

BOARD OF SELECTMEN
SEPTEMBER 18, 2013
REGULAR SESSION

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

Town Administrator: Pamela T. Nolan

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

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

Recognition of Cliff Harris who is Retiring from DPW after 42 Years of Service

DPW Superintendent Robert Lamoureux introduced Mr. Harris. He said that he has been a dedicated and dependable employee. He was promoted to foreman in 1996 and has been in that position since. He has a knowledge of the Town and its infrastructure.

Mr. Lamoureux personally thanked Mr. Harris.

Chairman Almeida presented Mr. Harris with a Proclamation.

Mr. Sagar noted that he and Mr. Harris were neighbors. He wished him the best.

Mr. McLintock added his best wishes.

Mr. Brady commended Mr. Harris on 42 years of service. He said that is extraordinary.

Mr. Parker said that Mr. Harris is “good people.”

Mrs. Nolan commended him for the 42 years of service. He will be missed.

OLD BUSINESS

Approve Changes to Administrative Policy 47 “Second in Command in the Absence of the Town Administrator”

Mr. Sagar advised this policy came about as a result of 911. At that time, it was decided it should be the Finance Director and then the Police Chief.

Mr. Brady felt the third person should be someone in Town Hall.

Mr. Parker and Mr. McLintock concurred with Mr. Brady.

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Mr. McLintock said he discussed this with Mr. Alexander. The Treasurer Collector's name came up. She is agreeable.

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

VOTED: To amend Administrative Policy #47 as follows, "In the event the Director of Finance is not available, the Town Treasurer/Collector will assume these duties."

Board members noted that this is not a reflection on public safety. Both the police chief and fire chief would be very busy in the event of an emergency.

Chairman Almeida requested the amended policy be included in the agenda for action at the next meeting.

Consider Approval or not of All Day Saturday Opening of Transfer Station for October and November

Mr. Lamoureux responded to questions from Mr. Sagar.

The transfer station would have to be staffed with two additional employees for 24 additional hours. He questioned if it is necessary. It would target 1% of the population.

Mr. McLintock felt the transfer station should be open in October and November.

Mr. Lamoureux explained that DPW does curbside pick up the second week in October through the first week in December.

Mrs. Nolan deferred to Mr. Lamoureux 's decision.

Mr. Lamoureux said there would be money in the budget for this.

Mr. Sagar disagreed with the need for a second person at the transfer station. He noted the collective bargaining agreement allows Mr. Lamoureux to assign people there.

Mr. McLintock asked about large items.

Mr. Lamoureux said they have a permit that is regulated from the Dept. of Environmental Protection to open one Saturday per month to handle bulky waste.

Mr. Lamoureux suggested they try it for the first two weeks in October. This will be on overtime (\$2,175 from Sanitation Enterprise budget).

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Mr. Brady would like to see the numbers from last year and a count for this year.

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

VOTED: 4 Ayes; 1 Nay; To allow the landfill to open from 8 a.m. to 3 p.m. every Saturday in October and November only.

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

Mr. Sagar asked about giving the material away at no charge.

Mr. Brady cautioned against that.

Mr. Lamoureux noted that he sold an abundance of it at one time making around \$6,000 for that material.

Discussion on Snowplow Wing Blades

Mr. Sagar said no information at this time.

Continued Discussion of Communication Director Position and Vote to Make it Full Time, or not

Police Chief Craig Mace, Fire Chief Alan Jack, and Acting Director of Communications Lynda Lyons were in attendance.

Mrs. Nolan advised that they all feel it should be a full time position. She recommended it. She talked about increased duties of EMD.

She noted that Mr. Alexander indicated there is money for the full time position. It would have to be a warrant article for next year.

Mrs. Nolan thanked Mrs. Lyons for serving as acting director of communications.

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

VOTED: 4 Ayes; 1 Nay; To upgrade the Communication Director position to full time at a salary to be negotiable based on qualifications.

The vote: Mr. Sagar – Aye; Mr. McLintock – Aye; Mr. Brady – Aye; Chairman Almeida – Aye; Mr. Parker – Nay. He felt it should have been presented in May. He will totally support it at Town Meeting but not now.

Preference would be given to individuals with grant writing and management experience.

Chief Jack said this is the most important job in public safety. Chief Mace concurred.

Sign Contract for Clerical Union

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

VOTED: 4 Ayes; 1 Abstention; To approve and sign the contract with the clerical union.

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

COMMUNITY SPEAKS (First Session)

Mrs. Christine Allen advised that the Water District meeting scheduled for the following day was rescheduled to Thursday, October 10, 2013, at 6:30 p.m. at the Hurley Middle School. There will be an election for Water Commissioner to fill the remainder of a term. It will also be a financial meeting to transfer funds within accounts.

Mr. Lamoureux advised that he could purchase salt through the State contract at \$15 less per ton than last year. This could be about \$45,000 in savings depending on the winter.

NEW BUSINESS

Reorganization of the Board of Selectmen

Mr. McLintock said that he wanted this on the agenda because he has concerns and he felt the Board needs to consider whether to reorganize.

He expressed concern that the Chairman had injected himself into a situation after the Board had taken a unanimous vote in executive and open session.

He asked Chairman Almeida how he sees his role as Chairman of the Board of Selectmen.

Chairman Almeida replied to set the agenda, run the meeting and set policy.

He felt the matter Mr. McLintock was talking about falls into that.

Mr. Sagar suggested this should be deferred until after Executive Session. He wanted to have Item C under Executive Session to be in Open Session.

Mr. Parker totally disagreed.

Chairman Almeida stated that he was never informed about the complaint so he put it in Executive Session. However, he had no problem with Open Session.

Mr. Sagar motioned, seconded by Mr. McLintock to put Item A under New Business for the first meeting in October in Open Session.

Mr. Parker noted that the item was in Open Session.

Mr. Sagar wanted to talk about Item C in Executive Session first.

Chairman Almeida explained that two employees approached him via e-mail that an elected official had requested e-mails be taken directly from the server without going through the Chairman or any member of the Board.

Mr. McLintock said the Board had made a decision and it was up to the Chairman to represent the Board.

Mr. Brady said Board members need to stop individual investigations. They need to start working together for the betterment of the Town.

Chairman Almeida said the employees felt the Town Administrator did not provide the Board with accurate information about negotiations. He reviewed the complaints to present to the Board for the ultimate decision. Counsel had stated that the contracts were not finalized. He was looking for the best interest of the employees and the best interest of the taxpayers. He apologized if he did something wrong.

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

VOTED: 2 Ayes; 3 Nays; To defer reorganization of the Board of Selectmen until the meeting of October 2, 2013.

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

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

VOTED: 3 Ayes; 2 Nays; Not to reorganize the Board of Selectmen.

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

Discussion with Seekonk Citizen Shawn Finan on Tree at 250 Walker Street

Mrs. Nolan advised that Mr. Finan cut down a tree that was town property. She suggested that Mr. Finan plant another tree. Mr. Lamoureux had a different plan.

Mr. Lamoureux said he got a call from the owner of Advanced Tree that Mr. Finan had removed the tree. He filed a police report and recommended a fine be levied.

Mr. Finan stated that he had six trees in his yard that were sick and had to be taken down. He had one taken down in August 2012. In March 2013, he called Advanced Tree to take the other trees down. They put him off. He called Advanced Tree, who agreed to take four of the five trees down. They could not take the tree closest to the street down because it was under contract with Northeastern Tree Service and the electric company. He called Northeastern Tree and then Seekonk Tree Service, who removed the tree. He thought it was his responsibility. He did not take the tree down maliciously. He apologized.

Mr. Lamoureux provided three affidavits regarding the incident. He read a letter from Advanced Signs, Inc. which said that Mr. Lamoureux had informed them via cell phone while on Mr. Finan's property not to remove the tree because it was town property.

He felt that Mr. Finan had the tree removed even though he knew it was a town tree.

Mr. Finan could not recall.

Mr. Sagar noted that, in an e-mail to the Board, Mrs. Nolan stated the citizen was told by Advanced Tree that the tree was diseased and had to come down.

Mr. Lamoureux said the tree was not dead. It was a 75 year old white oak tree (28 inches in diameter).

Mr. Parker noted that Mr. Lamoureux had documentation that Mr. Finan knew the tree was on town property.

Chairman Almeida noted that the company cut the tree down; not the resident. He questioned whether the Board should go after the tree company.

Mr. Finan said he had been trying to get those trees down for over a year. He asked why Mr. Lamoureux never told him the tree was on town property. He was told by a police officer after the fact.

Mr. Brady referred to M.G.L. re: tree removal. It does not absolve the property owner.

Mrs. Nolan recommended the Board accept Mr. Finan's offer to purchase another tree.

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Mr. McLintock could not understand why Mr. Lamoureux, as tree warden, found it necessary to show up at a taxpayer's house with a police officer.

He met with Mr. & Mrs. Finan. He measured the area. He talked about right of way. An exception was made up the street, so why didn't it apply in this situation,

Mr. McLintock felt the taxpayer should not be punished.

Mr. Lamoureux said the tree was illegally cut by a resident. There could be very serious ramifications if no action is taken. In accordance with Mass. Gen. Law, 242, Section 7, the fine could be up to \$1,500.

He recommended Mr. Finan pay \$500 and plant a tree and the tree company \$125 and each spend \$200 to work with a local nursery to plant a tree in the same location.

Mr. Brady advised that in reading the statute it says "whoever cuts a tree."

Mr. Finan said he would be willing to plant a tree in an area selected by Mr. Lamoureux.

Mr. Lamoureux said it should be the same kind of tree in the same location.

Mr. Finan said he would prefer to leave with a monetary fine and not have to plant a tree.

Mr. Brady stated that he did not want anybody going on Mr. Finan's property.

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

VOTED: To find Mr. Finan responsible, fine him \$500, suspended in lieu of planting a tree, and fine the tree company \$500.

Consider and Vote to Promote Frank Almeida to Foreman for DPW

Chairman Almeida advised that Mr. Almeida and he are not related.

Mr. Lamoureux announced retirements within the department.

He recommended the promotion of Mr. Almeida to foreman.

Mrs. Nolan agreed.

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

VOTED: To promote Frank Almeida to the foreman position at the Department of Public Works.

Consider and Vote to Promote David Tyler to Operator/Laborer at DPW

Mr. Lamoureux recommended the promotion.

Mrs. Nolan agreed.

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

VOTED: To promote David Tyler to the Operator/Laborer position at the Department of Public Works.

Consider and Appoint Jason Park and Glen Fraser as Truck Driver/Laborers for DPW

Mr. Lamoureux noted there were over 100 applicants for these positions. These were the most qualified. He highly recommended the appointments.

Mrs. Nolan said these were the top two candidates of those interviewed.

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

VOTED: To appoint Jason Park and Glen Fraser as Truck Driver/Laborers with the Department of Public Works.

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

VOTED: That the effective date of employment for Jason Park is September 23, 2013 and September 30, 2013 for Glen Fraser.

Discussion on Placing a Camera at the Fall River Avenue Recycling Center (Transfer Station)

Mr. Sagar said this was his idea.

Mr. Lamoureux said he has no objection to cameras being put there. However, there haven't been any issues for quite awhile.

Mr. Parker was opposed to spending the money on a camera since the need is not there.

Mr. Sagar wanted to be proactive.

In that case, Mr. Parker said there should also be cameras at Town Hall, Human Services, and the Animal Shelter.

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

VOTED: 3 Ayes; 2 Nays; To indefinitely postpone discussion on placing a camera at the Fall River Avenue recycling center (transfer station).

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

Board members want to be notified if there are any problems.

Award Contract for Banna Station Construction to Nadeau Corporation

Mrs. Nolan advised that the Atty. Gen.'s office had allowed the Town to accept the Nadeau Corp. Building Committee members Michael Bourque and Chuck Ransom were in attendance.

Mr. Bourque stated that the project should be turnkey in eight months with the exception of the asphalt. If they wait until the next season, the price will increase by 12%.

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

VOTED: To authorize the Chair to sign the contract with Nadeau Corporation, subject to agreement between the Building Committee, Town Administrator, Town Counsel, Nadeau Corp. and its attorney.

Chief Alan Jack noted that a little more than a month ago he appeared before the Board regarding a location for the equipment. He reached out to the Seekonk Call Association regarding the building on Newman Avenue. He researched other buildings in the north end.

The Seekonk Call Association approved the use of the building for \$1 per month, plus utilities and to return the building to the way it was.

The initial site on Pond Street has been rented. There is a 3,000 sq. ft. site available to the Town. It has a heated office and rest room facilities. The rent is usually \$1,600 per month, plus utilities. But the Town could rent it for \$1,100 per month plus utilities.

Chief Jack noted that the rental fees were not included in any of the numbers.

Mrs. Nolan advised that Mr. Alexander indicated there is \$50,000 in the emergency management fund that could be used.

Chief Jack said he is leery to put the Board in a position of not responding to the need of the people in the north end.

The following action was added by the Chairman under the 48 hour rule.

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

VOTED: To authorize the Chairman to sign the rental agreement for 102 Pond Street in an amount not to exceed \$1,000 per month, plus utilities.

Prior to the vote, Mr. McLintock favored the Call Association building at no cost to the Town.

Mr. Bourque indicated the Newman Avenue location would not be feasible. The red lights placed there years ago are no longer there. As a resident of the north end, he supported the Pond Street location.

Discuss and Approve Engineering Design from GPI for Luther's Corner

Mr. Lamoureux stated that the Board had approved the expenditure of \$16,000 for a parking and traffic circulation study through the Planning Department. Two public hearings were held and a coordination meeting was held with representatives from SRPEDD, Mass. DOT and the Town. A project need form was submitted and approved by Mass. DOT. A project initiation form was also submitted and approved by Mass. DOT. The project is currently on the TIP for 2017 for construction at \$1.75M. Town budget has \$51,463 available. They request to use \$63,000 Chapter 90 to reach the 25% design for this project to insure the project remains on the 2017 TIP. An additional \$125,000 Chapter 90 funding will be needed to bring this project to future design. Luther Corner project is a redesign of the intersection to a multi-mode transportation.

Town Engineer David Cabral explained that if they are able to put in a cross section at the traffic lights they will move the project forward. It is held up in Boston right now. They should be able to add a dedicated left turn lane and light on Fall River Avenue.

Mr. Lamoureux advised the total expense would be approximately \$188,000.

Mr. Parker said there would be less money for roads if they use Chapter 90 funds.

Mr. Cabral said it all depends on the State.

Mr. Lamoureux noted that if the project is cancelled the money will revert back to Chapter 90.

Mr. Cabral said they have to meet with GPI and Mass DOT officials to discuss the proposal.

Mr. Sagar suggested that Rep. Howitt should attend the meeting.

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

VOTED: To approve the contract with GPI for engineering design at Luther's Corner.

Discussion on an Interim Town Administrator
Discuss the Process of Hiring a New Town Administrator

Mrs. Nolan recommended the Board hire an interim town administrator. She had a resume from the interim in Narragansett, RI. He has mostly RI experience, but he did do Bridgewater, MA. She said it needs to be a person with purchasing certification. If it is a RI resident, they would have to have a purchasing agent.

Mrs. Nolan recommended the Collins Center at UMass Boston. She could run an ad with MMA.

Mr. Sagar suggested the Board meet the following week to talk to consultant firms.

Consider Approval of Quad Board Meeting Agenda

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

VOTED: To approve the agenda for the Quad Board meeting of September 26, 2013.

Consider Approval of Regular Session Minutes for July 10, 2013 and July 24, 2013

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

VOTED: To accept the Regular Session minutes of July 10, 2013 and July 24, 2013.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

Update on Library Drainage Project

Mrs. Nolan advised that she has been working on the RFP with the engineering firm Russo Barr.

She had a sample of the plaque which will be given to retirees. She thanked Mr. McLintock for contacting someone to do this.

She reported that all three building projects are coming at once. The Atty. General's office has given the OK on the Banna Fire Station.

A mandatory walk through was held last week on the animal shelter.

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Submittals will be opened on September 25th for the senior center. Prices will not be opened until the committee selects the vendor.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Sagar asked for a report on the warrant articles.

Mrs. Nolan will e-mail to Board members.

Mr. Sagar requested that this Board appoint Mr. Brady, with his permission, to negotiate the final weeks at the Old Town Hall.

Mrs. Nolan advised that representatives of the tribe will be at the October 2, 2013 meeting.

Mr. Brady agreed to do it.

Mr. Sagar suggested the Board could contact neighboring communities for a purchasing agent with certification, if needed.

He recognized that Mrs. Nolan saved the Town \$400,000 in renegotiating the health insurance. He felt employees owe her for that. He wished her well.

Mrs. Nolan volunteered to help with the building committees.

Mr. Brady added his best wishes. He said Mrs. Nolan did a good job bringing the three projects to fruition.

Mr. Parker asked how Mrs. Nolan got the information on the animal shelter roof.

Mrs. Nolan responded that Mr. Lamoureux informed her that DPW examined the roof and found no leaks.

Mr. Parker asked about the temporary help in the Building Department.

Mrs. Nolan advised that the temporary building inspector works every day. It depends on the need. Also, Mr. Watson is there.

Chairman Almeida thanked Mrs. Nolan for her services.

Mrs. Nolan said she has enjoyed the work here. The Town has wonderful financial officers and great police and fire departments. She was grateful for the opportunity to serve the people of Seekonk.

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COMMUNITY SPEAKS (Second Session)

None.

EXECUTIVE SESSION

At 9:12 p.m. Mr. Parker motioned, seconded by Mr. McLintock, to go into Executive Session to discuss the dismissal or discipline of a public employee, to discuss negotiation strategy of contract for non-union personnel – Superintendent of Public Works, to hear complaint against an elected officials, and to consider approval of Executive Session minutes of June 10, 2013, July 10, 2013 and July 24, 2013; not to return to Open Session.

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

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary