

Office of
SELECTMEN
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Rehoboth, MA 02769



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**BOARD OF SELECTMEN
MEETING OF THE BOARD OF SELECTMEN
MONDAY, JANUARY 9, 2023, 7:00 PM
MEETING MINUTES
FRANCIS HALL BUILDING, FRANCIS FARM
27 FRANCIS FARM ROAD**

Present: Selectman Frederick "Skip" Vadnais, Selectman Michael Deignan, Selectman George Solas, Selectman Leonard Mills Jr., Selectman Robert Johnson II and Town Administrator Deborah Arruda.

Absent: None.

Call to Order at 7:00 PM.: The Board and the public participated in the Pledge of Allegiance to the Flag.

1.0) Consent Agenda

Warrant for January 9, 2023: G. Solas- motion to approve the Warrant for the week of January 9, 2023: 23-28B Payroll \$119,721.75; 23-27A Withholdings \$33,865.16; 23-27 Warrant \$92,109.84; 23-27S Supp Warrant \$93.60. Second by R. Johnson. Vote 5-0.

Minutes: None.

Announcements:

The next BOS meeting will be held on **Tuesday, January 17, 2023, 7 PM** at Francis Farm in the Francis Hall Building.

Town Office Buildings will be closed on Monday, January 16th in observance of Martin Luther King, Jr.

Selectman Vadnais- explained the reasoning for the executive meeting on January 6th was due to cyber security.

Open Forum will be removed from agenda going forward; call BOS' Office to speak with staff and, depending on the issue, a specific BOS member will be assigned to review.

TOWN ADMINISTRATOR'S REPORT:

Mike Viveiros and I met with Mr. Panofsky and Linda Sherman about the additional cleaning of the COA due to the uptick of Covid and other Flu like illnesses. We also met with M&S Cleaning Services to put a plan together.

Welcome! Today, Lindsey Sylvia started in the Treasurer's/Collector's Dept.

NEW BUSINESS:

Action Item (2): Discussion RE: Police Department Additional Departmental Policies for Traffic Control Unit; Remote Restraint Device; Administration of Nasal Naloxone; Body Worn Cameras, with possible action

G. Solas- motion to approve the additional department's policies as submitted to the Board of Selectmen by Chief Trombetta. Second by Selectman M. Deignan. Vote 5-0.

Action Item (3): Vote to Approve and Sign the Underground Gas Storage Permit Renewal for Francis Farm and Waive the Renewal Fee of \$10

Yearly renewal provided by the Town Clerk's office.

G. Solas- motion to approve the underground gas storage permit renewal and to allow the chair to sign the Certification. And to waive payment of the \$10 fee for Town own property. Second by R. Johnson. Vote 5-0.

Action Item (5): Vote to Approve James Hopewell as a Volunteer for Meals on Wheels at the COA

G. Solas- motion to approve James Hopewell as a Meals on Wheels volunteer at the COA. Second by M. Deignan. Vote 5-0.

7:09 PM M. Deignan- motion to recess Board of Selectmen meeting until 7:15 PM for Pole Hearing. Second by R. Johnson. Vote 5-0.

7:15 PM Selectman Vadnais reconvened meeting for the Public Hearing. Per Selectman Deignan, no business was discussed during the recess.

Action Item (1): 7:15 PM Pole Hearing Notice-Salisbury Street

The BOS office received a petition from National Grid for a pole placement on Salisbury Street. A designer will be present from the Grid to answer any questions.

Present: Al Gavin from National Grid.

G. Solas- motion to open Public Hearing. Second by M. Deignan. **Roll call:** Michael Deignan, aye; Frederick Vadnais, aye; George Solas, aye; Lenny Mills, aye; Rob Johnson, aye. Vote 5-0.

Selectman Vadnais- asked if anyone present has any questions for National Grid, to please come up. No abutters were present.

M. Deignan- motion to close Public Hearing. **Roll call:** Michael Deignan, aye; Frederick Vadnais, aye; George Solas, aye; Lenny Mills, aye; Rob Johnson, aye. Vote 5-0.

M. Deignan- motion to approve Pole location that was submitted in the packet. Second by G. Solas. Vote 5-0.

7:18 PM M. Deignan- motion to enter into a recess until 7:30 PM for the next Public Hearing. Second by R. Johnson. Vote 5-0.

7:30 PM Selectman Vadnais reconvened Public Hearing meeting. No business was conducted during recess.

Action Item (4): 7:30 PM Continuation of a Class II Auto License Public Hearing for Barry Bixby Automotive, LLC

Present: Chief Trombetta, Attorney Mike Kennefick, Attorney Joe Carnevale, Counsel for Mr. Barry Bixby

This is a continuation of the Public Hearing that was held on 12/5/22 regarding a remand of the Class II License for Mr. Barry Bixby. Counsel was present with Mr. Bixby

M. Deignan- motion to Open the Continuance of the Public Hearing RE: a Class II Auto License for Barry Bixby Automotive, LLC d/b/a European Automobile. Second by G. Solas. **Roll call:** Michael Deignan, aye; Frederick Vadnais, aye; George Solas, aye; Lenny Mills, aye; Rob Johnson, aye Vote 5-0.

Atty Mike Kennefick, Counsel for the Town of Rehoboth, opened meeting and explained position and why in front of the Board. Courts asked for a remand – solely here to see if Mr. Barry Bixby is adequate to hold a Class II License.

Chief Trombetta and Mr. Oliveira also present because they were present at original Public Hearing.

Mr. Bixby did not speak much at the first hearing, so the BOS is asking to see if Mr. Bixby has any new information.

Attorney Carnevale spoke to the point that there's been only one complaint in 50 years of the business. The complaints were regarding: letterhead in question.
Bill of Sale question.

Selectman Deignan- asked if any new information is being presented today.

Attorney Carnevale- showing many letters from Chief Trombetta recommending Mr. Bixby as a recommendable person.
Subpoenaed financial record from Mr. Oliveira shows many transactions between Town of Rehoboth and Mr. Oliveira not previously disclosed.

Selectman M. Deignan read Mass. General Laws c.90 § 7N ¼ (1) with follow up questions for Mr. Bixby. Per Mr. Bixby, he does not have a MA dealer's license and is not selling cars from 74 Fall River Ave.

Selectman Deignan- Car Guru.com shows 18 cars sold from Rehoboth location and MA Law shows if a private citizen sells more than three vehicles a license is needed.
Mr. Bixby- cars are sold not for himself, selling for others.

Selectman Deignan to Atty Kennefick – is it true that Mr. Bixby is acting as an “agent”? Does Mr. Bixby receive funds from the sale of the vehicles? Is what's transpiring with Mr. Bixby not considered a dealership?

Per Atty Carnevale, Mr. Bixby is not a dealer and does not hold the titles to the vehicles being sold unless it's his own vehicle. Sometimes he does receive funds depending on the situation. Statue states "buying and selling" vehicles is not clear or does not state anything further without a court interpretation.

Selectman Solas read bio found online which mentions "inventory" from Mr. Bixby's online service. Per Atty Carnevale's, it's a bio showing that his client has been in the business for many years.

8:15 PM Selectman Mills- motion to close Public Hearing. Second by R. Johnson. **Roll call:** Skip Vadnais, nay; M. Deignan, nay; R. Johnson, nay; G. Solas, aye; L. Mills, aye. Vote 2-3.

M. Deignan- too premature to close hearing. Mr. Bixby wants to go to court and say that BOS did not cooperate. Not ready to close and wants to clarify the situation and does not want Mr. Carnevale to move forward to courts stating BOS did not cooperate.

Selectman Vadnais- heard the motion but not ready to close.

Per Atty Carnevale, here today as a request by the courts, but it is more a "Pony Show". It will end up in court, where he wants.

8:23 PM M. Deignan- motion to continue Public Hearing to February 6, 2023 to allow the Board's Counsel to research cases and MGL meaning for Class II License. Second by G. Solas.

Selectman Vadnais to Atty Kennefick, Town Counsel- does that give enough time?

Atty Kennefick asked Mr. Carnevale, Mr. Bixby's attorney, if it's doable.

Mr. Carnevale suggested to close the Public Hearing to have the Board of Selectmen deliberate.

M. Deignan- motion to move the Public Hearing continuance to February 13, 2023 at 7:30 PM. Second by G. Solas. **Roll call:** Michael Deignan, aye; Frederick Vadnais, aye; George Solas, aye; Lenny Mills, aye; Rob Johnson, aye Vote 5-0.

L. Mills addressed Mr. Carnevale and suggested that he come better prepared to represent his client.

OLD BUSINESS:

Announcements: None.

Selectmen's Reports:

Vadnais: None.

Deignan: None.

Solas: None.

Johnson: None.

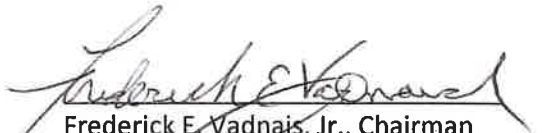
Mills: Not happy with what went on tonight and apologized to residents. I did not appreciate the tone and do not have an appetite for being disrespected.

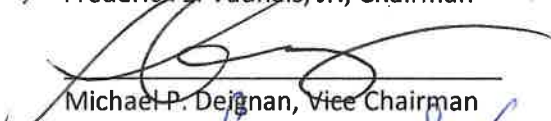
ADJOURNMENT:

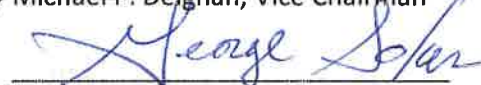
Selectman M. Deignan motion to adjourn the regular session at 8:35 PM. Second by Selectman G. Solas.
Vote 5-0.

Respectfully Submitted,

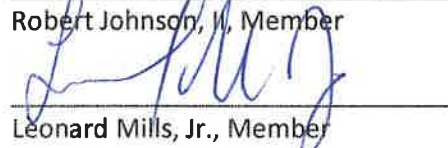

Odete Lacourse


Frederick E. Vadnais, Jr., Chairman


Michael P. Deignan, Vice Chairman


George M. Solas, Sr., Clerk


Robert Johnson, II, Member


Leonard Mills, Jr., Member

BOARD OF SELECTMEN

Approved: 2/6/2023