

**TOWN OF MILLVILLE  
BOARD OF SELECTMEN**

**Minutes of May 19, 2008**

**Board of Selectmen members in attendance were:** Chairman Paul Savage, Vice Chairman Tom Petrowicz, Charlie Poulin, Jackie Wheeler, and John Laura.

The meeting was called to order at 7:30 pm at the Millville Town Hall.

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**Announcements:**

- The Millville Memorial Day parade is scheduled for Monday, May 26, 2008.

**Counselors at Law: Brackett & Lucas:**

Attorney Brackett provided the Board of Selectmen with an updated litigation report. He reviewed and summarized the various cases. Attorney Brackett communicated that caution should always be used when sending email. Conflict of Interest issues are dealt with and a safe and cautious approach is used when advising the Town. Legal requests are handled through the Town's departments and requests are followed up with a written response to the seeking board. The legislature is in the process of writing a new open meeting law booklet for towns.

Selectman Wheeler referenced that she will be stepping down from the board when certain legal matters are discussed. She also wanted to know if other attorneys work on other matters beside Mr. Brackett. Attorney Brackett communicated that he has had Attorney Pickett and Attorney Grossfield work on various questions from the boards. Attorney Brackett communicated that he will insure the continuity among his attorneys and the board members.

There was a question about service in regards to a subpoena. Attorney Brackett presented documents to the Board of Selectmen for review. There were subpoenas issued for the named individuals. Attorney Brackett indicated that Attorney Strand has not communicated back and the matter was settled May 2, 2008.

It was discussed that there is pending litigation with Mrs. McNamara and town employees. The role is to provide legal service to the town, but the town employees are represented by insurance company counsel on this suit. Attorney Pelletier is representing the town employees. It is understood that the defendants were acting within their duties. There has been no movement for proposal by Attorney Strand. Attorney Brackett did want it noted that he did suggest this matter go to mediation.

On other matters, the town did name a special counsel to the Planning Board since Mr. Brackett was representing the Conservation Conservation.

Selectman Wheeler wanted to know if the Board of Selectmen has ever completed an evaluation and appraisal on how town counsel is doing in regards to the current cases. Attorney Brackett noted that any performance appraisal needs to be done in open meeting.

Selectman Wheeler noted that a written contract from Brackett and Lucas has not provided. Attorney Brackett noted that a contract is not done; it is on an appointment basis.

The Executive Secretary did get a public records request. It was communicated to the Board of Selectmen through the Town Attorney that it procedurally a good idea to have counsel review the request. It was noted that the public records law does have exemptions.

The Board of Selectmen discussed the issue about the Personnel By-law. The selectmen have gotten an opinion Brackett & Lucas that the Personnel By-law should remain in the Town's By-law Manual. The Selectmen also got opinions from three different counsels that the Personnel Policy is not part of the By-law. Attorney Brackett gave his overview on the authority of the Board of Selectmen to amend or adopt Policies. He will review this further.

#### **Minutes/Warrants:**

- **On a motion made by Charlie Poulin and seconded by Jackie Wheeler, the Board of Selectmen voted unanimously to accept the meeting minutes from May 5, 2008 (7:00 pm).**
- **On a motion made by Tom Petrowicz and seconded by Paul Savage, the Board of Selectmen voted unanimously to sign the payroll and warrants.**

**Public Forum: None**

#### **Appointments/Resignations:**

##### **Cultural Council:**

- **On a motion made by Tom Petrowicz and seconded by Charlie Poulin, the Board of Selectmen voted unanimously to accept the resignation from Helen Coffin from the Cultural Council.**
- **On a motion made by Charlie Poulin and seconded by Tom Petrowicz, the Board of Selectmen voted unanimously to appoint Gail Beaulieu to the Cultural Council.**

**Animal Control:**

- On a motion made by Tom Petrowicz, and seconded by Jackie Wheeler, the Board of Selectmen voted **unanimously** to reappoint Camille Campbell to the assistant animal control position through June 30, 2008.

**MEMA:**

- There is a meeting with Chief Mullaly set for June 16, 2008 at 6:30 pm.

**Correspondence:**

- The Historical Commission will host an event on Saturday, June 14, 2008. For more details contact the Executive Secretary.
- There will be an Athletic Field Subcommittee meeting on May 21, 2008 at 6:30 p.m.

**Executive Secretary Report:**

**Historical Commission:**

- On a motion made by Jackie Wheeler and seconded by John Laura, the Board of Selectmen voted **unanimously** to allow the Historical Commission to move furniture in the Veterans Meeting Room for their event on June 14, 2008.

**Bridge:**

This pavement and road will be safe for the parade.

**Chapter 90:**

The Chapter 90 request has been approved.

**Porch for the Senior Center:**

- On a motion made by Tom Petrowicz and seconded by Jackie Wheeler, the Board of Selectmen voted **unanimously** to sign the application and to waive the building permit fee for the Senior Center porch.

**Request for legal, Planning Board:**

Selectmen Wheeler abstained from discussion.

- On a motion made by Tom Petrowicz, and seconded by Charlie Poulin, the Board of Selectmen voted **unanimously** to authorize the Planning Board a supplemental increase of \$1,000 for legal services.

Selectman Wheeler abstained from vote.

**Welcome Signs:**

The Executive Secretary provided follow-up about the warranty on the signs. The signs are under warranty for one year from installation. The contractor has come back

to secure the signs again. Selectman Petrowicz will speak with John Dean further about the sign on the North Smithfield side.

**21 Hope St.:**

There has been no proposal presented to the Board in regards to 21 Hope St. We had heard from town counsel that a proposal would be presented but it did not arrive.

**Resident, Margaret Carroll 132 Main St.**

Her main concern is what property the resident does own. The resident has never shown a plot plan. Ms. Carroll noted that the resident doesn't own the property to the west.

Selectman Poulin suggests that this land get surveyed and put in town boundaries.

**Resident Norman Thuot, 25 Ironstone St.:**

Mr. Thuot believes that the town needs to pursue 21 Hope St. legally.

**Resident Charles Singleton, 164 Main St..**

Mr. Singleton provided his interpretation of the law in regards to claiming of property.

- **On a motion made by Tom Petrowicz, and seconded by Charlie Poulin, the Board of Selectmen voted unanimously to file a formal complaint.**

**Old Business: None**

**New Business:**

**Lawsuit:**

The Chairman informed all that the Town is faced with a lawsuit from the former police chief.

**Board of Assessors Update:**

Selectman Laura attended the Board of Assessors meeting on May 14, 2008. He found it very informative. The Board of Assessors is working on changes which the State has currently made. A list with telephone numbers and contact information was given to Selectman Laura to give to the Executive Secretary as a resource for any residents which may come in with questions. The Board felt that this information could be placed on the town website and posted in the Town Hall. Chairman Savage would like Selectman Laura to follow up with the Board of Assessors about the status of Orchard St and the Executive Secretary still needs the performance review documentation for the file.

The Executive Secretary wanted a follow up from the Board of Assessors about when the property record cards will be done and when will the minutes be placed on the website.

**Historical Committee:**

The Historical Committee will be setting up a meeting with the Board of Selectmen to discuss the Bikeway and the recent correspondence.

**Parade Committee Appointment:**

- **On a motion made by Tom Petrowicz and seconded by Jackie Wheeler, the Board of Selectmen voted unanimously to appoint the parade committee members through June 30, 2008.**

Raymond Anderson  
Claudette Barrett  
Margaret Carroll  
John Dean  
Chief Roland Landry  
Chief John Mullaly  
John Laura  
Paul Ouellette  
Charles Poulin  
Jean Poulin

Selectman Poulin and Selectman Laura abstained from vote.

**Annual Reports:**

Chairman Savage informed residents that the 2007 Annual Report will be released once a paragraph written by the Executive Secretary is removed.

Selectman Wheeler was also wondering why the Annual Reports were left out for town residents when a vote was taken not to distribute them.

The Executive Secretary explained that the Annual Reports were already distributed to the various boards and departments and she was not instructed by the Board of Selectmen to collect the ones which were already released.

**Good & Welfare:**

**Resident Norman Thuot, 25 Ironstone St.:**

Mr. Thuot wants to reference the Town Meeting Warrant, in particular, the section on the indemnification clause. It is his feeling that the town does not have this in place. He suggests that the town get this in writing from Town Counsel.

**ADJOURN:**

- **On a motion made by Charlie Poulin and seconded by Tom Petrowicz, the Board of Selectmen voted unanimously to adjourn the meeting at 10:15pm.**

Respectfully Submitted,

Amy Sutherland

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Paul Savage  
Chairperson

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Tom Petrowicz  
Vice Chairman

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Charlie Poulin  
Selectman

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Jackie Wheeler  
Selectman

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John Laura  
Selectman

**SIGNED AND APPROVED 6/16/08**