



Office of  
SELECTMEN  
148 Peck Street  
Rehoboth, MA 02769

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**BOARD OF SELECTMEN  
MEETING OF THE BOARD OF SELECTMEN  
MONDAY, MAY 3, 2021  
MEETING MINUTES  
SELECTMEN'S MEETING ROOM, TOWN HALL**

**Present:** Selectman Frederick "Skip" Vadnais, Selectman James Muri, Selectman Dave Perry, Selectman George Solas, Selectmen Michael Deignan and Interim Town Administrator Deborah Arruda

At 6:30 PM it was voted to enter into Executive Session pursuant to MGL CHAPTER 30A, §21 (4) To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.

**Call to Order at 7:12 p.m.:** The Board and the public participated in the Pledge of Allegiance to the Flag.

**1.0) Consent Agenda**

**Warrants for May 3, 2021:**

J. Muri motion to approve this week's Warrant: 21-44B Payroll \$105,350.88; 21-43A Withholdings \$38,814.59; 21-44 Warrant \$118,882.70; 21-44R Refund Warrant \$25,045.61; 21-44R1 Refund Warrant \$2,601.72. Second by M. Deignan. Vote 5-0.

**Minutes:** Executive Minutes: none  
Regular Minutes: none

**Announcements:**

The next Board of Selectmen's meeting will be held Monday, May 17<sup>th</sup>, 2021 at 7 PM at Town Hall.

The Board will have a Question & Answer session for the Articles on the Annual Town Meeting Warrant at 6:00PM. Residents can send in emails or call in that night. There will be an Executive session at 5:30PM.

COVID-19 vaccination appointments are available at Anawan Pharmacy. Sign up at [AnawanPharmacy.com](http://AnawanPharmacy.com)

Rehoboth Antiquarian Society scholarship applications due June 15<sup>th</sup> 2021.

**Town Administrator's Report:**

Town Meeting is being held Tuesday, May 11<sup>th</sup> at 7pm at the Ramada Inn on Rt 44 in Seekonk. Please remember to wear face coverings. Seats will be set up by using the proper social distancing protocol per the Seekonk Board of Health. All residents will be seated by greeters. We are trying to hold a safe and quick Town Meeting and appreciate everyone's help. Thank you.

We are still seeking candidates for the Forestry Dept-laborer Position. Please send in your application/resume to the Board of Selectmen's office.

Due to the continued pandemic restrictions, this year's Memorial Day Parade has been cancelled. For questions, please contact the Veteran's Agent.

## **NEW BUSINESS:**

### **Action Item #8: Review Warrant for ATM with Town Moderator and Town Clerk**

The Board reviewed the motions as well as changes/typos in the Warrant for the upcoming May 11, 2021 Town Meeting with the Moderator, Bill Cute and the Town Clerk, Laura Schwall.

**Documentation:** list of typos/changes

### **Action Item #7: Vote to Approve Proclamation for 52<sup>nd</sup> Annual Professional Municipal Clerks Week**

The International Institute of Municipal Clerks (IIMC), a professional, nonprofit association that promotes continuing education and certification of Municipal Clerks for the betterment of the Clerk's profession and the municipalities they serve, has designated May 2 through May 8, 2021 as Municipal Clerks Week.

The Board presented Rehoboth Town Clerk Laura Schwall with a proclamation in honor of Professional Municipal Clerk's Week.

### **Action Item #1: Rescind the Vote on Police Dept Decking/Vote New Contractor**

On January 4<sup>th</sup> 2021 the Board awarded the contract to a vendor that would be placing the decking at the Police Station. Due to some permitting issues, the contractor was unable to fulfill the work necessary. The Board has to rescind that vote tonight and then award the next bidder.

D. Perry motion to rescind the vote taken on 1/4/2021 awarding Lifeway Mobility the decking work at the Police Station. Second by J. Muri. Vote 5-0.

D. Perry motion to award Amramp the contract to begin work on the Police Station decking. (\$49,200 materials, \$4985 install) Second by M. Deignan. Vote 5-0.

### **Action Item #2: Vote to Accept MAHB Grant of \$6475**

A couple weeks ago the Health Department received a grant from the Massachusetts Association of Health Boards. We just received an additional grant from the same organization of \$6475. This is to help with:

- Surveillance and case identification
- Monitoring of traveler
- Data management
- Isolation and Quarantine
- Surge staffing
- Risk communications support/public messaging
- Public Health coordination with healthcare systems
- COVID-19 vaccination

All funds need to be expensed by 6/30/2021.

J. Muri motion to accept the MAHB grant of \$6475 for the Health Department and to allow the Chairman to sign the contract. Second by D. Perry. Vote 5-0.

## **Discussion:**

D. Perry asked if this money can be used in place of CARES funds.

### **Action Item #3: Vote to Accept Radio Grant for Police Department**

Chief Trombetta is asking for the Board's approval on the State Radio grant number-FY2021-017-61.

The grant is to help towards:

- 22 Portable replacements
- 17 Mobile replacements

This grant is for a maximum of \$92,411.47

J. Muri motion to accept the Radio Grant for the Police Department, not to exceed \$92,411.47. Second by D. Perry. Vote 5-0.

**Action Item #4: Vote to Sign Fire Fighters Safety Grant**

Earlier this month the Board voted to accept the Fire Fighter Safety Grant. Today Chief Barresi is asking for the Chairman's signature to be able to receive the funds.

J. Muri motion to allow the Chairman to sign the Fire Fighters Safety Grant and forward the paperwork to the granting authority. Second by M. Deignan. Vote 5-0.

**Action Item #5: Vote to Approve Reserve Fund Transfer-Highway Dept**

We have had multiple Reserve Fund Transfer requests for the snow removal for this year. This should be the last invoice for the season. Requesting to transfer \$3,337.50.

D. Perry motion to approve the Highway Reserve Fund Transfer of \$3337.50 to account number 014233-52930. Second by J. Muri. Vote 5-0.

**Action Item #6: Discussion Re: Stabilization Fund for Capital**

Mike Deignan discussed the article in question from the School Committee. M. Deignan asked to be recognized during the School Committee meeting and let them know that we had already finalized the ATM warrant and therefore it could not be added. During their meeting DRRSD Business Manager Paul Kitchen mentioned that Towns had to act within 45 days or it automatically passes. M. Deignan does not see that language anywhere. P. Kitchen redacted his comment. M. Deignan checked with Town Counsel to confirm. They could not. This article can be added to Fall Special Town Meeting. M. Deignan & G. Solas discussed stabilization. Additional issue – discussion of stabilization fund was not on agenda to be discussed, so vote is not legal. M. Deignan filed an Open Meeting Law complaint. M. Deignan read the form into the record. Report was emailed to Aaron Morse for review at next School Committee meeting on 5/4/21.

**Discussion:** The Board continued to discuss the school committee and their violation the Open Meeting Law. M. Deignan asked Interim Town Administrator to file the article for Special Town Meeting.

**Documentation:** Open Meeting Law Complaint Form - Dighton Rehoboth Regional School Committee

**Selectmen's Reports:**

**Deignan:** no report

**Solas:** Visited Bristol Aggie, very impressed by building and course offerings.

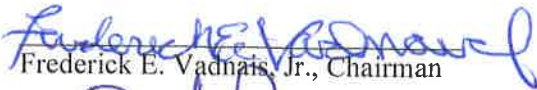
**Perry:** New Police Station almost complete, in about 2 weeks will be open.


**Muri:** Anawan Pharmacy has vaccines available, Tuesday, Wednesday, Thursday. Please get your shot.

**Vadnais:** Open lines for Town Meeting at 6pm

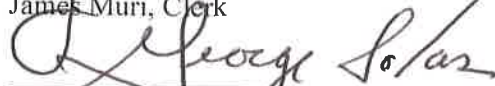
**ADJOURNMENT:** Selectmen D. Perry made a motion to adjourn the executive session at 8:27 PM. Second by J. Muri.

**Roll call vote.** Vadnais – aye, Muri – aye, Perry -aye, Solas – aye, Deignan – aye. (5-0)


  
Frederick E. Vadnais, Jr., Chairman

  
David A. Perry, Jr., Vice Chairman

  
James Muri, Clerk

  
George M. Solas, Sr., Member

  
Michael P. Deignan, Member

  
Respectfully Submitted,  
Cindy McDonough  
Assistant to the Town Administrator

Approved: 10/4/2021

**CONSENT AGENDA ARTICLES**  
**Required Vote After 4/30/2021 Meeting with Bill Cute, Mike Deignan,**  
**Laura Schwall & Deb Arruda and Approved by Jay Talerman – 4/30/2021**

**Omnibus Motion:** Be it moved to approve the Consent Agenda, as printed in the warrant.

**ARTICLE 1: BOND ANTICIPATION NOTE PAYMENT - MAJORITY VOTE**

MOTION (if held): Be it moved to approve Article 1 as printed in the warrant.

**ARTICLE 2: AUTHORIZATION TO PAY BILLS OF A PRIOR FISCAL YEAR – 4/5THS FOR ATM – If consent agenda passes UNANIMOUSLY, OK; however, as per Jay, “The inclusion of prior year bills converts the entire consent agenda into a 4/5ths required vote. Maybe try it and if it doesn’t pass unanimously, pull it out.”**

MOTION (if held): Be it moved to approve Article 2 as printed in the warrant.

**ARTICLE 3: SET SALARIES AND COMPENSATION OF ELECTED OFFICIALS - MAJORITY VOTE**

MOTION (if held): Be it moved to approve Article 3 as printed in the warrant.

**ARTICLE 4: COMMUNITY PRESERVATION BUDGET & APPROPRIATION OF MONIES FROM COMMUNITY PRESERVATION FUND ANNUAL REVENUES - MAJORITY VOTE**

MOTION (if held): be it moved to approve Article 4 as printed in the warrant.

**ARTICLE 5: AUTHORIZE REVOLVING ACCOUNTS EXPENDITURES - MAJORITY VOTE**

MOTION (if held): Be it moved to approve Article 5 as printed in the warrant.

**ARTICLE 6: BOARD OF HEALTH TRANSFER STATION OFFSET RECEIPTS - MAJORITY VOTE**

MOTION (if held): be it moved to approve Article 6 as printed in the warrant.

**ARTICLE 7: ACCEPTANCE OF REPORTS - MAJORITY VOTE**

MOTION (if held): Be it moved to approve Article 7 as printed in the warrant.

**ARTICLE 8: ANNUAL TOWN SURPLUS EQUIPMENT AUCTION AUTHORIZATION - MAJORITY VOTE**

MOTION (if held): be it moved to approve Article 8 as printed in the warrant.

## **NON-CONSENT AGENDA ARTICLES**

### **ARTICLE 9: PURCHASE OF FRANCIS FARM – 2/3rds-Majority – Purchase Land-Municipal Purposes**

MOTION: Be it moved to transfer the sum of \$2,400,000.00 from Receipts Reserved for Appropriation and the sum of \$400,000 from undesignated funds under the Town's Community Preservation Funds to purchase the property and for related costs, as described under the warrant and, further, to authorize the Board of Selectmen to enter into any agreements with respect to such purchase and, further, to authorize the Board of Selectmen to accept or convey any requisite open space or conservation restrictions as may be necessary with respect to the portion of the property being purchased with Community Preservation funds.

### **ARTICLE 10: ESTABLISHMENT OF A SENIOR CENTER STABILIZATION FUND – 2/3rds-Majority – Creation of Stabilization Account**

MOTION: Be it moved to establish a Senior Center Stabilization Fund as printed in the warrant and, further, to transfer, from the \_\_\_\_\_, a sum of \$\_\_\_\_\_ into such fund.

**NOTE: Article 10 will be tabled if Article 9 passes. If Article 9 fails, name of location and exact dollar amount to be provided by Town Accountant**

### **ARTICLE 11: PURCHASE OF LAND AND BUILDING AT 340 ANAWAN STREET – 2/3rds-Majority – Purchase Land – Municipal Purposes**

MOTION: Be it moved to authorize the purchase of the property at 340 Anawan Street as described in the warrant, and, to fund such purchase, to authorize the Town to borrow the sum of \$995,000, by entering into a financing agreement with the present owner of the Property, and, further to transfer from FY2021 General Government appropriations the sum of \$400,000 to fund the first year's payment under said financing arrangement, and, further, to authorize the Board of Selectmen to enter into any and all agreements to effectuate such purchase and financing arrangement.

### **ARTICLE 12: \$145,000 CPC FUNDS FOR PURCHASE OF A PARCEL OF LAND ON SPRAGUE ROAD – MAJORITY VOTE** (CPA Purchases are majority vote - assuming that is the sole source of funds)

MOTION: Be it moved that the Town appropriate the sum of \$145,000 from Open Space Reserves/Undesignated Fund Balance of the Community Preservation Act funds for the purpose of purchasing a property on Sprague Road, as printed in the warrant, and for other ancillary purposes thereto, and, further, to authorize the Board of Selectmen to purchase said property and convey or accept restrictions on the same

### **ARTICLE 13: \$20,000 CPC FUNDS FROM THE HISTORICAL PRESERVATION RESERVES FOR HORBINE SCHOOL - MAJORITY VOTE**

MOTION: Be it moved to appropriate up to \$20,000 from the Historic Preservation Reserves/Undesignated Fund Balance of the Community Preservation Act funds for maintenance and repairs at the Hornbine School

**ARTICLE 14: CPC FUNDS FOR PURCHASE OF A PARCEL OF LAND-GREAR FARM – MAJORITY VOTE**

MOTION: Be it moved to appropriate the sum of \$1,300,000 from existing and FY2022 Open Space/Undesignated funds of the Town's Community Preservation funds, for the purpose of purchasing, for conservation purposes, the Grear Farm property as described in the warrant, provided that such purchase shall be contingent on receipt of an appraisal of such property for at least \$1,300,000, and further to authorize the Board of Selectmen to both negotiate a purchase and sale agreement and convey any required conservation restrictions and, further, to authorize the Town to accept grants or gifts to support or offset such purchase.

**ARTICLE 15: FISCAL YEAR 2022 CONSOLIDATED TOWN AND REGIONAL SCHOOL BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE – ACCEPTANCE OF REPORT – MAJORITY VOTE**

MOTION: Be it moved that that the Town vote to receive the report from the Finance Committee, and to raise and appropriate from taxation the sum of \$31,964,884 and transfer, from free cash, the sum of \$624,286, to defray the expenses of the Town government, and pay the assessments of the Dighton/Rehoboth Regional School District, the Bristol-Plymouth Regional Technical High School and the Bristol County Agricultural School for fiscal year 2022.

**ARTICLE 16: DESE MANDATED INCREASE IN DIGHTON-REHOBOTH REGIONAL HIGH SCHOOL ASSESSMENT IN FY2020 – 2/3rds-Majority - Stabilization**

MOTION: be it moved that the Town transfer from stabilization the sum of \$287,251 to pay DESE mandated increases for Dighton-Rehoboth Regional School District's FY2020 budget.

**ARTICLE 17: FISCAL YEAR 2022 CAPITAL BUDGET – 2/3rds-Majority – Stabilization**

MOTION: Be it moved that the Town transfer, from Overlay Surplus, the sum of \$53,893.29, and from the Capital Stabilization Fund, the sum of \$86,106.71 to fund the purchase of the capital items as printed in the warrant

**ARTICLE 18: CREATION OF STABILIZATION FUND AND ACCEPTANCE OF G.L. c. 40, § 5B, para. 4 – DEDICATION OF CERTAIN RECEIPTS WITHOUT FURTHER APPROPRIATION – 2/3rds-Majority – Creation of Stabilization Account**

MOTION: Be it moved that the Town adopt a new Cannabis Stabilization Fund and that the Town accept the provisions of the fourth paragraph of G.L. c. 40, Section 5B, and pursuant thereto, to dedicate 100% of taxes and fees generated by marijuana establishments to such fund, all as described in the warrant.

**ARTICLE 19: SPECIAL LEGISLATION – TREASURER/COLLECTOR – MAJORITY VOTE**

MOTION: be it moved that the Town authorize the Board of Selectmen to petition the General Court to adopt the Special Act, as printed in the warrant, provided that the General Court may make clerical or editorial changes of form only to the bill, with the Town Administrator being authorized to approve any such amendments that shall be within the scope of the general public objectives of the Act.

**ARTICLE 20: TEMPORARY/PERMANENT CONSTRUCTION EASEMENTS REED STREET - BRIDGE AREA – 2/3rds-Majority – Land Easement**

MOTION: Be it moved that the Town authorize the Board of Selectmen to accept, purchase, or take, by eminent domain, the temporary and permanent easements associated with the Reed Street Bridge project, as printed in the warrant, and to fund the acquisition of such easements, to transfer the sum of \$25,000 from FY2021 General Government appropriations.

**ARTICLE 21: GENERAL BYLAWS AMENDMENT TO CHAPTER A – AUTHORIZED REVOLVING ACCOUNTS – MAJORITY VOTE – (ATM ONLY)**

MOTION: be it moved that the Town amend its general bylaws by approving a new revolving fund and expenditure limit therefor, all as printed in the warrant.





## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Michael Last Name: Deignan

Address: 148 Peck Street

City: Rehoboth State: MA Zip Code: 02769

Phone Number: +1 (774) 565-4477 Ext.

Email: mdeignan@rehobothma.gov

Organization or Media Affiliation (if any): Rehoboth Board of Selectmen

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

### Public Body that is the subject of this complaint:

☐ City/Town ☐ County ☒ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Dighton Rehoboth Regional School Committee

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: 04/27/2021

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

At the 4/27/21 meeting of the Dighton Rehoboth Regional School Committee (DRRSC), a vote was taken to forward a warrant article to the District's member towns seeking the creation of a stabilization account under M.G.L. c.71, s.16 G ½. The topic and action item voted on by the DRRSC were not on the published agenda in accordance with Open Meeting Law (OML). (See appx. time mark 3 hr 8 min into the meeting as recorded at <https://www.rehobothtv.org/ondemandPlayer?ShowID=3673> and the published agenda at [https://www.rehobothma.gov/sites/g/files/vyhlf4911/f/agendas/sc\\_agenda\\_04\\_27\\_2021\\_revised.pdf](https://www.rehobothma.gov/sites/g/files/vyhlf4911/f/agendas/sc_agenda_04_27_2021_revised.pdf))

Although OML states "a public body may consider a topic that was not listed in the meeting notice if it was not anticipated", this exemption does not apply. The topic of a stabilization account was brought up by members of the school administration to the school committee, and the school administration meets with the chairman of the school committee to create the agenda for the meeting prior to the meeting notice being publicly posted (see District Policy Manual, Page BEDB @ [https://www.drregional.org/UserFiles/Servers/Server\\_16563706/File/DRRSD%20POLICY%20MANUAL%20021919%20MGE.pdf](https://www.drregional.org/UserFiles/Servers/Server_16563706/File/DRRSD%20POLICY%20MANUAL%20021919%20MGE.pdf)). Given the administration aids in creating the meeting notice, and the administration brought up the idea of creating a stabilization account, the administration clearly had prior knowledge of their desire to have the school committee act on this matter, and the topic should have been present on the agenda and meeting notice.

Furthermore the emergency exemption likewise does not apply. Voting to forward the article to the member towns as Rehoboth was in the process of creating its warrant for its May 11th town meeting warrant does not constitute an emergency, as the members of the DRRSC were informed by Rehoboth Board of Selectmen member Michael P. Deignan during the discussion the Rehoboth warrant was already closed and had been sent earlier that day to the printing company for printing and mailing to residents. Thus even if the vote were taken as an 'emergency', there was no possibility of placing the article on the warrant, as the warrant had already effectively been finalized and printed. No exigent circumstances existed requiring the vote to be taken on 4/27, the topic, when brought up by the administration, could have been scheduled for the next regular school committee meeting to comply with OML posting requirements.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

a) rescind the vote regarding the stabilization fund warrant article taken on April 27th; b) re-post the warrant article discussion as an agenda item at their next meeting; c) require members of the DRRSD school committee to undergo remedial training in OML requirements; d) other sanctions deemed appropriate by the AGO, as a review of OML complaints against this public body will show a history of repeated violations, illustrating a pattern of callous disregard for the OML by this body.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 4/30/2021

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO: