

**BOARD OF SELECTMEN**  
**MAY 30, 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. followed by the Pledge of Allegiance and moment of silence.

He noted that today is the day to honor the men and women who gave their lives defending our country.

In accordance with M.G.L. Chapter 30A, Section 20, Chairman Cavaco advised that anybody recording must notify the Chair. The meeting is being recorded via audio and video.

**CONSENT CALENDAR**

**Update on the Seekonk Accessible Trail Project with Jeanine Achin from Seekonk YMCA**

Ms. Achin of the YMCA advised they have been working on this trail which is on town land for three years. They received a \$50,000 grant from the Department of Conservation and would like to do the work planned to make this trail more accessible.

It has been approved through DEM and Historical Society.

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

**VOTED:** To accept the \$50,000 grant from the Dept. of Conservation for the trail project.

**Update with Stephen Bryant, President, Columbia Gas with Reference to the Fire at 36 Maple Avenue**

Mr. Bryant advised that representatives from Columbia Gas met on May 4 with local officials to discuss issues related to the request for assistance from the Seekonk Fire Department. He said there is no question that Columbia Gas could have taken steps to bring appropriate resources to the site of the fire at 36 Maple Avenue in far less time.

Although the Columbia Gas employee was on site for 45 minutes, that employee was not equipped to deal with the situation. It took 2 ½ hours to bring to the site the necessary equipment to terminate the flow of gas. He felt a more effective response would be that

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Columbia Gas assume the worse immediately to dispatch the crew that could deal with the flow of gas or to anticipate the situation and take proactive steps and arrive before getting called. That will be the strategy in the future.

He said that fortunately nobody was hurt. They immediately took steps the day of the meeting to make sure the gas company would be far more responsive.

Mr. Bryant felt it is important to note that Columbia Gas is reviewing how it distributes its resources.

The Brockton operation is 34 miles away from the fire. They are looking at a reconfiguration of distribution resources to break up large central operations and have not made a definitive decision. It would be a significant advantage to have an operation very close to Seekonk. They would have the technology to manage resources remotely.

Mr. Bryant added that contributing to the situation was the fact that gas service was active up to the foundation of the building. There are advantages; but, in this case, they saw disadvantages at this fire. When it was apparent that the building was not worth refurbishing, the service should have been cut. They usually cut a line during demotion or if the building has been inactive for ten years.

He corrected a statement made that the valve that was difficult to operate had been inspected within the last year. It had not been inspected, thus contributing to the issue.

Columbia Gas has 2,600 customers in Town and 458 valves in the public right of way. They can't state how many of those valves are essential. Often valves are installed as part of the construction process.

Mr. Bryant said the gas company is reviewing valves in town and wants guidance from the Board of Selectmen on how to proceed once they determine what valves are essential to the operation of a distribution system. Normally they work with DPW.

He understood that the Board of Selectmen has concerns about valves in the current right of way where there is construction. All those have been inspected and found them to be operational. He would be pleased to provide affirmation of that in writing.

Chief Alan Jack stated that he discussed some of what happened with Mr. Bryant this afternoon. Mr. Bryant expressed sincerity in trying to remedy some of the incidents that came up.

The Chief felt comfortable that if the valves could be identified it would be advantageous to Seekonk and go a long way in improving communications.

Mrs. Nolan said that Mr. Bryant and Columbia Gas have been responsive.

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Mr. McLintock asked if there is anything prohibiting putting gas lines under the sidewalks and would it effect the gas company operations.

Mr. Bryant said they install gas mains in many different ways, depending on the municipality. That could be discussed.

Mr. McLintock asked how many valves are on a database.

Mr. Bryant replied 485 in the right of way in the Town. Some are essential for the distribution system and some are not.

Mr. McLintock asked if the gas company could shut down remotely.

Mr. Bryant replied that it is still a mechanical system.

Mr. Sagar invited Mr. Bryant to join him and Chief Jack on a walkthrough within the next few days at the site of 36 Maple Avenue.

Mr. Bryant strongly dissuaded anybody from attempting to operate the gas distribution valves. There could be strong adverse consequences if not operated properly.

He offered to create a catalog identifying the location of the valves.

Mr. Sagar could not understand the purpose of putting in a valve that would not be used. He felt that the walkthrough would be beneficial and also Mr. Bryant could see the workmanship on Bakers Corners. He suggested the Board take the matter under advisement until after that.

Mr. Bryant said it would be of great help to him.

He stated that the gas company has an obligation, and he offered a \$10,000 contribution to the Fire Department to be used at the Chief's discretion.

He said that Columbia Gas has a spectacular team, and they could have a better relationship with Chief Jack.

He will check with the Town Administrator to determine the process for receipt of the money.

Mr. Rice said he much appreciated Mr. Bryant's forthright and frank discussion of this issue.

Mr. Bryant replied that it was his responsibility.

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Chairman Cavaco said that the gas company responded immediately to his letter to Mr. Bryant and the team at Columbia Gas regarding resurfacing from the East Providence line to Division Street.

### **Update with Thomas Lennon from Keller Williams on Parking Issues at 495 Central Avenue**

Mr. Lennon stated that he has been in his office on Central Avenue since 2005. There was a lot of parking. With the work done, it has taken away parking spots at the front and side of his building. It has had a serious impact on the business. He had minutes of March 24, 1987 and drawings from 1987 when the Planning Board approved the parking plan for his property. There was never an issue or accident. He has a problem with what is going on with the reconstruction. There has been a lack of communication with the Highway Department and Town Engineer David Cabral. He has never seen plans. He had pictures to show the impact on the value of his property. He said that Mr. Cabral said there are issues with wetlands for parking in the back. He found it interesting that Mr. Cabral's boss (Mr. Lamoureux) has a relationship with the Conservation Agent. He felt that Mr. Cabral is retaliating or harassing him. He got a call from Mr. Cabral that Mass. Highway would not approve his request to restore the parking spaces that were lost. He would like to have the property restored to the way it was.

Town Engineer David Cabral responded. On May 10, 2012, he notified the Town Administrator and Board of Selectmen that there were two issues: the loss of parking and Mr. Lennon's request for a second driveway. He referred to a May 14, 2012 letter from Mass. Department of Transportation advising that the plans could not be altered for the additional driveway. He said he was not aware of the Planning Board plans and minutes. When he got the plans on April 3, 2012, he met with Chairman Cavaco at the location. It appears that two parking spaces at the north end and two handicapped spaces in front of the business are lost.

Mr. Cabral felt the plans should be reviewed by town counsel and he would support having the appraiser reevaluate to compensate for the loss of parking spaces.

In response to the comments regarding lack of communication, Mr. Cabral noted that he met with the owner and went over the paperwork for the payment. Payment was made through the Finance Department on August 19, 2011.

He said the State advertised and conducted a Public Hearing back in 2007. Under Mr. Carroll's direction, DPW conducted a meeting on March 17, 2010. Additionally, right of way meetings were held on March 25, 29, and 30, 2010 and another meeting on April 9. The appraiser also held meetings on April 5 and 6, 2010.

He worked with the Conservation Agent because the property is on wetlands. There is berm at the back of the building. The Planning Board minutes from March 1987 suggested the applicant contact the Conservation Commission. He researched this with the Planning Board and Conservation Agent and he compiled a packet for the Board of Selectmen.

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The Conservation Commission had a septic design plan. The Conservation Agent requested that he go out in the field with her to do measuring. That was his involvement with Conservation. He did note that the septic plan varied from the plan he had seen.

Mr. Cabral said he spoke to Mr. Jim Miller, representing Mr. Lennon.

He said that statements made are false and malicious and slanderous to his reputation. He has worked in the Town and he has earned a good reputation with the State and town employees. He maintains professionalism and treats everybody with respect.

Mr. Cabral provided drawings from the design engineer.

He felt that Mr. Jim Miller had a good suggestion in terms of the parking. He offered to meet with Mr. Miller but Mr. Lennon did not want to do that.

Chairman Cavaco asked Mr. Cabral if he keeps a log when he meets business owners.

Mr. Cabral responded that he does not but he has a summary of concerns people have brought to his attention. He said the Superintendent and DPW staff know what is going on at all times.

Mr. McLintock said there have been several meetings regarding this area. He suggested they should work out an arrangement suitable to everybody concerned. Representatives at Mass. Highway have indicated it is up to the town to address this. He felt there should have been better communication in terms of land taking. We have got to accommodate business owners within reason.

Mr. Cabral said the design was done by GPI and reviewed by the State. A driveway was considered but could not because of the property line. Some modifications were made. This particular matter only came to light in April. In terms of safety, Mr. Cabral said he could not support the request for a driveway.

Mr. Sagar wanted to see this resolved by Mr. Cabral and Mr. Lennon.

Mrs. Nolan advised that she will continue to meet with Mr. Cabral.

Mr. Lennon noted that the minutes of March 1997 "urged the applicant" to contact Conservation Commission if there was a problem with suitable parking.

He found it odd that Mr. Cabral does not keep a log book.

He said that Mr. Cabral did not talk to him or his brother before April of this year and he never saw the plans until it was too late. He added that he does not agree with Mr. Miller's idea re: parking in the back. He felt it was not worth losing parking spaces to be compensated. He said that Mr. Cabral intentionally left out comments made in correspondence from GPI.

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Mr. Rice asked for an apology from Mr. Lennon for his sleazy comments about the relationship between the Town's Public Works Director and the Conservation Agent.

Mr. Lennon denied making the comment. He said he was not rude.

It was suggested they review the tape of the meeting.

Mr. David Saad comments from the audience were not allowed by the Chairman.

There was discussion about the property line.

Mr. Sagar suggested this matter be continued and that there is a resolution by June 27, 2012.

Mrs. Nolan said she will start mitigation immediately.

### **Timetable for the Bloomfield Street @ Saint Laurent Parkway Construction and Encumber Source of Funding**

DPW Superintendent Robert Lamoureux advised that he met with the Conservation Agent on May 29<sup>th</sup>. The Conservation Commission will discuss on June 18 as to whether to allow the work. He also talked with a representative from National Grid. He recommended a completion date of October 31, 2012. He said approximately \$7,000 will be set aside.

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

**VOTED:** To encumber \$7,000 for the Bloomfield Street at Saint Laurent Parkway construction.

### **UPDATE ON TOWN HALL SIGN**

Mrs. Nolan had nothing to report. The family is working with their attorney.

Mr. Parker said he spoke to the landowner about 60 days ago, and she indicated she had no objection to putting the sign on her land. She instructed her attorney to work with the Town. He will contact her.

### **Update on Passport Application**

Mrs. Nolan had documentation to show that Ms. Rogers had taken and passed the test. The Boston Passport Agency indicated it was not able to accept the town at this time. She did not know why.

Mr. Parker stated that the Town was notified in October 2010 that it would no longer be allowed to issue passports. The service was done by the Town Clerk's office, generating about \$20,000

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to \$30,000 per year. The governor decided that town clerks would not be allowed to do that, effective May 2011. However, the service could be done by another town department. The town had six months to establish any other office.

The Board of Selectmen talked about the library but employees wanted additional compensation. The Town Administrator's office applied. Ms. Rogers took the on-line test and passed it. It has been over a year and no information from the State.

He wrote an e mail to the federal agent for passports. He got a response from Ms. Rourke that she had forwarded a designation request package to Ms. Rogers by express mail and it was never returned. He responded to Ms. Rourke that Ms. Rogers had taken and passed the test. He got a response that the Town would not be accepted as an agent at this time.

Mr. Sagar asked if the passport office could produce a receipt that the package was received by the Town Administrator's office.

Mr. Parker said he spent one day following this up and he got a completely different story than given locally. The Town will lose about \$100,000 in five years.

Chairman Cavaco read the e-mail from Ms. Rourke to Ms. Rogers which indicated there has been no change in the regulations that went into effect on May 1, 2011.

### **Update on Exit Interview Letter**

Mrs. Nolan noted that this had been discussed in February. It is not just for firefighters; it is for all town employees. It will be on next week's agenda.

### **NEW BUSINESS**

#### **Discussion on Economically Distressed Area (EDA) Designation Presented by Town Planner**

Town Planner John Hansen advised the Town of Seekonk fits the criteria due to the high unemployment. This would open up a source of funds for any redevelopment of brownfields in the Town. Such funds could be used for assessment or remediation of brownfield sites. He said there is land on Maple Avenue.

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

**VOTED:** To authorize the Chairman to sign the letter to the Economic Assistance Coordinating Council, Massachusetts Office of Business Development, regarding the Town's application for Economically Distressed Area (EDA) designation.

**Consider Appointment of Gary Sagar as Alternate Member of the ZBA with a Term to Expire May 31, 2015**

Chairman Edward Grouke stated that currently there are five members on the ZBA. If a member is absent, they operate with four people. It is ZBA practice to give applicants the option to reschedule to be heard by a full board. Most people realize that hearings should be before a five-person board.

Mr. Sagar advised that he gave a disclosure to the Town Administrator and would provide a copy to the Town Clerk.

He explained that in 1976 the first town charter was written and allowed five regular members and two alternates. About the same time, the by-law written by the ZBA indicated five regular members and three alternates. On February 11, 1981, there was a temporary crisis and the Board of Selectmen at the time appointed themselves as alternates. Additional changes were made to the charter in 1995. The same provision of five regular and two alternates stayed.

In 2000, when the ZBA was short members, the chairman would contact the Board of Selectmen to fill in on an as-needed basis. In 2002, when Mr. Sagar was Vice Chair of the ZBA, they undertook a revision of rules and regulations and there was a discrepancy between the charter and by-law. A legal opinion ruled that the charter takes precedence over the by-law. There was supposed to be a charter review but it never happened. Town Meeting voted last year to allow three alternates to the ZBA. There is a long-standing practice of a selectman serving as an alternate.

As of April 1, 2012, there were five regular members and two alternates. With his election to the Board of Selectmen, the sudden death of an alternate, and the promotion of an alternate to fill his position, there are no alternates. He would serve on an as-needed basis.

Mrs. Nolan said that Mr. Sagar has the experience and would be a good alternate. According to town counsel, he can serve because alternates are not paid.

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

**VOTED:** 3 Ayes; 1 Nay; 1 Abstention; To appoint Mr. Sagar as alternate on the ZBA. Further that Mr. Sagar would resign if there are other candidates.

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

In discussion prior to the vote, Mr. Rice said he informed Mr. Sagar that he is not in favor of it.



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Mr. Parker said there are enough ZBA members now. He felt the Board could act on this in the future if needed. He suggested the Board wait until after the vote at Town Meeting regarding members of the Board of Selectmen serving on other boards.

Mr. McLintock noted that it is clear that Mr. Sagar has a lot of knowledge. He respectfully disagreed with the warrant article submitted by colleagues.

Mr. Parker said he found it interesting that Mr. McLintock should take advantage of experience when he had previously argued about term limits. He would be happy to make a motion for Mr. Sagar if Mr. Grouke indicated it was necessary.

Mr. Grouke indicated that alternates are often called upon on short notice.

In response to Mr. Parker's question, Mr. Sagar indicated he would resign if candidates come forward.

**Consider Appointment of Jeffrey Creamer from Alternate Member of the ZBA to Full Member of the ZBA with a Term to Expire May 31, 2015**

Mrs. Nolan recommended the appointment.

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

**VOTED:** To appoint Jeffrey Creamer to full member of the ZBA; the term to expire on May 31, 2015.

Prior to the vote, Mr. Rice questioned why Mr. Creamer was not in attendance.

**Consider Reappointment of Ronald Blum as Full Member of the ZBA with a Term to Expire May 31, 2015**

Mrs. Nolan recommended the appointment.

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

**VOTED:** To reappointment Ronald Blum as a full member of the ZBA, the term to expire on May 31, 2015.

Mr. Rice questioned why Mr. Blum was not in attendance.

It was noted he was in the audience but had to leave.

**Consider Reappointment of Edward Grouke, Esq. as Full Member of the ZBA with a Term to Expire May 31, 2015**

Mrs. Nolan recommended the appointment. She said when she interviewed Mr. Grouke he said he wanted to try to balance the rights of the property owner, business or individual versus the interest of the town in enforcing the zoning laws.

Mr. Sagar noted that Mr. Grouke has been on the ZBA for 15 years and chairman for the past 12.

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

**VOTED:** To appoint Edward Grouke, Esq. as a full member of the ZBA;  
the term to expire on May 31, 2015.

**Annual Review Format for the Town Administrator's Time Table**

Mrs. Nolan advised the form was approved by all.

This will be an agenda item in August.

Chairman Cavaco noted the Board will discuss summer hours at the June 20 meeting.

**Consider Presentation of Articles**

Deferred until the next meeting.

**TOWN ADMINISTRATOR'S REPORT**

Mrs. Nolan presented an update from Building Commissioner Mary McNeil on the sign bylaw enforcement.

She reported that this week she met with the Banna Fire Station Building Committee and the Senior Center Building Committee. The senior center is an article for Special Town Meeting. Asbestos has been removed at the Banna Station. She wrote a demolition bid which is ready to go out. They will meet with the architect during the third week of June for design development. She will prepare a RFP for a general contractor. The committee would like to complete the project before the winter.

**BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

**Accounts Payable Warrant**

Chairman Cavaco said that he found a minor problem with one of the bills. It is not enough to hold up the warrant, and it will be taken care of by Finance Director.

**Comments or Concerns**

There was discussion about Verizon and National Grid and the removal of poles.

Mr. Rice noted that they have been talking about poles for a very long time.

Chairman Cavaco stated that he had gone to Bellingham, MA and got language that would force the removal of poles within 90 days. The document was reviewed by legal counsel and a copy given to Mass. Highway. However, the former town administrator never acted on it.

Mr. Rice complimented the DPW crew on the excellent job done in paving Route 152 for the Memorial Day Parade and cleaning the sidewalks along the route.

Mr. Sagar added his congratulations. He also commended the American Legion on the parade.

Mr. Rice complimented the three selectmen who walked the parade route.

Mrs. Nolan advised the date for the DEP audit on Lake Street had been cancelled and will be rescheduled.

Mr. Rice said there is more to be talked about regarding that.

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

**VOTED:** To adjourn at 9:54 p.m.

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

Respectfully submitted,

Gary Sagar, Clerk

Patricia Gamer, Secretary