

The following Meeting was video recorded for cable broadcast.

BOARD OF SELECTMEN

Wednesday, September 16, 2015, 7:30 o'clock p.m.

Regular Meeting

Selectmen's Meeting Room, 979 Somerset Ave, Dighton, MA

BY
TOWN CLERK
DIGHTON, MA

2015 SEP 24 PM 4: 11

RECEIVED

Called to order by Chairman Cronin at 7:32 pm.

The **Pledge of Allegiance** is recited.

Selectman Menges asks to take number 11B out of order to recognize the Building Commissioner, James Aguiar. He asks him to come forward. He says that Colonel Robert Perry came to town hall and stopped both of the Selectmen in the foyer and couldn't say enough good about how you have handled the project going on at his house. He said you explained to him exactly what needed to be done and he appreciated the treatment that you gave him.

Jim Aguiar says Colonel Perry is a fine man, and I appreciated his service, but I treated him like I treat everyone in my office. He adds that it is his duty to serve the public. He adds that he does appreciate the acknowledgement. He thanks the board and leaves the room.

Selectman Menges says we also were to have John Horner tonight to talk about his time this summer, working with the highway department, but it looks as if he may not be able to make it this evening.

Minutes

Selectman Menges motions the minutes of the department heads meeting of September 2, 2015, be approved. Chairman Cronin steps down to second. Motion carries.

Selectman Menges motion minutes of regular meeting of September 9th, 2015, be approved as prepared. Chairman Cronin steps down to second. Motion carries unanimously.

Warrants

Selectman Menges motions Warrant #12A-16 in the amount of \$74,513.84, dated September 16, 2015, and Warrant #12B-16 in the amount of \$136,957.56 dated September 16, 2015 for approval as prepared by the assistant town accountant, Linda McCarron. Chairman Cronin steps down to second. Motion carries unanimously.

Correspondence

From Kevin Braga, principal of Dighton Rehoboth Regional High School, thanking the board for having him at the regular board meeting of September 2, 2015.

Chairman Cronin reads the letter in its entirety

Chairman Cronin adds that it was a very nice personal letter. We do not get a lot of those and we appreciate his thoughts back to us.

Selectman Menges says we are fortunate to have him as a principal. He is a capable leader and we wish him every success in the days to come.

From Phillip Carr of Good Energy regarding updated version of their marketing brochure for the energy aggregation that the town has signed up for.

He reads the communities involved in getting a discounted rate on electricity

He shows and reads the brochure outlining the benefits of energy aggregation. Chairman Cronin says they are shooting to establish with a provider before winter.

Selectman Menges adds, once again, for those who have not heard of this, it applies to those that are National Grid customers outside of South Dighton. This does not involve TMLP customers in Mount Hope Village.

From town Treasurer Mary Hathaway regarding a parcel of land described as 0 Williams street that has been foreclosed upon. She recommends that the town insure it because it has now become the town's property on August 28, 2015. Chairman Cronin states that the lot is vacant and no insurance is necessary because it is covered under our umbrella policy.

Announcements are started by Chairman Cronin and finished by Selectman Menges

Note: Added to the announcements was the cabbies walk on October 10th at 10:00 am, behind town hall. The walk will begin on the track and then head out onto the street for a total of five miles. The cabbies raise money for people stricken with cancer or who may have family members with cancer.

Old Business

None

New business

Road opening permit for Columbia gas at 86 Main Street Dighton. Chairman Cronin will entertain a motion to approve. Selectman Menges moves that a road opening permit be granted for 86 Main Street Dighton, MA. Chairman Cronin steps down to second, and mentions the additional conditions that have been added to the permit. Motion unanimously carries.

Road opening permit at 442 Center Street, North Dighton, for the Dighton Water District. Selectman Menges motions to accept the road cut at 442 Center Street for a new water service. Chairman Cronin steps down to second. Motion unanimously carries.

Road opening permit for Arnold Construction at 1091 Middle Street, North Dighton, MA, for a new water service. Selectman Menges moves that a road opening permit be granted to Arnold Construction for 1091 Middle Street, North Dighton. Chairman Cronin steps down to second. Motion unanimously carries.

Highway Superintendent's request to set rates for hired equipment for 2015 - 2016 winter season. Chairman Cronin reads the current rates for each piece as stated in the letter. He states that the drivers have not had an increase in their rate since 2012. The highway superintendent recommended that their rate be increased by 2%, bringing the hourly rate to \$21.86/hour. Chairman Cronin will entertain a motion to approve the recommendations of the superintendent including the 2% increase for the drivers. Selectman Menges is so moved. Chairman Cronin steps down to second. Unanimously carries.

Reports

None

Acknowledgements

Acknowledgement of an anonymous donation of \$75.00 to Prime Time, Council on Aging. Selectman Menges motions that the anonymous donation to the Prime Time gift account be accepted with an expression of gratitude by this board. Chairman Cronin steps down to second. Motion unanimously carries.

Selectman Menges asks about the stove over at Prime Time. Chairman Cronin says Alice was going to get prices and she has assured us that she will get back to us. Selectman Menges asks if Bristol elder services have been contacted.

Melissa asks if the board had accepted the document that Shawn Urban had brought to you regarding the town warrant. Selectman Menges say we did, however, since this document was submitted to the board the time has elapsed under the bylaw for the finance committee to make recommendations on three articles. There were three articles left after they had met

Melissa says I thought that we had put that on there that we were waiting.

Selectman Menges says that it states that if the finance committee has not acted within 10 days of the meeting the articles will be deemed approved. So article #15, #17 and #23 which were awaiting recommendations, will be represented as having been deemed approved under Article 2, Section 3 of the General Bylaws, so now there is a difference. On your sheet, you have seven articles awaiting recommendations, but as of tonight, we have recommendations on all of the articles.

Melissa asks if she should check with the finance committee. Selectman Menges says, yes, the finished town warrant to be handed to the voters will be done and printed tomorrow.

Melissa says she will pick it up tomorrow. She says Shawn and I want to add that to the warrants that are posted and add it to our online postings.

Nancy Goulart says she is surprised by this action regarding the ten day period, and thinks it is rather questionable.

Selectman Menges says there is nothing rather questionable about enforcing a bylaw as it is written. This board went to great length to honor the requests of the finance committee chairman. When we drafted the articles for this warrant, the Finance Committee chairman asked us to allow a choice of raise and appropriate or transfer, and the Finance Committee was allowed to weigh in their recommendations as to one or the other. The bylaw does not actually mention transfers at all. The finance committee also made recommendations on two articles that were less than \$300.00. We said nothing about that. However, we have window within which we have to print a warrant. The finance committee left its previous meeting having said that it would meet one week prior to the Town Meeting, but on Monday we received a message that you would be meeting one half hour before the town meeting. That does not give us ample time to prepare a warrant.

Selectman Menges says he personally does not approve of the by law. The original was far superior to the 2000 version. But there is nothing amiss.

Nancy says this bylaw has not been enforced in years. We are talking about selective enforcement

There were four that we have not acted on. One is Van Gyzen Hall, and the committee said we're not ready, so that is off to the future. The other three, the reason is that we did not have adequate information at the time to make the decision. As far as the elementary school land, nothing has really come down the pike on that.

Selectman Menges says we have obtained a provision of the proposed purchase and sale agreement that will alleviate your concerns about contamination of the land. We now have a free hand to come in and have the land tested.

Nancy says that information was not made available to the finance committee.

Selectman Menges says that if you had met again this week, you would have had this information.

Nancy says and I will also point out to you that as part of the discussion, there was a question as to whether we would meet. Also there was discussion that there were issues that didn't make the warrant or that would be put off to the next meeting. You weren't there.

Selectman Menges says I am not a member of the Finance Committee, you operate on your own. When we know what the information is that you want, we have gone the extra mile to get that to you.

Nancy says the other issue is the money to reduce the tax rate. A number of the articles that the selectmen had marked "free cash transfer," the finance committee marked raise and appropriate. There are certain expenditures that if approved by those, you do not pay from free cash. Operating expenses, if you had salaries on there, however, raise and appropriate is one of the last things you do, the reason it is toward the end of the warrant. When you get everything figured out, that's when you say OK, how much money can we take from free cash to lower the tax rate? She adds, I have posted an agenda and the finance will meet at 6:30 to act on the three articles.

Melissa says at the town meeting will you be able to speak up and tell us what happened in this situation. Nancy says on the individual articles we will stand and speak. Nancy says what is on the warrant is not necessarily what the finance committee will recommend. If the finance committee finds out that something should be changed at the meeting of the finance committee we will change it, and then at town meeting we will advise the people at the meeting what we have decided.

Nancy says I know that you have deadlines for the warrants that is nothing new.

Selectman Menges says this warrant and the process for which it was produced are sound. He adds that the tradition is, that the department that wants a spending proposition puts forward a proposition and in that proposition we exert the leadership to say raise and appropriate which means that it is added to the tax rate and or transfer from free cash, if free cash is available. The things that we do not add to the tax rate are onetime expenses that will not become part of an operating budget in future years. Some of these items that the finance committee have recommended be added to the tax rate are in the category which in our judgement does not warrant being added to the tax rate, when free cash is available.

Nancy says if you had been at the finance committee.....

Selectman Menges says selectmen's attendance at the meeting is not required, they are two distinct boards.

I am talking about attendance at a public meeting. Selectman Cronin was there.

She says repeatedly this board has allowed me to provide services to this board. Selectman Menges says you are not running for the board, you are running against it.

Nancy wants to ask a question about the warrant posted on the board here at town hall. Why it is not the same as the one that was posted in The Gazette, I am asking why that is.

Selectman Menges says Article 11 Section 3 of the bylaws specifically states that the newspaper print a warrant with Finance committee recommendations. When we posted the warrant on August 13th, there were no finance committee recommendations.

Nancy says because we met on September 1st.

Selectman Menges says we posted that warrant on the 13th without recommendations. The bylaw requires that the newspaper publication be with finance committee recommendations and that is the difference between the two versions.

Nancy says the difference is there are both selectman and finance committee recommendations, I have not seen that before.

Selectman Menges says all we did was clarify, on the original warrant we have in the middle column is what the selectman put forth on the original warrant. Over here we put what the finance committee has recommended.

Nancy says I have not seen a warrant posted with both recommendations and I am wondering why.

Selectman Menges says when everything was done, we had about \$232,000.00 left in free cash. Therefore when we wrote the article we put in a number that we thought was prudent, which was \$150,000.00, but it was in anticipation that \$60,000.00 worth of other articles that the finance committee converted to raise and appropriate, were going to be free cash.

Nancy says that why I just explained to you, about raise and appropriate within the levy limit, and then potentially using a higher number to reduce the tax rate, so those expenses fall within what can be appropriated within the levy limit. On September 1st we did have money left in the levy limit. I believe we still had about \$900,000.00 left in free cash.

One of the things that we recommended was the OPEB account. The article was \$400,000.00 that was requested. \$275,000.00, based on the auditor's recommendation, will put us where we need to be. That freed up money in free cash right there. Each thing that changes, does affect the levy limit and does affect free cash.

The amount of the money should be in the amount recommended to reduce taxes. To not allow that I think is wrong. Whatever we can determine is an allowable amount to reduce taxes, should be voted on.

And free cash was right around \$900,000.00 when we finished the meeting.

Nancy says I am saying that this is an important article, and the finance committee should be able to make a recommendation for a higher amount.

Selectman Menges says with the prior year's free cash, I know that the balance of the \$1,700,000.00 that was certified this year, after all of the free cash obligations of the proposed warrant would have been Two hundred thirty some thousand dollars. As far as OPEB is concerned, the town treasurer herself submitted an article for \$400,000.00 to be deposited in there. A report from the auditor states that because of the age of our workforce we will be faced with an annual unfunded liability of for post-employment retirement benefits of \$3,000,000.00. If we have the money to put in our account, then God bless it. What we propose in this warrant be banked is the \$400,000.00. The \$400,000.00 was in the original warrant. We did not alter the warrant. Both boards agree that it should be a free cash transfer. We also recommended that \$500,000.00 go to a municipal capital stabilization account. That is \$900,000.00 that will go toward the future and prevent a large rise in taxes in the future. This will get us better terms in the future for additions to the school, which are imminent.

Nancy says this was discussed at the meeting and the accountant was there. The \$275,000.00 will bring us to where the auditor says we should be. She adds that we get updates. What I was advised last year was that there was legislation pending that would allow a community in an extreme emergency, a town would be able to tap into OPEB money. The caution is that remember whatever you put into OPEB, you cannot touch. Communities have been holding back putting a lot of money into OPEB, waiting for this change. Nancy says thank you

Chairman Cronin says I'm sure there will be a lot of discussion at the Special Town Meeting, and that's where it should occur.

Selectman Menges says that I guess John Horner was not able to be here tonight. John Horner will be leaving the highway department to attend BCC to become a personal trainer to individual athletes. He says I have no doubt that wherever his career takes him, he will have fond memories of his summer 2015 experience with the Highway Department.

Chairman Cronin says he would like to present a reminder of the special town meeting this Monday September 21st. We hope you will take an active interest in this meeting. It behooves all residents to have a say in how the money will be spread around.

Chairman Cronin will entertain a motion to adjourn. Selectman Menges so moves. Chairman Cronin steps down to second and motion unanimously carries.

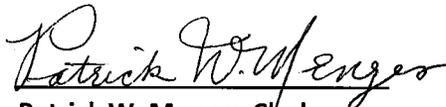
Meeting adjourned at 8:38 Pm

Respectfully submitted,

**Karin L. Brady
Administrative Assistant
Board of Selectmen**



Dean V. Cronin-Chairman



Patrick W. Menges-Clerk