



Office of
SELECTMEN
148 Peck Street
Rehoboth, MA 02769

Tel.: (508) 252-3758
Fax: (508) 252-5342

**BOARD OF SELECTMEN
MEETING MONDAY, JUNE 22, 2020
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER**

Present: Selectman Gerry Schwall, Selectman Jim Muri, Selectman Dave Perry, Selectman Mike Costello, Selectman Frederick "Skip" Vadnais and Deborah Arruda, Interim Town Administrator

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

Call to Order at 7:03 p.m.: The Board and the public participated in the Pledge of Allegiance to the Flag.

1.0) Consent Agenda

Warrants for June 22, 2020: D. Perry read the weekly Warrants; 20-52B Payroll, \$163,670.85; 20-51A Withholdings, \$40,467.70; 20-51 Warrant, \$126,624.27; 20-51R Refund Warrant, \$27,682.00; 20-51R1 Refund Warrant, \$4,752.56. D. Perry made a motion to approve the weekly Warrants as read. Second by J. Muri. Vote 5-0.

Minutes: Regular Minutes: 4/27/20 and 5/18/20
Executive Session Minutes: none

J. Muri motion to approve the Regular Meeting Minutes for the April 27th meeting. Second by D. Perry. Vote 5-0.

J. Muri motion to approve the Regular Meeting Minutes for the May 18th meeting. Second by D. Perry. Vote 5-0.

Open Forum – Announcements:

The next regular Board of Selectmen meeting is scheduled for 7 PM on Monday, June 29, 2020 at the Town Hall in the Selectmen's Meeting Room due to the Election set-up at the Senior Center. Members of the public may observe the Board's deliberations by watching live on Channel 9 or stream from RehobothTV.org.

G. Schwall asked that people send in their mail in ballots. He announced that 853 ballots have been requested to date. Please send in your ballots ASAP. This has been the largest return for an April Election without a debt exclusion or an override.

Town Administrator's Report

Last week the Board of Health Agent began delivering Outdoor Seating Applications to our local restaurants that hold a Common Vic and Liquor License with the town. For the establishments that are interested in having outdoor seating, this application process must be fulfilled. A review from the BOH and Building Inspector must take place, as well as a vote of approval from the Board of Selectmen. Once the approvals have been made a Temporary License will be sent out to the business which will allow for outdoor seating

until November 1st, 2020. Copies of the site plan along with the Temporary License will be provided to the ABCC as well. If there are any questions, please call the BOS office. And as of today, they can have indoor seating as well, with restrictions.

NEW BUSINESS:

Action Item #1: Appointments, as submitted

D. Perry motion to approve the following Election Day Workers with effective date of 6/22/20-10/31/20.

Name	Position	Effective dates
George Solas	Inspector, Republican, Precinct II	6/22/20-10/31/20
Rich Kenney	Libertarian, Precinct II	6/22/20-10/31/20
Constance Grab	Unenrolled, Precinct II	6/22/20-10/31/20
Meghan Hastings	Student Poll Worker**	6/22/20-10/31/20
Stacy Vilao	Emergency Back-Up*	6/22/20-10/31/20
Cindy McDonough	Emergency Back-Up*	6/22/20-10/31/20
Deborah Arruda	Emergency Back-Up*	6/22/20-10/31/20

Discussion:

M. Costello- Surprised and happy to see a student volunteered. Might be good to get students, as their community service requirement.

G. Schwall: Only allowed (2) 16-17-year old to help. 18 and over, registered voters okay.

** We received a note from her mother allowing her to volunteer.

*being appointed as back up in case any other Election Workers have to call out sick.

Action Item #2: Request for Reserve Fund Transfer, as submitted

1- GASB 74/75

The Treasurer is requesting a transfer from the Reserve Fund of \$5,850.00 to cover a payment to the USI Consulting Group. This group performs full valuation of post retirement welfare benefits that need to meet requirements of GASB #74 and 75. The group changed their billing to every 2 years and this was not included in the FY20 budget.

D. Perry motion to approve Reserve Fund Transfer of \$5,850 to line 011453-53075-GASB 75. Second by M. Costello. Vote 5-0.

Discussion:

J. Muri asked what GASB stands for.

G. Schwall later clarified that it stands for Governmental Accounting Standards Board and it's for accounting and reporting of post employee benefits.

2- Wastewater System Repairs at Beckwith & Palmer River Schools

Per the request of the Financial Committee and Paul Kitchen-Business Administrator at DRRSD 3 bids have been received for emergency repairs on the wastewater system for the schools. This work has to be performed as soon as possible in order for the schools to be able to open in September.

The bids were as follows:

Pride Environmental & Construction- project cost \$17,534 plus 20% contingency

Teknikor- project cost \$19,927 plus 20% contingency

Bennett Environmental- project cost \$25,832 plus 20% contingency

Based on the lowest bid, the recommendation is for Pride Environmental.

D. Perry motion to approve Reserve Fund Transfer of \$21,041 (\$17,534 plus Contingency cost) to line #013913-58400 for bid approval for Pride Environmental & Const. for emergency repair work at Beckwith and Palmer River schools. Second by M. Costello. Vote 5-0.

Discussion:

J. Muri – asked for Mike to shed light on this

M. Costello – These are repairs to septic system. There's a pump station and a monitoring system are in need of repair.

Action Item #3: Request for Special Budget Amendments, as submitted

Rob Johnson, Forestry Department is requesting a Special Budget Amendment of \$6700 to cover costs of equipment purchased.

D. Perry motion to approve Special Budget Amendment for the Forestry Department. Second by M. Costello. Vote 5-0

Account number	Department	Account Name	Increase line	Decrease line
012942-51120	Forestry	Wages FT		\$6700
012943-55800	Forestry	Supplies-Equipment- (for mower head)	\$4200	
012943-53850	Forestry	Purchase Services- (for bucket truck)	\$2500	

Collective Bargaining Agreements with Highway and Clerical Union were approved after the FY20 budget and established. These figures represent the difference in the budgeted amount and the amount actually due to employees, total amount of \$41,312.09.

D. Perry motion to approve Special Budget Amendment to cover wages through the Collective Bargaining Agreement for the Highway and Clerical Unions. Second by M. Costello. Vote 5-0.

Account Number	Dept.	Account Name	Increase	Decrease
014212/51120	HIGHWAY	WAGES F/T	18803.45	
014212/51310	HIGHWAY	WAGES - OVERTIME	2000.00	
012412/51120	BUILDING	WAGES F/T	1519.80	
011352/51140	ACCOUNTING	WAGES - P/T	775.05	
015112/51140	BOARD OF HEALTH	WAGES - P/T	662.14	
011462/51120	COLLECTOR	WAGES - F/T	1618.13	
011452/51120	TREASURER	WAGES - F/T	2211.80	
011411/51110	ASSESSORS	SALARY - F/T	2858.40	
011412/51120	ASSESSORS	WAGES - F/T	4775.76	
011753/51140	PLANNING	WAGES - P/T	662.76	
014212/51140	HIGHWAY	WAGES - P/T	827.37	
011612/51120	TOWN CLERK	WAGES - F/T	1470.08	
012202/51120	FIRE DEPT	WAGES - F/T	3127.35	
014233/52930	HIGHWAY	SNOW REMOVEL		41312.09

Deputy Police Chief is retiring effective June 30, 2020 and per his contract is entitled to a buyout of his accumulated and unused sick time to a maximum of 100 days.

D. Perry motion to Approve the following Special Budget Amendment for Police Department. Second by M. Costello. Vote 5-0

Account Number			Increase	Decrease
011105-51150	Accumulated Comp Time	Deputy Chief Retirement Pay	\$54,130.00	
012052-51510	Police	Vacation Replacement		\$10,000
012052-51540	Police	Sick Replacement		\$10,000
012052-51920	Police	Training OT		\$12,000
012052-51910	Police	Uniform Allowance		\$4500
012052-51930	Police	Incentive		\$7630
012052-51990	Police	HDO Replacement		\$10,000

Action Item 4: Approval of MEMA Grant Extension Dates, as submitted

Bill Maiorano is requesting the Board's approval to extend two Grants from June 30, 2020 to December 31, 2020. D. Perry motion to approve MEMA Hazard Material Emergency Preparation Grant and Emergency Management Performance Grant from June 30, 2020 to December 31, 2020. Second by J. Muri. Vote 5-0.

Discussion:

G. Schwall – Explained that if Bill had not taken action, we would have lost the grant. So, thank you to Bill for taking the time to do it.

Action Item 5: 7:30 PM Public Hearing Quality Auto Sales of Rehoboth, LLC dba Auto Sales of Rehoboth at 242 Anawan Street via Zoom

M. Costello motion to reconvene Public Hearing for Class II license from 6/15/2020. Second by J. Muri.

Roll call vote: Perry – aye; Vadnais – aye, Muri, aye; Costello, aye. Vote 4-0.

G. Schwall recused himself and left the meeting.

Document: J. Muri read into record B. McDonough, Building Commissioner/Zoning Enforcement Officer's letter to his liaison Selectmen Perry regarding 242 Anawan Street Class II/site plan review requirements:

J. Muri, Per Building Commissioner, there is no need for site plan approval. Has forwarded to the Planning Board to review and take action as they see fit.

Caller #1 Ed Bertozzi

At our Planning Board meeting I spoke with Town Counsel, he has yet to get back to me.

Comments on Mr. McDonough's letter, adding items for the Boards consideration to decide on restrictions in regards to this license:

- Lighting and shielding, don't want lights in drivers' eyes or neighbors.
- Signage
- Fencing
- Paving
- Location of entry /exit of cars from site.
- Scale Plan

Mr. McDonough says the Board can do this and I agree. Mentioned that the Board of Selectmen has two past Planning Board Chairmen that have negotiated these types of items many times before and can use their expertise to help set these restrictions. They can write it up as conditions on the license. I think any one in town who lives on one of these busy streets would be appreciative of this board if you took the time to do that.

Caller #2 Mr. & Mrs. Bouchard of Fairview Avenue

Asked about restrictions to be placed

S. Vadnais explained that those will come out of our deliberations, once we close the Public Hearing

M. Costello motion to close the public hearing for the Class II License. Second by D. Perry.

Roll call vote: S. Vadnais, aye; M. Costello, aye, J. Muri, aye, D. Perry, aye. Vote 4-0.

Discussion:

The Board discussed the following restrictions:

- enter/exit from Fairview Ave. only, customers
- hours of operation: 7:00 AM -8:00 PM Monday-Saturday, Sunday noon till 4:00 PM
- loading/unloading off street, only, Anawan Street (9:00 AM – 5:00 PM Monday -Saturday, no Sunday deliveries)
- no repairs/servicing allowed on site
- Max vehicles 14- incorporate plan provided, no vehicles at corner of Fairview/ Anawan St., away from retention pond of 35'away, forward from concrete to Anawan St.
- signage – building permit/by-laws -followed
- no changes to outdoor lighting – require amendments to license with PH
- no change from current existing site plan approval, as approved by Planning Board on 2006 unless the applicant comes before us for a change.
- no additional paving of lot without Town approval. Grading and maintenance of existing is allowed.
- 15 foot set back from Route 118 road edge “not to encroach on Town Property”

M. Costello motion to approve Class II License for Quality Auto Sales of Rehoboth, LLC dba Auto Sales of Rehoboth with the restrictions as mentioned. Second by J. Muri. Vote 4-0

Action Item 6: Approval of Utility Installation License

Columbia Gas will be doing work on Reynolds Ave/Peck Street and the Selectmen's office received an Installer's License from Joseph Botti Co, Inc. 7 Turnpike Street, South Easton, MA. All required information has been received with the application. The Town has received the Trench and Street Opening permits as well. All fees have been paid.

D. Perry motion to approve Utility Installation License for Joseph Botti Co., Inc. effective 6/22/2020-6/22/2021. Second by J. Muri. Vote 4-0.

Discussion:

D. Perry - Try to keep dates uniform?

M. Costello- No, this is different, not a renewal each year.

J. Muri inquired about a mechanism for tracking these licenses.

OLD BUSINESS:

Action Item 1: Annex Building Siding Bid Approval

M. Costello motion to award B & R Fournier the bid for the siding on the Annex Building for \$18,445.00. Second by D. Perry. Vote 4-0. G. Schwall was not present.

Discussion:

M. Costello stated that after speaking with D. Rousseau and D. Arruda, Fournier made a mistake and amount did include both labor and materials. D. Rousseau and D. Arruda will work on contract.

OTHER BUSINESS:

None

OPEN FORUM-PUBLIC:

None

DEPARTMENT HEAD REPORTS

Selectmen's Reports:

Costello:

- Continued paving on Homestead, then Peck, then Spring. May start paving on Route 44 by week's end.
- Thank you to workers on Rt 44 for supplying us with materials for PSB to bring it up to grade.
- Bids for trailer removal, Deb and I worked on bid and are working with Town Counsel. Ad went into paper 6/22, bid opening July 6, outlined timetable for work.
- Route 6 and Barney Ave intersection very dangerous, because of alignment, on an angle, you have to pull far out to get a line of sight. 5 years ago, the State did a study and came back that a full light system was not feasible. Two years ago, I approached the DOT again to try to get them to do something with that intersection, they did some engineering to realign the intersection, but they didn't have the funds to do it, but gave me the plans. People in that area have approached Senator Feeney & Representative Howitt. We have a site review with them and State Employees, M. Costello and any other selectmen that would like to attend. Site review in a couple weeks. We have a few jobs going in town, may not have money for this project but will keep on them.

Muri:

-Attended Ray McKearney memorial on Sunday, Police Dept did a great job at the ceremony.

Perry:

-Reserve Fund Transfer with Building Department, spoke to Building Dept, they come up with forecast for expenses/wages, we had more inspections than forecasted. The fees were collected but they go to the Reserve Fund, so they need to be transfer back to pay the inspectors.

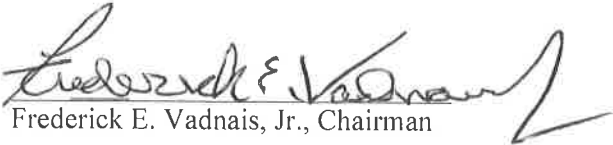
Schwall: absent, no report

Vadnais:

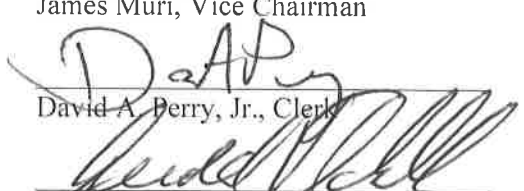
- Chapter 61 conversion discussion last week, gave you chapter from MGL asking Board to review this and other back-up. Also engaged owner of property in discussion on purchase price.
- Atty Brainsky - full and fair market value- ball park figure would be \$1.3 m to 1.5m.
- Next week Board agrees to making agenda 6/29.
- Planning Board/Conservation Commission and Agricultural Commission have passed on right of first refusal.

-Have not heard back from Carol Williams and Community Preservation Committee on whether they would like to proceed and get an appraisal.

ADJOURNMENT: Selectmen M. Costello made a motion to adjourn the Regular Session Meeting at 8:32 PM. Second by Selectmen J. Muri. Vote 4-0.

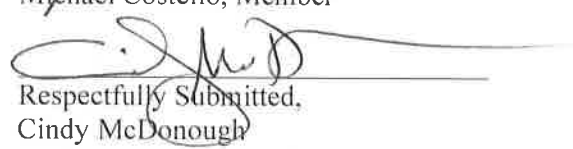

Frederick E. Vadnais, Jr., Chairman

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

Approved 8/10/2020



Town of Rehoboth, MA.

Building Department

148 Peck Street

Rehoboth, MA. 02769

Phone # 508 252-3335 Fax # 508 252-6159

Dave Perry
Liaison to the Zoning Enforcement officer
Rehoboth Board of Selectmen
148 Peck Street
Rehoboth, Ma 02769

Re: 242 Anawan Street Class II license/site plan review requirements

Dear Mr Perry:

This letter is to offer my opinion on the question regarding the need for a site plan review for a 14-car used car sales lot to be located at 242 Anawan Street. Currently there is a commercial building used as an office. This building has been there for many, many years and to my knowledge always has been a commercial use building. I've known it as a liquor store/convenience store, a nursery(plants), pottery store, and Christmas tree sales to name a few.

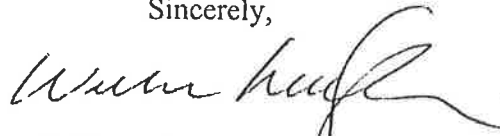
In 2006 a site plan review was applied for and granted for an expansion of the commercial building and adding more business spaces. The site plan was recorded and a building permit obtained for the work. The foundations were installed and backfilled but that is where the project halted. The building permits have been expired for a number of years, however the site plan (which does not have a sunset clause) still would be in effect. The site plan from 2006 is for the development of the site for the expansion of buildings and parking areas, none of which are being done at this time. The owner of the property is simply grading his property to diminish flooding issues he has had over the past many years due to the contours of the site and the location of the existing commercial structure. As long as the owner is not in violation of the existing site plan review, or any other town departments, he can continue the work. The existing site plan has nothing to do with the use of the commercial site as a used car lot unless there were to be additional expansion or external alterations done to the exterior of the commercial building. If this were to be the case, then each time a separate business went into that office space (since 2006) a site plan review would have been required, even with no external alterations.

A used car dealership is a by right use permitted in the business district. There is no "change of use" to the commercial use that is existing. A public hearing is needed for the issuance of a class II license by the Board of Selectmen that put restrictions on hours of operations, delivery times, number of vehicles, and so forth, as well as giving the public a chance to voice their concerns at the hearing so the Board can add anything else they deem necessary. There is no

physical change in/on the commercial site that would also trigger a site plan review by the planning board. If this were a residential use property, or if the use was a change in use from a business use group to another use group then yes, a site plan review would be required. But if this would require a site plan review by the planning board then every time there is a change of occupancy or any work at all requiring a building permit on any commercial property, a site plan review by the planning board would be required. That is not what the by law is intended to do.

Looking at the plan that was attached to the Class II application, it would be my determination that a site plan review by the planning board would not be required due to the reasons stated above. Once a permit is applied for and granted for a change of occupancy, any aggrieved party can appeal the issuance of that permit with the Rehoboth Zoning Board of Appeals within 30 days in accordance with MGL 40A section 15. But at this point, nothing official has been submitted to my department as an application for a change of occupancy, so this determination is based on my opinion of the situation as I see it prior to an application being filed with my office.

Sincerely,

A handwritten signature in dark ink, appearing to read "William McDonough", with a stylized flourish at the end.

William McDonough, CBO
Building Commissioner/Zoning Enforcement Officer

Cc: Laura Schwall- Town Clerk
Rehoboth Board of Selectmen

add to record

Leonard Mills, Jr.
26 Blanding Road
Rehoboth, MA 02769 USA
lenjr@americanform.com
508.326.5663

Rehoboth Board of Selectmen
Chairman Mr. Skip Vadnais
Rehoboth Town Hall
148 Peck Street
Rehoboth, MA 02769 USA

June 20, 2020

Re: 242 Anawan Street Rehoboth MA

Dear Chairman Vadnais,


The asphalt millings at this location are being stored for another project not yet ready.

Absolutely none of this material is slated for parking on this site.

Please retain this letter for your records.

If you have any questions please feel free to contact me.

With warm regards,



Leonard Mills, Jr.
Owner of record at 242 Anawan Street Rehoboth, MA 02769 USA