

**The following Meeting was video recorded for cable broadcast.**

**BOARD OF SELECTMEN**

Wednesday, December 9, 2015, 7:30 o'clock p.m.

**Regular Meeting**

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

BY  
TOWN CLERK  
DIGHTON, MA

RECEIVED  
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Meeting was called to order at 7:31 pm by Selectman Menges.

(Chairman Cronin was not present)

Pledge of Allegiance was recited.

Moment of silence for the daughter of Joseph Frizado.

In celebration of the fourth night of Hanukkah, the fourth candle of the menorah was lit by Selectman Menges.

The song "Chestnuts Roasting on an Open Fire" was played and the students of Bristol County Agricultural School are invited up to the front to speak about the recent planting and progress of the chestnut trees.

Selectman Menges said a word about the students and their efforts with the planting of the chestnut trees.

Mr. Digits also said a few words about the chestnut trees and how endangered they have become. He went on to say that he hopes that enough of the trees will survive to bring the chestnut back. Hopefully the trees at town hall will bear fruit this coming year and bring back a legacy to this town.

Mr. Digits said the remaining trees were planted on a piece of land which was donated by John Guarantito and because of the close proximity to Mr. Digit's house, he is able to monitor them.

Selectman Menges introduced each of the students and they spoke about what their future plans were.

Selectman Menges congratulated them on their willingness to help with the cause.

Selectman Goulart thought it was great that the entire class took this on as a project and she wished the students the best.

**Minutes**

Selectman Goulart motioned, Selectman Menges seconded and it was **VOTED** unanimously to approve the minutes September 20, 2015 October 14, 2015 and October 27, 2015.

**Warrants**

Selectman Goulart motioned, Selectman Menges stepped down to second and it was **VOTED** unanimously to approve the following warrants;

Warrant #24A-16 in the amount of \$71,606.71, dated December 9, 2015.  
Warrant #24B-16 in the amount of \$113,052.12, dated December 9, 2015.  
Warrant #24C-16 in the amount of \$1,075.46, dated December 9, 2015.

### **Correspondence**

Correspondence from the DOT was read by Selectman Menges regarding the upcoming President Avenue bridge closures.

Correspondence from ConEdison regarding energy aggregation rates becoming effective with the January meter reading and information about the opt out card was read by Selectman Menges. He explained the opt out card. Selectman Goulart added just for informational purposes that most of the businesses have the information cards now and there are plenty at here town hall.

### **Announcements**

Announcements were read by Selectman Goulart.

Selectman Menges added that the children's Christmas Party at the Dighton Public Library will be held on December 19th at 12:30pm and Santa will be visiting.

Selectman Menges also added that today we saw the completion of handicapped accessible swing seat and platform at the Dighton playground. He said a special thank you to the Dighton Lions for donating the equipment and to Highway Superintendent for the installation.

### **Old Business:**

#### **Relocation of the Broad Cove Nature Trail**

Selectman Menges introduced Timothy Rhines from the Parks and Recreation Committee. Selectman Menges read an excerpt from the minutes of December 2, 2015, Parks and Recreation meeting, in which the motion to relocate Broad Cove Nature trail was tabled until more information can be provided by the Conservation Commission. He thanked Mr. Rhines for attending.

(Mr. Frenette, Conservation chairman, entered the meeting room).

Selectman Menges also introduced Mr. James Mello owner of adjacent property, Superintendent of Streets Tom Ferry, Mr. Mullen from the Dighton Lions and Jim Aguiar, Building Commissioner.

Selectman Menges stated that the board is considering diverting the trail at the old dump westward toward Route 138. It would make a loop in the 37 acres that the Conservation Commission has acquired and then come back to the starting point on Hart Street. Before, the trail cut straight thru Mr. Mello's property. Now it will not do the same and will have a couple of bends in it. There won't be an issue of traffic on Rte. 138. Selectman Menges asked Mr. Mello if that would satisfy him, and if it would, what it would take to get it accomplished.

Selectman Menges said we would need an agreement by the Conservation Commission (trustees of the land) to empower the Parks and Recreation Commission to manage the trail. Then we will need Mr. Ferry to make it passable.

Mr. Mello said that will satisfy his concerns about trespassing on his property.

Selectman Menges then asked Mr. Frenette if the Conservation Commission was willing to delegate management of the property in writing to the Parks and Recreation Commission.

Selectman Menges told Mr. Mello that the town would like to have his fence at the boundary line.

Mr. Mello asked if there will be a fence to stop people from using the current trail.

Selectman Menges said if we start with a temporary barrie, Mr. Mello's property will probably revert to the state that it was in before we maintained it.

Jim Aguiar asked how long the trail will be. Mr. Frenette said from Route 138 to the railroad tracks is just short of 1/2 mile.

Mr. Frenette suggested that it may be an Eagle Scout Project to make the signs for the trail.

Selectman Menges told Mr. Mello that based on what is agreed upon tonight, the board will draw up papers and if he would like to have his lawyer look at it, that would be fine. We are developing a plan of action tonight.

Selectman Menges mentioned that someone should ask if the state would be willing to invest in a boardwalk through the marsh and give a view of the water.

Selectman Menges listed the points to be covered in the memorandum:

1. Conservation Commission would develop the concept of the location of the trail on Conservation land and what the trail will be.
2. Conservation Commission's willingness to agree to Parks and Recreation Commission oversight of the relocated nature trail on the newly acquired conservation land.
3. Parks and Recreation will work on the kind of obstruction necessary to keep people off of the agreed turn off of the trail.
4. The town agreed in principle that it will do what it has to, to obstruct wanderers from entering Mr. Mello's property. After the first 24 inch plastic culvert that the highway department has to maintain.

Selectman Menges said a parking area off of route 138 was discussed, but after talking with Mr. Rhines it was decided that it would not be possible due to safety concerns.

Mr. Rhines said at the last meeting of Parks and Recreation this was tabled until there was more information. He added more information needs to be gathered before we make a decision. Mr. Rhines thought that Mr. Mello should be kept informed of anything further that goes on.

Selectman Menges said that as soon as possible after the meeting, a memo will be circulated to everyone and their boards. Then it will be up to the boards to work out the details.

Mr. Robert Woods was concerned with the landfill and bringing people through there. He didn't think that it was a place we would want to take our children. Selectman Menges said it was a burning dump and that variety was not as vulnerable and Selectman Goulart mentioned this landfill was also being monitored by the Department of Environmental Protection so it has not been forgotten.

Selectman Goulart motioned that the board draft a memo relative to a plan of action for relocating the Broad Cove Nature Trail and that it be circulated to the Conservation Commission, Highway Department, Parks and Recreation Commission and Mr. Mello for review and feedback. Selectman Menges stepped down to second.

Selectman Goulart said it should include the four previous points that Selectman Menges mentioned earlier.

(There was additional discussion).

Selectman Goulart moved to question.

Selectman Menges would like to add to the record and number 5 on the memo, that it is the intention to research the titles to ensure that the portions are sound and the former South Dighton dump is sufficiently free of contamination to sustain a nature trail.

With that Selectman Menges seconded the motion to move the question and it was **VOTED** unanimously.

Vote on the memorandum (previously motioned by Selectman Goulart and seconded by Selectman Menges).

**VOTE: UNANIMOUS.**

**The Building Commissioner's request to proceed with legal action for Maple Street zoning violations.**

Mr. Aguiar would like approval from the board to proceed with legal action in this case. He stated that the board has been more than agreeable in giving Mr. Cote ample time to remove the containers. The deadline has passed.

Selectman Goulart motioned, Selectman Menges stepped down to second and it was **VOTED** unanimously to authorize Attorney Marguerite Mitchell to proceed with legal action against Ernest Cote for zoning violations.

Selectman Menges mentioned that Chairman Cronin, who was not present, had asked when the original deadline was. Mr. Aguiar replied that the deadline was November 30.

Selectman Goulart asked how many containers were there and Jim Aguiar answered over one dozen. Jim Aguiar added that there were only 7 but he has since added 5 more overseas storage containers. Mr. Cote did sign an affidavit stating that there were no explosives, hazardous materials or combustible materials being stored there.

Jim Aguiar thought that Mr. Cote had no intention of moving any of the containers and also said we have been more than fair with him.

Selectman Goulart asked if the house on Elm Street had been taken down yet.

Mr. Aguiar said no, it had not. Jim said he cannot let anyone else in the house, so he will have to show the demolition contractor photos to let them see what is inside. The photos were just received this past week, so he anticipated that the demolition would take place right after the holiday.

Selectman Goulart asked if the vehicles had been removed from Elm Street. Jim said a neighbor was willing to tow the vehicles and camper away. Jim said he will give them a deadline and then the cars will become part of the cleanup process.

**Acknowledgements.**

Selectman Goulart motioned, Selectman Menges seconded and it was unanimously **VOTED** that the board accept donations in the amount of \$24.00 and \$410.00 to the Council on Aging.

Selectman Menges congratulated the Middle school students and wished them luck with their holiday concert this evening.

**Public Input**

Jim Aguiar spoke about the roofing issues at Prime time and said that he had taken the liberty of asking the roofing contractor that is currently doing the salt shed roof for a price. Selectman Goulart asked Jim if he had any idea how much it would cost. Jim said \$1000.00 - \$2000.00.

Jim Aguiar said he would like to get this done as soon as possible and the roofing contractor will finish the salt shed within the next couple of days.

Selectman Goulart asked when the Van Gyzen Hall study committee will meet with the board. Mr. Mullen said nothing is planned. Mr. Woods asked what the recommendation was. Selectman Goulart said the recommendation was to demolish it and set aside an area for a memorial. Mr. Mullen thanked the board for allowing him to serve on the committee. Mr. Mullen said he worked with some fascinating people and also said that a good part of the report was based on the public hearing that they had. Selectman Goulart said she thought the people on the committee stepped up and she thanked Mr. Mullen.

Selectman Goulart motioned, Selectman Menges stepped down to second and it was **VOTED** unanimously to adjourn the meeting at 9:12 pm.

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

  
Patrick W. Menges-Clerk

  
Nancy J. Goulart-Member