



Office of
SELECTMEN
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BOARD OF SELECTMEN
MEETING, MONDAY, FEBRUARY 3, 2014
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 & Jay Talerman, Town Counsel

Absent: Michael Costello and Joseph Tito

Call to order at 6:00p.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 or litigation or potential litigation if an open meeting may have a detrimental effect on the bargaining 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: Union Contract Negotiations; Update on Litigation Issues

Second, S. Vadnais. Roll Call: Botts – Aye; Vadnais – Aye; Pimental – Aye. Voted 3-0

At 7:07p.m. S. Vadnais made a motion to return to open session. Second, L. Botts. Roll Call: Botts – Aye; Vadnais – Aye; Pimental – Aye. Voted 3-0

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: 14-30A, Withholdings, \$147,685.02; 14-31, Invoices, \$3,429,094.56; 14-31V, Payroll, \$79,466.23; and 14-31V Veterans, \$14,363.50. L. Botts made a motion to approve the weekly Warrants as read. Second, S. Vadnais. Voted 3-0

Minutes: L. Botts made a motion to hold the meeting minutes from January 27, 2014 until a full Board was present. Second, S. Vadnais. Voted as revised 3-0

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S. Pimental noted that in Executive Session the Board voted to approve and release the Executive Session Meeting Minutes from May 2, 2005; May 23, 2005, Session 2 of 3; and May 31, 2005, Session 2 of 3.

3.0 Open Forum – Announcements: S. Pimental noted that the next regular meeting of the Board will take place on Monday, February 10, 2014 starting at 7:00p.m. in the Senior Center.

Town Administrator’s Report: J. Ritter reported that 295 Winthrop Street had been officially sold at auction for \$106,000. The annual tax bill will be approximately \$3,700 per year with the possibility that the site will be redeveloped into a commercial use.

Last week J. Ritter reported that State Representative Steven Howitt filed an amendment to the State Transportation Bond bill to include the redesign and reconstruction of the intersection of Rt. 44 & Rt. 118. The estimated cost is \$2.0 million dollars. Representative Howitt now reports the amendment has cleared the first hurdle and has been referred to the State Senate for further consideration and possible action.

Rehoboth Solar, LLC started generating electricity off Tremont Street on December 19th. Pursuant to the Pilot Agreement the first quarterly tax bill is due from Rehoboth Solar on February 1st. As a result of our due diligence it was discovered that instead of 2.4 MW installed the actual number is 2.578MW which is about \$2,000 more per year in new revenue to the Town or over the term of the Pilot Agreement (25 years) an additional \$50,507.50.

Interviews for the Veterans Service Agent are scheduled to take place on Wednesday.

The Building Inspectors new vehicle has arrived. His old vehicle will be sold at auction.

Given the recently received report from the Building Inspector on the condition of the Anawan School a new RFP has been prepared and advertised in the Central Register with a response date of March 14th.

4.0) NEW BUSINESS

Action Item #1: Wheeler Street Bridge Project, Presentation by Greenman Pedersen:

James Noyes was present and provided a project overview the Board and to the public. Gerald Doherty from MassDoT, Easement and Right of Way Division was also present along with Jay Talerman, Town Counsel.

On the invitation from the Town several abutters were also present.

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J. Noyes presented a Powerpoint report. Noting that Wheeler Street is on the Federal-Aid Highway System and the project is eligible for funding through the Federal Highway Administration Emergency Relief Program.

However, construction will be performed by Mass Dot who will select the contractor with eight (80%) of the costs paid by the Federal government and twenty (20%) by the State. The design fees will be paid for by the Town using Chapter 90 Funds.

At this point in time twenty-five (25%) percent design submission is currently under review by MassDoT.

There are four (4) direct abutters to the project. Design alternative 1 would maintain the existing opening to the culvert. Alternative 2 would create a twenty (20) bridge span but is also about \$50,000 to \$100,000 more expensive. Details are being worked out.

Next steps, February address comments on the 25% design submission. March/April Design Public Hearing; June submit final design; July Advertise bid; Fall 2014 Begin Construction; Summer/Fall 2015 Bridge opened for traffic.

Edward J. Noonan, 195 Wheeler Street and his son Michael Noonan were present. Mr. Noonan is a direct abutter to the project and is one of the property owners the Town is seeking to secure a temporary construction easement. Mr. Noonan asked about the original design and why the three (3) pipes in the culvert were removed. J. Noyes stated that due to State and Federal funding the flow through the culvert can't be increased because there would impacts downstream.

E. Noonan asked about the exact type of easement the Town is requesting. J. Talerman stated the Town is seeking a temporary construction easement and he is not a fan of a "Right of Easement," and does not favor a less formal approach toward the easement because they lack clarity which is needed sometimes during the construction.

E. Noonan stated he supported the bridge replacement but wanted these questions answered in advance of signing any document.

Gerard Doherty, Community Compliance Officer, Right of Way Unit Project Section, with MassDoT was present and stated the Town and the property owner must agree about which of the three easement options that will be used as the twenty-five (25%) Public Hearing date approaches but nothing can be signed until after that Hearing. Land owners have the right to be compensated.

J. Noyes clarified that the project can't change the flow of water through the culvert based on FEMA mapping and the criteria established by the Federal government.

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Gail K. Sahar and Jean-Luc Solere, 194 Wheeler Street were present. They stated they supported the bridge project but were also concerned that debris such as large branches might clog the culvert after the construction was completed which could cause the flow to back up. Further, they questioned the exact dimensions of the proposed temporary construction easement.

J. Noyes stated there will be a project meeting onsite on Tuesday, February 11th at 9:30a.m. He could meet with abutters immediately after that meeting with the utility companies.

Joyce Deutsch, 183 Wheeler Street stated she understands the need to reconstruct the Wheeler Street Bridge but is not in favor of the project. The real issue is the intersection at Wheeler and Water Streets and the speed of the traffic it is a public safety concern. Henry Coleman, also of 183 Wheeler Street stated they have lived there for twenty-seven (27) years and the culvert is not designed to handle flooding situations. Regarding the funding he was not in favor of a top down approach (Federal government).

Rebecca Smith, Rehoboth Historical Commission reminded J. Noyes that she had sent a letter stating that if any historical artifacts are unearthed during construction that she be notified. She noted that during the 17th and 18th century's there was a grist mill at that location and any historical items discovered should be turned over.

Action Item #2: Continued Public Hearing on Class II Auto License for Wig Wam Auto

Sales: Robert Ashton, Health Agent was present and reported that vehicles had been moved or relocated out of the residential area. However, pursuant to his January 6, 2014 letter to the owner he has issued a \$600.00 fine which was due last Thursday. He toured the facility last Thursday with the Fire and the Building Inspector and observed five (5) rental units with no running water or bathrooms a violation of the State Sanitary Code.

He was told that employees use the A Frame building for these purposes. However, that building has been condemned by the Building Inspector and should the bathrooms are not be used.

Further he observed wooden fence stockpiled toward the rear of the property in the residential zone and some had been moved to the front of the property but this was still a violation of the health code. He is not satisfied with the health conditions and as the property is now it represents a public safety hazard for the public, employees and others onsite. Further, there is a dumpster on site which has not been moved in at least a month.

L. Botts stated she was there Friday around noon and agreed with this assessment and there was no one around when she was there.

S. Pimental stated that she views the property as having an unsafe structure which has been condemned; there are health code and State Sanitary code violations. The question centers on the Class II license and what if anything the Board should do about that.

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Fire Chief Robert Pray was present and reported the buildings are a fire hazard and are viewed as being unsafe. Exits are blocked and there is flammable materials everywhere. A no entry order has been issued on both buildings.

William McDonough, Building Inspector/Commissioner was present and stated he sensed there was no sense of urgency from the current owners. There is a non-conforming use of the property going on. There are a lot of vehicles on site that are not for sale and do not fall under the criteria for a Class II license. Selling wood is a commercial activity.

Attorney Fredricks representing the owners Maria & Jose Silveira reviewed the status of five (5) items they were asked to work on as a result of the last meeting on December 30, 2013 but now there new items that came forward this evening. The Silveira's hired a person to help them resolve the cleanup issues and to move or remove the junk. However, there is way too much to do given the thirty (30) day's notice.

Mr. Silveira is using his own dump truck to have items removed. They want to go forward with a site plan review. He noted and the Board agreed that the parcel has been determined to be outside the Water Resources District. Also, there is no active use of the bathrooms.

L. Botts voiced frustration that the Silveira's want more time to resolve these new issues but they have not addressed the old firsts yet.

S. Pimental noted that no one is attacking the character of the owners but they should know, understand and comply with all the local and state code requirements.

S. Vadnais stated if the license were to expire this evening they can always reapply when they are in full compliance or they could apply for a Class III license (junk).

L. Botts made a motion to close the Public Hearing. Second, S. Vadnais. Voted 3-0

S. Pimental stated the current Class II license will expire this evening.

Action Item #3: Discussion Re: Appointment of Financial Advisory Committee & Charge:

S. Pimental stated there are three (3) openings on this Committee pursuant to the Dighton Rehoboth Regional Agreement. The Chairman of the Finance Committee Michael Deignan and another member of the Finance Committee Gerry Schwall have volunteered to serve on this Committee.

S. Vadnais stated that he understood that Robert McKim may also be interested. S. Pimental said she served on that Committee seven (7) years ago. J. Ritter will place the appointments on the Agenda for next week for the Board's final approval and appointment.

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Action Item #4: Discussion Re: Personnel Board Appointments: J. Ritter will schedule in the individual who expressed interest in being appointed to the Personnel Board for the next regular meeting of the Board.

Action Item #5: Vote on SRPEDD Assessment Resolution: L. Botts made a motion to approve the following Resolution: be it resolved that the SRPEDD Commission, acting in accordance with G.L. Chapter 40B, Section 18, sets the Fiscal Year 2015 assessment rate to the cities and towns at \$0.16557 per capita and authorize the Treasurer to notify member communities. Second, S. Vadnais. Voted 3-0

Action Item #6: Vote to Authorize Deficit Spending for Snow and Ice Removal & Approve Payment of \$9,011.52: L. Botts made a motion to run a deficit for snow and ice removal expense pursuant to Chapter 44, Section 31D and forward notice to the Finance Committee of the vote of the Board of Selectmen. Second, S. Vadnais. Voted 3-0

S. Vadnais made a motion to authorize the most recent payment of \$8,611.81 and \$1,259.24 which will result in a total deficit balance of \$9,011.52. Second, L. Botts. Voted 3-0

Action Item #7: Discussion Re: 295 Winthrop Street Economic Distressed Area Designation: J. Ritter briefed the Board regarding a request received from the new owner of 295 Winthrop Street for the Selectmen to vote that 295 Winthrop Street be designated as an Economic Distressed Area. This designation will potentially allow the new owner to apply for funding through the Massachusetts Office of Business Development, Brownfield Grant program to implement additional cleanup on the property allowing for further redevelopment of the commercial parcel.

L. Botts made a motion to designate 295 Winthrop Street an Economic Distressed Area. Second, S. Vadnais. Voted 3-0

Action Item #8: Vote to Approve 2013 ABCC Annual Report: The Board reviewed the 2013 Annual Report for calendar year 2014 to be submitted to the Alcoholic Beverages Control Commission. S. Vadnais noted that S. Pimental has a financial interest in Hillside Country Club but saw no conflict of interest in her approving and voting on the Annual Report.

L. Botts made a motion to approve the 2013 Annual Report to be submitted to the ABCC. Second, S. Vadnais. Voted 3-0

Action Item #9: Vote to Approve Budget Amendment for \$355 for the Board of Selectmen: L. Botts made a motion to decrease budget line item 011873-52415 Board of Selectmen Facilities Maintenance South Fire Station Repairs by \$355.00 and to increase budget line item 011873-52414 Board of Selectmen Facilities Maintenance North Fire Station by \$355.00. Second, S. Vadnais. Voted 3-0

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Action Item #10: FY2015 Budget Reviews (Town Counsel): L. Botts made a motion to table this item until next week. Second, S. Vadnais. Voted 3-0

5.0) **OLD BUSINESS:** None

6.0) **OTHER BUSINESS:** None

7.0) **OPEN PUBLIC FORUM:** None

8.0) **BOARD OF SELECTMEN REPORTS:** S. Vadnais asked if the Police Department and Highway Department could investigate the possibility of placing a stop sign(s) at the intersection of Fairview Avenue and Homestead Avenue. J. Ritter will communicate this request to the Police and Highway Departments and request a written recommendation.

L. Botts reported that she is continuing to work with State Representative Steve Howitt to get the potholes repaired on Route 44.

S. Pimental provided an update on a recent meeting with the School Committee and stressed that Rehoboth does not owe anything to the Town of Dighton. The Town of Rehoboth has paid every assessment from the Dighton Rehoboth School Committee. Rehoboth was told several years ago that the School Committee was using the statutory method in applying the assessments but now we have discovered the District is not using that approach. We are still waiting for a spreadsheet from the consultants to better understand how they arrived at their numbers. Bottom line Town Meeting voted the assessments.

9.0) **EXECUTIVE SESSION:** None

10.) **ADJOURNMENT:** L. Botts made a motion to adjourn the meeting at 9:05p.m. Second, S. Vadnais. Voted 3-0

Respectfully submitted,

J. Jeffrey Ritter
Town Administrator

Voted to approve on 2/10/14