TOWN OF DIGHTON
BOARDS OF SELECTMEN/HEALTH
MAY 23, 2012 (AMENDED VERSION)

E. Bud Whalon called the meeting to order at 7:30 PM.

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

The pledge of allegiance was recited.

Approval of Minutes
Motion: Thomas J. Pires, seconded: Dean V. Cronin, VOTED to approve meeting minutes of May 16, 2012.

Vote: UNANIMOUS

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

Warrant #047A-12	Payroll	$	63,568.42
Warrant #047B-12	Vendor bills	$	57,977.57

Vote: UNANIMOUS

Expenditure Details: The Board has nothing to report at this time.

Correspondence
Susana Medeiros, Town Clerk reminded Dighton residents owning a dog six months or older must be registered by April 1st wherein fines will be implemented.

Effective July 1, 2012 a statewide ban on the disposal of needles, syringes and lancets (referred to collectively as "sharps") in household trash will take effect. Arrangements will be made to provide a safe, legal alternatives to the disposal of sharps for Dighton residents.

Announcements were read.

Veterans Agent, Jack Taylor announced that the Memorial Day Parade will take place on Monday, May 28, 2012, 10:00AM (rain or shine) and begin at Georgio's Restaurant and end at the Town Hall, Somerset Avenue, wherein, a ceremony will take place at the Veterans Memorial. Also, a special ceremony dedicating the official Medal of Honor plaque will be held at the Dighton Community Church cemetery in remembrance of a long lost civil war veteran, Frederick C. Anderson. The Dighton Lyons will be assisting Mr. Taylor throughout the event.

Report of the Personnel Officer

NONE

Review/Discuss/Act: Request for Counsel re: Master Plan
The Board received a request from the Planning Board requesting permission to seek legal advice relative to the professional services of Vanasse, Hangen, Brustilin, Inc. for professional services to assist the Town in creating a new Comprehensive Master Plan. It was noted, Attorney Lisa Mead has assisted the Town in writing the Request for Proposal. Motion: Thomas J. Pires, seconded: Dean V. Cronin, VOTED to direct all legal services to Attorney Lisa Mead in the creation of the new Master Plan.

Voted: UNANIMOUS

Review/Discuss/Act: Ron Carr re: Proposed Assisted Living Facility on Elm Street
Ronald Carr, Elm Street appeared before the Board with a petition highlighting concerns and requesting a 24-hour traffic study in response the proposed 250 bed assisted, independent and memory care living facility to be located off of Elm Street. Mr. Carr noted he appeared before the Water Department with concerns of the installation of town water on Elm Street at the expense of Elm Street residents, against their wishes. Mr. Carr further expressed concerns that the developer is misguiding area residents and questions their ability to complete the project.

Gregory Wholean, Elm Street appeared before the Board with pictures and concerns relative to a culvert located in the swampy area west of Elm Street approximately 6-8 months ago. Mr. Wholean presented documentation reflecting a 32 foot of 24" concrete pipe replacement of the culvert on Lot 15, Map 23, about 900 feet off of Elm Street. Mr. Wholean claims the culvert never existed, and furthermore, documentation sent was falsified.

The Board accepted the petition and advised the residents that they will maintain a close eye on the proposed project.

Review/Discuss/Act: Assistant 911 Municipal Coordinator Appointment
The Board received a request from Paul Reed, Dighton 911 Municipal Coordinator the appointment of an Assistant 911 Municipal Coordinator for the Town of Dighton. Motion: Thomas J. Pires, seconded: Dean V. Cronin VOTED to appoint Theresa M. Costa as the Assistant 911 Municipal Coordinator for the Town of Dighton.

Voted: UNANIMOUS

Review/Discuss/Act: Tri Centennial Ball & Special Events Committee Member Appointment
The Board received a request to appoint a member to the Committee. Motion: Thomas J. Pires, seconded: Dean V. Cronin VOTED to appoint Dorothy Torres as Member to the Tri Centennial Ball & Special Events Committee.

Voted: UNANIMOUS

Review/Discuss/Act: Jr. Firefighters Participation in the Memorial Day Parade Request
The Board received a request from the Fire Chief seeking permission to have the Dighton Junior Firefighters participate in the Memorial Day Parade. Motion: Dean V. Cronin, seconded: Thomas J. Pires VOTED to approve the request from the Fire Chief seeking permission to have the Dighton Junior Firefighters participate in the Memorial Day Parade by riding in the Town's fire apparatus.

Voted: UNANIMOUSLY

Review/Discuss/Act: Resident Participation in the Memorial Day Parade Request
The Board received a request from Sgt. Edward Dutra seeking permission to have his grandson participate in the Memorial Day Parade by riding in the Town's police vehicle. Motion: Dean V. Cronin, seconded: Thomas J. Pires VOTED to approve the request from Sgt. Edward Dutra seeking permission to have his grandson, Skye Goff, participate in the Memorial Day Parade by riding in the Town's police vehicle (Humvee).

Voted: UNANIMOUSLY

Public Input
NONE.

Executive Session (MGL, Ch. 30A, Sec. 21(a))
Motion: Thomas J. Pires, seconded: Dean V. Cronin VOTED to enter into executive session at 8:10PM under the provisions of MGL, Ch. 30A, Sec. 21(a)(5) to discuss potential litigation. The Board announced that they will return to open session.

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

Motion: Thomas J. Pires, seconded: Dean V. Cronin VOTED to return to open session at 8:17 PM.

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

Vicious Dog Hearing
Thomas J. Pires reopened the vicious dog hearing of Robert Graham of Old Williams Road. Said hearing was first presented to the Board on April 11, 2012. All parties were advised that the hearing would take place in open session as the intention of the meeting does not fall within the scope of an executive session. The procedure of the hearing was presented. Contents of the file were reviewed to assure all parties had all relevant

documents. All parties agree that the vicious dog attack occurred on February 21, 2012 involving a 116 lbs. neutered male Neapolitan Mastiff, known as Brownie, and 10 year old Nicholas Ross, Rehoboth, MA.

Mr. James McAndrews, 15 Daisy Lane, Raynham, friend of the dog owner, confirms that he took the dog after the incident for 2-4 weeks. In doing so, no incidents took place that would cause fear or warrant euthanization. Further, Mr. McAndrews would be willing to take the dog again if required.

The Board reviewed and read the report of the animal behaviorist (attached as "Exhibit A") Alexandra Morgan and called her forward for questioning. It was noted that the date of her visit should be corrected to reflect their first meeting on February 26, 2012 and that said visit was paid for by the dog owner, Robert Graham. Ms. Morgan states that the incident that occurred on February 21, 2012 was a horrible accident but does not believe Euthanization is warranted, as long as, the animal continues with training and behavior modification. She substantiates her findings in that Brownie is a shy, nervous, fearful dog not an aggressive dog. Aggressive dogs are more likely to continue an aggressive behavior in such an act, however, when the bite occurred it was an isolated incident and that Brownie ran to another room to hide, behavior that is consistent with a fearful dog. Further, Ms. Morgan has served as a witness during different cases on both sides of this type of animal behavior and feels that the victim may carry guilt if the dog were to be euthanized.

Counsel for the Victim, Tammy L. Arcuri, provided pictures (attached as "Exhibit B") of the facial trauma that occurred and that her client will now have to live with this "death sentence" for the rest of his life. Further, Atty. Arcuri states that her client was unaware that said dog resided at the house and that there have been previous incidences between the dog and Mrs. Christine Ross where the dog snapped towards Mrs. Ross' face when making eye contact. Atty. Arcuri questions the credibility of the animal behaviorist due to lacking information from her client. Further, Atty. Arcuri belieces that by the size of the dog and lack of accountability of the current dog owner the victim and the family do believe that euthanization should take place. Parents of the victim, Christine and Normand Ross, stated that they two have three dogs whom they love very much but puts the health and safety of a child first.

After review of the facts and questioning of the witnesses the Board was ready to deliberate.

E. Bud Whalon stated that while he is sympathetic of both parties, he has children/grandchildren and does not believe that the owner of the dog can promise that this would never happen again.

Thomas J. Pires stated that he visited the home earlier and admitted that the large dog became excited upon Mr. Pires' arrival, ~~that he knocked him over~~ and had to be restrained by the owners. It was further noted that when a second dog was removed from

the environment, ~~Biscuit~~ Brownie immediately quieted down. Mr. Pires' researched the matter and does not feel that this matter warrants euthanization as he believes that the problem can be corrected by placing strict conditions.

Dean V. Cronin stated that there appears to be conflicting evidence and is not convinced that this will not happen again, especially should the animal be left unattended. Although restrictions can be placed, it is not a guarantee and is fearful that it will happen again.

Motion: Dean V. Cronin, seconded: E. Bud Whalon to euthanize "Brownie" a Neapolitan Mastiff.

Vote:	E. Bud Whalon	AYE
	Dean V. Cronin	AYE
	Thomas J. Pires	NO

Executive Session (MGL, Ch. 30A, Sec. 21(a))
Motion: Thomas J. Pires, seconded: Dean V. Cronin VOTED to enter into executive session at 9:45PM under the provisions of MGL, Ch. 30A, Sec. 21(a)(5 & 1) to discuss potential litigation of D-R Regional School Committee, Employee Hearing and Town Hall Employee Follow Up. The Board announced that they will not return to open session.

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

Motion: Thomas J. Pires, seconded: Dean V. Cronin VOTED to return to open session at 11:40 PM.

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

Motion: Thomas Pires, seconded Dean V. Cronin to adjourn at 11:40 PM.

Vote: UNANIMOUS

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

Approved by:
Thomas J Pires 7/25/12
Dean V. Cronin
E Bud Whalon