



Office of
SELECTMEN
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**BOARD OF SELECTMEN
MEETING MONDAY, OCTOBER 22, 2018
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER**

Present: Selectman Frederick "Skip" Vadnais, Selectman Gerry Schwall, Selectman James Muri, Selectman David Perry, Selectman Michael Costello, and Helen Dennen, Town Administrator.

At 6:30 PM it was voted to enter into Executive Session pursuant to **MGL CHAPTER 30A, Section 21(a) (3)** *To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation of the public body and the chair so declares;*

Roll Call Vote: Perry, aye; Muri, aye; Costello, aye; Schwall, aye, Vadnais, aye Vote 5-0

Call to Order at 8:05 p.m.: The Board and the public participated in the Pledge of Allegiance to the Flag.

1.0) Consent Agenda

Warrants for October 25th, 2018: Selectman Vadnais read the Warrant; 19-17B Payroll, \$102,993.76; 19-16A Withholdings, \$29,995.17, 19-16 Warrant, \$39,724.26; 19-16R Refunds, \$3,815.59; 19-16R1 Refunds, \$122.16. G. Schwall motioned to approve the weekly Warrants as read. Second by D. Perry. Vote 5-0

Minutes: Regular Session Minutes: July 9th, 2018

G. Schwall motioned to approve the Regular Meeting Minutes for July 9, 2018 as amended. Second by D. Perry. Vote 5-0.

Open Forum – Announcements:

Special Town Meeting will be held on Monday 10/29/2018 at the DR High School starting at 7:00 PM.

Reminder: Newman Congregational Church is holding an ON THIS LAND celebratory performance weaving history, music and poetry about the founding of the Town of Rehoboth and Newman Congregational Church. Lecture and concert will be held on Sunday, 11/4/18 starting at 1:00 PM at the Newman Congregational Church at 100 Newman Avenue, Rumford, RI. Public is welcome to attend.

The next Selectmen's meeting will be held on Monday October 29, 2018 at 7:00 pm at the DR Regional High School.

Town Administrator's Report:

Helen Dennen reported that out Town Nurse, Jamie Conlon has been trying to organize flu shots for employees. Date 1 1/2 from 9-11 AM via Town Hall with the Boards approval. The Board granted approval of the flu shots.

G. Schwall questioned where this would take place, as the Selectman's meeting room would be occupied by Early Voting.

H. Dennen suggested we can change the date or do it in her office.

Open Forum – Announcements:

M. Costello announced that on October 25th from 4:30 PM to 7:30 PM at the American Legion on Bay State Road, Kim's all-you-can-eat night, with slow roasted pork, Portuguese rolls, meatball subs, sausage & peppers, etc. No reservations required, tickets at the door, \$15.

L. Schwall announced that today was the first day of early voting. We had 55 voters come in today. We have a new way of checking in and it has been well received. Early voting takes place every day between October 22 through November 2, during regular business hours, Monday to Thursday 8-4 PM, Friday 8-12 PM with two extended sessions, Wednesday the 24th till 7 PM and Tuesday 30th 8-7PM. One Saturday session at the COA 27th 10-4 PM.

L. Schwall put a proclamation out, we are required by the State, we are not covered by the election laws for early voting. Can't go past 150 line from Town Hall or Senior Center. We feel voters should have the same rights and comfort to vote without being harassed. Proclamation signed by the BOS, if you would sign it, I can use that as our accepted method and post it so the Candidates have to stay 150 feet from the election area.

G. Schwall motion to accept the aforementioned proclamation that election candidates cannot be within 150 feet from the voting place during early voting. Second by D. Perry. Vote 5-0.

M. Costello announced that Wednesday the 375th Committee is having a meeting at Town Hall at 7:15 PM. It is the actual 375th birthday of the Town. There will be birthday cake.

NEW BUSINESS

Action Item #1: Review of the 10-29-18 STM Warrant & Motions with Bill Cute Town Moderator & Laura Schwall Town Clerk

Town Clerk Laura Schwall and Town Moderator Bill Cute were present to review the articles in the warrant, the funding source and the votes needed to pass each article.

Action Item #2: Meeting with Conservation Committee

S. Vadnais spoke of a complaint made to the Board that the Conservation Committee agenda listed a property owner as a violator to be discussed at one of their meetings and the owner came to the Board. The owner was concerned that he was not notified. How a Board votes is not an issue or concern of the BOS; however, we want to ensure that all business is properly conducted with notifications etc. S. Vadnais then gave the floor to the Chairman of the Commission, Bob Materne.

Bob Materne, Chairman of the Conservation Committee, spoke in regards to 154 Barney Avenue and the actions taken by the Conservation Committee, and the property owner's concerns. The property owner's representative was notified and met with the agent at the time. We followed protocol and did everything we were supposed to do. The Board and Mr. Materne discussed the issue further.

D. Perry -You should be careful in listing something as a violation, list as something to look at.

M. Costello offered to help if possible, without an agent in place.

Dave Evans, Vice Chairman of Conservation Committee was present. He expressed his concerns regarding the former Conservation Agents performance. Then spoke in regards to what is going to happen without an agent. Some things are going to have to wait, if they are not regulatory.

S. Vadnais – This item was held in order for committee to speak on their behalf. Is there anything the other party wants to bring forward?

The following individuals were present to speak to their interests: Eric Brainsky, attorney, 1543 Fall River Avenue, Seekonk; Rob Davis, Insite Engineering; John Ferreira, owner of 154 Barney Avenue.

Mr. Brainsky- A lot has been said here tonight. In a general perspective I don't envy the Conservation Committee work or any other board; it is a thankless position. He then spoke in regards of the standing of the applicant/developers. Have watched all meetings and all of the Conservation Commission made the determination twice. The developers followed the rules. Glad we cleared the air tonight. Don't use the word violation if it's not a violation. Call it something else.

D. Perry- There is no vote here, no decision here, all this is trying to get some understanding.

E. Brainsky – Glad we can do this and everyone is civil to each other.

J. Ferreria – This started with the property on Barney Ave. What really escalated it was Rehoboth Now. I was getting called daily as well as my engineer. We were being dragged through the mud. There was an attack on me. These things were not true. I did everything right. I was upset which is why I came here. Someone should have called me to let me know there was a violation.

G. Schwall explained that is why we put it on the agenda. He clarified that it was on Rehoboth Talk, and clarified the difference between the two.

R. Davis – Gave an overview of what they did as a company for the applicant. Gave copies of plans and the radius map as well as a certified abutter list. I hope we can all get back to normal and move forward.

S. Vadnais- I strongly recommend that nothing is a violation until you make a determination that it is a violation. Perception is a lot, call it a situation. We have cleared the air that need to be cleared. We have a common ground and everyone is ready to move ahead. Everyone needs to work together.

J. Muri – Stay away from Rehoboth Talk.

S. Vadnais thanked everyone for being professional and courteous of each other's concerns.

Action Item #3: Discussion Re: Gas Installation in the TOR by Columbia Gas & National Grid

G. Schwall gave an update on the situation in the Merrimack Valley and why there should be a gas moratorium in town.

G. Schwall motion to institute an immediate moratorium on all non-emergency natural gas work within the Town of Rehoboth. This includes but not limited to natural gas pipeline extensions, new natural gas service connections to existing pipelines and expansion of natural gas service on properties already serviced by natural gas. The only exception to this non-emergency moratorium is for the repair of identified natural gas leaks and or equipment upgrades which will require approval of the BOS prior to the commencement of such work. The moratorium will remain in effect until a definitive cause of Merrimack Valley explosion is determined and only after a Public Hearing is conducted in Rehoboth to evaluate the safety instituted by the utility companies and defined permitting procedure is defined within the Town. Second by J. Muri.
Vote 5-0

Discussion:

D. Perry – I agree with that except the emergency repairs, do they still have to have a discussion?

G. Schwall – No, all non-emergency repairs.

S. Vadnais – Is the Fire Department realizing this is happening? If something was to go wrong at least our public safety people would be knowing that a gas line is being worked on.

D. Perry – There should be a notice going out to let people know that work is going on.

M. Costello explained what happened in Merrimack.

G. Schwall – That's a preliminary finding, that they have not finished the investigation.

Tish Vadnais, Homestead Avenue- If you pass this could you please get the motion to the Planning Board?

G. Schwall – Absolutely.

Tracy Manzella, 214 Chestnut Street – It was human error but the reason, the infrastructure is old. This is going to be a common problem, throughout the State. Which gives the opportunity when replacing old mains for things to happen. If you were to call a moratorium where would that put Eastwood Estates?

G. Schwall – there's going to be a second motion if this passes there will be no more gas connections made in Rehoboth starting immediately.

T. Manzella – in some instances people don't have to come before you.

G. Schwall – That is what appears to be happening and it shouldn't be. It's a misinterpretation of the bylaw. Things have happened in the past.

Joe Nunes, 187 Fairview Avenue – If the moratorium goes forward does the State have the right to override what we vote on?

G. Schwall – No, we are the issuing authority for the Town of Rehoboth for gas connections.

J. Nunes – So if someone in the gas industry went to the State level and talked to them into having a gas line out into town, we have the final say?

G. Schwall – We license utilities within the Town.

J. Muri The legislature would have to create new legislation that gives them the right to supersede local decisions.

D. Perry – The only issue I can see is if a transmission line goes through town.

J. Muri – That's federal jurisdiction.

G. Schwall motioned we instruct the Building Department to immediately stop issuing non-emergency natural gas permits for any and all work involving natural gas. All requests of this type are to be referred to the BOS. Second by J. Muri. Vote 5-0

Discussion:

M. Costello – If I have natural gas in my house and my hot water heater lets go, my plumber has to go get a gas permit to hook up a new hot water tank. There's already service in my house.

G. Schwall – I amend my motion to put in "except for installation of natural gas appliances in homes that already have gas service."

G. Schwall – If the Building Department has issued any gas permits, they are no longer valid because of the new moratorium that takes place now. They will need to contact those people.

D. Perry - Eastwood Estates is proposed with natural gas.

G. Schwall – If they have been installed, they are in violation of our bylaw.

S. Vadnais – They need a license from this Board.

M. Costello – If the main is across the street they would have to come in for an open road permit, it's an automatic put service in, the plumber installs the piping, the gas inspector goes out and inspects it and they get a permit.

S. Vadnais – We are talking about a brand-new street.

M. Costello – We don't have jurisdiction, the Planning Board does, that street isn't accepted by the town yet. Planning Board is the one that can say what utilities are under ground in a new subdivision.

G. Schwall - We have a bylaw that says that if you want to extend gas service in the town of Rehoboth the BOS are the issuing authority for said license to the utility company. We have had no hearings, we have had no one come before us on any development. If someone has issued the developers a permit to install gas, they did it in violation of the bylaw. Therefore, it's not in effect.

S. Vadnais – There should be a correspondence from the BOS directly to the Planning Board indicating to them our position, that it has to come before the BOS before that can be approved. They should be cognizant of that in their acceptance or review of a subdivision.

G. Schwall – I agree once the moratorium is lifted. Right now, it's not up to the Planning Board to do anything other than to say that here are no gas installations.

S. Vadnais – The vote of the moratorium will be sent to them. Once we make a decision on the fact that it has to come before the BOS for review that should be sent separately.

G. Schwall – What I'm saying is we just voted to place a moratorium; there will be no more gas installations until such time as we have a public hearing.

S. Vadnais – and ascertain safety, etc.

M. Costello – How long is this moratorium in place?

G. Schwall- Until such time as they have a cause for the explosions and that we're assured that the utility companies have a public hearing. This should be something the public knows about. I don't want the public wondering what's going on. When the Board feels that we have sufficient information that we may want to consider allowing people to come in before us again.

D. Perry – I don't think because of a moratorium we can stop the Planning Board from approving gas lines on a Planning Board plan, but it doesn't allow the utility company to install.

M. Costello -The only permit the gas company would have to get is for the main connection on the street. They would not have to get a permit to install in the subdivision because it's not a town road.

M. Costello – That's been past practice. If the gas line is on the side of the subdivision and in the easement off the road the rubber stamp was that the gas company could just go hook up to it because they didn't have to cross the street so they figured they didn't need a permit.

G. Schwall – They are violating the bylaw because we were not issuing the license for them to connect to it.

S. Vadnais – back to the motion

G. Schwall reread second motion regarding building department.

D. Perry -Legal implications. I don't know if Eastwood has gas in it. I just know that if something is already started the moratorium can stop it.

G. Schwall – It can.

S. Vadnais ask if there was any public input.

Ryan DuVally, 18 Birchwood Drive/Heritage Realty was present.

Mr. DuVally spoke of three different things going on. There are three different stages of development and construction that come into play. I do have the project off of Pine Street known as Eastwood Estates. There is gas that comes down from Seekonk up Broad Street all the way down into Colonial Way. We did discuss with the Planning Board through the approval process that it was our intent and had Columbia Gas do the installation. There was no cutting of Pine Street. It was off the roadway so we hired Columbia Gas to do the installation of the main in the subdivision subsequently pulled active 7-8 building permits in that subdivision all with natural gas.

S. Vadnais inquired if the connections have been made yet.

R. DuVally responded, yes, we have at least one connection made.

S. Vadnais – The problem is that although they didn't cut the street, it's that, to connect the line they needed a permit from the BOS to take the line that's there and connect it to a new service. They never came in and got one.

R. DuVally – Sure, just like National Grid or any other utility company, all we can do is sign the paperwork and they're responsible for making all the police details etc.

S. Vadnais – We're not blaming you, we're just saying they never came in and they are violating our bylaw. We have no choice then to contact them and tell them.

M. Costello – When you connect to the house you have to get a gas permit too?

R. DuVally – There is no permit to connect to the house. There's a service contract that we sign.

M. Costello- does the plumber have to get a gas permit?

R. DuVally- absolutely, the plumber has to get a gas permit for the work inside the house, Columbia Gas installs their own meter after the service is installed. The bigger question is about the main installations service main extension those types of things. I plan on having a Phase 2, which we recently got Planning Board approval that will have to get through the whole process if we choose to have the main extended into the 2nd phase. I don't know how that permit process would work because if Phase 1 hasn't been completed by that point, the actual point of attachment for Phase 2 would be in Phase 1.

G. Schwall – You put in all the pipes underground, that you decide you would like to put in, then a Board would approve that you have a license. Under the moratorium there would be no natural gas going into those pipes. On the 7 permits that you've pulled are people living in those houses?

R. DuVally – Those are active permits. There is one that received their occupancy permit. I have about 7 in various stages of construction and that's my biggest concern.

G. Schwall – That is a concern for us, they were issued in violation of the bylaw.

R. DuVally – Those are service tie ins.

G. Schwall – No, they extended a main into the development and they never came before us for a license to do so. Therefore, they're illegal, in my opinion. This means going forward there won't be any more.

R. DuVally – So the ones that are already active have gas appliances installed. Some are being framed some are almost complete. Those do have active building permits under natural gas, there are 3 or 4 that haven't received building permits.

D. Perry – I'm not in complete agreement with the bylaw and the way it's written. Most towns, whether its water, sewer, gas, there's a utility contractor's license and that is a town wide license. The contractor will post a bond, passes a test or an exam, or gets qualified to the installer in that town, Here the way it's written is you have to get a license per piece of work or connection. Personally, it doesn't make sense. Usually once you qualify for a town wide you get it. Your installer isn't licensed in this town. We require a license per connection.

M. Costello – the problem is past practice; no one watched over it.

G. Schwall - I think we agree that's not correct. Just because that's how it was done on the past doesn't mean it shouldn't be corrected going forward.

R. DuVally – My concern is the clients I have.

G. Schwall – So we have identified that we may have an issue with 7 permits.

R. DuVally -I'll get you the exact number.

G. Schwall – We'll have to address them separately. If there's land and no house then no gas. If someone is ready to move in then it would not be fair to suggest that they can't be connected.

S. Vadnais – let's talk about license, the word licensure. Licensure ensures that the individual that is doing the work is competent. We can refuse individuals that don't meet certain criteria of expertise. So, to deny a license you have to deny because someone is incompetent in some particular area, not because you don't want a gas facility. We have a moratorium that prevents.

G. Schwall – It is our bylaw that refers to it as a utility license and that is a licensing agreement. The Board discussed how licenses and the bylaw should be taken care of once the moratorium is lifted.

J. Muri – I have one concern; we have issued license in the past and now we say those are null and void, are we getting ourselves into a situation?

D. Perry- At this time the contractor has the service up to the house. The permit for the gas takes it from the meter in.

J. Muri – There is a difference between someone whose planning on purchasing and installing appliances 6 months down the road and those that have already been installed.

G. Schwall - We will have to look at the permits pulled and discuss them publicly.

R. DuVally – Due to the nature of Rehoboth, we are not a natural gas prevalent community. The State wide moratorium I think is going to be handled rather quickly. My fear is because this is a limited thing and we don't want to just look at Eastwood Estate or individual houses is that it may slip through the cracks. That it sits on the books for more time than needed.

G. Schwall – That's the purpose of the time period of a definitive answer of what the issues were. When the utility company gets around to convincing us, that were comfortable with the solution. I agree with you. At certain levels it will be dealt with.

Tish Vadnais, of the Planning Board, asked for the amendment to be read again.

G. Schwall – Instruct the Building Department to immediately stop issuing nonemergency gas permits for any and all work involving natural gas except for installation and or replacement of appliances in homes already serviced by natural gas.

Lenny Mills, 26 Blanding Road, was present.

L. Mills – My sister at 109 Broad Street purchased a generator from Generac and it's in the garage to be installed. I understand your challenges, what would happen in a situation where the utilities are there to be accessed. You're not going to let anyone hook up to an existing house?

G. Schwall – Yes, until such time that we are comfortable that Columbia Gas can handle things. Columbia Gas withdrew their application for gas installation at that address when they came in for Public Hearing as they did not have all the requirements ready.

The Board voted on the aforementioned motion.

D. Perry – Have we addressed Mr. DuVally's concerns?

S. Vadnais – He is going to come before the Board.

G. Schwall – I will contact the Building Inspector and have any open permits considered for further discussions.

Vote taken, all replied aye.

Carolyn Panofsky of the Green Energy Committee was present.

C. Panofsky – At some point the moratorium will be lifted and I'm wondering if prior to that time consideration in the town about the actual effect of natural gas on the town and what we want to see going forward as it was pointed out, the infrastructure is very old and transparency issues with Columbia Gas are significant and so what they tell you is then compared to what is actually there may not be a perfect fit. Even once the moratorium is lifted by the state and if Columbia Gas is cleared to go back to business. That doesn't mean that everything going forward will have the kind of safety that we may be comfortable with. Are there other things to consider in the bylaws.

S. Vadnais – One of the things that the bylaws ask us to look at is the benefit to the town.

G. Schwall – No moratorium will be lifted until we have a Public Hearing.

M. Costello – We need to be concerned with the old lines and what they are going to do about them.

C. Panofsky – Most of those lines are elsewhere, Seekonk, Attleboro, and so on, we have no say over them.

S. Vadnais – Those are service lines. Rehoboth has the huge trunk lines that go through.

M. Costello – We have a 6" line on 44 that is plastic.

T. Manzella – Currently the Attorney General said that electric rate payers won't be forced to pay a tax to pay for the new infrastructure for the pipelined. As it currently stands homeowners are liable for that tax.

S. Vadnais – a user fee.

T. Manzella – If we have a town that's committed to not having a compressor station, you don't want to have more pockets that they can dive into.

M. Costello – I would be less concerned about new projects going in the ground; I would be more concerned with the projects that are already in.

T. Manzella – The oldest and the newest have the most accidents.

Action Item #4: Rehoboth Farmers Market

S. Vadnais recused himself and left the room.

G. Schwall stated that there will be no public input on this topic. Because the Farmer's Market is not under the purview of the BOS, the Farmer's Market is under the purview of the Agricultural Commission.

Valerie Souza, Agricultural Commission Chairperson was present.

G. Schwall read an official statement into the record.

Documentation: Rehoboth Farmers Market Statement

V. Souza agreed with the statement that was read.

D. Perry motion to support the vote of the Agricultural Committee by suspending all future market activities until such time that a final Agreement and market rules and regulations are reviewed by Town Counsel, approved by a vote of the Board of Selectmen and signed by all participating vendors. Second by M. Costello. Vote 4-0.

J. Muri – I don't think it's necessary to put forth such a motion. It's not legally required, but I have no problem supporting the AgCom and their decision.

G. Schwall – The reason I am suggesting that is because it was this Board that was asked by AgCom to rescind a vote that this Board had made previously at the request of the AgCom to suspend the Farmer's Market. I think it is important that everyone is on the same page and that we don't find ourselves repeating history next year. This Board has been very supportive of the Farmer's Market. We want to make sure that next year when it's time for the fields to produce their harvest that we are ready to go. The only way we are going to be able to do that is if we have rules in place before the Market starts.

V. Souza spoke of her plans to meet with the commission to finalize the rules and regulations and clear outline of what the Market Manager position will entail. She thanked the Board for their support.

Action Item #5: Discussion Re: Rehoboth Town Event Committee

G. Schwall relayed the history of the current Town Events Committee, formerly the Harvest Block Party Committee, founded by Larry Procopio for the sole purpose of hosting the Harvest Block Party. After the Town's 375th Committee dissolved, there were events they hoped to make annual and so it makes sense to call them the Town Events Committee and change the current group's name back to the Harvest Block Committee.

G. Schwall motion to change the name of the Town Events Committee back to the Larry Procopio Harvest Block Party Committee. Second by M. Costello. Vote 5-0

G. Schwall explained that then in 2 weeks from now, we make an agenda item to appoint to the Town Events Committee those individuals that have filled out a talent bank form requesting to be appointed to that Committee.

Action Item #6: Request from First Spiritual Church of Brockton for an Event at the Anawan Grange to Place Signs on Town Property

The First Spiritual Church of Brockton will be hosting a fundraising psychic /vendor fair at the Anawan Grange, 243 Winthrop Street, on November 10th, 2018 from 10 Am – 5 PM. They are requesting to post signs for this event.

The Board discussed the areas that would and would not be allowable, citing some as private property and therefore not allowable.

D. Perry motion to grant permission to place signs on the easement of Route 118. We do not have the authority for Route 44 and there is a state prohibition on any signs on the Route 44 corridor. They would have to seek approval of the land owners to put them on private property on Route 44. Second by M. Costello. Vote 5-0.

Action Item #7: Discussion Re: Establishing a Volunteer Policy & Application

S. Vadnais - Bill LaPlante has begun volunteering at the Senior Center on Thursday October 18, 2018.

G. Schwall discussed the need for a volunteer policy but said it might be too much to get into tonight. He suggested maybe a form could be made with different levels of vetting for the different needs of each group's volunteers, and suggested that maybe the Personnel Board could work on that.

J. Muri motion to approve Bill LaPlante to the COA as a S.H.I.N.E. Counselor. Second by G. Schwall. Vote 5-0.

OPEN FORUM

George Solas presented information regarding the regional agreement with the schools. The Board discussed the information.

Action Item #8: Vote to Accept the Resignation of Andrew Poyant as Town Planner/Conservation Agent effective 10/16/2018

S. Vadnais read the letter it into the record.

G. Schwall motion to accept the resignation of Andrew Poyant. Second by D. Perry. Vote 5-0.

Documentation: A. Poyant's resignation letter

Selectmen's Reports.:

Costello: Inquired who the IT liaison is because he has spoken to Derek regarding concerns that Comcast has been giving up less of the franchise fees.

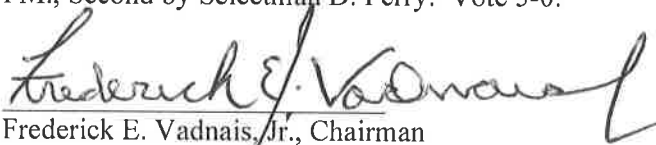
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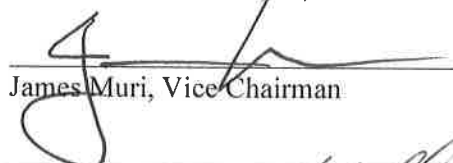
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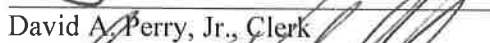
Schwall: none

Perry: none

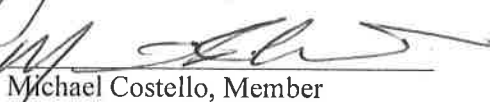
ADJOURNMENT: Selectman G. Schwall made a motion to adjourn the Regular Session Meeting at 10:25 PM., Second by Selectman D. Perry. Vote 5-0.



Frederick E. Vadnais, Jr., Chairman


James Muri, Vice Chairman


David A. Perry, Jr., Clerk


Gerald V. Schwall, Member


Michael Costello, Member


Respectfully Submitted,
Cindy McDonough
Assistant to the Town Administrator

Rehoboth Farmers Market - Statement

Several individuals have requested an "official statement" be issued by the Town as to why the Rehoboth's Farmers Market was closed by a vote of the Agricultural Commission on October 4. I will defer to Agricultural Commission to provide such a statement, if they deem appropriate, however, I will share the events which led up to the vote.

As brief background, on June 11, Agricultural Commission Chairperson, Valarie Souza, came before the Board of Selectmen to request the Board reinstate a farmers market in Rehoboth and allow the market to be held in the COA parking lot. Chairperson Souza explained that residents had expressed an interest in this reinstatement, and Agricultural Commission would like to give the market another chance. A discussion ensued and the Board was broadly in favor of the Chairperson's request, so long as an agreement between the Town and the vendors was constructed which contained rules and regulations for the vendor and a delineation of the roles and responsibilities of a position referred to during the discussion as "Market Manager". It was suggested the Agricultural Commission work with Selectman Schwall to draft the document and bring it back to the Board of Selectmen for a final vote. It was at this point in the discussion when the Board was informed that vendors had already been lined up and advertising initiated for a June 17 (the following Sunday) launch of the Rehoboth Farmers Market. Therefore, it was requested that the Board allow the market to commence operation without an Agreement in place with the assurance that the Agreement would be a priority of the Commission. The Board appreciated the eagerness of those involved and weighed the benefits versus liability of allowing the market to proceed for a couple of weeks without an Agreement in place. The Board agreed to the request; relying heavily on the assurances that formalizing the Agreement would be a top priority.

Selectman Schwall engaged with Town Counsel and produced an Agreement which extended the necessary protections to the Town and vendors. A draft of the Agreement was provided to the Agricultural Commission on June 14 for input. Feedback from the Agricultural Commission was incorporated in the draft and a revised document was prepared on June 23. The Agreement makes repeated

Rehoboth Farmers Market - Statement

reference to the Market Rules and Regulations, which were to be prepared by one member of the Agricultural Commission, and brought before the Agricultural Commission for approval. That document would then be forwarded for review by Town Counsel and final adoption by the Board of Selectmen. Once adopted, vendors would be required to sign the Agreement and abide by the Market Rules and Regulations.

The Agreement also created the position of Market Manager, articulating the duties and responsibilities of the position. This position would be filled following a recommendation by the Agricultural Commission and appointment by the Board of Selectmen.

Several weeks passed without action to finalize the Market Rules and Regulations. When inquiries were made about the delay, the Board of Selectmen was asked to be patient.

On September 3rd Selectman Schwall received an email from the Agricultural Commission member acting in the capacity of liaison to the farmers market inquiring as to possibility of moving the market to the Palmer River School. Information was provided; however, it was suggested that the focus be on finalizing the Rules and Regulations before any plans were made for next year. A reply was sent indicating the Board of Selectmen could expect to receive the final Rules and Regulations in time for consideration at the September 10 meeting. Unfortunately, no document was ever submitted for the Board's consideration and integration into the Agreement.

In summary, a definitive Agreement is necessary for the proper functioning of the Market and to shield the Town and vendors from liability. Furthermore, the lack of a specific Agreement, containing fair and understandable rules and regulations, is unfair to the vendors. Additionally, it is the Agreement which specifies the responsibilities and authority of the "Market Manager". Since the Agreement does not exist, no one has legally been appointed to that position by the Board of Selectmen. This situation presents an environment within which misperceptions, confusion, and misunderstandings are allowed to breed, and presents an

Rehoboth Farmers Market - Statement

unworkable situation and potential liability to the Town, members of the Agricultural Commission, vendors, and the public. It was determined that the best course of action to protect all involved was to request the Agricultural Commission vote to suspend further markets until the Commission can find time to produce a set of Rules and Regulations to accompany the Agreement prepared by the Board of Selectmen and Town Counsel in June. As a result, in a posted open meeting on October 4, the Agricultural Commission, based on the recommendation of Town Counsel, voted to suspend future market activities.

MOTION: At this time, I ask for a motion that the Select Board support the vote of the Agricultural Commission by suspending all future market activities until such time as the final Agreement and Market Rules and Regulations are reviewed by Town Counsel, approved by a vote of the Board of Selectmen and signed by all participating vendors.

On behalf of the Board, I would like to thank everyone involved with this year's Farmers Market – Agricultural Commission, vendors, public – and look forward to Agricultural Commission completing its work so we can have everything in place for the Market to open next season.

RECEIVED

18 OCT 19 PM 2:52

OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Andrew Poyant
24 Stenton Ave. #302
Providence, RI 02906
1-857-417-6326

October 12, 2018

Frederick Vadnais, Jr., Chairman
Town of Rehoboth Board of Selectmen
148 Peck Street
Rehoboth, MA 02769

Dear Chairman Vadnais:

I am writing to you and the other members Board of Selectmen of the Town of Rehoboth. Please be advised that effective October 16, 2018, I resign my position as the Planner/Conservation Agent of the Town of Rehoboth.

I sincerely appreciate the opportunity I have had in serving the Town.

Sincerely,


Andrew Poyant