



Office of
SELECTMEN
148 Peck Street
Rehoboth, MA 02769

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

**BOARD OF SELECTMEN
MEETING MONDAY, APRIL 9, 2018
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER**

Present: Frederick "Skip" Vadnais, Chairman; Gerald Schwall, Vice Chairman; Dave Perry, Clerk; James Muri, Member; Michael Costello, Member

Also present: Helen Dennen

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 April 12, 2018: S. Vadnais read the weekly Warrants; 18-41B: Payroll, \$100,982.42; 18-40A, Withholdings, \$26,051.09; 18-40 Warrant, \$33,046.30; Motion to approve by G. Schwall Second by D. Perry. All Vote 5-0

Minutes: J. Muri made a motion to approve Regular Session Meeting Minutes from February 26, 2018, Second by D. Perry. Vote 5-0.

S. Vadnais approved during an Executive Session Meeting to Hold Executive Session Meeting Minutes from 3/5/18, 3/14/18, 3/26/18 and Table 3/12/18.

Open Forum – Announcements:

- Next Selectmen's meeting will be held on Tuesday, April 17, 2018 at 7:00 PM at Senior Center 55 Bay State Road Rehoboth MA.
- Tish Vadnais presented the Board with a copy of the mission statement from WWGMC in regards to how they plan on finding where the town well water comes from. G. Schwall asked Tish if any action was needed by the Board. Tish answered "no action needed, just for informational purposes."

TOWN ADMINISTRATOR'S REPORT

- The Board of Selectmen have been invited to the Rehoboth Lions 17th Recognition Night to be held on May 9th at Hillside Country Club and it is to recognize Rehoboth's Outstanding Citizens. A copy of the 2018 Nomination form has been provided and is due by April 17th to the Rehoboth Lions Club; address is provided on the form. Nominations may also be forwarded to Russ Latham.
- Ann Malley of National Grid has requested a meeting to discuss the plans for location of the sub-station on Reynolds Avenue. They would like to meet with our Building Inspector, Town Planner, and myself. A tentative date has been set for Tuesday, May 1,

2018 at 1 p.m. at the Town Offices to discuss zoning issues. Jay Talerma will be present as well.

- Town Clerk Laura Schwall has provided information to the Board regarding the two open positions on the Housing Authority due to a failure to elect at the 4/2/18 Town Election. Laura advises that she knows of two individuals that are interested in serving on the Housing Authority. The information will be provided to Housing Authority current members and a joint meeting scheduled with the Board of Selectmen to act on appointing members to the next scheduled Town Election on 4/1/19. Current members are George Cardono, Lynore McKim and Neal Harrington
- The AG's office has until Thursday, April 12, 2018 to submit their decision on the zoning bylaw for compressor stations. The CARCS group had requested a placeholder on the 5/14/18 warrant so they may submit an amendment to the bylaw. At this time, we do not have their decision as yet and they may request an extension, I have not included a placeholder in the copy of the warrant draft provided to you for this meeting. G. Schwall has been in contact with CARCS group & at this time unlikely this will go through due to timing. Will review again at fall meeting.
- Executive Session Meeting held on 3/14/2018 was mistakenly not posted to the public. I spoke to our attorney and he said just to make an announcement that a mistake was made and meeting was not posted. S. Vadnais stated no votes were taken at that meeting. G. Schwall stated discussion was about security issues and public would not have been invited.

NEW BUSINESS: Action Item #1: Request a Letter of Non-Opposition to locate a Patient-Focused Medical Marijuana Facility in Rehoboth & PowerPoint Presentation by Verdant Medical

Anne Nagle, Attorney and COO of Verdant Medical & Becka Rutenberg from Novas Group, a non-profit company are requesting a letter of Non-Opposition to open up a marijuana facility in Rehoboth. FTD Securities System was not able to attend the meeting. Anne Nagle has been with Verdant just a short time. Sea Hunter Capital Partners are a support provider throughout Mass and have product /sales expertise. Verdant Medical is looking to sign a Host Agreement with the town. A PowerPoint presentation was presented showing approximately 7-1/2 acres on Barney Ave (appx. At 150 Barney Ave) – vacant lot, perfect for new structure. Facility would be structured to fit into the existing overall character of the neighborhood with minimal signage. It would also have ample parking, high security inside and out of building-will also work with local law enforcement as well. Access would only be for patients and staff with appropriate ID; patients would need a PHD card and photo ID to enter the building. Building hours would be 8 a.m. – 8 p.m. or whatever hours the town finds appropriate. First initial patient visit would last up to 30 minutes in order to do a full back ground check. Follow up visits which are about monthly would last about 10 minutes. Patient will also have to have regular doctor visits with their primary and all prescriptions will be monitored to make sure patient is not getting over supplied and that doctor's office is not over medicating the patient, by DPH. Medical supplies on hand will be about 2-3 days of supplies, all supplies will be under lock & key & also video cameras throughout the building, no open products will be on site. They will also have home delivery to patients that medically cannot leave their homes. Delivery will be made with two well trained staff members, product will be sealed for delivery, one staff member delivers to home, while other stays in vehicle. Delivery to the facility of medical supplies will be done on random days at random times. Payment of product is done by debit card or cash. All monies will be placed in a secured vault/safe and pick up will be done by Armored vehicles. Looking to hire about 20

people at a higher pay grade, not minimum wage. Staff members will be accredited through the DPH, but not licensed. Will have a CORI check done and go through vigorous training. Medical facility could see about 100 patients a day (approximately 8-10 per hour).

Questions from the Board:

J. Muri - Will product go through QAQC? Becka- "yes"

D. Perry-Will there be One on One consultation with patient? Becka- "yes, about 30 minutes with first time patients."

S. Vadnais-Does patient get issued a recommended amount of medication and do they have the option of choosing which form? Becka - "yes all disbursed medication is closely monitored and patient chooses from either pill form, bomb, leaf, etc. Patient is also educated on how to take meds."

M. Costello-I assume it is harder to get these prescriptions than prescription drugs from CVS? Becka- "yes, must be approved by a doctor, patient will have a DPH card that is kept on file at the DPH offices for verification purposes."

G. Schwall-Not apposing facility but concerned with doing business with Sea Hunter and Verdant Medical. Not enough background information on either company. Becka – Not too familiar with Sea Hunter and Verdant Medicals only board member is Alexia Vargas. All staff will be employees of Verdant Medical and will have full benefits, non-profit, buyer's choice. On site at facility will be Anne, managing the day to day business.

G. Schwall Motioned to accept Letter of Non-Opposition for Patient Focused Medical Marijuana Facility under the following conditions 1). Contingent upon Host Agreement. 2). After complete review of Federal Reserves Security and approved by Rehoboth's Chief of Police. Second by J. Muri

Vote 5-0

Action Item #2: Report of Police Chief Trombetta on Hornbine Motors Class II Auto License

Sgt. Brian Ramos attended meeting in place of Chief Trombetta who was feeling ill. Findings Chapter 140-National Law annual inspections of auto dealers. Inspection conducted on 3/28/18 at 509 Winthrop St done by Sgt. Ramos and Det. Casey; they met with Edward Enis, manager of business and sales person; wife is also listed as licensee on Class II Auto. Sgt. Ramos is concerned that town license states only Ms. Goulart can have dealings with sales & purchases of vehicles.

- Sgt Ramos asked to speak with Ms. Goulart, Owner of business- was told by Mr. Enis that she runs another business, and Mr. Enis was getting agitated at all the questions being asked of him. Mr. Pimental also on site and runs day to day sales.
- Inspection of business shows increase of cars stored, as of 3/28 there were 70. Mr. Enis stated it was due to the time of year -tax return season
- Mr. Enis was told that all cars on site have to be logged in with Make, Model, Year, etc. when purchased, as well as when sold.
- 12 Vehicles belonged to mechanic (Mr. Sullivan) that rents space to work in the evenings. Sgt. Ramos was unable to speak to him at this time and at other follow up visits.
- Log book does not show any record of intake of vehicles or sales since last inspection back on Nov/Dec 2017. Only 6 vehicles were present during that inspection.

- Paperwork & titles on vehicles were not found during 3/28 inspection. Six titles were shown but vehicles were not on premises. Mr. Enis was concerned with theft.
- Large number of vehicles on site belongs to a wholesaler-he buys from auctions but needs a place to put them until they are sold. Mr. Enis gets a commission if they get sold. Do not believe that vehicles are being sold by Hornbine. But, if they are on site they should be in books either way, by state license.
- Follow up inspection done on 4/3/2018 to give owners time to update books properly. At this time 42 vehicles on books vs. 6, 10 vehicles had been removed, leaving about 60 on site. 10-12 other vehicles belong to mechanic.
- There are no other licenses and/or business certificate listed in Town offices for this same address
- After many years of inspections at this location no one has ever met Ms. Goulart
- Stopped in on 4/9/18 before meeting & Mr. Enis stated they sell appx 12 vehicles a month. Notes from 2017 show appx 15 vehicles A YEAR.
- Sgt. Ramos has not been able to meet with the mechanic, Mr. Sullivan. There was a gentleman on the premises at the last visit, but when approached by me, he left. I will follow up in the near future.
- On 4/9 spoke to Mr. Pimental and asked if any cars were sold recently. One had been sold 20 minutes before my arrival-ppwk produced (Purchase of Sale) shows Goulart's signature, but she was not on premises. Mr. Pimental stated the POS was signed at time of deposit-we can not verify if signature is authentic or not.
- Sgt. Ramos recalls Mr. Enis coming before the Board at one time to ask for Power of Attorney but was denied by BOS office.
- Ms. Goulart should be invited to any public hearings

Questions from the Board to Sgt. Ramos:

J. Muri – On follow-up visits did mgr. furnish titles? Sgt. Ramos – As of 4/9/18 only 8 titles have been produced (8 out of 42). Mgr. states most vehicles are being held on "credit" from auction.

J. Muri – Should have some type of paper trail. Sgt. Ramos – Auto dealers put books together just before upcoming inspection. With this type of business, it's hard to reconcile vehicles on hand and proper backup.

J. Muri – Do log bks show VIN#? Sgt. Ramos – form that needs to be filled out is very thorough, but still has missing information

M. Costello – This has been going on for a long time. All inspections get the run around and Ms. Goulart is never present. Only she should be making sales and following through with complete process.

D. Perry – Question for the Board, owner of business may have other businesses and cannot be present for all sales. How do we amend the license so that the Mgr. has authority to sell and purchase vehicles?

S. Vadnais – Public hearing needs to take place on this issue with Sgt. Ramos present to discuss all issues at hand.

Upon investigation of the violations, below is a list of items to be addressed at an Public Hearing:

- 1) Authorize person to sell vehicles-violation of unauthorized personnel making sales
- 2) Log books incomplete and must be on premises
- 3) Paperwork incomplete

- 4) Display license on premises was altered
- 5) Insufficient titles to match vehicles on site
- 6) Explanation of # vehicles unclear
- 7) Business for auto mechanic-not licensed (?)
- 8) More cars than allowed
- 9) Vehicles in storage on site
- 10) Alleged Wholesaler on premises without license
- 11) Absentee of proper licenses-burden on Ms. Goulart

G. Schwall Motion to hold a Public Hearing due to all evidence presented by Sgt. Ramos.
Second by J. Muri.

Vote 5-0

Action Item #2A: Tabled From 3/26/18 BOS Meeting-application for personnel Kennel Permit for more than four dogs from Maria Perry

Application has been received for the above request. Ms. Perry is requesting to house dogs in an existing 2 car garage-total of 10 dogs, however structure is only 15-20 ft from property line, Zoning by Law states must be 50 ft. Issue at hand is Bill McDonough states that commercial kennels need to be signed off by ZBA. Private kennels are presented to the BOS for approval but are asking for ZBA's signature. He can not approve because he does not have the authority to grant variances. What would be the proper protocol?

- Public hearing required with ZBA
- Then go to BOS for approval
- Grant/deny would be signed off as Zoning Officer NOT Building Inspector
- If denied the applicant could appeal with Zoning Board-which would require another public BOS hearing to try and get it approved

D. Perry-process for private kennels seems burdensome. The issue at hand with Ms. Perry is due to a complaint from a neighbor who is 120 ft away from the garage.

B. McDonough-when issue is presented to the Board, should not have to go to zoning.

M. Costello-agrees with Bill; BOS doesn't have the authority to grant variances, but if the Board approves the request it is as if we are granting the variance. Also, if we let one pass and another request comes in we would have to pass it as well; this could come back to haunt us. Has issue with setting stage for problems moving ahead.

B. McDonough- agrees and disagrees with the statement. The granting officer should have authority to approve & grant all issues presented to them at public hearings.

S. Vadnais- has issue with changing the use of an existing structure to something else to hold animals. Once a garage is changed to house animals that is now considered to be a "barn," which brings up other issues.

Robert Johnson was asked to check other private kennels that were approved/granted by the Board recently if they complied with the laws. Rob stated that out of the two that were approved one complied with the 50 ft law, but the other was only 25 ft.

S. Vadnais-Full disclosure to the Board, we issued one license that was correct and one that was not.

J. Muri- with the other requests we did review the By Laws for personal kennels and felt that we were complying, however when we read through the law further we saw other stipulations that we had missed when granting/approving the kennels. The By Laws have information all over the place and you need to hunt around carefully to make sure you have covered everything. Current application from M. Perry is complete, except for zoning issues.

S. Vadnais-question for Rob Johnson, does the existing home comply with the laws of Chapter 140?

R. Johnson- should only be able to house 8 dogs, regardless of breed.

There is no record of Rottweiler being tagged for the last 2 years. Is willing to agree to having 4 small dogs be kept inside and not housed in garage. Current facility does pass Chapter 140 Laws. And facility will have yearly check-ins making sure it complies with stipulations on license.

G. Schwall- Will agree to 2018 application to house only 6 dogs, not in the garage (that will have to go to ZBA). Then we revisit it in 2019 through BOS & ZBA. another issue is town clerk has no record of Rottweiler being licensed or censured. Doesn't understand why all dogs were not done at the same time.

M. Perry- In past years and currently has always sent in check for licensing when she mails in the yearly census. Stopped in at Town Clerks office to have the 4 Shiatzus licensed because they were new to her.

G. Schwall & J. Muri- that any changes to the By Laws need to go through ZBA.

D. Perry- agrees with Board, we need to rectify the steps of approval going forward.

S. Vadnais- request knowledge from Mike Deignan on situation at hand. Mike agrees with Rob that BOS in its purview has the authority to issue Private Kennel licenses with stipulations. Town Clerk's office has the capability to keep track of the breeds that are being housed in this facility as well as others. This helps to make sure the applicants are following the laws, and it is also monitored by ACO. Rob has the authority to approve facility to make sure it follows guidelines for animal safety.

G. Schwall – Motions to approve Personal Kennel for additional 4 dogs to be licensed to Maria Perry at 211 Providence St for a total of 6 dogs (4 Shiatzus and 2 Rottweilers) housed in her home. It was suggested to Ms. Perry to go in front of ZBA to resolve set back issues. Then to come back to BOS for recommendation for more dogs. S. Vadnais Second motion.

Vote 5-0

Action Item #3: FY2019 Budgets

On a motion made by G. Schwall Second by J. Muri, it was voted on that the request to amend the Town Accountant Budget due to increase in Powers & Sullivan, LLC audit fees.

J. Muri- Increase was a total of \$500. All Vote 5-0

Finance Committee presented to the Board a request by the School Committee to increase their budget. By doing so it would bring the Town of Rehoboth to a \$3.8M deficit. Mike Deignan presented the Board with a spreadsheet with all cutbacks necessary in order to partially make up for the request at hand. Cutbacks would be straight across the board, from salary decreases to overall layoff to all clerical staff, police force, fire dept, highway dept, forestry dept, etc. Even after all that we would still be short. Need to pass Proposition 2 ½ above and beyond our needs in order to come above.

George-states that the problem at hand is there is no one watching the spending in the school district and doing checks and balances. George suggests that we hire an outside firm (auditor) that has nothing to do with the school committee and go through line by line to see where we can safe/cut back. Should be done on a yearly basis.

S. Vadnais- confirms that as of 4/9/18 budget is balanced unless changes are made at the Town meeting.

Action Item #4: Review of 5/14/18 STM & ATM Warrants

On a motion made by D. Perry Second by G. Schwall it was voted to renew Personal Kennel Permit for James & Ellen Burke at 134 Martin Street for 8 dogs effective 4/1/18 – 3/31/19. All Vote 5-0

Action Item #5: Vote to Schedule Pre Town Meeting Financial Summit

On a motion made by G. Schwall Second by M. Costello next meeting to be held on Tuesday, May 8, 2018 at the Senior Center 55 Bay State Road at 7:00 p.m. Need moderator to be present. Notify Derek to broadcast. All Vote 5-0

Action Item #6: Vote to Renew Junk (Antique) Licenses

On a motion made by D. Perry Second by J. Muri it was voted to renew the following licenses:

- Junk (Antique) License for Mendes Antiques, manager of record being Valentim Mendes of 52 Blanding Road effective 5/1/18 – 4/30/19.
- Junk (Antique) License for Gallery One Twenty-Five, manager of record Daniel A. Bilezikian of 125 Tremont St effective 5/1/18-4/30/19.
- Junk (Antique) License for Grandma's Attic, manager of record Dr. Pauline Warren of 380 Winthrop St effective 5/1/18-4/30/19.

All paperwork is in place in Town Offices

All Vote 5-0

Action Item #7: Vote to Appoint New Member to the Cultural Council

On a motion made by D. Perry Second by G. Schwall it was voted to appoint Tanya Martin to the Cultural Council effective 4/9/18 – 4/8/21. All Vote 5-0

Action Item #8: SRPEDD Commission Member Appointment

On a motion made by M. Costello Second by J. Muri it was voted to appoint Frederick E. Vadnais, Jr as the SRPEDD Commission Member representing the BOS for the Town of Rehoboth effective 5/23/18 – 5/22/19. All Vote 5-0

Action Item #9: Vote to Appoint New Election Worker Member

On a motion made by D. Perry Second by G. Schwall it was voted to appoint Sandra Phillips as an Unenrolled Election Inspector – Precinct III effective 4/9/18 – 10/31/18. All Vote 5-0

Action Item #10: Budget Amendments

Vote to approve Budget Amendments:

Account Number	Department	Increase	Decrease	Voted MTA
011253-52930	BOS-Contracted Services/Snow	\$440.00		All Vote 5-0 DP, GS
011253-52420	BOS-Contracted Services/Equip R&M		\$440.00	
014223-51440	HWY-Road/Special Detail	\$1,000		All Vote 4-0 DP, GS (MC Abstain)
014223-52430	HWY-Road/Vehicle R&M		\$1,000	
012052-51430	POL-Comp/IOD Replace	\$218.64		All Vote 5-0

				DP, GS
012052-51460	POL-Comp/Comp Time		\$218.64	
012103-52410	POL-Bldg R&M	\$340.00		All Vote 5-0 DP, GS
012103-55840	POL-DET/Prisoners		\$340.00	
012052-51540	POL-Comp/Sick Replace	\$3,853.11		All Vote 5-0 DP, GS
012052-51990	POL-Comp/Holiday Replace		\$3,853.11	
012052-51910	POL-Uniform Allow	\$1,875.00		All Vote 5-0 DP, GS
012052-51560	POL-Comp/Family Lve Repl		\$1,875.00	
012203-55801	Fire-T.O. Gear/Equip	\$913.10		All Vote 5-0 DP, GS
012203-53010	Fire-Physicals		\$913.10	
012913-58500	REMA-Addl Equip	\$1,280.00		All Vote 5-0 DP, GS
012913-57350	REMA-CPR Training		\$500.00	All Vote 5-0 DP, GS All Vote
012913-55800	REMA-Supplies Other		\$300.00	All Vote 5-0 DP, GS
012913-55000	REMA-First Aid Supplies		\$100.00	All Vote 5-0 DP, GS
012913-54200	REMA-Office Supplies		\$150.00	All Vote 5-0 DP, GS
012913-57310	REMA-Dues		\$85.00	All Vote 5-0 DP, GS
012913-53420	REMA-Postage		\$50.00	All Vote 5-0 DP, GS
012913-57110	REMA-In State Travel		\$95.00	All Vote 5-0 DP, GS

Action Item #11: Vote to Approve Snow Removal Invoices

On a motion made by D. Perry Second by J. Muri the deficit spending for Ice & Snow Removal for invoices totaling \$99.53 for a total deficit balance as of 4/3/18 was \$107,658.39.

All Vote 4-0-M. Costello Abstain

DEPARTMENT HEAD REPORTS

Rachel Smith: Complaint about the clean-up of roadside. Highway department picking up trash, but BOH was not contacted. Have the Highway Dept contact Karl. Highway Dept mentioned all were in favor.

G. Schwall- already handling this and will meet with the proper people to have location marked where items should be dropped off.

4/9/18 Selectmen's Reports:

Vadnais: Workshop Meeting 7:00 P.M. at the Municipal Facility-to review conceptual plans.

Schwall: Assistant Treasurer for school district just got around to TMLP. None of the conditions met – Cheryl and I have already made phone calls, if conditions are not met the article becomes null & void. E&D account for schools \$1.9m sitting in reserves.

We did not fall under REMA's qualifications for the past storm-no reimbursement.

Congratulations to Julia Sweet who owns the Gilda Tomato for #1 Homebase business will be honored with an award-2018 NESBA Honoree.

Chapter 40B Conference- Will Leeann & Ryan be attending?

Veteran's Memorial needs to be turned over to Parks Commission

Perry: Attended Nancy Goulart Steam Possuism -great event! Do it yourself science fair required fulfillment of EPA.

Shout out to Abby, endless energy spear heading Roadside Clean. If you would like to register please go to (375thRehoboth.com)

Muri: Helen and I are meeting potential candidates tomorrow.

Costello: On Rt. 44/118 there are telescopic poles strapped for purpose of getting traffic count. Design in place until end of year 2022. Have spoken to MassDot about this situation because have plans to repave Rte. 44 and don't want to have to rib it up again.

ADJOURNMENT: Selectmen D. Perry made a motion to adjourn the Regular Session Meeting at 10:30 PM., Second by Selectmen G. Schwall. Vadnais – aye; Costello – aye; Muri – aye

Frederick E. Vadnais, Jr., Chairman

Gerald V. Schwall, Vice Chairman

David A. Perry, Jr., Clerk

James Muri, Member

Michael Costello, Member

Respectfully Submitted,
Deborah Arruda
Assistant to Town Administrator

Approved: 8/27/18 as amended