

**TOWN OF DIGHTON
BOARD OF HEALTH
DECEMBER 18, 2013**

Chairman Thomas J. Pires called the meeting to order at 6:30 PM.

Present: Thomas J. Pires, Dean V. Cronin and Patrick W. Menges

The Pledge of Allegiance was recited.

Approval of Minutes

Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to approve the meeting minutes of December 4, 2013 – Regular Meeting.

Vote: UNANIMOUS

Correspondence

The Board read food recalls from Blooming Import, Inc.

Announcements were read.

Review/Discuss/Act: Order to Abate Public Nuisance dated May 16, 2013 to Robert Wilson

Robert Wilson of 2055 Wheeler Street appeared before the Board at their request to discuss the trespass of his ducks onto 1815 Wheeler Street property on Sunday, December 8, 2013 (pictures presented showing two ducks – Attachment A). It was noted that an order issued on May 16, 2013 restraining the ducks from entering private and/or public property is still in effect. It was further noted that in accordance with the order, fines of up to \$500.00 per day could be levied against Mr. Wilson.

Mr. Wilson reviewed the pictures and confirmed that the ducks were his. Mr. Wilson noted that it has been five months since the last incident because the wings of the ducks have been clipped, they have been properly penned and that sufficient food and water has been available. A family emergency occurred on December 8th, wherein, Mr. Wilson had to bring his son to a Boston hospital for a life-saving treatment. As such, Mr. Wilson's other son tended to the ducks and two escaped. Mr. Wilson apologized for the incident and assured the Board that the two ducks have been captured and returned to his property.

Chairman Thomas Pires noted that he was inclined to waive the fine for the December 8th incident due to the circumstances, however, it has come to his attention that two more incidents were reported by telephone to Member Dean V. Cronin on December 16th and 17th. Mr. Wilson disputes the additional incidents stating that this was the first he has heard about it and requests further information (i.e., pictures of the incident, appearance of the complainant). It was noted that the only information provided was the telephone call.

Chairman Thomas Pires opened the floor to the two respective Board members for their opinion.

Clerk Patrick W. Menges noted that in order for the accused to receive due process Mr. Wilson has a right to confront the complainant and see the relevant evidence. Further, reports from the Animal Control Officer and/or an appropriate inspector should be provided. Mr. Menges is not inclined to institute a \$500.00 without sufficient evidence or the appearance of the complainant. Mr. Menges further advised that any further action and/or fines should be referred to the County Commissioner.

Member Dean V. Cronin noted that the original order should be followed and that the fines should be instituted as this issue has been on-going for 15 months. Mr. Cronin further noted that he awaits pictures for the December 16th and 17th incidences and that the complainant was advised not to appear due to current health conditions.

Chairman Thomas J. Pires sought the advice from the Police Department's Court officer and it was suggested that the Board should determine to fine and establish how much or not fine, then rescind the Order if there are no further incidences in 90 days.

Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to not fine Robert Wilson of 2055 Wheeler Street.

Vote:	Patrick W. Menges	AYE
	Dean V. Cronin	NAY
	Thomas J. Pires	AYE

Chairman Pires called for a motion to rescind the original order of May 16, 2013 on the condition there are no other incidences in 30 days. NO MOTION.

Clerk Patrick W. Menges excused himself from the meeting.

Review/Discuss/Act: Accept, Sign and Record Affidavit for Two Title V Betterment Agreement

The Board was presented with two Affidavits reflecting a correction of monetary amounts of recently recorded Notice of Betterment Agreements of Jane Martin and Gwen Selleck. Said correction is required because the original amount reflected a 20% contingency fee that was not utilized. Said Affidavits were read.

Motion: Dean V. Cronin, seconded: Thomas J. Pires VOTED to approve the Affidavits as read.

Vote: UNANIMOUS

Inspectors Reports

Board of Health Agent Kevin Bernardo has inspected a property on Winthrop Street. A report is forthcoming.

Public Input

The next scheduled meeting will be on January 8, 2014 at 6:30PM.

Motion: Dean V. Cronin, seconded: Thomas J. Pires VOTED to adjourn at 7:10 PM.

Vote: UNANIMOUS

Respectfully submitted,
Boards of Health
Kerrie J Easterday, Administrative Assistant

Approved by:

Thomas J Pires 01/15/14