

BOARD OF SELECTMEN
MARCH 28, 2012
REGULAR SESSION

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

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 and asked if anybody in the audience was taping. Jonathan Friedman of The Patch was taping audio.

PUBLIC HEARING FOR LICENSES

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

New Seasonal Beer and Wine License for 822 Fall River Avenue Leasing Corp., d/b/a Cross Roads Convenience to be Located at 822 Fall River Avenue, Demetrios E. Haseotes, Manager

Atty. Eric S. Brainsky and Mr. Daniel S. Carbone, Vice President of the parent company, were in attendance.

In response to Mr. Cavaco's question, Executive Assistant Anne Rogers said that she had the insurance certificate and the sign off sheet.

The Public Hearing closed at 7:07 p.m.

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

VOTED: To approve the new seasonal beer and wine license for 822 Fall River Avenue Leasing Corp.

TGI Friday's Multi Unit Change of Corporate Officers and Directors Located at 1105 Fall River Avenue, Karen Lepore, Manager

Ms. Rogers explained that this is a formality. It has the recommendation of the ABCC.

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

VOTED: To approve the TGI Friday's multi unit change of corporate officers and directors.

LICENSE HEARING

Name Change Class II License from 114A Auto Sales to Ally Motor Group Located at 980 Fall River Avenue

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

VOTED: To approve the name change for Class II license from 114A Auto Sales to Ally Motor Group located at 980 Fall River Avenue.

CONSENT CALENDAR

Consider the Approval of Work Session Minutes of February 21, 2012 and Regular Meeting of February 22, 2012

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

VOTED: 3 Ayes; 2 Abstentions; To accept the Work Session Minutes of February 21, 2012.

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

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

VOTED: To accept the Regular Session minutes of February 22, 2012.

Consider Approval of Seasonal Liquor Licenses

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

VOTED: To approve the seasonal liquor license renewals for Alex's, Inc., Lums Roast Beef Shop, Tranquil Waters, Inc. and Dickey's Barbecue Pit.

OLD BUSINESS

Update on Town By-Law Category 18 Right of Way Opening Re-Write

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

DEFEATED: 3 Nays; 2 Ayes; To table discussion.

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

Mr. McLintock felt it would be better to wait until after the election because there will be new members on the Board. Also, he did not totally agree with the form as written.

Mr. Cavaco noted this requires a public hearing and changes can be made at that time.

Mr. McLintock felt that road cuts should go through the Town Administrator and/or Board of Selectmen, if necessary. He referred to the work done by the gas company on Newman Avenue.

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

VOTED: 4 Ayes; 1 Nay; To approve Town By-Law Category 18 Right of Way Opening.

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

In further discussion prior to the vote, Mrs. Nolan suggested that Mr. Lamoureux provide her with the application whenever he gets one and she would share it with the Board.

Chairman Parker said that could be a policy.

Mr. Rice felt that DPW would be responsible to monitor the road cuts and repairs.

Mr. Lamoureux stated that overtime the road will deteriorate. The only way to stop that is to eliminate road cuts entirely.

Mr. McLintock asked how Mr. Lamoureux determines what type of sealing process is done.

Mr. Lamoureux said they match what is there. He said the infrared process doesn't make sense all the time.

Update on Town By-Law Category 18A New Section – Curb Cut and Driveway

DPW Superintendent Robert Lamoureux advised that the subcommittee had developed a by-law and a permit process. The fee was waived and the cut off date changed to December 1 through April 1.

Mr. Rice questioned the loss of the income.

Mr. Cavaco noted that homeowners are paying taxes; to charge them again is like a double tax.

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

VOTED: 4 Ayes; 1 Nay; To approve the update on Town By-Law Category 18A New Section.

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

Chairman Parker felt there has to be a public hearing, either by the Board of Selectmen or Planning Board.

Update on the Memorial Day Parade with David Viera

Mr. David Viera announced the Memorial Day Parade is scheduled for Saturday, May 26, 2012, at 10 a.m. A collation will follow at the American Legion.

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

VOTED: To approve Saturday, May 26, 2012, as the date for the annual Memorial Day Parade.

Mr. Viera thanked Mr. Whelan for his years of service to the Town.

NEW BUSINESS

Consider Rezone of Residential Property on Arcade Avenue to Mixed Use Presented by John Turner

Mr. Turner, representing TV9 of Seekonk, advised they are looking to purchase 11 acres of property on Arcade Avenue to build a studio. Following approval by the Board of Selectmen, he will go before the Planning Board.

Mr. McLintock asked if the money is coming from taxpayers.

Mr. Turner replied that it comes from Cable 9 subscribers.

Mr. Cavaco asked if Mr. Turner has the owner's permission to rezone.

Mr. Turner felt the first step would be to go to the Planning Board.

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

VOTED: To forward to the Planning Board the request of Cable 9 to rezone property on Arcade Avenue to mixed use.

Consider New Use for the Cable Government Channel; Presented by John Turner

Mr. Turner requested Board approval to allow TV 9 to run government related programs on the government channel from 11 p.m. to 7 a.m. The bulletin board will continue to run.

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

VOTED: To approve the use of the government channel to run government related programs from 11 p.m. to 7 a.m.

Consider Approval of DPW Contract with Cardi Corporation for Bituminous Concrete Overlay

Mrs. Nolan recommended the Board approve the contract.

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

VOTED: To approve the contract with Cardi Corporation for Class I Bituminous Concrete Overlay for three years as follows: \$67.39 per ton in Year One, \$68.89 per ton in Year Two, and \$70.39 in Year Three.

Consider Approval of DPW Contract with Costello Industries for Cold Planing

Mrs. Nolan recommended the Board approve the contract.

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

VOTED: To approve the contract with Costello Industries, Inc for Cold Planing of Bituminous Concrete Overlay as follows:
\$1,773 per square yard in Year One
\$1,774 per square yard in Year Two
\$2,775 per square yard in Year Three

Consider Approval of Changes to Administrative Policies

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

VOTED: To accept Administrative Policy #1 New Employment with the Town.

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

VOTED: To accept Administrative Policy #7 Personnel Records.

Mr. McLintock commended Mrs. Nolan on addressing this. He felt in the future these records should be archived through a system approved by the State.

Mrs. Nolan said the State requires hard copies of personnel records. The Town Clerk has started the process of archiving some documents.

#8 Reserve Fund Transfers stays the same.

Mrs. Nolan recommended the approval of Administrative Policy #9 Town Engineer.

Mr. Whelan asked why Mrs. Nolan did not check with Mr. Lamoureux and Mr. Cabral.

Mrs. Nolan responded that it is the same policy since 1985.

Mr. Lamoureux asked to read the document.

Postponed until the April 4 meeting.

Mrs. Nolan advised that Administrative Policy #10 ADA Nondiscrimination and Grievance Procedure had to be completely rewritten because of changes in the law.

It names the Town Administrator as the person an employee would go to with a possible grievance because of a handicap. The Town Administrator would have to conduct an investigation and provide a written determination.

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

VOTED: 4 Ayes; 1 Nay; To accept #10 ADA Nondiscrimination and Grievance Procedure.

The vote: Mr. McLintock – Aye; Mr. Whelan – Aye; Mr. Cavaco – Aye; Chairman Parker – Aye; Mr. Rice – Nay. Mr. Rice wanted to a legal opinion.

Consider Job Description for Part Time Executive Assistant in Town Administrator's Office

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

VOTED: To accept the job description for part time Executive Assistant in the Town Administrator's office.

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan noted that the Board had voted not to meet on April 11, 2012 in order to attend Bicentennial events at the schools.

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

VOTED: To declare the generators at Old Town Hall and at DPW as surplus and establish a minimum bid amount for the generator at Old Town Hall.

Mrs. Nolan read a thank you note from a family to firefighters who responded to their home. The firefighters are: Adam Clement, Matthew Owens, Peter Burke, Michael Healy, Sandra Lowery, Brian Rainey, Joseph Gibbons and Steve Sarcione.

She announced that Seekonk Parks and Recreation is sponsoring a Circus Night at the Dunkin Donuts Center on Saturday, May 5, 2012. Tickets are \$27 and can be purchased until April 5th.

She said the group reviewing the engineering proposals is prepared to recommend five or six firms to the Board. She noted that Weston & Sampson is not in the final selection but should be afforded an interview because it has worked in the Town for many years.

Interviews will be scheduled for two Thursdays in May. Once the schedule is set, she will provide the Board with documents and prices.

She will work with Mr. Lamoureux on questions.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Mr. Cavaco advised that the warrant is in order.

Evaluation Procedure on Six Month Review of Town Administrator

Chairman Parker said the contract does not call for a six-month evaluation but it was discussed at a previous meeting. Members should write comments based on the job description and submit to the Chairman within the next few weeks. Mr. Cavaco has already done so.

Mr. Rice didn't think it was the proper way to conduct an evaluation and he will not do it.

Reorganization Procedures for Meeting of April 4, 2012

Reorganization of the Board will take place after the public hearing.

Mr. Whelan reflected on his nearly ten years as a member of the Board of Selectmen. He thanked residents for their support.

Mr. Cavaco felt that road opening permits should be done through the Administrative Policy.

He had correspondence re: the 25% design for the 114A project. He requested that the Town Administrator check with the Town Engineer and report back to the Board.

Mr. Rice mentioned a letter from Mr. Marc Schiliro who thanked Anne Rogers, Mary McNeil, and Diana Faria for their assistance.

Mr. Rice felt that Town Hall employees should be thanked more often.

Mr. McLintock said he received an e-mail from GPI re: modifications on Route 152 near the Hess station. Newman Avenue will be widened through the lights.

COMMUNITY SPEAKS

Mr. David Saad asked that Mr. Parker recuse himself because his comments concern the upcoming election.

He heard that one of the candidates' nomination papers had signatures that were not quite right.

He distributed a copy of the case law handed down, which clearly states that nominations papers cannot be certified if there are forged signatures on those papers.

He expressed concern that the process is tainted. The Town Clerk should not be involved because her husband is running.

Vice Chairman Cavaco asked if there was any ruling from the State that these signatures were fraud. If not, the conversation was ended.

Mr. Saad said that some of the signatures were removed.

Mr. Blanchard suggested an evaluation process where Mrs. Nolan would do a self-evaluation and then discusses it with the Board.

Mr. Gary Sagar stated that on February 14, 2012 he submitted 192 signatures as a candidate for the Board of Selectmen. On February 22, he received a letter from the Town Clerk certifying his signatures and candidacy.

Now a few days before the election, a previous speaker comes forward in an attempt to damage his reputation. He refers to the Town Clerk who should not be involved because her husband is a candidate. Mr. Sagar welcomed an investigation of any sought. He felt it was totally uncalled for on the part of Mr. Saad.

Executive Assistant Anne Rogers told the Board that Mrs. Nolan is the best Town Administrator she has worked for in the six years she has worked in Seekonk.

Mr. Al Silva asked why it took so long for a six-month evaluation.

Chairman Parker noted it is not required under the contract. In January, the Board agreed to write comments and give to the Chairman.

Mr. Sagar reminded residents to vote. He requested the reminder go out to residents via the Reverse 911 system.

Chairman Parker said it would be done on Sunday.

Mr. Sagar extended best wishes to all five candidates.

Mr. David Viera said that he has forms available for any organization that wants to participate in the Memorial Day Parade.

Mr. Nelson Almeida, candidate for Board of Selectmen, thanked residents for their support. He urged people to vote on Monday.

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Mrs. Christine Allen expressed concern that her non-published telephone number was given to people calling for support of the senior center.

Mr. Ed Wiseman thanked Mrs. Nolan for doing more than any other administrator.

He thanked Mr. Whelan for his years of service.

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

VOTED: To dissolve at 9:20 p.m.

Respectfully submitted,

John Whelan, Clerk

Patricia Gamer, Secretary