

BOARD OF SELECTMEN
APRIL 10, 2013
REGULAR SESSION

Members Present: Nelson Almeida, Gary Sagar, Michael Brady

Absent: Robert McLintock, David Parker

Town Administrator: Pamela T. Nolan

Atty. Joseph Fair was in attendance.

Chairman Almeida opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

In accordance with Mass. General Laws Chapter 30A, Section 20, Chairman Almeida stated that persons taping the meeting must notify the Chair. Board of Selectmen meetings are recorded via audio and video and broadcast on Seekonk Channel 15.

OLD BUSINESS

Discussion with Building Commissioner on Building Issues at Senior Center on Pleasant Street

Building Commissioner Mary McNeil reported to the Board that the offices are located in a 700 sq. ft. space. The building code is 100 sq. ft. per person which means the occupancy for that room is seven people including staff and the public. The space across the hall is set up for 36 people which is probably doable. They are a little crowded. There are some electrical issues and air conditioners run on extension cords and should be on separate circuits. Portable heaters should not be there. The heating system needs to be addressed. A vent is covered by a desk in several places, and the paper quantities are more than allowed by the fire code.

Mr. Sagar wanted to make sure the collaborative is not an issue.

Mrs. McNeil said that was correct.

Mr. Sagar stated that the Board was told in December 2012 that if the Building Commissioner went down there she would shut the senior center down. He asked about now.

Mrs. McNeil responded that was correct. She would have to give notice of violation which is what she is doing now.

Mr. Sagar inquired about handicapped.

Mrs. McNeil said the ramp complies with the code and there is a chair lift. The building is not in violation.

Mr. Sagar said the Fire Chief indicated that is not an acceptable means of exit during a fire.

Mrs. McNeil said she could not speak for the Fire Chief or Captain. The chair lift is not supposed to be used during a fire. The full staircase would be accessible for exit.

Mr. Sagar repeated that the Board acted on a statement made in December that if the Building Commissioner went down there she would shut the center down. He asked if she would do it now.

Mrs. McNeil replied that she would give them the opportunity to take care of the measures that need to be done. Building code violations are given 30 days for corrections.

Mr. Sagar asked what would happen if a complaint was filed with state offices regarding accessibility.

Mrs. McNeil said there would be an investigation. With the ramp and chair lift, that school is in compliance.

Mr. Sagar asked if it would cost about \$100,000 or more to bring the senior center area of that building into code.

Mrs. McNeil agreed.

Mr. Sagar was disheartened. Comments he heard tonight are totally different that what he heard five months ago. He has been in the hot seat and spent a lot of time thinking he did the right thing.

Mr. Brady asked if someone could file an ADA violation against the Collaborative.

Mrs. McNeil responded that someone could.

Mr. Brady stated that he did not fault Mr. Sagar or the Board at that time. They felt there were doing what was right. Board members made a decision on what they thought was reasonable and proper.

Continued Discussion and Possible Approval or not on Temporary Move of Senior Center

Chairman Almeida advised that Mr. McLintock had called to request this be tabled until his return.

Mr. Brady said the Building Commissioner needs to go to the Pleasant Street location and issue the order and cover all issues and best estimate on cost and time line. The Board can then decide what to do to alleviate the situation.

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Mr. Sagar requested a report at next week's meeting.

Chairman Almeida said he would update Mr. Parker. He would like to get the School Committee and Collaborative involved.

Status Update on Maple Avenue Property

Capt. Michael Healy provided an update on the fire which occurred on May 1, 2012. The building was destroyed. The site was secured. The building is in bankruptcy. In the interest of public safety, the Town erected a fence and cameras around the property. The DPW Commissioner checks the property every Thursday. All appropriate measures to protect the public have been taken as recommended by Town Counsel.

Mr. Sagar noted that he is an abutter and he knows the owner. This will be going on for years. There is no short term solution.

COMMUNITY SPEAKS (FIRST SESSION)

Chairman Almeida explained that this was added to the agenda so that residents who want to speak do not have to stay for the entire meeting.

The following individuals spoke in support and in appreciation of Seth Bai, Veterans' Agent.

Jack Kelleher, Lucinda Ferreira, Clinton Gaouette, Ron Ashley, Dennis and Diana Colangelo, Ronald Crowe, Joe Daneau, William Soule, Bill Benoit, Joe Welch, Thomas "Doc" Rubel, Doug Brown, and Bob Blanchard.

Mr. Brady commended all the veterans for serving our country. He read a statement from a gentleman who was unable to attend the meeting.

Consider or not Reappointment of Veteran's Agent

Chairman Almeida said that Mr. McLintock also requested this matter to be tabled until his return.

Mr. Brady said no disrespect for the member who is not present; but, these people took the time to come to the meeting.

Mr. Sagar stated that last April when he was elected to the Board the annual reappointment of the Veterans' Agent came up. He was told it was according to the state law and always done that way.

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He researched M.G.L. Chapter 115A, Section 3, Appointment of Veterans' Agent, which said the Board of Selectmen may annually appoint the Veterans' Agent. The Veterans' Agent indicated he wanted one more year. He had plans but those have changed. The Charter does not mention a one-year appointment. The Board's action in April 2012 should have been for a three-year term; therefore, Mr. Bai should have two more years.

Atty. Joseph Fair said that the situation is a little confusion because of the history. Prior to January 2010, the provisions of the Charter called for certain officials of the Town to be appointed every three years, but the Veterans' Agent was not included. The Charter was amended on January 25, 2010 to include the Veterans' Agent. In April 2010, the Board of Selectmen voted to reappoint Mr. Bai as Veterans' Agent. The minutes do not reflect the specific timeframe. In 2011, the Board voted for a one-year appointment and again in April 2012.

It was Atty. Fair's opinion that the 2010 reappointment should have been for three years; therefore, Mr. Bai's appointment is up in 2013.

Mr. Sagar asked if it is true that a department head cannot be appointed without the positive recommendation of the Town Administrator.

Atty. Fair felt there would be questions if the Town Administrator does not recommend.

Mrs. Nolan said that she had considered this seriously for the last month. As she said last year, she never got a complaint from a veteran. The problems that she and Mr. Bai have are documented but don't begin to compare with what she heard tonight. She needed to hear this. She has a great amount of feeling for what Mr. Bai does and from what was said tonight it is being done right.

She recommended the appointment of Mr. Bai. They have been working on and will continue to work on the problems.

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

VOTED: To reappoint Seth Bai as Veterans' Agent for a three-year term based on the recommendation of the Town Administrator and pursuant to the Charter.

Mr. Donald Kinniburgh said there are many veterans in this town. Up until eight to ten years ago, there was no mention about what the Veterans' Agent does or does not do. Politics has become involved. The Veterans' Agent protects the veterans. The Board of Selectmen cannot get politically involved. It has to stop. He said it is not a joyful thing to go through.

Consider and Approve or not Contract with Acme Abatement for Hazardous Waste Removal at Old Town Hall

Mrs. Nolan advised that about ten proposals were submitted. Community Preservation contributed \$100,000. The work should be done by the end of April and the Wampanoags hope to get into the building by early May.

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

VOTED: To approve the contract with Acme Abatement for the removal of hazardous waste at Old Town Hall and authorize the Chairman to sign.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

None.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Sagar said he received an e-mail from Chairman Almeida relative to the Fire Chief's car. He felt it was a big mistake to have the car removed from the Chief's house and brought back to the station. He noted that car serves as a mobile office for the Chief. He had surgery but plans on coming back to work on a limited basis. In the event of a major incident, the Chief needs the car to respond. It eliminates two-way communication with the department and his home.

Mr. Sagar asked that the car be returned to Chief Jack immediately,

Mrs. Nolan advised that the car was returned to the station.

Mr. Brady talked about new IRS regulations to keep track of the personal use of vehicles as compared to professional use and account for that tax wise. The Chief would have to account for that if he is out of duty.

Chairman Almeida said the Chief was supposed to be out of work for eight weeks, and he could see no reason why he would need the vehicle.

Mr. Sagar said it sends the wrong message and disrespects the Chief's office. He requested the vehicle be returned to Chief Jack.

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Mrs. Nolan said she would have to take it under advisement.

Mr. Sagar announced the fishing tournament sponsored by the Seekonk Lions Club scheduled for Monday, April 15, 2013, at the Grist Mill. Advanced registration at yahoo.com.

Mr. Almeida advised that Mr. Parker was discharged from ICU and is in the Jane Brown Building at Rhode Island Hospital. He is appreciative of all the get well messages. He is on the right track for recovery.

Mr. Sagar noted that Mrs. Parker credits the Seekonk Fire Department.

Mr. Brady added his commendation to the Fire Department during a recent medical emergency for his wife.

COMMUNITY SPEAKS (SECOND SESSION)

Mr. David Viera said that he understood the individual being appointed at this meeting did not know about it until yesterday. He felt employees need to be better treated.

Mr. Rick Machowski of 29 Shade Lane complained about the Building Commissioner and a zoning issue. He suggested the Board look at how employees do their job.

At 7:15 p.m. a motion was made by Mr. Brady, seconded by Mr. Sagar, to go into Executive Session for an update and discussion on MCAD suits with Town Council (Galley vs. Town and Wills vs. Town), Consider Open Meeting Law complaint filed on March 26, 2013 by Lauren Walsh concerning Board of Selectmen's meeting of February 27, 2013, update and discussion on call fire labor relations with Town Council, discussion on physical condition of an employee, update on police union negotiations, and to consider approval of Executive Session minutes of February 20, March 6, and March 13, 2013; not to return to Open Session.

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

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary