



Office of
SELECTMEN
148 Peck Street
Rehoboth, MA 02769

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

BOARD OF SELECTMEN
MEETING MONDAY, JANUARY 6, 2020
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER

Present: Selectman Frederick "Skip" Vadnais; Selectman Gerry Schwall, Selectman Dave Perry, Selectman James Muri, Selectman Michael Costello, and Deborah Arruda, Assistant to the Town Administrator.

At **6:03 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 litigating position of the public body and the chair so declares;*

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

Roll Call Vote: Perry, aye; Vadnais, aye; Costello, aye; Schwall, aye, Vote 4-0
Selectman Muri Arrived at 6:10 PM.

Call to Order at 7:11 p.m.: The Board and the public participated in the Pledge of Allegiance to the Flag.

1.0) Consent Agenda

Warrants for December 26th 2019: G. Schwall read the weekly Warrants; 20-25A Withholdings, \$129,504.52, 20-26B Payroll, \$112,481.06; 20-25 Warrant, \$180,766.48, 20-25R Refund Warrant \$2,229.36, 20-25R1 Refund warrant \$837.17, 20-25R2 Refund Warrant \$223.43, 20-25V Veterans Warrant \$9,607.93. J. Muri motioned to ratify the weekly Warrants as read. Second by M. Costello. Vote 5-0

Warrant for December 30th, 2019: G. Schwall read the weekly Warrants; 20-26A Withholdings, \$38,186.46, 20-27B Payroll, \$98,103.37; 20-26 Warrant \$17,168.08. J. Muri motioned to ratify the weekly Warrants as read. Second by D. Perry. Vote 5-0

Warrant for January 6th, 2019: G. Schwall read the weekly Warrants; 20-27A Withholdings, \$29,289.66, 20-28B Payroll, \$100,999.09; 20-27 Warrant, \$15,974.39. J. Muri motioned to approve the weekly Warrants as read. Second by D. Perry. Vote 5-0

Minutes: Regular Minutes: December 18, 2019

J. Muri motioned to approve the above-mentioned meeting minutes with minor changes. Second D. Perry. Vote 4-0, M. Costello abstained.

Open Forum – Announcements:

G. Schwall stated in regards to the Board having to have an emergency meeting on December 18th, 2019 was out of necessity. The Board of Selectmen was required by the Department of Revenue to discuss a

letter and sign it. It was to set the tax rate and acknowledge that we have an obligation as imposed by the Department of Elementary and Secondary education. This will be brought up to the voters in May. If this wasn't done there would not be a tax rate and tax bills would not have gone out. There are laws regarding the timing of this. There was an Open Meeting Law complaint filed By Ms. Katherine Cooper, which will be discussed later in the meeting.

The next Selectmen's meeting is scheduled for Monday, January 13th at the COA Building, 55 Bay State Road at 7:00PM.

NEW BUSINESS:

Action Item #1 FY2021 Budget Process and Preliminary Revenue Discussion

M. Deignan of the Finance Committee joined the meeting.

G. Schwall discussed the budget process and zero-base process as well as what feedback will be needed. There are assumptions provided by Department Heads with back up and then given to the Board of Selectmen at the time of review. A workbook will be sent out by the end of the day January 7th, 2020 to all Department Heads. All proposed budgets should be returned by January 13th, 2020. The Board of Selectmen and the Finance Committee liaison will meet with the appropriate Department Heads and review their budgets. He also went over the preliminary budget timeline.

M. Deignan stated that the Board of Selectmen does not review or comment on Elected office budgets the Finance Committee does that.

D. Perry asked at what time in point do we meet with the School Committee to review their needs and wants?

M. Deignan stated that the Finance Advisory Committee would handle that. That committee is comprised of a Rehoboth Finance Committee member, a Dighton Finance Committee member, a School Committee representative, and the Superintendent of schools. The town receives an assessment by the School Committee in mid-March but the School Committee is not obligated by law to review their budget with the towns. Usually there is a School Committee meeting posted and they review their budget then.

M. Costello stated he would be attending all of those meetings, as the Board's liaison and would report back to the Board.

G. Schwall stated that the Board of Selectmen extends an invitation to the advisory Board or the School Committee to come to our meeting to discuss the budget plan.

D. Perry stated he just doesn't want to repeat action of 2019 in 2020.

M. Deignan shared the preliminary layout and figures for the town budget. We are looking at approximately \$1.15 million more for Fiscal Year 2021 in revenue increase and \$400 thousand more for the school.

G. Schwall stated that moving forward when budgets are finalized and the town and DRRS know what their final budgets are both parties commit to a budget. If more funds are needed it will go out and ask the voters.

S. Vadnais and the Board agreed with G. Schwall.

Action Item #2: Vote to Forward FY2020 State Aid to Public Program Payment to the Blanding Library

J. Muri motioned to issue payment of the FY2020 State Aid to Public Libraries in the amount of \$7,429.46 to the Blanding Library. Second by S. Vadnais. Vote 5-0.

Action Item #3 Request from DRRSD to Appoint a Member to the Facility Study Committee

The Board received the accompanying letter from the DRRSD Business Administrator informing us that a facility study committee is being formed to review, among other things, the 2019 NESDEC report. The letter also requires the Board of Selectmen invite a member of the community or department of the town to represent Rehoboth on the Facilities Committee. The First meeting of the committee is scheduled for January 23, 2020 at the high school.

S. Vadnais asked if there was someone in the community that would like to step forward and join the committee either in the audience or at home? If there is please let our office know. Fill out a talent bank form.

Documentation: letter to BOS Chairman from Business Administrator, DRRSD

Action tabled for 1/13/2020 BOS Meeting.

Action Item #4: Request to Approve a One Day All Alcoholic Beverage License

D. Perry motioned to approve a 1-Day All Beverage License for Dean Botelho on behalf of the Holy Brotherhood of Charity, 43 Broad Street, for February 8, 2020 from 6:00 PM – midnight. Dates of alcohol transport are February 7, 2020 and February 9, 2020. Second by J. Muri. Vote 5-0.

Action Item #5: Request to Approve Common Victualler License Renewal for Rehoboth Antiquarian Society

D. Perry motioned to approve Common Victualler License renewal for the Rehoboth Antiquarian Society, 4 Locust Avenue, Rehoboth, MA through December 31, 2020. Second by J. Muri. Vote 5-0.

Action Item #6: Request to Approve Naming of Streets

J. Muri motioned to approve street names in Trinity Estates, Dublin Road and O'Hern Way, in Eastwood Estates – Phase one, Skyla Way and Kaylee Drive, and in Eastwood Estates – Phase two Chelsea Circle. Second by S. Vadnais. Vote 5-0.

Discussion: J. Muri stated that street names need to stick to more traditional names. They should fit to the historical background and make-up of the town.

D. Perry asked if the Police and Fire Departments are good with the names?

J. Muri and M. Costello discussed the importance of street names in town and how they should be filed.

J. Muri would like new suggestions for "Ciana Road".

S. Vadnais and D. Perry agree with J. Muri on "Ciana Road".

G. Schwall stated to hold off on "Ciana Road". He would speak to the developer.

Action Item #7: Open Meeting Law Complaint – Filed by Kathrine Cooper

G. Schwall read the complaint into the record.

Documentation: OML complaint form, letter to Ms. Cooper from Town Counsel, 12/18/19 Meeting Minutes, 12/18/19 Agenda, screenshot of BOS webpage posting of meeting

J. Muri motioned to approve Open Meeting Law complaint response prepared by Town Counsel and forward same to Ms. Katherine Cooper with a copy to the Division of Open Government.

Discussion: D. Perry stated that the attorney's response was very well done. And the action item is a waste of time.

OPEN FORUM-PUBLIC:

Ms. Robin Grant of Swansea spoke about water issues in town. Asked about if contractors in town for perk test. When the perk test is done, is the water tested? How does the town go about dealing with a water problem?

J. Muri stated that the Board of Health with the builder or the seller has to conduct test to make sure the water is good. If not, the seller has to fix the issue. They are not required to notify the neighbors if there is a problem.

R. Grant went on to ask about the water at the COA, wasn't it bad water?

J. Muri stated that the water at the COA is good.

M. Deignan stated that the water supply for the COA is a public water supply.

J. Muri stated that the COA's water is regulated by the DEP, this is different than a home system. Testing company comes in regularly and analyzes the water to ensure it is safe. The COA's water is good.

OLD BUSINESS:

None

DEPARTMENT HEAD REPORTS

Selectmen's Reports:

Vadnais: Stated he will be posing a non-binding question on speed limits in town for the April election. He is looking for some guidance on the wording.

Schwall: Spoke in regards to Dighton Board of Selectmen to meet with the Rehoboth Board of Selectmen regarding DESE. The Dighton Board of Selectmen have invited us. Looking at a Wednesday night. Asked if it could be televised for the public?

Perry: no report

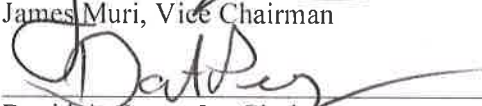
Muri: Mass Save does audits of homes and gives suggestions of updates and how to make minor changes to the home to save money on energy. As well as National Grid.

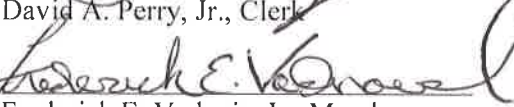
Costello: On January 16, 2020 there will be a public hearing regarding the Reed Street Bridge replacement at 7pm at the COA.

ADJOURNMENT: Selectmen D. Perry made a motion to adjourn the Regular Session Meeting at 8:27 PM., Second by Selectmen M. Costello. Vote 5-0



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 5/18/20



DIGHTON-REHOBOTH
Regional School District
2700 Regional Road
North Dighton, MA 02764
(508) 252-5000 (508) 252-5024 (fax)
www.drregional.org

Dr. Kerri Anne Quinlan-Zhou
Assistant Superintendent

Kristin Donahue
Director of Special Education

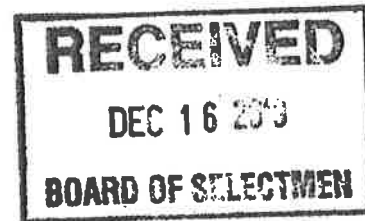
Paul Kitchen
Business Administrator

Dr. Anthony C. Azar
Superintendent of Schools

T.E.A.M
(Together Everyone Achieves More)

December 13, 2019

Mr. Gerald Schwall
Board of Selectmen, Chair
148 Peck Street
Rehoboth, MA 02769



Dear Sir,

The Dighton Rehoboth Regional School District is formulating a facility study committee for the buildings and grounds of the regional school district. The committee shall examine the April 2019 NESDEC report, any relevant documentation maintained by the municipalities and school system, as well as, convene public input sessions. The public forums are to be a method of strengthen school community partnerships by sharing data and soliciting a wide variety of citizen input/opinions/feedback.

The composition of the committee shall consist of two members of the regional school committee, members of the school department and administration and a representative from Dighton and Rehoboth community. I am requesting the Board of Selectmen to invite a member of the community or a department of the town to be their representative on the Dighton Rehoboth Regional School District Facilities Committee.

I would like to tentatively set the first meeting for Thursday, January 23, 2020 at the Community Conference Room.

If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul B. Kitchen".

Paul B. Kitchen

Business Administrator

Dighton Rehoboth Regional School District

The mission of the Dighton-Rehoboth Regional School District, in partnership with parents and the community, is to provide students with the tools, including technology, to acquire knowledge, apply skills, critically analyze information and issues, and develop social responsibility.

Dighton-Rehoboth does not discriminate based on race, color, religion, gender, national origin, age, marital status, veteran status, disability, sexual orientation, gender identity, or any other legally protected group.



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.

January 7, 2019

Katherine Cooper
96 New Street
Rehoboth, MA 02769

RE: Open Meeting Law Complaint
Municipality: Town of Rehoboth – Board of Selectmen
Complainant: Katherine Cooper
Alleged Violation Date: 12/17/19
Date Complaint Received: 12/27/19

Dear Ms. Cooper:

In connection with the above-referenced matter, as Town Counsel, I have been tasked with reviewing your complaint, received by the Town on December 27, 2019, alleging that Board of Selectmen (the "Board") violated the Open Meeting Law by failing to post its December 18, 2019 meeting at least 48 hours in advance thereof. In investigating this matter, I have reviewed your complaint and have corresponded with the Chair, Gerald Schwall. Based upon my review of this matter, I respond to your complaint as follows:

The Open Meeting Law requires that, "except in an emergency ... a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). In case of an emergency, the public body should post notice of the meeting as soon as reasonably possible. *Id.* An "emergency" is defined as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action." G.L. c. 30A, § 18. The burden of justifying the need for an emergency meeting lies with the public body. See OML 2012-7; OML2010-6. If a meeting topic is proposed after the meeting notice is posted, the public body is encouraged to update its posting to provide the public with as much notice as possible of what subjects will be discussed during a meeting. OML 2015-36.

As a threshold matter, it is relevant to note that tax rate setting requires the written approval of DOR and tax bills cannot be mailed until DOR has signed the tax rate recap. Due to several circumstances, as of December 17, 2019, DOR had not yet approved the Town's tax rate. Here, the Board needed to take action to rectify this issue, which would enable the Town to submit its tax bills from which the Town generates its revenue.¹

Specifically, the Board convened a meeting on December 18, 2019, posting its notice the day before, on December 17, 2019 at 4:38 p.m. The meeting was limited to one

¹ DOR recommends that the municipalities submit the tax recap worksheet on or before November 15 of each year to allow sufficient time to be able to mail the tax bills by the December 31st deadline.
<https://www.mass.gov/doc/chapter-5-setting-the-tax-rate/download>

item, a vote to approve and sign a letter required by the Department of Review ("DOR") in order to set the tax rate.² On December 17, 2019, the Administrative Assistant to the Town received a call from DOR advising that there would be a conference call at 1:00 p.m. between representatives of the DOR (accounts and legal) and the Town. Upon receiving the message, the Chair of the Board invited several staff members and Town Counsel to participate in the call; no other members of the Board participated in the call. During the call, the Town was informed that in order to set the tax rate, the Board had to vote to sign a letter agreeable to both DOR and Town Counsel. DOR insisted that the letter be signed before the tax rate could be set.

Following the call, the Chair canvassed the Board to determine when a quorum of the Board was available; it was determined that a quorum was available the following afternoon. After some negotiation, Town Counsel and the DOR agreed on the contents of the letter which was finalized on December 18, 2019 at 3:03 p.m.³ The emergency meeting was convened that day at 4:00 p.m. due to the need to take immediate action so that tax bills could be sent out timely. The meeting began at 4:12 p.m., a short discussion ensued and the vote to approve the letter was taken. The meeting was adjourned at 4:16 p.m. See Addendum A – Minutes.

Based on the foregoing, the Board did not violate the Open Meeting Law by posting a meeting within the 48-hour window as the meeting was emergency in nature. Consequently, the Board of Selectmen respectfully requests that this matter be dismissed without further action. Thank you for your attention to this matter.

Sincerely,

Katherine McNamara Feodoroff, Town Counsel

cc: Board of Selectmen
Division of Open Government

² Though the agenda lists an executive session citing G.L. 30A, § 21A, this agenda item was not taken up by the Board. Thus, no violation of the Open Meeting Law could occur as there was no deliberation by the public body. See G.L. c. 30A, § 18 (A "deliberation" is defined as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.").

³ Notably, prior to posting the meeting the Town Clerk checked with the AG's office to determine if there any additional requirements in convening an emergency meeting. She was told there were no special requirements, only that the Town should post as soon as practical. The meeting was posted on 12/17/19 @ 4:38 PM.

Addendum A

(Minutes)



Office of
SELECTMEN
148 Peck Street
Rehoboth, MA 02769

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

BOARD OF SELECTMEN
MEETING WEDNESDAY, DECEMBER 18, 2019
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER

Present: Selectman Frederick "Skip" Vadnais; Selectman Gerry Schwall, Selectman Dave Perry, Selectman James Muri, and Deborah Arruda, Assistant to the Town Administrator.

Absent: Selectman Michael Costello

Topics of Discussion: *Vote to Approve and sign letter to DOR*

A Special Meeting of the Board of Selectmen was called to order at 4:12 p.m.: The Board and the public participated in the Pledge of Allegiance to the Flag.

1.0) Consent Agenda

NEW BUSINESS:

Action Item #1 Vote to Approve and Sign DOR Letter

G. Schwall presented the Board Members with copies of the letter that will be sent to the Director of Accounts at the Department of Revenue. The letter is regarding acknowledgement of the school funding for FY20. A conference call took place on 12/17 with members from DOR, Director of Accounts, Legal Bureau, Deputy Commissioner, and our state local representative along with G. Schwall, D. Arruda and L. Greaves, discussing the school funding.

S. Vadnais motion to approve and sign the letter to the Department of Revenue, second by J. Muri. Vote 4-0

ADJOURNMENT: Selectmen S. Vadnais made a motion to adjourn the Regular Session Meeting at 4:16 PM, second by Selectmen J. Muri. Perry – aye; Muri – aye, Schwall – aye, Vadnais – aye.

Gerald V. Schwall, Chairman

James Muri, Vice Chairman

David A. Perry, Jr., Clerk



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: Katherine Last Name: Cooper

Address: 96 New Street

City: Rehoboth State: Ma Zip Code: 02769

Phone Number: 7745658250 Ext.

Email: kcooper@drregional.org

Organization or Media Affiliation (if any): Dighton Rehoboth Regional School Committee Chair

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): Rehoboth Board of Selectmen

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

Date of alleged violation: 12/17/19

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.

On 12/17/19 at 4:38pm, the Rehoboth Board of Selectmen posted a regular meeting for 12/18/19 at 4:00pm. This posting gave less than 23.5 hours notice and did not meet the 48 hour posting requirement.

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.

Properly post meetings and retrain on the Open Meeting Laws. Void actions taken at the improperly posted meeting.

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.

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: Kathleen Coyne

Date: 12/27/19

AGENDA
Rehoboth Board of Selectmen
Wednesday, December 18, 2019
4:00 PM BOS Regular Meeting

Town Hall
148 Peck Street

1)	4:00 PM	CALL TO ORDER
2)	NEW BUSINESS	
	Action Item 1:	Vote to Approve and Sign DOR Letter
3)	EXECUTIVE SESSION	MGL CHAPTER 30A, §21 (if needed)
4)	ADJOURNMENT	

Posted 12.17.19
@ 4:38 PM
Laura L. Schwall



Search



Home » Town Administrator / Board of Selectmen

Board of Selectmen Meeting 4 PM Regular Session

Event Date: Wednesday, December 18, 2019 - 4:00pm

Address

Town Hall
148 Peck Street, Board of Selectmen Meeting Room
Rehoboth, MA 02769
United States
See map: [Google Maps](#)


Related Agenda ▲

12-18-2019 Board of Selectmen Meeting Agenda

SUBMITTED ON DECEMBER 17, 2019 - 4:39PM

REVISED ON DECEMBER 17, 2019 - 4:40PM

Upload file:

 12-18-19_bos_meeting_agenda.pdf

Date: Wednesday, December 18, 2019 - 4:00pm