

BOARD OF SELECTMEN
SEPTEMBER 19, 2012
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Chairman Cavaco called the meeting to order at 6:00 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 recording must notify the Chair. The meeting is taped via audio and video and televised on Cable 9.

WORK SESSION (NO PUBLIC INPUT)

Chairman Cavaco stated that public input would not be allowed during the work session.

Discussion and Update with the Water Commission with Respect to Pine Hill Estates Development

Mr. Sagar and Mr. Parker objected to this item being before the Board of Selectmen. Mr. Sagar added it should be under the Board of Health.

Chairman Cavaco said that the Water Department Superintendent wanted to come before the Board of Selectmen for discussion.

Supt. Robert Bernardo thanked Board members. He said this sub-division consists of 10 lots within approximately 850 ft. of two of the wells and represents a critical water supply issue and a serious public health concern. The concern centers around nitrates. Nitrates are compounds of nitrogen and oxygen that can be found in the soil. It is associated with fertilizers and, in this particular case, waste water systems. The issue with drinking water and nitrates is that it can be toxic and fatal if untreated. Babies, pregnant women, nursing mothers and elderly are at risk. Nitrates are colorless, tasteless, odorless, highly soluble and can easily get into ground water.

Another area of concern is the Hurley Middle School septic system, which is within 1,000 ft. of the nearest well. The nitrates level has risen every year.

Mr. McLintock stated this was brought before the Board of Health. Members of the Board of Health have concerns. He said the main water supply cannot be endangered by a development. He talked to the Health Agent and the Water Commission at length. The concern is whether the good water could be at stake.

Mr. Bernardo said that the Seekonk water supply must be protected and the development must be stopped.

Based on the information provided, Mr. Sagar questioned why the Hurley School is not a threat and why the Board of Health had not issued an enforcement order with the School Department.

Mr. Bernardo said the Health Agent and he wrote a letter dated May 10, 2012 regarding the non-compliance at Hurley School.

Mr. Sagar said that failed septic system had been there since January 1999 and nothing done about it. It should be addressed whether or not the development is built.

Mr. McLintock said that back in 1996 the DEP forced that system to be put in during the expansion to the middle school with strong objections from the School Committee.

Mr. Bernardo said about 12,700 people are serviced by the water district.

Mr. Sagar said he met with Mr. Bernardo and showed him the information from his packet. This is a regulatory issue. It is clearly a Board of Health issue. He questioned why a failed septic system had been allowed to operate since 1999.

Chairman Cavaco did not allow Mr. McLintock's request to have the Health Agent respond to questions because it was not on the agenda.

He stated it would cost about \$100,000 to \$150,000 to correct the problem in the school.

Mr. Sagar said he talked to Mr. Bernardo and Town Planner John Hansen. Based on the recommendation of the person that manages that system, the effluent that goes into it has to be increased. Before any action is taken by the Board of Health, Mr. Sagar suggested that Chairman Cavaco, Mrs. Nolan, Mr. Bernardo, and Mr. Hansen meet with the developer to see if he can tie into that plan. It would be to his benefit, the Town would realize a betterment fee, and the problem would be corrected.

Mrs. Nolan agreed that it is worth looking at.

Mr. McLintock said hopefully the problem can be resolved so the Town's water supply is not at risk.

Mr. Sagar said he has enjoyed a good relationship with Mr. Bernardo and he applauds him for being proactive.

Mr. McLintock said the Board of Health is in time constraints in terms of meeting the guidelines in this matter.

Mr. Bernardo urged the Board to oppose this development.

Chairman Cavaco invited Selectmen to attend the Board of Health meeting the next day.

The attorney representing the developer attempted to speak. However, he was not allowed because he was not on the agenda.

The attorney wanted to go on record as saying this is the beginning of a violation of his client's due process.

Discussion with Mass DOT, GPI, and Town Engineer about Design Changes to Route 114A at Fall River Avenue (aka Grist Mill Intersection)

Town Engineer David Cabral was in attendance along with Jim Noyes from GPI, Pamela Haznar from District Five and Marty Leelman from Mass Highway, Boston.

Mr. Noyes explained that a single lane roundabout would not work at that location. It would work as a two-lane roundabout but there is an environmental impact.

Mr. Cabral said his initial recommendation back in March 2008 was the single lane roundabout. At that point, the Board of Selectmen chose to go with the signalized option.

Chairman Cavaco asked Mr. Noyes if the one-lane roundabout would make the TIP timeframe.

Ms. Haznar, Mass. Highway District Five Project Development Engineer, stated the project is on the program for 2015 and could possibly be moved up to 2014 as of October 1, 2012.

In response to Mr. Sagar's question, Mr. Cabral explained the difference between a rotary and roundabout. A rotary is an old fashion traffic circle. A roundabout tries to bring the traffic in on an angle and is properly designed to allow for merge. The design component of a roundabout is different.

Ms. Hazner noted a roundabout was just completed in Freetown off of Route 140 at Chace Road. There is also one in Barnstable at Route 149, two in downtown Norfolk and one in Nantucket.

She said Mass. Highway advocates for roundabouts. A single lane roundabout would fail at this location because when using federal aid money they design for a 20-year outlook. A single lane option would fail because the volume of traffic is too high.

Mr. Sagar asked what would happen if the Board disregards the recommendations of the State and what about the environmental concerns with a two lane roundabout.

Mr. Noyes said he would like to continue to look into the two lane roundabout. It would require land takings.

Mr. Sagar would like to see more information before he votes.

Mr. Parker noted that this Board voted twice on the signalized project.

Mr. McLintock said the signalized would not work in that area. He favored the two-lane roundabout.

Chairman Cavaco noted that GPI bailed the town out on the 152 project. He is confident that GPI will do a good job on the 114A project.

LICENSE HEARING

One Day Outside Entertainment License for Grand Opening of School of Rock Located at 1295 Fall River Avenue, Phil Martelly, Manager

Mr. Martelly was in attendance.

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

VOTED: To approve the one day outside entertainment license for the grand opening of School of Rock located at 1295 Fall River Avenue.

OLD BUSINESS

Vote to Authorize, or Not, the Use of the E911 to Remind Residents of Special Election on September 24, 2012

Mr. Parker noted the Board had previously voted that use of the E911 would be at the discretion of the Town Administrator and/or Communications Director. The Town has unlimited minutes.

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

VOTED: To remove Old Business Item A from the agenda.

Discussion with Robert McLintock with Regards to Policy for Road Openings; Vote to Approve/Disapprove

Mr. McLintock said this has been an issue for quite some time. Taxpayers should not be paying to close a road that was opened by utility companies. They should be required to use the latest process for sealing off the roads.

He had documents that showed the procedures followed by the Attleboro Department of Public Works.

Chairman Cavaco advised that the gas company had found 79 defective valves in Town. They asked if the permit process could be expedited. Some of the valves are in roads that have been repaved and some are in the moratorium.

Mr. McLintock said he could not vote to allow them to open the road.

Chairman Cavaco and Mrs. Nolan noted that the gas company is following the Board's directive to locate the valves. It is a public safety issue. Mr. Parker agreed.

DPW Superintendent Robert Lamoureux stated that the gas company had the opportunity to raise those valves. The Town has road restoration guidelines. He agreed with Board members, but he is not the one who should give direction to the gas company.

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

VOTED: 3 Ayes; 1 Nay; To waive the moratorium and authorize the gas company to dig up the roads, as necessary, to repair the valves, as directed by the Board of Selectmen.

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

Mr. Lamoureux noted that the Town's road restoration guidelines are more comprehensive than Attleboro's.

Vote to Approve and Sign, or Not, the Acquisition of Gude Street Property for Old Colony Habitat for Humanity, Inc.

Atty. Roxanne Richard, representing Old Colony Habitat for Humanity, and Joanna Eckhardt, President, were in attendance.

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

VOTED: 3 Ayes; 1 Nay; To approve and sign the documents for the acquisition of Gude Street property for Old Colony Habitat for Humanity, Inc.

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

Documents were notarized by Asst. Town Clerk Karen McHugh.

Vote to Approve/Disapprove the Assent Agreement with New England Power for the Proposed New Senior Center

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

VOTED: To approve the Assent Agreement with New England Power for the proposed new senior center.

Documents were notarized by Asst. Town Clerk Karen McHugh.

Vote to Approve/Disapprove the Proposal for Design Engineering Services to Caputo & Wick for the Seekonk Animal Shelter Building Expansion Project

Mrs. Pat Cloutier, Chairwoman of the Building Committee, was in attendance. The contract amount is \$9,600.

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

VOTED: To approve the contract with Caputo and Wick Ltd. for design engineering services for the Seekonk Animal Shelter building expansion and authorize the Chairman to sign.

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

Mrs. Nolan reminded the committee to keep on record the firms they had contacted.

Vote to Approve/Disapprove Biweekly Board of Selectmen Meetings

Chairman Cavaco noted that the Board had authorized biweekly meetings until the end of September.

Mr. Sagar suggested continuing with the biweekly meetings. During budget time or other busy times, the Board could meet weekly.

Mr. Parker said he could not support biweekly meetings because all of those meetings have gone after 11 p.m. He talked about security in Town Hall. All offices are open until 7 p.m. and staffed by women. He is not comfortable with that, and he will personally be at Town hall every Wednesday until 7 p.m.

Chairman Cavaco concurred with Mr. Sagar.

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

VOTED: 3 Ayes; 1 Nay; To continue with biweekly Board of Selectmen meetings.

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

Review Planning Board Decision on School Street

Mrs. Nolan reported that the Planning Board had recommended the building should be cleaned and used by the Town or sold, to be decided by the Board of Selectmen. Asbestos abatement would cost from \$20,000 to \$80,000. The Town does not have the money to clean the building.

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

VOTED: To include a warrant article for the School Street property.

Update and Discussion with Building Inspector in Regards to Maintaining a Log for Monthly Reports

Removed from the agenda.

Consider Approval of Regular Session Minutes of September 5, 2012

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

VOTED: 3 Ayes; To accept the Regular Session minutes of September 5, 2012.

The vote: Mr. Sagar – Aye; Mr. McLintock – Aye; Chairman Cavaco – Aye; Mr. Parker – Not in attendance at the time of the vote.

NEW BUSINESS

Atty. Steven Navega on Car Leasing Company Application

Atty. Navega represented Robert Pesce, who has entered into a purchase and sale agreement for property at 62 Taunton Avenue. Mr. Pesce inquired at Town Hall about the feasibility of using the building for Enterprise Rent A Car. Building Commissioner Mary McNeil told him he needed a Class II motor vehicle license. The regional manager of Enterprise Rent A Car indicated that it was not required in any of the others in Massachusetts.

Atty. Navega said he notified Mrs. McNeil that his client would not be selling vehicles on site. The vehicles are auctioned. He met with the Town Administrator. The position has not changed. He noted that this is not a zoning issue. His client cannot proceed with the purchase and sales unless the Board of Selectmen gets a legal opinion or Mrs. McNeil changes her mind.

Mrs. McNeil stated that she had done more research and will send Atty. Navega an amended letter.

**Presentation from Mr. George Polli to Hold a Fishing Tournament at the Grist Mill Pond
Vote to Approve/Disapprove His Request to Ask the State to Stock the Pond with Fish**

Mr. Polli of the Seekonk Lions Club explained that they plan to hold a fishing tournament for children at the Grist Mill pond next spring. The property owner agrees. He will ask the Massachusetts DEM for help with the pond.

Christine Allen said that she heard the fish in that water are contaminated.

Mr. Sagar said that Mr. Esmay from Grist Mill has endorsed it. He would also like to make that pond available for ice skating in the winter.

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

VOTED: To support Mr. Polli's request to the State DEM to stock the pond with fish.

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

Appointment of Sean Healey to Veterans Memorial Garden Committee

Mrs. Nolan said Mr. Healey withdrew his name because he is not able to meet at the time this committee meets.

**Presentation from Mr. Frank Faubert on STOP Program for Responsible Server Training
of Alcohol; Vote to Accept/Not Accept the Program and Add Company to Administrative
Policy 65**

Mr. Faubert requested to be placed on the list.

Mr. Sagar motioned, Mr. Parker seconded, and it was unanimously

VOTED: To amend the policy to include Frank J. Faubert and to send out corrected letters.

Mr. Sagar requested that this matter be included on a future agenda.

**Discussion with Mr. John Bilodeau on His Complaint Regarding the Maintenance of the
Ballfields**

Withdrawn.

Approve/Disapprove the Contract with GPI to Remove Hazardous Materials from the Banna Fire Station

Withdrawn for tonight.

Approve/Disapprove Nitrogen Loading Analysis Contract for Pine Hill Estates to GPI

Mrs. Nolan advised this would be if the Board wanted another firm working for the Town to look at the submittal to the Board of Health for Pine Hill Estates.

Mr. Bernardo said the Water Department is doing this.

The item was removed from the agenda.

Sign Contract for Tree Service with Northeastern Tree

Mrs. Nolan recommended the Board award the contract to Northeastern Tree. The bid was sent out twice.

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

VOTED: 3 Ayes; 1 Nay; To approve the contract for tree service with Northeastern Tree.

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

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

VOTED: 3 Ayes; 1 Nay; To authorize the Town Administrator to sign the contract.

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

There was considerable discussion prior to the vote.

Mr. Parker asked why it was bid twice.

Mrs. Nolan explained that the person who was awarded the contract did not want the job and the next person had not sent in the insurance certificate and references. She decided to rebid.

Atty. Brian Corey, Jr., representing Advanced Tree, stated that Mr. Marcello had been doing work for Seekonk for approximately eight years. The first bid package required only the successful bidder produce within five days the required recommendations and insurance forms.

Mrs. Nolan noted that was the bid package previously sent out by Mr. Lamoureux. Her package was totally different. It appeared that Mr. Marcello never read her bid. He was going by the old bid used by DPW.

Atty. Corey said, with regard to the second round of bidding, the lowest may not be the lowest qualified bid.

It is for \$140 per hour. Prevailing wage calculates man hours at \$65.15 per man. The bid is \$70. He felt it is illogical and improbable that this company from Cranston, RI would be doing the work in accordance with the terms of the bid. He said the bid does not meet the cost requirements.

Atty. Corey asked the Board to hold off on the contract, review the specifications, and rebid the process using more appropriate specifications.

He noted there is a local bidder and questioned why the contract would be awarded to an out-of-state firm.

Mrs. Nolan said she would prefer to give the contract to the local business but according to the terms of the bid Northeastern Tree is the lowest. Advanced Tree bid \$180 per hour and Northeastern Tree \$140.

Mr. McLintock said that the Town is guided by the rules of the State in terms of prevailing wage.

Chairman Cavaco said that Mrs. Nolan is the certified purchasing agent.

Mr. James Marcello from Advanced Tree said the package that went out specifically stated five days for submittal of documents. It was not last year's documents, it was this year's. He would like to bring in that package to show the Board.

Mrs. Nolan suggested Mr. Marcello could file a complaint with the Atty. General's office.

Sign Proclamation for United Nations Day

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

VOTED: To recognize the 67th Anniversary of United Nations Day on October 24, 2012.

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

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

VOTED: To authorize the Chairman to sign the Proclamation.

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

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan advised that she is currently working on the warrant for the Fall Town Meeting of Tuesday, Nov. 13, 2012. The Board should start to review the articles at the next meeting.

Chairman Cavaco, Vice Chairman McLintock and she will attend a legislative breakfast sponsored by the Mass. Municipal Association on Friday, September 21.

She met with GPI representatives and their dam expert from who came from New Hampshire. Mr. McLintock and Mr. Del Rosso were in attendance. She is waiting for a recommendation as to what was wrong or right in the Weston and Sampson report.

BOARD OF SELECTMEN'S LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco reported the warrant is in order.

An Open Meeting Law training session is scheduled for Wednesday, October 3, 2012, at the Taunton Superior Court at 6 p.m.

The next Board of Selectmen meeting is scheduled for October 10, 2012.

Mrs. Nolan will be in class all next week to get recertified as a purchasing agent.

Mr. McLintock and Mr. Sagar have been reviewing the legal service proposals. The Board should set up a special meeting for the presentations.

Mr. Sagar said that the Seekonk Speedway will have a special race in commemoration of the Town's 200th Anniversary on September 29. It will benefit the Ronald McDonald House.

Mr. McLintock complained about the traffic lights at Bakers Corner.

He said that Dave Bowden, Chairman of the Senior Center Building Committee is in Mass. General Hospital. There have been some delays due to Mr. Bowden's absence and also National Grid easement.

Chairman Cavaco said the Town's website has to be updated to provide more information.

Mrs. Nolan said she will remind department heads at the next meeting.

Chairman Cavaco noted that awhile ago staff from Human Services would meet at Town Hall with senior citizens who were unable to climb the stairs at the Pleasant Street location. He asked the Town Administrator to reinstate that.

Chairman Cavaco got a complaint and photos from a resident of Lincoln Street re: abandon vehicles.

He told residents to be patience; they are not being ignored. It takes time to resolve problems.

He will be going to Boston to meet with legislators about funding for the Housing Authority.

COMMUNITY SPEAKS

Mr. John Clegg of Pawtucket, Rhode Island who operates Children's Orchard in the plaza at Commerce Way talked about the removal of signs by a town worker. The worker denied taking the signs. He asked why he was not notified in writing according to what the Board of Selectmen had indicated. He is beginning to think there are negative feelings about small businesses. Within 15 ft. of his signs were signs that were untouched. He mentioned the billboards on trucks on Highland Avenue.

Chairman Cavaco said he talked about that a couple of weeks ago.

He apologized because Mr. Clegg should have been contacted.

Mr. Sagar suggested that the Town Administrator and Building Commissioner meet with Mr. Clegg. This is not under the jurisdiction of the Board of Selectmen..

Mr. McLintock suggested the Board consider an overlay for signs in the Route 6 area.

Ms. Michelle Hines announced the 5th Annual Food for Fuel Pasta Fest on Wednesday, October 17, 2012 from 4:30 to 7:30 p.m. at Seekonk High School. Tickets are \$10 for adults, \$5 for children 12 and under, and free for children 3 and under. All profits go into the fuel and utilities fund at Human Services.

Mr. Parker suggested they use the Reverse 911 for advertisement.

Chairman Cavaco said it can also be used for the Veterans fundraiser.

Mr. Donald Kinniburgh advised a limited amount of tickets are left for the chicken barbeque to be held on Saturday, September 22, 2012, from 1 to 5 p.m. at the Rumford Hunting and Fishing Club. Tickets are \$12 and will benefit the Veterans Garden.

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Asst. Town Clerk Karen McHugh asked if the time change to 6 p.m. for Selectmen's meetings would be permanent. She noted that the Town Clerk's office is open until 7 p.m. on Wednesdays and some times employees have to attend the meetings.

Chairman Cavaco said they could work around that.

At 9:16 p.m. a motion was made by Mr. Sagar, seconded by Mr. Parker, to go into Executive Session for discussion and approval or not of contracts for the Communications Director and the Executive Assistant, to approve/disapprove contract for Fire Department union, and to consider approval of the Executive Session minutes of September 5, 2012; not to reconvene to Open Session.

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

Respectfully submitted,

Gary S. Sagar, Clerk

Patricia Gamer, Secretary