

BOARD OF SELECTMEN
MAY 2, 2012
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Chairman Cavaco opened the meeting at 7 p.m. followed by the Pledge of Allegiance.

He advised that in accordance with M.G.L. Chapter 30A, Section 20, any person recording must notify the Chairman. This meeting is taped via audio and video.

PUBLIC HEARING

Request from BJ Wholesale Warehouse for a Fueling Permit to Store Flammable Fuel at Their New Location at 175 Highland Avenue

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

Atty. Steven Navega, 447 Taunton Avenue, stated that this project has been on going since December 2010. The ZBA, Planning Board, Board of Health, and Conservation have approved. The appeal periods have expired. He requested a license for storage of the fuel. This is 40 acres of land in a highly business zone. It is very instrumental to the infrastructure of the Town and will created many jobs.

Civil Engineer Joe Casali of 300 Post Road, Warwick, RI and Engineer Jim Vita explained the plans.

The Public Hearing closed at 7:11 p.m.

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

VOTED: 4 Ayes; 1 Nay; To approve the request from BJ Wholesale Warehouse for a fueling permit to store flammable fuel at its new location at 175 Highland Avenue.

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

Chairman Cavaco advised that he contacted the Public Records Division of the Atty. General's Office in order to amend the agenda to address the fire that happened yesterday at 36 Maple Avenue.

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Capt. Michael Healy stated that the issue of discussion is the gas leak and the response from Columbia Gas. The building was condemned four years ago and the owner did not take any responsibility. The Town was notified that all utilities were shut off.

At 3:45 p.m. a gas line in the rear of the building was struck by an excavator doing work in the back. Fortunately, nobody was hurt. People were evacuated immediately. Chief Jack made a call to Columbia Gas and a second call about 15 minutes later.

At 4:28 p.m. (43 min after the initial call), a Gas Company representative showed up at the scene. He was under the assumption it was a minor leak. He was not told of the severity of the call. They were told a service crew was on route.

Capt. Healy located a valve on Central Avenue but could not turn it off.

At 6:32 p.m. the gas leak was finally shut off when Capt. Healy and the Rehoboth Fire Chief located a shut off under a pile of leaves on Maple Avenue. The representative from the gas company was also there.

For 2 hours and 47 minutes, natural gas was active and expelling into the air at a fire scene.

Capt. Healy felt the response was slow, unprofessional and pretty much lackadaisical. Eventually, the service crew showed up. They dug a hole on Maple Avenue, cut the 6" feed coming in and capped it. The work was completed at 1:39 a.m. this morning.

Mr. Parker concurred with Capt. Healy. It was a totally inappropriate response to a life-threatening situation.

Mr. Rice thanked Capt. Healy for the professional manner he solved the problem. He also thanked Chief Jack and the firefighters. He noted that he was at the scene and could hear the gas hissing.

Mr. McLintock commended Capt. Healy and the fire department as well.

Mr. Sagar explained that when the building collapsed four years ago it was condemned and people moved out. The gas company (Bay State Gas) at the time indicated all utilities were off.

Mr. Sagar said it is an absolute miracle that nobody was hurt and it is totally unacceptable.

He spoke to the Fire Chief, and he has his approval and support of the following motion.

Mr. Sagar motioned, seconded by Mr. McLintock, and it was unanimously

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VOTED: That the Board of Selectmen, through the Town Administrator and Fire Chief, demands a full investigation by the Mass. Dept. of Public Utilities and Mass. Dept. of Public Safety or any other regulatory agency responsible for oversight of Bay State Gas or their successor entities; namely, Columbia Gas Co. of Massachusetts as to the circumstances which allowed high pressure gas at 36 Maple Ave. to remain active and operational as of May 1, 2012, years after they stated all gas to that location had been disconnected.

In discussion prior to the vote, Mr. Rice asked if the Town has documentation that the gas company stated the gas was shut off.

Mr. Sagar said that he believed the Chief has a record and he (Mr. Sagar) has a personal knowledge of being there with the Chief.

Mr. Parker supports the motion but he felt it should be on next week's agenda.

Mr. Sagar said it is considered to be an extreme emergency.

Mr. Parker said the investigation is not an emergency.

Mr. McLintock felt it is very much in order. He said this Town has had experiences with people that have control over the Town, such as National Grid, and the way they react and have been reacting to the needs of the Town. That is indicative of the mindset of these companies that have the right of way in Town.

He has been very critical of the way the gas company does road cuts. He noted the 4 inch gas lines in Prospect Street.

Mrs. Nolan said she was speechless. She felt it should be addressed immediately.

Chairman Cavaco thanked all members of the Fire Department, including the call firefighters for a job well done.

Capt Healy expressed his appreciation for the mutual aid from surrounding towns. He thanked the Town Administrator, the Board of Selectmen, and every member of the Seekonk Fire Department. He thanked Chief Jack for his dedication and professionalism to keep everybody safe.

Chairman Cavaco said he was very disturbed about the attitude of gas company representatives. He asked Mrs. Nolan to contact them and have them attend the next Board of Selectmen meeting.

Mr. Sagar also extended his appreciation and commendation to the entire fire department.

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

VOTED: That the Board of Selectmen, through the Town Administrator and Superintendent of Public Works, order Columbia Gas and the Seekonk Water District to inspect and replace, if necessary, and certify that all valves within the area included in the Bakers Corner reconstruction project operate in accordance with the design and intended purpose no later than June 1, 2012, and that there be no finished pavement installed prior to that date.

In discussion prior to the vote, Mr. McLintock said this is life-threatening and should be addressed immediately. He noted that he received a call about a week ago from a resident that the gas company was raising metal from pavement that had already been done. He checked it out. It was filled in temporarily and has now been washed out. He said the lack of urgency that the gas company seems to have about damage to Town roads has been discussed for quite awhile by this Board. It is total disregard on the part of the gas company.

Mr. Rice asked how this would affect the overall road project.

Mr. Sagar said it would give them a 30-day window.

Chairman Cavaco said he spoke to District 5 and was told it would not be a problem. It would still be on the same timeline.

Chairman Cavaco and Mr. Sagar referred to the unfortunate incident that happened several years ago in Attleboro which resulted in the lost of lives due to a gas leak.

CONSENT CALENDAR

Request to Approve Expenditures from Warren Carpenter for Banna Fire Station Building Committee

Chairman Warren Carpenter and members of the building committee were in attendance.

Mr. Carpenter requested authorization to expend up to \$50,000 for design development drawings and asbestos removal. Mrs. Nolan will write the RFP.

Mrs. Nolan said there is \$750,000 available as appropriated by Town Meeting. The next step will be to send out the RFP.

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

VOTED: To authorize the Banna Fire Station Building Committee to expend up to \$50,000.

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Mr. Sagar felt the committee should not have to come before the Board with such requests. Mrs. Nolan should be able to give approval.

Mr. McLintock said the reason to come before the Board is because the Board approves the warrants.

Mr. Norman Champigny noted that Mrs. Nolan is very knowledgeable and has been extremely helpful to the Banna Fire Station Building Committee.

OLD BUSINESS

Approve Date Change from June 25, 2012 to June 11, 2012 for Town Meeting at 7 p.m.

Chairman Cavaco received notification from the School Committee Chairman confirming June 11, 2012 for the Town Meeting.

Continued Discussion on Article Language Which Will Limit Board of Selectmen Appointments to Boards or Commissions

Mr. Parker said that he submitted a proposed article for last week. There is another version that does not resemble his. There is now a petition for Town Meeting. Therefore, he felt there should be no discussion until Town Meeting.

Mr. Sagar had a problem with Mr. Parker's proposal because it referred to "at a quorum." He questioned the need for a by-law and the wording in the Charter.

He said the issue seems to be centered on appointments to the Board of Health. He is concerned about the ZBA going forward because of membership decline and how such a policy could hurt the membership of that organization. The charter was changed last year. He referred to the definition of the words "may" and "shall."

Mr. Rice said that Section 6 is under Initiative and that is the town meeting. He read the language in the petition. "Selectmen shall not serve on other town boards unless lack of a quorum on said board necessitates a temporary appointment until a town resident shall be appointed."

Mr. Sagar referred to an Administrative Policy he submitted.

Mr. McLintock stated that the appointment of two members of the Board of Selectmen to the Board of Health came about because there had been a constant battle between those two boards for about two years. Initially, Mr. Rice and Mr. McLintock reached out to the chairman of the Board of Health and JR at the time. Mr. Rice attended Board of Health meetings and he was not happy. Finally, Mr. Parker, as chairman, decided to appoint Mr. Cavaco and Mr. McLintock to serve on the Board of Health.

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Mr. Cavaco has since resigned. There is work that still needs to be done. He said the authority of the Board of Selectmen cannot be stripped away.

Mr. McLintock felt this does not have to go to Town Meeting.

Mrs. Nolan said it does because there is a petition with 100 signatures.

Mr. Rice felt the Board should respect the legality of the Town Charter.

Mr. Parker noted that placing of warrant articles is covered under Mass law.

He felt the Board closed the warrant a month too soon and that is why the Special Town Meeting warrant is still open

Chairman Cavaco, Mr. McLintock, and Mr. Sagar wanted to get a legal opinion.

Close Special Town Meeting Warrant and Set Date for June 11, 2012 at 6 p.m.

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

VOTED: To close the Special Town Meeting warrant.

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

VOTED: 4 Ayes; 1 Nay; That the Annual Town Meeting scheduled for June 11, 2012 begin at 7 p.m.

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

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

VOTED: 4 Ayes; 1 Nay; To move the Special Town Meeting on June 11, 2012 to 7:05 p.m.

The vote: Mr. Parker – Aye; Mr. Sagar – Aye; Mr. Rice – Aye; Chairman Cavaco – Aye; Mr. McLintock – no vote.

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

Board members agreed to conduct the Public Hearing on the FY 2013 budget on May 23, 2012.

Continued Discussion on Procedure for Selectmen to Sign Financial Warrants

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

VOTED: To table discussion until the next meeting, as requested by the Town Administrator.

NEW BUSINESS

Consider and Vote to Reappoint Sharon Hall as Animal Control Officer per Mass. General Laws, Chapter 140, Section 151

Ms. Hall was in attendance.

Mrs. Nolan stated that she has received several letters of commendation for Ms. Hall. She said the Town should be proud to have Ms. Hall as the Animal Control Officer, and she highly recommend the reappointment.

Chairman Cavaco said Ms. Hall has done an outstanding job.

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

VOTED: To reappoint Ms. Sharon Hall as Animal Control Officer.

Consider and Vote to Reappoint Darlene Christensen and Karen Harvey as Assistant Animal Control Officers per M.G.L., Chapter 140, Section 151

Mrs. Nolan recommended the reappointments. She noted they are part of the team working with Ms. Hall.

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

VOTED: To reappoint Ms. Darlene Christensen and Ms. Karen Harvey as Assistant Animal Control Officers.

Interview Nelson Almeida for Recreation Commission
Consider Appointment to Recreation Commission

Mr. Almeida of 161 Greenbrier Drive stated he would like to serve on the Recreation Commission because he is a parent and resident and wants to make sure the fields are safe.

Mrs. Nolan recommended the appointment.

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There was no action on a motion by Mr. Parker to move to the Board of Health because Mr. Almeida is also a candidate for that Board.

Mr. Sagar questioned how it was listed on the agenda. He said there are two candidates for two separate committees and one opening on the Board of Health and one on Recreation.

Mr. McLintock recused himself and left the room.

Mr. Almeida listed his qualifications for the Board of Health. He is bilingual and he wants to give back to the community.

Mrs. Nolan read a letter of recommendation from Victor C. Santos, President of the Board of Directors for Amigos de Terceira.

In response to Mr. Parker's question, Mr. Almeida said that he would consider serving on both boards.

Mr. Robert Costa, 308 Elm Street, said he would like to serve on the Board of Health because he has been involved with septic systems for more than 15 years. He has a serve safe certification.

There was discussion that Mr. Costa would have to excuse himself in septic issues because he does work in Town.

Mr. Sagar felt it is important to have someone on the Board of Health who can read plans.

Mr. Rice responded that the Health Agent has that expertise.

Mrs. Nolan felt that either candidate would be acceptable.

Mr. Rice said there are two qualified applicants for the Board of Health and there would be two vacancies if the Selectman on the Board would step aside.

Chairman Cavaco stated that the Selectman is on that Board for a three-year term, and he will remain until he decides to resign.

Mr. Parker stated that, according to the charter, the Board is only allowed to vote on candidates with the recommendation of the Town Administrator.

Mrs. Nolan reiterated that she would definitely recommend Mr. Costa.

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

VOTED: 2 Ayes; 2 Nays; To appoint Mr. Robert Costa, Jr. to the Board of Health.

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

Mr. Sagar thanked Mr. Costa and apologized for the embarrassment.

Mr. Donald Kinniburgh of 119 West Avenue said that a statement such as that made by Mr. Sagar is why people don't apply to serve on boards.

Mr. David Saad of 129 West River Street said he had read the minutes and Mr. Parker, as chairman, indicated the appointments of Mr. McLintock and Mr. Cavaco were temporary until two other people volunteered for the Board of Health. Therefore, both of these candidates should be considered.

Mr. Parker motioned, seconded by Mr. Rice, and it was

VOTED: 2 Ayes; 2 Nays; To appoint Mr. Nelson Almeida to the Board of Health.

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

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

VOTED: 3 Ayes; 1 Nay; To appoint Mr. Robert Costa, Jr. to the Board of Health.

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

Mr. Parker motioned, Mr. Sagar seconded, and it was unanimously

VOTED: To appoint Mr. Nelson Almeida to the Recreation Commission.

Complaint from Mr. Shane Halajko with Regard to Bloomfield Street

Mr. Shane Halajko of 155 Bloomfield Street had a complaint regarding the flood in 2010. He felt if the Town did what was supposed to be done back in 1985 this problem could have been avoided.

He said that he has the utmost respect of public safety, but he felt the Fire Department was wrong to refuse his request to have his basement pumped at 1:45 a.m. At that time, there was 8 to 10 inches of water. Later he had 4 ½ ft. of water and lost everything. He had pictures and documentation.

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

VOTED: To discuss the issue brought forward by Mr. Halajko.

Mr. Sagar said he is familiar with the area.

DPW Superintendent Robert Lamoureux and Engineer David Cabral were in attendance.

Mr. Cabral said he researched the plans on file and at the Registry of Deeds. The approved plan on file did not have the notation about the work being done re: drainage easement.

In response to Mr. Lamoureux's question, Mr. Halajko indicated he hasn't had any more problems since 2010. He has had extensive excavating done in the basement, installed sump pumps, etc. He said with heavy rains there is no place for the water to go.

Mr. McLintock asked why the problem was not corrected.

Mr. Lamoureux said he had not seen the documents. However, Mrs. Nolan said she gave them to him.

Mr. Rice questioned why this is before the Board at this time.

Chairman Cavaco said the previous Board asked about the cost. Mr. Lamoureux indicated it would be about \$12,000 to \$15,000 or \$4,000 to \$6,000 if the work was done by DPW.

Mr. Cabral said he thought legal counsel was contacted.

Mr. Parker said there were plans that indicated that DPW would do the work. The plans filed at the Registry did not indicate that.

Mr. Lamoureux said he might be able to encumber money for that project.

Mr. McLintock had a problem with that. Mr. Sagar agreed but added that Mr. Lamoureux did not create the problem.

Mr. Cabral felt it was not a problem to do the work but they need to make sure they can do it in the easement area.

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

VOTED: To direct DPW to initiate cost estimates and do the research to see what should be done for the easement to complete this project and report back to the Board on May 23, 2012.

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Mr. Rice asked the Town Administrator to come up with the money because it is not included in the DPW budget.

Mr. Halajko stated that this has caused an incredible amount of financial hardship on his family.

Mr. McLintock apologized.

Discussion on Fire Chief's Request to MCIC

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

VOT ED: To table until next week as per Chief Jack's request.

Discussion on DPW'S Request to MCIC

Mrs. Nolan said the request for a heavy duty 6 wheel dump/sander/plow should not be a warrant article. It should be a lease/purchase agreement in the DPW budget. Mr. Alexander is getting prices on leasing. Other items could be included in a warrant article.

Mr. Lamoureux said he has no objection, but he wanted to make sure he would have sufficient funds to purchase additional equipment.

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

VOTED: To amend the DPW budget to include lease/purchase of vehicle as recommended by the Town Administrator and Finance Director.

Consider Process for the Proceeds from Sales of Town Land and/or Buildings to be Put into CI Fund

Mr. Sagar explained that Mr. Blanchard and he brought this up during the campaign that monies from certain areas would go into the municipal capital stabilization fund.

The Chairwoman of the Capital Improvement Committee researched and found it would have to go into free cash and reappropriated. Mr. Sagar suggested a policy on agreement of our four boards.

Mr. Parker said any money from sales has to go into the general fund as voted by Town Meeting.

Mr. McLintock said the inflow of money from the meals tax is pretty much guaranteed. It would be reasonable for the Board of Selectmen to create a line item as part of this budget process to commitment that money to capital improvement.

Mr. Parker noted that money (about \$400,000) from the meals tax was put into this year and next year's budgets. He added that the State made cuts, as well.

The consensus of the Board was to discuss at the tri board meeting.

Consider Approval to Sell the School Street Administration Building

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

VOTED: To approve the sale of the School Street Administration Building.

Mr. Lamoureux will look into the cost of asbestos removal at that building for further discussion at the next meeting.

Consider Awarding Contract for RFP for On Call Engineering Services

Mrs. Nolan said that a subcommittee reviewed all submissions. Ten firms submitted bids out of 18 that had picked up the RFP. CDM Smith, Insight Engineering, Environmental Partners Engineering, GZA GeoEnvironmental, Inc., Greenman-Pedersen, Inc. (GPI) and Weston & Sampson were interviewed during two separate meetings.

She stated that she leaned toward CDM but after the presentation she would go with GPI. Also, that firm is familiar with the Town.

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

VOTED: 4 Ayes 1 Nay; To award the contract for on call engineering services to Greenman-Pedersen, Inc. (GPI).

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

In discussion prior to the vote, Mr. Sagar stated that several years ago a vote was taken at town meeting to hire a staff engineer to reduce the costs of engineering services. During another discussion, it was said that the staff engineer never stamped plans. That further supports the fact that the Town does not need a huge engineering firm. The biggest issue is surveying. Insight Engineering is local.

Mr. Sagar requested a history of how much was spent on engineering in the last five years.

Mr. McLintock noted that GPI did a great service in helping with the 152 project.

Authorize Town Administrator to Pursue the Formation of a Veteran's Agent District

Mrs. Nolan advised that she has begun that process by starting with Rehoboth. There are people retiring all around us from this position. Mr. Bai will leave within a year. She would like to form a Veterans District. She has all the information on how to do it. Rehoboth is interested. She heard the Veterans' Agent in Swansea may be leaving. It has to be contiguous district. The rate of reimbursement from the State is 75%. It sometimes takes two years to get the reimbursement.

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

VOTED: To authorize the Town Administrator to pursue the formation of a Veteran's Agent District.

Chairman Cavaco said this is a great opportunity. All towns will save money.

TOWN ADMINISTRATOR'S REPORT

None.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco advised that the warrant is in order.

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

VOTED: To sign the warrant.

Comments or Concerns

Mr. McLintock advised that the chairman and he met with the owner of a north end business concerning a parking situation. GPI prepared a plan.

Mrs. Nolan said she received the plan from Chairman Cavaco tonight and will forward to the DPW.

Mr. Sagar asked about the legal opinion on the Administrative Policy which would limit Board of Selectmen appointments on more than one board or commission.

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Open Town Meeting warrant for the school administration building will be on next week's agenda. Chairman Cavaco will talk about the possibility of a quad board meeting on May 23, 2012 following the public hearing on the budget.

The Board will not meet on May 16, 2012.

Mr. Parker advised the opening of The Meadows is scheduled for Saturday, June 23, 2012, starting at 12 noon.

In celebration of the Town's 200th Anniversary, the Lions Club will sponsor a chicken and pulled pork barbeque on Sunday, June 24th.

There are 100 additional tickets available for Seekonk night at the Paw Sox.

Chairman Cavaco reminded department heads that sign off sheets must be submitted on time or items will not be on the agenda.

He said that agenda items must be in the office by Thursday at 12 noon. He understood that, in the case of the police and fire chiefs, they are waiting for documents until the following day.

COMMUNITY SPEAKS

Mr. Nelson Almeida of Greenbrier Drive thanked the Board for his appointment to the Recreation Commission. He asked about continued coverage in the north end during construction of the Banna Fire Station.

Mrs. Nolan advised that the Fire Chief has a plan.

The Board concurred with Chairman Cavaco to have the flags in the meeting room dry cleaned

EXECUTIVE SESSION

At 9:57 p.m. Mr. Sagar motioned, seconded by Mr. Rice, to go into Executive Session to discuss and vote on tentative agreement for the employees' health insurance plan changes and to consider approval of corrected Executive Session minutes of February 22, 2012 and Executive Session minutes of March 7, 2012; not to return to Open Session.

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The vote: Mr. Sagar – Aye; Mr. Rice – Aye; Mr. McLintock – Aye; Chairman Cavaco – Aye.
Mr. Parker recused himself due to possible conflict of interest.

Respectfully submitted,

Gary Sagar, Clerk

Patricia Gamer, Secretary