

**TOWN OF DIGHTON
BOARDS OF SELECTMEN/HEALTH
OCTOBER 13, 2010**

Edward D. Reese, Sr. called the meeting to order at 6:06 PM.

Present: Edward D. Reese, Sr., Thomas Pires, E. Bud Whalon, David Gay, Esquire and Lidio Chaves

The Board met with Lidio Chaves, property owner of 950 Somerset Avenue, North Dighton, to discuss a potential solution relative to Mr. Chaves' ongoing violations. On July 21, 2009 a Judgment was filed restraining and prohibiting operating a landscaping business, including the parking of landscaping (lawn irrigation) vehicles (except for a vehicle operated by Mr. Chaves in his usual course to enter and exit his residential premises) and the storage of landscaping (lawn irrigation) merchandise and equipment at 950 Somerset Avenue, North Dighton. The Judgment allowed Mr. Chaves ten (10) days from the entry of Judgment to remove all of the equipment, etc. from his property. Since Mr. Chaves has not complied with the Judgment, the Board filed a contempt of court complaint with the Bristol Superior Court and a trial has been set for October 27, 2010. Mr. Chaves alleges that he moved to Oklahoma in August 2009 and stated that since that time his son took over the business. Town counsel explained that the building inspector granted a business certificate to Mr. Chaves' son but was immediately rescinded because it was issued in error. Further, it was explained that a business certificate does not authorize the property owner to run a business in a residential district. Mr. Chaves is in the process of selling his house, claims that he will comply with the Judgment and requests an additional two weeks to remove the items. The Board agreed that he is entitled to have one work vehicle (van) and one truck trailer for storage but that any and all other equipment must be removed. Town counsel will submit a letter to the court. Motion: E. Bud Whalon, seconded: Thomas J. Pires VOTED to grant to Lidio Chaves an extension to remove any and all business related equipment and merchandise at 950 Somerset Avenue, North Dighton, with the exception of one business van and one tractor trailer no later than December 1, 2010. Should Mr. Chaves not comply with the extension the Board will proceed with the contempt of court complaint and will request from the judge to order Mr. Chaves to pay any and all legal fees past and present.

Vote: UNANIMOUS

Thomas J. Pires asked town counsel for procedure clarification of State Sanitary Code 410.910 (A) Penalty for Failure to Comply with Order

The board will review proposed dates for police union contract negotiations.

Motion: Thomas Pires, seconded: E. Bud Whalon VOTED to adjourn at 6:25 PM.

Vote: UNANIMOUS

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

Approved by:

