

**BOARD OF SELECTMEN**  
**JUNE 20, 2012**  
**REGULAR SESSION**

Members Present: Francis Cavaco, Gary Sagar, David Parker

Absent: Robert McLintock

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.

In accordance with M.G.L. Chapter 30, Section 20, he said that any members of the audience who are taping must identify themselves. The meeting is taped via audio and video.

Jonathan Friedman of The Patch was recording audio.

**CONSENT CALENDAR**

**Reappoint Robert Lamoureux and David Cabral as Delegate and Alternate to the Joint Transportation Planning Group (JTPG) at Southeastern Regional Planning and Economic Development District (SRPEDD)**

Mrs. Nolan recommended the reappointments.

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

**VOTED:** To reappoint Robert Lamoureux as Delegate and David Cabral as Alternate to the Joint Transportation Planning Group (JTPG) at SRPEDD.

**OLD BUSINESS**

**Discussion and Presentation with Columbia Gas President Stephen Bryant**

Columbia Gas External Affairs Specialist Chevon Baldwin was in attendance. She presented a \$10,000 check for use by the Seekonk Fire Department for equipment and training purposes.

Mr. Sagar noted that he had taken Mr. Bryant to see some of the problem areas in town. It has been three weeks and nothing has happened. Mr. Bryant was supposed to be in contact with Mr. Lamoureux.

Ms. Baldwin said she left a message for Mr. Lamoureux. He left a message for her that he was good with what was going on.

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She said they are working some of the procedures at their end and looking into the valves in town.

Chairman Cavaco thanked Columbia Gas for the generous donation to the Seekonk Fire Department.

He said the roads are settling down.

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

**VOTED:** To accept the \$10,000 donation from Columbia Gas.

**Reconsideration of Not Your Average Joe's Liquor License for Outdoor Service**

Atty. Steven Navega explained that the application was originally before the Board and approved. It was denied by the ABCC because of a partial payment past due to the Department of Unemployment Assistance.

The ABCC has already approved it. The Building Inspector has allowed Not Your Average Joe's to open the outside patio for dining purposes only.

Mr. Parker stated that 1149 Restaurant was told and compiled with a 6 ft. barrier all the way around. Not Your Average Joe's has no barrier.

Atty. Navega said that is not the law. It is simply to prevent underage customers from going into that area.

Chairman Cavaco suggested the Board approve and hold the form until there is a ruling from the building inspector.

Mr. Parker would like to hear from the police chief.

Chief Charron said he never gave it much thought. To his knowledge, it is not required.

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

**VOTED:** To approve the liquor license service for the outdoor patio at Not Your Average Joe's.

In response to Mr. Sagar's request, the manager said that about half of the employees are safe serve certified. The Town of Seekonk does not require that as a condition of employment.

**GEO TMS Contract for Software System**

Lt. Peter Burke of the Seekonk Fire Department was in attendance to respond to questions. He indicated the intention is to make a web base so people could apply for permits from home or utilize the software at the fire station. The cost is \$999 annually and GEO TMS would get 4% service fee for each transaction. Permit fees could be raised in order to recoup the \$999. He said about 105 permits are issued per year at \$35 each.

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

**VOTED:** To approve the contract with GEO TMS for software system.

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

**VOTED:** To authorize the Town Administrator to sign the contract with Geo TMS.

**Grace Gospel Church – Toll Road Permit – Kyle DeGagne**

Mrs. Nolan advised that she did not have the required form completed by Mr. DeGagne. She has the necessary insurance information.

Chief Charron explained that it is accordance with the toll road policy passed last year.

Mr. DeGagne said it would take place on June 24 from 11 a.m. to 4 p.m. June 27 is an alternate date. The money raised would go to an orphanage in India which is supported by the Grace Gospel Church in Swansea, MA.

Mr. Sagar asked Mr. DeGagne why it is not done in Swansea.

He responded that it couldn't be done on the highway; it would have to be the side roads.

Mr. Parker stated that he could not support any group outside Seekonk. Mr. Sagar and Chairman Cavaco agreed. The request was denied.

**Consider GPI Estimate on Survey Work on Seekonk Cemetery**

Mrs. Nolan advised that the work is more extensive that expected. It will require permission from DEP.

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

**VOTED:** To table the GPI Estimate on Survey Work on Seekonk Cemetery until next week.

**Discussion and Vote on SRPEDD Request for Two Selectmen to Serve on Southeastern Massachusetts Metropolitan Planning Organization (MPO)**

It should be chairman and vice chairman. Deferred until next meeting.

**Re-Appointment of Constables and Matrons as Reported by the Chief of Police**

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

**VOTED:** To appoint Constables and Matron as follows:

**CONSTABLES – 2012-2013**

Chief Ronald Charron	Sgt. Anthony Araujo	Sgt. Matthew Jardine
Capt. Craig Mace	Sgt. David Ciszkowski	Sgt. Gerard Lafleur
Lt. Frank John	Sgt. Michelle Hines	Sgt. David Rose
Lt. David Dyson		

**MATRONS – 2012-2013**

Myra Cavallaro	Sandra Phillips
Katelyn Butterworth	Kathleen Alves
Lisa Parker	

Special Police Officers was not listed on the agenda; and, therefore, deferred to June 27, 2012 (first item on agenda). Chief Charron does not have to be present.

**Discussion on Dates for Fall Town Meeting**

Mrs. Nolan advised that all four Mondays in November are open at Seekonk High School.

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

**VOTED:** To set the Fall Town Meeting for Monday, November 5, 2012, at 7 p.m. at Seekonk High School.

**Presentation of New Development for Continuing Care by C R & D Developers**

Mr. David Gray, of Computer Ltd., 1150 Pawtucket Avenue, Rumford, RI, was in attendance. He represented 320 Fall River Avenue, LLC (a correction from the C R & D Development).

The request is for a by-law change to forward to the Planning Board for a public hearing. This project was originally presented about 3 ½ to 4 years ago for Firefly Golf Course Continuing Care Retirement Community. The Planning Board changed the parking requirements which required a lot less parking for similar uses proposed now. Parking is almost half of what it was.

The proposal calls for a health care facility in the area of the driving range and two of the existing golf holes. They would like to get the by-law changed and add an overlay district to allow for this type of development. The other buildings proposed will be four stories with retail establishments on the first floor, independent living on the second, third and fourth floors and office space. The 18 hole golf course will still be there. They would like to put in a force main from the Firefly to the Greenbrier development. There is an existing wastewater treatment facility that could handle a lot of the sanitary waste, treat it, and put into the leach field or pump back to the golf course for irrigation purposes.

Mr. Gray noted that the by-law has a good set of regulations.

There are some coverage items which talk about open space of minimum 40% of the parcel area. The parcel is about 75 acres. They have got standards for buffer areas in harmony with Conservation requirements. Storm water would be designed in accordance with the Town's rules and regulations. The driveway is designed for the traffic volume and lighting in accordance with the by-law.

Copies of the site map were included in the packet.

Mr. Sagar asked Mr. Gray if he would consider special permit rather than overlay district.

Mr. Gray said it is easier to get financing with an overlay district. It could be discussed in the public hearing process with the Planning Board.

Mr. Parker said if done the right way it will help the elderly and seniors in town. Chairman Cavaco agreed.

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

**VOTED:** To forward the request for new development by 320 Fall River Avenue LLC to the Planning board.

### **Presentation of Facility Report by Lauren Walsh of MCIC**

Ms Walsh gave a broad overview of the document. She said it is a very thorough and objective report divided into a number of sections. The document is available on line on the CIC website. It included 12 buildings - 6 town and 6 school. Findings are listed and improvement prioritized as critical, potential critical, not yet critical, necessary, recommended, grandfathered, and maintenance. Recommendations are made for 2013 to 2015 and 2016 to 2021. Cost estimates are set up using an architectural firm. Many like items would be grouped.

Ms. Walsh said the approximate cost on this package is \$20M. Many items in the report are not necessary.

The Capital Improvement Committee will review to discuss building recommendations. They will meet with department heads, the Town Administrator and Board of Selectmen. They will solicit money from the Town Treasurer and Unibank. They will present a prioritized list through 2021 for the Fall Town Meeting.

Mr. Sagar commended Ms. Walsh and the committee. He questioned the need for a new roof at the library in 2016 since it was replaced five years ago. He would like to go back to the architect who originally did the roof.

Ms. Walsh said the issue is drainage.

Mr. Sagar referred to factual items that were incorrect.

He felt there should be a quad board meeting to talk about the long term lease for the collaborative. The report indicates that nearly \$800,000 be spent for two of the Town's oldest buildings. The Pleasant Street School will also need attention with the building of the new senior center.

Mr. Sagar noted that several years ago the Board of Selectmen wanted to create one building committee. Mr. Carroll wrote a bylaw for Town Meeting and during the presentation the CIC amended it. It was finally postponed. He felt the Capital Improvement Committee should be changed to Capital Improvement and Development Committee. He had a copy of the municipal building commission from the City of Attleboro.

Ms. Walsh noted that it is difficult to get volunteers to serve on committees.

### **Employment Complaint (Subject to Executive Session)**

Chairman Cavaco confirmed that Mr. Parker wanted this matter in open session.

At Mr. McLintock's request, Mr. Sagar asked that these executive session matters be indefinitely postponed until Mr. McLintock is in attendance.

Mrs. Nolan said that the letter to be sent to call firefighters has to go out before July 1, 2012.

Chairman Cavaco noted that the Board of Selectmen is short a member due to Mr. Rice's resignation. Mr. McLintock is dealing with family matters. He agreed with Mr. Sagar to continue at a future date.

He added that Mr. Parker has his right to address the complaint brought forward. This is not denying his right. The Board has postponed items in the past due to the lack of a full board.

Mr. Parker said that he understood the Board's feelings. He received a letter on Saturday when they knew that Mr. McLintock would not be present.

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The Executive Session was scheduled for June 20 at approximately 8:30 p.m. to apprise the other Board members of filing of the complaint and determine what action, if any, should be taken. He did request Open Session. Board members knew that Mr. McLintock would not be in attendance.

One of the purposes of this meeting was to find out exactly what an employee's rights are with an elected official and how the elected official stands with having grievances filed against him.

Mr. Parker felt the matter should be discussed since Atty. Fair is in attendance. Discussion will be about an employee filing a grievance and has nothing to do with all members being in attendance. It is strictly informational. He does not get it and something is up.

Mr. Sagar felt that Atty. Fair should not have been invited to attend this meeting.

Atty. Fair stated that when a matter comes before the Board, generally speaking, the Chair sets the agenda. In the course of a meeting, if there is a request to put off, the Board is free to raise that and make a determination as to whether to address the matter on a given night. It wouldn't violate anybody's rights.

Mr. Parker said that he totally concurs with legal counsel. He had a few questions for Atty. Fair that had nothing to do with the complaint. It concerns a person that has a contract with the Town and is not in the union.

Atty. Fair explained that when the Board receives a letter of complaint in order to have conversation or dialog, it has to take place at a meeting in accordance with the open meeting law. Depending on the nature of the document, if it is a complaint, it would start out as Executive Session. That is to protect the privacy of the individual who is named in the complaint. A notice would be sent and that person would decide whether it should be in Open Session.

If the complaint comes in against an elected official there is no authority that the given Board doesn't have any authority to take any action other than issue some sort of censure. Nonetheless, if there is a complaint and depending on nature it may raise other issues that need to be dealt with, not necessarily taken action against the member being complained about. It can range depending on the complaint or grievance.

Mr. Parker stated there is nobody above an elected official to issue any type of disciplinary action.

He has no problem and he welcomes discussion on his complaint when Mr. McLintock returns.

## **TOWN ADMINISTRATOR'S REPORT**

Mrs. Nolan advised that the Chairman of the School Committee is looking for a community member to serve on the Superintendent's Search Committee. Anyone interested should send an e-mail or telephone the Chair before Monday, June 25, 2012 at 5 p.m.

School Committee Chairman Mitch Vieira advised the Steering Committee has seven members - School Committee Chair, Town Administrator, SEA Representative, Building Principal, Central Office Administrator, Parent, and Community Member. Moving forward toward interviews, they will expand on that with additional people.

The Bristol County Mosquito Control has sent a thank you letter to the Board in appreciation of its support of the FY'13 budget.

Mrs. Nolan advised that she received a letter from a citizen who commended Town Hall employees; specifically, Chief Alan Jack, Lt. Peter Burke, Sharon Goguen, Mary McNeil, Diana Faria, and people in the tax office.

She had the form from BETA Engineering re: the road safety audit for Route 114A and Arcade Avenue. The DEP approves.

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

### **Accounts Payable Warrant**

Chairman Cavaco reported that the items are in order.

Mr. Sagar said he received several calls about signs.

Mr. Parker said that he did too. Residents are really happy with the clean up on Route 6.

Mr. Sagar said the Water District and some businesses are not happy with the removal of signs. He felt that everyone should be involved in these decisions. These people are not unhappy with the "messenger" just the "message."

Mrs. Nolan said she heard a recent fundraiser at one of the schools was not well attended because the signs had to be removed. Legal Counsel indicated they might be able to prepare language re: signs for the Fall Town Meeting.

She advised the DEP site visit at the DPW garage was cancelled and will be rescheduled.

Mr. Parker announced that Seekonk Meadows will officially open on Saturday and the Lion's Club will have a chicken barbeque on Sunday. These activities are in conjunction with the Town's 200<sup>th</sup> Anniversary.



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Mr. Parker asked about the corrections on the list of Board and Commissions.

He felt the problem occurs when a person is appointed to replace a person who resigns. That person should complete the term of the outgoing individual and not get a three-year appointment.

Mrs. Nolan said it will be on next week's agenda. She has sent out letters to all who are to be reappointed asking them to contact her for a quick interview as to why they want to continue to serve.

Mr. Parker suggested that residents look at the website for a list of vacancies.

Chairman Cavaco advised that he had worked with Sen. Timilty about the Transportation Bond. Unfortunately the governor took it away. However, Rep. Howitt indicated that the House is working on a Transportation Bond. It might be another opportunity to get financing for the traffic controls at the Public Safety Complex.

### **COMMUNITY SPEAKS**

None.

### **EXECUTIVE SESSION**

None.

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

**VOTED:** To adjourn at 9:10 p.m.

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

Respectfully submitted,

Gary Sagar, Clerk

Patricia Gamer, Secretary