



Office of
SELECTMEN
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BOARD OF SELECTMEN
MEETING, MONDAY, FEBRUARY 11, 2013
MEETING MINUTES
GLADYS L. HURRELL REHOBOTH SENIOR CENTER

Present: Joseph Tito, Chairman; Susan Pimental, Clerk; and Lorraine Botts

Absent: Michael Costello and Donald Leffort

Also Present: Jeff Ritter, Town Administrator

Call to order at 6:00p.m.

Executive Session: At 6:00p.m. on a motion by Selectman S. Pimental, seconded by Selectman L. Botts, it was voted by roll call to enter into Executive Session pursuant to G.L. Chapter 30A, Section 21, (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; (3) to discuss strategy with respect to collective bargaining or 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; (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Topics of Discussion: Light Maintenance Contract; Insurance Claims (litigation); Cichocki/Hwang vs. Rehoboth; REPAC vs. Rehoboth; Godfrey vs. Rehoboth and other Updates on other open litigation issues by Town Counsel.

The Chairman declared an open meeting would have a detrimental effect on the bargaining or litigating position of the Board.

Roll call Vote: Pimental – Aye; Botts – Aye; Tito – Aye. Voted 3-0

At 7:26p.m. S. Pimental made a motion to exit Executive Session and to reconvene the open meeting of the Board of Selectmen. Seconded, L. Botts.

Roll call vote: Pimental – Aye; Botts – Aye; Tito – Aye. Voted 3-0

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

2.0) Consent Agenda

Warrants: J. Tito read the weekly payroll and expense Warrants. S. Pimental made a motion to approve the weekly Warrants, 13-31A Withholdings, \$17,005.85; 13-32 Invoices, \$3,364,196.59; and Payroll, \$92,370.78. Second, L. Botts. Voted 3-0

Minutes: L. Botts made a motion to approve and release the Meeting Minutes from January 28, 2013. Second, S. Pimental. Discussion: J. Tito noted a spelling error on Page 4 "mation" should read "main." S. Pimental noted on Page 5, "the funds pledged" should be deleted. Voted 3-0 as amended.

S. Pimental made a motion to approve and release the Executive Session Meeting Minutes from January 28, 2013. Second, L. Botts. Voted 3-0

Announcements: J. Tito stated the next regular meeting of the Board of Selectmen would be Tuesday, February 19, 2013 at the Senior Center starting at 7:30p.m.

The Democratic Caucus will be held on Wednesday, February 13, 2013 at 6:30p.m. at the Goff Hall on Bay State Road.

3.0) Open Forum – Announcements – Maureen Whittaker, 21 Pond Street and member of the Rehoboth Cultural Council was present. Ms. Whittaker reviewed all the positive outstanding work the Cultural Council support. Also, that the Carpenter Museum has been designated to receive the Gold Star Award. This award is one of five (5) given throughout the Commonwealth. Rehoboth should be proud of this accomplishment.

Town Administrator's Report: J. Ritter announced an E-Mail from State Representative Steven Howitt regarding the "Unsung Heroines of Massachusetts," award anyone interest in more information should contact the Selectmen's Office. There was a Department Heads meeting last Thursday. The Warrant for the Annual Town Meeting closes on March 1st. FY14 budgets are to be submitted on Friday, February 22nd. Representative from the Federal Emergency Management Agency were in today last Monday and Thursday to assist Department Heads in gathering the estimates.

He thanked all Town staff and the citizens of Rehoboth for working so well together over the week-end and during the recent snow storm. He has asked John Souza to check out the roofs in town given the heavy snow and anticipated rain. The Federal government is in the process of

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selling off several vehicles stored on Town property for years. Finally, he responded in writing to the State Gaming Commission regarding their request for comments on the definition of how a “surrounding community” to a casino is defined.

4.0) NEW BUSINESS

Action Item #1: Discussion with Citizens Energy Re: Payment in Lieu of Taxes Program for Tremont Street Solar Installation: Ben Axelman of Citizens Energy was present. Jay Talerma and the Rehoboth Board of Assessors were also present.

B. Axelman reviewed the history of Citizens Energy and stated he would like to come up with a number for a payment in lieu of taxes. He stated that the project was similar to purchasing a computer after a few years the equipment is out of date and needs to be replaced.

S. Pimental stated it was more like purchasing a new vehicle and excise taxes are based on the assessed value. L. Botts stated that we need to determine the amount similar to other communities such as Whatley.

B. Axelman asked for a payment in lieu of taxes program be negotiated. J. Talerma stated that they recently helped to negotiate a similar program for the town of Franklin based on fair valuation then payments were spread out of the years...

It was mutually agreed that the Board of Assessors and B. Axelman would meet in Executive Session next week to further define the proposal in anticipation of Town Meeting.

Action Item #2: Discussion with Tree Warden, Robert Johnson Re: Public Tree Removal Request from 12 Peckham Street Resident: R. Johnson was not available due to snow clearing. The Board reviewed a request and proposal from Joseph Housley seeking permission to remove several trees within the right of way near his home at 12 Peckham Street. L. Botts made a motion given that this would be at no cost to the Town that permission be granted. Second, S. Pimental. Voted 3-0

Action Item #3: Discussion with Tree Warden, Robert Johnson Re: Shade Tree Removal Permit for National Grid to Remove Trees as Requested: R. Johnson was not present because he was plowing snow. J. Ritter noted that a Public Hearing must be held before the trees can be removed. A Public Hearing would be scheduled for this as well as the request at 12 Peckham Street.

Action Item #4: Discussion with Attorney Brainsky Re: Request Zoning Bylaw Amendment Warrant Article for 5/13/13 Annual town Meeting: S. Pimental public disclosed that she had worked with Attorney Brainsky on other issues but there were no financial interests.

Attorney Brainsky stated that he represented John Ferreira a local land owner and businessman. They have already been before the Planning Board and presented their proposal to seek approval to rezone a small portion of Rt. 6 (3 parcels) to business. The proposal if approved by Town Meeting would change the zoning of parcels owned by Ferreira Realty, LLC and JJP Realty, Inc. from residential/agricultural zoning to business

There must be a Public Hearing before the Planning board and the Board of Selectmen. The Planning Board has already scheduled a Public Hearing for Wednesday, March 6th. S. Pimental made a motion for the Board of Selectmen to hold a joint Public Hearing with the Planning Board on Wednesday, March 6th FY2014. Second, L. Botts. Voted 3-0

Attorney Brainsky noted the legal ad should get to the newspaper by this Friday.

Action Item #5: Vote to Approve Budget Amendments: \$31,647.00 Police Compensation Full-Time; \$257.10 Police Medical; \$908.49 Police Uniform Allowance; \$2,000 Fire Turn Out Gear/Fire Fighting Equipment: S. Pimental made a motion to decrease budget line item 012052-51420 Police Compensation Shift Differential by \$31,647.00 and to increase budget line item 012052-51120 Police Compensation full time by \$31,647.00;

to decrease budget line item 012103-52422 Police Closed Circuit Television by \$257.10; and to increase budget line item 012103-53010 Police Medical by \$257.10;

and to decrease budget line item 012103-52420 Police Equipment R/M by \$908.49 and to increase budget line item 012103-51910 Police Uniform Allowance by \$908.49. Second, by L. Botts. Voted 3-0

S. Pimental made a motion to decrease budget line item 012203-55802 Fire Hose & Pump R/M by \$2,000 and to increase budget line item 012203-55801 Fire Turn Out Gear/FF Equipment by \$2,000. Second, L. Botts. Voted 3-0

Action Item #6: Vote to Approve Petition Requesting Basic Police Recruit Training Exemption for Patrolman Jacob Miranda: The Board reviewed a Petition from the Rehoboth Police Department requesting the Board vote to approve a Temporary Waiver for Basic Police Recruit Training for Patrolman Jacob Miranda for a time period not to exceed 270 days, or until the start date of the next available academy session whichever, occurs sooner. S. Pimental made a motion to approve the Petition and Waiver request. Second, L. Botts. Voted. 3-0

Action Item #7: Vote to Dispose of 295 Winthrop Street by Public Auction Pursuant to G.L. Chapter 60: S. Pimental made a motion to dispose of 295 Winthrop Street by public auction and to designate Louison, Costello, Condon & Pfaff, LLP and any of their agents to sell 295 Winthrop Street on behalf of the town of Rehoboth, subject receiving their proposal which is acceptable to the Town. Second, L. Botts. Voted. 3-0

Action Item #8:Vote to Approve & Sign 2012 Liquor License Annual Report to the ABCC: The Board reviewed the annual report and noted that there should be a review of fees next Fall before the renewal process starts again. S. Pimental made a motion to approve and sign the 2012 Annual Report of Rehoboth Liquor Licenses to be submitted to the ABCC. Second, L. Botts. Voted 3-0

Action Item #9: Discussion Re: FY13 Town Counsel Bills: S. Pimental reviewed the current status of the open litigation and asked the most recent Kopelman & Paige be held and placed on the Agenda for the next meeting. L. Botts asked for a breakdown of the Comcast payments and local access expenses to date. S. Pimental made a motion to place the most recent bill from Kopelman & Paige on the Agenda for the next regularly scheduled meeting of the Board for further review and discussion. Second, L. Botts. Voted 3-0

Action Item #10: Review of FY14 Town Counsel Budget: S. Pimental stated that for now we should use the total budget number of \$75,000 and revisit it in April. There was no objection from the Board.

Action Item #11: Review of Warrant Articles for Annual Town Meeting: Regarding Article FF, S. Pimental stated she say no reason to including an article to establish a Capital Improvement Planning Committee. It would be difficult to get volunteers and she did not have that distract from the progress made to date. M. Deignan, Chairman of the Finance Committee suggested that we take a look at what the School Committee is working on and it was important to get the right people involved.

5.0) OLD BUSINESS:

Action Item #1: Local Access Update – None

7.0) OPEN PUBLIC FORUM: Wendy Cardarelli, Ash Street suggest one way to save money might for the town to consider consolidating the upcoming elections into one like several other communities. She was concerned about the response from National Grid and the substation on the Seekonk town line which needs to be upgraded. Also, she voiced concern about how she was treated at the Public Safety Building by a fire fighter who was rude when she was seeking water for her horses during the recent blizzard.

8.0) **BOARD OF SELECTMEN REPORTS:** L. Botts stated that the public safety personnel did an outstanding job during the recent blizzard. The Personnel Board needs help with getting their web page up and running. She requested approval from the Board for the Council on Aging to install a shed behind the Senior Center. There was no objection.

S. Pimental stated she recently met with the Town Accountant about her contract and she was going to contact the Treasurer/Collector about health insurance options.

J. Tito stated the roads were still in some areas in tough shape but overall public safety personnel did a wonderful job during the blizzard.

9.0) **EXECUTIVE SESSION** - None

10.0) **ADJOURNMENT:** S. Pimental made a motion to adjourn the meeting at 9:16p.m. Second, L. Botts. Voted 3-0

Respectfully submitted,

J. Jeffrey Ritter
Town Administrator