

**BOARD OF SELECTMEN**  
**AUGUST 7, 2013**  
**REGULAR SESSION**

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

Absent: Michael Brady

Town Administrator: Pamela T. Nolan

Finance Director: Bruce Alexander

Executive Assistant: Anne P. Rogers

Chairman Almeida called the meeting to order 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.

**RECOGNITION OF JACOB HILL INN WITH REPRESENTATIVE STEVEN HOWITT AND AAA**

Rep. Steven Howitt presented a Citation from the Mass. House of Representatives to William and Eleanor Rezik on having achieved a 4 Diamond status from AAA and in recognition of 290 years in the Town.

Mr. David Rapoza, Managing Director for AAA Public Affairs, presented Mr. & Mrs. Rezik with a plaque in recognition of the AAA Diamond status. He noted that less than 4% achieve this status.

Mr. McLintock said that Jacob Hill Inn is a beautiful place.

**LICENSE HEARING**

**Class II Motor Vehicle License for Pricerite Auto Sales, Inc. to be located at 48 Case Avenue, John Auger, President**

Mr. Auger explained that this is a wholesale business.

In response to Mr. Parker's question, Mr. Auger advised that he spoke to Town Planner John Hanson who told him he did not need a parking plan because cars are not kept on his property.

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

**VOTED:** To approve the Class II motor vehicle license for Pricerite Auto Sales, Inc. to be located at 48 Case Avenue, John Auger, President, as submitted.

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**Outside Entertainment License for Michael Quill to hold a Haunted Trail on Seekonk Speedway Grounds (October 1 through November 3, 2013)**

Mr. Ed St. Germain of Seekonk Speedway and Mr. Michael Quill were in attendance. Mr. St. Germain said it would be for nine days on Friday and Saturday nights and Sunday, October 13.

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

**VOTED:** 4 Ayes; 1 Abstention; To approve the outside entertainment license for Michael Quill to hold a Haunted Trail on Seekonk Speedway grounds from October 1 through November 3, 2013, as presented.

Mr. Sagar recused himself due to business conflict.

**WORK SESSION (NO PUBLIC INPUT)**

**Blizzard of 2013 Briefing with Fire, Police, DPW, Health and Dispatch**

In attendance: Chief Alan Jack, Chief Craig Mace, Capt. Michael Healy and DPW Superintendent Robert Lamoureux.

Mrs. Nolan advised that Health Agent Beth Hallal was on vacation.

Capt. Healy said the shelter was a negative. He will take responsibility for that- whether warming or food shelter. There were complaints about the condition of roads. He felt the Highway Department responded to his requests during the storm and did an exceptional job compared to other communities.

There were issues with public notifications and the Reverse 911 did not reach everybody.

Chief Jack will speak on the shelter.

Capt. Healy said they need to work on the generator at the Public Safety Complex. They do not have a backup if the generator fails during a storm.

They need to make sure that all current vendors can provide fuel, salt and sand, and food for their employees. Some local businesses donate food.

Mr. McLintock asked if the backup generator would be the same size.

Capt. Healy said it would have to be researched with an electrical engineer to see if they could get a smaller generator to provide lighting and some heat in the winter and air conditioning in the summer.

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Mrs. Nolan said they have to keep the Public Safety complex in the plans when considering a generator for Town Hall and the new buildings to be built on the property.

Mr. Sagar noted the electrical engineer rescheduled a meeting to September. He designed what was needed to power Town Hall, the senior center and animal shelter at an estimated cost of \$350,000, which is unreasonable.

Mr. Sagar noted that Mr. Brady had mentioned that government surplus generators might be available.

Chairman Almeida felt they had talked about having a vendor on hand that would supply a generator if needed.

Mr. McLintock said the senior center is looking to put in a generator if money allows.

Capt. Healy said that complaints should be sent to him.

Mr. Parker said he got about ten e-mails and calls during the last storm; none of which were complaints. They were all compliments on how the four departments performed.

Mr. Sagar noted that a cooling shelter should also be considered.

Mr. Parker asked why the Town belongs to the RI Chapter of the Red Cross when it uses Attleboro when needed.

Chief Jack stated that they have got to get a handle on a shelter. He suggested the Town join the Greater Attleboro Regional Emergency Planning Committee. This committee was started years ago. He reached out to counterparts in fire service. This would definitely benefit our community. He met with the Region 2 Director of Mass. Emergency Management, who feels our membership would greater benefit Seekonk.

This is a group comprised of Attleboro, No. Attleboro, Norton, Mansfield, Wrentham, Plainville and Rehoboth, Sturdy Hospital and Morton Hospital, MEMA and the Red Cross. Chief Jack has been an informal member, and he has been named as Communication Chairman for this group.

The Chief added that regionalization takes the burden off each individual community. It has the support of the Mass. Emergency Management which opens the door to future regional grants and the Mass. Chapter of the American Red Cross.

It allows for a broad range of volunteer and shelter needs. The Town might have to provide EMS or police protection but it would be divided amongst all communities taking part in this. An important part is that No. Attleboro has a mini bus that would transport people to the shelter in Attleboro. Chief Jack talked to Chief Mace and he will commit the second in command to attend these meetings to have representation. The Town would have to enter into a Memorandum of Understanding for the transportation. There is no cost.

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Chief Jack said they would have to commit to a shelter volunteer. He suggested talking to the Health Agent. She could also be an attendee at the meetings.

Mrs. Nolan said there are two lines of command – health and public safety.

Chief Mace advised that communication was lost during the storm. Once people lost power, they lost their phone service. The Police Department will continue to send out press releases through the media and/or radio stations. He suggested more people should subscribe to the code red system through their cell phones. Police and Fire now have legitimate back up radios, which they didn't have last year.

Chief Mace said that he is a big proponent of Chief Jack's presentation re: regionalization system.

Mr. Parker reminded residents that they have got to sign up with the Police Department in order to get the Reverse 911 calls.

He felt the consensus of the Board was to endorse this plan put forward, but because discussion is in a work session, no action can be taken. It should be an agenda item for the next meeting.

Chief Jack said it should be done as soon as possible.

Mrs. Nolan advised that legal counsel indicated a vote could be taken.

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

**VOTED:** To approve the membership in the Greater Attleboro Regional Emergency Planning Committee and authorize the Chairman to sign.

Mr. McClintock asked if there was communication when the power went out the last time.

Chief Mace responded that they were able to keep the system up with generators. The back up failed because lines were down on Route 44. There was no way to run two agencies on a back up system. That has been corrected.

He would like to have two more remote sites in Town to run on microwaves. The cost is about \$20,000 per site. One would be in the south and one in the north end.

DPW Superintendent Robert Lamoureux advised that DPW prepared for the storm as with any other storm. He communicated with Police and Fire and worked with available resources.

Mr. Sagar felt that DPW was not adequately prepared. There is an equipment issue. He talked about a wing plow.

Mr. Lamoureux noted that vendors are not interested. He said it is not practical for the Town to have that kind of equipment.

Mr. Sagar and Mr. McLintock felt there should be a work session to discuss DPW equipment.

Mr. Lamoureux advised that when he found out about the blizzard he e-mailed Mrs. Nolan that he could not handle the storm with the equipment he had. He hired a loader and backhoe. He hired vendors on an emergency basis.

Mrs. Nolan suggested that they look at the pay schedule for vendors.

Mr. Lamoureux said a lot has to do with the hiring practices and the amount of pay.

### **Snowplow Policy Discussion with Insurance Broker Brian Murphy and Director of Finance**

Finance Director Bruce Alexander and Insurance Broker Brian Murphy were in attendance.

Mrs. Nolan read from the proposed policy written by Mr. Alexander. If general liability insurance is required, it will cost each vendor \$1,500.

Mr. Murphy said there are always problems in the workers compensation area. He suggested adding commercial general liability to the insurance requirements for contractors. He noted that the Town is liable for the acts of the contractors.

Mr. Alexander said that all changes were incorporated in the new document after review by Mr. Murphy and Atty. Joyce Frank.

Mr. Murphy noted that the general recommendation is \$1M but the general liability is the issue. Other towns do not have it.

Mr. Sagar said that Foxboro has a retainer, but contractors have to be on call. That guarantees a minimum of \$1,200. He would like to explore this option with Mr. Alexander.

Mr. Lamoureux said that was discussed and the Board at that time rejected it.

### **Discussion on Zero-Based Budgeting**

Mrs. Nolan explained that the Board had instructed Mr. Alexander to look into this. She talked about it at the department head meeting.

Mr. Alexander had documents from the Government Finance Officers Association dated 2011, which indicates the use of zero-based budgeting is declining for many years. He has never used it in 22 years. He cannot teach people how to use it without going to class. He cannot find a class.

It involves a lot of work ahead of time by the Board of Selectmen. There has to be planning. Exhibit 2 on page 6 has some essential questions for planning and budgeting.

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Mr. Alexander said the Town does line item zero budgeting. Each department has to explain every single line.

Mr. Parker noted that department heads come before the Board to explain each item and then to the Finance Committee and Town Meeting. It is working fine.

Mr. Alexander recommended they continue with the zero line item budgeting.

Mrs. Nolan agreed. She felt it is a very effective process.

Mr. McLintock disagreed. He said to say it cannot be done with the computer system the Town has in place is a misstatement.

He said this town doesn't make cuts. Zero based budgeting would eliminate going to Town Meeting every year for an additional \$350,000 that is not accounted for anywhere.

Mr. Alexander explained that in 2006 the State cut state aid. In order to support contracts, the Town Administrator at the time took money from stabilization fund with the promise that it would be replaced from free cash the following December.

He said the stabilization fund has grown from \$600,000 to \$1.7M.

Mr. McLintock told Mrs. Nolan that last year she said she would go to zero-based budget.

Mrs. Nolan did not deny that. She noted that it is difficult to do.

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

**VOTED:** 4 Ayes; 1 Nay; To authorize the Town Administrator to direct department heads to build a budget as done last year.

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

## **OLD BUSINESS**

### **Discussion on Police Building Behind Library with Conservation Commission Chairman**

Tabled until the next meeting.

### **Discussion on Banna Fire Station Committee with Chairman**

Mr. Warren Carpenter explained that bids for general construction were due on July 24, 2013. Early on that morning, a mechanical contractor filed a complaint with the Atty. General's office that there were no sub file bids. The Building Committee met on the following day and reviewed the complaint. The complaint said only the second floor of the building was modular. The

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intention was to build both floors of the living quarters as modular. But, in order to get the apparatus in, there will be a normal first and second floor. Sen. Timilty is trying to set up a meeting with the Atty. General's office to explain and show drawings that the living quarters are modular.

Mr. Carpenter noted there was only one bidder.

He said the Atty. General had approved the original bid documents.

Mr. McLintock said that the State never takes a complaint unless in writing.

He noted that the Banna Building Committee has worked hard trying to live within a certain amount of money. He thought it was ridiculous to have a person in the Atty. Gen.'s office tell them no.

Mr. Carpenter said they only have money to go modular.

### **Reappointment of Frank Cassarella to MCIC for a Three-Year Term to Expire in June 2016**

Mrs. Nolan strongly recommended the reappointment.

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

**VOTED:** To reappoint Mr. Frank Cassarella to the MCIC for a three-year term to expire in June 2016.

Ms. Rogers noted that there are still vacancies on Conservation Commission, Economic Development, Energy, Recycling, MCIC, and Property Tax Work Off..

Mr. Parker noted the importance of getting people for the Energy Committee. The State has money for tax abatements for solar.

Mr. Lamoureux said that he had been approached by contractors about putting solar panels on the Fall River Avenue landfill, but it wasn't feasible.

### **Update on Year End Transfers with Director of Finance**

Mr. Alexander advised that \$101,000 was transferred among accounts - \$59,000 snow and ice. \$26,000 veteran's benefits and \$15,000 small amounts between accounts.

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

**VOTED:** To approve the year end transfers as presented in the amount of \$101,017.04.

**Update with Town Engineer on Central Avenue Mass. DOT Project Reports 56 and 82-87**

Town Engineer David Cabral advised the balance is \$94,000 in the black. This project was done at no cost to the Town.

There are a few landscape items outstanding.

Mr. Sagar asked if the State would reallocate the \$94,000 for the light at the public safety complex.

Mr. Cabral said that he would ask, but he felt the money was specific to the Central Avenue project.

Supt. Lamoureux recommended that he draft a letter to be signed by the Board requesting monies for the light.

Mr. Parker noted that after 15 years the project is done at no cost to the Town.

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

**VOTED:** To authorize the Town Administrator to approve the over's and under's as submitted (Reports 56 and 82-87).

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

**VOTED:** To send a letter to Mass. DOT in accordance with Mr. Lamoureux's recommendation, requesting funding for the light on Rte. 44 and identify the \$94,000 contingency fund. Letter to be delivered by Rep. Howitt.

**Update with Town Engineer on Town Hall Sign**

Mr. Cabral provided the plans submitted as part of the application from the Town. He received the permit today from the Mass. DOT to put up the sign. It should be done by the end of September.

**Consider Approval of Contract with GPI on Emergency Pre-Emption Signal Design**

Mr. Tim Letton from GPI was in attendance.

Mrs. Nolan said that there is \$15,000. There was supposed to be another \$50,000 for this project from the State. The total value is not to exceed \$35,525.

Mr. Letton said that they have done a conceptual design of the signal. This amendment reflects town funding through Chapter 90 funds.



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

**VOTED:** To approve and sign Amendment #1 with GPI on Emergency Pre-Emption Signal Design; not to exceed a total value of \$35,525.

**Consider Approval of Contract with GPI for Landfill Monitoring**

Mrs. Nolan advised that this will be done by GPI environmental firm - Nover-Armstrong.

Mr. Sagar felt the Board had signed a three year contract for both landfills.

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

**VOTED:** To table the contract with GPI for landfill monitoring.

A representative from Nover-Armstrong will attend the next meeting.

**Consider Approval of Contract with GPI for Peer Review of Senior Center Drainage Design**

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

**VOTED:** To approve and sign the contract with GPI for peer review of the senior center drainage design at a not to exceed price of \$2,200.

Mr. McLintock advised that he serves on the Senior Center Building Committee.

**Consider Approval of Contract with GPI on Public Safety Building Drainage**

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

**VOTED:** To approve and sign the contract with GPI for drainage review at the Public Safety Complex at a total value not to exceed \$9,820.

**Update on Town Hall Generator**

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

**VOTED:** To table discussion on the Town Hall generator.

**COMMUNITY SPEAKS**

Mr. Lamoureux advised that since the Board had approved the pavement and management plan the State allocated an additional \$50M of Chapter 90 money for cities and towns. He had proposed a primary and supplemental plan to submit to the State. He has redone the plan to add streets from the supplementary to primary plan. He request that the Board sign.

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

**VOTED:** To authorize and sign the amended pavement and management plan for submission to Mass. DOT.

In response to Mr. Donald Kinniburgh's question, Mrs. Nolan advised the warrant is open and will close on October 1, 2013. Ten signatures are required for a petitioned article.

### **NEW BUSINESS**

#### **Accept, With Regret, the Resignation of Officer Ryan Bernier**

Chief Mace advised that Officer Bernier resigned as of August 1, 2013. He will be going to Metro Police in Washington, D.C.

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

**VOTED:** To accept with regret the resignation of Officer Ryan Bernier.

In response to Chairman Almeida's question, Chief Mace advised the police are still looking for the suspect involved in a robbery last Sunday. The incident is still under investigation.

Chairman Almeida thanked Mrs. Nolan and Chief Mace for keeping the Board well informed.

#### **Consider Appointment of Josh Teixeira as Town Plumber on an on call as needed, part time basis**

Mrs. Nolan advised this is a new position for the Town. She noted that Mr. Teixeira has excellent references.

Mr. Lamoureux reiterated Mrs. Nolan's comments. Mr. Teixeira has proper licenses and comes highly recommended. The position is included in the DPW Building Maintenance line item.

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

**VOTED:** To appoint Jose Teixeira as Town Plumber.

#### **Listen to Concerns from Mr. Tapalian with Respect to Greenbrier**

Mr. Charles Tapalian was in attendance to discuss a law suit against the Board of Assessors regarding condominium units at Greenbrier.

Mr. McLintock felt that two people at the table had a conflict of interest. He said there is an appropriate appeal process.

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Mr. Tapalian said he is forced to protect his interest.

Mr. Sagar said that Mr. Tapalian has an appeal against the Assessors and any discussion is totally improper.

He suggested the Chairman should recuse himself because he has a conflict.

Chairman Almeida indicated that counsel had ruled he could listen to Mr. Tapalian's comments.

Mr. Tapalian stated that his attorney and he met with the tax board and explained the law in detail. He had appellate decisions.

Many years ago, he had three suits against the Town. He felt the Assessor and tax board completely ignored the laws of the State of Mass. He contacted the Atty. General's office. He was told it was improper to be taxed. He let it go the first year. He would be out a total of \$80,000.

He felt in taking the oath of office, the Board did not swear to follow the laws of the State or the Town. He had a copy of the oath.

Mr. Sagar was surprised that the Atty. General's office commented on tax issues. It should be exclusively the Department of Revenue.

Mr. Tapalian said it is not a tax issue; it is a matter of State law.

He said the condo law is very plain. He gave the tax board the actual case law.

The tax assessor taxed a building that was partially completed on common land.

He was forced to go to court with this issue.

He talked about a legal opinion from Kopelman & Paige.

Mr. Tapalian said the assessors are breaking the law and the Board of Selectmen is condoning it.

Mr. Sagar suggested discussion end right now. He wished Mr. Tapalian well.

**Consider Approval to Give Permission to Fire Chief to Fill Two Remaining Firefighter Vacancies**

Fire Chief Alan Jack asked permission to fill two vacancies with Steven Przeszlo and Jonathan Martel. They should be sworn in at the first meeting in September.

Mrs. Nolan recommended the appointments.

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

**VOTED:** To authorize Chief Jack to fill two vacancies on the Fire Department with Steven Przeszlo and Jonathan Martel.

**Consider Acceptance of a MEMA Grant to the Fire Department**

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

**VOTED:** To accept the 2012 EMPG grant for the Fire Department in the amount of \$2,790.

**Discussion on Trash Bags Fees with DPW Superintendent**

DPW Superintendent Robert Lamoureux advised there is an increase in curbside collection as per contract. He recommended a decrease in annual trash fee from \$185.51 to \$179.00.

Mr. McLintock questioned the surplus of over \$100,000.

Mr. Parker had no problem with the surplus because the money is there for new equipment. He would rather see that than the return of \$3 or \$4 to homeowners.

Mr. Lamoureux noted they could have paid cash for the equipment purchased last year.

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

**VOTED:** To table the trash bag fees until the next meeting.

**Consider Approval of Regular Session Minutes of May 8, 2013**

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

**VOTED:** To accept the Regular Session of May 8, 2013.

**OTHER BUSINESS**

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

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

**VOTED:** To approve and sign the contract for additional services by the surveyor regarding the senior center and authorize the Chairman to sign.

## **TOWN ADMINISTRATOR'S REPORT**

### **Update on Banna Fire Station, Animal Shelter and Senior Center Building Projects**

Mrs. Nolan noted that Mr. Carpenter had already given the report on the Banna Fire Station.

She is working with the engineer on the RFP for the animal shelter. It is a conventional built building. There will be a mandatory walk through once sub filers are identified and the date the bids are due.

The RFP for the senior center is out. The mandatory walk through is on August 21, 2013. The ballot question for the additional money passed (14.21% voted – 803 yes, 568 no).

Mrs. Nolan advised that the state regionalization conference is at Holy Cross in Worcester on Monday, September 16, from 9 a.m. to 2:30 p.m.

She noted that West Nile Virus was detected in Seekonk. People should be cautious.

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

Mr. Sagar noted at that the Board had received letters from Seekonk Concerned Citizens.

One was about amending the Town Charter.

Mr. Parker said he is working on that.

The second letter was to appoint a Human Services Board.

Mr. Sagar felt there should also be a by law.

Mr. Parker said the Charter states there should be a personnel advisory committee to assist the Town Administrator.

He said some of the voters were unhappy that there wasn't a dollar amount on the ballot for the senior center. He noted the law does not permit putting money on a ballot question. That is approved at Town Meeting.

He researched inspection stations. The Registrar of Motor Vehicles makes the decision on how many each region will get. It is based on the amount of vehicles registered and complaints received. Seekonk has seven. The only two new ones are car dealers.

He suggested the Board should write a letter asking for additional locations in town.

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Mr. Parker announced that the 911 observance will take place on Thursday, September 12, 2013, at 6 p.m. at the Public Safety Complex. Seekonk firefighters will honor the firefighters who lost their lives in Arizona.

Mr. McLintock expressed his appreciation to the voters who supported the additional money for the senior center. He thanked the Planning Department and ZBA and Town Hall employees for their help.

Chairman Almeida asked if it would be possible for DPW to clean up the area at the old fire station on County Street.

Mrs. Nolan noted that DPW is shorthanded. They are busy with ball fields right now.

**COMMUNITY SPEAKS – None.**

**EXECUTIVE SESSION (MAY RECONVENE IN OPEN SESSION TO SIGN CONTRACTS)**

Mr. Sagar opposed to Item A – Discussion of Litigation Strategy Relating to Seekonk Water District vs. Seekonk Planning Board. He felt it should not be in Executive Session because it is beyond the purview and authority of this Board to get involved in the affairs of the Planning Board.

Mr. Parker said the Planning Board needs funding for the legal matter.

Mrs. Nolan said that the Board funds all legal fees.

Chairman Almeida declared that under M.G.L. Chapter 30A, Section 21, B3 and 4 that the purpose of the Executive Session will be to discuss litigation and strategy of the Seekonk Water District vs. Neil Abelson, et al in Bristol Superior Court C.C. No. BRCV2013-00674 Pine Hills Estate Subdivision.

At 9:53 p.m. Mr. Parker motioned, seconded by Mr. McLintock, to go into Executive Session for the purposes outlined by the Chairman and to consider approval of the Executive Session minutes of May 8, 2013; not to return to Open Session.

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

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary

