

**BOARD OF SELECTMEN**  
**APRIL 4, 2012**  
**REGULAR SESSION**

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

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 welcomed newly-elected member Gary Sagar.

Chairman Parker announced the meeting was recorded via audio and video. He asked if anybody in the audience was taping. Mr. Jonathan Friedman of The Patch was recording audio.

**PUBLIC HEARING FOR LICENSE VIOLATIONS**

- A. To Hear a Violation Against a Liquor License Issued to Country Liquors, Inc., d/b/a Country Liquors Located at 1205 Fall River Avenue, Seekonk, MA 02771, George Collias, Manager, for Selling Alcohol to a Minor**
- B. Consider Modification, Suspension, Revocation or Cancellation of Liquor License for Country Liquors, Inc., d/b/a Country Liquors**

Chairman Parker opened the hearing at 7:02 p.m.

Mr. Sagar requested that all witnesses be sworn in because this involves a license infraction.

Police Chief Ronald Charron was sworn in by Chairman Parker. The Chief introduced Mr. Collias, Town Counsel Jeffrey Blake, and Det. Charles Mello.

Chief Charron read the facts of the case from the police report regarding the sale of liquor to a juvenile female from Barrington, RI.

Atty. Blake clarified that the report is the narrative of Dt. Charles Mello entered March 9, 2012 and modified on March 16, 2012.

Mr. George Collias, owner of the business, was sworn in. Mr. Collias stated that he wasn't in the store. He felt that Det. Mello reported on what he witnessed or what was told to him by the juvenile female. He didn't know if it was accurate. Mr. Collias spoke to Mr. Whelan. He noted that employees do not wear ID tags.

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He added that he is not saying it wasn't John Whelan. It was John Whalen in the store, but employees do not have ID tags, and Mr. Whelan never had an ID tag.

Due to the inconsistencies of this person from Barrington involved in misrepresenting herself and how she is saying there was a name tag, Mr. Collias questioned her credibility. He is not disputing that it happened; clearly it did happen.

In speaking and scolding Mr. Whelan, he said that she had been in the store before and she had an ID.

Mr. Collias continued that occasionally in a business like this the clerk is familiar with the person. This person had been in the store when Mr. Collias worked and attempted to purchase from the store. He asked for ID and proof of birth. She didn't have it, so he asked her to leave. She had an attitude because he wouldn't sell to her.

The public hearing closed at 8:52 p.m.

Atty. Blake recommended a five-day suspension. Chief Charron and Mrs. Nolan concurred.

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

**VOTED:** 4 Ayes; 1 Nay; To suspend the liquor license of Country Liquors located at 1205 Fall River Avenue, Seekonk, MA from April 9 through April 13, 2012 and that documentation that employees received some type of training is provided to the Board of Selectmen.

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

Prior to the vote, Mr. Cavaco said that he could not accept the recommendation of Town Counsel. He noted that in January a business in Town was suspended for 30 days. This case involves a 15 year old child who purchased liquor. He felt if this Board votes the five-day suspension, they are sending the wrong message to this community.

Mr. McLintock said he does not disagree with Mr. Cavaco's comments. However, the Board is not in the business of putting people out of business. He cautioned Mr. Collias about applying for any future liquor licenses.

Mr. Rice agreed that the Board should not put anybody out of business.

### **REORGANIZATION OF THE BOARD.**

Chairman Parker noted that traditionally the senior member of the Board takes over as chair and the vice chair by the next senior member. If the Board wishes to follow that policy, it would be

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Mr. Cavaco and Mr. McLintock. Mr. Sagar would be clerk. Mr. Rice does not want to be an officer.

Chairman Parker nominated the slate of officers, Mr. Cavaco motioned, and it was unanimously

**VOTED:** That Mr. Cavaco serve as Chairman, Mr. McLintock, Vice Chairman, and Mr. Sagar, Clerk.

### **CONSENT CALENDAR**

#### **Approval of Regular Session Minutes of February 29, 2012**

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

**VOTED:** 3 Ayes; 1 Abstention; To accept the regular session minutes of February 29, 2012.

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

### **CONGRATULATIONS TO FIRE ACADEMY GRADUATES**

Mrs. Nolan advised that Chief Jack, Chairman Cavaco, and she attended the graduation in Stowe, MA. on Friday afternoon. She was very impressed with that facility and the number of graduates. Seekonk Firefighter Brandon Miranda graduated.

### **OLD BUSINESS**

#### **Update on Veterans' Park Memorial Committee**

Mr. Gilbert Woodside stated that the membership is at five members. Frank Cordeiro submitted a talent bank form, and they are in search of a 7th member.

So far, they have had two formal meetings to get the concept going. They decided they needed leadership and structure for the committee.

He was elected Chairman, Tom Rubel (Doc), Vice Chairman; Donald Kinniburgh, Treasurer; Nicholas Rondeau, Secretary; Russ Horsman, resident veteran on the committee; and Seth Bai, publicity.

They looked into finding a company to make bricks. They contacted the Town of Swansea because they had done a similar project. They found a company owned by a Seekonk resident that would provide a top quality product at a good price. They have been contacting foundries

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for wording on the plaque. They hope to have it complete for dedication at the Bicentennial Veterans Day Ceremony.

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

**VOTED:** To authorize the Veterans Park Memorial Committee to use the area outside Town Hall as a memorial garden.

### **Consideration on Lifting the Moratorium on the Temporary Signs**

Chairman Cavaco said that he had asked that this Board meet with the Planning Board after the election.

Mr. Parker stated that a previous attempt to pass a zoning by-law failed and could not go back to Town Meeting until a year from this coming May.

Mr. Sagar felt it could if it was recommended by the Planning Board.

Planning Board Chairman Neil Abelson said it was given to the Planning Board through the Building Commissioner. He felt the Planning Board could be ready for the upcoming Town Meeting. There has to be a public hearing.

Ms. Deborah Hough asked that the Board lift the moratorium and revert back to the original bylaw.

Mr. Sagar said the moratorium was put there for a reason. Unfortunately, it has gone too long. If they lift the moratorium they will lose the urgency to get this done. He said there are signs that shouldn't be there, but some signs will be there no matter what regulations are in place. He would like to see what the Planning Board can do at Town Meeting.

Ms. Hough said there is a person in the Building Department whose job is to enforce the bylaw.

Mr. Abelson noted it is a zoning issue.

Mr. Rice wanted to go on record as voting to lift the moratorium.

Chairman Cavaco would like to see the zoning enforcement officer start removing the signs immediately.

Mrs. Nolan felt it was a good idea to lift the moratorium. Mr. Fricot could start removing signs as soon as the moratorium is lifted.

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

**VOTED:** 4 Ayes; 1 Nay; To life the moratorium on the sign bylaw.

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

### **NEW BUSINESS**

#### **Consider Approval to Extend a Conditional Offer of Employment for a Police Officer**

Chief Charron requested permission to extend conditional offer of employment to Jaime Benker. It is a replacement for a retirement. Mr. Benker is from the area but presently employed by the Goodyear, Arizona Police Department. His employment is contingent on Massachusetts accepting his academy time from Arizona and that he completes the physical ability, psychological evaluation and background evaluation.

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

**VOTED:** To offer conditional employment to Jaime Bender, effective immediately.

#### **Discussion on FY 2013 Budget for Veteran Services**

Mr. Parker asked why the benefits portion of the budget increased from \$65,000 this year to \$123,500 for next year.

Mr. Bai explained that there are 12 new cases and medical coverage has increased. He just processed 11 welcome home packages equal to about \$3,000 each.

Mr. Bai felt that was not an accurate figure. He will work with Finance Director Bruce Alexander and report back to the Board in two weeks.

He noted that the Town is reimbursed 75% from the State of Massachusetts.

Chairman Cavaco noted that the former town administrator did not want to participate in paying the insurance for veterans.

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

Mrs. Nolan advised that Earth Day is on Sunday, April 22, 2012. Boy scouts will clean Gammino Pond. Household Hazard Day is on Saturday, April 21, 2012, at the Town Hall parking lot. Residents must call the Board of Health for an appointment.

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The Seekonk Public Library received a \$98,000 grant for presenting programs on financial planning. There will be a program on Saturday, April 21, 2012, at Johnson & Wales Inn. Residents who are interested must call the library to reserve a space.

The Board of Selectmen will not meet on April 11 in order to attend the pasta supper sponsored by the schools. This is part of the bicentennial events. Tickets are \$5 for adults, \$4 for seniors, and \$3 for children. It will be held at Seekonk High School.

Seekonk Parks and Recreation will sponsor the circus on Saturday, May 5, 2012. Tickets are \$27. The deadline to purchase tickets is April 24.

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

### **Accounts Payable Warrant**

Chairman Cavaco reported that the warrants are in order.

### **Evaluation Procedure on Six Month Review of Town Administrator**

Mr. Rice distributed a suggested form for review.

Mr. McLintock said he had other forms which he will e-mail to Ms. Rogers to distribute to all members.

This item will be on the April 18<sup>th</sup> agenda.

Mr. Rice suggested the Board not put this off. It was supposed to be six months and it is going on 9 to 10 months.

Mr. Sagar suggested they should wait for a one-year evaluation.

Mrs. Nolan said she liked the format that was distributed.

Mr. Rice felt that the Board should have input on the evaluation form for department heads.

Mr. McLintock concurred.

Mr. Sagar took exception to the way the Board signs warrants. He felt it should be an agenda item and voted by the Board.

Questions arose if the Board did not meet every week.

Mrs. Nolan will get a legal opinion

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Mr. Sagar requested a quad board meeting (Board of Selectmen, Finance, Schools, and Capital Improvement) to discuss consolidation of departments. He suggested the beginning of May and that the meeting should be broadcast live.

Mr. Sagar invited the Town Clerk and registrars to attend a future meeting to discuss the recent election.

Mr. Sagar said he spoke to Mr. John Turner about the possibility of Cable 9 purchasing the building on School Street. If there is an interest, it should be an agenda item.

He questioned why the Town is holding onto these unused buildings.

Board members had no problem with Mr. Sagar's request to continue to work with the Fire Chief on a location for a south end fire station.

Mr. McLintock noted that the issue with a business in the north end had been resolved.

Mr. Rice added that it was a win, win, win.

Mr. Parker advised that the Town has 250 tickets for Seekonk Day at McCoy Stadium in July. Tickets are \$27 each and include the game, barbeque, and fireworks.

Chairman Cavaco asked Mrs. Nolan to send an e-mail to department heads and board members that agenda items must be submitted to the Town Administrator's office by noon on Thursday.

He asked if the newest member of the Finance Committee had resigned. According to Article 7 of the Charter, a member of the Finance Committee or Capital Improvement Committee cannot serve on any other committee.

Chairman Cavaco would like an agenda item for April 11 to discuss legal services.

Meetings were scheduled for April 12 and 19, 2012 to interview engineering firms.

Chairman Cavaco asked Board members to think about the possibility of meeting every two weeks.

### **COMMUNITY SPEAKS**

Mrs. Ellie Wiseman felt that candidates should be CORI checked.

Mrs. Nolan said that it can't be done according to the law. There has been a lot of controversy around CORIs.

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Mr. Bob McKenna raised several issues. He said that Mr. McLintock upset Mr. Turner at the previous meeting because he kept referring to taxpayers' money when talking about Cable 9.

Mr. McKenna added that just before the election he got a phone call bad mouthing Mr. Parker and his wife.

There isn't a person on this Board that does not have a conflict of interest.

He felt that Mrs. Parker, Mrs. Krekorian, and Mrs. Hart are three musketeers who have done so much for this town.

Mr. McKenna stated that he has an issue with Mr. Cavaco spending a lot of time at Town Hall. He felt that he is micromanaging. As an elected official, Mr. Cavaco should not disturb the Town Administrator. He said there was talk about rules and regulations from 1985 and how they apply to Mr. Lamoureux and DPW.

Mr. Nelson Almeida, a candidate for the Board of Selectmen, said the majority of the concerns he heard related to the Luther's Corner traffic jams. He suggested the installation of cameras from 4 to 6 p.m.

Mrs. Nolan said the State does not want to do anything at Luther's Corner. The Town Planner has a committee of residents studying that. She has spoken to the Police Chief at length. It would be easy to put a left hand signal coming up from East Providence, but the state does not want to do it.

Mr. Parker felt the State would not object to cameras.

Mr. Sagar suggested the Board request assistance from Rep. Howitt.

At 9:52 p.m. Mr. McLintock motioned, seconded by Mr. Sagar, to go into Executive Session per Chapter 30A, Section 21, for fire settlement and approval of Executive Session minutes of October 26, 2011 (corrected), February 22, 2012 and February 29, 2012; not to return to Open Session.

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

Mr. Parker excused himself due to negotiations.

Respectfully submitted,

Gary Sagar, Clerk

Patricia Gamer, Secretary



