

**BOARD OF SELECTMEN**  
**APRIL 17, 2013**  
**REGULAR SESSION**

Members Present: Nelson Almeida, Gary Sagar, Michael Brady, Robert McLintock

Absent: David Parker

Town Administrator: Pamela T. Nolan

Executive Assistant: Anne P. Rogers

Chairman Almeida called the meeting to order at 6 p.m. followed by the Pledge of Allegiance. A moment of silence was observed for the Boston Marathon bombing victims.

**PUBLIC HEARING**

**Transfer Annual All Alcohol Inn (Restaurant) Liquor License from Johnson and Wales Inn to Q Lounge LLC, d/b/a Ten Mile Grille, Located at 213 Taunton Avenue, Jay Patel, Manager**

Chairman Almeida opened the hearing at 6:02 p.m.

Atty. John Walker, 775 Pleasant Street, Weymouth, MA and Mr. Jay Patel, Manager, were in attendance. Atty. Walker said there is a purchase agreement with a contingency of transfer of the liquor license. The purchase would go through within seven days of the transfer of the liquor license.

Ms. Rogers noted that the license is upon approval by the ABCC. It has to be approved on the local level first. The new requirements are part of the application.

Chairman Almeida asked for public comments. None.

The Hearing closed at 6:05 p.m.

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

**VOTED:** To approve the transfer of Annual All Alcohol Inn Liquor License from Johnson & Wales Inn to Q Lounge LLC, d/b/a Ten Mile Grille, located at 213 Taunton Avenue.

At this time, Chairman Almeida asked to have Mr. Walter Horton and Capt. Michael Healy come forward.

Mrs. Nolan advised that Mr. Horton is retiring after 42 years of service on the Fire Department.

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Chairman Almeida thanked Mr. Horton for his years of services.

Mr. Sagar noted that Mr. Horton and he started as call firefighters 40 years ago. He suggested that Mr. Horton is the unofficial mayor of Seekonk. He has been a great asset to the department. He extended best wishes to Mr. Horton and his family.

Mr. Horton said he was hired in 1978.

Mr. Brady added his congratulations. He mentioned that people don't realize how many sacrifices are made by those in public service.

Mr. McLintock wished Mr. Horton the best.

Capt. Healy noted that Mr. Horton and he went to the academy together. He is a long time friend and co-worker. He will miss him as will Chief Jack and the entire department.

#### **NEW OPEN AIR TRANSIENT VENDOR LICENSE**

#### **Humberto M. Pereira for a Quality Seafood Truck to be Parked on the Premises at 1159 Fall River Avenue, Approval must be made by BOS then Forwarded to Board of Health for Food License**

Mr. Pereira explained that he has a seafood truck that will be parked at Mary's Lodge, 1159 Fall River Avenue. He has trucks in other towns.

Ms. Rogers said the request will be forwarded to the Board of Health for the food license.

Mr. Sagar said he would vote against it because there is a business down the street that pays taxes in the Town. He felt the Board needs to support existing businesses. He suggested Mr. Pereira move into town and become part of the community.

Mr. McLintock had concerns, including health issues. He agreed that support should be given to existing businesses.

Mr. Sagar noted that the Town Planner had not signed off. Parking needs to be considered.

Mr. Pereira said that parking isn't necessary since it is a drive-up.

Chairman Almeida said the trailer would take away parking spaces from Mary's Lodge.

Mr. Pereira said he was offered the space.

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Mr. Brady cautioned about denying the request on the basis that the person doesn't live in Seekonk. His concern is location. He felt it should set up somewhere that is more accessible. He didn't understand Mr. Sagar and Mr. McLintock's concern that there are other businesses in Town.

Chairman Almeida said that competition is always good. This type business has worked in other areas. He suggested Mr. Pereira could rent a small store.

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

**VOTED:** 3 Ayes; To deny the request by Humberto M. Pereira to operate a seafood truck on the premises at 1159 Fall River Avenue.

The vote: Mr. McLintock – Aye; Mr. Sagar – Aye; Mr. Brady – Aye.

### **NEW CLASS II MOTOR VEHICLE LICENSE**

#### **Ocean State Towing and Recovery to be located at 1849 Fall River Avenue, Steven Ladeira, Owner**

Mr. Ladeira said that he will be remarketing the vehicles.

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

**VOTED:** To approve the request for a Class II Motor Vehicle License for Ocean State Towing and Recovery, located at 1849 Fall River Avenue.

### **BOARD APPOINTMENTS**

#### **Interview Michael McNulty, Robert Sellers and William Rice for MCIC Consider and Appoint One Moderator and One Board of Selectmen Appointment to MCIC**

Mrs. Nolan advised that Mr. Rice had withdrawn. He will apply for another board.

Town Moderator Michelle Hines was in attendance.

Mrs. Nolan recommended Mr. McNulty's appointment. She said he wants to be involved in the community. He feels this position lines up with his employment.

Mr. McNulty said he works for Dimeo Construction. His father was on the Planning Board for several years.

Mr. McLintock felt he would be an asset to the MCIC.

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Ms. Hines asked if he would be able to do projects in Seekonk if he is on the MCIC.

Mr. McNulty said that he could remove the conflict if he declared in writing with the Town Clerk and abstain from any votes.

Mr. McLintock noted that Mr. McNulty is an employee of the corporation.

Mr. Brady said his background fits the financial and construction categories on that committee.

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

**VOTED:** To approve the appointment of Mr. Michael McNulty to the MCIC, as recommended by the Town Administrator. The term to expire on June 30, 2013.

Mr. Sellers said that he worked for a construction company in East Providence doing construction work, revamping and remodeling stores. He later went to work at the YMCA as a supervisor until his retirement.

Ms. Hines appointed Mr. Sellers to the MCIC; the term to end on June 30, 2014.

She noted that Mr. Sellers and Mr. McNulty need to be sworn in at the Town Clerk's office.

#### **Moderator Interview/Appointment of Richard Perry to Senior Center Building Committee**

Ms. Hines noted this appointment would be until June 30, 2013 at which time the entire senior center building committee has to be reappointed.

Mr. Perry said that he had been involved with this building for 13 years, and it is time to get it built. He has also served the Town in many capacities.

Ms. Hines appointed Mr. Perry. She reminded him to get sworn in.

She will check on the expiration date of members on that committee.

#### **Moderator Interview/Appointment of Mark Gorton to Finance Committee**

Mr. Gordon stated that his original choice was the Finance Committee, but he did attend one meeting as a member of the Parks and Recreation Committee.

Ms. Hines appointed Mr. Gorton. The term will expire on June 30, 2014. He needs to resign from the Parks & Recreation and get sworn in.

## **BUDGETS**

### **Communications**

Mrs. Nolan wanted to wait until Mr. Alexander returns from vacation. There is an increase of almost \$41,000. There has been a negotiated settlement on wages and discussion about adding a part time dispatcher due to the EMD program. However, Mr. Alexander and she have not spoken to the union representative recently about the EMD program. At this time, she is not ready to hire an additional dispatcher but will work on the overtime that will be offered. She did speak to the person who is filling in for the Communications Director.

Mr. Sagar asked about having two dispatchers on duty at all times.

Mrs. Nolan said it was for the midnight shift, but that is functioning well. It is the day and afternoon shifts. It is a matter of the union filling the overtime positions as they become available.

She would like to wait for Mr. Alexander.

The Communications budget will be on the agenda for the next meeting.

### **Assessors**

Mrs. Theo Gabriel explained that the salary line was less than last year because a senior staff member had retired and the person hired came in at a lower salary. Longevity was also reduced.

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

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

### **Board of Health**

Health Agent Beth Hallal advised the slight increase represents negotiated salary adjustments.

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

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

**OLD BUSINESS**

**Discussion with Building Commissioner, Collaborative Representative, and School Committee on Report of Code Violations at Pleasant Street School**

Mrs. Nolan advised that this is school vacation week so Supt. Arlene Bosco and School Committeeman Mitch Vieira were unavailable. No one was in attendance from the South Coast Collaborative. However, School Committee Chairman John Bilodeau was present.

Building Commissioner Mary McNeil referred to her letter dated April 12, 2013 which outlined the violations: (1) Emergency Lighting, (2) Fire Extinguishers, (3) Occupant Loading, (4) Heating and ventilation, (5) Electrical work, (6) Combustible decorations, paper and other materials in the assembly, office and exit access corridor, (7) Handicap Access, and (8) Cost factors.

Mr. McLintock noted the Collaborative allowed the Town to be there and Dr. Heimbecker is willing to cooperate. The violations are minor and could probably be fixed within weeks.

Mr. Brady agreed.

Chairman Almeida noted there was a lot of hearsay. The Building Commissioner was asked to do an inspection.

Mr. Bilodeau stated that the Board should be in contact with the School Committee and not Dr. Heimbecker at the Collaborative. He noted that the Collaborative is a tenant of the School Department. He said there is lack of communication.

Mr. Brady felt the Collaborative has a future interest in making sure that space is useable and in compliance.

There was discussion about school vacation week and the fact that school officials were not available.

Mr. McLintock felt it will not cost a lot of money to correct the problems.

Mrs. McNeil advised the Board has 30 days from the date of the letter to come up with a plan of action and 45 days to appeal the decision.

Mr. Sagar said this started last December when the Town Administrator recommended the seniors be moved out of the Pleasant Street location. The Building Commissioner had suggested the portable offices out back. They looked at several properties and found the Knights of Columbus would be the place to go.

Mr. Sagar found it interesting that after being at that location for more than 20 years there is discussion about fixing it. This Board had previously voted to move the seniors out of Pleasant Street. At Town Meeting, Mr. Parker indicated that vote would have to be rescinded if the move is not going to happen.

He said the silent majority are the ones who do not use the building for different reasons. We were told there would be more participation with a new facility.

Some seniors do not go to the center because they cannot climb the stairs. There are some who are afraid of the students in the Collaborative. There are issues with air quality, and the building is not in compliance with the federal ADA. There is very limited ability to evacuate the building in case of fire. The social area is restricted to 46 and there is very limited privacy space in providing services.

He said that town counsel will find the video made to promote the senior centers clearly established the town's liability. When the new senior center is opened the expense will be somewhere from \$9,000 to \$10,000 per month in operating and debt costs. If moved to KOC, it would be less than 1/3 for that temporary move. The cost is much cheaper to move them now than to have a law suit due to potential injury.

Mr. Sagar requested the Board vote to rescind the previous vote.

Mr. Brady said that every building in town is in violation of the ADA except for the public safety building. If the Pleasant Street building is going to be fixed, he would move to do the same for every town building.

Mr. McLintock said the Town is not in violation according to Mass. ADA requirements.

Mr. Sagar said the Board was told it was an absolute priority to move the seniors out of Pleasant Street.

Mrs. Edith Krekorian, 8 Harriet Court, said that in 1993 there was cooperation between the Council on Aging and Collaborative to put in the chair lift. It is working fine.

She said the building was redone in 1992-93 for the seniors by the Collaborative. She felt the building could be fixed in two weeks.

Mr. Rick Machowski of 29 Shady Lane asked if the two facilities would operate on holding tanks, which would mean frequent pumping of the system. There is a serious septic situation in that area already. He lives close to the KOC. He asked the Board not to support the move to the KOC.

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Chairwoman of the Finance Committee Karen Perkins, 47 Hiller Drive, stated that she has had concerns for a long time about the senior center.

The CIC did a survey and had information which should have been discussed. The Finance Committee saw it was a hot topic. She doesn't like to be lied to or given incorrect information. She felt there is no reason to move the seniors if the School Committee and Capital Improvement Committee can address the issues.

She would like to see the minutes of the executive session where the move was discussed, especially after someone was reprimanded in a public meeting here and from that point on it was move the seniors. They need to reassess and reevaluate. The Finance Committee voted to rescind the vote due to the lack of information.

**Continued Discussion and Vote to Approve or not the Move of the Human Services to Knights of Columbus**

There was no second to a motion by Mr. Brady to move the seniors from Pleasant Street to the KOC.

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

**VOTED:** 2 Ayes; 1 Nay; To table further discussion on the move of Human Services to the Knights of Columbus and meet with appropriate School Department personnel to obtain all the information.

The vote: Mr. McLintock – Aye; Mr. Brady – Aye; Mr. Sagar – Nay.

**Consider and Potentially Sign Contract with ModSpace for the Lease of a Modular Unit(s) for Use as a Temporary Human Services Office in Conjunction with the Temporary Relocation of the Senior Center**

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

**VOTED:** 2 Ayes; 1 Nay; To table the lease with ModSpace until May 8, 2013.

The vote: Mr. McLintock – Aye; Mr. Brady – Aye; Mr. Sagar – Nay.

**Update on New Animal Shelter Project with Pat Cloutier from Save-A-Pet**

Continued until May 1, 2013.



### **Update on Blizzard with Captain Healy**

Fire Capt. Michael Healy advised that he had prepared a list of positives and negatives. Most of positives were communication and what they learned. He talked to Chief Mace about the Reverse 911.

On the negative side, he felt they could have been more prepared in setting up the shelter. It was basically just a warming shelter.

It was mentioned that the School Department would like to upgrade the generator.

He felt they need to look at what the shelter should be or do they want to try to transport people to the Attleboro shelter. They need to discuss resources and equipment if they intend to set up a shelter in Seekonk.

There has been talk about tying in the generator at the public safety complex with Town Hall and the new senior center. There is no redundant system if that generator fails during an emergency. They might need to have a contract with a private vendor to have a generator.

Capt. Healy said the number one priority is public safety. He has talked to Chief Mace about radio communication.

On another matter, Mr. Sagar talked about a very serious motorcycle accident involving a 16 year old who suffered a very serious head injury. Seekonk's emergency medical personnel were commended for their actions.

Capt. Healy said the hospital's trauma management coordinator sent a communication to the Chief commending Seekonk personnel involved from the first officer on the scene until the arrival at the hospital.

### **Continued Discussion on Route 152 Central Avenue Roadway Project Resident Engineer's Report of Changes with Town Engineer, Items Number 22 through 57**

Town Engineer David Cabral spoke about Item #22 which was in front of the Board in October 2012. The other items were from two weeks ago. There are items under "New Business."

There is a contract in place since February 2, 2011 between Mass. DOT and the Town re: construction on the Central Avenue project. Item #22 was the relocation of a utility pole in front of Two Guys Pizza at Bakers Corner. The pole was on private property.

National Grid indicated the pole no longer belonged to the company but it would remove it. It has been moved. It was an extra work order. The resident engineer suggested the Town formally request Mass. DOT to consider this as part of an extra work order and paid for out of

the contingency. The State has indicated that item came in \$1,000 less than the initial estimate of \$3,396.28.

Mr. Cabral requested approval for the Town Administrator to sign the report.

In response to Mr. Sagar's question, Mr. Cabral stated that the land owner was compensated for the land but not the utility pole.

He stated that it was very important to note that the contingency budget remains in the black.

Mr. Cabral noted that 50 poles were moved by the contractor and National Grid added 20 more they wanted to remove.

He stated that the balance in the contingency will be \$52,000 after items 1 through 81. There are a lot of items under run. It might be that this project will not cost the Town any money. The State has actually paid for four extra work orders.

There were other items forwarded to the Town Administrator that were not on the agenda until May.

Mr. McLintock said the cement walks are crumbling in the area near the Honey Dew.

Mr. Cabral said those items are being addressed with the contractor through the State, and the work will be redone.

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

**VOTED:** 3 Ayes; 1 Present; To authorize the Town Administrator to sign the Change order and submit to the State.

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

Mr. Cabral noted that in Items #23 to #57 - #56 was omitted. Six items were overrun and 29 under run. The net increase is \$13,325 charged against the contingency. The contingency balance is \$34,396.

**COMMUNITY SPEAKS (FIRST SESSION)**

None.

**NEW BUSINESS**

**Continued Discussion on Route 152 Central Avenue Roadway Project Resident Engineer's Report of Changes with Town Engineer, Items Number 58 through 81**

Mr. Cabral reported the total budget is \$291,000. The total of the 81 items has a decrease of \$18,184. The current balance overall is \$52,581 in the black. He reviewed this with the resident engineer. He recommended approval.

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

**VOTED:** To approve Items #58 to #81 and authorize the Town Administrator to sign.

**Consider Request from Fisk Family Realty Trust to Initiate a Zoning Change from R-4 Residential to an Industrial Zone on a Portion of Lot 26 of Seekonk Assessor's Map 35, and Refer to Planning Board**

Ms. Nicole Fisk advised the Planning Board had recommended the change.

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

**VOTED:** 3 Ayes; 1 Abstention; To approve the request from Fisk Family Realty Trust to initiate a zoning change from R-4 Residential to Industrial Zone on a portion of Lot 26 of Seekonk Assessor's Map 35 and forward to the Planning Board.

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

**Consider or Not Reappointment of Animal Control officer**  
**Consider or Not Reappointment of Two Assistant Animal Control Officer**

Mr. Brady noted that, in accordance to the Charter and on advice of Atty. Fair, any appointments after 2010 are for three year terms.

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

**VOTED:** To reappoint Sharon Hall as Animal Control Officer and Darlene Christensen and Karen Harvey as Assistant Animal Control Officers, based on the recommendation of the Town Administrator for three years as permitted by Charter.

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**Consider Request from Planning Board to Initiate, in Accordance with M.G.L. and Section 17 Amendment of the Zoning ByLaws to Add Section 26, “Temporary Moratorium on Medical Marijuana Treatment Centers” and Refer to Planning Board for a Public Hearing**

Planning Board Chairman Neil Abelson advised the Board is allowed a year moratorium to decide where to put this building or center.

Mrs. Nolan said it will be an article for Town Meeting.

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

**VOTED:** To refer the Amendment to the Zoning ByLaws to add Section 26 “Temporary Moratorium on Medical Marijuana Treatment Centers” to the Planning Board for a Public Hearing.

Mr. Sagar asked about the status of the zoning bylaws re: signs.

Mr. Abelson replied it is on the back burner right now.

**Consider and Approve or Not Contract with Briggs Mechanical, Inc. for HVAC Maintenance at Town Hall and DPW**

Rescheduled until May 1, 2013.

**Consider and Potentially Sign Contract with Knights of Columbus for Temporary Quarters for Human Services**

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

**VOTED:** To table the contract with Knights of Columbus.

**Consider Approval and Sign or Not Contract for Flansburgh Architects for Design of New Senior Center**

No contract yet. Mrs. Nolan said that they have been negotiating this contract.

Mrs. Nolan will try to have it for May 1, 2013.

**Discuss and Approve Amendment to Administrative Policy #60, Town Vehicle Use Policy**

Mrs. Nolan said this came up because of Chief Jack was going to be out of work for six weeks.

Mr. Sagar felt that both the fire chief and police chief have a clause in their contract that covers use of vehicles.

The matter was deferred to a future date to allow the Town Administrator and Chairman to talk to department heads.

## **OTHER BUSINESS**

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

Chairman Almeida had a construction cost estimate to connect the generator from public safety to Town Hall and the animal shelter. The proposed price is \$341,800 with contingency.

Mr. Brady said it might be possible to get military grade generators from the federal government at no charge. He will provide information to both chiefs and Capt. Healy.

## **TOWN ADMINISTRATOR'S REPORT**

Mrs. Nolan advised that the Library Board of Trustees is seeking nominations for the Sharon St. Hilaire Public Service Award. It is for a public employee or a volunteer. Nomination forms are available at the library or the library website and should be returned to Peter Fuller.

The Board received an invitation from Seekonk Boy Scouts Troop 1 to attend the court of honor on Sunday, April 28, 2013.

She provided an update on the Banna Fire Station. The money was approved by Town Meeting and the voters. The design has gone back to the architect for inclusion of sprinkler service and to re-draw some of the design. Hoping to start work in July.

Chairman Almeida asked about coverage in the north end when the building is demolished.

Mrs. Nolan said they have to find a place for the firefighters to stay. She needs to hear from the Chief.

She said that Rep. Howitt is trying to get the Lt. Governor to come to Seekonk to talk about the salt shed as a possible location for the south end station.

## **BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

Mr. McLintock said there are still some problems with the cement re: the 152 project.

Chairman Almeida said he asked Mr. Cabral about a warranty.

Mr. Brady suggested the individuals who responded to the scene of the motorcycle accident should be publicly commended at a future meeting.

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Mr. Brady referred to comments made regarding the residence of the Chairman's family. He said it is inappropriate and families of elected officials should be off limits.

Mr. Sagar stated that the first annual Doug Allen Memorial Fishing Tournament was held on Monday. It was sponsored by the Lions Club. Eighty seven children attended. The pond was stocked with trout. Mr. Esmay, owner of the Grist Mill, was thrilled to have this happen on his property.

Chairman Almeida advised that Mr. Parker is home from the hospital. He acknowledges the concerns and thoughts.

He said there is a vacancy on the Parks and Recreation Committee. Meetings are once a month. He encouraged residents to fill out a talent bank form.

He said he has received many e-mails regarding signs.

Mrs. Nolan advised that Mrs. McNeil is taking action.

Mr. Sagar suggested the snow plow insurance needs to be revisited.

### **COMMUNITY SPEAKS (SECOND SESSION)**

#### **None.**

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

**VOTED:** To adjourn at 9:13 p.m.

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

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary