

**TOWN OF DIGHTON
BOARDS OF SELECTMEN/HEALTH
JULY 17, 2013**

Dean V. Cronin called the meeting to order at 7:31 PM.

Present: Dean V. Cronin, Thomas J. Pires and Patrick W. Menges

The pledge of allegiance was recited.

Approval of Minutes

Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED to approve the meeting minutes of May 29, 2013 – Meet with Police Chief.

Vote: UNANIMOUS

Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to approve the meeting minutes of July 3, 2013 – Regular Meeting.

Vote: UNANIMOUS

Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to approve the meeting minutes of July 9, 2013 – End-of-Year Transfer Request(s).

Vote: UNANIMOUS

Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to approve the meeting minutes of July 9, 2013 – Executive Session.

Vote: UNANIMOUS

Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED to approve the meeting minutes of July 10, 2013 – Meeting with Police Chief.

Vote: UNANIMOUS

Approve Warrants

Motion: Patrick W. Menges, seconded: Thomas J. Pires, VOTED to approve the following warrants:

Warrant #03A-14	Payroll	\$	62,856.14
Warrant #03B-14	Vendor bills	\$	53,079.64

Vote: UNANIMOUS

Expenditure Detail

NONE

Correspondence

Newly appointed Chief Procurement Liaison, Jennifer Luiz, has successfully completed the Public Contracting Overview seminar held on April 23-25, 2013. The Board congratulated Mrs. Luiz in passing the exam with a score of 100%.

The Board read a CDC Health Advisory reporting the first case of influenza A (H3N2) variant (H3N2v) virus infection in June of this year. Cases associated with exposure to swine at an agricultural fair prior to illness onset. Recommendations for public exposure was read.

The Board read Massachusetts Emergency Management Agency's (MEMA) evacuation steps for a hurricane advisory.

The Board read Massachusetts Emergency Management Agency's (MEMA) press release asking customers to voluntarily conserve electricity as a prudent, precautionary measure to help keep supply and demand in balance during the heat wave.

The Board read the 2013 Annual Notice to Local Boards of Health from the Department of Environmental Protection.

The Board read food recalls from the following: Crave Brothers Farmstead Cheese Company and Earth's Pride Organics.

Announcements were read.

Review/Discuss/Act: Rescind Contract Dated July 1, 2013 and Accept Bid for Lawn Maintenance and Other Duties for the Cemetery Commission

The Board discovered that a recently approved contract with Dreambuilders to provide lawn maintenance and other duties requested by the Cemetery Commission for all town cemeteries as assigned must be rescinded because the option to extend clause was not included in the original bid. Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to rescind the contract with Dreambuilders dated July 1, 2013.

Vote: UNANIMOUS

On July 10, 2013 the Cemetery Commission met to review the three bids received for lawn maintenance and other duties for the Cemetery Commission. The Board read the Cemetery Commission's recommendation. Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to award the bid to Paul M. Silvia, Dreambuilders, Dighton in the amount of \$1,200.00 per month for the mowing and trimmings and \$25.00 per hour for any additional assigned work at all Town owned cemeteries as recommended by the Cemetery Commission.

Vote: UNANIMOUS

Review/Discuss/Act: Rescind Contract Dated July 1, 2013 and Accept Bid for Grave Excavation for the Cemetery Commission

The Board discovered that a recently approved contract with Dreambuilders to provide grave excavation for the Cemetery Commission for all town cemeteries must be rescinded because the option to extend clause was not included in the original bid. Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to rescind the contract with Dreambuilders dated July 1, 2013.

Vote: UNANIMOUS

On July 10, 2013 the Cemetery Commission met to review the three bids received for grave excavation and back filling for the Cemetery Commission. The Board read the Cemetery Commission's recommendation. Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to award the bid to MacManus Landscaping, Rehoboth in the amount of \$575.00 to dig, set lid and backfill each grave at all Town owned cemeteries as recommended by the Cemetery Commission.

Vote: UNANIMOUS

Review/Discuss/Act: Rescind & Award (1) Part-Time Laborer Posting for the Highway Department

Highway Superintendent Thomas Ferry is requesting to assign another part-time laborer to the Highway Department as the previous awarding employee, Kyle Borges, did not report to work. Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED to assign Roy Power the part-time laborer position for the Highway Department as recommended by Highway Superintendent Thomas Ferry.

Vote: UNANIMOUS

Review/Discuss/Act: Accept Appointment Resignation of Terri Fredericks, Tri Centennial Special Events Committee

Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED with regret, to accept the letter of resignation from Terri Fredericks as Member to the Tri Centennial Ball & Special Event Committee.

Vote: UNANIMOUS

Review/Discuss/Act: Accept Welinsky Appraisals of Brook Street Bridge Project Land Takings

The Board received property appraisals in relation to temporary/permanent land takings for the Brook Street Bridge Project. Motion: Patrick W. Menges, seconded Thomas Pires VOTED to send a letter to Donald Welinsky, MAI, Appraisal & Advisory Consultants requesting confirmation of parcel identification for temporary easements of TE-5, TE-7, TWLR-1 and permanent easements E-4, E-6 and PUE-1 at the suggestion of the Board of Assessors.

Board of Health Hearing: Robert Wilson, 2055 Wheeler Street, N Dighton (8:00PM)

Robert Wilson and Laurie Zanoni of 2055 Wheeler Street, requested a hearing after receiving an Order to restrain all ducks from entering private and public property, including but not limited to Wheeler Street on or before thirty days from service, pursuant to State Sanitary Code (105 CMR 400 et seq. and 105 CMR 400.200), the State Public Health Law (MGL Chapter 111, Section 125A), and the Town of Dighton By-Laws dated May 16, 2013 and mailed on June 20, 2013. The Board read the Order into record and instructions of proceedings was given.

The Board presented the history of events. Beginning in October, 2012, ducks started entering the property of Julie and Brian Kreizinger, 1815 Wheeler Street. Attempts were made by Mr. & Mrs. Kreizinger to work with Mr. Wilson and Ms. Zanoni to keep the ducks away, however, attempts were unsuccessful. Therefore, relief was sought through the Animal Control Officer in December 2012 and the Board of Health in March 2013.

Mr. Wilson and Ms. Zanoni presented pictures of two pens constructed to contain the ducks. It was noted that one pen still needs a top installed to keep the ducks from flying out and Mr. Wilson and Ms. Zanoni stated they are currently working on it. Ms. Zanoni stated that earlier instances of ducks leaving the property was remedied when neighbors were asked and complied to stop feeding them. It was reported that some ducks do not belong to Mr. Wilson or Ms. Zanoni, that they are wild. It was reported by Mr. Wilson that there is currently a No Trespassing Order, therefore, if the ducks enter the Kreizinger's property he can not get them.

Brian and Julie Kreizinger presented various pictures dated April through June of 2013 of the ducks on their property. Mrs. Kreizinger stated that she has never fed the ducks. Mrs. Kreizinger once enjoyed seeing the ducks, but the number of ducks has increased significantly rendering a nuisance (i.e., duck feces). A No Trespass Order was filed against Mr. Wilson after a verbal altercation on Wednesday, March 13, 2013. Mr. Kreizinger stated that he will not call the police should one duck enter his property, however, the police will be called if numerous ducks enter his property.

Jack Taylor, abutter to the Kreizinger's, has assisted in capturing and returning the ducks to Mr. Wilson. Mr. Taylor noted that it is the ducks instinct to enter the pond located on his property. Scott Canning, abutter to the Kreizinger's, has never experienced problems with the ducks.

The Board determined that penalties will be enforced if the matter does not get resolved immediately. As such, the Board read the penalty as follows:

In the event any of the ducks belonging to Mr. Wilson and Ms. Zanoni enters a public or private property after the thirty day period set forth in the Order (effective July 26, 2013), consistent with the guidelines set forth in 105 CMR 400.700, as follows:

1. During the first week after the thirty day period set forth in the Order: \$50.00 per event.

2. During the second week after the thirty day period set forth in the Order: \$100.00 per event.
3. During the third week after the thirty day period set forth in the Order: \$300.00 per event.
4. During the fourth week after the thirty day period set forth in the Order: \$500.00 per event.

An event is defined as any day (24 hour period) in which a duck owned by Robert Wilson enters onto public or private property, whether the adjoining property or the public way and each day and each duck owned by Robert Wilson enters onto the public property known as Wheeler Street shall constitute a separate event for application of fine.

Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to institute fines to Robert Wilson of 2055 Wheeler Street, relating to ducks per day and event as stated effective July 26, 2013.

Vote: UNANIMOUS

Review/Discuss/Act: Financial Advisory Committee for D-R Regional School District Appointment

Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to appoint Kevin Perry as Member to the Advisory Finance Committee for the Dighton-Rehoboth Regional School District.

Vote: UNANIMOUS

Review/Discuss/Act: Appoint Karen O'Connor to the Cable Committee

Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED to appoint Karen O'Connor as Member to the Cable Committee.

Vote: UNANIMOUS

Review/Discuss/Act: Solicit for Landscaping Companies for the Board of Health Vendor Bidding List

On July 3, 2103 the Board voted to maintain a Vendor Bidding List to respond to Health department violations with respect to the exterior property maintenance of vacant or abandoned properties. Two landscapers were placed on the list, however, the Board determined additional landscapers should be added to the list. As such, the Board announced that they will reopen the vendor bidding list to landscapers who are properly insured. Anyone interested should contact the Board of Selectmen/Health office for more information.

Public Input

The Board welcomed Jack Wagner as Town of Dighton's freelance reporter for the Taunton Gazette.

Executive Session

Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to enter into Executive Session at 8:55 PM under the provisions of MGL, Ch. 30A, Sec. 21(a) (3) to discuss Fire Chief contract negotiation strategy. The Chair declared that an open meeting will have a detrimental effect on the negotiating position of the public body and that the Board will not reconvene in open session.

Vote:	Thomas J. Pires	AYE
	Patrick W. Menges	AYE
	Dean V. Cronin	AYE

Adjournment

Motion: Thomas J. Pires, seconded: Patrick W. Menges VOTED to adjourn at 10:18 PM.

Vote:	Dean V. Cronin	AYE
	Thomas J. Pires	AYE
	Patrick W. Menges	AYE

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

Approved by:
