

**TOWN OF DIGHTON
BOARDS OF SELECTMEN/HEALTH
SEPTEMBER 7, 2011**

E. Bud Whalon called the meeting to order at 7:35 PM.

Present: E. Bud Whalon, Thomas J. Pires and Dean V. Cronin

The pledge of allegiance was recited.

Approve Minutes

Motion: Dean V. Cronin, seconded: Thomas J. Pires, VOTED to approve meeting minutes of August 24, 2011.

Vote: UNANIMOUS

Motion: Dean V. Cronin, seconded: Thomas J. Pires, VOTED to approve meeting minutes of August 24, 2011 Executive Session.

Vote: UNANIMOUS

Approve Warrants

Motion: Dean V. Cronin, seconded: Thomas J. Pires, VOTED to approve the following warrants:

Warrant #010A-11	Payroll	\$	64,104.40
Warrant #010B-11	Vendor bills	\$	46,041.90
Warrant #010C-11	Vendor bills	\$	125.00
Warrant #010D-11	Vendor bills	\$	1,355.72

Vote: UNANIMOUS

Correspondence

The following correspondence was read:

On August 31, 2011 the MA Dept of Public Health announced that the assessed risk for human infection with Triple E in the Town of Dighton has been raised to moderate.

The Dighton Cultural Council has set an October 15th postmark deadline for organizations, schools and individuals to apply for grants that support cultural activities in the community.

The Dighton Council on Aging accepts donations. For more information contact Alice Souza, Exec. Director of Dighton Council on Aging.

Announcements were read.

Community Preservation Committee Appointments

It was determined that the June 24, 2011 appointments of the Community Preservation Committee were incorrect according to the bylaws passed on November 23, 2010. The Board of Selectmen appoint four out of nine members for various terms. Therefore, the

Board must rescind the votes of June 15, 2011 and appoint as presented. Motion: Thomas J. Pires, second: Dean V. Cronin VOTED to rescind the appointments of the Community Preservation Committee made on June 15, 2011 and appoint the following: Ellen Bidlack, Charles Roderigues and Karen Oconnor for a term of three years.

Vote: UNANIMOUS

Review/Act Fire Union Contract

The Town of Dighton and Dighton Permanent Firefighters Association have reached an agreement for the Firefighters Union Contract. Motion: Dean V. Cronin, second: Thomas J. Pires VOTED to approve and sign the Dighton Permanent Firefighters Association Local 4332 Union Contract for July 1, 2010 through June 30, 2013.

Vote: UNANIMOUS

The parties mutually agreed to extend the requirement to fund the new agreement from 30 to 60 days.

Motion: Thomas J. Pires, second: Dean V. Cronin VOTED to recess at 7:50 PM and return in ten minutes.

Vote: UNANIMOUS

Motion: Dean V. Cronin, second: Thomas J. Pires VOTED to return to session at 8:00 PM.

Vote: UNANIMOUS

Motion: Dean V. Cronin, second: Thomas J. Pires VOTED to extend the provisions of MGL Chapter 150E Section 7 for a period of no longer than sixty (60) days.

Vote: UNANIMOUS

Set Special Town Meeting Date

Motion: Thomas J. Pires, second: Dean V. Cronin VOTED to set Special Town Meeting for Monday, October 24, 2011 7:00 PM at the Dighton Rehoboth Regional High School.

Vote: UNANIMOUS

Motion: Thomas J. Pires, second: Dean V. Cronin VOTED to set the deadline to submit warrant articles for Special Town Meeting no later September 15, 2011.

Vote: UNANIMOUS

Motion: Thomas J. Pires, second: Dean V. Cronin VOTED to close the warrant for Special Town Meeting on September 22, 2011.

Vote: UNANIMOUS

Discuss Proposed New Police Station

Assistant Town Counsel Marguerite Mitchell addressed the Board with regards to questions that had been raised relating to state and local bid policies applicable to the engineering and architectural services that would need to be provided to the Town in

order for it to submit the preliminary loan and grant applications being proposed to potentially be utilized to construct the proposed new police station. At the request of the Board, Attorney Mitchell researched the State Uniform Procurement Act applicability to the Town obtaining engineering and architectural services and advised the Board that these types of services are excluded from the Act's provisions. However, there is a Town Bid Policy which applies to expenditures over \$1,000.00 that does not exclude engineering and architectural services. Thus, if the charges for the engineer or the architect who have agreed to perform the preliminary work needed to apply for the loan were to be greater than \$1,000.00, Attorney Mitchell explained that the Town Bid Policy would need to be followed. She noted that there is a provision in this policy that allows for it to be waived by the Board in emergency circumstances for services between \$1,000.00 and \$5,000.00 which the Board may want to consider acting on if the Bid Policy were actually applicable to these services. However, Attorney Mitchell also advised the Board that she had contacted the Engineer in question, Peter Williams, who had confirmed for her that both he and the Architect were willing to provide the requisite preliminary engineering and architectural services pro bono, initially with the understanding that they may never be paid for the work, although potentially they could be paid from grant funds received in the future once approved, thus it was unclear as to whether or not the Bid Policy was actually applicable to these services. Attorney Mitchell also advised the Board that if the engineering and architectural services were not to exceed the cost of \$1,000.00 then the Bid Policy would not apply. After discussion by the Board as to the options on how to proceed and consideration of input from members of the public in attendance at the meeting and Attorney Mitchell, the Board took the following action: Motion: Dean V. Cronin, second: Thomas J. Pires VOTED to request Attorney Mitchell to notify the engineer and the architect that the engineering and architectural services necessary for submission of the preliminary loan and grant applications for construction of the proposed new police station will be provided to the Town on a pro bono basis with the understanding that no invoices for these services could be submitted in the future.

Vote: UNANIMOUS

Public Input

Eagle Scout, Kyle Medeiros was present at the meeting to take meeting notes to earn his community badge.

Nancy Goulart expressed her concern that proper procedure has not been followed to building a municipal building.

Timothy Rhines, Main Street expressed his concerns that the Board is misleading the town residents. He noted that he spoke at length with Congressman Barney Frank's office and Roberta Rappoccio, CDBG Program Representative with the Department of Housing and Community Development, the state agency that oversees CDBG funding, regarding use of funds if the Town Of Dighton is awarded monies from the CDBG. He indicated that he was advised that CDBG grant money could not be used to pay for and fund the proposed police station. He also stated that he was advised that it does not

appear that Dighton would be eligible for these funds, as in order to receive these funds the community must meet a "national objective" which requires the Town to have at least 51% of low or moderate income housing within it. Dighton only has 31.6% of low or moderate income housing within it. He submitted to the Board a packet of information regarding CDBG funding that he had received during his research.

Karen Oconnor requested clarification of the DCR Waterfront State park. It was noted that it is Sweets Knolls on Route 138.

Executive Session

Motion: Thomas Pires, seconded: Dean V. Cronin VOTED to go into executive session at 8:45PM under the provisions of M.G.L. Ch. 30A section 21(a)(2, 3 & 6) to discuss Fire Chief Contract resolution strategy, clerical union grievance and pending legal matters.

Vote:	E. Bud Whalon	AYE
	Thomas Pires	AYE
	Dean V. Cronin	AYE

Motion: Dean V. Cronin, seconded: Thomas Pires, VOTED to return to open session at 9:45 PM.

Vote:	E. Bud Whalon	AYE
	Thomas Pires	AYE
	Dean V. Cronin	AYE

Motion: Dean V. Cronin, seconded: Thomas Pires VOTED to adjourn at 9:45 PM.

Vote: UNANIMOUS

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

Approved by:

