

**BOARD OF SELECTMEN**  
**APRIL 3, 2013**  
**REGULAR SESSION**

Members Present: Gary Sagar, Nelson Almeida, Michael Brady

Absent: David Parker, Robert McLintock

Town Administrator: Pamela T. Nolan

Finance Director: Bruce Alexander

Executive Assistant: Anne P. Rogers

Mr. Sagar, Clerk, opened the meeting at 6 p.m. followed by the Pledge of Allegiance. The moment of silence was observed for Selectman David Parker and Assessor Robert Caruolo who are in the hospital.

Mr. Sagar welcomed Mr. Brady back to the Board. He congratulated newly-elected School Committee members Kyle Rose and Evan Berwick; Water Commissioner Christine Allen; Library Trustees Richard Perry, Michael Durkay, and Ann Caldwell; Assessor Robert Caruolo, who were re-elected and write ins David Viera, Planning Board; and David Gault to the Housing Authority.

Mr. Sagar noted the Housing Authority and Board of Selectmen would meet jointly to fill a vacant seat on the Housing Authority.

**REORGANIZATION OF THE BOARD OF SELECTMEN**

Mr. Sagar noted that the current Vice-Chairman Robert McLintock would not be available until April 17. He requested the Board not reorganize until that time.

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

**VOTED:** To reorganize the Board pursuant to the bylaws which mandate reorganization on the first meeting following election or to fill a vacancy.

Mr. Brady nominated, seconded by Mr. Sagar, and it was unanimously

**VOTED:** That Mr. Almeida serve as Chairman.

Mr. Brady nominated, seconded by Mr. Almeida, and it was unanimously

**VOTED:** That Mr. Sagar serve as Vice-Chairman.

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Mr. Sagar nominated, seconded by Mr. Almeida, and it was unanimously

**VOTED:** That Mr. Brady serve as Clerk.

**SEASONAL ALCOHOL RENEWALS**

**Crossroads Convenience, 822 Fall River Avenue**

**Tranquil Waters, Inc., 1479 Fall River Avenue**

**Lums, Inc., 717 Fall River Avenue**

Executive Assistant Anne Rogers explained that these were routine. Crossroads is in the process of being sold. Tranquil Waters and Lums are in the process of converting from seasonal to annual liquor licenses.

Mr. Brady asked if the conversion would be some of the 12 licenses secured at Town Meeting or straight conversions.

Ms. Rogers said these are straight conversions and not site specific and transferable. The new licenses are site specific and non-transferable and only for restaurants.

A motion was made by Mr. Brady, seconded by Mr. Sager, and it was unanimously

**VOTED:** To approve the renewal of the seasonal liquor license for Crossroads Convenience at 822 Fall River Avenue.

Mr. Brady motioned, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To approve the renewal of the seasonal liquor license for Tranquil Waters, Inc. 1479 Fall River Avenue.

Mr. Brady motioned, seconded by Mr. Sagar, and it was unanimously

**VOTED:** To approve the renewal of the seasonal liquor license for Lums Roast Beef Shop, 717 Fall River Avenue.

**BUDGET HEARING**

**Town Clerk**

Mrs. Nolan advised that Town Clerk Janet Parker was unable to attend. Her budget is routine.

Mr. Brady added that he reviewed the budget. Increases were due to collective bargaining. The reductions are because there are fewer elections next year.

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

**VOTED:** To approve the FY 2014 budget for the Town Clerk's office.

### **Building**

Building Commissioner Mary McNeil advised that the budget includes contractual raises, a change in how the sealer of weights and measures will be paid, and increase in cell phone rates.

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

**VOTED:** To approve the FY 2014 budget for the Building Department.

### **Recreation and Youth**

Director Bridget Garrity advised the increase would be to change the director's position from part time to full time.

Mrs. Nolan explained that the position cannot be made full time this year since the Board had instructed level funded budgets. Possibly, for the future, especially with the increase in programs.

She noted that Recreation is located in a closet area. There is no more space at Town Hall.

Ms. Garrity said the full time position would enable her to create additional programs and reach out to senior citizens.

Mr. Brady suggested contacting the School Committee and School Department. Perhaps, Ms. Garrity could work in conjunction with the athletic director. He felt it would be good to have her work closer to the School Department. She would be able to use the gym, etc. He would need to see the full picture before making a decision.

Mrs. Nolan will look into it.

Mr. Sagar noted the Board had talked about realigning this building.

Mrs. Nolan said she is not able to address that right now. She would like to have the individuals involved included in discussion. The Veterans' Agent will be moving into the new senior center when it is built.

Mr. Lamoureux noted that Ms. Garrity gets paid for 19.5 hours but she works far in excess of those hours. He felt the Board might want to consider a full time position.

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

**VOTED:** To postpone final decision on the Recreation budget for a few weeks.

### **Animal Control**

Animal Control Officer Sharon Hall advised the increases represent raises for staff, fuel, and vehicle service (two tires).

Mr. Brady asked about the two part time people.

Ms. Hall advised that one works on weekends (union position) and does on call and the other is on call and helps during the day. She does licensing, ticketing and follow up. She is the one who goes to court, when necessary.

Mr. Sagar asked about inspections and who set the fee at \$10.

Ms. Hall said all three of them do inspections for the State (barn and quarantine). She thought the fee was set by the Town.

Mr. Sagar asked Mrs. Nolan to look into it.

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

**VOTED:** To approve the FY 2014 budget for Animal Control.

### **Planning Board**

Chairman Neil Abelson stated that the budget is the same except for the appropriated raises for the staff.

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

**VOTED:** To approve the FY 2014 budget for the Planning Board.

### **Zoning Board of Appeals (ZBA)**

Chairman Edward Grouke said the budget is the same except for salary increases.

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

**VOTED:** To approve the FY 2014 budget for the ZBA.

**Conservation**

Ms. Bernadette DeBlander advised the change represents the increases for the Conservation Agent and part time secretary.

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

**VOTED:** To approve the FY 2014 budget for the Conservation Commission.

**OLD BUSINESS**

**Review Insurance Requirements for Snow Plow Drivers**

Mr. Sagar stated that Mr. Alexander had requested moving this item forward.

Mrs. Nolan said there was additional information on the desk. Mr. Alexander compiled a new policy by adding changes made by Town Counsel and the insurance company.

Chairman Almeida wanted this reviewed by Mr. Lamoureux.

Mrs. Nolan said that she and Mr. Alexander met with the insurance agent. She felt the Board might want to look at the application to plow and/or sand.

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

**VOTED:** To table the review of insurance requirements for snow plow drivers for two weeks.

**Discussion on Grass Cutting by Department of Public Works**

Mr. Sagar said they started to talk about this a month or so ago. We should also check with the School Department about outsourcing grass cutting. It has to be prevailing wage. Any landscape construction would come under Chapter 149.

Mr. Lamoureux said he spoke to the union representative who told him it would be contested because this job has historically been done by DPW employees. He suggested the Board consider all the variables. Services might not be available if a field has to be immediately maintained or there might be a delay in cutting the grass when it rains.

Mr. Brady questioned if the State has a prevailing wage for landscaping. The Board needs to look to see if there would be a savings.

Mrs. Nolan said it would be a huge union issue.

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Mr. Sagar felt this would be a way of freeing up some of the employees to do other things. He mentioned outsourcing catch basins.

Mr. Lamoureux said that requires special equipment.

Mr. Brady asked if hiring per diem employees to cut the grass had been considered.

Mr. Lamoureux said that Recreation had proposed that but it was turned down by the Board.

Mrs. Nolan cautioned about liability of hiring young people.

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

**VOTED:** To table discussion on grass cutting.

**Discussion on RFP for Electrical Work to Connect the Generator at Public Safety Complex to Town Hall and Animal Shelter**

Mr. Lamoureux advised a contract was awarded to Vincent DiIorio to run some underground lines from the existing generator at the public safety complex to this building, animal shelter and new senior center. He had a copy of the plans. It appears the project could move forward based on these plans.

He said it is a 300 KW generator. It is well oversized for the public safety building. It would help to add these buildings to that generator because it never runs at full capacity, which is not good for it. He would like to get an estimate of cost.

Mr. Brady felt a member of the capital improvement committee should be involved.

Mr. Lamoureux will make copies for Mrs. Nolan, Ms. Walsh and Mr. Sagar.

Mr. Sagar suggested they move forward and put it out to bid so that it can be included on the warrant.

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

**VOTED:** To authorize the Town Administrator to write the RFP once she receives the information from Mr. DiIorio.

Mr. Bob Blanchard said that he attended a couple of senior center building committee meetings. This was discussed and members of that committee would want their architect to look at this.

**Discussion and Vote to Approve or Not Changing Hours at the Town Landfill**

Mr. Sagar felt the hours at the landfill are not serving the constituents. Back in 2009, there was a provision written in the contract that allows for the landfill to be open any five days except Sunday. He recommended Tuesday through Saturday (all day) and closed on Mondays.

Mr. Lamoureux said it is open every day, every other Saturday and one day a month for eight months for bulky waste. He did not see the advantage to this. He would lose 8 man hours per week for an operator at DPW.

Mr. Sagar said he spoke to Mr. Alexander about installing a camera which could be monitored by dispatch.

Mr. Brady would like to know the volume of traffic.

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

**VOTED:** To table the hours at the town landfill for a month based on information provided by Mr. Lamoureux.

**Update on the Route 152 Project with Town Engineer David Cabral**

Mr. Cabral said the project is closing out. The subcontractor for signs adjusted all streets signs at each intersection. Minor work left to be done.

He had a number of work orders.

He requested the Board revisit the relocation of a utility pole.

He wanted to discuss Items 23 through 57. He noted this is a \$3M project. There is almost \$300,000 in contingency. The items have exceeded 10% up or down. There were a couple of work orders that could have been borne by the Town.

Item 22 was postponed. The bottom line has increased to a final balance of \$34,396.00. There were some under runs. There was a net increase of \$13,325.00.

Mr. Sagar said that Mr. McLintock asked that the Board wait until he returns.

He said there is a major problem with sidewalks in front of Honeydew and the liquor store.

Mr. Cabral said that he is aware of some of those issues. It was brought to the attention of the resident engineer over the winter.

He noted there will be a final inspection just before the closeout.

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Chairman Almeida asked about a warranty.

Mr. Cabral said he would check.

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

**VOTED:** To table further discussion on the Route 152 project for two weeks.

### **Discussion and Action on Banna Fire Station**

Mr. Brady noted that it passed by 15 votes. The building committee is ready to go.

Mrs. Nolan said they have to wait 10 days for the Atty. General's office. Demolition is lined up. She has prepared a RFP for construction. Hopefully, it can be built this summer.

The building committee is meeting on Thursday, April 7, 2013, at 6 p.m.

### **Update on Temporary Move of Senior Center**

Human Services Director Bernadette Huck was in attendance.

Mr. Brady questioned how the Collaborative side of the Pleasant Street School is safe since the senior center side is unsafe.

Mr. Sagar suggested discussion should be in executive session. He noted that the Board was told the issue is just with the senior center.

Mr. Brady felt the electrical problem would concern the Collaborative as well.

Mrs. Nolan felt this is an issue that should be discussed with the Building Commissioner. She noted that some of those electrical problems are self-created.

Mr. Sagar advised that Chairman Almeida and he toured the North School today with the Superintendent of Schools and Business Manager. It is not an option; it would disrupt the Doorways project.

He suggested the Knights of Columbus.

Mr. Brady felt there should be an open house so that seniors could view it first hand.

Mrs. Vicki Kinniburgh, Chair of Human Services, said she would like to see the inside of the KOC. She felt the seniors should have what they have right now. She emphasized that the new center should be built as soon as possible.



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Mrs. Edith Krekorian said the move is wonderful, but the seniors are extremely happy where they are.

Mr. Sagar responded that the ones he talked to want out of Pleasant Street.

Mrs. Krekorian objected to the Town spending money on the KOC; that money could be spent on the building they are in.

Mrs. June Mace said the knitting group had been meeting at the Pleasant Street location, but they now meet in someone's home. It was a problem if the children in the Collaborative had a bad day.

She felt sorry for office people. They have no privacy with new clients.

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

**VOTED:** To table further discussion on the temporary move of the senior center to the meeting of April 10, 2013

## **NEW BUSINESS**

### **Discussion/Update with Paul Cusson/Ned Lundgren on the Application for the Local Initiative Program with Respect to 40B Housing to be Located on Lot 9 on Plot 2, South of Route 6 and Warren Avenue**

#### **A. Sign Application Endorsed by the BOS at the February 3, 2010 Meeting Subject to all Local Approvals and Permits Having Been Obtained**

Mr. Paul Cusson of Delphic Associates represented Ned Lundgren. He said this proposal would be submitted to the ZBA. He recommended that the Board of Selectmen sign the application.

Mr. Cusson explained that this is a local initiative application which was approved by the Board of Selectmen on June 16, 2010. The Housing Authority approved it on June 1, 2010 and the Planning Board on October 20, 2009. The process that went forward at the time was not correct in order to get before the ZBA. The development was approved for 12 units. The plan now has a total of four duplex buildings. By signing the application, it says the Board of Selectmen supports this development. It will be reviewed by the Mass. Department of Housing and Community Development. The ZBA cannot close the hearing until the Mass. Department of Housing and Community issues a certificate of site eligibility. The sale price will be \$183,000, which is a substantial discount compared to market rates. Garages were added to each unit.

The second page should be changed to 8 units and 2 affordable.

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

**VOTED:** To approve the local initiative program as submitted with the correction on page 2 of 8 units, 2 affordable and 6 market and to authorize the Chairman to sign on behalf of the Board of Selectmen.

**Discussion and Set Date for Opening and Closing of Warrant for the Annual Town Meeting Scheduled for June 10, 2013**

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

**VOTED:** To open the warrant at 8:30 a.m. on April 4, 2013 and close on May 1, 2013 at the close of business.

**Consider Approval of Payment to Flansburg Architects for Senior Center Presented by J. Tabor**

Mrs. Tabor advised that six architectural firms were interviewed.

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

**VOTED:** To approve the payment to Flansburg Architects.

**Consider Approval of Regular Session Minutes for February 20, 2013 and March 6, 2013**

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

**VOTED:** 2 Ayes; 1 Abstention; To accept the minutes of February 20, 2013 and March 6, 2013.

The vote: Mr. Sagar – Aye; Chairman Almeida – Aye; Mr. Brady - Abstained.

**Consider Approval of Regular Session (AM) Meeting Minutes for March 6, 2013**

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

**VOTED:** 2 Ayes; 1 Abstention; To accept the minutes of the Special Meeting (A.M.) of March 6, 2013.

The vote: Mr. Sagar – Aye; Chairman Almeida – Aye; Mr. Brady – Abstained.

**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 the Board has not had a SRPEDD representative since Ms. Bragg resigned. The appointment would take effective on May 22, 2013 through May 21, 2014. She has information if anybody is interested. Town Planner John Hansen can answer questions.

She received changes to Comcast. Former AT&T members will get lower rates. It affects about 1% of Comcast clients.

She reported that the contract has been awarded to clear out all hazardous contamination from Old Town Hall. The work should begin in May. Money was awarded from the Community Preservation Committee. She has been working with the Wampanoags. The Historical Commission will use the second floor to store records.

She is continuing to work with the senior center and Banna Fire Station building committees. Banna Fire Station should move forward. She will prepare a RFP.

She is in collective bargaining with police and fire. Chairman Almeida will attend.

**BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

Mr. Sagar mentioned that he had an opportunity to view the work done in the basement archives. The company hired did an excellent job. The two individuals who did the work were very complimentary of Town Hall employees.

He noted that Mrs. Parker was not available for the election. Ms. Karen McHugh and the entire crew did a great job.

Mr. Sagar requested a final report on the blizzard. He suggested the April 17, 2013 meeting.

Mrs. Nolan said that Chief Jack is currently on sick leave. Capt. Healy will give the report.

Mr. Sagar asked for an update from GPI and the Conservation Agent on Burrs Dam. He said there are grants available.

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Mr. Sagar had personnel issues to discuss.

Mrs. Nolan suggested at the next meeting in executive session.

Mr. Brady stated that he looked forward to working with the members of the Board and Mrs. Nolan. He has no animosity toward anyone. He is also looking forward to working with employees and residents.

Chairman Almeida welcomed Mrs. Nolan back from sick leave.

He mentioned that Mr. Parker was in the hospital and should be there all week. It is looking positive. He wished him a speedy recovery.

He wanted to include "Community Speaks" at the end and also between "Old Business" and "New Business" on the agenda.

He has gotten complaints that executive session minutes are not available.

Mrs. Nolan said that Atty. Fair will be in attendance next week. He will advise the Board on what should be done.

Chairman Almeida said the agenda should be completed by Friday in order to give Board members enough time to review the documents.

He invited all Board members to submit items for the agenda.

### **COMMUNITY SPEAKS**

Town Moderator Michelle Hines said she was pleased there was a quorum at the last Town Meeting.

She would like to get the warrant articles earlier. She did not get the warrant until the last submission.

She added that she should have been notified the meeting was cancelled.

She said there are several openings on various boards and committees. Residents who are interested should complete a talent bank form. There will be an appointment to the MCIC at the April 10<sup>th</sup> meeting.

Mr. Brady stated that he would do anything in his power for anybody in this town. He will treat them with respect. The Town needs people to volunteer.

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Lauren Walsh asked if she could get copies of the talent bank forms for the Municipal Capital Improvement Committee. There are two vacancies.

Mr. Brady said the term restrictions on the MCIC may need to be amended.

Mr. Donald Kinniburgh asked if a member of one committee is allowed to serve on another committee.

Mr. Brady said it would depend on the committee.

Ms. Walsh stated that the MCIC will be presenting projects identified as critical. She felt the capital plan should be discussed within the context of budget planning. She said that you can't think long term unless you have a sense of short term.

Mr. Sagar suggested a quad meeting for May.

Mrs. Nolan said that capital projects should be included in the budget.

Ms. Walsh said there are significant items related to preserving the buildings from the weather, etc. There is an item from the School Department. She questioned whether it would be appropriate to start to develop a longer capital improvement plan.

Mr. Robert Blanchard complained that the bulletin board and website meeting schedules are not the same.

Mrs. Nolan said that the person in her office who updates the bulletin board uses the meeting notices. Each committee does its own postings.

Chairman Almeida suggested Mrs. Nolan e-mail a reminder to department heads.

Finance Committee Chair Karen Perkins stated that the quad board meeting is essential to this Town. There was supposed to be one in October. She felt there should be scheduled dates. She said there is no communication.

She applauded the changes in the agenda. She is excited for Mr. Brady. She felt he is an asset to the Board.

Mr. Brady felt that quad board meetings should be quarterly. It is important to plan together.

Mr. Al Silva congratulated Mr. Brady and Chairman Almeida. He said this had to be the smoothest meeting he had attended or viewed.

Mr. Brady advised that he got an e-mail from Sports Authority that the store is closing as of June.

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The store has a 20% off sale.

Mr. Brady felt the Board needs to look at how to attract businesses into town. He suggested looking at Rhode Island.

Mr. Sagar said he was told the buyer for Johnson & Wales had backed out.

Mr. Brady said just like the Showcase Theatre.

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

**VOTED:** To adjourn at 8:11 p.m.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Chairman Almeida – Aye.

Respectfully submitted,

Gary S. Sagar, Clerk

Patricia Gamer, Secretary