

**BOARD OF SELECTMEN**  
**JULY 25, 2012**  
**REGULAR SESSION**

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

Town Administrator: Pamela T. Nolan

Executive Assistant: Anne P. Rogers

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 30A, Section 20, he advised the meeting was taped via audio and video and that anybody taping must notify the Chair.

Jonathan Friedman of The Patch was recording audio and video.

**LICENSING: CORPORATION NAME CHANGE FOR PARKER'S MEATS**

Executive Assistant Anne Rogers and Barry R. Schupp, owner, were in attendance.

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

**VOTED:** To approve the request for corporate name change to BBSMS, Inc.,  
d/b/a Parker's Meat & Deli, Inc.

**DISCUSSION OF GRIST MILL FIRE AND PERFORMANCE OF COLUMBIA GAS WITH REPRESENTATIVES OF COLUMBIA GAS COMPANY**

Chief Jack reported that he did not have much more to report except additional timelines gathered through dispatch. Police first arrived at the scene at 5:48 a.m. Upon arrival, the officer reported natural gas leak with wires down and conveyed to dispatch to notify utilities. The second dispatch was at 5:52 a.m. Utilities had been notified and a dispatch was made to the gas company to expedite.

Next thing of importance was that at 6:26 a.m. a patrolman reported that the gas company was on scene and looking for a gate valve that was recently paved over. The times did not change for the fire department. The first time the fire department interacted with someone from the gas company was at 6:56 a.m.

Chief Jack spoke to Mr. DiNunno of Columbia Gas and asked for records and/or tape recordings for the Grist Mill and Maple Avenue fires. The Chief does not know the status of that request.

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On July 6, 2012, Mr. DiNunno requested and received reports from the fire department on both fires.

Chief Jack questioned why the gas company did not approach the incident commander of the fire department.

Mr. Parker indicated he would not participate in discussion because of possible litigation.

Sen. James Timilty said he was at the scene on Maple Avenue and at the Grist Mill. He watched the police and fire do an excellent job under the circumstances.

He explained that Rep. Steven Howitt was unable to attend this meeting.

He will contact the Dept. of Public Utilities to make certain there are proper lines of communication. Sen. Timilty felt the fact that representatives of Columbia Gas were in attendance is important going forward.

Columbia Gas Company President Stephen Bryant advised they are working on the valves, with the most important ones first. They have identified 26 critical valves and verified that they are operational. The process will be repeated until they get through all the valves in Seekonk by the end of the year.

Mr. McLintock felt it is important that gas company officials remain in close communication with the Town.

Mr. Bryant said he has been the president since 2003 and this is the first time he has to appear before any municipal body regarding concerns in the performance of Columbia Gas Company. They will continue to work on the valves. He needs to meet with somebody who understands the technical nature of the system about remapping of the valves. He will provide the Chief with recordings as well as transcripts the next day.

He cautioned about any person other than gas company employees shutting off the valves.

Mr. Sagar said that the Fire Department or Police Department does not want the responsibility of shutting down valves. He questioned the competency of some of the gas company employees.

Mr. Bryant responded that most of the employees take great pride in what they do.

On another matter, Mr. Sagar noted the valve at Baker's corner is still sticking out of the ground.

**OLD BUSINESS**

**Approve Minutes of May 30, 2012, June 6, 2012, and June 13, 2012**

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

**VOTED:** To accept the minutes of May 30, 2012.

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

**VOTED:** To accept the minutes of June 6, 2012.

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

**VOTED:** To table the minutes of June 13, 2012.

**Discuss “Serve-Safe” Concept with Local Liquor License Holders. Vote to Adopt/Not Adopt**

Mrs. Nolan provided information about training from the ABCC. There are also several private organizations that offer courses for certification.

Mr. Chris Gasbarro and representatives from Chardonnay’s and Boneyard were in attendance.

Mr. Parker stated that the owner of Grist Mill was not invited.

Mr. Gasbarro said that this is extremely critical, and he supports server training 150%. It was addressed in Swansea and a plan instituted After 45 days, an employee can no longer run the register or serve alcohol. He had handouts for the Board. He said that employees in all three of his stores have to be certified. Issues to look out for include intoxication, a minor trying to buy alcohol, an adult buying for minor and theft.

He commended the Board for doing it but asked that they have time to get people trained.

Mr. Gasbarro talked about the national program, Cops in the Shop. A police officer is hired to be in the store and another in the parking lot. It needs private funding. There is no problem getting the money. It is funded by store owners, insurance companies and/or wholesalers. He knows there is \$2,000 available for the Town of Seekonk.

Chairman Cavaco said that businesses should have that certification in place when the license is renewed.

Mr. Gasbarro said that he is one of very few stores who carry liquor liability. There is no extra credit or discounts for it. Liquor is not covered by an insurance policy.

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It cost \$30 per person for the serve safe training. He provides the employee with the information and pays for it. It has to be completed within 45 days. Although he pays for the training, an employee who leaves is able to take the certification.

Mr. Parker felt employees should pay for it themselves.

Chairman Cavaco read a letter from the manager of Ledgemont Country Club. He is strongly in favor of certification for managers and bartenders. Employees are reimbursed for taking the course. Because turnover is high and seasonal, they have to work two weeks until they can get certified.

Mr. Greg Esmay, owner of the Grist Mill, noted that Serve Safe is the name of a company. There are a lot of people who do the training.

Mr. Parker supports that all employees should be certified within 45 days.

Mr. Barry Schupp, owner of Parker's Meat Market, stated that the serve safe program for food handling does not require everyone to be certified. He felt it would be easier on small businesses to keep it as simple as possible.

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

**VOTED:** That the Board of Selectmen establish a policy to take effect on the renewal and/or new licenses with cooperation of the people who will assist.

At this time, the order of business moved to New Business – Items C, D, E, and G.

**Consider and Approve/Not Approve Appointment of Eleanora Rezik to Historical Commission**

Mrs. Nolan advised that she has spoken to Mrs. Rezik and to members of the Historical Commission, who would like to have her as a member. She recommended the appointment.

Mrs. Rezik said she has been in Seekonk for 21 years. She is interested in the Town's history.

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

**DEFEATED:** 2 Ayes; 2 Nays; To appoint Mrs. Eleanora Rezik to the Historical Commission until 2014 to fill the unexpired term of Ron Blum.

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

Mrs. Rezik asked why.

Mr. McLintock said the way she treated people in Town Hall with respect to her business, and she knows what he is talking about.

She responded that she would like a record of that because she is not aware of what he is talking about.

Chairman Cavaco said she has problems with the Town of Seekonk, and he could not appoint her until the matter is cleared up.

Mrs. Rezik said she could not understand what her personal business had to do with her serving on a committee.

### **Town Moderator's Appointments**

Town Moderator Michelle Hines noted that because of the recent discrepancies of dates on the list of boards and commissions, an investigation incurred between the Town Clerk, Town Administrator, Executive Assistant, a Board member, and the Town Moderator. In 2009, the then Town Administrator appointed all members of the Finance Committee. It wasn't as closely monitored. She talked to members of the Finance Committee and decided to reappoint everyone. As of July 1, 2012, the terms are as follows: David Francis and Karen Perkins 2013, Robert Richardson 2015, Myrna Elderkin, Michael Brady, and the open position will be expiring in 2014. She will send out notifications to all of them and to the Town Clerk and make sure Ms. Rogers gets the information so that she can update the list. There is no candidate for the open position on the Finance Committee.

Mr. Parker said that he found it in the Bylaws that it is the responsibility of the appointing authority to notify the Town Clerk. Therefore, it is the responsibility of the Board of Selectmen to notify the Town Clerk with expiration dates.

### **Appoint Two Kennel Workers for Animal Control**

Mrs. Nolan introduced Camille Carrigan and Katherine Caouette.

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

**VOTED:** To appoint Camille Carrigan and Katherine Caouette as kennel workers.

### **Reappoint Two Members, Ray Grant and Doug Brown to Board of Health**

Mr. Grant was in attendance. Mr. Brown was unable to attend.

Mrs. Nolan recommended the reappointments.

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Mr. McLintock thanked them for serving on the Board of Health. They have been excellent members, and he is glad to recommend them.

Chairman Cavaco added his confidence that they will continue to do an excellent job.

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

**VOTED:** To reappoint Raymond Grant and Douglas Brown to the Board of Health through June 2015.

### **OLD BUSINESS**

#### **Discuss Appraisal and Easement on 495 Central Avenue, Tom Lennon Property, and Vote to Accept or Not Accept the Appraisal and the Concept**

Mrs. Nolan noted that Mr. Lennon is the owner of Keller Williams at Baker's Corner. With the work being done there, he would lose three parking spaces in the front. The value is \$5,000 per space in front of the building and \$3,000 for each space on the side. There is also an easement from his neighbors with permission for another opening for a second driveway.

Town Engineer David Cabral said the opening has been reduced from a 24 ft. to 16 ft.

He said the Mass. DOT is looking for written approval of the concept from the Board of Selectmen.

Mr. Cabral said the money is available in the set-aside account. The total amount is \$18,000.

Mr. Parker questioned why the Board should vote on the easement if it was an agreement between the two parties.

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

**VOTED:** To accept the appraisal and concept re: 495 Central Avenue.

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

**VOTED:** To authorize the Chairman to sign the letter to Mass DOT.

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

**VOTED:** To authorize the appraisal on 495 Central Avenue.

## **NEW BUSINESS**

### **Grant Permission to Fire Chief to Appoint Four Firefighters**

Chief Jack advised that he submitted resumes and applications for employment. Currently there are four vacancies dating back to February 8, March 22, April 21, and July 4 as a result of resignations and retirement.

He requested authorization from the Board to hire the individuals. They passed all the exams and background check. It would bring the number of firefighters to 28 and a total of 30 with the captain and chief. The new hires would be sworn in at the August 8, 2012 meeting and start to work on August 9<sup>th</sup>.

Mr. McLintock was concerned about where two of them live.

Chief Jack said they meet the criteria of 15 miles from the town boundaries.

The Chief advised, in the exit interviews, one candidate went elsewhere for the money.

Mr. McLintock felt that Seekonk is training for them to go elsewhere.

Chief Jack agreed that it is discouraging.

Mrs. Nolan recommended, Mr. Sagar motioned, Mr. McLintock seconded, and it was unanimously

**VOTED:** To hire four firefighters: Beau Jacques, Norman Arsenault, Alexander Schlageter, and Nicholas Mancini to be sworn in at the August 8, 2012 Board of Selectmen meeting.

## **OLD BUSINESS**

### **Distribute Town Administrator Evaluation Forms**

Chairman would like to get the forms back by August 15, 2012 to discuss on August 22, 2012.

### **Discuss and Vote on Design of 114A Project with Town Engineer David Cabral.**

Chairman said that this was supposed to be discussed before the Grist Mill fire.

Town Engineer David Cabral explained this project has been under development since June 2006. The project is currently on the FY 2014 TIP. DPW had documents to present to the Board of Selectmen.

In March 2008, it was decided by the Board of Selectmen to advance the signalized option for 25% design for preferred alternative. It moved forward and submitted to the state in July 2010. Once that occurred the project was on the 2015 TIP.

A road safety audit happened on June 5, 2012, with a final report in July 2012. The next step is to have a design public hearing. The target date is September 2012. The accident and fire happened.

He has contacted the State that there seems to be interest in the round-about option. He noted that the signalized option is on track. To go back would be to almost go back to the 25% design phase. There would be no guarantee the money would be available.

Chairman Cavaco stated that the engineering firm, Weston & Sampson, did not complete the information regarding wetlands at the Grist Mill. He asked if it was in the contract.

He said that GPI is doing the 75% design for the State. He read in an e-mail from GPI that the only option that can be used at the intersection would be construction of a round-about. A round-about differs from a rotary.

Mr. Cabral said his first recommendation was the round-about. That is still his preferred option. In order to move the design forward, the signalized option is preferred. He reiterated that the TIP money might be jeopardized by going with the round-about.

Mr. McLintock noted that everybody knew the issues on that corner in terms of environmental and Runnins River. A lot of taxpayers' money was spent. He felt there is a slight possibility a round-about might work; there would have to be land takings.

He said he has a real problem with Weston & Sampson, who refused to come out on the recent audit at DPW without being paid. That audit was because of the work done by Weston & Sampson.

The 25% submittal on Route 114 project cost \$55,000.

When Chairman Cavaco and he first got involved with Mass Highway, they were told to do away with the round-about. Mr. McLintock felt they need to start looking at what is in the best interest of the Town of Seekonk.

Mr. Cabral said he could not speak for the engineer doing the work. He noted that the signalized option has been advanced and is ready to go with a public hearing.

He felt the State would have to verify if a round-about would work on that corner. The State would probably not want to get involved in a two lane round-about because of land takings.



Mr. Sagar referred to the road safety audit. Mr. Jim Noyse of GPI has indicated a round-about might work. He suggested a meeting of all concerned parties, even if the project is delayed.

Mr. Parker noted that the Board went through the same discussion three years ago and chose the signalized option. Thousands of dollars was spent. Later the same option was chosen. The project is funded by the State. He doesn't want to lose the TIP.

There was discussion about a special meeting on August 15<sup>th</sup> to discuss this matter with Mr. Noyse, Mr. Cabral, and the Board.

Mrs. Nolan requested that GPI provide a price to work with the Town.

Mr. Esmay of The Grist Mill noted that there is no signage at Mill Street onto 114A.

### **Discussion and Reissue Liquor License for Country Liquors**

Chairman Cavaco stated that is the fourth time a license has been issued to Country Liquors. The owner was sent a letter that there is a \$20 fee. Mr. Parker, Mr. McLintock, and Chairman Cavaco are the only Board members who can vote on this.

A motion by Mr. Parker, seconded by Chairman Cavaco, that the license be reissued with the stipulation that the owner pick it up at the next Board of Selectmen's meeting was withdrawn.

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

**VOTED:** 3 Ayes; To reissue the license for Country Liquors.

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

Mrs. Nolan was directed to send the owner a letter that he can pick it up with a check for \$20.

### **Vote to Approve/Not Approval Contract with GPI Engineering for DEP Audit**

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

**VOTED:** To approve the contract with GPI Engineering re: Seekonk DPW Facility Mass. DEP Site Audit in the amount not to exceed \$4,000.

**Vote to Approve/Not Approval Contract with GPI Engineering for Survey of Boundaries Work at 36 Maple Street**

Tabled until the next meeting.

**Vote to Approve/Not Approval Contract with GPI Engineering for Monitoring of Landfills**

Tabled until the next meeting.

Mr. Sagar had a problem because the Town has an engineer on staff, Mr. Cabral.

Mrs. Nolan said this project requires an environmental person.

**NEW BUSINESS**

**Accept Resignation of David Bowden from MCIC**

Mrs. Nolan said that Mr. Bowden feels he has another year to serve but the Chair of the MCIC has indicated his term is over. He will continue to dedicate his time to the senior center building committee.

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

**VOTED:** To accept the resignation of David Bowden from MCIC, with regret, and to thank him for his service.

Mr. Parker said Mr. Bowden's term should have ended in June 2014. The letter he received said 2013; that was wrong. He would have to leave because there is a term limit. The vacancy will be filled until 2014.

Mr. McLintock felt these boards/commissions should be listed on a spreadsheet.

Mr. Donald Kinniburgh felt the Chairman, as the appointing authority for the MCIC, should be the one to tell Mr. Bowden when the term has expired.

**Vote to Begin Negotiations with Anne Rogers and Dennis LeClerc Employee Contracts**

Mrs. Nolan requested permission to begin negotiations with Ms. Rogers and Mr. LeClerc. The contracts end in November.

Mr. David Saad felt the Board should meet and talk about what they want in the contracts.

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Chairman Cavaco said it is an executive session matter.

Mr. Parker stated that the Board would lose its option to not reappoint because there is a 90 day period. He requested an executive session to discuss strategy, but Chairman Cavaco refused because they have got to be notified by August 1, 2012. .

Mr. Saad felt the Board is setting a precedent.

Mr. Parker felt that Mrs. Nolan cannot negotiate because the Board hasn't told her what they want.

Mrs. Nolan suggested an executive session within 48 hours – Friday.

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

**VOTED:** 3 Ayes; 1 Nay; To send letters to Ms. Rogers and Mr. LeClerc that the Board intends to enter into negotiations with them.

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

### **Consider Zoning Bylaw Amendment and Vote to Submit to Planning Board**

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

**VOTED:** To submit the Zoning Bylaw – Section 25 – Conservation Subdivision Design to the Planning Board.

Mr. Parker stated that the Planning Board is interested in pursuing affordable housing.

### **TOWN ADMINISTRATOR'S REPORT**

#### **Report on Veterans Service District**

Mrs. Nolan advised that she met with the Town Administrators from Rehoboth and Swansea. They have long standing Veterans Service Agents in their town, and they don't know when they will retire. Seekonk's agent has indicated he will work one more year and then leave. They should meet again (town administrators and agents.)

#### **Report on Building Committee Activities**

Mrs. Nolan reported that bids are due by August 15, 2012 on Banna demolition.

An RFP went out for owners project manager for the senior center. It is on the central register. It needs to be an architect or engineer with at least three years in the building trade.

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The person will have to be on site until 12 noon and must also attend building committee, Board of Selectmen and other meetings.

Mr. Sagar noted the Town has a professional engineer.

Mrs. Nolan said it would not qualify under the law. Mr. Cabral does not have experience in building.

She said it wouldn't be possible to have one owners project manager for all three projects. Banna will be done before the senior center is built and she hasn't spoken to anyone about the animal shelter.

She has received 38 requests in one day for the Banna Fire Station construction. It has to be a general contractor or builder who has certification in modular building.

There is also a RFP for legal services.

Mrs. Nolan advised that the Board of Health wants people to be aware that west nile virus has been confirmed in Seekonk. She read the precautions to take especially in the evenings.

### **Report on Spring Town Meeting – Attorney General's Review**

Mrs. Nolan advised that she received notification from the Town Clerk that the Atty. General's office has approved Articles 18, 19, 21, and 22 from the June 11 Town Meeting. Article 2 written by Mr. Rice for the Special Town Meeting is retained for further review. There should be a decision before September 24, 2012. The Town Clerk will post a pamphlet around town advising that these articles were passed.

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

#### **Accounts Payable Warrant**

Chairman Cavaco advised the warrants are in order.

Mr. Parker said that he is waiting to hear from the Town Administrator as to whether the veterans group must follow the open meeting law. He was contacted by a member of that group, and he advised they must follow the open meeting law

Mrs. Nolan said they have to do that and keep minutes of the meetings.

Mr. Donald Kinniburgh, a member of that committee, said they were instructed to post the meetings and submit minutes to the Town Clerk.

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Mr. Parker noted that in 2010 the Board of Selectmen changed the charter and replaced the Personnel Board with a Personnel Advisory Committee to assist the Town Administrator in enforcing the personnel policy. He felt that committee was never appointed.

Mrs. Nolan said that all Town Hall employees with the exception of a few part time workers have a contract. Those part timers are the only ones who would come under the personnel advisory committee.

Mr. Parker said a few years ago the Town Treasurer was instructed to update a chart to give part timers a raise and it was never done.

Chairman Cavaco stated that the previous Town Administrator did not want to give pay increases to non-union employees.

Mr. Sagar asked Mrs. Nolan to follow up with Mr. Halajko, Bloomfield Street, on a possible engineering problem.

He asked about the consolidation of records in the basement.

Mrs. Nolan advised that the Town Clerk has a warrant article for Town Meeting. The cost is about \$44,000 or \$45,000 and CPC will help pay for it.

Mr. Sagar asked for an update on asbestos removal at the School Street building.

Mrs. Nolan said Mr. Lamoureux is getting a price for that and the roof.

She said that CPC donated \$100,000 to the Historical Commission for work at the Old Town Hall.

Chairman Cavaco advised that the town is due to get about \$185,000 from the transportation bond for the light at the public safety complex.

He said that the Town's application for 12 additional liquor licenses is in the joint committee. The session ends on July 31, 2012.

The Chairman would like to earmark the meals tax money coming in from the additional liquor licenses for infrastructure.

Mr. Sagar said it would have to first go into the general fund.

Mr. Parker said that it would also have to go through the appropriation process.

Mr. McLintock said it could be done every year at Town Meeting to go to the CIC.

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Chairman Cavaco said that he received complaints that the Board of Selectmen is not enforcing the sign bylaw on all businesses.

Mr. Parker said the sign bylaw needs to be retweaked.

Mr. Sagar said that it would be the undoing of Mrs. McNeil.

### **COMMUNITY SPEAKS**

Mr. Donald Kinniburgh advised that the Veterans Memorial Committee needs another member. The volunteer must be able to attend 4 o'clock meetings.

Mr. Kinniburgh felt there are a few people under contract that come under the Personnel Board.

At 10:28 p.m. a motion was made by Mr. Sagar, seconded by Mr. McLintock, to go into Executive Session for discussion on negotiations with AFSCME, to examine documents for mediation and fact finding by Steelworkers Unions and discuss strategy, approval of police MOA, and to plan strategy of contract negotiations for the Executive Assistant to the Town Administrator/Board of Selectmen and the Director of Communications, not to return to Open Session.

The vote: Mr. Sagar – Aye; Mr. McLintock – Aye; Chairman Cavaco – Aye. Mr. Parker stated he would not take part in Executive Session.

Respectfully submitted,

Gary S. Sagar, Clerk

Patricia Gamer, Secretary