

**TOWN OF DIGHTON
BOARDS OF SELECTMEN/HEALTH
MARCH 24, 2010**

Nancy Goulart, Chairman, called the meeting to order at 7:32 PM.

Present: Nancy Goulart, Edward D. Reese, Sr., and Thomas Pires

The pledge of allegiance was recited.

Approve Minutes

Motion: Thomas Pires, seconded: Edward D. Reese, Sr., VOTED to approve meeting minutes of March 17, 2010.

Vote: UNANIMOUS

Approve Warrants

Motion: Thomas Pires, seconded: Edward D. Reese, Sr., VOTED to approve the following warrants:

Warrant #039A-10	Payroll	\$	49,350.10
Warrant #039B-10	Vendor bills	\$	8,759.16
Warrant #039C-10	Vendor bills	\$	57,455.06
Warrant #039D-10	Vendor bills	\$	1,008.70

Vote: UNANIMOUS

Correspondence

The following correspondence was read:

Letter from town counsel announcing Judge Maguire's denial of the town's motion to reconsider assessment of attorney's fees involving the Susan Enfield matter. Animal control officer, Stacy Ferry, reported that an enclosure has been installed but that the ducks are not in the enclosure. Another inspection will be made.

Letter from the International Association of Firefighters Local 4332 notifying the board of their intent to commence bargaining towards a new contract.

Informational packet from MA Emergency Management Agency (MEMA) announcing their new partnership with the Council of Massachusetts United Ways (COMUW) and the agreement to utilize Mass2-1-1 as the Commonwealth's primary telephone information call center during times of emergency. The 2-1-1 telephone number will be utilized as a resource for human services, public safety/disaster response and planning agencies. This new agreement was designed to reduce the number of non-emergency calls made to 9-1-1.

Press release from Energy Capital Partners (ECP) announcing that on March 23, 2010 they entered into an agreement with BG Group to purchase the Group's fleet of gas-fired power plants in Connecticut and Massachusetts. With the acquisition, ECP will own debt free 100% of each of the three facilities, including the facility located in Dighton.

Announcements were read.

Dog Hearing

Janet Walsh of 264 Williams Street appeared before the board to address complaints against her dog. Animal control officer, Stacy Ferry, reported that she has responded to numerous complaints from neighbors that the dog barks constantly through the night. Ms. Walsh reported that her ex-husband's dog has been an outdoor dog for 12 years. On February 22, 2010 Ms. Ferry ordered Ms. Walsh to keep the dog indoors from 9:00 P.M. to 7:00 A.M. MA General Law Chapter 140, section 157: Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person, attack on other dogs was read and Ms. Walsh was informed that she must correct the situation otherwise the dog will be removed from the town.

Nancy Goulart called a recess at 7:59 P.M. so that the meeting could be moved downstairs.

Nancy Goulart reconvened the meeting at 8:06 P.M.

Stoney Ridge Estates, Pine Street

Nancy Goulart opened the meeting for a public hearing with the Board of Health requesting a variance from the regulation entitled "Stormwater Detention/Retention Structures", for the Board of Health to issue comments to waiver requests of certain provisions of the town's stormwater bylaw, the board of health regulation relating to changing the percolation rate from 20 to 60 minutes per inch and the certification of the person performing the percolation testing from a registered professional engineer to a registered soil evaluator. Notice of public hearing was read. Paul Cusson of Delphic Associates, consultant for Stoney Ridge Estates, LLC, gave the Board a brief description of the 70 single family detached units 40B development proposed to the Zoning Board of Appeals on Pine Street. Jason Youngquist, Outback Engineering, inc., engineer for Stoney Ridge Estates, LLC presented plans containing two above ground stormwater infiltration systems, as well as, repair, replace and add existing catch basins on Pine Street to correct the current drainage problems and install a 5 foot high chain link fence around the infiltration basin. It was also added that Parcel A, represented on the Applicant's proposed plan, will become a non-buildable lot to be conveyed to John & Linda Furrh of 1580 Pine Street. Mr. Youngquist stated that the proposed plan has met the requirements of DEP and any water runoff will be controlled or nonexistent on Pine Street. Both infiltration basins will be constructed with stone on the bottom, side of the slopes will be grassed with a concrete berm, have a total depth, when dry, of 4 feet. Mr. Youngquist stated that during the event of a 100 year storm (7 inches of rain) both basins would have a peak depth of 3 feet after the start of rain and empty within 72 hours. It was determined that a below ground system is more costly to construct and to maintain, as well as, serve as a breeding ground for mosquito larvae which to survive, must be in still standing water for seven consecutive days.

Robert Adams, member of the Zoning Board of Appeals, requested Thomas Pires to recuse himself as a voting member because of his direct relation to an abutter.

Donald Ranger of 1475 Pine Street wanted to know where the water was draining too. It was explained that the water will be deposited across the street and behind a cemetery. It was further explained that by law, the Applicant may not contribute to problem areas. It was further explained by town engineer, Peter Williams, that the total water discharge would not be all at once but is dispersed slowly.

Sharon Enos of 1600 Pine Street and Patronella Frances of 1500 Pine Street wanted to know if the total included septic discharge and the impact. Mr. Youngquist stated that there is no septic discharge or impact.

Paul Cusson added that significant changes have been made to accommodate the townpeople.

Town counsel, Attorney Marguerite Mitchell, explained the appeal process through the South Shore Housing Authority. Nancy Goulart read the board's decision concerning a similar variance request from Puddingstone Circle Estates. Furthermore, she advised abutters to take pictures of individual properties so that if problems arise, they will have evidence of conditions prior to construction.

Bobby Garrett of 1660 Pine Street requested an escrow account be established and maintained to fund any potential costly repairs.

It was determined that more information is required before a decision concerning the request for a change of the perc rate is determined.

It was asked if abutters could hire an independent engineer to witness and review percs performed. Eric Thibert stated that due to insurance liability reasons he would not be able to approve the engineer's access to the property.

It was asked if the Applicant would consider building both infiltration basins before building the homes and it was explained that it was uneconomical. Stephen Shimkus of 1581 Pine Street wanted to know where would the water go should pumping be required. It will be hauled off site.

Nancy Goulart announced that the hearing is closed for public input. Motion: Nancy Goulart, seconded: Edward D. Reese, Sr., VOTED to table the decision until the next scheduled for March 31, 2010.

Vote: UNANIMOUS

Nancy Goulart called a recess so that the meeting could return upstairs at 10:00 P.M. Nancy Goulart reconvened the meeting at 10:11 P.M.

Joseph Lawrence

Joseph Lawrence informed the board that he responded to the scene of an accident at the intersection of Main and County Streets on Monday, March 21, 2010. After assessing the situation Mr. Lawrence ordered all residents out of the building and advised the owner that the building had to be secured. The building was secured by Mr. Lawrence's stepson,

Gregory Logan, and the board was assured that no ethics violation existed. Mr. Lawrence confirmed that he will inspect the premises prior to the issuance of a certificate of occupancy. The board read and reviewed SRPEDD's traffic study conducted at the intersection of Main and County Streets which found that the intersection did not meet any warrants for signalization, however, several other safety issues were identified and solutions were recommended. The board intends to pursue getting a stop signal at the intersection and will seek assistance from State Representative Patricia Haddad and Senator Marc Pacheco. Mrs. Lawrence requested employee information and Nancy Goulart cautioned her that no employees would be discussed without proper notice. Mrs. Lawrence asked to speak again. Mrs. Goulart denied the request. Mrs. Goulart advised Mr. Lawrence of the notification procedure to be followed under the provisions of the Open Meeting Law.

Solid Waste Disposal

Thomas Pires reviewed proposals from SEMASS and the Greater New Bedford Regional Refuse Management District regarding solid waste disposal and is concerned about the requested minimum tonnage and what would happen after GNBRRMD closes. The board will request comments from the highway superintendent and Borges Brothers Trucking, Co.

402 Spring Street

Conservation Commission Secretary, Charlie Mello, reported that no conservation issues exist at 402 Spring Street. Edward D. Reese, Sr., asked Mr. Lawrence if had inspected this building. Mr. Lawrence stated that he had not. Mrs. Goulart asked Mr. Lawrence to inspect the property with Ton Ferry and prepare a written recommendation for the Board. Mr. Lawrence said he would do so.

Elm/Hart Streets Drainage

Thomas Ferry reported that clarification of the out flow is required. Motion: Thomas Pires, seconded: Edward D. Reese, Sr., VOTED to approve Mr. Ferry's request to use the town's engineer and have him review the planned work for drainage on Elm/Hart Streets.

Vote: UNANIMOUS

Highway Employee

After reviewing and conducting interviews the board read highway superintendent, Thomas Ferry's recommendation. Motion: Thomas Pires, seconded: Nancy Goulart, VOTED accept Thomas Ferry's recommendation to appoint Melissa Rose of 1330 Williams Street, Dighton, MA to fill the vacancy in the highway department.

Vote: Nancy Goulart AYE
Edward D. Reese, Sr. NAY
Thomas Pires AYE

1740 Milk Street Drainage Problems

Thomas Pires with Thomas Ferry investigated the site during a storm and noticed a significant amount of water collecting on Alan Ferraza's, 1740 Milk Street, property. It was

determined that a berm would trap the water making the matter worse. Mr. Ferraza will be notified that the problem is a civil matter and he should try to resolve it with Mr. Bankert.

Public Input

Mrs. Lawrence and several other individuals addressed the board concerning the building inspector. Because the matter concerns employee job performance the board postponed the matter one week so that proper notification can be given to Mr. Lawrence.

David Araujo asked how long the town intends to keep the two stray dogs currently located at the shelter at the transfer station. The board will request the animal control officer to transfer the animals to an adoption facility.

Executive Session

Motion: Edward D. Reese, Sr., seconded: Thomas Pires, VOTED to go into executive session under the provisions of M.G.L. Ch. 39 section 23B (3) at 11:35 PM. Mrs. Goulart announced that the Board would not return to open session.

Vote:	Nancy Goulart	AYE
	Edward D. Reese, Sr.	AYE
	Thomas Pires	AYE

Motion: Thomas Pires, seconded: Edward D. Reese, Sr., VOTED to adjourn at 12:20 PM.

Vote: UNANIMOUS

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

Approved by:



