

BOARD OF SELECTMEN
AUGUST 8, 2012
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Executive Assistant: Anne P. Rogers

Town Counsel: Joseph Fair

Chairman Cavaco opened the meeting at 7:02 p.m. followed by the Pledge of Allegiance and moment of silence. In accordance with M.G.L. Chapter 30A, Section 20, he stated that anybody taping must notify the Chair and that the meeting is taped via audio and video and televised on Cable 9.

Mr. Sagar's request to move to the first item under Old Business was denied because the public hearing was posted for 7 p.m.

PUBLIC HEARING

Transfer Wine and Malt Alcohol License From RJ Innovation Development, Inc. to Mormax Corporation @ BJ's Wholesale Club to be Located at 175 Highland Avenue, Seekonk, MA 02771, David Farina, Manager

Atty. Steven Navega was in attendance to represent BJ's for the purpose of transfer only. He advised that the proper permits and variances were acquired. BJ's has 25 stores in Massachusetts and will hire 125 people at the store with salaries of \$2M. If approved, BJ's will offer unrefrigerated beer and wine - 14 beer items and approximately 200 wine items. BJ's will not sell hard liquor. No keg sales. The store is located 900 ft. back from the road.

Since January, the legislature changed the number of licenses from 3 to 5 for BJ's.

Ms. Diane Moreira of the Northborough store explained BJ's security policy.

Mr. McLintock expressed concern in the ability to control the sale of alcohol in a store the size of BJ's.

Atty. Navega emphasized that this is not a new license; it is a transfer.

Representatives from BJ's were in the attendance.

Chairman Cavaco opened the meeting to comments from the audience.

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Atty. Dana Gaebe, 36 Ramblin Brook Road, represented Chris Gasbarro. Atty. Gaebe stated that he has resided in Seekonk for over 40 years, and he has very strong personal feelings about what he is about to say.

Seekonk has a very serious under age drinking problem that in recent times has turned tragic. He felt the Board would have to deny this request. He commented on Atty. Navega's comments. He said that eighteen year olds will be working the registers. There will never be enough employees on the floor to keep surveillance or in the parking lot. He felt that, despite the store's best intentions, a store of this magnitude and type cannot control alcohol beverages.

Atty. Gaebe noted that in 1991 Price Club was denied a transfer, in 1996 Ro Jacks was denied a license transfer, and in 1996 and 1997 Sam's Club was denied. In 2002 Ro Jacks and 2003 Sam's Club again were denied. Never has the Seekonk Board of Selectmen approved a license to a big store.

He referred to a letter to the Board dated July 25, 2012 from the East Providence Prevention Coalition asking the Board not to issue this license.

He referred to M.G.L. Chapter 138, Section 23. He had a map to show where the existing liquor licenses are (restaurants and package stores). Gasbarro's is .3 of a mile from the BJ's location and others are about one mile away. There are already an adequate number of licenses on Route 6. He felt a liquor license in a big box store would be a burden on the police department.

Chairman Cavaco asked why there was no objection to the Mobile Gas Station license.

Atty. Gaebe said his opposition is with the big box stores. He is talking about the proposed transfer of the license from Vintage Liquors.

Mr. Parker said it is simply called competition and he does not have a problem with competition. He felt the security is above reproach at BJ's.

Atty. Gaebe said he welcomes BJ's into town, but it should not be selling alcohol in an environment where children could get their hands on.

Mr. McLintock stated that he had a problem with big box stores doing this, and he would not vote on it.

Nearly an hour into the hearing at 7:55 p.m., Mr. Sagar motioned, seconded by Mr. McLintock, and it was unanimously

VOTED: To temporarily suspend the Hearing and move to Item A under Old Business.

OLD BUSINESS

Appointment of Norman Arsenault, Beau Jacques, Alexander Schlageter, and Nicholas Mancini as Career Firefighters and Swear in by Town Clerk

Fire Chief Alan Jack introduced them. They completed all tests and these are the four who are licensed MA paramedics.

They were sworn in by Town Clerk Janet Parker.

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

VOTED: To move the Item B under Old Business.

Town Clerk to Draw Ballot Position for Special Election to be Held on September 24, 2012

1 st	Paul Buckley
2 nd	Nelson Almeida
Write in	Jeffrey Mararian

The Public Hearing reconvened at 8:05 p.m.

Atty. John Iata, spoke on behalf of Hills Package Store. He stated that for 20 years the Board of Selectmen had refused box store licenses. If BJ's is approved, it would open the door to Sam's Club, Target, and Wal Mart. Further, this is not a straightforward transfer. It is a new license. Vintage Liquors (a small store) was the prior owner. There are six liquor licenses under a mile and one less than 1.5 miles for a total of seven.

He noted that BJ's was under investigation and charged with 42 liquor license violations in the Dedham, MA store and it is still unresolved at the ABCC. He had a copy of the investigative report.

Mr. Parker responded that there are no more liquor licenses coming forward for those other stores.

In response to Mr. Parker's question, Atty. Navega said that the area at BJ's is 500 sq. ft. compared to about 2000 sq. ft, for Vintage and 18,000 sq. ft at Gasbarro's.

Mr. Parker said this is a convenience to BJ's customers.

Mr. Chris Gasbarro of Seekonk Liquors commended BJ's for the way it conducts business. but he is concerned about the Town. He checked out BJ's other stores in Stoughton, Dedham, and Northborough.

He did not see any employees in the alcohol area. Liquor was spread out throughout the store. Cashiers are supposed to look at the buyer's license and key in the date of birth, which prints on the register receipt. It has to be monitored.

Mr. Gasbarro said it isn't about competition. It is his concern about being a parent and working in the Town. He questioned the precedent set with Sam's Club, Target, and others.

Mrs. Beverly Hart, Melanie Circle, in the south end of town, welcomed BJ's. However, she works with young people at the high school and she does not want to see these type stores sell alcohol. She noted that five previous Boards had denied it. The Town will not lose BJ's because of it. Young people look for an easy way to get liquor.

Mr. Barry Schupp, owner of Parker's Market in Briarwood Plaza, encouraged the Board not to approve the license. He has a beer and wine license and he understands that competition is not a reason to deny a license. He felt with an operation the size of BJ's there would be an unintended or intended consequence to other merchants in the area.

Atty. Gaebe said that Mr. McLintock said he would not vote. If it is a conflict of interest, he suggested an opinion from Town Counsel.

Chairman Cavaco noted that Town Counsel is not in attendance for that. Mr. McLintock has the right to choose not to vote.

Mr. Robert Blais, 172 Marnoch Drive, spoke in favor of BJ's. He felt that BJ's had taken a lot of precautions. It would provide a convenience to customers.

Mr. Jay O'Connor, owner of Vintage Fine Wine and Beer, said he has heard a lot about the under age. He did not have a lot of young people come into his store. He felt that young people will find a way to get liquor if they want it.

He felt that BJ's has the safeguards in place.

Atty. Navega said he has lived in this town all his life. His children went to school in Seekonk. He is proud to be a member of this community, having been a police officer for many years.

This request is for a routine transfer. It is a 500 sq. ft package store limited to beer and wine. He urged the Board of Selectmen to grant this transfer.

The Public Hearing closed at 8:47 p.m.

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

VOTED: 2 Ayes; 1 Nay; 1 Abstention; To approve the transfer of license from RJ Innovation Development, Inc. to Mormax Corporation @ BJ's Wholesale Club, 175 Highland Avenue, with the stipulation that it is 500 contiguous sq. ft. and that all cashiers are TIP certified.

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

Prior to the vote, Mr. Sagar noted that Sam's Club had been denied a license several times. He would not support this and suggested that the license be returned to the Town and made available to seasonal license holders.

Mr. McLintock noted the people in Seekonk are being serviced. He was a member of the Board that denied the request from Wal Mart in 1991 because there might be other requests.

Chairman Cavaco said that things are changing. He believes in free enterprise.

Ms. Rogers responded to questions from the Chairman. She said an establishment could hold up to five liquor licenses within the State of Massachusetts. If approved on the local level, it would be sent to the ABCC for final approval. She didn't know about any violations mentioned previously. It is an ABCC investigation. She noted that this is the transfer of an existing license. She didn't know how long it would take.

Presentation by Marilyn Edge on the Bristol County Tobacco Program

Ms. Edge said that she is the director of a 13 community collaborative for tobacco issues. She is an unpaid agent of the Boards of Health of all of those communities because she works for the Mass. Department of Public Health. Her funding comes from the Bureau of Substance Abuse.

Her office conducts retail store inspections and works with retailers about product placement and to make sure those stores are in compliance with all regulations. Retailers are required to have specific signage which is provided free of charge. They work with police departments to keep track of retailers that sell questionable products.

She does educational presentations to middle school parents and faculty on alternate tobacco products that are not cigarettes.

In FY'13 an alcohol education component was added. She has met with all liquor license entities. Whenever there is a sale to a minor in an establishment she needs to notify the liquor licensing board.

Ms. Edge offered to provide information on responsible beverage server training and social host liability. She would e-mail information to the chairman.

She said she was sworn in as an agent of the Seekonk Board of Health on July 1, 2011.

Update on Boards and Commissions

Ms. Rogers said there are quite a few boards that need people and some that need clarification.

The Armed Forces Memorial Park Committee has seven members. She heard that one member will be resigning.

Chairman Cavaco said the expiration is when the park is completed.

The Community Preservation Committee needs two members appointed by the Board of Selectmen. She needs an update from the Recreation Commission as to its representative to the CPC. There is one talent bank form for CPC.

The Cultural Council is only allowed to do a six-year term. Two members had to come off this year. Right now there are six members and there could be up to 22 according to State regulations. She does not have any talent bank forms.

Economic Development has one member and the Energy Committee has two members. She did not know the terms on those.

The moderator will appoint one person to the Finance Committee.

Historical Commission is at five members right now. It could be no less than three, no more than seven.

The Human Services Council needs one member.

The Municipal Capital Improvement Committee needs one member appointed by the Board of Selectmen and one by the moderator. She has one talent bank form.

Mr. David Bowden resigned. His appointment had one more year.

Mr. Parker felt the term was wrong when the Board of Selectmen made the appointment. The vacancy should be until 2014.

The Public Safety Complex Building Committee needs to be dissolved. The last appointment expired in 2011. Mr. Tom Piquette will stay on for the last items.

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In response to Mr. Sagar's question, Ms. Roger said she is not sure how the Open Space Planning Committee and Park Committee work.

Mr. Parker said the Park Committee was formed to build the park and the Library Board of Trustees formed another committee.

The Property Tax Work Off Committee consists of three citizens appointed by the Board of Selectmen.

The Recycling Committee has two members. The Recycling Coordinator and DPW Superintendent are on it.

The Moderator needs to look at the Senior Center Building Committee. They all seem to expire next year.

Mr. Parker felt it should be the responsibility of the chairpersons to notify Ms. Rogers when there are vacancies.

Ms. Rogers said that SRPEDD needs a Board of Selectmen appointment which was due in May.

A vacancy on Tri County will be filled at the August 22, 2012 meeting.

The Board will vote to abolish the Open Space Planning Committee at the next meeting.

Mr. Sagar wanted to research minutes to find out when the Public Safety Complex Building Committee was extended.

Ms. Rogers advised there will be openings on Conservation and the Armed Forces Memorial Park Committee.

She will send out letters to the people that completed talent bank forms.

Mrs. Nolan said she will start to interview people.

Ms. Rogers noted that the moderator has updated the new terms on the Finance Committee.

She said that committee/board members have got to work with her.

Mr. McLintock suggested sending letters to the chairpersons of the boards.

Chairman Cavaco noted it was done in the past but in some cases there was no response.

Chairman Cavaco moved to New Business.

NEW BUSINESS

Approve Contract for Monitoring of Landfills by GPI Engineering

Mr. Noyes and Miss Nova from GPI were in attendance.

Mrs. Nolan asked if there was any other way to monitor the landfill or to have the town engineer do it at less expense.

Miss Nova said 65% are direct costs and the remaining is the labor. They would be willing to train the town engineer.

Mr. Sagar said he needs to know why this cannot be done in house and he is not getting a satisfactory answer. With a professional engineer on staff, he could not understand why it can't be done. While he understands that GPI must be paid, he will not approve it until his questions are answered.

Mrs. Nolan said she is waiting to hear from Mr. Cabral.

DPW Superintendent Robert Lamoureux said that Mr. Cabral does not have the knowledge or expertise to do it. It is a specific field.

It will be on the agenda for August 22, 2012.

Approve Survey Contract for 36 Maple Avenue for GPI Engineering

Mr. Jim Noyes from GPI was in attendance.

Mr. Sagar advised that he had contacted Atty. Alana Quirk from Kopelman & Paige. He is a direct abutter and will be abstaining.

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

VOTED: 3 Ayes; 1 Abstention; To approve the survey contract with GPI Engineering and authorize the Town Administrator to sign the contract.

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

Mr. McLintock felt the Board should meet with the engineering firm and representatives from District Five to discuss the 114A Project.

Mr. Noyes said that SRPEDD indicated the TIP would not cover costs associated with replacement of the dam. It would cover removal.

Mr. Sagar said that Conservation representatives should also be in attendance.

Discussion with Chief Ronald Charron on the Use of By-Law Category 33 for Gold Buyers

Mrs. Nolan advised there have been a lot of firms that want to buy gold.

Mrs. Parker, Chief Charron, Ms. Rogers and she talked about regulations to follow in Seekonk. Right now vendors get a d/b/a from the Town Clerk. They rent a hotel room for a weekend or so.

Chief Charron said that town counsel responded with a lengthy analysis of Mass. Gen. Laws that can be used.

They considered looking at bylaws from other communities. Barnstable was one. Atty. Frank examined Category 33 of the bylaws. Application should be submitted to the Board of Selectmen. The application was adopted from another community. Category 33 will allow the Board to determine whether gold operators can operate in town.

In accordance with Chapter 266, Section 142A, the police department can examine transactions taking place and the sealer of weights and measures has to power to check the scales used.

The Chief felt that everything was in place and he did not see the need for a bylaw right now. The gold buyer would have to fill out an application. The Board would have a hearing with the applicant and has the right to put in stipulations.

Chief Charron recommended the use of Category 33.

Mrs. Nolan said that generally when there are rules and regulations the buyer will go to another location.

Mr. McLintock noted that gold prices are expected to go up again.

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

VOTED: To use Bylaw Category 33 for gold buyers.

Approve Use of Assessor's List With Names for Permit Programs with Chief Charron

Mrs. Nolan said the Town of Seekonk was awarded money from SRPEDD for burning permits from the Fire Department. In order to get it into the program, the software company needs the Assessor's list so that people can apply on line for permits. A few years ago the Board of Selectmen determined that public safety employees should not be on that list. The software company will redact police and fire.

Chief Charron stated that his issue would be to keep police and fire off that list.

Atty. Joseph Fair advised that there was a revision to the public records that home addresses and telephone numbers of all town employees are not considered public record.

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

VOTED: To redact addresses and phone numbers of all town employees.

OLD BUSINESS

Discussion on Contents of Complaint Filed Against a Town Official and Possible Action on Said Complaint (Town Official has the Right to Request Executive Session)

Mr. Parker requested open session.

Chairman Cavaco stated that this matter was continued until Mr. McLintock could be in attendance.

Mr. Parker said the complaint was brought against him because of comments he made publicly. He called the Boston Passport office in pursuit of the \$20,000 to \$30,000 the Town lost in passport processing. He inquired of that office if Ms. Rogers had taken the test. He knew she had and he expected for them to say she had. He could then go to the next step to find out why that office did nothing about it.

His comments were mistaken. He is accused of hurting Ms. Rogers' reputation. Eight to ten people have listened to his comments and agree with him. He knew Ms. Rogers took and passed the test. He wanted to know why the Town had not heard after 8 months. He found out there was another application that was not sent in. He said Ms. Rogers felt his e-mail was slanderous. In his opinion, what he is going through here tonight is leeching.

Mr. McLintock asked if Mr. Parker would be willing to apologize.

Mr. Parker said he would be more than willing to apologize if he said anything that was an attack on her but he did not.

Mr. McLintock could not understand why a selectman should check on an employee who works for them.

Mr. Parker said that everyone knew she took the test. She took the test six months before he sent the e-mail. He made the call because nobody got back to the Town. He wasn't questioning her, he was questioning Boston.

Ms. Rogers said it was the e-mail that Mr. Parker read at the Board of Selectmen meeting. He read her name; and, basically, in her opinion, questioned her character and reputation with the supposition of deceit and that she produced a fraudulent document.

Atty. Fair ruled that ultimately the Board of Selectmen does not have the authority to take any given action against an official. No formal action could be taken beyond a verbal censure or statement of disapproval. At this point it would be up to the Board.

Ms. Rogers said she is asking for an apology; not that Mr. Parker be removed and that the proper procedure be followed with the Town Administrator so as not to jeopardize anybody else's reputation in public. She is addressing her reputation and her character only on the incident that happened on May 30, 2012. She is not asking for a resignation. She is asking for the respect that every employee in this Town deserves.

She felt that Mr. Parker did owe her an apology and that the Board follow proper procedure in the future.

Mr. McLintock said Board members agreed that they should go through the Town Administrator.

Mr. Parker said if he apologized now it would be because of the conversations they just had. He noted this incident happened under the previous Town Administrator.

Atty. Fair suggested the Board affirm that they should go through the Town Administrator with any issues.

Mr. Parker apologized to end the matter. Ms. Rogers accepted.

Town Clerk Janet Parker asked about grandfather rights with respect to passport processing.

Ms. Rogers noted that expired on April 30, 2011; before she took the test.

Mr. Parker suggested the Board ask the assistance of Rep. McGovern to get passport processing back to Seekonk.

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

VOTED: To direct the Town Administrator to pursue the passport issue and report back to the Board.

Chairman Cavaco noted that he checked with Rep. McGovern's office and it appears it is too late. He suggested contacting Sen. Brown's office.

Discussion on Town Administrator's Evaluation Form

Mr. Parker said he sent out a form that he entitled 360 process to people asking them for comments. This was his way of getting input. He received about 30 responses and some are very good.

Mrs. Nolan expressed concern because there were no signatures. The Board of Selectmen had voted not to accept any document anonymously. She questioned why it was sent to people she did not know and why a reporter. She wants this to be professional and fair. She objected and she took exception to some of the people it was sent to.

Mr. McLintock said he had a copy of the one that was sent to employees. He said there is no process anywhere for this kind of thing to take place.

Chairman Cavaco noted that Sen. Timilty, Rep. Howitt, Ms. Rogers and Mrs. Gamer were let out.

Mrs. Nolan asked about the members of the building committees.

Mr. Parker said you never find out what is going on if you ask for signatures.

Chairman Cavaco felt it was inappropriate to survey employees.

He noted that Mrs. Nolan is working with the three building committees. She has prepared RFPs. She is working on administrative policies.

Mr. McLintock said it makes no sense the kind of e-mails the Board has been getting at their homes. Board members have a job to evaluate the Town Administrator. He disagrees with it being put out there. He has observed the Town Administrator at work. She is able to do purchasing, and she is putting in the hours. He felt it was not fair that something like this should be done by one individual out of five.

Mr. Parker responded that a previous member met with six department heads when it was time for the six month evaluation. He felt that rules are different for him.

NEW BUSINESS

Discussion with Robert Lamoureux on 2013 Road Improvement Plan

Mr. Lamoureux said that he submitted his proposed plan for 2013.

Mr. Sagar said that Hope Street is the worse street in town.

Mr. Lamoureux said followed closely by Miller Street.

He explained the grinding procedure on Hope Street. It will be stone seal because it cost three times more to do the grinding. He is trying to do as many roads as possible using different processes.

Mr. Sagar said he sent an e-mail to the Town Administrator re: Hebron Avenue.

Mr. Lamoureux said that road needs some attention but it is not as bad as other roads in town. He will put a rating to Hebron Avenue and try to get to it within the next couple of years.

Mr. McLintock asked if the gas company requests road openings and how far in advance.

Mr. Lamoureux explained that when he gets a request he forwards is recommendation to the Town Administration for approval.

Mr. McLintock felt that taxpayers are subsidizing restoration of roads that are cut by for-profit companies.

Chairman Cavaco stated this was not an agenda item. It will be on the next agenda.

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

VOTED: 3 Ayes; 1 Nay; To table discussion on road restoration following work done by for-profits until the meeting of August 22, 2012.

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

Prior to the vote, Mr. McLintock said he needed time to review the information provided.

Mr. Parker felt Mr. McLintock should have looked through his packet beforehand.

Review 2012-2013 Snowplow Policy and Vote

Mrs. Nolan advised this was ready by July 1st as requested by the Board. A few changes were made. All plows must have commercial registration on the vehicles.

Mr. Lamoureux referred to the bottom of page 1. He felt the requirement that vehicles have a 30-minute break after 6 hours and recorded as unpaid would cripple the snow plow operation.

He referred to “The maximum chargeable time is not to exceed 11 hours per calendar day.” He said there are only a few drivers who have a CDL and this would affect every operator who works for DPW.

Mrs. Nolan said it is to prevent fatigue. She cautioned that the Town would be responsible if something happens.

Mr. Lamoureux said there are only 12 plows and he subcontracts as many as possible. There aren't enough to stagger.

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

VOTED: 2 Ayes; 2 Nays; To remove the sentence that says, “The maximum chargeable time is not to exceed 11 hours per calendar day.”

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

Mr. Lamoureux asked about the requirement that drivers must have a certified copy of driver's license.

Chairman Cavaco said it is a stamped copy from the Registry of Motor Vehicles. It can be done on line.

Mr. Sagar felt that would discourage applicants.

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

VOTED: 3 Ayes; 1 Nay; To delete the sentence that says, “Drivers must provide a certified copy of license as obtained from the Registry of Motor Vehicles.”

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

Mr. Lamoureux noted that the Town has the highest insurance requirements than any surrounding communities.

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

VOTED: 3 Ayes; 1 Nay; To accept the RFP- Specifications for Plowing and Sanding, as amended.

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

Review of Hazardous Material Inspection of 69 School Street

Mr. Lamoureux advised there is lead paint and asbestos in various locations in that building.

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

VOTED: To authorize the Town Administrator to get estimates on removal of asbestos at 69 School Street and report back to the Board at the September 26, 2012 meeting.

OLD BUSINESS

Consider and Approve Regular Session Minutes from June 13, 2012, June 20, 2012 and June 27, 2012

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

VOTED: 3 Ayes; 1 Abstention; To accept the Regular Session minutes of June 13, 2012.

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

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

VOTED: 3 Ayes; 1 Abstention; To accept the Regular Session minutes of June 20, 2013.

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

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

VOTED: 3 Ayes; 1 Abstention; To accept the Regular Session minutes of June 27, 2012.

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

Format for Creating Annual Town Report

Mrs. Nolan said it has to be submitted electronically. She will discuss at the next department head meeting.

Mr. Parker said it has to be done by the first Monday in October.

NEW BUSINESS

Review Morris Street Rezone and Refer to Planning Board to Hold Public Hearing

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

VOTED: To forward Morris Street Rezone to the Planning Board for public hearing.

Authorize Town Administrator to Sign Off Master Lease/Purchase Agreement for Heavy Duty Dump Truck

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

VOTED: To authorize the Town Administrator to sign off master lease/purchase Agreement for heavy duty dump truck.

Discuss Performance/Appraisal Evaluation Form for Department Heads and Approve Use in the Future

Mrs. Nolan will set up evaluations. She asked if the Board wants to do goals and objectives.

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

VOTED: To approve the performance/appraisal form as submitted by the Town Administrator.

TOWN AMDINISTRATOR'S REPORT

Discussion on Meeting with Local Veteran Agents and Discussion of Forming a Veterans District

Mrs. Nolan advised that surrounding towns have people in place right now. The Rehoboth Agent is retiring. She said he is an excellent Veterans Agent; and, hopefully, will share his knowledge when the district is formed. Swansea and Rehoboth are interested in forming a district but want to wait a year or so.

The district could include Rehoboth, Swansea, Dighton, and Somerset. Mr. Bai is researching with the State office. It would improve services without inconveniencing our veterans.

The group will meet again at the end of November.

Update on Building Committees, RFPs and Bids and Mandatory Site Visits

Mrs. Nolan advised that a mandatory site meeting was held today for the Banna Fire Station. It was disappointing - three people attended. Construction submittals are due by August 30, 2012 at 12 noon.

Banna Demolition bids will be opened on August 15, 2012. This ran into a glitch because there is a pit in the apparatus room. One of the licensed site professionals discovered and reported it. GPI is correcting it right now. She had to change the date for completion of demolition until November 30th.

The OMP for the senior center, tree service rebid, and legal services will all open in August.

She noted it is time to renew mandatory ethics training. It has to be done every two years and turned into the Town Clerk.

Discuss Fall Town Meeting Warrant Close Date of September 14, 2012 – Town Meeting Scheduled for Tuesday, November 13, 2012

Mrs. Nolan advised she has five warrants thus far. The School Department wants to re-appropriate \$239,000. The Planning Department has a rezone voted earlier. There is an article to transfer dog license reserve and an article for a records management system to clear out the basement.

Mr. McLintock said he saw the preliminary plans for the continued care facility. The developer wants to use the sewage treatment from Greenbrier.

Mr. Parker said it would have to be approved at Town Meeting.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco reported that all warrants are in order.

Mr. Parker told residents that the Fire Department will put blue numbers on mail boxes for \$15. It is good idea to identify addresses in the case of an emergency.

He suggested that any requests to use the Reverse 911 for community affairs should go to the Town Administrator or Communications Director.

Mrs. Nolan said she spoke to Mr. LeClerc. There were about 30 complaints the last time it was done. People do not want the Reverse 911 used for anything that is not an emergency or critical.

Mr. McLintock suggested a meeting with the engineering firm to talk about 114A.

Mr. Sagar said a tentative work session was scheduled for next Wednesday.

Chairman Cavaco stated that Mass. DOT has control of the 75% design and oversees the other 25%. The 25% submittal got rejected because of the wetlands. No money should have been paid until it was approved.

He had a letter from the Second Story Music Store asking for a change in the sign bylaw. The owner feels it hurts businesses.

He had another letter about yard sale guidelines. They have to get a permit.

Mr. Parker noted that the Town Clerk e-mails a list of yard sales to the Police Department. He felt there should be discussion on this because there it isn't fair to the ones that pay.

Mr. McLintock felt they should be fined.

Chairman Cavaco said he is tired of the press printing false statements. He will get a cease and desist order.

Mr. McLintock agreed. He was talking about the reporter for the Attleboro Sun Chronicle.

At 12:00 a.m. a motion was made by Mr. McLintock, seconded by Mr. Parker, to go into Executive Session to discuss strategy and negotiations with AFSCME, to examine documents for mediation and fact finding by Steelworkers Unions and discuss strategy, to approve the MOA for police, and to plan strategy of contract negotiations for the Executive Assistant to the TA/BOS and the Director of Communications; not to return to Open Session.

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

Respectfully submitted,

Gary S. Sagar, Clerk

Patricia Gamer, Secretary