**Meeting of the Board of Selectmen March 23, 2021**

**Phone: 669-224-3318**

**Access Code: 220-595-605**

**6:15 P.M. – Executive Session**

Chairman Patricia Riley called the meeting to order at 6:15 p.m. in the Donald McKinnon Meeting Room at Veterans Memorial Town Hall, located at 558 South Main Street. In addition to Chairman Riley, Selectmen Joseph Pacheco and Richard Schiavo were in attendance, along with Town Administrator Graham Waters and Town Counsel Ted Pietnik. Selectman Pacheco made a motion, seconded by Selectman Schiavo, to enter into Executive Session in accordance with Massachusetts General Laws, Chapter 30A, Section 21, 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 and also to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. On a roll call vote, Mr. Pacheco, Mr. Schiavo, and Ms. Riley each voted “I” to go into Executive Session.

**7:00 p.m. Regular Meeting – with Remote Public Access**

Chairman Riley called the open meeting to order at 7:00 p.m. in the Donald McKinnon Meeting Room at Town Hall. In addition to Chairman Riley, Selectmen Joseph Pacheco and Richard Schiavo were in attendance. Ms. Riley announced, “Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.C.30A, §18, and the Governor’s 2020 Order imposing strict limitations on the number of people who may gather in one place, this meeting of the Raynham Board of Selectmen is being conducted with the Public Body members in person at Veterans Memorial Town Hall and with the general public following the proceedings remotely. Every effort has been made to ensure that the public can adequately access the proceedings as provided for in the Order. For real time access, residents can join the live broadcast on the Raynham Channel, use the “gotomeeting” online feature, and/or call in using their phone. The Town will post a record of this meeting on the Town’s website as soon as we are able. Also in accordance with the Executive Order, other town officials and staff participating in the meeting and in attendance include: Town Administrator Graham Waters and Animal Control Officer Linda Brackett.” Ms. Riley added, “This meeting is being recorded and, for the record, we are returning from Executive Session with nothing to report at this time.”

**Pledge of Allegiance**

Ms. Riley led the Board in the Pledge of Allegiance.

**Acceptance of the Minutes**

Ms. Riley asked for a motion to approve the minutes of the Selectmen’s meetings held on March 9, 2021 and March 16, 2021. Mr. Pacheco made a motion to approve both, Mr. Schiavo seconded, and Ms. Riley made it unanimous.

**Department Heads -** (attendees online)

* 1. **Tim McRae, Director of Parks & Recreation – Quarterly Report**

Mr. McRae called in to join the meeting and said, “With school going back, we are preparing to get back into the swing of things with day care. We will be ready in a week. Anyone who is looking for day care, please give us a call. We have room.” Mr. McRae said planning is underway for the recreation programs offered through the department. He will be releasing the details for the summer program the week of April 5th and signups for the children will follow. The information will be available on the website. He anticipates the summer program will start either the last week in June or the week of July 4th. His department has been helping with the effort to get the athletic fields ready for use. He has also been continuing the effort to find a location for a dog park. Reed Field in North Raynham is currently under consideration. He explained, “At this time, it’s only exploratory. Once we have the details, we will have a meeting to receive feedback from the community and the town.” Mr. McRae also wanted to thank his staff for all their hard work. The Board thanked him for all his hard work as well and for his enthusiasm and asked him to continue his good work.

# **Linda Brackett, Animal Control Officer – Monthly Report**

Ms. Brackett was in attendance at the meeting to give her report. She said, “We received 162 calls, and we have had a lot of issues with foxes and coyotes. We received a call from a woman whose small dog had been let outside and was taken away by a coyote. The Police Officers responded and found the dog and took it to the vet. Dog licenses are due by the end of the month. We have had a lot of questions about a Rabies Clinic. Usually Dr. Reamsnyder does these and maybe we could plan something for the fall.” Ms. Brackett said she has found that people have been stealing dogs and posting them on Facebook. She explained, “You don’t know if the rightful owner is the one who will pick it up.” Ms. Brackett also thanked the Board for supporting a proposal, brought forward by Mr. Schiavo, for an animal shelter for Raynham’s Animal Control. Ms. Riley said the two Police Officers who responded to the woman whose small dog was snatched by a coyote should be commended for the compassionate way they handled the situation. She also thanked Ms. Brackett for the compassionate way she handled the situation..

**Appointments**

1. **Riley Morgan – Animal Inspector**

Mr. Kevin Moreira sent the Board of Selectmen a letter of resignation as the Town’s Animal Inspector effective March 31st . Mr. Pacheco made a motion to accept with regret, Mr. Schiavo seconded, and Ms. Riley made it unanimous. Mr. Pacheco then made a motion to appoint Kerry Riley Morgan to the position of Animal Inspector. Mr. Schiavo seconded the nomination and Ms. Riley made it unanimous.

# **Completion of Old/Continuing Business**

* + - * 1. **Discussion: Review of Whippoorwill Drive Dog Incident**

Ms. Brackett addressed the Board and explained, “I spoke with Erica Durica on March 7th and she said she has installed another gate and there have been no other issues.” Mr. Pacheco said he had no other questions and noted that he was pleased the dog’s owners took the matter very seriously. Mr. Schiavo said he agreed with Mr. Pacheco’s comments. Whippoorwill resident Jaime Curtis called in to the meeting and asked, “On the record, what was the outcome of the hearing? According to the statute, the hearing committee had a duty to dismiss the complaint, deem the dog a nuisance dog, or deem the dog a dangerous dog. I’m wondering what the official finding of the hearing was.” Ms. Riley explained, “The vote of the Board was that we gave recommendations. We asked that an electric fence be installed along the front of the property and we continued the hearing for a period of time to have our Animal Control Officer follow up on it.” Ms. Curtis said, “I would like a better understanding of this. They met with the dog and the dog appears to be behaving and I have no doubt that they are doing everything they feel is reasonable or necessary, but for purposes of complying with the statute, what is the decision of the Board? If we are going by the statute, the definition of a dangerous dog is a dog that either (1) without justification attacks a person or domestic animal causing physical injury or death or (2) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat to cause physical injury or death to a person or a domestic animal. I understand that we are calling this an accident, but I would like to hear more from the Board of how they feel that the facts of this situation do not meet that definition.” Ms. Riley said, “Thank you. I am going to go to our Animal Control Officer and ask for her expert opinion and recommendation.” Ms. Brackett said, “My recommendation is that this has been resolved and should be dismissed.” Ms. Riley said, “The Board had taken corrective action, directing the owners to have an electric fence installed along the front of the property since there is a fence around the back of the property and directing the owners to keep the dog under their control at all times.” Ms. Brackett said, “I don’t feel this is a dangerous dog.” Mr. Pacheco said, “We had a public hearing. We take these issues extremely seriously and we continue to receive feedback and that is what strengthens these processes and keeps the integrity of the process intact and with that report this evening, I would motion to dismiss the complaint.” Mr. Schiavo seconded the motion and Ms. Riley made it unanimous.

1. **Discussion and Action: Riverwalk, LLC**

Ms. Riley said, “We have an agreement that has been presented to us by Town Counsel and it requires a vote at Town Meeting for an article that will appear on the warrant.” Mr. Pacheco made a motion to approve and Mr. Schiavo seconded the motion. Mr. John Teixeira of 122 First Street called in to join the meeting and asked what the agreement was. Ms. Riley replied, “The agreement is that an article will go to Town Meeting to raise and appropriate the sum of $35,000 as a compromise to settle the lawsuit of Riverwalk LLC versus the Town of Raynham and that there will be no indication of blame or liability on anyone’s part. It is simply a compromise of a disputed claim.” Mr. Teixeira replied, “Thank you.” Ms. Riley asked for a roll call vote: Mr. Pacheco said, “I”, Mr. Schiavo said, “I”, and Ms. Riley made it unanimous.

**New Business**

1. **Discussion and action – Human Resources Employment Contract**

Mr. Pacheco made a motion to table the matter, Mr. Schiavo seconded, and Ms. Riley made it unanimous.

1. **Disclosure by Municipal Employee of Part Time or Volunteer Services**

Health Agent Matt Tanis submitted to the Board of Selectmen a Disclosure by Municipal Employees of Part Time or Volunteer Services, which is required by law, Chapter 268A, Section 20f. Mr. Waters explained, “He has applied to be part of the Raynham Fire Department as a Call Firefighter and he will be doing details, shift coverage, and this will be done outside of his normal working hours. It has been approved by the Fire Chief.” Mr. Pacheco said, “His salary will be based upon hours worked, so if Mr. Tanis does not provide work, he does not receive compensation, and I would motion to approve. Mr. Schiavo seconded the motion and Ms. Riley made it unanimous.

**Town Administrator’s Report**

Mr. Waters reviewed his report. He stated, “The deadline for the Finance Director/Town Accountant search is today. I will continue to work with the Collins Center and the Town Moderator on the search process to seek out a nomination to bring forward to the Board of Selectmen for consideration.”

Mr. Waters also reported on upcoming events:

The **Selectmen’s next regularly-scheduled meeting** will be on **Tuesday, March 30, 2021, at 7:00 p.m.** in the Don McKinnon Meeting Room of Town Hall, 558 South Main Street, Raynham, Massachusetts. The public will be able to participate via the GoToMeeting platform or by watching the RayCAM channel on Verizon, Comcast, or a recording posted later on YouTube.

The **Finance Committee Meeting: will be on Wednesday, March 24, 2021, at 6:00 p.m**. online and at the Senior Center. Public participation instructions are located on the posted agenda.

Mr. Waters also reported that starting April 12th, the Town Offices will be reopening to the public on Mondays and Wednesdays. He added, “We have received a question from the Building Department regarding the process that food and bar establishments will need to get permitted for outdoor dining and liquor consumption. The guidance from the state last year was to allow the LLA, local licensing authority, to handle the approvals on their own and on an individual basis. The Selectmen at that time allowed the Police, Fire and Building Departments to oversee and approve these requests and there was a sunset time frame connected to each approval. The Building Commissioner is looking for guidance from the Selectmen as to how they want to approach these requests again this year. Mr. Tanis is not aware of any extensions that have been allowed.”

Mr. Pacheco said, “The Governor’s order expired and our order expired as ours went through November. I would not have a problem extending it with the caveat that any violation will automatically suspend the outdoor dining and consumption of alcohol and any organization or business that owes back taxes, outstanding fees, or orders from the Health Department would not be approved. If the Board is amenable to those two conditions, then I would think until next November to make it easier. Those are the two checks that I would have concerns about: (A) Is there a safeguard in place for those issues and (B) that we are holding people to a standard that this is an additional service that is being allowed and you have to be up to date on taxes and fees.” Ms. Riley said, “Is that a motion?” Mr. Pacheco replied, “Yes.” Mr. Schiavo seconded for discussion and asked, “Is this requirement consistent with the State?” Mr. Pacheco said, “Last year the Governor allowed municipalities to be very flexible with outdoor dining and a lot of establishments moved forward and put in outside dining. We allowed that to happen. That order expired in November. We, as the local licensing authority, have the authority to extend that again, if we so choose as the local licensing authority with whatever conditions we see as appropriate.” Mr. Schiavo said, “By extending the outside dining, we have made it easier for the restaurants to do business.” Mr. Pacheco said, “Yes, as long as they are compliant with those two conditions.” Mr. Schiavo said, “I will second the motion.” Mr. Pacheco said, “We will need to discuss with the Treasurer/Collector the financial part.” Mr. Waters said, “If there are any changes, I will bring them to the Board’s attention.” Ms. Riley called for the vote, which passed unanimously. Mr. Pacheco asked, “Can we get on the Town’s website that we will be reopening on April 12th?” Mr. Waters replied, “Yes.”.

**Selectmen’s Report**

Ms. Riley said, “Prior to this meeting, I had the opportunity to meet with Rachel King’s Brownie Troop who took a walking field trip through the center of Town and ended here at Town Hall.” Ms. Riley said the young girls were very interested in town business and when asked what they think the town needs the most, they responded “a Girl Scout house”. Ms. Riley advised the Board that the enterprising young citizens said they will write a proposal detailing their ideas.

**Citizen & Community Input**

Mr. John Teixeira of 122 First Street called in to join the meeting and said, “I had submitted two articles for last year’s Annual Town Meeting and, at the request of the Board that the Town Meeting go a little faster, I withdrew those articles with the understanding that the Selectmen would move them forward to the upcoming Town Meeting. In the meantime, Moderator Donahue was kind enough to rewrite the articles for me in more appropriate terms. So, I have submitted the new rewritten articles to your office and I want to know how I take the old ones off the warrant.” Mr. Waters said, according to Town Counsel, the articles stay on the warrant and a motion could be made to withdrawn them on the floor of Town Meeting, at which time a vote would then be taken on the motion to withdraw them. Mr. Teixeira replied, “Thank you.”

**Performance of Administrative Duties**

Mr. Pacheco motioned to approve the Town of Raynham Payroll and Invoice Warrants dated March 23, 2021, as submitted, Mr. Schiavo seconded, and Ms. Riley made it unanimous.

Mr. Schiavo then made a motion to approve the Police Department Payroll and Invoice Warrants dated March 23, 2021, as submitted. Ms. Riley seconded the motion and Mr. Pacheco abstained. Miss Riley asked for a roll call vote: Mr. Schiavo said, “I”, Mr. Pacheco abstained, and Ms. Riley said, “I”. It was so voted.

**Adjournment**

At 7:31 p.m.the Board voted to adjourn the meeting.

Respectfully Submitted,

Janet Murphy, Recording Secretary