

The following Meeting was video recorded for cable broadcast.

BOARD OF SELECTMEN

Wednesday, July 22, 2015, 7:30 o'clock p.m.

Regular Meeting

Charles French Community Center, Lincoln Village

Chairman Cronin calls meeting to order at 7:30 pm and thanks the Council on Aging for allowing us to have our meeting at Charles French Community Center at Lincoln Village.

Pledge of allegiance is recited.

Selectman Menges says thank you to Erin Ferry for her efforts in getting the building ready for the meeting.

Chairman Cronin introduces the Massachusetts Wildcats ball players, who have just completed the ASA State tournament, Division A, Massachusetts, and became champions in Massachusetts for the 2nd time. He mentions that they have some awards to give out. He turns it over to Sue Medeiros who comes forward to say a short speech about the girls. She says most been together since U10 - also won the State Championship in the U-12 and now the U 16-A Division. She says that she is very proud of the girls and goes on to say that State Representative Pat Hadaad got each State Representative who represents each community that the girls are from to sign their individual award.

Selectman Menges reads the commendation from the Town of Dighton aloud.

Awards are handed out. The trophy is shown to the audience by the girls. The girls tell the crowd their positions.

Minutes

Minutes from regular meeting of June 24, 2015, motioned for approval by Selectman Menges. Selectman Tanis seconds. Unanimously carries.

Warrants

55A-15 in the amount of \$1,343.25 dated June 30, 2015.

55B-15 in the amount of \$35,371.83 dated June 30, 2015.

3A-16 in the amount of \$74,784.31 dated July 15, 2015.

3B-16 in the amount of \$45,611.86 dated July 15, 2015.

4A-16 in the amount of \$83,052.31 dated July 22, 2015

4B-16 in the amount of \$240,994.85 dated July 22, 2015

Selectman Tanis motions to approve. Selectman Menges seconds. Motion unanimously carries.

Correspondence

Letter from XFinity read by Chairman Cronin in their entirety regarding changes in TV service, effective July 15, 2015.

TOWN CLERK
DIGHTON, MA
BY _____

2015 AUG 20 AM 10:43

RECEIVED

Letter from highway superintendent regarding parking for the brick church on Center Street. The letter from Highway super Thomas Ferry to Selectman Patrick Menges is read aloud requesting a meeting to help resolve the concerns of parking. Chairman Cronin says the board will be meeting with some patrons of the brick church to help with some of the concerns for parking. We cannot rectify all issues, but we can sit down and discuss some possible solutions. Selectman Menges says the parking is a hardship. There is a crosswalk, there but something more lasting needs to be done.

Letter to Mr. Wheeler for setup for the October 27, 2015, special town meeting, regarding set up instructions is read aloud by Chairman Cronin. Selectman Menges says the correspondence has not been sent as of yet, but has just been created. It is his intention to put it in the hands of the communications committee that has recently been created.

Announcements are read in their entirety by Selectman Tanis. He also reads some additional announcements that were not listed.

Matthew goes on to say that due to his full time work schedule changes that became effective July 1, 2015, he has decided to resign he reads a letter to the townspeople outlining his decision to resign, which included his not being able to devote the necessary time needed to serve the town. He commends all of the employees both elected and hired and says that they are all very dedicated individuals with the town's best interest at heart. He finishes with a couple of suggestions that he has. He says that he feels that the Board of Selectmen and the Board of Health need to be split. He states that the Board of Health is an incredibly important department which needs a board of people that at least have some basic knowledge of public health and who can concentrate solely on the proper functioning of the department. Secondly, he says that he feels that the Town needs a Town Administrator. Because the Town has grown to a size that professional management is necessary. He says that it would bring a level of professionalism and consistency that is needed. In closing, good luck to whoever is elected, and best wishes to his colleagues.

Jack Taylor, Williams Street, stands up to say that he thinks that Matt was a breath of fresh air to the town. What troubles me is that other boards in other towns have full time jobs. This board does not seem to be able to function with one of the selectman having a full time job. I think this needs to change.

Selectman Menges makes a motion, that in accordance with the Provisions of Chapter 41, Section 10 of the Massachusetts General Laws, the Board of Selectmen notify the Town Clerk that it requests a special election to fill a vacant seat on this board left by the resignation of Selectman Matthew W. Tanis, effective 31, July, 2015. With an expression of appreciation and a pledge to execute the warrant for the Special Election when it is ready. Selectman Tanis seconds. Unanimously carries.

Road Cut Permit for Dighton Water District for multiple cuts on Main Street (486-556 Main Street, Dighton). Permit is read aloud by Chairman Cronin. Motion to approve road cut permit by Selectman Tanis. Seconded by Selectman Menges. Motion carries.

Attorney Fredericks comes forward to discuss ISM solar PILOT agreement and their proposed project. He also says he has been also asked to represent DG solar for a PILOT agreement. A PILOT agreement is an agreement between the town and the solar company for payment of taxes. It usually is a fair deal. ISM has reviewed DG's agreement and would like to adopt an agreement similar to DG's. He would like to explore the possibility of completing the PILOT agreement. He explains that it will not be the first, or

the fifth, or the sixth that this board sees. They are asking for an opportunity to go forward with the agreement. He says he is not sure how the board would like to proceed, given the problems that you have had at the town meeting. He also points out that Greg Lucini is here with him, as well as his son, Mike Lucini, the principals of ISM Solar.

Selectman Menges says we have asked town counsel to advise us as to how he would like us to proceed. In terms of approval of the agreements, the board represents the town. Therefore, if town meeting approval cannot be had because of the process then we will simply proceed. We will do what is necessary so that we are not standing in the way of progress

Chairman Cronin asks Attorney Fredericks if he has a deadline. Mr. Lucini gets up to address and says the tax credits start to expire at the end of 2016. He adds that literally days matter at this point. Attorney Fredericks says from the perspective of the Town, if we don't get these things done quick enough, the taxes don't get paid. There is a certain partnership in these agreements.

This particular project cannot be seen from the road. It is in a perfect location. It is not an eyesore. The only thing it will do is generate a less expensive source of electricity and a tax base for the Town of Dighton. Not only does it benefit us, it benefits you. If the tax credits expire, they go away. If we don't get approval in time, other projects will jump ahead of us.

Selectman Menges asks if they have gone through the planning board process. That is one thing the board has little to do with. We are concerned with the tax agreement. When the board of assessors come to us with a proposal for an agreement it is important we don't stand in the way. We believe there is a way forward. Attorney Fredericks says anything you need from us to expedite the matter, I will provide and cooperate in any way I can. I have a good relationship with David Gay's office.

Selectman Menges says we should plan to be in touch with you after one more conversation with him concerning an undertaking for negotiation authorized by the Town. Mr. Lucini asks if we could follow kind of the same path that you followed with DG, where you have an actual agreement drafted and an amount has been discussed. Selectman Menges says, what we did with DG is we accepted a skeletal agreement that was presented in boilerplate fashion. As far as numbers, we treat this as a statistical calculation, not like a tiff agreement. It is a statistical calculation based upon a professional appraisal, and factoring in depreciation. It isn't something that we can negotiate, it is handed to us by licensed professionals.

Attorney Fredericks says if we produce something to review, it may expedite the process. He says they will produce that as soon as possible.

Chairman Cronin says in the case of DG, our assessor Carol Beauregard came to us with the paperwork and the figures. He asks them to present to Carol first, and Carol will bring to the board.

Attorney Fredericks says we will move on to DG. He mentions that Shane Robinson is with him from DG. Precisely the same circumstances that we just covered. He says his understanding is that you will consult town counsel and we will proceed from there. Mr. Robinson (from DG) says anything that we can provide you with I am happy to do that.

Selectman Menges asks Mr. Robinson if he intends to have your project running by the first of October. Mr. Robinson says that is the goal.

Selectman Menges says that your lender would like you to have a pilot agreement, in order to secure funding. Attorney Fredericks says there is no way to go forward without a PILOT agreement. It is fundamentally at this point, situation where they are shovel ready save for the PILOT.

The board thanks them and says they will be in touch.

Mr. Medeiros, Chestnut Street, asks them to explain the payment in lieu of taxes a little further. He asks if that is in lieu of the personal property tax on the equipment, or is it on the actual real estate tax on the property. She says it is two separate things. She says the in lieu of taxes is personal property on the panels. The real estate now becomes much more valuable, because the people that are buying into these programs, they have large amounts of land. They are eligible for these programs. She says the one on Williams street, he actually has productive woodlands. Under the program, he is paying \$48.00/in value per acre. Not under the program, he would be paying \$5,000.00/per acre. Being under this agreement, nothing to do with the PILOT, on the real estate side that one acre now becomes valued at \$40,000.00 per acre with the panels on it, at the commercial tax rate. Mr. Medeiros says so all the property will pay a commercial tax rate, the PILOT has more to do with the panels themselves. So they will all be paying a commercial tax rate we will just get the payment up front on the panels, rather than every year they get assessed and decline in value, which is a tough calculation. No matter what we will still get the commercial rate on all the properties. They are just trying to negotiate for a flat rate on the personal property tax. He says this sounds pretty lucrative. Attorney Fredericks says one of the benefits is to set a schedule, so she does not have to adjust the rates up and down every year. It works for all, and makes sure the town benefits from taxes. These are lands that are relatively off the tax roll.

Mr. Medeiros says this will be very lucrative.

Attorney Fredericks says all the projects, not just Dighton. It is a good way to generate taxes. something that Mr. Medeiros asks about plans to dispose of them after the life expectancy. Attorney Fredericks says they have established a bond. Town of Dighton put us through the ringer with this aspect.

Nancy ask if we will have a town meeting or an informational meeting where we could get some figures. Chairman Cronin says we are waiting for town counsel. Nancy asks if we could have an informational session to ask questions about the one part of it- dollars per year coming in as new tax money coming in etc. Plans to return it to its natural state. Nancy says I am asking for a town meeting prior to. Attorney Fredericks says he promises that the planning board went thru painstaking strokes to figure out what the costs where for decommissioning and scrap value. Nancy asks if they have to go through zoning. Attorney Fredericks explains the process according to the Town of Dighton bylaw. Our plans have been reviewed by very good engineers. He says it doesn't go to zoning, it goes through planning. Nancy's other question is another project scheduled for the landfill and adds that we have to make sure we get the first one right. We will need solid dollar number prior to town meeting. I think a public meeting is in order. Attorney Fredericks invites her to stop by his office.

Joe Pacheco says he thinks that you should look into the zoning board because you are crossing residential property on Williams Street. Attorney Fredericks says he will go back and take a look at this.

Mr. Mc Keon wishes to address the board. Mr. McKeon steps forward to say that he has been the town moderator for thirty years and during that time he has enjoyed a great relationship with everyone, but over the last few months, things have changed. It became apparent at the annual town meeting, and then more apparent to me at the special town meeting. I have reached out to a lot of people to find out to numerous elected officials to see if they have noticed any change in the way our town is governed. I was hearing remarks that have concerned me. He says a good town government functions best when all work together toward betterment of the community. To have this you must have harmony. Harmony

involves understanding, amicability, fellowship, cooperation, peacefulness, accommodation, compromise and hopefully consensus. During the course of governing we will not achieve agreement all the time. The measure of our worth is the way we deal resolve disagreements. In government it is not possible to reach unanimous agreement all the time, however, it is possible to work in harmony and peace even in disagreement. When we work in harmony we are open with each other, there is an atmosphere of happiness. These goals can be achieved. There just needs to be a willingness to try. Our town deserves to be governed by elected officials, departments, committees and employees who work together in harmony. (He quotes Matthew from the Bible.) Can we work together when we disagree? Can we accommodate the special needs of others He says that he will do his best to accomplish these goals and hopes the entire town government will as well. He thanks the board for the opportunity.

Recommendation by the Highway superintendent to award the bid for an 80 X 24" ADS culvert pipe to Everett Prescott, in Brockton as the low bidder. Motion by Selectman Tanis to accept the recommendation. Selectman Menges seconds. Motion Carries.

Recommendation by the highway superintendent to award bid for leaf vacuum trailer to be used by Dighton street department to Hillside Lawn and Farm Repair as low bidder for the sum of \$2349.34 and to be funded out of the additional equipment line. Selectman Tanis motions. Selectman Menges seconds. Motion carries.

Town of Dighton to waive rights to purchase land on Williams Street. Chairman Cronin reads the letter from attorney Luke Travis in Fall River regarding 940 Williams street aloud. The letter explains that he is representing John Goulart and says his client has entered into an agreement to sell the property at 940 Williams Street. He requests that the town exercise or waive their right to purchase. Chairman Cronin says that this property abuts the Reeds Farm and is right on Williams Street. The Town has no use for this land. Motion to waive the right to purchase by Selectman Menges. Selectman Tanis seconds. Motion carries.

Someone in the audience asks if this land is related to the DG project. Chairman Cronin says no.

Request from Chief Antone Roderick, fire chief, to write off ambulance runs. Chairman Cronin reads the request aloud with the details. Selectman Tanis recuses himself from the vote. Selectman Menges motions they be approved. Chairman Cronin steps down to second. Motion carries.

Replace decorative street lights at Courtlyn Road and John Street. Selectman Menges gives a shot synopsis of what happened with the decorative lights. Thirteen decorative streetlights were installed by the developer. After the Streets were accepted by the Town the lights were powered up. The Dighton Electric Light District than got the invoice for the streetlights. They were asked to sign a S6 agreement. Normally it is an S1 agreement. Chairman Ron Smith of the Dighton Electric Light District wisely asked them what the difference is. It is \$100.00 dollars per year to maintain a straight pole. These are \$1000.00 per year a piece. The district has a \$60,000.00 budget. There are thirteen lights on those street Street. Automatic increases to that budget of \$13,000.00 per year to the taxpayers. National grid has offered to remove the decorative lights and install straight posts. The only difference is it is not fluted with a fancy base. Consequently, Mr. Smith felt that this was the way to go. Now that the streets have been accepted by the Town it is up to the board of selectmen to authorize national grid to replace them. Therefore, Selectman Menges moves that the town of Dighton authorize National Grid to remove

all the decorative light poles and replace them with the straight poles serviceable on a standard S1 agreement. Selectman Tanis seconds.

(Someone in the audience asks If there is cost to replace – Selectman Menges says no.)

Motion carries.

Reports

None.

Acknowledgements

An anonymous donation of \$30.00 to the council on aging. Second acknowledgement is for donations to the fire department in the amount of \$1130.00. Chairman Cronin reads the letter from Antone Roderick with regard to this. Motion to acknowledge the donations by Selectman Menges seconded by Selectman Tanis. Motion carries.

Public Input

Tom Pires, Millers Lane says he was saddened to hear about Selectman Tanis. But I wanted to say that I lived it for the past two years, not feeling part of this board, due to the multiple activities going on during the day. You should not have to be retired or not have a job to be a selectmen. He was elected by the taxpayers to represent the town. He thinks the board could do a better job of scheduling to accommodate the next selectman. Nothing is worse than trying to do a good job when you feel left out. The second part is that some of the meetings could be held at night. I know that there is a lot of activity in the office. Not only does that member feel like at third wheel, we are shortchanging the people. Yes they are posted, but the majority of people also have full time jobs. It has gotten very busy in that office there is no question, however I think we need to create a committee or a board to see how we will move forward to with the Board of Selectmen.

Shawn Urban says he is sorry to see Selectman Tanis go and hopefully he will be able to come back. I think we need to set up some committee or board to get information out to the people and that there should be a mailing list for the elderly that comes out. So the people can digest some of this information, and respond to you. People can come and see you on your office hours. He says I would like to see this move forward.

Secondly, with the PILOT program we don't have any set numbers, we have three potentially going in right now. Say we take \$100,000.00 per year. Instead of taking the \$100,000.00, say we take \$70,000.00 and take the other \$30,000.00 in a tax credit, and also raise our green footprint.

I don't know if you thought about that yet. Chairman Cronin says we are still trying to take step one. We can't even get by step one right now. These are very lucrative. There are all kinds of options. Chairman Cronin thanks him

Timothy Rhines is curious as to whether the Attorney General has certified the last town meeting with regard to the recall petition. Chairman Cronin tells him to ask the Town Clerk.

Nancy Goulart Gray Terrace adding to what Mr. Urban said. Rehoboth has used a bulk mailing forever. You don't have to be concerned about who is not tech savvy. A bulk mailing would eliminate concerns about who is getting what. Everyone gets mail. It is a vital option. There are mailing companies. It works.

The other thing that she wishes to comment on regarding PILOT agreements. I would hope that something is coming down the pike would be negotiated with Dighton Rehoboth Regional High School or even the Aggie School. So that we not only benefit from tax money, but also benefit from reduced electrical rates.

A woman in audience says that the warrant that was printed in the gazette and it was so small that she could not read it. She hopes the Town will not go that route again. Selectman Menges has a few general comments about the warrant. Bulk mail is wasted. Many copies are sent back, many are sent to home that do not have registered voters. The newspaper is extremely expensive, but it is required by a town bylaw, to be printed in the newspaper. We do not like it either. Selectman Menges says we intend to change the bylaw but for now, that is the way it must be done.

Jim Aguiar thanks Matt Tanis for his short service. He then says it was mentioned about a public hearing for Van Gyzen hall renovations. It is up to you the taxpayers. We have set a public hearing for the thirteenth of August where there will be a full color rendering of what it will look like if renovated also a floor plan. Do we save it, do we not save it. Please come to the public hearing and voice your opinion.

Dedication of adjournment in memory of honored departed.

Selectman Menges says since this board has last met, Father Thomas Mayou, the former curat at St. Nicholas of Myra has passed away. Many remember him. Marine Sergeant Thomas L. Sullivan, Lance Corporal Squire Wells, Sergeant Carson Fullquist of the Marine Corp., Staff Sergeant David Wyatt and United States Naval Petty Officer Randall Smith were all slain in Chattanooga Tennessee. 1966 DR high school graduate Dan Wayne Rose who served in the Navy from 1966-1972, town resident passed last week. He moves that we dedicate the adjournment to the memory of these honored departed who served our country. Selectman Tanis seconds the motion.

Motion carries.

Adjourned at 9:09

Respectfully submitted.

Karin L. Brady
Administrative Assistant
Board of Selectmen


Dean V. Cronin-Chairman


Patrick W. Menges-Clerk