



Office of
SELECTMEN
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BOARD OF SELECTMEN
MEETING, TUESDAY, OCTOBER 15, 2013
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER

Present: Susan Pimental, Chairman; Joseph Tito, Vice Chairman; Lorraine Botts, Clerk; Michael Costello and Frederick “Skip” Vadnais

Also Present: Jeff Ritter, Town Administrator

Call to order at 6:45p.m.

Executive Session: L. Botts made a motion to enter into Executive Session pursuant to G.L. Chapter 30A, Section 21, (3) to discuss strategy with respect to collective bargaining, litigation or potential 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: School Committee Litigation; 138 Chestnut Street & 295 Winthrop Street

Second, J. Tito. Roll Call: Botts – Aye; Vadnais – Aye; Costello – Aye; Tito - - Aye; Pimental – Aye. Voted 5-0

At 7:08p.m. J. Tito made a motion to return to open session. Second, L. Botts. Roll Call: Botts – Aye; Vadnais – Aye; Tito – Aye; Costello – Aye; Pimental – Aye. Voted 5-0

1.0) Call to Order: The Board and the public participated in the Pledge Allegiance to the Flag.

2.0) Consent Agenda

Warrants: S. Pimental read the weekly Warrants: 14-14A, Withholdings, \$17,337.58; 14-15, Invoices, \$31,865.08; 14-15B, Payroll, \$79,614.05. J. Tito made a motion to approve the weekly Warrants as read. Second, L. Botts. Voted 5-0

Minutes: None

3.0 Open Forum – Announcements: The next meeting of the Board of Selectmen will be held on Monday, October 21, 2013 starting at 7:00p.m. in the Senior Center.

Page Two
Board of Selectmen, Meeting Minutes
October 15, 2013

Robert Pray, Fire Chief stated there will be a Halloween Party at Station Three on October 31st starting at 6:30p.m. Also, on October 27th the annual Chicken Bar-B-Que will be held on Saturday between 11:30a.m. and 1:00p.m. the cost is \$12.00.

Town Administrator's Report: J. Ritter reported that the tax classification hearing will be held next week. The Board will be meeting with the Town Clerk and the Town Moderator as part of the pre-town meeting discussion of the Warrant. Work is continuing on the draft motions for the Special Town Meeting. There will be a Public Hearing on the Hillside alcohol license. The Town Clerk will present her findings on the recent community survey next week regarding keeping the Town Hall open late one evening per week. Finally, the Special Town Meeting will be held on Monday, October 28, 2013 and the public are encouraged to attend.

4.0) NEW BUSINESS

Action Item #1: Tree Warden Public Hearing: L. Botts made a motion to open the Public Hearing. Second, J. Tito. Roll Call: Botts – Aye; Vadnais – Aye; Tito – Aye; Costello – Aye; Pimental – Aye. Voted 5-0

Robert Johnson, Tree Warden and Michael Meyerdierks, National Grid was present. R. Johnson reported that National Grid plans to remove about forty-one (41) trees along public ways. All trees for removal have been posted.

S. Vadnais stated that there is a noticeable difference and that National Grid should be complimented for their work to date.

S. Pimental asked if there was any public comment. None was heard.

L. Botts made a motion to close the Public Hearing. Second, J. Tito. Roll Call: Botts – Aye; Vadnais – Aye; Tito – Aye; Costello – Aye; Pimental – Aye. Voted 5-0

S. Vadnais made a motion to grant permission to National Grid to remove the posted trees along Miller, Providence, Wheeler, French, Summer Streets and Bay State Road, Anawan Street and Fairview Avenue. Second, J. Tito. Voted 5-0

R. Johnson noted there is an ongoing issue with Comcast and Verizon in that grape vines are continuing to grow around poles and he was doing the best he could to stay on top of it. M. Costello congratulated R. Johnson and his crew for a job well done.

Action Item #2: Application for Antique (Junk) Dealer's License from Gary Jennings, Anawan Antiques: L. Botts made a motion to approve the license application and to charge him \$75.00 for the full year since he has not paid for the license over several years. Second, S. Vadnais. Voted 4-0

Page Three
Board of Selectmen, Meeting Minutes
October 15, 2013

Action Item #4: Re-Review of License Fee Schedule for Licenses Issued by the Board of Selectmen:

M. Costello stated that he had asked that this item be placed on the Agenda for further discussion. There was a question if all license holders had been notified that the Board would be discussing this issue last week. He has learned that in fact a notice was mailed to all license holders.

Also, he was told there was only one holder of an all alcohol license holder and has since learned there are nine holder of this type of license. He was concerned that Crestwood, classified as a non-profit was getting a better deal because of their classification as a non-profit.

M. Costello made a motion to retain the existing fee of \$500 for non-profits such as the American Legion and other Veterans organizations. Second, S. Vadnais. Voted 5-0

M. Costello made a motion for all other club licenses with all alcohol licenses to be charged \$1,500 for their annual license renewal applications and to eliminate the classification of non-profit. Voted 4-0-1(Pimental)

George Cardono a local businessman was present and asked how much money would be raised as a result of the increase? S. Vadnais stated that the increase is intended to offset the cost of staff time to manage the license renewal process and other related work in the administration of those licenses.

G. Cardono stated that Rehoboth was not business friendly with no water or sewer and the 300 foot setbacks.

Action Item #2: Public Hearing on Application from Edward Perry, Family Auto for the Transfer of Class II Auto License to a New Location at 496 Winthrop Street: J. Tito made a motion to open the Public Hearing. Second, L. Botts. Roll Call: Botts – Aye; Vadnais – Aye; Tito – Aye; Costello – Aye; Pimental – Aye. Voted 5-0

Edward Perry was present. L. Botts asked why he was moving to a property that is for sale and that he might have to move again. E. Perry said his old location is for sale and he wanted to stay in Rehoboth.

S. Vadnais asked if the lease, which he noted is not signed, would cover the rent for an office and a used car lot? E. Perry stated yes.

M. Costello asked about the maximum number of cars that would be for sale at any given time. E. Perry stated 28 – 30 cars.

S. Vadnais stated that the Building inspector is recommending a maximum of 28 cars.

Page Four
Board of Selectmen, Meeting Minutes
October 15, 2013

S. Pimental asked if there were any public comments? Audrey Eckilson, 489 Winthrop Street was present and asked about the lighting and hours of operation.

E. Perry stated the lighting would be directed away from her home and no additional lighting would be added. Regarding the hours of operation the business would operate from about 10:30a.m. until 6:00p.m. Monday through Saturday. He would be there on Sunday to complete paperwork no repairs would be done onsite.

J. Tito made a motion to close the Public Hearing. Second, S. Vadnais. Roll Call: Botts – Aye; Vadnais – Aye; Tito – Aye; Costello – Aye; Pimental – Aye. Voted 5-0

J. Tito made a motion to approve the license subject to the signing of a lease agreement. Second, M. Costello. Voted 5-0

Action Item #3: Public Hearing (Continued) Wig Wam Village Auto Sales Class II Auto

License: S. Vadnais made a motion to open the continued Public Hearing. Second, M. Costello. Roll Call: Botts – Aye; Vadnais – Aye; Costello – Aye; Pimental – Aye. Voted 4-0 (J. Tito stepped away from the Board to take a phone call).

Attorney Fredericks, Maria Silveira and Health Agent Robert Ashton were present.

R. Ashton provided an update regarding the current status of the cleanup of the property. He stated that enormous progress had been made since his last visit a large amount of trash and junk cars have been removed.

Attorney Fredericks stated that he has initiated an eviction notice for Providence Auto Body, Inc. and there were about eight (8) vehicles remaining. R. Ashton agreed and stated that perhaps two (2) thirty (30) yard dumpsters are needed for the remaining cleanup.

(J. Tito returned to the Board)

L. Botts stated that she had been onsite today as well and that at least seventy (70) tires had been removed and would favor reinstating the license for thirty (30) days. J. Tito agreed and stated that he goes by frequently and has noticed a considerable cleanup has taken place.

S. Vadnais made a motion to lift the suspension. Second, M. Costello. Voted 5-0 J. Tito made a motion to reinstate the Class II license until November 25, 2013. Second, S. Vadnais. Voted 5-0.

7.0) BOARD OF SELECTMEN REPORTS: S. Vadnais stated that while R. Ashton was

Page Five
Board of Selectmen, Meeting Minutes
October 15, 2013

present he wanted to bring up an air quality issue at the Animal Control shelter. Specifically, State inspectors recently completed an inspection and a high level of ammonia was detected and has ordered that air quality test be completed. The primary reason is that the air quality could create a health hazard for the animals, the staff and the public who might be inside the building.

R. Ashton, stated that he has reached out to several air quality testing firms for a cost estimate. He has advised the Animal Control Officer to keep the exhaust fan running.

Action Item #5: Vote to Approve & Sign MassDoT Contract for \$180,026.00 for Reimbursement Under FHWA Emergency Relief Program for March 2010 Flooding: L. Botts made a motion to authorize the Chairman to sign the Contract documents. Second, J. Tito. Voted 5-0

Action Item #6: Vote to Approve & Sign Chapter 90 Final Report for \$485,021.34 for Town Roadway Work: J. Tito made a motion to approve and authorize the Chairman to sign the Chapter 90 Final Report for various roadway work in the amount of \$485,021.34. Second, L. Botts. Voted 5-0

Action Item #7: Vote to Approve & Sign Request for Transfer from Reserve Fund \$585.00 for Board of Health Vehicle Repair: L. Botts made a motion to approve the request for a Reserve Fund transfer request from the Board of Health for vehicle repairs in the amount of \$585.000 to be transferred into 015113-52430 Board of Health Vehicle Repair and Maintenance for repairs to the Health Agent's vehicle. Second, J. Tito. Voted 5-0

Action Item #8: Vote to Revoke One Day Liquor License & One Day Entertainment License Issued to Rebel Race for October 26, 2013: M. Costello noted that since the property was recently transferred to a new owner who does not want the Rebel Race that all the previously issued licenses and permits should be revoked.

J. Tito made a motion to revoke all licenses and permits issued. Second, L. Botts. Discussion, L. Botts noted that the previous owner Doug Dent misrepresented himself when he came before the Board seeking permits and licenses because at that time the property had already been sold and he owes the community and his supporters an apology. Voted 5-0

Action Item #9: Review Motions for the October 28, 2013 Special Town Meeting: Robert Pray, Fire Chief was present and brought to the attention of the Board that if the request for \$13,000 to upgrade the public safety radio system is approved that this action would jeopardize public safety because you can't use a 460 MHZ and a 470 MHZ radio system together without interference which will jeopardize the ability of the Fire Department personnel the ability to respond.

J. Tito noted the two (2) need to communicate more effectively and work out the details.

Action Item 10: Discussion Re: Application for Entertainment License for Hillside Golf LLC dba Hillside Country Club & Application for Common Victuallers License: S.

Pimental recused herself and stepped away from the Board regarding the application from Hillside Country Club.

S. Vadnais said it is the custom of the Board to hold a public hearing regarding the application of any entertainment license and made a motion that the Hearing be scheduled for Tuesday, November 12, 2013. Second, L. Botts. Discussion, J. Tito noted that the application states a ten piece band and felt that could be too restrictive because for example, the High School Jazz Band has more members than that and could exclude them.

S. Pimentel said she would look into revising the application. Voted 4-0

Regarding the application for a Common Victuallers license S. Vadnais made a motion to approve the application for a Common Victuallers License to be issued to Hillside Golf LLC dba Hillside Country Club effective October 15, 2013 through December 31, 2013 which include the filing of a Workers' Compensation Affidavit and Certificate of Insurance. Second, L. Botts. Voted 4-0

5.0) **OLD BUSINESS:** None

6.0) **OTHER BUSINESS:** None

7.0) **OPEN PUBLIC FORUM:** None

8.0) **BOARD OF SELECTMEN REPORTS:** S. Vadnais reported on the current status of the Animal Shelter. Specifically, there is a new law governing the oversight of animal shelters which will include routine inspection and the establishment of certain emergency response protocols to include animals in the shelter.

There were two state inspectors at the animal shelter several weeks ago and they were very concerned about the following:

- the smell of ammonia in the air was overpowering as a result they are requiring that an air quality test be completed;
- a solution the ventilation system must be identified both in the short term and long term to protect the animals, staff and the public who might enter the shelter;
- need to work with and have a meeting with EMS personnel to establish protocols as to what to do with the animals during a declared state of emergency;
- the Town Administrator must be informed whenever there are staff inspectors in Town interacting with Department Heads;

Page Seven
Board of Selectmen, Meeting Minutes
October 15, 2013

- must have a written inventory of animals at the shelter when they arrived and when they departed including a euthanization policy;
- working with EMS develop protocols to address the needs of large animals who become injured or incapable of walking
- plan to have a meeting on Tuesday, November 12th before the Selectmen's meeting with Town staff to address these issues;

S. Vadnais asked permission of the Board to work with J. Ritter on these issues. There was no objection.

M. Costello reported that two (2) 30 MPH speed limit signs will be installed on French Street tomorrow afternoon.

L. Botts read a statement regarding a fund raiser for the Friend of the Rehoboth Animal Shelter which will be private non-profit organization with no ties to the Town. She is looking for volunteers to form a "Friends of Rehoboth Animal Shelter," to do fundraising.

J. Tito reminded the public that it is still mosquito season and to be careful.

M. Costello read a letter of apology from Harvey Bigalow to him and his wife. The letter was the result of litigation and on the order of the Judge that Mr. Bigalow write this letter and has it published in all the local newspapers. It reads as follows:

"Dear Mr. Michael Costello
Mrs. Susan Costello and
The Rehoboth Community

First and foremost, it is my intention to hereby profoundly and sincerely apologize and beg forgiveness for my inappropriate behavior of three years ago. Having watched the testimony of you both in court, I witnessed firsthand all of the distress, emotions, feelings, emotional trauma, discomfort and unrest I have caused. I am so sorry. I hope you can begin to believe that it was not my intent to do so. I did not recognize the harm I caused. Again, I take full responsibility for my actions and make no excuses.

Thought I have only met Michael on several occasions and Susan never, I respectfully reach out to both of you. I am profoundly and sincerely sorry, beg forgiveness and apologize.

Respectfully and Sincerely,

Harvey J. Bigalow

Page Eight
Board of Selectmen, Meeting Minutes
October 15, 2013

Cc. Honorable Gregory Phillips
Rehoboth Reporter
Sun Chronicle
Taunton Gazette”

S. Vadnias noted that it was ordered by the Court that the letter be publicly read at the Selectmen’s meeting.

9.0) EXECUTIVE SESSION: None

11.0) ADJOURNMENT: L. Botts made a motion to adjourn the meeting at 8:08p.m. Second, M. Costello. Voted 4-0

Respectfully submitted,

J. Jeffrey Ritter
Town Administrator

Approved 10/21/13