

BOARD OF SELECTMEN
JULY 24, 2013
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

Town Counsel: Atty. Joseph Fair

Executive Assistant: Anne P. Rogers

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

He stated that, in accordance with M.G.L. Chapter 30A, Section 20, anybody taping the meeting must notify the Chair.

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

Fire Chief Alan Jack to Present Firefighter Candidate, Edward Galley
Town Clerk Janet Parker to Swear in New Firefighter, Edward Galley

Fire Chief Alan Jack announced the Fire Department currently has three vacancies.

He introduced Edward Galley who has over four years experience as a licensed Massachusetts paramedic. He was the highest ranking in the physical agility test and scored high in the written test. He has certification in FEMA and Mass. Fire Academy classes.

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

VOTED: To appoint Edward Galley as probationary firefighter/paramedic.

LICENSE: CONSIDERATION OF NEW CLASS II MOTOR VEHICLE LICENSE FOR
HIGHLAND AVENUE SERVICE, d/b/a STEVEN'S SERVICE AND CAR SALES,
RANDALL ROMANOFF, OWNER

Atty. Paul Lemont and Mr. Romanoff were in attendance.

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

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VOTED: To approve the new Class II motor vehicle license for Highland Avenue Service, d/b/a Steven's Service and Car Sales, Randall Romanoff, Owner.

Prior to the vote, there was discussion on enforcement of the restriction that there are only three cars for sale on the lot.

OLD BUSINESS

Approve Contract for MX Computer Services: Finance Director Bruce Alexander and MX Principal George Kavgic

Mr. McLintock questioned the \$800 monthly payment for the servers and firewalls.

Mr. Kavgic explained that the contract includes parts and labor and 4 hour response, which is on site working. He said there are constant updates on the server and firewall. The contract guarantees response time.

Mr. Alexander said that he depends on MX to do technical work. Some of the contracts have been in effect since 2005. Mrs. Nolan had presented a contract for in-house services eight hours per week at Town Hall and Public Safety.

Mr. McLintock could not understand why the Town is not paying by the hour. He emphasized that he is not questioning the capabilities of MX.

Mr. Alexander noted that MX is on the state contract.

Mr. Sagar asked about the difference in MUNIX server at \$225 and DPW at \$275 per month.

Mr. Kavgic said that server was upgraded about six months ago and is now part of the server and firewall contract.

Mr. Alexander said it has been repurposed as a print server for all Town Hall.

Mr. Brady noted that the IT Director has been hired for the School Department and Town Hall.

Mrs. Nolan said it will take a year to transition.

Mr. Kavgic noted that 4 of the 8 hours are at the Public Safety complex.

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

VOTED: To approve the contract with MX Computer Services and authorize the Town Administrator to sign.

Fire Chief Alan Jack to Discuss Fire and Rescue Service in North End of Seekonk During Banna Reconstruction

Chief Jack anticipated that the opening of the new facility would coincide with having adequate personnel.

The Fire Department will remain diligent in providing the best possible services to Seekonk even if they have to backfill with overtime. That practice has enabled them to better respond to calls for service throughout the entire town. It has also helped to increase ambulance revenue. He assured that every call for assistance would be answered as quickly as possible, even if it means using mutual aid.

The construction site would not be suitable if the Board should decide to put a trailer on the site for housing. He has looked into possibilities for the storage of vehicles. He looked at the Water Department but space is not available right now. It appears the only option would be to rent space for personnel and vehicles. A suitable location would be at the Industrial Park on Pond Street. Two units are available. The smaller of the two would be suitable – 60 ft. x 20 ft. with 14 ft. overhead doors which would accommodate apparatus.

An EMS vehicle could be assigned to predetermined areas in town. They could target busy times, as needed. They would patrol as the Police Department does. However, that would not be the favorable option.

The Chief noted that there is still time to continue to look at other options and seek more definitive direction from the Board.

Mr. McLintock suggested the old fire station on Newman Avenue.

Chief Jack said it is not quite in the north end of town, but it is an option.

Chairman Almeida noted that building does not belong to the Town. If they are going to pay rent, why not pay for Pond Street.

Mrs. Nolan advised that bids were supposed to be opened today for the Banna Fire Station. She received a phone call from the Atty. General's office today about a complaint that the RFP indicated the apparatus would be conventionally built and the two story living quarters module built. A vendor said there were no sub bids. She had spoken to a representative at the Atty. General's office who said the RFP was correct.

She noted that only one bid came into today. Nine people attended the mandatory walk through. It will not be the spring building season. The Building Committee will discuss this at its meeting tomorrow night.

Mr. Parker asked if there are monies to pay for rentals. He felt it was premature to discuss this tonight.

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Mr. Sagar said there are fire trucks in the old fire station. It is privately owned.

He asked why it would take a month and a half to go out to bid.

Mrs. Nolan explained that it has to be advertised in the central register and the architect has to identify the subs.

The Chief will continue to research options. He will reach out to the call association which owns the Newman Avenue station. It will be \$750 per month for the Pond Street rental.

Mr. Brady suggested they look at town property. He mentioned the North School.

Chief Jack advised that there is available space to place a trailer at the Water District on the outside of the building. The Water Department might have a vacant area if the project goes into winter/early spring.

Mr. McLintock expressed displeasure with the Atty. General's office. He said the Board has to recognize there is a problem.

Mrs. Nolan said the fact that there was only one bid is not good.

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

VOTED: To table discussion on fire and rescue services in the north end of Seekonk.

Recognition of 40 Year DPW Employee Brian Borges who Retired July 19, 2013

DPW Superintendent Robert Lamoureux advised that Mr. Borges was on vacation.

He reiterated what he had previously said that Mr. Borges was an above average employee. He helped streamline operations at the transfer station. He was well respected within the department. Mr. Lamoureux wished Mr. Borges well in his retirement.

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

VOTED: To move to Item F under New Business.

NEW BUSINESS

Approve DPW Superintendent's Road Improvement Plan - Construction Season 2014

Mr. McLintock asked who paid for paving Back Street.

Mr. Lamoureux said Columbia Gas.

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Mr. Brady said they did a good job.

Mr. Lamoureux reported that the original amount of Chapter 90 funding was cut from \$887,000 to \$439,000. However, he heard that might be restored. He prepared two proposals – one with the cuts in funding and one in the event the funding is restored.

He has to notify residents and utility companies.

Mr. Sagar said that Sen. Timilty was reasonably sure that both the Senate and House would override the cuts.

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

VOTED: To accept the Road Improvement Plan for the 2014 Construction Season.

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

VOTED: To move to Item E under New Business.

Promotion of Jason Ethier to Operator/Laborer

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

VOTED: To approve the promotion of Jason Ethier to operator/laborer as recommended by the DPW Superintendent and Town Administrator.

OLD BUSINESS

Discussion on Library Drainage – Gary Sagar

Mr. Lamoureux reported that Mr. Sagar and he had met with a representative from Russo and Barr, the engineering firm that had designed the roof project at the library.

Mr. Sagar said they were told when the project is complete they have to submit a certification letter that the project was done according to specifications in a workman like manner.

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

VOTED: 4 Ayes; 1 Nay; To approve the contract with Russo & Barr for work on the library drainage at \$4.500 and authorize the Town Administrator to sign.

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

Mr. McLintock suggested that Library Director Peter Fuller call the company that did the roof to come and explain how it can be repaired.

Mr. Sagar said there is nothing wrong with the roof.

Mr. Lamoureux said the issue is with the downspouts.

Appointment of Zoning Board of Appeals Temporary Member for August 5, 2013 Meeting

Mr. Sagar explained that two members of the ZBA have recused themselves. He is an alternate. Mr. Neil Abelson of the Planning Board has offered his services. Atty. Quirk from Kopelman & Paige ruled that it would not be a conflict. Mr. Abelson attends all ZBA meetings, and he would be an asset to fill in on a temporary basis, as needed. At the previous meeting, Mr. Parker indicated he would be willing to do it.

Chairman Almeida stated that two weeks ago the Board was told there were no talent bank forms.

Mrs. Nolan said that Mr. Abelson and Mr. David Saad submitted talent bank forms.

Mr. Parker made a motion, seconded by Mr. McLintock, and it was unanimously

VOTED: To appoint Mr. David Saad to the ZBA as an alternate for a three-year term, subject to a ruling from the Ethics Commission.

In discussion prior to the vote, Mrs. Nolan advised that Mr. Saad's wife is a clerk in the Planning and ZBA offices.

Mr. Sagar said that Mr. Saad resigned from the Planning Board because his wife got a job in that office.

Mr. Saad responded that he resigned for health reasons. They got a ruling at the time his wife was hired.

Mr. Brady said there are conflicts with both applicants. He had no problem with both of them serving because he trusts they would recuse themselves, if necessary.

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

VOTED: To appoint Mr. Neil Abelson as an alternate to the ZBA for a three-year term, subject to a ruling from the Ethics Commission.

Update on Veterans Memorial – Gary Sagar

Mr. Sagar distributed plans of the library area and The Meadows. He spoke to Conservation Commission Chairman Richard Wallace, Former Police Chief Ronald Charron, and John Alves of the Community Preservation Committee about the area of the old police association building. There are 5.3 acres. The Conservation Commission did not like that idea. They suggested to take an area of land around that building and deed it to the Conservation Commission restriction and in return they would give up a parcel of land on 152 (Newman Avenue).

Under the Conservation restriction, the State has oversight of it through the Conservation Commission. Changes can be made but limited in scope. There cannot be a decrease in land in the Conservation area. The land around the old police association building is 50,750 sq. ft. and the land at the entrance to the library is 48,418 sq. ft. The Conservation Commission would like to swap the land and put a fence and gate to the rear of the new property line on Newman Avenue. That would allow people to walk through there and access for emergency vehicles or DPW for maintenance. There is also a space that could accommodate 20 regular and two handicapped spaces. From that point, it gives 400 ft. of clear sight in a 40 mile per hour speed zone. The State will be testing the water in the back to see if it can support trout.

Mr. Sagar noted that he shared this information with the Chairman of the Veterans Memorial Committee. Mr. Kinniburgh is in attendance. That Committee would consider this as a secondary site.

Town Meeting action in 2010 turned over the land in The Meadows to the library. At that time, Mr. Carroll kept an exception for that area around the police association building.

Library Director Peter Fuller noted he was not speaking for the Library Board of Trustees. He said that area should be developed. The building is a liability. It has to be taken down. He agreed this would be a win-win situation. The area is very visible from Newman Avenue. He hoped it would be agreeable to the Veterans Memorial Committee and the Library Board of Trustees. He thanked Mr. Sagar for his efforts.

Mr. Donald Kinniburgh said the Veterans Memorial Committee agreed this would be a good second location. The members insist on going forward with the library as the first location.

He also thanked Mr. Sagar. He noted the two committees would meet in a couple of weeks. He suggested either Mr. McLintock or Mr. Sagar could be a liaison from the Board of Selectmen.

Mr. McLintock felt the property at the right side of the library should have been bought for \$65,000 years ago.

Mr. Parker felt it is a good trade. The Conservation Commission will get a piece of land and the people will get better access. The land is there if the Veterans Memorial Committee wants to go forward.

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He suggested the Conservation Commission come before the Board.

Chairman Almeida noted that the overflow parking area is used when there are events at The Meadows.

He thought perhaps the Memorial Committee could reduce the size of the memorial or use Mr. Sagar's recommendation where the full scale memorial can be built.

Approve Revised Administrative Policy #53 – Travel Regulations and Reimbursements

Mrs. Nolan advised that she included the changes made by Board. Those changes are that employees who are going to a seminar fill out the conference authorization form and provide distance report from Town Hall. Employees will carpool as often as possible and department heads must budget separate line item and expenses. Reimbursement is at IRS rate.

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

VOTED: To approve the amended Administrative Policy #53 - Travel Regulations and Reimbursements and authorize the Chairman to sign.

This document will be distributed at a Department Head meeting with the understanding that it will be strictly adhered to.

Update of DEP Audit of DPW

Mrs. Nolan had an e-mail from Kathryn Carvalho, MassDEP, Southeast Regional Office, Bureau of Waste Site Cleanup, Compliance & Enforcement which indicated the findings are being reviewed.

Mr. McLintock said this has gone back six months. In the meantime, the Town is paying. He felt an official from DEP should come before the Board to explain what is going on.

Mr. Brady noted that it goes back to when he was previously on the Board. They were told that monitoring would stop once the water line was in and wells decommissioned.

He said the Board complied with mandates. It might be necessary to ask local representatives to contact DEP.

Mr. Parker recalled that Mr. Lamoureux had indicated the monthly testing had stopped.

Mr. Sagar suggested further discussion on August 21, 2013.

COMMUNITY SPEAKS (FIRST SESSION)

Mr. David Saad offered the support of Seekonk Concerned Citizens in an amendment they had tried to pass.

He suggested the appointment of a Human Resource Board.

NEW BUSINESS

Committee Appointment: Andrew Breiter Wu to Recycling Committee

Mr. Wu said he is very passionate about the environment.

Mrs. Nolan stated that the Recycling Committee highly recommends Mr. Wu. She also recommended his appointment.

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

VOTED: To appoint Andrew Breiter Wu to the Recycling Committee through June 30, 2016.

Mr. Sagar requested that the reporter from the Attleboro Sun Chronicle stay through Board of Selectmen comments.

Mosquito Control Update

Mrs. Nolan distributed information from the State. The Health Agent is the contact person for information on mosquitoes. Information is on the website.

Approve Minutes of June 10 and June 19, 2013

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

VOTED: To accept the minutes of June 10, 2013 and June 19, 2013.

OTHER BUSINESS

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

VOTED: To waive fees for the senior center fire, electrical, and plumbing.

TOWN ADMINISTRATOR'S REPORT

Mrs. Nolan spoke about articles in the newspaper about her applying in other communities. She would like to meet individually with Board members. She noted that the Town is in great shape financially. She loves her job and all the workers. The responses came in quickly. She didn't expect to be a finalist in these places. According to her contract, she would give a two month notice if she left voluntarily.

Mrs. Nolan advised that the Town Clerk indicated the Town was paid \$281.92 from the recycling company that took the stuff out of the basement.

She announced that Joyce Frank, the #1 contact at Kopelman & Paige, had retired. Board members should decide who the #1 contact will be – Atty. Alana Quirk or Atty. Joe Fair.

Atty. Fair clarified that Kopelman & Paige is a fairly large firm handling all aspects of the law. It operates on a team model. An attorney is designated as the primary contact. That attorney will triage and figure out who would be the most appropriate person. He suggested that he could be the primary because he has had the most contact with the Town.

Mr. Sagar noted that town counsel should be appointed on an annual basis according to the Charter. It would be on the next agenda.

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

VOTED: To designate the Town Administrator to sign the application for the permit for the sign on Route 44, as requested by the DPW Superintendent.

Mrs. Nolan had samples of a commemorative plate and plaques that could be given to employees who leave after years of service.

Mr. McLintock will take care of it.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

As a follow up to earlier comments, Mr. Sagar stated that in today's Sun Chronicle it said that Selectmen Sagar had said that Mrs. Nolan had told him she notified Chairman Almeida several weeks ago of her desire to quit her job. He never said that. It should have said that Mrs. Nolan had said she notified Mr. Almeida that she was looking for another job. Mr. Sagar demanded an apology by the reporter and a retraction.

Mr. Sagar urged residents to vote on Monday for the senior center. He will be voting in favor of the additional funding. There will be a reminder on the Reverse 911.

Mr. Parker advised that wheel chairs will be available at the polling location.

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Mr. Parker announced that Save-A-Pet would hold the Second Annual Craft Fair on Saturday, September 14, 2013, at the Hurley Middle School. Spaces can be rented for \$25 by calling the Town Clerk's office.

The annual public safety tribute will be held on September 12, 2013, at 6 p.m. at the Public Safety Complex.

Mr. Parker suggested that the portion of the Charter that deals with benefits for elected officials should be deleted and replaced with the fact that no elected official is qualified.

The Moderator needs volunteers for the By-Law Study Committee – a person from each precinct and one at large.

Mr. Parker would like to look into inspection of vehicles. He does not remember approving inspection stations in this town.

Mr. Brady asked if there was any further on pricing of the animal shelter roof.

Mrs. Nolan said she had not heard from Mrs. Cloutier.

Mr. Brady said that he received an e mail that Frank Casarella wanted to be reappointed to the MCIC.

It will be on the next agenda.

COMMUNITY SPEAKS (SECOND SESSION)

In response to a question from Mrs. Christine Allen, Mrs. Nolan advised that November 18, 2013 is the date for Fall Town Meeting. The warrant is open and will close on October 1, 2013.

At 8:55 p.m. Mr. Parker motioned, seconded by Mr. Sagar, to go into Executive Session for discussion on call fire unfair labor practice decision by Atty. Fair, review and approve AFSCME Dispatch contract, update on Maple Avenue fire site by Mr. Sagar, discuss complaints against a public officer, employee, or individual pursuant to M.G.L. Chapter 30A, Section 21(a)(i) and to approve Executive Session minutes of June 19, 2013; to return to Open Session to sign the contract only.

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

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RETURN TO OPEN SESSION

The meeting returned to Open Session at 10:54 p.m.

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

VOTED: 4 Ayes; 1 Abstention; To accept and sign the contract with AFSCME –
Dispatch.

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

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

VOTED: To adjourn at 11 p.m.

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary