

Office of
SELECTMEN
148 Peck Street
Rehoboth, MA 02769



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

BOARD OF SELECTMEN
MEETING MONDAY, February 22, 2016
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER

Present: Michael Costello, Chairman; Fredrick “Skip” Vadnais, Vice Chairman; Susan Pimental, Clerk; Dave Perry and Gerald Schwall, Members

Also Present: Helen Dennen, Interim Town Administrator

1.0) Executive Session: At 6:30p.m. S. Pimental made a motion to enter into Executive Session, 2nd by S. Vadnais, pursuant to Massachusetts General Law, Chapter 30A, and Section 21 (6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have detrimental effect on the negotiating position of the public body*

Topics of Discussion: Town owned property*

Roll Call Vote – Pimental – Aye; Schwall – Aye; Perry – Aye; Vadnais – Aye; Costello – Aye;
Voted 5-0

Call to Order at 7:17p.m.: The Board and the public participated in the Pledge of Allegiance to the Flag.

2.0) Consent Agenda

Warrants: M. Costello read the weekly Warrants; Withholdings 16-33A , \$24,873.40; Payroll: 16-34B, \$88,688.25. S. Pimental made a motion to approve the weekly Warrants as read. Second, D. Perry. Voted 5-0

Minutes: S. Pimental made a motion to approve and release the Regular Meeting Minutes from August 24, 2015 Second by G. Schwall as amended, October 5, 2015 Second by G. Schwall as amended, December 28, 2015 Second by G. Schwall. Voted 5-0

3.0) Open Forum – Announcements:

- Next regular Selectmen’s meeting will be Monday February 29, 2016 at the Senior Center at 7:00 PM

Page Two of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

- Lorraine Botts - Friends of the Rehoboth Animal Shelter is having a hi-lo jack card fund raiser on February 27, 2016 at the American Legion, it is \$15.00 fee with raffles and snacks.

Town Administrator's Report: Helen Dennen

- ✓ The RAAC presentation is postponed until 2/29/16. The presentation by the Regional Agreement Amendment Committee is to present their findings and recommendations with Power Point followed by a question and answer session.
- ✓ On 2/23/16 I will be attending a MEGA training program on Essential Workplace Policies at their Annual Membership Meeting and Training Seminar, which was postponed earlier due to a snow storm.

4.0) NEW BUSINESS:

Action Item #1 Animal Advisory Committee

Richard Panofsky, Chair of the Animal Advisory Committee present to review "Policy on Taking Cats into the Shelter". RP- A brief summary is the best resolution for feral cat problems is to take on the Trap, Neuter, and Return approach. The essential idea is not to have the Town run it but a private organization in Town. If the Board would assent to that as a plan then we can go ahead and allow this to take place. In the past I have presented 6 Policies and this plan goes along with a 7th policy that states some cats are best if not brought into the shelter but neutered and returned to the area. Some cats may need to be brought into the shelter due to illness, needing to be quarantined, rabies or they might be adoptable. The specifics are on page 3. This plan also codifies specifics that need to be done. We would like the Board to give permission or assent to this plan so that a private organization could come in and do this and also approve to make this a policy for enforcement of the rules as to which cats are brought to the shelter and which ones are returned. This concept is to make barn cats, stray cats, or cats in colonies more manageable. There are a number of organizations that do this now and are happy to come to our Town and help so that we do this right. There is a workshop on 3/6/16 at Senior Center from 2pm – 4pm, for any interested citizen wanting to volunteer. They will have demos on traps and how they work.

On a motion made by Selectmen Vadnais it was approved to authorize a creation of a 501C3 organization to administer the Trap Neuter and Release Program as outlined on Page 2; Second by Selectmen Pimental; Discussion; G.S. I am concerned why we would vote to constitute having an independent group that would act autonomously to the Town; going out trapping cats, neutering them, then when someone has a concern summoning the Animal Control Officer, who does work for the Town. I have a number of concerns; litigation comes to my mind when someone gets injured. I am concerned about sustainability with rabies vaccines, what happens in year two. We establish these colonies of cats but is there a plan to go back in year two and vaccinate these animals? I don't know but when you spay or neuter an animal are they less able to defend themselves in the wild. Also; creating out door shelters and feeding the animals by this group again I have sustainability and financial concerns. One of the questions for a proposed

Page Three of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

solution is that we trap the animal and bring it to the shelter. The answer was we couldn't get all the cats. That can pertain to the Trap Neuter and Return Policy if we don't capture all the animals. Where is the appropriate confinement going to be for these animals when they are going through their procedure? It seems to me that the shelter goes in and out when it is convenient for the group. I feel that if it is a Rehoboth Policy, I feel that it should be under the direction of the Animal Control Officer and not a group of volunteers. S.V. - I will try to answer all of your concerns. The sponsoring organization would have to purchase insurance as far as liability is concerned. Your inoculation questions regarding year two; the average life span of a feral cat is 3 years and they are probably 1 when they catch them. This is how it is generally done in Massachusetts. There is an Attleboro group that does the same thing and Paws for Pawtucket. There are several in the center part of the State. R.P. - We have been speaking to several organizations; Westport, Plainville, Attleboro. The standard model is to have it be an independent group not a Town run organization. S.V. - At no cost to the Town, they have fundraisers. The Animal Control Officer would handle stray domesticated cats or kittens, a cat or kitten that has bitten, an injured animal. We are talking about cats that are living in the wild and cannot be domesticated. If the ACO brings them into the shelter, the animal would have to be euthanized. This is an alternate humane way of handling the animal. G.S. - That was not my suggestion. I thank you for all your work on this organization. My big concern is a private group vs. someone from the Town. We had told the ACO to put together a way on how to handle feral cats, so I assumed it would be run by the ACO. S.V. - What we are doing is freeing up the Animal Control Officer and releasing her of any responsibility to feral cat colonies. R.P. - The trapped cat is brought into the trappers heated garage space and not brought into the shelter because, not knowing about the animal, you don't want to bring in diseases. Of course the Board of Selectmen would keep an eye on this and if there are any problems they would be brought up. It is a very small group of 4 or 5 people that are highly trained and it is well controlled. Jane Foster - I understand that any animal needing to be quarantined would be under my watch being I'm the Animal Inspector. I had a concern if anyone gets hurt but you seem to think that would be handled due to insurance. If any of these people get bitten by an animal they have to go to the hospital right away and get rabies shots and they can also get cat scratch fever and end up hospitalized for 2 months. If they catch another animal besides a cat they need to release it right there or put it down, they cannot move it anywhere else in the Town. R.P. - The trap is never open for business unless someone is hiding behind a tree. You never leave an unattended trap. Cheryl Dussod - What prevents the organization from calling the ACO and having them remove the animal out of the trap so that they don't have to come in contact with it. M.C. - No they would just do it themselves. G.S. - Thanks Richard Panofsky and the group for all the work they have done. All Vote 5-0

On a motion made by Selectmen Vadnais, second by Selectmen Pimental it was voted to accept the policy on taking cats in the shelter in accordance with page 3 All Vote 5-0

Page Four of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

Action Item #2 7:30PM Public Hearing Class II Auto License Application
Public hearing continued from 2/16/16

Johny Elnemer, Sabah Elnemer, and Maria Rapozo present. Selectmen Costello asked Maria Rapozo to explain what has been accomplished so far on the property of 29 Fall River Avenue since that last meeting. Maria Rapozo – The cars near the wetlands have been removed this week. I have been getting estimates for the building. I had two electricians there and I had a fire alarm company there. The electrician can be there in two weeks to put up the light exit signs. Selectmen Costello – You have been in contact with the Building Inspector, Board of Health, and the Fire Department and they directed you in the procedure to follow? Mrs. Rapozo – Yes, correct. Selectmen Costello – Did you give them plans of the building? Mrs. Rapozo – I give them a sketch and they tell me what to do. I only have one question that I hate to ask; I got my first estimate today it is \$19,300 that is a huge amount of money. Do all the other properties like mine, old, have to comply with all these rules that I have to. Selectmen Vadnais – You have modified the original building, one which has me concerned with the bowing of a structural wall resulting in concerns with the structural integrity of the building. Mrs. Rapozo – Yes one tenant moved a door to another side, then another tenant moved it back and applied a piece of wood over the opening. That piece of wood is bowing out not the wall. It is a standard size door 32”. I already talked to a contractor and they are going to put in a new door this weekend. Selectmen Vadnais – He also discusses the bowing out of the sill plates. Mrs. Rapozo – I do not know what that is. I don’t know what section of the building he is talking about; one section is metal, one is stone blocks, and the new part is wood. Selectmen Perry – Has there ever been a cease & desist or an order to vacate the property at all. Mrs. Rapozo – No. Selectmen Perry – So the existing businesses have been able to operate and the building inspector didn’t feel that the structure of the building was endangering anyone’s life. Mrs. Rapozo – No. Selectmen Costello – So the portion of the building that are occupying is in the front where the steel building is? Mrs. Rapozo – Yes Selectmen Vadnais – How are you addressing there is no permit for your septic system, there is no plan on file. Mrs. Rapozo – Every two years Town Sanitation comes and empties it. Selectmen Costello – If it is a major health risk then they would have to vacate the building. The inspectors did not give her a cease & desist order to vacate. Selectmen Vadnais – This is a new license and they must comply with all the rules and regulations. I have a lot of questions that are not answered and may be answerable but I did not speak to the inspectors. Selectmen Perry – It’s our duty to make sure that the business conforms to the building, not the building to the business. I am having a hard time using this business as a tool to bring the building to code. I am looking at the license alone and I think we need to separate the violations of the building from the issuing of the license. Fire Chief Barresi – Selectmen Costello asks Chief Barresi; their office is the one up front and are there violations in that portion. Chief Barresi – They are undergoing construction and once that is completed, they need to have the proper fire extinguishers, lights above doors and fire alarms put in. They have already purchased fire extinguishers and I have met with Mrs. Rapozo to let her know what she needs to do to bring the building up to code on my end. Selectmen Schwall – The construction that is being done and the walls that are not to code; are those in their unit (Johny & Sabah Elnemer’s)? Chief Barresi – No

Page Five of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

I don't believe so. I would have to check it again to look at that specific wall. That end of the building is concrete block and I believe the walls are concrete block separating it from the rest of the building if I am correct. Unfortunately for the owner, the fire alarms have to be put in. That is a must. It's for protection of the tenants when they are there, but more importantly when they are not there for the safety of the fire fighters. Selectmen Vadnais – Do you feel comfortable and would you sign off on allowing businesses in there being functional? Is this a violation and how serious is this? Chief Barresi – That's what is happening now. If the hazards in the building are being treated properly, I don't have an issue beyond that. There are other issues that fall under the other inspectors but on my end I don't have a problem with it for a certain allowed time. I wouldn't want to go beyond 90 days. Selectmen Schwall – This fire alarm is required by law. We are granting a license to a property we might enforce a cease and desist. Selectmen Pimental – We can make it contingent on 90 days and then after 90 days they won't have a license anymore. Selectmen Costello – It would come back to us and if the needs weren't met we will revoke the license. Chief Barresi – It is not required to have sprinklers. Selectmen Schwall – We also have the Health Agent who had a litany of things and the Building Inspector that we are not hearing from. Mrs. Rapozo – I did speak to them this weekend and they told me just to keep them informed of what has been done. Selectmen Perry – I am not seeing a Cease & Desist from any of the inspectors, so they are allowing the businesses to operate and feel that the building is okay to perform business. Selectmen Vadnais – We are not issuing the other businesses their license. We need to make sure that the building is up to code on a new license before issuing it. I will not vote on this unless we get the other inspectors to sign off on this as well. It seems the Health Agents issues are outside the building and they are being addressed, but I would still like to talk to the building inspector. Selectmen Costello – This business would still be operated if the other holder had followed the proper renewal process. Selectmen Schwall – That may be true but that doesn't apply here. We are being asked to grant a license not renew a license. I think we should continue this next week until we can get a written opinion from the Health Agent and the Building Inspector or have them come before the Board. Other than that I'm not very comfortable taking any one's word, with all due respect. The last time I heard from the Building Inspector and Health Agent, they were very strong in their wording. Selectmen Costello – That's right they were very strong in their wording but not strong enough to evict all the tenants from the building. Selectmen Perry – Let's just get it in writing from them. Selectmen Schwall – I also don't want to see these gentlemen incur further expense if they will lose the ability to operate their business in 90 days because the landlord didn't follow through.

Motion made by Selectmen Vadnais, Second by Selectmen Schwall to continue Public Hearing to obtain letters or to speak with the Building Inspector and Health Agent; and also have Mrs. Rapozo obtain a contract from a fire alarm company. All Vote 5-0

Action Item #3 Rehoboth Friends of Animal Shelter

Vote to approve Rehoboth Friends of Animal Shelter to run the Trap Neuter and Release Program. Cheryl Dussourd, Gillian Carter, Avis Pryor, Lorraine Botts present.

Page Six of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

Carter: The Rehoboth Friends of the Animal Shelter would be pleased to take on the Trap Neuter and Release Policy. We will buy the traps, we will arrange to trap the cats, we will take care of transportation to the vet or a low cost organization to be taken care of and vaccinations done, also being ear tipped so as to recognize that they have gone through the program and then returned to the colony. The colonies would not exist if people didn't feed them, so part of the program is education and the importance of still feeding these cats or they would not survive in the wild. Most vaccines are good for three and you can get a vaccine that is viable for four years. The behavior of a cat will change when neutered but it will not change its ability to defend themselves. Schwall: That was a concern of mine. Carter: Over time with this program the population reduces and therefore reducing the problem. This program also reduces the spread of diseases to non-feral domestic cats as well. Dussourd: The only problem we have now is finding a heated facility to have these cats taken care of. We will be working on that. We will be looking for volunteers to train as well. We will contact Animal Control Officer of the Board of Selectmen whenever we have a cat that requires more attention than just vaccines.

On a motion made by Selectmen Vadnais it was approved to allow the Rehoboth Friends of Animal Shelter to run the Trap Neuter Release Program 2nd by Selectmen Pimental All Vote 5-0

Action Item #4 Budget Amendments

On a motion made by Selectmen Pimental, 2nd by Selectmen Schwall, it was voted to approve the following Budget Amendments All Vote 5-0

| Line # | Department | Increase by: | Decrease by: |
|---------------|----------------------------------|---------------------|---------------------|
| 015113-57110 | Board of Health-In State Mileage | \$250.00 | |
| 015113-53000 | Board of Health-Prof & Tech | | \$250.00 |
| | | | |
| 012203-53010 | Fire Dept Physicals | \$113.00 | |
| 012203-57310 | Fire Dept Dues | | \$113.00 |

Selectmen Costello mentioned car at Town Office for use, but Helen informed him that it has too many things wrong with it.

Action Item #5 Cultural Council Appointments

On a motion made by Selectmen Pimental 2nd by Selectmen Vadnais is was voted to appoint Sandra Delany & Catherine Nelson Allen to the Cultural Council effective 2/22/16 – 6/30/18 (three year appointments for Cultural Council). All Vote 5-0. They were both recommended by the Cultural Council.

Action Item #6 Recyclable Container at Town Offices

Bob Ashton, Health Agent has requested permission to place a recyclable container at the Town Offices building. Bob believes a portion of the money American Paper Recycling receives goes to the schools.

Page Seven of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

On a motion made by Selectmen Pimental 2nd by Selectmen Schwall it was voted to approve the placement of a recyclable container at the Town Offices All Vote 5-0

Action Item #7 RANRPC Funds

The Rehoboth Agricultural & Natural Resources Preservation Council is asking the Board of Selectmen to approve a request to expend \$9,600 to survey the property the Town recently acquired on Plain Street, so that a portion can be placed in a Conservation Restriction.

Selectmen Vadnais: Two bids were received and this is going to the lowest quote.

Carol Williams: This needs to come out of the Agricultural Trust Fund and our bylaws state that we have to get approval from the Board of Selectmen.

On a motion made by Selectmen Vadnais 2nd by Selectmen Pimental it was voted to approve the use of funds. All Vote 5-0

Action Item #8 Noise Complaint at Hillside Country Club

Selectmen Pimental recused herself because she works at Hillside.

Selectmen Costello wants to table item to obtain complaints received during the last year from the Police Chief.

Selectmen Vadnais: The Zoning Officer, not the ZBA, needs to give a determination if there is a violation in the bylaws as to the noise; it needs to be direct and technical in nature. There has been no determination yet. I spoke with principals of the country club and if there are any violations, they will comply with whatever bylaw requirements. They are willing to pay to have any test done that they need. They don't want this to be an adversary issue. Selectmen Costello: We will have Helen contact the Zoning Officer to get this done.

On a motion by Selectmen Vadnais 2nd by Selectmen Schwall it was voted to continue this agenda item at the next Board of Selectmen's meeting. All Vote 4-0

Noise complaint: not having to do with Hillside

Two people from the audience approached the bench and had a noise complaint about business on Chestnut Street. They were having several weddings from August to October. We submitted a written complaint to the Zoning Board.

Selectmen Schwall: This is currently in litigation so we need to stop here. I am not trying to dismiss this by any means but we cannot intervene with an open litigation.

Action Item #9 Tower & Communications Equipment

BOS discussion regarding work to be performed per funds approved under the 11/2/15 STM Warrant Article.

Selectmen Schwall: Update; The Chief and I have spent many hours looking at this. We are unable at this point to get vendor to give us a performance guarantee. The Chief and I, at this point, will continue to do our investigations into finding a vendor that will guarantee they will have a solution for the ongoing issues. I want to thank Chief Trombetta for his due diligence on

Page Eight of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

this. We will have a solution to this, but until then we will not spend the Town's money inappropriately. We have a written contract and we paid Comtronics to spend two days with us and the State Police tech guy, Derek Rousseau was there to interpreting for us. This has been a painstakingly long process, but until we see that it is working properly we cannot spend any more money on this. Selectmen Pimental: The only problem with this is that the Chief did secure two or three phones from another town. Selectmen Schwall: There may be another solution to this. The State Police came in and said we are using the 800 band frequency for themselves, but with technology they were able to get more out of the 800 band. So we don't necessarily have to move to the 900 band. On the 800 band they are able to communicate from a further distance unlike the 900 band. So we are investigating, is it a better solution to use the 800 band because the funds are available for this as well. Selectmen Pimental: Are we able to use the old phones that we already have? Selectmen Schwall: No, they are 900 band specific, but we may be able to repurpose those for the Fire Department. We want the best use of our money.

OLD BUSINESS:

Action Item # 1 Signage Request for Tremont Street

(This item was tabled at 2/1/16 meeting)

Bob Benoit has requested signage be put up between 41 – 47 Tremont Street.

Police Chief did a report and there have been 3 accidents in this area in the past 5 years.

Selectmen Schwall: there is only one sign that states "Watch for ice on road", given motorists a warning. I would like the Highway Department to put a sign that states " Bridge Freezes Before Roadway". Selectmen Pimental: Everyone is going to come before us for a sign request.

Chief Barresi: Two of these accidents are beyond Dean Street going towards Taunton in the summer time. Speed and distraction was a contributing factor. Selectmen Schwall: I was under the assumption that it was icy roads. Selectmen Vadnais: Let's get a better report from the Police Department about what exactly is the issue.

On a motion made by Selectmen Vadnais 2nd by Selectmen Pimental it was voted to continue this matter when a full report is received. All Vote 5-0

Action Item #10 FY2017 Budgets from Departments Submitted to Date

Selectmen Pimental: Last year we all got together and went over this to get some estimates. I have not had a chance to sit with my departments and I have some questions. Selectmen Costello: We will be bringing in three departments a night starting the March 14th meeting.

PUBLIC FORUM:

Mike Deignan: Following up on Action Items 1 & 2 Selectmen Schwall brought up litigation and indemnity but I did not hear in the motion that you need to engage the organization, that the Town would require some sort of contingency once they showed proof of insurance; or a signed agreement with the Town indemnifying the Town of any litigation agreement. Selectmen Costello: It will all be in writing and we have not signed anything yet. Mike Deignan: Ok.

Page Nine of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

Mike Deignan: There is a Finance Committee Meeting Thursday, I should have some numbers for you in terms of what school is looking for. I am hearing 5% but I'm not sure. Selectmen Costello: I heard they put 3 but it looks like an 8. Selectmen Schwall: We sat a month ago and it is more like 2 ½ overall budgeting. Mike Deignan: I will email the Board Thursday evening or Friday when I know the number.

Chief Barresi: Fireman's Ball is March 19 at the Hillside Country Club. Danny Noons contact is on the website if you need tickets. Selectmen Schwall: It is a great night and a great way to say thank you to the men and women of our fire department. This is the 45th year.

Jane Foster: I have a problem with the people not leaving messages at the shelter. I missed 21 calls but if you don't leave a message I cannot call you back. People are putting their lost animals on Facebook, I am out on the road and not reading Facebook. Call me and tell me I can usually get your animal back quick.

SELECTMEN'S REPORTS:

Costello: NONE

Vadnais: I am having a problem getting a quorum for the RANRPC. A Bylaw makes the Board of Selectmen responsible to get this quorum. I suggest we send a letter from the Board of Selectmen to each of these boards, commissions, committees and remind them that they have a responsibility to represent and appoint an individual to attend the RANRPC meetings. We can't conduct business with this issue. I will talk to Helen on Wednesday.

Schwall: We will be interviewing for the Town Accountant with Cathy Doane, Helen, Dave Scanlon, and Cheryl Gouveia this week Wednesday and Thursday evening. We have seven highly qualified applicants. I will be observing but not participating.

Last week Selectmen Vadnais and I met with Mike Tyler for a demonstration of a new product we are thinking of bringing into the Town for the roads. It is beet juice and molasses mixed with rock salt and sand, it makes the rock salt much more productive. We will use less of the salt with this material. The next snow storm we are going to test it on North Rt. 118 cross 44 and use the old mixture on South of Rt. 118. Selectmen Pimental: Is there a color residue? Selectmen Schwall: It is a light brown color, all natural, no hazardous chemicals and pet safe. Selectmen Vadnais: We have an extensive data report on this product. Selectmen Costello: It dissipates the erosion process and freezes at a lower point -40°. Selectmen Vadnais: You can put 1/3 less on roads so the driver is able to cover more ground. Selectmen Costello: I just want people to understand at home that it still doesn't stop the erosion process, it's just slower. Selectmen Schwall: This is the only one that does not use a hazardous chemical that is much more damaging than salt. You can also pretreat with this solution.

Page Ten of Ten
Board of Selectmen, Meeting Minutes
February 22, 2016

Perry: As you all know, we have a problem with the heat in this building. The burner has been failing since the day it was put in. Linda Sherman spent a day here when it was below zero pushing the on button manually. John Souza and Manny from M & S Heating also spent that weekend here making sure that it was up and running. What we have here is a lemon and it can't be fixed. I have a very reputable company meeting me here this week to give an audit on the building needs. Selectmen Costello: Maybe we can have some residents with heating knowledge come forth and give a remedy to this problem before going out to bid.

Pimental: NONE

5.0) ADJOURNMENT: Selectmen Pimental made a motion to adjourn the meeting at 9:24p.m. Second by Selectmen Schwall. Schwall – Aye, Perry – Aye, Vadnais – Aye, Pimental – Aye, Costello - Aye

Michael R. Costello, Chairman

Frederick E. Vadnais, Jr., Vice Chairman

Susan M. Pimental, Clerk

David A. Perry, Jr., Member

Gerald V. Schwall, Member

Respectfully Submitted,
Kelly Hathaway
Interim Assistant Town Administrator

Approved 3/28/16