

BOARD OF SELECTMEN
MEETING MONDAY, May 8, 2017
EXECUTIVE SESSION MEETING MINUTES
DR Regional High School – Room 103
2700 Regional Road, N. Dighton, MA

Present: Frederick Vadnais, Chairman; Gerald Schwall, Vice Chairman, Susan Pimental, Clerk, Dave Perry, Member, Jim Muri, Member, Police Chief Trombetta, Fire Chief Barresi, Michael Costello, Highway Superintendent/Planning Board Member, John Santos, Building Commissioner/Zoning Officer, Attorney Jay Talerman, Helen Dennen

Call to Order:

On a motion made by Selectman Pimental, seconded by Selectman Schwall, the executive session meeting for 5/8/17 was called to order at 5:33 pm pursuant to MGL CHAPTER 30A, §21:

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

Topics of Discussion: Potential Litigation

Roll Call Vote: Perry – aye; Schwall – aye; Pimental – aye; Vadnais – aye; Muri - aye

BUSINESS FOR DISCUSSION:

Solar Facility Located at 280 Summer Street

The Board called together above listed personnel for a discussion about the potential public safety issues relating to downed fencing at the Sun Edison solar facility at 280 Summer Street.

Chairman Vadnais noted that there had been a lot of email activity going around regarding shutting the electric power off to this facility. Chairman Vadnais and Attorney Talerman conveyed to all present that the Town cannot legally turn off the power at the facility without a court order, noting that the solar company leasing the property has filed bankruptcy. It was noted that a police report had been filed indicating someone may have intentionally cut the fence. Chief Barresi stated that he was the only one who had a key to access the facility.

The Board cautioned all personnel present that no one is to request the power be turned off. Attorney Talerman is currently drafting a zoning enforcement letter for John Santos to issue to the property owner. Attorney Talerman indicated if the fence is not repaired, the Board of Selectmen could hold a Chapter 139 Hearing under the premise that the facility is an attractive nuisance and require the property owner to make the necessary repairs.

Selectman Pimental made a motion that the Town set a deadline of Wednesday, 5/10/17 by 5:00 p.m. for the fence to be repaired and put back up, at which time if not repaired, Attorney Talerman is to be contacted to prepare an injunction against the property owner (to be delivered by a Constable), have the Town proceed with arranging for repair of the fence and place a lien on the property. Motion was seconded by Selectman Muri.

Roll Call Vote: Perry – aye; Schwall – aye; Pimental – aye; Vadnais – aye; Muri - aye

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Adjournment: On a motion made by Selectman Pimental, seconded by Selectman Schwall, it was voted to adjourn the meeting at 6:05 p.m.

Roll Call Vote: Perry – aye; Schwall – aye; Pimental – aye; Vadnais – aye; Muri - aye

Respectfully submitted,

Helen Dennen

Helen Dennen, Interim Town Administrator

Skip E. Vadnais Jr.

Frederick E. Vadnais, Jr., Chairman

Gerald V. Schwall

Gerald V. Schwall, Vice Chairman

James Muri

James Muri, Member

Susan M. Pimental

Susan M. Pimental, Clerk

Dave A. Perry Jr.

David A. Perry, Jr., Member

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Approved on 5/15/17 for release to public