

BOARD OF SELECTMEN
APRIL 25, 2012
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Chairman Cavaco called the meeting to order at 7 p.m. In accordance with M.G.L. Chapter 30A, Section 20, he asked if anybody in the audience was taping. The Board of Selectmen was recording the meeting via audio and video.

Boy Scouts Troop 1 led in the Pledge of Allegiance.

CONSENT CALENDAR

Recognition of Troop 1, Seekonk (in Attendance) for Their Citizenship in the Community Merit Badge

Mrs. Nolan welcomed the scouts.

Troop Leader David P. Whitman thanked the Board for recognizing the scouts. Attendance at a Board of Selectmen meeting or similar type governmental meeting is a requirement of securing the merit badge.

Preservation and Acceptance of Gifts from the Town Clerk for the 200th Anniversary of the Town

Town Clerk Janet Parker presented a poster made by preschoolers at the YMCA. She also had Citations from the City of Pawtucket, Sheriff Thomas Hodgson, Sen. Scott Brown, and Sen. John Kerry, a Joint Resolution from Rep. Steven Howitt and Sen. James Timilty, and the flag flown over the U. S. Capital and the accompanying Proclamation.

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

VOTED: To accept the gifts for the 200th Anniversary of the Town.

Consider Approval of Regular Session Minutes from March 28, 2012

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

VOTED: To accept the Regular Session minutes of March 28, 2012.

OLD BUSINESS

Update on Town Hall Sign

Mrs. Nolan advised that she had not heard from the owner of the property. The sign is ready. Mr. Cabral and Mr. Alexander suggested putting a Town Hall sign on the same pole as the street sign.

Mr. Parker said that he spoke to the property owner a month ago. She instructed her attorney to give the Town permission to put the sign on her property.

Mr. Sagar suggested consulting with the Building Commissioner.

NEW BUSINESS

Discussion with Tom Lennon from Keller & Williams Regarding 495 Central Avenue

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

VOTED: To continue the matter until May 9, 2012, as requested by Mr. Lennon.

Consider Re-Appointment of Christine DeFontes as Town Treasurer/Collector

Tabled until later in the meeting.

Upon Mrs. DeFontes' arrival, Mrs. Nolan said that Mrs. DeFontes has never let her down. She would hate to lose her. She is very proud of the Finance Department.

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

VOTED: To reappoint Mrs. Christine DeFontes as Town Treasurer/Collector.

Board members had positive comments about Mrs. DeFontes' job performance.

Discussion with the Town Clerk and the Board of Registrars with Reference to Election Matters

Mr. Sagar commended Mrs. Parker and the Board of Registrars for the great job they did during the recent election. He noted that 26.91% of the 9,241 eligible voters turned out. He was at the polls for 11 hours, and he noticed that 30% of voting occurred between 7 a.m. to 12 noon.

Mrs. Parker stated that absentee ballots doubled.

April 25, 2012

-3-

Mr. Sagar felt that the workers need to be more conscious about where they park because people were looking for parking spaces. Also, the school scheduled an event in the auditorium.

Mrs. Parker said that poll workers have been told to park in the back. During the presidential election, poll workers and people who hold signs for candidates will be instructed to park in the church parking lot across the street.

Mr. Sagar said there were 450 blanks in the Selectmen's section. He asked how the machines count an over vote or under vote.

Mrs. Parker explained that an over vote gets kicked out and the voter gets a chance to take another ballot. Otherwise, none of those votes count.

Mr. Sagar suggested a voting booth at Town Hall to provide privacy for people voting an absentee ballot.

Mrs. Parker said they usually sit at the table outside her office. She noted that she hasn't heard any complaints about privacy.

Mr. Sagar questioned the function of the Board of Registrars.

He requested that Mrs. Parker look into moving the election from April to November.

Discussion with the School Committee for Annual Town Meeting – Consider Date Change from June 25, 2012

Superintendent Madeline Meyer and School Committeeman John Bilodeau were in attendance.

Supt. Meyer stated that they had assumed the Town Meeting would be on June 18. They found out two weeks ago it is on June 25. She noted that the Town Meeting has never gone beyond the school year.

Pink slips have gone out to teachers, pending Town Meeting. They can be recalled the day after the Town Meeting if it is held on June 18.

Mr. McLintock said that unemployment compensation starts the day after school closes; it doesn't make much sense to do this if these teachers will be called back to work.

Mrs. Nolan expected the warrant would be ready by the May 9th meeting. She doesn't have a problem with June 11 or June 18 for the Town Meeting.

Town Moderator Michelle Hines agreed with those dates.

April 25, 2012

-4-

Supt. Meyer will check on the availability of the high school on June 11.

Mr. Rice noted it does not have to be at the high school.

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

VOTED: That the regular Town Meeting be moved back to June 11, 2012 (first choice) or June 18, 2012 (second choice).

Mr. Sagar suggested 6 p.m.

Mr. Parker said it was too early for people who work.

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

VOTED: 3 Ayes; 2 Nays; To change the time for Town Meeting from 7 p.m. to 6 p.m.

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

Consider a Special Town Meeting Within Annual Town Meeting

Consider Article for Senior Center Funding

Consider Article Restricting Board of Selectmen Members Serving on any Other Town Board

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

VOTED: To set a Special Town Meeting within the Annual Town Meeting to convene at 6 p.m.

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

VOTED: To place an article for senior center funding on the Special Town Meeting Warrant.

A motion by Mr. Parker, seconded by Mr. Rice, for an article to amend the Bylaws concerning Board of Selectmen serving on any other town board was withdrawn.

Mr. Sagar suggested the warrant for the Special Town Meeting remain open for a week to allow more time to consider the article.

Chairman Cavaco asked why this was coming forward.

Mr. Parker explained that the Board, with the exception of Mr. Sagar who was not a member at the time, received quite a bit of public criticism for appointing BOS members to the Board of Health. They felt it was the right thing to do to prevent the Board of Health from going below a quorum.

Chairman Cavaco noted that two years ago he brought forth an article that any member of the Board of Selectmen is not appointed to other boards unless authorized by state statute. It was rejected by the Board. If it had been accepted, this would not be an issue now.

Mr. McLintock said the Board of Health issue was brought to the Board, and Mr. Parker, as chairman, dealt with it. He felt the Board of Selectmen deserves credit for trying to do the right thing.

Mr. Rice said to have unusually powerful members of the Board of Selectmen serve on appointed boards is a misuse of power. He does not like it and will continue not to like it. He questioned why they have to wait a week for a vote.

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

VOTED: 4 Ayes; 1 Nay: To close the Special Town Meeting Warrant at the end of the May 2, 2012 Board of Selectmen meeting.

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

Discussion and Set Date for Public Hearing with Regard to the FY 2013 Budget

Mrs. Nolan advised that the Charter states the Board of Selectmen and School Committee must conduct separate public hearings on the budget. It takes two weeks to advertise. She does not have the School Department budget.

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

VOTED: To schedule the public hearing on the FY 2013 budget for May 23, 2012.

Discussion on Legal Opinion on Town Charter Language of “What an Officer Is”

Mrs. Nolan stated that the legal opinion is specific to a member of the Parks & Recreation Committee serving on the Finance Committee. This would have to be addressed on a one by one basis. It would depend on the person’s fiduciary responsibility. Town counsel is doing research.

April 25, 2012

-6-

Mr. Rice felt the legal opinion is very clear.

Mr. Sagar suggested a conference call between town counsel, Mr. Rice, and Mr. McLintock.

Mr. Rice had no problem with that, but he added that the Board knows how he feels.

Decision on DOR Opinion on Selectmen Signing the Financial Warrant

Mrs. Nolan stated that she has not had time to clearly process the opinion.

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

VOTED: To table until the next meeting.

Discussion on Gary Sagar Serving as ZBA Alternate and Appoint if So Voted

Mr. Sagar left the room.

Mr. Ed Grouke, Chairman of the ZBA, spoke in favor of Mr. Sagar as an alternate. That Board is shorthanded right now. There are four regulars and one alternate (Jeff Creamer). The alternate will become a full member.

Mrs. Nolan read from the legal opinion which recommends an article for the upcoming Town Meeting warrant to allow the Board of Selectmen to make such appointment of a member of the Board of Selectmen.

Mr. McLintock noted that Mr. Sagar is qualified to serve on that Board. He has been on the ZBA for about ten years.

Mr. Parker felt the Board should wait.

Mr. Rice said it is pretty clear from his prior comments that he does not philosophically agree. He is bothered that Mr. Grouke feels the ZBA is ineffective unless they have an alternate. He suggested tabling until the next meeting.

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

VOTED: 4 Ayes; To indefinitely postpone discussion on Mr. Sagar serving as an alternate on the ZBA.

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

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan advised that she has been attending the building committee meetings – Banna, animal shelter, and senior center.

The Banna Fire Station is moving along. The Chairman will probably come before the Board to request permission to hire an architect. The front of the building will be cinder block and the back modular.

The senior center will go to Town Meeting for a vote. At the last meeting, they talked about the RFP. They have been talking to the Atty. General's office. The requirements for modular are 100% different.

The Animal Shelter Building Committee reviewed estimates on different options. They need to decide whether to go with a new building or an addition.

Mrs. Nolan commended the members of these building committees.

Mr. McLintock congratulated Mrs. Nolan for her involvement with these projects. He noted that the ability given by the State to use modular buildings is very difficult to learn because of the way it is structured by the State. He said Mrs. Nolan is doing an excellent job which will result in huge savings to the Town.

There was discussion as to whether the committees need to come before the Board of Selectmen since they are working with the Town Administrator as the Board's representative.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco stated that the warrants are in order.

Mr. Rice questioned why an appointment can't be made to the Board of Health. There are two talent bank forms and one vacancy.

Mr. Parker announced that the grand opening of the Seekonk Meadows is scheduled for Saturday, June 23, 2012, beginning at 12 noon. Several activities are planned.

In celebration of the Town's 200th Anniversary, the Lions Club will hold a barbeque on Sunday, June 24, 2012 at the Hurley School from 1 to 6 p.m. The Paw Sox game is scheduled for Saturday, July 7, 2012. The first 100 tickets are sold.

The boy scouts came forward to meet the Selectmen.

April 25, 2012

-8-

Mr. McLintock said there were a few minor problems at the 152 project; which, hopefully, will be resolved within the week. There are 25 Verizon poles that need to be addressed.

Mr. Sagar announced the Lions Club will plant a tree at the Aitken School on Saturday at 10:30 a.m.

He inquired about a date for the quad board meeting.

Mrs. Nolan said that there was a date but it was cancelled.

Mr. Sagar wanted residents to know that conversion from oil to natural gas would require excavation in roadways.

Chairman Cavaco noted that requests have to be made at least nine months in advance.

Mr. Sagar said he met at the School Street building with Mr. Lamoureux, Mr. Turner and Mr. Fountain of TV 9. The building does not suit the needs of TV 9.

There was discussion about the use of that building. It is deteriorating. It has asbestos floor tiles and lead paint in the basement. It sits in a residential area. Mr. Sagar talked to the Building Commissioner. He would like to see a warrant article for Town Meeting to declare the building as surplus and sell it. He requested an agenda item for next week.

Mr. Parker concurred. He felt the Town has got to move to get rid of surplus property.

Chairman Cavaco asked Mrs. Nolan to find out what other buildings, land, and foreclosures are available for sale as surplus.

Mr. Sagar said that Mr. Blanchard and he had recommended that money raised from the sale of surplus property go into capital improvements. The Chairperson of the CIC looked into it. Mr. Alexander said it could not automatically be done.

Mr. Rice agreed that such funds should be earmarked directly for the Capital Improvement Committee.

Mr. McLintock felt that the Town should shelter the revenue from the food tax.

Chairman Cavaco said that somewhere along the line there will be a Prop. 2 ½ override.

Mrs. Nolan advised that the Community Preservation Commission awarded \$100,000 to the Historical Commission for asbestos removal at the old town hall. It will be regulated in the lease.

April 25, 2012

-9-

Chairman Cavaco said he has been working with Sen. Timilty to try to get \$180,000 from the transportation bond for the light at Arcade Avenue and Rte. 44. It is not possible at this time. He will continue to pursue it.

He got an e-mail from the Chairman of Professional Licenses regarding additional licenses; however, there was no indication of how many. He will follow up with another e-mail.

He is getting complaints about the conditions of the pavement on Newman Avenue.

He requested that Town Engineer David Cabral attend the May 23, 2012 meeting to discuss possible problems with the 25% design on the 114A project.

Chairman Cavaco announced the Board would not meet on May 16th.

The appointment to the Board of Health will be made at the May 2nd meeting.

Chairman Cavaco referred to a decision by the State Attorney General's office denying a complaint re: Foxboro's violation of the open meeting law.

The State Atty. General Office's ruled that the chairman alone decides who will speak at a meeting, and the chairman can refuse comments from the audience. The Board has no obligation to put any particular matter on the agenda.

Chairman Cavaco suggested that Board members should e-mail him with any items to be included on an agenda.

COMMUNITY SPEAKS

Town Moderator Michele Hines advised a Healthy Kids Day is scheduled for Saturday from 10 a.m. to 2 p.m. at the YMCA.

She is of the opinion that not only the Board of Selectmen but a member of any Board should not serve on more than one Board at a time. She said that vacancies on boards should be advertised.

In response to Mr. Sagar's comments, Ms. Hines said the reason why building committees come before the Board of Selectmen is because previously the only time anybody heard from them was on town meeting floor. This way everybody is informed.

Mr. Parker noted that it is sufficient to advertise board vacancies on the website and local cable TV.

Mr. Robert Blanchard asked about the procedure for appointments to boards when terms expire.

April 25, 2012

-10-

Mr. Rice said talent bank forms are considered when a vacancy occurs. Existing members are reappointed if they want to when terms expire.

Mr. Sagar suggested completing a talent bank form because some times people are reappointed because there are no other candidates.

Mr. McLintock said that it is difficult to replace a person that has done a good job.

Mr. Ed Wiseman suggested that the Seekonk Meadows should be named after Mr. Kenneth Largerquist.

Mr. Parker said the Board of Selectmen has nothing to do with that. It was done by a separate committee with private money.

Mr. Nelson Almeida stated that he thought the appointment of Mr. McLintock and Mr. Cavaco to the Board of Health was temporary. Following the election, he completed a talent bank form. He understood that Mr. Cavaco had resigned from the Board of Health. He asked if Mr. McLintock would resign if two people completed talent bank forms.

Mr. McLintock responded that he would not resign until the job is done or if the Board does not want him then he would be more than happy to step down.

Mr. Almeida felt that the plaza on Route 6 where Bobs Store is located needs to be spruced up.

Mr. Sagar noted that unless there is a health hazard or code violation the Board has no jurisdiction.

Ms. Karen Perkins expressed concern when it comes to people being on more than one Board.

On a personal note, she thanked the Board for the card and the police and fire departments for taking care of her mother.

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

VOTED: To dissolve at 9:05 p.m.

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

Respectfully submitted,

Gary Sagar, Clerk

Patricia Gamer, Secretary

