

BOARD OF SELECTMEN
JUNE 6, 2012
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Executive Assistant: Anne P. Rogers

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

In accordance with M. G. L. Chapter 30A, Section 20, Chairman Cavaco asked if anybody in the audience was taping. He advised that the meeting was taped via audio and video.

Mr. Jonathan Friedman of The Patch indicated he would record audio.

CONSENT CALENDAR

Consider Declaration of Support or No Support of Mosquito Control Funding for FY 2013

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

VOTED: To support the Declaration of Support of Mosquito Control Funding for FY 2013 and authorize the Chairman to sign the document.

Sign Contract with Jay Vee's Floor Company to Replace and Install Carpeting at Town Hall

Mrs. Nolan advised this would provide carpeting in her office through the administrative offices, down the hall and on both sides at the end. Town Meeting awarded \$10,000 last year and \$4,852 will come from DPW budget for Town Hall. She would like to obtain quotes in the fall to complete the project.

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

VOTED: To approve the contract with Jay Vee's Floor Company to replace and install carpeting at Town Hall and authorize the Chairman to sign.

Assign the Study of Burrs Pond Problems to GPI Engineering Firm

Mr. Rice noted that the Board had received a very thorough report from Weston & Sampson.

Mr. Sagar wanted to get Mr. Cabral involved.

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Mr. McLintock said that Mr. Del Rosso has a complete set of slides which might be helpful.

Mrs. Nolan advised that DPW has cleaned up some of that area.

Further discussion continued until the June 27, 2012 meeting.

OLD BUSINESS

Update and Discussion on Application to Continue as a Passport Acceptance Agency and All Pertinent Documents and Correspondence Relative Thereto with Anne Rogers, Executive Assistant

Ms. Rogers explained the events which took place in trying to get the Town accepted as a passport agent. She turned in the application but was not registered to take the course until May 18, 2011. After several e-mails back and forth, she learned from Patricia Rourke of the Boston Passport Agency that the Town of Seekonk was not eligible since it was not grandfathered in as of May 1, 2011.

On Nov. 30, 2010, former Town Administrator Michael Carroll received an e-mail from the Director of the Library expressing an interest in processing the passport applications. It went back and forth for 90 days between the Town Administrator and Board of Selectmen at the time. On March 3, 2011, she received an e-mail from Mr. Parker asking her to set up a meeting with the Library Director and Town Clerk to discuss where the passports would be done. On that same day, she received an e-mail from the then Chairman of the Board asking who requested that and indicating that passports would be done by the Town Administrator's office. She was told by the Town Administrator to take the course. She tried to register and got accepted by the State on March 28 to take the course on line and turn in her paperwork. The password she was given did not work. She was finally able to log in on April 20, 2011. She took the course on May 18 thinking the Town could somehow still become the passport agent. The course is 10 classes at approximately 2 to 3 hours each. She passed the course.

As of May 29, 2011, she was told there had been no change to the regulations effective May 1, 2011 and the Town of Seekonk was not eligible to accept passport applications at this time.

Chairman Cavaco questioned discussion on this matter a year later. The Town was not grandfathered in.

Mr. Rice asked why the Board waited so long.

Mr. Parker said it went back and forth between the Board and the Library Board of Trustees. The disturbing factor is that when Ms. Rogers signed up to take the course, the State accepted her and why, if it had gone beyond the cutoff date. He inquired why Ms. Rogers wouldn't be accepted now that she had completed and passed the course.

Mr. Parker suggested the Town Administrator contact Rep. Howitt and Sen. Timilty for assistance. He noted that this represents \$20,000 to \$30,000 income for the Town.

Mr. McLintock said that it is very convenient to have passport processing in town.

Mr. Sagar suggested contacting Ms. Rourke to set up a meeting with Ms. Rogers, Chairman Cavaco, Sen. Timilty and Rep. Howitt. He felt that Ms. Rogers had done everything she was supposed to do.

Mr. Parker said that is what he told Ms. Rourke.

Ms. Rogers read a statement into the record. She filed a grievance against Mr. Parker for his e-mail to the State and statements made at the May 30th meeting, which she said questioned her character, reputation, and credibility. She asked for a public apology from Mr. Parker.

Mr. McLintock called a point of order. There were no comments or anything as to what Ms. Rogers said.

Mr. Rice felt it should be a personnel matter in executive session. He is protecting Ms. Rogers as well as Mr. Parker.

Mr. McLintock asked Ms. Rogers if she wanted to proceed in public.

Ms. Rogers said it would be up to Mr. Parker since she filed the grievance against him.

Mrs. Nolan cautioned the less said the better. She would contact counsel. She felt it should have been in executive session or with the Town Administrator.

Mr. Sagar stated that Mr. Parker has an opportunity to respond.

Mr. Parker said he sent a letter because he had asked Ms. Rogers about the status of passports and she told him she was still waiting to hear from Boston. He felt it was too long and followed up on Ms. Rogers' behalf. He wrote the letter to Boston that the Board had voted to have the Selectmen's office issue passports and Ms. Rogers applied and passed the test. But, the process could not start until there was a site visit. He read from his letter to Ms. Rourke and her response. He noted that nowhere in there did he say Ms. Rogers did not do what she was supposed to do. He wasn't negative against Ms. Rogers. He was trying to say she did everything she could. He knew she passed the test.

Chairman Cavaco disallowed further discussion.

Update on Gas Company Road Opening

Chairman Cavaco stated that he spoke to Mr. Bryant from the gas company last week regarding work being done in Seekonk. Mr. Bryant indicated he would be willing to work with Mr. Lamoureux to fix the problems caused by the gas company. They are working on Newman Avenue, Prospect Street, County Street and Warren Avenue. Some of those roads are settling.

The Chairman said that Chapter 90 funds will not be used for repairs to roads destroyed by the gas company.

Mr. Sagar said he would like to see a five-year projection. Gas company officials seemed agreeable with putting mains on the sidewalk.

Chairman Cavaco will send a letter asking Mr. Bryant to bring this information when he comes before the Board on June 20th.

Further Discussion on Acceptance of Exit Interview Form

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

VOTED: To accept the Exit Interview Form.

Mr. McLintock thanked Mrs. Nolan for preparing the form.

She replied that she used an industry standard; it wasn't entirely hers.

Consider Presentation of Articles for Town Meeting

At the Special Town Meeting, Article 1 (senior center) will be presented by Mr. McLintock, and Article 2 (voter petition) will be presented by Mr. Rice.

Annual Town Meeting - Chairman Cavaco will present Articles 22, 23, 24, 25 and 26. Mr. Parker will do Articles 1 through 4 and Article 27. Mr. Sagar will present Articles 14 through 19 and Mr. McLintock - Articles 5, 6, 7, and 8. Mr. Rice will do Articles 9, 10, 11, 12 and 13. The Chairman will do the remaining one.

Town Moderator Michelle Hines advised that handheld microphones will not be available for speakers. Speakers will have to approach the stands. She felt it is not an ideal situation but it is all that can be done at this point. She asked people to be patient.

It was suggested that, following the meeting, Ms. Hines, Mrs. Nolan, and Mrs. Parker meet with Jeff from Cable 9 to talk about who is responsible for the equipment for Town Meeting.

Mr. Parker said the Town Clerk has a backup microphone.

Mrs. Nolan noted that at any other town meeting, microphones are not passed around; people have to stand in line to speak.

In response to a request, Mrs. Nolan advised there will be two interpreters for the hearing impaired at the Special Town Meeting.

NEW BUSINESS

Complaint from Mrs. Baker Regarding Abandoned Property Issues on Ledge Road

Mrs. Shirley Baker, 23 Ledge Road, asked what action can be taken about the condition of abandoned property across from her home. She noted that Mrs. Hallal, Health Agent, could not do anything because there was no visual trash.

Mrs. Baker said it is deplorable and unsafe.

She was told by the Assessor's office that taxes have not been paid for over three years and there is a lien on the property. She knows the property is in probate court.

Mr. Sagar said he met with the tax collector. That property was in tax title back to 2002 and foreclosure proceedings were started. It was paid up to 2009, but is again in arrears for the last three years. It is over \$12,000. He agreed with Mrs. Baker that it is an eyesore.

He asked if the Building Commissioner could convene a board of survey to come up with a recommendation or could the Town clean the place up and put a lien on it.

Mrs. Nolan said that money was not appropriated for that.

Mr. McLintock noted that there is nothing in writing giving the Town the authority to do anything about this property. It was turned down at Town Meeting not that long ago. Any action taken should include all abandoned properties. It should be a warrant article for Town Meeting.

Mr. Rice said nothing can be done because there is no law. He asked about FEMA money.

Mr. Sagar suggested that Mrs. Nolan contact the person on file in the Treasurer's Office.

As a point of information, he noted that there are 68 vacant properties in Seekonk.

Mr. McLintock asked Mrs. Nolan to include an agenda item to draft a bylaw. The only other action would be a special town meeting which would be too expensive.

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Mr. Rice suggested if Mrs. Baker could get ten people to agree she can get it on the next town meeting warrant.

Discussion with Seekonk Land Conservation Trust re: Agricultural Preservation Restriction on Yaghjian Property located on South Wheaton Avenue

Ms. Christine Chisholm of the State Dept. of Agriculture was in attendance. She said this restriction was approved at the Fall Town Meeting. The Board was asked to sign the document and she will notarize it.

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

VOTED: To approve the Agricultural Preservation Restriction on Yaghjian Property, South Wheaton Avenue.

Mr. Rice congratulated the Department of Agricultural and Seekonk Land Trust for their efforts with this property.

Grant Authority to Pay Weston & Sampson to be the Licensed Site Professionals at DEP Audit on Lake Street Property

Mrs. Nolan noted that Weston & Sampson is no longer the engineering firm of record. The DEP specifically asks for the licensed site professional of record and that would be Weston and Sampson. Weston and Sampson requested \$2,000 to do that and also \$5,000 for other work.

The audit is scheduled for June 12, 2012. Representatives from GPI, the Town's new engineering firm, will be there.

Mr. Sagar felt the letter from Weston and Sampson was insulting.

Mr. McLintock concurred. He noted that the Town spent almost \$1M on Lake Street even though it was assured time after time that the Town would get out from under this. The problem is that Weston & Sampson has the information.

Mr. Sagar felt that DEP should pay Weston & Sampson if they want them at the audit.

Mrs. Nolan felt it is important to get that transition.

Mr. Sagar said he heard the final report cost us \$25,000.

Mr. Parker felt the Town would have to pay Weston & Sampson because DEP is requiring them to be in attendance. He wouldn't pay two firms to be there.

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

VOTED: 3 Ayes; 2 Nays; To invite Weston and Sampson to be at the site of the audit in accordance with the DEP request, without compensation, and also GPI to represent the Town's interest.

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

A motion by Mr. Sagar, seconded by Mr. McLintock to take the request from Roger Alcott of Weston and Sampson for \$5,000 under advisement was withdrawn.

Authorize GPI to Engage in Project with Water District for More Land for Town Cemetery

In response to a letter from Town Clerk Janet Parker regarding the need for additional land for the cemetery, Mrs. Nolan will obtain an estimate for the Board.

Discuss Keeping of Logs by Town Employees to Begin with FY 2013

Mr. Sagar requested that Mrs. Nolan prepare an administrative policy with regard to employee logs, effective July 1. He felt there should be documentation of employees who work out in the field. It would include Inspectors, Conservation Agent, DPW, and Health Department.

Mr. Rice felt it was not a great idea for the Board to ad hoc create a job description for employees

Mrs. Nolan said that the former Town Administrator had spent \$10,000 developing job descriptions.

Mr. McLintock felt the Town needs a human resource person.

Mrs. Nolan agreed but it is not the most critical; they have to do something about informational technology.

Board members concurred that no immediate need for employee logs right now.

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan stated she is preparing for Town Meeting.

BOARD OF SELECTMEN LIAISON RPEPORTS AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco advised that all bills are in order.

Mr. Rice thanked the Seekonk Housing Authority for the community gardens. He noted that the people who garden there are having problems with an employee of the Housing Authority. He hoped the situation can be resolved.

Mr. Parker advised that Seekonk Meadows will open on June 23, 2012. Also, in celebration of the Town's 200th Anniversary, there is a chicken barbeque on June 24 and the Paw Sox game on July 7, 2012.

He said that the Board had appointed four members to the ZBA all with the expiration date of 2015. The Charter requires that terms expire as near to each other as possible. The most to expire should be three and the expirations should be 4, 3, and 2.

Mr. Sagar said he would bring this to Mr. Grouke's attention.

Chairman Cavaco advised the DEP audit is scheduled for June 12, 2012 at 11 a.m. It will be posted in case three Selectmen are in attendance.

The Chairman advised that BJs will open on August 25 and intends to hire about 120 people. Applications are available on line and on June 19 and 20 at the location.

Mr. Parker brought up discussion about replacing the Town Hall sign.

Mrs. Nolan advised that the owner does not want to give up the land. She is willing to work with the Town and is going to ask for reimbursement.

Mr. Robert Del Rosso advised the Town was given permission to put the sign up when the Town Hall was built. He noted that there has always been a close relationship with that family.

COMMUNITY SPEAKS

Mr. Del Rosso indicated that he read the report on Burrs Pond and he questioned some of the statements in this report. He referred to a 1984 aerial photo. Records in the Board of Assessors indicate the Town owns the property.

He said the report described the dam has being dried laid stone. He rebuilt the dam in 1968 when it washed out, and he can prove that the face of that dam is heavily mortared with concrete. The base is 4 ft. wide. He felt this was not a good engineering report.

He stated that the Conservation Agent suggested he speak to the engineer. It is not a factual report.

Mr. Sagar questioned how much the report cost.

Mr. Robert Gaudette, 15 Fall River Avenue, also known as the Hearthstone House, had complaints with regard to his application for a license to operate a second hand store. It has been a business for the last 100 years. He purchased it in October 2005, and he got a license to operate a second hand store out of that property. He has been renovating the farm house into a home, reserving the barn for the antique store. Most of the business is over the phone and through the website. They reapplied for a business license, and the ZBA would not sign off. He complained about the attitude of the person he dealt with at the ZBA. He and his partner applied to the ZBA to appeal the decision. The vote was 3 to 2 in favor of overturning the decision. In order to win the appeal, the vote has to be 4-1. They are ready to go to the Appellate Court. That might take six months.

Chairman Cavaco noted that no member of the Board, current or in the future, would approve a license with negativity on it.

Mr. Sagar said that he is familiar with the zoning process and he knew the application was denied. The only recourse is to appeal to the Superior Court.

He noted that yesterday he observed Mr. Gaudette's partner in the hallway at Town Hall screaming and hollering at a town employee and swore at her. He felt this person should apologize to employees in the Building Department. They have filed a complaint with the Police Department.

Mr. Rice suggested this should be an agenda item for further discussion.

Mr. Parker disagreed.

Mr. McLintock said that what happened is totally unacceptable. Mr. Gaudette is looking for Board members to do something they have no control over.

Mr. William Adams of 15 Fall River Avenue said he did not swear. He said a liquor store owner warned him about the Building Commissioner. He was tired of people making excuses for her. He intends to file a discrimination complaint.

Chairman Cavaco responded that the Building Commissioner is an honest person. His comment about a kickback is a lie.

Mr. McLintock said he was also in Town Hall at that time. It is up to him as a business person to meet the requirements of the town.

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Mr. McLintock continued that the Building Commissioner and assistant were frightened because of the way he acted. He has a right to complain, and they have the right to tell him what they know. They know the law backwards and forwards. He felt that these gentlemen are wrong to come to a meeting and take shots at the employees who are not in attendance.

Mr. Sagar suggested that, if Mr. Adams has a complaint against the Building Commissioner, he should put it in writing. He upset all of Town Hall with his actions. His conduct is not very well received at Town Hall, and he might do better to send a representative on his behalf.

Mr. Gaudette said that he was treated badly when paying his dog license.

At 9:40 p.m. a motion was made by Mr. Rice, seconded by Mr. Sagar, to go into Executive Session to sign release and acceptance of payment for I.O.D. of a police officer pursuant to M.G.L. Chapter 41, Section 100 and 111F and to consider approval of April 4, 2012 Executive Session minutes; not to return to Open Session.

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

Respectfully submitted,

Gary Sagar, Clerk

Patricia Gamer, Secretary