Board of Health.

Mr. McLintock talked about Dr. Brown's letter to the editor which took aim at the appointments made. He took issue with comments made by Dr. Brown. However, Chairman Parker would not allow further discussion in order to protect Mr. McLintock.

### **COMMUNITY SPEAKS**

Mr. Robert Blanchard asked about the ZBA matter.

He suggested the Chair of the Board of Health postpone meeting until a new member is in place.

Mr. Kinniburgh felt that certain department heads should have been in attendance at this meeting.

He said the Planning Board is supposed to do a parking plan.

Mr. Rice noted that the Planning Board signed off on that.

December 7, 2011

-8-

He said that Mr. Wiseman did a nice job on the poem at the beginning of the meeting. But, veteran groups were not invited.

Chairman Parker said nobody was invited. It was brought up tonight.

Mrs. Elly Wiseman said that her husband was not trying to step over the veterans. She felt we should all be thankful to those who gave their lives for us.

At 8:35 p.m., a motion was made by Mr. Cavaco, seconded by Mr. McLintock, to go into Executive Session for discussion of a grievance filed by the Seekonk Police Department, FOP Lodge #5, Local #215 and for approval of Executive Session minutes of November 16, 2011; not to return to Open Session.

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

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer, Secretary