

BOARD OF SELECTMEN
DECEMBER 4, 2013
REGULAR SESSION

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

Interim Town Administrator: Gary Stenhouse

Executive Assistant: Anne P. Rogers

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

PUBLIC HEARING

Transfer Ownership of an Alcohol Club License for Ledgemont Country Club, Inc. located at 131 Brown Avenue, to Ledgemont Golf Club, Inc., John Tonsone, Manager

Chairman Almeida opened the Public Hearing at 6:01 p.m.

Atty. Frank Corso was in attendance.

Mr. Sagar corrected the date under Item #21 – Anticipated opening date should read December 31, 2013.

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

VOTED: To close the Public Hearing at 6:06 p.m.

Mr. Sagar enthusiastically motioned, Mr. Parker seconded, and it was unanimously

VOTED: To approve the transfer of ownership of an alcohol club license for Ledgemont Country Club to Ledgemont Golf Club, Inc., 131 Brown Avenue; John Tonsone, Manager.

OLD BUSINESS

Consider Approval of Lease for Old Town Hall and Vote to Sign

Mr. Stenhouse suggested that no action be taken at this time.

Mr. Brady said there should be a final resolution at the next meeting.

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

VOTED: To indefinitely postpone the lease for the Old Town Hall.

Mr. McLintock agreed that it is time to move on.

All parties involved, including attorneys for both sides, should be in attendance at the next meeting.

Approve and Sign Contract for MBL Land Development & Permitting, Corp. for Site Engineering & Permitting of Proposed Banna Fire Station

Mr. Stenhouse advised that building committee members reviewed this at their meeting yesterday.

Atty. Mark Reich raised concerns with the language of the general terms and conditions. He proposed alternate language which no one had seen.

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

VOTED: To table the contract for MBL Land Development & Permitting, Corp.

Discussion and Vote on Article 5 of Town Meeting November 18, 2013, Relative to Category 41, Section 18, Certain Fines for Zoning in the Zoning By Laws and M.G.L. Chapter 40 A, Section 5, Zoning

Mr. Sagar stated that it was disclosed the Planning Board never held a hearing. He felt it should have been done by the Board of Selectmen. He suggested the Board notify the Atty. General's office that it wasn't done.

Mr. McLintock suggested notifying the Atty. General's office that it will be on the next Town Meeting.

Mr. Sagar said the Planning Board should be notified that there has to be a public hearing.

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

VOTED: To notify the Atty. General's office that a public hearing was not held regarding the Zoning By-Law Category 41, Section 18; copy to the Planning Board.

LICENSES

2014 Alcohol License Renewals

Ms. Rogers advised that alcohol fees have not increased for years. The All Alcohol Club is \$1,250, All Alcohol Restaurants - \$2,500, Wine and Malt - \$1,500, Wine and Malt Package Stores - \$1,250, All Alcohol Package Stores - \$2,000.

The license for the Grist Mill Tavern will be held until Mr. Esmay gets all his permits. He renewed last year and could not use the license. He is renewing for this year because he expects to open in late January or early February.

Mr. Sagar inquired about the 1149 Restaurant.

Ms. Rogers advised it has not renewed. She noted there are 12+ licenses available.

She said that Longhorn was supposed to come into the Raymour & Flanigan property. There's been talk about Joe's Crab Shack and Chipotle.

Mr. Parker asked about sign offs.

Ms. Rogers said she has all sign offs.

According to Chief Mace, the new by-law, Category 48, requires all new managers to be fingerprinted. It is questionable about current establishments. That would be discussion for January.

Ms. Rogers noted that there are a few that owe small personal property taxes. Those establishments will not be allowed to open if not paid by December 31, 2013.

Mr. McLintock asked who sets the fees.

Ms. Rogers advised the Town, but it is not written in the bylaw.

Mr. McLintock felt there is nobody in Town Hall who does recruiting.

Ms. Rogers said the Town Planner does some.

She noted there are only two members on the Economic Development Committee.

Mr. Parker said that Mr. Hansen notified people about the new liquor licenses.

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

VOTED: To approve licenses as submitted.

OLD BUSINESS

Sign Acceptance of Easement Deed as Approved at Town Meeting on November 18, 2013

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

VOTED: To accept and sign the easement deed as approved by Town Meeting.

Appoint Jeff Harris to the Economic Development Committee

Mr. Stenhouse recommended the appointment.

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

VOTED: To appoint Mr. Jeff Harris to the Economic Development Committee.

Chairman Almeida thanked Mr. Harris for volunteering. He would have to be sworn in by the Town Clerk.

Appoint Steven D'Amico to SRPEDD

Mr. Parker noted that Mr. D'Amico is attending a SRPEDD meeting as a volunteer hoping to get appointed.

Mr. Stenhouse advised that Mr. Alexander recommended the appointment.

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

VOTED: To appoint Mr. Steven D'Amico as the SRPEDD representative.

Appoint Eleonora Rezek to the Historical Commission

Mrs. Rezek had a letter of recommendation from the Chairman of the Historical Commission.

Mr. Parker said that he couldn't think of anybody more fitting to be on the Historical Commission than Mrs. Rezek. Mr. and Mrs. Rezek operate a five star Inn which has been recognized nationally.

Mr. Brady noted that there is a recommendation from Mr. Alexander and now the Chairman of the Historical Commission.

Mr. McLintock asked if the issues she previously had were resolved.

Mrs. Rezek responded those were taken care of.

Mr. Parker recommended, with no trepidation, Mr. Brady seconded, and it was

VOTED: 4 Ayes; 1 Abstention; To appoint Mrs. Eleonora Rezek to the Historical Commission.

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

Continued Discussion on Challenges Facing the Town and Ideal Town Administrator Candidate Profile

Mr. Stenhouse advised he would pass along the Board's feedback to Mr. Gould.

Mr. Sagar asked what Mr. Stenhouse sees as issues.

Mr. Stenhouse said there are weaknesses in human resource training. He has not seen any long term goals. Goals have got to be flexible. He felt a certified procurement officer should be a requirement.

Mr. Parker said he would agree to include that in the job description. He felt there is someone in the Town that could fill in.

Mr. McLintock said it does not need to be the Town Administrator. He noted that the Town never had one for years.

Mr. Stenhouse said it could not be the chief financial officer.

COMMUNITY SPEAKS (FIRST SESSION)

None.

NEW BUSINESS

Vote to Confirm Appointment of John Santos as Building Commissioner

Mr. Stenhouse noted that Mr. Santos knows the Town's system.

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Mr. Sagar said that he has heard positive remarks from homeowners and contractors who have dealt with Mr. Santos. He noted this would be the sixth building inspector in eleven years.

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

VOTED: To confirm the appointment of John Santos as Building Commissioner and Zoning Officer.

The Chairman and Board members were pleased that Mr. Santos accepted the position.

Mr. Sagar asked about a back up.

Mr. Stenhouse stated that he would look to Mr. Santos for recommendations.

Chairman Almeida asked about the part time position for sign enforcement.

Mr. McLintock hoped the new bylaw being written by the Planning Board will be more concise.

Confirm Appointment of School Employee Matthew Wills as a Special Employee for the Recreation Department

Mr. Brady said this concerns a ski club at the middle and high schools. One of the teachers could no longer do it. The Recreation Department offered to sponsor it. This individual is an employee of the School Department.

Mr. Parker said it should not be the employee; it should be the job.

Mr. Brady felt it is a liability issue. He suggested making the ski club coordinator a special employee status.

Ms. Rogers explained that Mr. Wills will be on the town payroll and the School Department told him he needed a special employee status.

Mr. Brady felt the position should be classified.

Mr. Sagar said that Mr. Alexander did not think it is necessary. Other teachers are running programs for Recreation.

Mr. Stenhouse suggested that Mr. Alexander should research this.

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

VOTED: To table for further clarification.

Discussion on the Medical Marijuana Center Zoning ByLaw Approved June 2013 (No Cost to Town)

Mr. McLintock said he got several calls from residents of the north end because that is where it would be located.

He was told a doctor who is certified and able to write scripts will write a script for someone to get marijuana. No marijuana would be on the premises. By next July, thirty five communities in the State will grow marijuana and deliver it to whoever needs and has a script for it.

He has lots of questions. Is it a medical doctor or someone who has a doctorate degree? He felt they need to keep monitoring this and find out exactly what the State is doing. He does not want to see it in Seekonk or anywhere else for that matter.

Mr. Brady said he asked to put this on the agenda. He received a call on it. He felt the Board had wasted time and money at the Town Meeting in June. A warrant was drafted and reviewed by legal counsel that would give the Town a one-year moratorium that no treatment center (including distribution of educational material) would be in Town. The Town would have the opportunity to develop a bylaw and have an overlay district. The Town Planner checked with town counsel and was told it would be a stretch to enforce it.

He asked Ms. Rogers to find out how much was paid to Kopelman and Paige and he would demand a refund.

He had a letter from the Atty. General's office to approve the temporary moratorium.

He felt they should send a letter or have an official go by and tell them they are in violation of the zoning bylaw and put them on notice that the Town will be doing an overlay district and when approved they will have to move to that district or legal action will be taken to shut them down.

Mr. Stenhouse suggested that Mr. Santos and he discuss this with legal counsel.

Mr. Brady wanted a response in writing.

Mr. Sagar noted that 61% of the residents voted in favor of this ballot question.

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

VOTED: To direct the Town Administrator to have the Zoning Enforcement Officer do a zoning determination and report back to the Board at the next meeting.

Going back to qualifications of the town administrator, Mr. Brady referred to Chapter 41, Section 103 which says “may establish a purchasing agent.”

Approve Cost of Living Increases for Non-Union Employees and Those Covered by Individual Contracts not already Addressed by the Board of Selectmen

Mr. Parker questioned why this came back to the Board because it never did before.

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

VOTED: To approve the cost of living increases for non-union employees and those covered by individual contracts not already addressed by the Board of Selectmen; pending clarification from the Finance Director.

Consider Support or not of Mosquito Control Funding for FY 2015 (No Cost to Town)

Mr. Parker questioned the wording – “support” but there is no cost to the Town.

Mr. Brady said the chairman of that committee indicated the more support, the more funding they get.

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

VOTED: 4 Ayes; 1 Abstention; To support the Bristol County Mosquito Control Project and authorize the Chairman to sign the Declaration of Support.

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

Consider Approval of Regular Session Minutes of October 16, 2013

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

VOTED: To approve the Regular Session minutes of October 16, 2013.

OTHER BUSINESS

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

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Stenhouse distributed copies of a letter addressed to Town Clerk Janet Parker from Donald Kinniburgh indicating his resignation from the Veterans Memorial Park Committee.

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

VOTED: 4 Ayes; 1 Nay; To accept the resignation of Donald Kinniburgh from the Veterans Memorial Park Committee.

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

In a lengthy discussion prior to the vote, Mr. McLintock said Mr. Kinniburgh has done a good job getting the project to where it is now. He had a lot of respect for Mr. Kinniburgh but felt he was doing the right thing in this particular case.

Mr. Parker said he could not think of anybody in the last 15-20 years who had done more or talked more about veterans in this Town than Don Kinniburgh. He could understand if the committee did not want him to be chair, but he cannot understand for political pressure. He will not vote to accept the resignation.

Mr. Kinniburgh advised that he got a phone call on Thanksgiving weekend from a member of the Veterans Memorial Park Committee indicating that two selectmen had called and stated they would vote Mr. Kinniburgh off the committee if he did not resign at tonight's meeting. He wants a full criminal investigation if something is going on that he doesn't know about.

Mr. Brady admitted that he was one of them but he did not say what Mr. Kinniburgh implied.

Mr. Kinniburgh said a second member of that committee said the same thing. He reorganized last night and those two individuals are now the top officers of the Veterans Park Memorial Committee.

Mr. Brady urged Mr. Kinniburgh to stay on the committee.

Mr. Kinniburgh said the only help he got was from Mr. Sagar.

Chairman Almeida said there was a lot of friction on the Veterans Memorial Park Committee. Those members told him the friction was coming from the Chairman.

He told them to try to work it out or it would have to be an agenda item for further discussion.

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Mr. Parker said the Board never talked about removing Mr. Kinniburgh. Nothing was ever discussed.

Mr. McLintock said that he had spent time on Sunday night and left Mr. Kinniburgh thinking they had an agreement. The following morning, Mr. Kinniburgh told him they had changed their minds.

Mr. Brady wanted to see Mr. Kinniburgh complete this project.

Mr. Parker said that it seems someone gave Mr. Kinniburgh false information.

Mr. Brady said that he did receive a call from a member of that committee who said they need to go in a different direction.

He said he would not accept Mr. Kinniburgh's resignation.

Mr. McLintock said they spent hours trying to straighten this out with the Library Board of Trustees because of Mr. Kinniburgh.

He said the committee should have only seven members. He has gotten several phone calls about what is going on.

He thought that Mr. Brady and he had an agreement with the Library Board of Trustees and Mr. Kinniburgh broke it.

Mr. Brady suggested they move forward.

Chairman Almeida said he would not accept the resignation.

Mr. Parker clarified that Mr. Kinniburgh had said he would not attend the meetings. If that's the case, he would accept Mr. Kinniburgh's resignation.

Mr. Stenhouse stated that the Board had asked to submit a letter to the gaming commission. He read the letter that the ten-day deadline had ended on October 31, 2013. The petition from the Town of Seekonk was on November 20, 2013.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Sagar proposed that the Board and Library Trustees should meet with the ZBA the following week.

He would like an agenda item for next week to set a Special Town Meeting for February re: capital items.

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Mr. Sagar advised that Banna is moving forward.

He wants to set a schedule for 2014 Board of Selectmen meetings. Those dates could then be put on the website.

He asked that Mr. McLintock provide an update on the senior center project.

Mr. Stenhouse advised the bid opening was the next day.

Mr. Sagar noted that representatives from DOT would be in town the following day. He suggested they try to get a waiver on the application fee for the opticom system.

Mr. Parker said there are only eleven vendors for snow plowing. He noted that Seekonk's RFP is 13 pages compared to Attleboro – 5 pages.

Mr. Stenhouse suggested getting a copy of the Attleboro RFP.

Mr. Parker said that the LED lights for the Town Hall sign are on back order.

He noted that the Board voted to close at 5:30 p.m. on the Wednesday before Thanksgiving. The office closed at 4:30 p.m. Two offices closed at 12 noon and some people took unapproved personal time. He felt there has to be better control for next year.

He assured employees that the Town is 60% vested in the retirement system. There are 104 retirement plans in Massachusetts. Last year Bristol County was rated second regarding performance.

The State has told every town to be 100% vested or penalized by 2040. By 2030 this Town will be 100% vested; ten years ahead of the State. The Town of Seekonk is in good shape.

Mr. Stenhouse said that information is misleading.

Mr. Parker advised that representatives of the firm that reorganized the files in the basement have reviewed and corrected the new database. The president of the company commended Ms. McHugh and Ms. Coyle. Other towns have sent representatives to Seekonk to look at the system.

The annual tree lighting ceremony sponsored by the Kiwanis Club is scheduled for Thursday, December 5, 2013, at 6 p.m. at Town Hall. There are more lights on the tree this year.

Mr. Parker said there were six bids for the animal shelter project. Those bids will not be accepted. He questioned whether the Board has to vote to reject the bids.

Mr. Brady felt it is the responsibility of the building committee.

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Mr. McLintock advised that the senior center bids were outside the money allocated.

Chairman Almeida advised that Parks and Recreation has started the winter program for children on Saturdays from November 30, 2013 to January 4, 2014 from 10 a.m. to 1 p.m. at the Hurley Middle School. The cost is \$3 per hour.

Mr. McLintock requested an agenda item for the next meeting to consider restructuring the Veterans Memorial Park Committee to an odd number of members.

Mr. Kinniburgh stated that at one time two people applied and both were put on the committee..

COMMUNITY SPEAKS (SECOND SESSION)

None.

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

VOTED: To adjourn at 8:17 p.m.

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

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary