



Office of
SELECTMEN
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**BOARD OF SELECTMEN
MEETING MONDAY MAY 14, 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

1.0) Executive Session: At 6:30 p.m. D. Perry made a motion to enter into Executive Session, 2nd by J. Muri, pursuant to Massachusetts General Law, Chapter 30A, and Section 21; (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

Topics of Discussion: Litigation updates & Hornbine Motors Potential Litigation

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

2.0) Consent Agenda

Warrants for May 17, 2018: S. Vadnais read the weekly Warrants; 18-45A: Withholdings, \$28,725.94; 18-46B, Payroll, \$92,534.13; 18-45 Warrant, \$38,173.88; D. Perry made a motion to approve the weekly Warrants as read. Second, Jim Muri. Voted 4-0 (G. Schwall not in room)

Minutes: On a motion made by J. Muri, Second by D. Perry it was voted to approve Regular Minutes for 3/19/18- All Vote 4-0. On a motion made by D. Perry, Second by J. Muri it was voted to approve Special Pre-Town Meeting Financial Summit for 5/8/18 - All Vote 4-0. (G. Schwall was not in the room) J. Muri confirmed Executive Session Meeting Minutes from 4/23/18 were affirmative & released during tonight's Executive Session.

Open Forum – Announcements:

- Dighton Town Administrator, Mallory Aronstein has forwarded an email advising Dighton is having a Special Town Election to fill a vacancy on the Board of Selectmen. They know that the Rehoboth BOS is looking to meet for the Regional Agreement. They would like

to have their third member present for that discussion. The election is June 28, not to be confused with an election in May for the Dighton Water District.

- **S. Vadnais & J. Muri both agree as soon as they have a date we will meet with them.**
- Helen attended the Community Resilience Building Workshop hosted by Mary Monahan of Fuss & O'Neil. Approximately 14 individuals attended on behalf of town departments, boards or other interested parties. A big Thank You to the COA & Bill for putting together a wonderful lunch. The workshop was a requirement of the town's participation in the Massachusetts Municipal Vulnerability Preparedness Program in order to receive the MVP \$15,000 Grant. The grant will be used to have a Municipal Preparedness Plan prepared for the town of Rehoboth. Once the town has a plan in place, we will be eligible to apply for additional grants for needs identified in the Municipal Preparedness Plan. A lot of information was provided by the individuals in attendance. The Town's water supply was of most concern and what the future hold for sustaining viable water resources. We may not make the first deadline, but will try for the 2nd in July.
- Helen will be meeting with Don Backlund and Mark Cuddy from FB Insure on May 16th at 9 AM to discuss the Town's insurance for FY19
- Update on Feral Cat Program: In 2016-17 total of 227 cats were trapped, 119 were returned back to where they came from. Our group serves approximately 35 residence and they have agreed to take over the care of some of the cats, as long as they are spayed/neutered. Many of the cats that are around are strays and not Ferrell. Ferrell cats will run away from humans. If you have cats in your area and they are not looking for food, chances are they belong to a neighbor. We have many volunteers that have been helping us out.
- M. Costello – Your fundraising is going very well, you are very aggressive about it and it has raised a lot of money to help with the cost of taking care of the stray cats.
 - June 10th we are having an OPEN HOUSE with many activities for the kids. This will bring awareness to residents that we have a shelter and if they want to help out they can.
 - The shelter is always looking for donations of materials, food, toys, etc. for the animals.
 - Visit the website: Rehoboth Animal Advocate.org for more information.
 - **We will place the website information on the Town Page under Shelter Dept.**
- Bill Maiorano – The US Small Business Association is offering low interest loans for people who had severe damage from the March 2nd storm. Bristol County made the threshold, so Governor Baker has presented to the President and we are waiting to hear back. If a resident has a lot of damage you can fill out an application found on the town website.
 - G. Schwall announced that Bill was a recipient of the Silveira Award for 2018 Public Servant for all of his hard work for the town. It was awarded through the Lions Club.
 - M. Costello also congratulated Abby Abrahamson for being awarded for the Outstanding Youth Award.
 - J. Muri announced that the Town Nurse also was awarded the Public Servant Award

- G. Schwall - Chief Barresi was also awarded with the Public Servant Award. He has been working on saving the residents money. After July 1st ISO will be testing fire hoses to make sure their pressure is as efficient as getting water from a hydrant. If all goes well we may move from a rating of 8B (which is a general Grade for all town's that do not have town water) to a 3 or 4, which could save approximately \$24M in premiums for home owner's insurance.
 - Several others were awarded as well and will be announced in the Reporter.
- Next Selectmen's meeting will be held on Monday, May 21, 2018 at Dighton-Rehoboth High School, this is due to the fact that the Special Town Meeting will most likely take up 2 nights. Please check posted agenda for start time.
 - S. Vadnais announced the Senior Class of Bristol County Agricultural HS requests the honor of the BOS presence at their Commencement Exercises on Thursday, May 31, 2018 at 6:30 PM at Dighton Town Hall, Karl K. Spratt Memorial Field. Inclement weather location: BCAHS Gymnasium.
 - Reminder that May 16, 2018 is the Special & Annual Town Meeting at 7:00 PM at Dighton Rehoboth HS. An Executive Session Selectmen's meeting will be held prior to the TM, starting at 6:30 PM. Since we are meeting today we will keep open session brief and only discuss things that may be urgent.
 - M. Costello announced there will be Historical House Tours of various homes in town. Some date back to the 1600's & 1700's. The current home owners are allowing people to tour their homes. Tickets can be purchased online.

NEW BUSINESS: Action Item #1: PUBLIC HEARING CONT: Hornbine Enterprises, Inc.- Manager of Record Suzanne Goulart

Public hearing continued from April 30th for Hornbine Enterprises, Inc. to continue deliberation of possible revocation of Class II Auto License.

- Counsel for Ms. Goulart (Ms. Maloney) is asking for a continuance until the next BOS meeting because client is sick. Ms. Maloney notified our Attorney Mr. Kennefick at 1pm, however the board was not aware.
- D. Perry – If Ms. Goulart were to be here today did she have new information to share with us that we don't already have?
 - Ms. Maloney feels that her client should be present to testify against the board and may have new evidence to share. Ms. Maloney did not have a chance to speak with her client before the meeting.
- There is a request for a 60-day continuance but on a separate settlement.
- J.Muri – Based on the testimony from Sgt. Ramos & all of the evidence presented to us last week, I don't feel we should grant a continuance because Ms. Goulart is sick today. I feel we can finish off the business tonight.
- J. Muri Motion not to grant a continuance, Second by M. Costello.

Open Discussion:

- G. Schwall would like advise from our counsel on how to proceed.
- Atty Kennefick – there is no legal answer, the board can decide to grant continuance or not.

- Atty Maloney – As a courtesy to my client, I would like to have her present to face the board and I'm asking for the continuance.
- M. Costello – I feel we could have decided last week on this issue, but we did not because we needed some time to absorb all of the evidence. At this point we have reviewed everything and can make a conclusion.
- G. Schwall – Up to this point your client has not had much testimony. Is she ready now?
- Atty Maloney – I cannot answer for her. I was not able to review this issue with her today, as there was not time before coming to this hearing. That is why I am asking the board to reschedule.
- D. Perry – Whatever new information your client may have, she can not undo what has been done already.
- S. Vadnais – Are we ready to vote for no continuance?
- Vote 5-0
- Atty Maloney – We are here due to the 6 separate notifications. At the last meeting we heard a lot of information that was irrelevant to these 6 items.
 - 1-Unauthorized personnel selling vehicles under Class II License
No evidence shown of such actions.
Stipulations on license has been complied to at all times
 - 2-Log books incomplete
Have evidence showing inspections from past stated "good" on the log book for multiple years.
 - 3-Paperwork incomplete
 - 4-Class II License on display altered
Stipulations was complied to
 - 5-Insufficient titles to match vehicles on premises
Provided titles on vehicles they could find and others were consignment and/or belonged to personnel
 - 6-Explanation of number of vehicles on premises
Could be double charges of vehicles if log book was incomplete
No limit to how many can be on premises
- M. Costello – Number of vehicles were from other states. License has one name on it for selling and purchasing. No one else is to be selling or purchasing, but Ms. Goulart is never on the premises.
- J. Muri - Sgt. Ramos was told by Mr. Pimental that he has sold many cars and purchased some too. Under the license, that is not to happen. There is a long process to selling a vehicle, not just signing the P&S. I find the most egregious offense is altering of the license. I don't know of any circumstance where state, federal or local government would allow this from a licensee and not have any consequences from permitting authority.
- Atty Maloney – I've explained that to my client. I am asking that we focus on the 6 issues at hand.
- D. Perry – We understand you want us to focus on these items only, but with all of the evidence that has been brought forward and inconsistencies from your client, we need to look at everything. All of the evidence leads put to these 6 inconsistencies.
- Sgt. Ramos – We try to work with the owners to get their paperwork and log books up to date. So, we don't always present the BOS with our first inspection

visit; we try to educate the owners. I have worked with Ms. Goulart on many occasions. Some years are worse than other. Since the last meeting I received documentation from Monheim Auto Auction, showing other employees listed to buy vehicles. Currently there are 3 names listed, but in the past there have been at least 30 different names and Ms. Goulart is not one of them. I was told by Mr. Enis that only he and his wife bought and sold vehicles. The document also shows that Mr. Enis, Jr is the owner of Hornbine Enterprises.

- S. Vadnais – Back in 2009 it was asked of Ms. Goulart if she would like to add Mr. Enis as a buyer on the license, she declined. We were clear with them that he could NOT sell or buy vehicles. It was revisited in 2023. Twice she has been told no one else but her could purchase & sell vehicles. This is not new News.
- M. Costello made a Motion to close the public hearing, Second by G. Schwall. Michael Costello, 'aye;' Jim Muri, 'aye;' Skip Vadnais, 'aye;' Gerry Schwall, 'aye;' and Dave Perry, 'aye.'

Board entered into deliberations:

- J. Muri makes a Motion to revoke the license from Ms. Goulart, immediately for the following reasons, Second by M. Costello
 - Altering of Class II Auto License for Hornbine Enterprises, Inc.
 - Ms. Goulart not the sales person as was listed on the license
 - Log books incomplete
 - Paperwork incomplete
 - Insufficient titles to match vehicles on premises

Vote 5-0

- Attorney Kennefick states that the Board only had two choices in this matter, either revoke the license or do nothing. There is no middle ground in Chapter 140. If there are any open sales they can be completed. If the decision is made to appeal, no sales of any kind can happen.

Action Item #2: Police Department Time Off Policy 8.03

Chief Trombetta has requested the Board approves and authorizes adoption of revised Police Department Policy 8.03 Time Off Policy.

- G. Schwall- This is for deployment of personnel?
- Chief Trombetta – Yes. The Board has the right to adopt or reject the policy changes. If there are any further questions the Board may want to take it into Executive Session. If there are no questions, then we can proceed.
- M. Costello – I am concerned about manning, however, since Gerry has reviewed the policy and is comfortable with changes made then I can move forward.
- G. Schwall – I had questions which were addressed to my satisfaction. Skip and I have had a conversation with the Chief and these changes are to better protect the public & police officer. These changes are to the policy and not to the contract. The Chief has the right in his purview to set policy changes. He has met with the unions to discuss these matters and in reviewing that I am comfortable to in moving forward.
- J. Muri – I recommend one last clause that stipulates giving the Chief the right to reserve judgement on any posting or roster changes.

- G. Schwall – During any collective bargaining it states that the final approval has to go through the Chief.
- D. Perry – I am also comfortable with Gerry's review and can move forward.
- G. Schwall Motion, Second by M. Costello to accept changes to the policy Section 2 Procedures Sub B, Sub C and Sub D, effective 7/1/18. Vote 5-0

Action Item #3: Request to Use Senior Center by SEB, LLC for Reserve at Spring Hill Affordable Housing Informational Session & Lottery Session

TABLED from 5/7/18 meeting & remanded to the COA for review.
Selectman Muri spoke to Town Counsel and we have no obligations.

Selectman Dave Perry recused himself from the room.

- Member of COA - Ron Whittemore advised that 6 out of 7 voted unanimously against use of building, for the following reasons:
 - Sets poor & questionable precedents
 - Potential cost to tax payers because would need staff to open, close and clean building
 - Biggest reason is liability

J. Muri Motion, Second by G. Schwall to deny use of the building. Vote 4-0

Action Item #4: Job Description for Administrative Aide/Highway Department

Vote to approve Job Description for Administrative Aide for the Highway Dept.

Selectman Mike Costello recused himself from the room.

Job description updated & approved by Personnel Board, Highway Superintendent Mike Costello & Dave Perry.

Two major changes:

- Assists Stormwater Officer with maintaining files, records & other administrative duties as required.
- Change item I to read - Admin will help temporarily in other departments as needed
- Change item K to read – “to include but not limited to ZBA”
By making these updates it allows for flexibility in emergency situations

D. Perry Motion, Second by G. Schwall. Vote 4-0

Action Item #5: Vote to Approve & Sign Chapter 90 Project Requests

Mike recused himself from the room.

- 1) Vote to approve and sign Chapter 90 Project Request to resurface/prepare roads and chip seal for the amount of \$90,000.00
 - This been done in the Bay State Road & Chestnut Street Locations

Dave Perry Motion, Second by G. Schwall. Vote 4-0

- 2) Vote to approve & sign Chapter 90 Project Request to resurface/prepare roads using 2-3/4" Type I Bituminous Concrete w/ Tack for the amount of \$160,000.00
- This will be done in the Blanding Road & Miller Street Locations
- Dave Perry Motion, Second by J. Muri. Vote 4-0

- G. Schwall – Does the Highway department have a list of upcoming projects for the BOS to review?
- M. Costello – I determine the projects by reviewing the worse roads in town and by the amount of complaints I receive. These two streets are really bad and I have already patched them up many of times.
- G. Schwall – Do you have enough help in your department? I know you have a few employees out.
- M. Costello – There is a program through the state that you can get temporary help that has been trained in highway procedures. The closest location is Taunton.

Action Item #6: Special One Day Wine & Malt Liquor License for Carol Marcil of Young's Caterers, Inc

Vote to approve One Day Special Wine & Malt Only liquor license for:

Name of Licensee: Carol C. Marcil
Young's Caterers, Inc. of 364 Newman Ave, Seekonk, Ma 02771

Address of Licensed Premises: Country Gardens of 339 Tremont St, Rehoboth, MA 02769

Effective Dates of License & Authorized Hours of Sale:

5/16/18	6:00 PM – 8:00 PM	Memorial
5/25/18	5:00 PM – 10:00 PM	Wedding
5/26/18	1:00 PM – 5:00 PM	Memorial
6/2/18	5:00 PM – 10:00 PM	Wedding
6/15/18	2:00 PM – 7:00 PM	Company Event
6/16/18	5:00 PM – 10:00 PM	Wedding
6/22/18	5:00 PM – 10:00 PM	Wedding

Transportation of liquor dates: 5/15/18, 5/17/18; 5/24/18, 5/27/18; 6/1/18, 6/3/18; 6/17/18, 6/21/18; 6/23/18

D. Perry Motion, Second by G. Schwall to approve the One Day Wine & Malt liquor license for Young's Caterers. Vote 5-0

Action Item #7: Budget Amendments

Vote to approve Budget Amendments:

Account Number	Department	Increase	Decrease	MTA
012103-57140	POL – Exp. Registrations	\$135.00		DP/GS
012103-53010	POL – Exp. Medical		\$135.00	DP/GS

Vote 5-0

Vote to approve Special Year End Budget Amendment:
Dave Perry recused himself from the room

Special Year End Budget Amendments: following budget amendments pursuant to MGL C. 44 §33B (requires vote of BOS & Finance Committee) and to forward to the Finance Committee				
Account Number	Department	Increase	Decrease	MTA
011723-55800	Stormwater-Supplies	\$306.00		GS/JM
011722-51140	Stormwater-Wages/PT		\$306.00	GS/JM

Vote 4-0

Action Item #8: Municipal Building Discussion

Selectman Schwall has requested this topic to be placed on the agenda:

- G. Schwall – Clarifying information that has been placed in the Reporter and Sun Chronicle that states the BOS have authorized new carpeting for the Town Hall building and Police Dept. We have not approved this however, we are in the process of looking into the possibility of having that done. We are looking into getting estimates, we are doing our due diligence and looking to replace a few windows in the Town Hall and Public Safety buildings. We have been receiving feedback from residents that do not want us to put any money into the existing Town Hall. There has been money budgeted already this year for trailers and we were thinking of moving personnel from the Town Hall into them. Not sure if we will be taking that route. The estimates coming in are very high. We are also looking into a new Town Hall, but it could take up to 2 years. That is not acceptable and we can not have our personnel working in the conditions that they are working in for that length of time. We will end up with bigger issues that may involve lawyers. The BOS needs to review a short-term solution as well as a long-term solution to this issue. We need to bring this topic back on the docket and figure out what the plan is going to be.
- J. Muri – The physical assessment report specifically stated there were issues with ventilation, issues with the carpets, mold, allergens and other factors. This is a “stop gap” measure, a repair, it’s not just about getting a new carpet.
- S. Vadnais – We will revisit in a few weeks, after we get through TM.

Action Item #9: 375th Anniversary Committee Historic Homes Tour

Vote to approve agreement between the homeowners participating in the 375th Anniversary Committee Historic Homes Tour and the Town.

Jay has prepared the agreement based on the information provided by the insurance company. These agreements will provide each homeowner to be issued a Certificate of Liability Insurance as provided in our insurance policy.

As Jay has stated, you may vote to authorize Helen to sign or Chairman Vadnais can sign, that is considering if the Board votes to approve these agreements.

Agreements have been prepared for the following individuals:

Dan Cardoza - 108 Homestead Ave, Rehoboth, MA 02769
Karissa Evans - 110 Hillside Ave, Rehoboth, MA 02769
Jenay Evans - 282 Lake Street, Seekonk, MA 02771
Denise Cain – 219 Hornbine Rd, Rehoboth, MA 02769
Jann McMurry – 28 Homestead Ave, Rehoboth, MA 02769
Lynda Plante – 414 Fairview Ave, Rehoboth, MA 02769
Dianne Freed – 89 Carpenter Street, Rehoboth, MA 02769
Kate Farrington – 16 River Street, Rehoboth, MA 02769
Deborah Burns – 5 Locust Street, Rehoboth, MA 02769

We have two additional structures open on Saturday, May 19th for the Historic House Tour:
Rehoboth Congregational Church – 139 Bay State Rd, Rehoboth, MA 02769

FYI – Hornbine School – 144 Hornbine Rd, Rehoboth, MA 02769 will be on tour but is owned by the Town (owned by Town of Rehoboth under authority of Historical Commission)

M. Costello Motion, Second by G. Schwall to allow Helen to sign agreements as they come in because of the short notice Helen is more readily available. Vote 5-0

DEPARTMENT HEAD REPORTS

5/14/18 Selectmen's Reports:

Vadnais: Will be attending graduation at Bristol Agricultural High School

Schwall: 375th has been great and we have many people who want to volunteer, which is great however, when you have such a large number of volunteers you now need a quorum. You need to meet a couple of times a month, and you need at least half of the volunteers to show up at the meetings. Most people only want to be involved in one aspect of the 375th. I have spoken to council and the best way to approach the matter is with the approval of BOS to form a “Steering Committee.” There would be about 15-20 individuals, they would attend the meetings and make decisions. Others can attend meetings but cannot vote.

J. Muri made a Motion, Second by G. Schwall to allow a “Steering Committee” be put together. Vote 5-0

- Give list of names to Helen ASAP and adjust their appointment slip

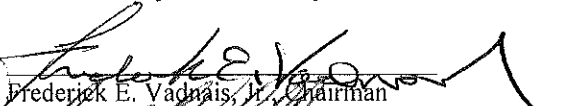
Also, Helen attended the Community Resilience Workshop. The project about the water issue began with previous Planner, however now is on Helen's desk. Would like Selectman J. Muri to take on project with the help of Helen since he has knowledge with water issues. Selectman Perry will help when needed as well.

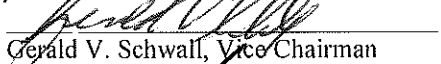
Perry: Please attend the Town Meeting, need serious participation. Might see events that will be eye openers.

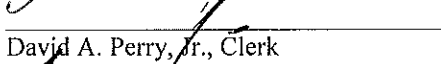
Muri: Bring non-perishable food items to the Town Meeting to help out the Boys Scout's collection. Also, I attended the workshop last week and lunch was provided by the COA, it was a wonderful lunch. They offer lunches on Monday's for only \$3.00 and breakfast on Wednesday's. Very good quality.

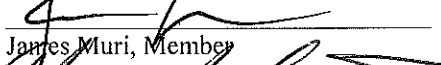
Costello: Reminder about the house tours this weekend, tickets are available online.

ADJOURNMENT: Selectmen G. Schwall made a motion to adjourn the Regular Session Meeting at 9:19 PM., Second by Selectmen J. Muri. Vadnais – aye; Perry – aye; Costello – aye; Schwall – aye; Muri – aye

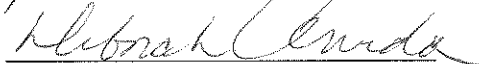

Frederick E. Vadnais, Jr., Chairman


Gerald V. Schwall, Vice Chairman


David A. Perry, Jr., Clerk


James Muri, Member


Michael Costello, Member



Respectfully Submitted,
Deborah Arruda
Assistant to the Town Administrator

Approved by: 9/10/18