



Office of  
SELECTMEN  
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**BOARD OF SELECTMEN  
MEETING MONDAY JANUARY 7, 2019  
MEETING MINUTES  
GLADYS L. HURRELL REHOBOTH SENIOR CENTER**

**Present:** Frederick "Skip Vadnais, Chairman; Gerry Schwall, Vice Chairman, Dave Perry, Clerk; James Muri, Member; Michael Costello, Member, and Helen Dennen, Town Administrator.

At 6:00 PM it was voted to enter into Executive Session pursuant to MGL CHAPTER 30A, §21 (1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights: i. to be present at such executive session during deliberations which involve that individual; ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session; iii. to speak on his own behalf; and iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

**Topics of Discussion:** Licensing Issue

On a motion made by Selectman Perry, seconded by Selectman Costello the Board voted to enter into Executive Session.

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

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

**1.0) Consent Agenda**

**Warrants for January 3, 2019:** S. Vadnais read the weekly Warrants; 19-26A Withholdings, \$129,094.47, 19-27B Payroll, \$97,237.52; 19-32 Warrant, \$852,064.12. G. Schwall motioned to approve the weekly Warrants as read. Second by D. Perry.  
Vote 5-0

**Warrants for January 10, 2019:** S. Vadnais read the weekly Warrants; 19-27A Withholdings, \$29,319.58, 19-28B Payroll, \$91,311.25; 19-27 Warrant, \$9,334.02. G. Schwall motioned to approve the weekly Warrants as read. Second by D. Perry.  
Vote 5-0

**Minutes:** Regular Session: 12/10/2018- J. Muri motion to approve meeting minutes, second by M. Costello. Vote 4-0, G. Schwall abstained-not in attendance at meeting.

Regular Session: 12/27/18-G. Schwall motion to approve meeting minutes, second by J. Muri.  
Vote 5-0

**Discussion:** Thank you to the RBA for donation. Correction's made to the microphone & stand cost on minutes.

G. Schwall motion to approve amendments to Regular Session Minutes of 12/27/18, second by M. Costello. Vote 5-0

Executive Session: 12/17/18 On a motion made by Selectman Schwall, seconded by Selectman Muri it was voted to approve and hold the minutes for 12/17/18.

**Roll Call Vote:** Roll call vote: Perry aye; Costello aye; Vadnais aye; Muri aye; Schwall aye  
Vote 5-0

### **Open Forum – Announcements:**

**Town Administrator's Report:** Personnel Board will hold a public hearing on changes and additions to our Personnel Policies. Hearing will be on 1/23/19 at the Senior Center. Notices have been hand delivered by Constable to all union presidents including both AFSCME and Police. Notice is on website as well. Anyone having questions may attend; there were questions raised on the new Dress Code Policy.

Rehoboth Green Energy Committee will be hosting a presentation by Seth Pickering, Regional Coordinator for Green Communities at DOER on "Green Communities and the Stretch Code" at the January 28<sup>th</sup> Selectmen's meeting.

The criteria for becoming a Green Energy Community is the municipalities minimize the life cycle cost of all newly constructed homes and buildings. DOER recommends this be done by adopting Massachusetts' Board of Building Regulations and Standards (BBRS) Stretch Code (780 CMR 115.AA).

Facilities Maintenance Manager- To date we have received two applications; position is open until 1/18/19 or whenever position is filled.

### **Announcements:**

Next Selectmen's meeting will be held on Monday, January 14<sup>th</sup> at 7:00 PM at 55 Bay State Road, Senior Center.

G. Schwall announced the new ladder truck outside of COA and invited people to take a look at it. The purchase was approved a year ago and it took a year to build the truck to our specs. Total cost was \$820K, great investment and thank you to the Chief and voters.

D. Perry motion to move Public Forum to the begin of the meeting, after the public hearing. Subject at hand may need Town Counsel's advice and Board does not want to hold him up until the end of the meeting. Second by G. Schwall. Vote 5-0

### **NEW BUSINESS:**

#### **Action Item #1 Public Hearing Continued from 12/17/18-Application for Transfer of Class II Auto License from Borges Auto to 257 Anawan, LLC dba Anawan Auto**

G. Schwall motion to reconvene Public Hearing from 12/17/18, second by D. Perry.

**Roll Call:** J.Muri, aye; G. Schwall, aye; D. Perry, aye; S. Vadnais, aye; M. Costello, aye. Vote 5-0

Selectman Vadnais made Mr. Almeida aware that the Board had reviewed the transfer of license and they see the application being problematic and suggest the applicant amend the application. Selectmen Muri agreed.

Board agrees the application should be in the name of Mr. Mark Almeida since he is the owner of the home and business. The particular zoning regulations in that area specifies the owner has to reside in the home in order to run the car dealership; as it was with Mr. Borges. Board recognizes Ms. Santos will be managing the business as well, but application can not be in her name.

Mr Frank Corso attorney for Mr. Almeida approached the Board and specified the recent application at hand was at the direction of someone else and not his office. Mr. Corso gave some background information on Mr. Almeida and the situation at hand. He states that Mr. Almeida would like to run a respectful business at 257 Anawan St with the approval from the Board. He is willing to do what it takes to complete the application process to get the business up and running.

Town Counsel made it clear that Mr. Almeida has to be 100% the owner of the business. Issue at hand is zoning and accountability of the license. The current application needs to be amended:

- changing manager of business from Ms. Janice Santos to Mr. Mark Almeida
- List of duties of both parties has to be in writing and clearly stated
- Board will review/discuss application again and make a clear judgement
- Additional Public Hearing is not necessary, just continue this hearing

J. Muri motion to continue Public Hearing to January 14, 2019, next Board of Selectmen's Meeting. Second by M. Costello. Vote 5-0

#### **OPEN FORUM-PUBLIC:**

Selectman Perry announced to the Board that Mr. Johnson from 103 Chestnut Street would like to discuss a Highway and Flood Control (Stormwater) concern.

Mr. Johnson approached the Board and one of his concerns was that Mr. Costello from the Highway Department would not speak to him on his concerns with the flooding of his yard. Mr. Johnson feels that he is not getting the help and attention that he deserves from the town. This situation has been going on since the building of his neighbor's home, which he feels changed the grade level. He is frustrated with the entire situation and wants answers. He claims that Mr. Costello has been on his property and put up a dam, he claims the neighbor has done things in his yard that has caused some of the flooding issues. He also feels that the construction of Williamsburg Street has caused some of these issues.

Both Mr. Perry, as Stormwater Agent and Mr. Costello, as the Superintendent to the Highway Department have spent numerous days and hours trying to find the underlying cause of the alleged flooding to the Johnson's yard. Highway Department has put in a berm to redirect the water flow from the neighbor's yard away from the Johnson's yard. The Conservation Commission was also alerted to a situation that the neighbor had a pipe directing water into a retention pond and blocks were also in the forebay; a violation was filed on the neighbor and within 24 hours everything was removed. Mr. Costello also checked the catch basins on the street to make sure they were functioning well. Mr. Costello concluded also that there were no leashing galley's on Williamsburg. Both Mr. Costello and Mr. Perry have visited 103 Chestnut St on different occasions while it has been raining to see if they see anything happening; they have not. Mr. Perry does state that November was one of the wettest Novembers on record and that perhaps has something to do with the situation at hand. The Conservation Commission along with Mr. Perry and Mr. Costello feel that they have exhausted all options to try and rectify this situation.

Mr. Johnson has demanded that Mr. Costello walk his property on several occasions and he has complied, but still the results are the same, can't find the problem. The reason why Mr. Costello recently stopped communications with the Johnsons was because they have turned to their lawyer for advice.

The town's counsel advised the Board that the Open Forum is meant for announcements, bake sales, town success, etc. and not for confrontational disputes. Those should be placed on an agenda and dealt with in that manor. However, based on the situation at hand, he does not see how the Board of Selectmen can be of any help. This situation should be direct to Conservation and placed on their agenda for discussion. The Board of Selectmen have no jurisdiction on this matter.

Chairman Vadnais had to declare "out of order" and declares the situation may be placed on the next Board of Selectmen's meeting. This will give the Board time to review the facts and documents that have become available. Selectman Vadnais made it clear that they have no jurisdiction on the other commissions.

The Johnson's continued to speak to Selectman Costello; Selectman Vadnais ruled "out of order" and asked the Johnsons to leave the assembly.

### **Action Item #3: Update by Municipal Building Committee & CGA Reps**

James Medeiros along with the Building Committee discussed with the Board the initial budget plan that the town needs to meet in order to keep the project moving forward. The CGA reps reviewed 3 options with the Board and feel the best course of action would be Option 3, Bring documents to bid status. The cost would be \$1.1M and that will get actual bids in hand for voters' approval of the complete project at town meeting. The current conditions of the town buildings do not pass state codes which will lead into fines.

Craig Chapman-Homestead Ave- What is the shelf life of the current Police and Fire buildings?

Building Committee-Currently 70-75 years is approximately the shelf life for any building. Whether you renovate or build new. Also, if you renovate, the town will still have the same steps to go through, septic, architect, plumbing, electrical, etc. to bring everything to code.

J. Muri motion to produce a warrant article for upcoming Town Meeting for consideration for the Building Committee of \$1.1M to move forward to bid process. Second by G. Schwall. Vote 5-0

### **Action Item #2: Interview of Candidate for Town Planner/Conservation Agent**

The Board interview Daniel Roach for the position of Town Planner/Conservation Agent. Daniel was one of the top candidates for the position out of the 12 applicants that were interview in the second round. Between Daniel's education and his communication skills he will be a great fit for the team.

D. Perry motion to hire Daniel Roach as the Town Planner and Conservation Agent, contingent upon a successful Pre-Employment/Drug Screening and negotiation of a contract. Daniel will be on a one-year probational period. Second by J. Muri. 5-0

S. Vadnais assigned Selectman Schwall to negotiate the contract with Daniel.

### **Action Item #4: Discussion-Notice from DCR & Order to Prepare Emergency Action Plan for Perryville Pond Dam**

Perryville Dam is classified as a High Hazard Potential and Significant Hazard Potential. New requirements ask that we submit EAP to the DCR and MEMA by 12/31/19.

Selectmen Perry and Costello both agree that we should use the same gentleman that we used previously because he has a lot of town knowledge. Selectman Muri suggests that the professional we use understand the risks involved and works with town officials. Bill Maiorano will have to be included.

D. Perry motion to allow Helen Dennen to contact David Lenart for an estimate. Second by M. Costello. Vote 5-0

**Action Item #5: Formal Vote to Accept Gift of Land from Everett Gonsalves & John Gonsalves to be Under Jurisdiction of Conservation Commission**

M. Costello motion to accept donated parcel of land, Assessors Map 23, Lot M03, held by Town of Rehoboth, jurisdiction of Conservation Commission. Second by G. Schwall. Vote 5-0

**Discussion:** Selectmen Perry made it clear that the land is being donated to the Conservation Commission, that does not mean it is Conservation land.

**Action Item #6: Vote to Approve Common Vic & 7-Day Entertainment License for LMYZ Catering, LLC for 3 Park Street**

Selectman Vadnais discussed with the Board if they feel a Public Hearing should be scheduled for the 7 Day Entertainment License. Due in part to the past businesses and the noise level for the surrounding neighbors. Many complaints in the past due to very loud music, disturbances of the peace, etc.

G. Schwall motion Town Administrator to schedule a Public Hearing for the 7 Day Entertainment License. Include abutters from the Attleboro area. Second by M. Costello. Vote 5-0

D. Perry motion to approve Common Vic License for LMYZ Catering, LLC. Second by M. Costello. Vote 5-0

**Action Item #7 Vote to Release or Exercise Rights on Chapter 61A Parcels at 242 Perryville Road, Known as Map 57, Lot 77 (Lots 1, 2, & 3)**

J. Muri motion to NOT exercise right of refusal for 242 Perryville Road, Map 57, Lot 77; town will not purchase the land. Second by D. Perry. Vote 3-0 (S. Vadnais & M. Costello abstain)

**Action Item #8 Vote to Accept Application for Volunteer at COA**

M. Costello motion to approve Donna Howard as a volunteer to the Senior Center, second by J. Muri. Vote 5-0

**Action Item #9 Vote to Accept Resignation of Michael Deignan as a Member of Finance Advisory Committee (for the School Committee)**

G. Schwall motion to accept the resignation of Michael Deignan from the Finance Advisory Committee due to scheduling issues. Second by J. Muri. Vote 5-0

**OLD BUSINESS:**

None

**DEPARTMENT HEAD REPORTS**

**Selectmen's Reports:**

**Vadnais:** No Report

**Schwall:** First, last week I received a new and revised language of the regional agreement with the school. I have not had an opportunity to review the document, but would like to make it an agenda item. Once we review it, I feel we should place it on our website, it is a public document.

S. Vadnais-this is in response from the meeting with DRRHS, they took our suggestions from the meeting and put it together along with their input. It may be put on the Annual Town Meeting Warrant.

Once posted on the website we ask that the residents review the document to understand what it is saying. You need to understand what you will be voting on and not rely on a 3<sup>rd</sup> party telling you.

S. Vadnais-If you have any questions please direct them to the Regional Amendment Committee. The Finance Committee invites everyone to come and participate at the meeting on the 14<sup>th</sup>.

Secondly, it was brought to my attention a certified letter was sent to us and the ZBA and that no one ever responded to it. I could not find anything in correspondences. When something of this nature comes into the office, we need to call the liaison to that committee or speak to the Chairman of the Board of Selectmen to get direction.

H. Dennen- document was in correspondences a while back but at first, I could not find it. I eventually did and have it to discuss with the Board.

We need to contact Steve Dorrance to get the property winterized and have the utilities shut off.


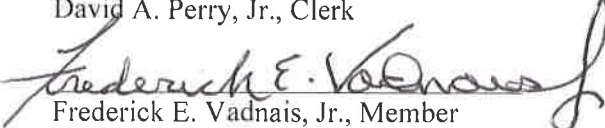
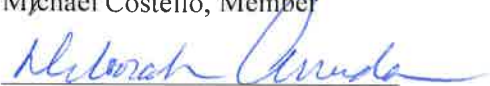
G. Schwall motion to give permission to Town Administrator to contact Mr. Steve Dorrance and make arrangements to winterize the building and then have utilities shut off. Second by D. Perry. Vote 5-0

**Perry:** No Report

**Muri:** No Report

**Costello:** No Report

**ADJOURNMENT:** Selectmen J. Muri made a motion to adjourn the Regular Session Meeting at 9:20 PM., Second by Selectmen D. Perry. Vadnais – aye; Perry – aye; Costello – aye; Muri – aye, and Schwall - aye

  
Gerald V. Schwall, Chairman  
James Muri, Vice Chairman  
David A. Perry, Jr., Clerk  
Frederick E. Vadnais, Jr., Member  
Michael Costello, Member  
Respectfully Submitted,  
Deborah Arruda  
Assistant to the Town Administrator

**Approved: 6/10/19**