

BOARD OF SELECTMEN
DECEMBER 19, 2012
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Town Counsel: Joseph Fair

Chairman Cavaco opened the meeting at 6 p.m. followed by the Pledge of Allegiance. He called for a moment of silence to remember the 20 beautiful children and 6 adults that were victims of the mass shooting in Newtown, Connecticut. Prayers are offered for those impacted by this disturbing event.

In accordance with M.G.L. Chapter 30A, Section 20, Chairman Cavaco stated that anybody taping must notify the Chair. Board of Selectmen meetings are recorded via audio and visual and broadcast on Seekonk Channel 15.

Mr. Jonathan Friedman of the Seekonk Patch was recording audio.

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

VOTED: To move to Items A and B under New Business.

NEW BUSINESS

Interview Candidate Roger Ross to Fill an Unexpired Term on the Zoning Board of Appeals

Appointment to the Zoning Board of Appeals

Mr. Roger Ross of 78 Newman Avenue indicated that he received a telephone call asking him to fill the unexpired term. He served on the charter review advisory committee and subsequently was appointed to an unexpired term on the Planning Board. Due to personal issues in his life, he did not run for another term. He is very interested in the Zoning Board. He has been an attorney for thirty five years in Rhode Island with experience in zoning and planning matters.

Mrs. Nolan recommended the appointed.

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

VOTED: To appoint Mr. Roger Ross to fill the unexpired term on the Zoning Board of Appeals until June 30, 2013.

Mr. Ross was sworn in by Town Clerk Janet Parker.

WORK SESSION

Legal Opinion on Contract Status of the December 12, 2012 Vote for Department of Public Works Superintendent and Discussion

Atty. Joseph Fair advised that, based on the vote taken at the last meeting - 2 in favor, 2 opposed and 1 voting present, the motion fails. As a result, it is treated as though there was no action. Mr. Lamoureux has a contract with the Town at this time and it has a provision that he be given notice six months in advance if the Board is not going to renew. He understood there is an executive session to discuss this contract and any strategies the Board might have. He suggested that the possible renewal be discussed in executive session since discussion in open session may be detrimental for negotiations.

Mr. Sagar disagreed. He said the motion was to instruct the Town Administrator to begin negotiations.

Atty. Fair said it ultimately doesn't change. It is as if the vote never took place. There was no action taken by a majority of the Board.

Mr. Sagar understood that Mr. Lamoureux would either need a new contract as of December 31, 2012 or written notice six months in advance that the contract would not be renewed. If no action is taken, the contract shall be extended for an additional year.

Mr. Parker and Mr. Sagar indicated they would not participate in executive session.

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

VOTED: 3 Ayes; 2 Nays; To take no further action.

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

Mr. McLintock felt the Town Administrator should notify Mr. Lamoureux that no action was taken.

Atty. Fair said the contract has an automatic renewal provision.

In further discussion prior to the vote, Mr. Sagar felt the contract was poorly written. He said the Town Charter mentioned in the contract says the Town Administrator shall recommend the appointment. He questioned if the Board could move forward with an employee without the recommendation of the Town Administrator.

Atty. Fair was reluctant to discuss this outside of executive session.

Mr. Sagar stated that renewing an agreement is not the same as authorizing the Town Administrator to start negotiations.

JOINT APPOINTMENT WITH SCHOOL COMMITTEE FOR TWO (2) VACANT POSITIONS

School Committee members were in attendance: Chairman Mitch Vieira, Vice Chairman John Bilodeau, Secretary Brian Freitas, and Fran Creamer. Chairman Vieira stated that the joint meeting is to appoint two persons to fill vacant positions on the School Committee, in compliance with M.G.L. Chapter 41, Section 11. The formal posting began on December 4 and ended on December 12, 2012.

Applicants are: Kyle Rose, 30 Wagonwheel Road; Jeffrey Starr Mararian, 118 West Avenue; William Woods, 37 Tullson Avenue; Shane Halajko, 155 Bloomfield Street; David Abbott, 48 Read Street; Donald Kinniburgh, 119 West Avenue; and David Mullen, 99 Robincrest Court. They made presentations in the order applications were submitted. Audience members were allowed to ask questions.

Mr. David Saad asked the candidates who would run in April about their position on school choice and how they felt about non-residents sneaking into the Seekonk school system.

A motion was made by Mr. Bilodeau, seconded by Mr. Freitas, and it was unanimously

VOTED: To appoint David Abbott to fill the unexpired seat of David Quinn until the remainder of that term.

The vote: Mr. Bilodeau – Aye; Mr. Freitas – Aye; Mrs. Creamer – Aye; Chairman Vieira – Aye.

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

VOTED: To appoint David Abbott to fill the unexpired seat of David Quinn until the remainder of that term.

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

A motion was made by Mr. Freitas, seconded by Mr. Bilodeau, and it was

VOTED: 3 Ayes; 1 Abstention; To appoint David Mullen to fill the unexpired term of Fran Creamer for the remainder of that term.

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The vote: Mr. Freitas – Aye; Mr. Bilodeau – Aye; Chairman Vieira – Aye; Mrs. Creamer – Abstained.

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

VOTED: To appoint David Mullen to fill the unexpired term of Fran Creamer for the remainder of that term.

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

All applicants were thanked for their interest. Mr. Abbot and Mr. Mullen were sworn in by Town Clerk Janet Parker.

At this time, Chairman Vieira recognized Mrs. Creamer for her three terms of service on the School Committee. He said she has brought a lot of knowledge to the School Committee. She is moving to Florida.

Chairman Cavaco extended appreciation and best wishes to Mrs. Creamer.

He thanked them all for attending.

OLD BUSINESS

Discussion on Zero-Based Budgeting and on Limits on 2014 Budgets for Department Heads

Finance Director Bruce Alexander advised that budgets are due on November 28, 2012.

Mrs. Nolan said she instructed department heads to go with level-funded.

Mr. Parker felt the Board should meet with department heads if the decision is made to go with zero-based. He felt it was too late for this year.

Mr. Sagar said that would be a subject for the next quad board meeting.

Mr. Alexander said that he uses zero-based on some lines. He can't do that on a line for repairs.

Mr. McLintock said that money has been coming back and being recertified for the last three to five years with numbers that nobody knew. That would not have happened with zero-based.

Mr. Parker said that most of it was from underestimating the amount from the meals tax.

Mrs. Nolan said that all expenditures are checked by Mr. Alexander, Chairman Cavaco, and her.

Mr. Sagar requested a print out for the last five years as to exactly what the revenue projections were.

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

VOTED: 4 Ayes; 1 Present; To indefinitely table discussion on zero-based budgeting.

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

Discussion with Mr. Grant King from SRPEDD on the Southcoast Rail

Mr. King said that certain areas were designated. SRPEDD received a contract to revisit and update these designations which were done five years ago. The model has been expanded to other parts of the State. In September 2010, Gov. Patrick issued an executive order 525 that state agencies would implement this. The next step is for the Board of Selectmen to appoint a designee.

Mrs. Nolan recommended Town Planner John Hansen, and the Board concurred.

Approve and Sign Contract with Vincent A. DiIorio, Inc. on Electrical Design for Merging Town Hall and Public Safety Generator

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

VOTED: To approve the contract with Vincent A. DiIorio, Inc. for the design and solution of expanding the current 300KW generator at the Public Safety facility to include the Seekonk Town Hall to supply emergency power in the sum of \$12,000 and to authorize the Chairman to sign the contract.

Consider Approval of Regular Session Minutes of October 18, 2012

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

VOTED: To accept the regular session minutes of October 18, 2012.

Discuss Town Bylaw Requirement of 21 Day Posting of Town Meeting Warrant

Mrs. Nolan felt the 21-day requirement is a long time. She requested an article to return to the 14 day posting.

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

VOTED: To include an article for Town Meeting to consider 14 day posting.

Close Warrant for Special Town Meeting on January 11, 2013 (Special Town Meeting Scheduled for February 25, 2013)

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

VOTED: To close the warrant for the Special Town Meeting on January 11, 2013.

Mr. Sagar wanted to make sure department heads had received written notification.

Mrs. Nolan said she will get it done. She also notifies boards and commissions.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan advised that, at Mr. Sagar's request, she contacted the Department of Revenue about another financial analysis. She was told that it was done five years ago and cannot be justified doing it again so soon.

She spoke to Mr. Mike Kane at Columbia Gas. A letter will be mailed on Friday, December 21. The gas company has located, operated, and put electronic markers on all the valves. There were 427 total valves; 157 of those were paved over and needed to be dug up, blown up, cleaned and operated. They greased 13 of those. It looks like the task has been completed.

Mr. McLintock talked about a maintenance plan.

Mr. Nolan advised that the Governor declared Bristol County a disaster area following Hurricane Sandy and will be eligible for federal aid. The reimbursement is 75%. Chief Jack is working on that.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Accounts Payable Warrant

Chairman Cavaco noted after reviewing the warrant he found two items. The Finance Director will take care of it.

Mr. Sagar acknowledged the unselfish acts and generosity of the local police union. A young boy in Virginia was diagnosed with a brain tumor. His wish was to get cards, letters, and patches from firefighters, police officers and EMTs. Three members of the Seekonk Police Department (Shaun Kelley, Det. Tom Hendrick, and Eric Chalifoux) traveled to Virginia to be part of 83 police departments. He thanked the FOP for providing the resources.

This past Sunday the firefighters union honored the memory of Richard Banna in a ceremony that happens every December. Mr. Sagar thanked the Fire Department for doing that.

He noted that the Superintendent of Schools is pleased with the initiative the Police Department has taken at the elementary schools.

He was at Grist Mill and saw that the project is moving forward. They are looking for a late spring opening.

Mr. Parker said the State has issued a cease and desist order the day before.

Mr. Sagar wished his colleagues and their families a Merry Christmas and a happy and healthy new year.

He hoped that going forward there can be a little more civility. The incident in Newtown, Connecticut should be a wake up call.

He wished all residents Happy Holidays.

With regard to the 114A project at Grist Mill, DPW Superintendent Robert Lamoureux stated that he attended a meeting at Mass. DOT the previous day. The project engineer neglected to take out a permit for the project. The State was concerned about safety issues and would like jersey barriers to protect the workers. The other issue was a trench permit which they now have.

He said the State does not have an issue with the portion of the wall built under the road. They poured a footing encroaching on the state right-a-way by 6". The contractor will cut that off.

Mr. Parker said the permits were issued by the Town fully with the understanding that the building was not on state land. There is no problem because it is grandfathered. It needed a state permit.

Mr. McLintock requested an agenda item for the next meeting to talk about the removal of gravel from behind the library.

Mr. Parker said it had already been investigated.

Discussion will be in executive session at the January 9, 2013 meeting

Mr. Parker noted that there are no Board of Selectmen minutes posted on the website since May 2012.

Mrs. Nolan will check.

Mr. Parker advised that Rep. Howitt had passed along his request regarding the processing of passports in Seekonk to Sen. Timilty and Congressman McGovern.

Chairman Cavaco advised that Rep. Howitt had contacted the Secretary of Transportation regarding the salt shed on Route 114A. The Town would be able to get a piece of land at no cost for the south end fire station. The second part is that the Town could get money from homeland security.

COMMUNITY SPEAKS

Mr. William Rice noted that Congressional districts were changed and, after January 2013, newly-elected Joseph Kennedy is the new representative for Seekonk.

Mr. David Saad read from a prepared statement on behalf of the Seekonk Concerned Citizens Committee which said, in part, that the Town of Seekonk is a Town Meeting form of government which means that town residents are decision makers in determining the Town's future. The Board of Selectmen is elected and serves at the pleasure of the residents. The Board has the responsibility to make sure that residents get enough information so they can fully engage in the Town's activities. The Board has the obligation and responsibility to always listen to residents' needs and recommendations. To silence any commentary by the public is an infringement of people being heard. He urged that egos are put aside.

Mr. Neal Rapp talked about the success of the Saturday morning Recreation Program. Fifty four children participated. High school students volunteered. The Recreation Commission will try to do it again every other Saturday.

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At 8:25 p.m. a motion was made by Mr. Sagar, seconded by Mr. Parker, to enter into Executive Session to discuss negotiations of real estate property; not to return into Open Session.

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

Respectfully Submitted,

Gary S. Sagar, Clerk

Patricia Gamer, Secretary