

BOARD OF SELECTMEN
OCTOBER 10, 2012
REGULAR SESSION

Members Present: Francis Cavaco, Gary Sagar, David Parker, Nelson Almeida

Absent: Robert McLintock

Town Administrator: Pamela T. Nolan

Executive Assistant: Anne P. Rogers

Chairman Cavaco called the meeting to order at 6 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.

Chairman Cavaco welcomed Nelson Almeida to the Board. He noted that Mr. McLintock would be out of town until October 25, 2012.

LIQUOR LICENSE HEARING FOR THE NEW OFFICER/DIRECTOR AND STOCK TRANSFER FOR 99 WEST, INC. TO 99 WEST LLC, d/b/a/ 99 RESTAURANT AND PUB LOCATED AT 821 FALL RIVER AVENUE

Executive Assistant Anne Rogers explained that this is a preapproved application from the ABCC. It is a corporate change.

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

VOTED: To approve the transfer for 99 West, Inc. to 99 West LLC d/b/a
99 Restaurant and Pub located at 821 Fall River Avenue.

Board members agreed to move to Item F under New Business because the Town Clerk was in attendance to notarize the document.

NEW BUSINESS

Approve/Disapprove Conservation Restriction for Waddington Property Located at 799 Read Street

Ms. Kelley Whitmore, Seekonk Land Conservation Trust, advised that Mr. & Mrs. Waddington want to preserve their property with a conservation restriction. A program started in the State of Massachusetts in 2011 through the Mass. Executive Office of Environmental Affairs allows land owners to receive a tax credit for land donation up to \$50,000. The Waddington's applied and were accepted in this program.

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

VOTED: To approve the Conservation Restriction for Waddington Property at 799 Read Street.

OLD BUSINESS

Update from Town Engineer on Drainage Improvements for Bloomfield Street at St. Laurent Parkway

Town Engineer David Cabral said they are still waiting for a consent agreement from National Grid for the easement. The pipe has been ordered. They can do all the work with the exception of the last 20 ft. He spoke to National Grid as recently as today. They may be able to grant permission rather than a consent agreement. He will report back to the Board in two weeks.

Update from Town Engineer on Central Avenue Roadway Construction Project

Mr. Cabral advised that curbing is in place and waiting for final pavement. There were delays due to weather. Right now paving is supposed to occur Friday, Monday and Tuesday. He has tried to notify residents and businesses. He expected the project to be done by mid November.

Mr. Sagar felt this project had become a joke. He is getting more phone calls from people who are getting frustrated. He asked why the work can't be done at night. He requested that paving be delayed until next week so that residents can be notified at least 12-24 hours in advance.

Mr. Cabral noted that Mass DOT is in charge of the project. He had notified residents through the Reverse 911 but then the State made changes. He could notify State officials of the Board's concerns and wait until Monday and then notify residents on Sunday night through Reverse 911.

He has been coordinating bus transportation with the School Department.

Approval/Disapproval of Central Avenue Extra Work Order #22 and Discussion on Contingency with/for Mass DOT

Mr. Cabral said this is for removal and relocation of a pole. National Grid was supposed to do it but indicated it is a private pole.

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

DEFEATED: 2 Ayes; 2 Nays; To approve Extra Work Order #22 for the Central Avenue project.

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

Mr. Sagar felt it should have come to the Board before it was done.

Discussion with Town Engineer on Brown Avenue Speed Regulation (Follow up on Traffic Study)

Mr. Cabral said the speed should be 40 miles per hour. Right now there are regulations for 30 miles per hour. He did a speed study. The 85 percentile speed is calculated at 42 miles per hour west bound and 40 miles per hour east bound. If there is an increase in speed he could do a follow up study. Therefore, the regulations should be posted at 40 miles per hour.

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

VOTED: To maintain the speed regulation at 40 miles per hour on Brown Avenue.

Consider Approval/Disapproval of Regular Session Minutes of August 8, 2012

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

VOTED: 3 Ayes; 1 Present; To accept the Regular Session minutes of August 8, 2012.

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

Mr. Almeida was not a member of the Board at that time.

NEW BUSINESS

Report from Fire Union on Firefighter Statute to be Erected in Front of the Public Safety Complex

Lt. Grocott advised they wanted to place a statute of a fireman in full gear to the left side of the fire station.

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

VOTED: To approve the firefighters' union request to erect a statute in front of the fire station.

Consider Appointment/or not of Kelsey Grocott as a Part Time Dispatcher

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

VOTED: To appoint Kelsey Grocott as a part time dispatcher.

Consider Appointment/or not of Ashley O’Connell as a Part Time Kennel Worker

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

VOTED: To appoint Ashley O’Connell as a part time kennel worker.

Consider Appointment/or not of Gus Klegraeffe as Clerk of the Works for Banna Fire Station Project

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

VOTED: To appoint Gus Klegraeffe as Clerk of the Works for the Banna Fire Station building project at \$35 per hour for 15 hours per week for six months.

Consider Request for a Street Light in Front of 889 Newman Avenue

Tabled until October 24, 2012.

Consider Award and Approve/Disapprove of Contract with Truax Corp. for Catch Basin Cleaning

Mr. Lamoureux advised that this company had worked for the Town years ago. The previous contractor no longer does the work. This is the low bidder and recommended by the Town Administrator.

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

VOTED: 3 Ayes; 1 Nay; To approve a three-year contract with Truax Corp. for catch basin cleaning at \$9.40 per catch basin.

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

Prior to the vote, Mr. Sagar questioned why this is outsourced when the Town has the equipment to do the job.

Mr. Lamoureux said DPW does not have a catch basin cleaner.

Mr. Sagar replied that there is a vacuum sweeper.

Mr. Lamoureux said it is not for cleaning catch basins. He was told the machine would fail if used on a regular basis to clean catch basins. It is not set up for that.

Mr. Sagar respectfully disagreed.

Mr. Lamoureux noted that there are more catch basins because of Banna Estates and recently accepted streets.

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

VOTED: To authorize the Chairman to sign the contract with Truax Corp.

Consider Award and Approve/Disapprove of Contract with Markings, Inc. for ReflectORIZED Waterbourne Lines

Mrs. Nolan recommended.

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

VOTED: To award the three-year contract to Markings, Inc. for reflectORIZED waterbourne lines.

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

VOTED: To authorize the Chairman to sign the contract with Markings, Inc.

Consider Award and Approve/Disapprove of Contract with Markings, Inc. for Chlorinated Rubber Lines

Mrs. Nolan recommended.

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

VOTED: To approve the three-year contract with Markings, Inc. for chlorinated rubber lines.

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

VOTED: To authorize the Chairman to sign the contract with Markings, Inc.

Consider Award and Approve/Disapprove of Contract with Clean Harbors for the Clean-up of Banna Fire Station

Mr. Champigny and Mr. Carpenter were in attendance. Mr. Champigny congratulated Mr. Almeida on his election to the Board.

Mr. Champigny explained that during the site inspection one of the contractors noticed the pit and reported it. It had to be closed down. They found contamination but not overly heavy and it was above state standards. They had 120 days to rectify the situation as of September 1. The first analysis would be to dig up to 20 cubic yards of soil and disposed of it at a cost of \$8,300. It has to be analyzed again and brought to a state approved site. They contacted a Clean Harbors representative who suggested they take another analysis. It seemed that this is an in-service contamination. It would be a matter of suctioning and disposing of items in the pit. The cost would be \$4,145. They have chosen to go along with the second analysis.

Mrs. Nolan recommended.

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

VOTED: To award the contract to Clean Harbors for obtaining solids from the pit at Banna Fire Station, analysis, disposal, and a closure report at a cost of \$4,145.

Consider Award and Approve/Disapprove of Contract with Horsley Witten for Re-Write of Zoning ByLaws

Planning Board Chairman Neal Abelson was in attendance.

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

VOTED: To award the contract to the Horsley Witten Group in the amount of \$19,980 to rewrite the zoning bylaws and to allow the Chairman to sign the contract.

Discussion on Changing the Hours of the Town Landfill to Every Saturday for the Months of October and November

Mr. Sagar noted that area communities with similar operations are open seven days a week. He felt after this season the total hours should be amended but for now he would like to see the landfill opened all day on Saturdays in October and November. He asked if the two employees who work on Saturdays are paid out of the Sanitation Enterprise Fund and if they are paid overtime.

Mr. Lamoureux advised it is time and a half rate for them. Beginning next Monday and for the entire month of November and the first week in December, DPW will provide curb side collection. That is why the landfill is not opened all day on Saturday. The transfer station is open every day from 8 to 12 and 12:30 to 3. Bulky waste day is the first Saturday of the month and people can drop off yard waste on the second and fourth Saturdays of the month.

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Mr. Sagar said he received complaints that it is not open enough. He asked where the overtime money comes from and what affect it would have on the budget to open all day on Saturdays.

Mr. Lamoureux said it comes out the Sanitation Enterprise Fund. He would check with Mr. Alexander but he felt it would not be that big a difference on the budget.

Mrs. Nolan recommended waiting until the next meeting.

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

VOTED: To table further discussion on the hours of the landfill until the next meeting.

Review Article Numbers 1-10 for Town Meeting Scheduled for November 13, 2012

Chairman Cavaco advised that the warrant has to be posted 21 days prior to Town Meeting. The Board could meet on Thursday, October 18, at 6 p.m. for review of the articles. The Town Administrator and Mr. McLintock are not available on the 17th.

Mr. Champigny and Mr. Carpenter spoke on Article 2, the request for \$550,000 for the Banna Fire Station.

Mr. Champigny noted that this project ran into problems starting in 2009 due to litigation with the neighbors. That held the project up for a year. Thus far, they have done architectural plans, site plans and asbestos removal and the problem with the pit is being addressed.

Unexpected items include a sprinkler system (approximately \$113,000), Z-tron system (\$16,924), demolition is \$12,000 and epoxy coating on a new concrete floor (\$10,000). Two quotes from contractors came in well over \$1M.

They felt it should be up to the voters to decide if this project should go forward.

Chairman Cavaco and Mr. Parker noted that two years ago the Board had voted that all articles submitted would be placed on the warrant.

Mr. Champigny said he would be happy to show the building to any resident. They should call the Town Administrator.

Mr. Sagar noted that Chief Jack and he held neighborhood meetings in the past. He suggested another open house prior to Town Meeting. He thanked Mr. Champigny and Mr. Carpenter and the other members of the building committee. Lt. Bourque was also in attendance.

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

VOTED: To include Article 2 (Banna Fire Station) on the warrant for Town Meeting (\$550,000).

Article 3 – Mrs. Nolan advised this was the basis of arbitration for the Police Department (\$126,985). The department sat down and re-negotiated the arbitration. It was truly difficult.

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

VOTED: To include Article 3 on the warrant for Town Meeting.

Mr. Sagar thanked the police union for being reasonable.

Article 4 - Mrs. Nolan advised this concerns collective bargaining with the Fire Department (\$97,000 from free cash).

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

VOTED: To include Article 4 on the warrant for Town meeting.

Article 5 – Mrs. Nolan said there are eight unions in town. This is the first union that does not have arbitration – AFSCME Dispatch. They are still working out the language but she knows the cost. It would be \$10,000 out of free cash.

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

VOTED: To include Article 5 on the warrant for Town Meeting.

Article 6 – Memorial Garden. Chairman Cavaco advised that he sent out over 500 letters requesting donations. He raised \$2,700 thus far. He expected the cost to be about \$5,500.

The Armed Forces Memorial Park Committee is working on a design.

Chairman Cavaco said this memorial will help remember the sacrifice of our veterans. He is proud to be in service to the veterans of this town. They have never asked for anything from the town.

Committee Chairman Gill Woodside said it makes sense to have a permanent memorial to those who served, are serving, and will continue to serve. The Town does not have a town center where they could meet and have patriotic and civil celebrations. The garden would fulfill that function and be a historic marker for years to come.

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

VOTED: To include Article 6 on the warrant for Town Meeting.

There was no second to Mr. Sagar's motion to amend the motion to include \$5,000 for design purposes.

Mr. Donald Kinniburgh and Mr. Doc Rubel spoke in support of the garden.

Mr. Rubel, a Viet Nam veteran, talked about what other communities have done for veterans who have served this country.

Veterans Agent Seth Bai was in attendance to respond to questions. He noted that members of Post 311 would assist with fundraising.

Mr. Parker noted that the motion was simply to put this item on the warrant. They could discuss and vote later on about the amount of money.

Article 7 – DPW Front Loader. Mrs. Nolan explained the Board should decide whether to buy the front loader at a price of \$150,000 or lease over five years, which would cost an extra \$10,000.

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

VOTED: To include Article 7 on the warrant for Town Meeting.

Article 8 – Four wheel drive pick up truck for Fire Department to replace 1977 vehicle. Chief Jack said the vehicle went down unexpectedly. He would reach out to the CIC and Finance Committee. He is not asking for an expensive vehicle. In discussions with the Town Administrator, he proposed a used vehicle. He contacted local dealers and got a cost of approximately \$35,000. They could convert a vehicle to a brush truck in house using monies from a gift fund.

Mrs. Nolan recommended.

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

VOTED: To include Article 8 on the warrant for Town Meeting.

In response to Mr. Sagar's question, Chief Jack advised he has been looking into government surplus vehicles.

Article 9 - Finish Town Hall carpeting \$25,000. Mrs. Nolan explained this would complete the project.

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

VOTED: To include Article 9 on the warrant for Town Meeting.

Article 10 – School Committee to create special education stabilization fund and to fund (\$80,000). Vice Chairman David Quinn, Chairman Mitch Vieira and Superintendent of Schools Arlene Bosco.

Mr. Quinn stated that the biggest part of a budget is special education. One child alone placed out of district could cost more than \$40,000. Other towns have implemented a stabilization fund for any unanticipated overages. The School Committee will discuss the final amount at the next meeting.

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

VOTED: To include Article 10 on the warrant for Town Meeting.

As part of Board of Selectmen liaison reports and comments, Chairman Cavaco announced a resolution to a matter without movement for the past 8 years.

Approximately 19 months ago, Mr. Alexander, Mr. McLintock, and Chairman Cavaco went to Boston to meet with Sen. Timilty and Rep. Howitt to discuss the \$1.3M owed to the Seekonk School Department. They met with Mr. David Tobin, Mass. Association of School Committees consultant and a retired superintendent of schools. This past Sunday, Mr. McLintock received an e-mail from Mr. Tobin.

Mrs. Nolan read from the e-mail that corrective action had been taken for 109 school districts. If funded, depending on state revenues, the School Department would get approximately \$323,000 for the next three years.

School Department officials expressed their appreciation.

Approve/Disapprove Request from South Coast Collaborative for Students to Perform Minor Vehicle Maintenance at DPW

Mr. Lamoureux advised that he received a request from the Director of South Coast Collaborative in Seekonk to have students work on DPW vehicles. They would do such things as vacuum trucks, wash windows, and wash vehicles. The school would provide supervision.

Mr. Parker asked about liability and insurance.

Mrs. Nolan said it would be covered by the Town's insurance.

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

VOTED: To approve the request to allow South Coast Collaborative students to perform minor vehicle maintenance at DPW.

OTHER BUSINESS

Discuss Other Topics not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting

Chairman Cavaco noted this is a new agenda item as per the Open Meeting Law training held recently.

Mrs. Nolan said she had a warrant article from the Water Department, which she sent to legal counsel and was told it needs work.

TOWN ADMINISTRATOR'S RPORT

Mrs. Nolan advised that the Animal Control Officer and her assistant will attend training on the new animal control regulations, which go into effect on October 30, 2012. One of the topics is dangerous dogs. They have had a couple of dangerous dog situations lately.

She commended Mrs. McNeil and Ms. DeBlander who were instrumental in obtaining \$100,000 in EPA assistance for testing re: the Maple Avenue fire.

The Board of Health will have a flu clinic on Monday, October 22, 2012. Residents should call the Board of Health for an appointment.

Mrs. Nolan advised the Mass. Municipal Association Annual Meeting and Trade Show will take place on January 25-26, 2013 at the Hynes Convention Center, Boston, MA.

She advised the Town had received \$406,000 in State Aid for Hope Street, Miller Street, Hebron Avenue and Taunton Avenue.

She is still working with all building committees.

She has just finished the first evaluations of department heads. They brought their goals and evaluations. She was pleased with all of them. They put a lot of thought into it and provided goals that were attainable. Department heads will evaluate their own employees starting in July 2013.

Chairman Cavaco had documentation on the funding for the light design at Route 44. The second part of the money is in the transportation bond. He requested authorization from the Board to go after the \$89,000 for the project.

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

VOTED: To authorize the Chairman to look into the \$89,000 for the traffic control project at Route 44..

BOARD OF SELECTMEN LIAISON AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco advised the warrant is in order.

Chairman to Discuss Professionalism of Sun Chronicle Reporter Joe Siegel

Editor Michael Kirby was in attendance.

Chairman Cavaco said there are issues that need to be addressed.

Mr. Kirby suggested a private meeting. The matter was tabled for two weeks.

Mr. Sagar inquired about a quad meeting in October.

He asked about a follow up meeting with Mr. Bernardo, Mr. Hansen, and Mr. Lamoureux re: Pine Hill Estates.

Mrs. Nolan advised that Mr. Hansen is setting that up.

Mr. Sagar requested future agenda items on Capital Improvement issues and new revenue (meals tax).

Mr. Almeida announced the 5th Annual Food for Fuel Pasta Fest would be held on Wednesday, October 17, 2012 at Seekonk High School from 4:30 to 7:30 p.m. to benefit Seekonk residents.

Mr. Parker inquired about the status of replacing the Town Hall sign at the entrance to Peck Street.

Mrs. Nolan said the Town does not own the land. A small sign was placed on the street sign.

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Chairman Cavaco questioned why the trash rate in Swansea, a larger community, is less than Seekonk.

He inquired about the status of the report from DEP re: Lake Street.

Mrs. Nolan said she has not heard.

Chairman Cavaco stated that some time ago Mr. Sagar, as a private citizen, explored the possibilities of a south end fire station. This concerns a possible partnership with the State for land on 114A near the salt shed. It is a long process. He said this is a good opportunity for the town. It will not cost money for land. There might be money through Homeland security for police and fire.

The Lieutenant Governor was scheduled to come to Seekonk the next day but had to change his schedule.

A fundraiser will be held at the Boneyard on November 17, 2012, from 2 to 5 p.m. to benefit the memorial garden. Tickets are \$10 for all you can eat.

Chairman Cavaco indicated he is working with the Veterans Agent to bring the moveable Viet Nam Wall to Seekonk.

He asked the Town Clerk to provide information on vacancies on various boards and commissions.

Mrs. Nolan said some vacancies will be filled on October 24.

Chairman Cavaco announced that Rep. Howitt will hold office hours to meet with constituents on Tuesday, October 16, from 11 a.m. to 12 noon at Town Hall. Residents unable to attend should contact Rep. Howitt's office.

The Chairman noted that he has office hours every Monday from 1:30 to 3:30 p.m. except on holidays.

He will talk to legislators about legislation for general state aid, formerly called lottery aid. It should be allocated based on ticket sales.

He would like to file legislation that individuals who provide alcohol server safe training has to be certified by the State.

COMMUNITY SPEAKS

Mr. Donald Kinniburgh challenged the Board to donate a month's stipend to the Veterans Memorial Garden.

Chairman Cavaco noted that Mr. Parker and he had a \$50 bet to Save-A-Pet on the results of the presidential election. If he wins, he will donate \$25 to the middle school band and \$25 to the high school band.

Mr. Almeida stated that he had already planned to donate a portion of his stipend to the memorial park.

At 8:33 p.m. a motion was made by Mr. Sagar, seconded by Chairman Cavaco, to go into Executive Session per M.G.L. Chapter 30A, Section 21, to consider approval or not of contract for fire union, consider approval or not of contract for AFSCME dispatch union, consider approval of not of Executive Session minutes from August 1, 2012 and August 8, 2012, and to discuss wage increase for non-union employees with individual contracts and non-union part time employees; to reconvene to Open Session if necessary to sign one or both contracts.

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

Mr. Parker noted that he would not participate in Executive Session.

Respectfully submitted,

Gary S. Sagar, Clerk

Patricia Gamer, Secretary