

MAY 23 2023

The following Meeting was video and audio recorded for Airing on Channel 5 Time: 9:07 AM

BOARD OF SELECTMEN

Regular Meeting

Wednesday, April 26, 2023 6:00 p.m.

Hybrid Meeting

Old Town Hall, 1111 Somerset Avenue, Dighton, MA

And via Zoom

By: 

Meeting was called to order at 6:00 p.m. by Chairman Caron. He gave instructions for providing public input and state that the meeting was being recorded.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Executive Session

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to enter into Executive Session under Massachusetts General Laws Chapter 30A, Section 21(a)(3)(2)

3. To discuss a strategy with respect to collective bargaining or litigation is an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

a. Ellis S. Waldman and Andrew Gates as Trustees of D.I. Trust II; Plaintiffs v. Town of Dighton Planning Board Defendants.

2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions of contract negotiations with non-union personnel.

a. Fire Chief

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

The Board of Selectmen's regular meeting was called back to order by Chairman Caron at 6:34 p.m.

Present: Chairman Peter Caron, Selectman Leonard Hull, Selectman Nicole Mello, Town Administrator Michael Mullen, Executive Assistant Karin Brady, Fire Chief Christopher Maguy, Building Commissioner James Aguiar,

Also Present: Mr. Wayne Lepage – 176 Cobbs Lane, Mr. Joseph Frizado -180 Cobbs Lane, Alisha Wilson-2043 Somerset Avenue

Via Zoom: Mr. Joseph Pacheco, 1111 Center Street and Mr. Aaron Roy of National Grid.

Moment of Silence

A moment of silence was requested by Selectman Hull for John Masciarelli, Richard Noons and David Phillips.

Scheduled Appointments

6:30 p.m. Pole Hearing – Petition for Joint or Identical Pole Locations – Muddy Cove Lane/Pleasant Street

Mr. Aaron Roy was present from National Grid to explain the application.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the petition for joint pole location for Pleasant Street and Muddy Cove as presented.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Selectman Mello motioned, Selectman Hull seconded and it was **VOTED** to close the pole Hearing.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

6:35 p.m. Junk Dealers License Hearing

Selectman Hull motioned to open the Junk Dealers License hearing for Joseph Frizado-180 Cobbs Lane, Dighton, MA

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Joseph Frizado, 180 Cobbs Lane said he has had a cleaning service for 40 years and said he has worked for the town in the past.

Chairman Caron asked how a junk dealers license differed from a cleaning business.

Mr. Frizado said he frequently comes across washing machines, and refrigerators.

Chairman Caron asked Mr. Frizado if he stored things in the yard. Mr. Frizado said he has three garages which he stores items.

Mr. Frizado explained his business to the board.

Wayne Lepage, 176 Cobb Lane, Dighton, MA said Mr. Frizado cuts tanks outside the building, he cleans tanks and he was convinced that the waste was going into the ground. Mr. Lepage said Mr. Frizado should also be paying a business tax.

Mr. Lepage said he was proposing a 21E study be done with borings taken.

Mr. Lepage asked if the junk dealers permit would be transferred to the next owner. He was concerned with a transfer of the junk dealer's licenses to another owner. He said his big concern is that he has never paid commercial property tax and his lack of respect for the environment.

Selectman Hull asked if there had ever been a complaint to have Conservation come and make an observation of the property.

Selectman Hull read a letter from Building Commissioner stating that the property has been inspected by Building Commissioner and Fire Chief, and there were no violations of respected codes or fire hazards observed.

Building Commissioner James Aguiar, said the dba certificate was issued through the Town Clerks' office and he has had the certificate for many, many years. He said the Junk Dealer's license would allow the Board of Selectmen to condition the business. Mr. Aguiar said Mr. Frizado does have protection under the law. He said his dealings with Mr. Frizado had always been respectful, and any concerns were corrected in a timely manner.

Fire Chief Christopher Maguy said there were no fire concerns. He said the tank process did not violate any fire codes. Fire Chief Maguy said the one time that he burned the wire, he immediately put it out and the Fire Department had not been back since. He said that a permit is required to move more than 100 gals of oil, but the majority of the time when you remove a tank normally is less than 100 gals.

Selectman Hull said he thought that in future licensing the office should check with the Assessor's office.

Mr. Mullen said this license has the ability to affect home owners as well as businesses.

There was discussion of continuing the hearing.

Mr. Aguiar said if the board were not going to grant the license tonight, it would be appropriate to visit the site and provide conditions.

Alisha Wilson, 2043 Somerset Avenue, said Mr. Frizado had always been a good neighbor. She was concerned with having a junk dealing business in an area of conservation and said anything that had not been remediated could contaminate the land.

Selectman Hull said Ms. Wilson is also an attorney for the record and her statement was based on her understanding of the law.

Chairman Caron called Mr. Frizado to the podium and said the Board of Selectmen would like to visit the property.

Mr. Frizado said the board was welcome.

Selectman Hull asked that the Building Commissioner also be invited to the meeting.

Mr. Lepage said he did not see why he needed to suffer and he did not understand why it has been allowed to go on for so long.

Chairman Caron said neighbors have rights and so do business-owners. He said we will need to find the balance.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to close public input on the hearing for Junk Dealers License for Joseph Frizado, 180 Cobbs Lane.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Chief Maguy – Contract for Employment

Mr. Mullen said in the last few sessions we have been negotiating a contract for employment for the Fire Chief. He said tonight we have an updated proposed contract for the Fire Chief in front of the board.

Mr. Mullen went over the details of the proposed contract. He thought the Chief had been very good and had the respect of the department. He was happy to have come to this contract.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the three-year contract for Chief Christopher Maguy and the Town of Dighton

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Announcements

Announcements were read by Selectman Mello.

Public Input

Joe Pacheco, Center Street, said that the Junk Dealer’s License had come before the Zoning Board and it was decided that it was commercial.

Tom Ferry, said the Lions Club was seeking judges for the Annual Cow Chip Festival.

Town Administrators Report

Mr. Mullen said the budget and proposed warrant has been dominating our time. He mentioned that the Finance Committee meeting originally scheduled for tomorrow night, would be rescheduled until

Tuesday and a joint meeting would be scheduled for Thursday with the Board of Selectmen.

Selectmen’s Reports

Selectman Hull

Selectman Hull announced that the Dighton Water District would be holding its Annual election, Monday May 15, and the poles would be open from noon to 7:00 p.m. He said applications have been turned in and the deadline has closed. Selectman Hull said there are currently two people running for the position of Water Superintendent.

Selectman Hull said currently negotiations are going on between Naughton construction and the Water district to apply a skim coat on Main Street.

Selectman Hull said Dighton Development and Industrial Commission met on April 24, and stated that their after-hours event would be October 3, at Bristol County Agricultural High School beginning at 4:00 P.M. Open to the public, but encouraging businesses to come and set up a booth. The DDIC has an opening on the commission for a representative of the farming community.

The DDIC will be participating in the Firecracker Festival and their next meeting is scheduled for may 22, at Old Town Hall.

Dighton-Rehoboth Regional School District

Selectman Hull said last evening there was a presentation of awards, and an outstanding achievement award was presented to the theater program and to Mrs. DeCecco, Mrs. Lasalle.

He said Superintendent Runey announced that he was looking to expand CTE program, specifically Mechanical Engineering.

Selectman Hull said there was a discussion regarding school choice. Because of overcrowding at Dighton Elementary and Dighton Middle School, it was the view of many members of the School Committee that they should not participate in school choice. He said a vote will be taken at the next meeting and they will continue discussing the number of students in class.

Selectman Mello highlighted that SRO Hathaway and Bennet would be conducting a program this week in the schools.

Peter Caron said solid waste and capital outlay met last week.

Reconsideration of Budgets

122-Board of Selectmen

Mr. Mullen said in line #5340 in the selectmen's budget a \$3,755.00 increase which bring the total of that line to \$7,755.00. It will be offset by just over \$2100.00.

Mr. Mullen recommended to the board to vote the increase of \$3,755.00.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve an increase of \$3,755.00 in the Selectmen's budget.

#162- Elections

Mr. Mullen said there was an original discrepancy in the budget. He said it was a misunderstanding and the amount of \$2,133.00 represented all of the Vote by Mail Costs.

There was discussion of the reserve fund.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to reconsider the vote with regard to the Elections budget.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to amend the Elections Budget to include \$1,305.40 to line item #5220 - Vote by mail,

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

#171- Conservation Commission

Mr. Mullen said there are two proposed changes. We reduced \$720.00 for cell phone reimbursement and proposing to rename the line titled Benefits to Boot Allowance.

He was proposing an across the board, \$300.00 boot allowance.

Mr. Mullen said the IRS does not take into consideration, any clothes that can be worn anywhere. Such as a shirt and tie. We know that in order to perform the functions of their job this person will need two pairs of boots and that is how we come up with these numbers.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to decrease the Conservation Commission budget of \$820.00 to line #5158 – boots allowance.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

#241 – Building Inspections.

Mr. Mullen said we are proposing a \$120.00 increase in the Building Inspection Budget.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to increase the Building Inspections Budget by and additional \$120.00

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Police Department

Mr. Mullen said the correct number is \$1,946,724.68. Only a portion of that was approved at the last meeting.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the Police budget in the amount of \$1,946,724.68

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

#220 Fire Department

Mr. Mullen proposed that in the Fire Department budget, the Fire Chief salary be increased by \$2,223.76 as a result of the contract.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to increase the Fire Department budget by \$2,223.76.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

#221-Ambulance

Mr. Mullen recommended an increase to line #5105 in the amount of \$2,223.76 for the same reason.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to increase the Ambulance budget by \$2,223.76.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Open Meeting Law Complaint – Patrick Higgins

Mr. Mullen said that the meeting minutes of March 1 were not approved within the timeframe. The Open Meeting Law technically has been violated. He recommended that the board vote to review the Open Meeting Law Complaint and designate the Town Administrator to respond.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to allow the Town Administrator to respond to the Open Meeting Law Complaint.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Historical Commission Appointment

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to appoint David Marvill to the Historical Commission.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Dighton Dispatchers Appointment

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to appoint Kristin Caldeira to the Dighton Dispatchers

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Agricultural Commission Appointment

Selectman Hull motioned, Chairman Caron stepped down to second and it was **VOTED** to appoint Nicole Mello to the Agricultural Commission.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Commission on Disability Appointment

Selectman Hull motioned, Chairman Caron stepped down to second and it was **VOTED** to appoint Nicole Mello to the Commission on Disability.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Library Building Committee Appointment

Selectman Hull motioned, Chairman Caron stepped down to second and it was **VOTED** to appoint Nicole Mello to the Library Building Committee.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Capital Outlay Committee Appointment

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to appoint Chairman Caron to the Capital Outlay Committee.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

40B Committee Appointment

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to appoint Peter Caron to the 40B Committee.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Historical Commission Appointment

Selectman Hull motioned, Selectmen Mello seconded and it was **VOTED** to appoint Peter Caron to the Historical Commission.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Draft Annual Town Meeting Warrant

Mr. Mullen gave an overview of all of the proposed articles for Town Meeting.

There was discussion of CPC articles and the placing of articles

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the placing of warrant articles as presented this evening.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Conservation Restriction for Maris Lane Center Street Woods Subdivision

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the conservation restriction contingent upon the applicant being responsible for the recording and any associated fees for recording with the Registry of Deeds.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Transfer Station Attendant Updated Job Description.

Mr. Mullen said it was being proposed that the transfer station attendant position be a more encompassing position, change the hours to 14 hours and the days from Wednesday to Friday and Saturday.

There was discussion of the point-of-sale System and delivering of trash bags.

There was discussion of the hourly wage and duties.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the updated Transfer Station Attendant job description as presented.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Request for Use of Facilities – Town Garage

Selectman Hull motioned Selectman Mello seconded and it was **VOTED** to approve the Facilities Use Request for the Town Garage on May 13 by D-R Softball for a car wash.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Request for Approval of Drone Videography

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the request by the Dighton Development and Industrial Commission to allow Pinnacle Drone Works to create drone video footage of the Town and businesses.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Budget Recommendations

Mr. Mullen recommended voting on the proposed operating budget.

Agricultural Commission

Mr. Mullen said in terms of Agricultural Commission Budget – the \$500.00 for the Briggs Garde has been backed up with a zero-based budget document, but there is no backup for the rest of the budget.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to table discussion of the Agricultural Commission Budget #179 and invite them to the joint Fin Com/BOS meeting on Thursday.

Roll Call Vote:

Chairman Caron, aye.

Selectman Hull, aye.

Selectman Mello, aye.

Budget #422 - #945

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to accept the Town Administrators recommendation for the Budgets #422 - #945 as presented this evening.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Warrants

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve Warrant #42A-23 in the amount of \$138,813.37, Warrant #42B-23 in the amount of \$201,826.86 both dated April 20, 2023.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve Warrant #43A-23 in the amount of \$124,778.39, Warrant #43B-23 in the amount of \$1,656.05, Warrant #43C-23 in the amount of \$285,979.75 and Warrant #43D-23 in the amount of \$6,496.90 all dated April 27, 2023

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Correspondence

Letter from Bill Runey Superintendent of D-R Regional School District was read by Chairman Caron.

An email from Donna Berdos regarding her resignation from the Dighton Elementary Academic Council was read by Chairman Caron.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to accept the resignation of Donna Berdos from the

Resignation of Ron Smith from Historical Commission

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to accept the resignation of Ron Smith.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to appoint Patricia Gailles to the Community Preservation Committee.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.

Selectman Mello, aye.

Minutes

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to approve the minutes of the Board of Selectmen’s regular meeting of April 12, 2023.

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Executive Session

Under Massachusetts General Laws Chapter 30A, Section 21 (a)(3)(7)

3. To discuss a strategy with respect to collective bargaining or litigation in an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares

a. Clerical Union

7. To comply with or act under the authority of, any general or special law or federal grant – in – aid requirements.

Executive Session Minutes

Approval of the Board of Selectmen’s Executive Session Minutes of April 12, 2023

Selectman Hull motioned, Selectman Mello seconded and it was **VOTED** to enter into Executive Session under Massachusetts General Law Chapter 30A, Section 21(a)(3)

Roll Call Vote:

Chairman Caron, aye.
Selectman Hull, aye.
Selectman Mello, aye.

Chairman Caron noted that the board would not be returning to open session.

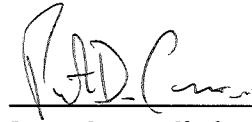
Adjournment

Regular meeting ended at 8:59 p.m.

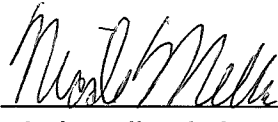
Respectfully submitted

Karin L. Brady
Executive Assistant

Board of Selectmen



Peter Caron, Chairman



Nicole Mello, Clerk



Leonard E. Hull, Jr., Member

Documents Reviewed:

Petition for Joint or Identical Pole Locations Muddy Cove Lane/Pleasant Street

Letter from Thomas Medeiros Regarding “Touch a Truck” event.

“Touch a Truck” event flyer

Junk Dealers Licensing Guidelines

Application for Junk Dealers License – Joseph Frizado

“18TH Century Minuteman Camp” event flyer

Open Meeting Law Complaint – Patrick Higgins

Grievance Procedures

Letter from Patricia Gales Requesting Appointment of David Marvill

Letter from Chief Shawn Cronin Requesting Appointment of Kristin Caldeira as Part-Time Dispatcher

Copy of FY24 Capital Plan Scoring Sheet

Copy of DRAFT Town Meeting Warrant

Letter from Richard Bessette Re: Conservation Restriction-Maris Lane/Center Street Wood Subdivision

Transfer Station Attendant Job Description

Facilities Reservation Request – D-R Softball Car Wash at Town Highway Garage

Request by DDIC to contract with Pinnacle Drone Works to Create Drone Video Footage

Email from Michael Mullen to Board of Selectmen RE: Vote by Mail Line in the Election Budget

Budget Information – Budget #179 - #945

Letter from Dighton=Rehoboth High School Superintendent Bill Runey, RE: Continued Support of School SRO

Letter from Donna Berdos RE: Resignation from the Dighton Elementary Academic Council

Letter from Ron Smith Requesting Appointment to the Historical Commission

Letter from the Dighton Historical Commission Requesting Appointment of Ron Smith

Minutes of the Board of Selectmen’s Regular Meeting of April 12, 2023