

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, JANUARY 26, 2016 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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Meeting came to order at 7:30 p.m. with Selectmen Kim R. Roy, Troy E. Garron and Thomas Millias present.

The following business was discussed:

**PLEDGE OF ALLEGIANCE**

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

**AGENDA**

The Agenda for Tuesday, January 26<sup>th</sup> was unanimously approved without revision.

**MINUTES**

Moved by Millias and seconded by Garron, the Board unanimously approved the following Selectmen Minutes:

Regular Session – December 29, 2015

**AFFIRMED COMMITMENTS AND WARRANTS**

Moved by Millias and seconded by Garron, the Board unanimously affirmed approval for the payment of the following commitment and warrant:

Vendor Warrant	# 64	\$ 273,694.38
Ambulance Commitment	# 1A	\$ 39,683.00

**APPROVED COMMITMENTS AND WARRANTS**

Moved by Millias and seconded by Garron, the Board unanimously approved payment of the following warrants:

Payroll Warrant	# 65	\$ 344,235.07
Vendor Warrant	# 66	\$ 304,420.09
Withholding Warrant	# 67	\$ 129,539.88

Moved by Millias and seconded by Garron, the Board unanimously approved payment of the following Selectmen bills:

National Grid (service/concession stand).....	\$ 27.45
National Grid (service/Town Hall).....	\$ 1,810.92
Lynch, Malloy, Marini, LLP (audit yr. end 6/30/15).....	\$ 10,000.00
Express Newspapers (ad/Library Director).....	\$ 40.00

**GENERAL MAIL / DISCUSSIONS****HOPS Fundraisers**

Roy wanted to inform the Board that the HOPS Committee met last night and are planning the 2<sup>nd</sup> Annual *Plops for HOPS* fundraiser for April 9<sup>th</sup> with a rain date of April 10<sup>th</sup>. They are requesting the use of the Town Green. It will be the same set up as last year. Roy also mentioned that the committee wants to have Tom as one of the judges, which Tom said he would.

Moved by Garron and seconded by Millias, the Board unanimously granted Friends of the HOPS' request to use the Town Green on Saturday, April 9, 2016 (rain date Sunday, April 10, 2016) for their *Plop for HOPS* fundraiser.

Roy then mentioned they also want to hold their 3<sup>rd</sup> annual 5k race. They have already gotten approval from the soccer and baseball organizations and the Halifax Congregational Church has been notified. The route will be the same as the past two years.

Moved by Garron and seconded by Millias, the Board unanimously granted permission to the Friends of HOPS to hold the 3<sup>rd</sup> Annual Hops for HOPS 5K Race/Walk on Sunday, June 5, 2016.

Lastly she wanted to say that they are always looking for events for the children and have tossed around the idea of a cosmic sledding night on the hill, weather permitting, and charge for parking. She asked Garron and Millias what they thought of the idea and neither one had a problem with it. She added that the two public safety officers would need to sign off on it.

**MMA Legislative Breakfast**

Two nearby breakfasts will be taking place on February 26<sup>th</sup> (Hanover) and March 11<sup>th</sup> (Berkley). Seelig will be attending the one in Berkley. Roy will attend the one in Hanover and asked McSherry to RSVP for her.

**Quiet Zone MBTA**

A new resident has contacted the office about establishing a quiet zone for the MBTA commuter rail service on Holmes Street. This is something the Greenbush commuter rail line has that was part of the actual construction of the line but it was not done for the Kingston/Plymouth line. One can be established but the Town will have to cover the costs to making the improvements (hiring an engineer, quad gates, additional signage and signaling). Garron said that this is a safety issue because if the horn is not sounded it could be dangerous and asked who would pay for this and Seelig said the town would. Millias understands that this is a new resident but said this has been here a long time. He asked if there have been any accidents at that location. Chief Broderick said he could not see not having the horns sound as this is a safety issue. Garron said that it should be given some thought and Roy said that we have other capital items to think about therefore not interested in pursuing. Millias also was inclined to doing something at this time.

**SCHEDULED APPOINTMENTS*****Beautification Committee – garden at Town Hall***

Beautification members Amy Troup Greeley and Deb Scioscia can in to talk with the Board about the garden at Town Hall. Ms. Greeley asked the Board for permission/feedback about dedicating the garden to Margaret Fitzgerald. She said their intentions are to sit down with the family and see what her favorite trees and flowers were and plant them in the garden. Garron thought that was a great idea seeing as she spent many hours here at the Town Hall and Roy said that it was very appropriate because she loved gardening. Roy thanked them for thinking of this and suggested having a phone conversation with Mr. Fitzgerald as he is living with his son for a bit. Ms. Scioscia said they were thinking about low maintenance plantings and smaller garden than what was previously there.

Moved by Garron and seconded by Millias, the Board unanimously voted to approve the dedication of the garden to Peg Fitzgerald.

Seelig asked them if there was any talk of a spring clean-up and Ms. Greeley said they will talk about that at their next meeting and get back to him.

**GENERAL MAIL / DISCUSSIONS (CONTINUED)****Ambulance Overpayment**

Moved by Garron and seconded by Millias, the Board unanimously voted to refund \$ 24.55 to Neighborhood Health Plan due to an overpayment received from them.

**Robert Bergstrom*****Mudfest***

Bob Bergstrom is requesting the necessary permit to hold his annual Mudfest event on June 19<sup>th</sup>. The various departments will be notified before having Mr. Bergstrom come in to meet with the Board.

***Concert at Fieldstone Farms***

He is also asking about holding a weekend concert (July 16<sup>th</sup> & 17<sup>th</sup>) at Fieldstone Farms. There will be up to sixteen bands with alcohol sales and amusement rides. He will be working with a couple of organizations fundraising to create a facility to be used for reintegrating veterans that are homeless and having a hard time coping with disabilities. Seelig does not have any idea how many people will be there. Millias pointed out that we already have an issue with venue and said that those issues should be resolved first before moving forward with this. Garron was concerned about the noise. Seelig send that he would send out notification to the abutters and various departments and schedule a meeting of everyone on February 23<sup>rd</sup>. Roy said that they definitely need to talk with Mr. Bergstrom about this.

**Resignation –Richard Silenzi – Police Department**

Permanent Intermittent Patrol office Richard Silenzi has resigned effective immediately.

Pothole – Franklin Street

A claim has been filed by Ashley Bengston of Plymouth regarding damages to her car sustained by a pothole on Franklin Street on December 29<sup>th</sup>. Seelig will forward the claim to our insurance company.

Highway Radio Replacement

The Highway radios need to be replaced due to out of date equipment and expired licenses. Chief Broderick said that he got a quote today and will have some numbers at the end of the week. Roy stated that the radios are thirty years old and that this is not something we can do in pieces. Garron asked if there was anything in the contract for maintenance and the Chief said that it has evolved into a bigger project. Roy is hopeful that maybe a portion can be covered by insurance because during the painting of the water tower as the shed was not secured as it should have been as stated in water tower painting contract. She also said that we may have to do a reserve funds transfer. Chief Broderick said they are trying to do the best they can for the town. It was asked about the cable that has been banging off the water tower and Chief Broderick said looks like some cosmetic issues with the paint and that the cables are okay and will hopefully be taken care of tomorrow.

Highway & Dispatch Request to Negotiate

A formal request has been submitted from Highway and Dispatch to start negotiation for a new contract. This will be discussed in executive session later this evening.

MBTA – Paradise Lane

The Principal Assessor wanted to let the BOS know that the donation of the above property to the Town still has not been transferred. Attorney Mayo is working on this.

Regional Dispatch

Duxbury has asked if Halifax is we are interested in joining the regional dispatch center that is housed by Duxbury. Seelig asked the Board if they were interested and did they want him to send a memo to police, fire and dispatch. Millias said that he is not informed enough to make a comment and is not opposed to listening but did say the bigger the regional dispatch center the more margin for errors to occur. Roy said that there have been discussions in the past and a lot of the chiefs wanted it but only if they could house it. She continued to say that the State will eventually start taking grants away if towns do not regionalize. She stated that three years ago they struggled with the question; do we want our Police Station dark after hours and said when we did the study Halifax did not have a good supervisory staff at the Dispatch Center but now we have a manager and things are going smoothly.

Garron said he also is open to listening to what they have to say and agrees too many people want to be in control. He would like to see how it functions.

Roy along with our chiefs and Matt is going to talk with Chief Nord.

Printing of the Town Report and Town Meeting Warrant

Harry B. Harding and Son in Whitman has provided a quote of \$14.30 per page for 125 copies of a 160-page Town Report and \$44.20 per page for 3,500 copies of a 40-page Town Meeting Warrant. Seelig said that this figure is within budget.

Moved by Garron and seconded by Millias, the Board unanimously voted to award the printing contract to Harry B. Harding & Son for the printing of the Town of Halifax 2015 Annual Report, the 2016 May Annual Town Meeting Warrant and 2016 May Special Town Meeting Warrant.

Elementary School Roof Project

Move by Garron and seconded by Millias, the Board unanimously voted to authorize the Superintendent to proceed with the application for the school roof project.

Family Medical Leave

Moved by Garron and seconded by Millias, the Board unanimously voted to grant Linda Cole request for Family Medical Leave beginning on January 8, 2016 with and anticipated end date of March 31, 2016, on an intermittent basis.

Monponsett Pond Aquatic Control Technologies Report

Seelig said that this report for 2015 is better than the one in 2014. Aquatic recommends further treatment with an initial dose earlier in the spring. There is no estimate yet but we should get one within the next few weeks.

MEMA Grant

Moved by Garron and seconded by Millias, the Board unanimously voted to have the Chair, Kim R. Roy, sign the Hazardous Materials Planning Grant.

Autumn Lane

Attorney Mayo has reviewed the file on this subdivision and is recommending that the title for the remaining lot be reviewed to confirm the ownership and any mortgages. We need an updated estimate as to the cost of the work because in 2005 it was \$73,000 and it will be higher now because of deterioration and costs have gone up.

**SCHEDULED APPOINTMENTS (CONTINUED)*****Teresa Banden – Dog Hearing***

Roy asked if the parties for the dog hearing were present. McSherry said that Ms. Banden called is unable to make it this evening as she had to take her daughter to a doctor's appointment. She also said that her husband is a Merchant Marine and will be out at sea until April therefore she is the only one home at this time to care for their children. Ms. Banden was told by McSherry that the Board may want to reschedule this hearing at a later time when she is able to make it. Animal Control Officer, Noreen Callahan, was present for the hearing and said that she has some input on the incident.

*Noreen:*

I have some input on it. Basically it was a minor incident where the dog being startled

*Roy:* Oh is that the one where the daughter went to kiss it and woke it up?

*Noreen:* there are so many let me look

*Roy:* I think that's the one I think the dog was sleeping and she went to kiss it

*Noreen:* Yes exactly

*Roy:* and it bit her

*Noreen:*

And it was startled and it ended up biting her on the lip. It was minor scratch and puncture on the upper inner lip so ...

*Garron:* How old is the kid?

*Roy:* Sixteen

*Noreen:* The dog was current and up to date on its license and vaccination.

*Garron:* Sixteen years old

*Roy:* The dogs four it's a terrier.

*Noreen:* Ya sixteen year old daughter.

*Garron:* Light sleeper

*Roy:* Little terrier four years old.

*Noreen:*

Um hum so I don't believe any further action should be taken as far as this goes.

*Garron:* It was within the home?

*Noreen:* It was within the home and it was a family member.

*Seelig:* The board could just send a letter indicating ...

*Garron:* Don't wake a sleeping dog.

*Roy:* That was a good one.

*Millias:* Let sleeping dogs lie.

Seeing as it was up to date on its license wasn't outside running loose and it happened within the home, Garron moved and Millias seconded that a letter be sent stating to be much more careful around the dog.

*Roy:* All those in favor

*Roy:* Aye

*Garron:* Aye

*Millias:* Aye

## **GENERAL MAIL / DISCUSSIONS (CONTINUED)**

### **Sergeants Request to Negotiate & Union Change**

Sergeants have also formally requested to start negotiations and have notified the Town that they are moving from the IBPO to Mass COP. This will be discussed in executive session later this evening.

Halifax Fire Department Grant

The fire Department has received grants one in the amount of for \$4,237 for Student Awareness of Fire Education and the other for \$2,176 for Senior SAFE. The paperwork will be forwarded to the office once received.

Ambulance Abatement

Moved by Millias and seconded by Garron, the Board unanimously voted to abate the following amount from the Ambulance Account:

December 2015                      FOR            \$ 10,459.39

Silver Lake Regional School District Land Sale

A proposal is in the works to sell five acres of Silver Lake land to the Town of Kingston to build a new police station. Millias said that he would like to see a plan of the land. Roy asked how much land would be left after the station was built, because as of right now the Middle School is housing our collaborative program and if and when the program grows this would be a perfect piece of land to build a service center for students who would normally go outside for services which in turn would save the towns money keeping them in-house. It was asked where they were planning on building and Chief Broderick said it would be past the Administration Building on Route 27, they will have frontage. Roy asked if we should have the school committee of the administration present the plans and Millias said let's take a look at the plans first. The Board was in agreement to Millias' suggestion.

Silver Lake Middle & High School – Inspection of the Exterior Buildings

Inspections have been done at the above schools and reports have been sent to the office. Information from the reports will be used to add items to the capital plan. Millias said that he would like to come in and take a look at the reports.

Wage & Personnel Amendments

Seelig asked the Board if they had any comments on the handbook that was given to them a couple weeks back.

Sale of Tax Title Property

Building Inspector Rob Piccirilli is still working on determining if this lot is buildable. Roy added that Rob has a lot of experience with this and Millias agreed. She asked if they need to know if it is a buildable lot before we price it and Millias said yes. Seelig said based on what Attorney Mayo has done the title is clean and the Town has owned it since the early 90's. Seelig would like Rob to make the determination and said that whether is given to an auction house or a private party in the end they still will have to go to him to ask him if it is a buildable lot.

**SCHEDULED APPOINTMENTS (CONTINUED)**

***Keith Otis – Dog Hearing***

Roy began stating that this hearing regarding a dog versus and dog over a Christmas bone.

*Noreen:*

A dog bone a fight over the dog bone the owner again or family member tried to break up the fight big mistake got bit in the hand.

*Roy:* So they won't be coming today

*Noreen:* I don't believe so.

McSherry said that that the office never received the green confirmation card back from the certified mailing. No one was there when they delivered it and now it is at the post office waiting for the resident to pick it up.

*Garron:* Is this one with the Lab.

*Roy:* Was it a real bone like a meet bone left over from dinner?

*Noreen:* It was one of those ya know

*Garron:* Chew bone

*Noreen:* Rawhide

*Roy:* Oh

*Noreen:* She got bit in the hand. She knows not to do that again.

*Roy:* Okay

*Noreen:*

I did inform her never ever ever try to they'll figure it out themselves. Don't intercede.

*Garron:* Will people ever learn that we don't train the animals they train us.

*Noreen:* Exactly

Garron moved and Millias seconded that the Board take no action on this particular incident and to remind the owners not to interfere.

*Roy:* All those in favor

*Roy:* Aye

*Garron:* Aye

*Millias:* Aye

**GENERAL MAIL / DISCUSSIONS (CONTINUED)**

**Floodlight on Holmes Street (across for Lindys)**

Seelig has contacted National Grid about this light and was told that the light was requested by a private party. Seelig has looked at the light and it is almost parallel to the ground so he has talked with National Grid and they are going to send someone out to look at the angle. Also the Town's streetlight contact will check out the temperature and color of the floodlight to see if anything can be done about the night sky pollution.



Silver Lake Budget Meetings

The three-town meeting will be on February 4<sup>th</sup> at 7 pm. in Halifax and the Silver Lake budget meeting will be February 11<sup>th</sup> at 7pm at Silver Lake High School.

Plympton Dog Hearing

Dog hearing will be on February 1<sup>st</sup> at 6:30 pm in Plympton. Either the Chief Broderick or ACO, Noreen Callahan will attend. Also someone from the Winnetuxet Children’s Place will be attending.

The Board took a break at 8:40 pm and reconvened at 8:45 pm.

**SCHEDULED APPOINTMENTS (CONTINUED)**

***Cathleen Laliberte – Dog Hearing (continued from 1/12/16)***

At 8:45 p.m., in accordance with MGL Chapter 140, Section 157, Roy opened the hearing stating that was the continuance of the dog hearing from January 12, 2016.

The following individuals were present and sworn in by Notary Public Pamela J. McSherry:

Cathleen Laliberte	Dog Owner
Meagan Laliberte	Daughter
Sydney Laliberte	Daughter
Michael Laliberte	Dog Owner
Noreen Callahan	Animal Control Officer

*Roy:*

Thank you. You may sit down. Thank you so much for being here. This is a continuation from our hearing from two weeks ago. There was a little bit of confusion of whether or not the dog had been lose and so we just needed clarification from you if you could tell us your side of the story.

*Mrs. Laliberte:*

I don’t know how much else that I can say cause I wasn’t home at the time but when I got the notice it was a Friday and I called the police immediately and I said I don’t understand why I’m getting this notice the dog’s been in the house it’s not been loose or anything. I think it was you (gestured toward the ACO) who called me back and said it had happened a few days ago and it just happened to be I had a meeting at work it was parent teacher conferences so I wasn’t home but when I talked to the kids. The dogs are in the house now always unless they’re out to go the bathroom or out for a walk with me. So I immediately went to the kids was Drew lose? Did you let the dog lose? We swear mom we swear mom the dog wasn’t lose. So then when I talked to her (ACO) I said if the dog was lose then all three of my kids are lying cause they’re all saying the dog was not lose. So it’s not like he’s out ya know even in the pen at this point. If the dog was loose I don’t know how they wouldn’t have known that he was loose.

*Roy:* So it’s your testimony that your dog never gets loose.

*Mrs. Laliberte:* Oh no.

*Roy:* Okay

*Ms. Laliberte:*

I don't that's fair to say that. I think everyone who owns a dog the dog gets loose once in a while.

*Roy:* Okay

*Ms. Laliberte:* That wouldn't be fair to say of course ...

*Roy:* How often do you think that your dog gets loose?

*Mrs. Laliberte:*

Well even when I called the police up when I got the notice I was like the dog hasn't been like to my knowledge hasn't been loose in a long time. Like I can't I couldn't even think of a time the dog was loose.

*Roy:* Okay. Thank you. Noreen could you respond.

*Noreen:* Basically who is the oldest child?

*Mrs. Laliberte:* Ryan

*Noreen:* Ryan and how old is Ryan

*Mrs. Laliberte:* Ryan is fourteen

*Noreen:* Fourteen

*Mrs. Laliberte:* Yup

*Noreen:*

Okay. Basically with the victim stated was that we had a loose dog on that street on that particular day which was the eighteenth. On the eighteenth we looked around for the stray dog fitting the description. The victim gave me a description that the dog was about seventy-five pounds he was ya know the color the white on his chest. I have no reason we actually physically went to your house to identify the dog. He positively identified that dog as the dog that bit him. Why would he do that?

*Mr. Laliberte:* Could I speak?

*Roy:* Sure

*Mr. Laliberte:* Well (he turned around to speak to the ACO)

*Garron:* Excuse me this way

*Mr. Laliberte:*

Ya I'm I go up that street every day I mean I see at least two dogs loose during the week. Now the time this happened it was dark out. It was dark it was 4:20 was sunset on that day. I checked it.

*Noreen:*

We're actually not sure we received this was this man was from Bridgewater. He was riding a bike at that time.

*Mr. Laliberte:* Ya

*Noreen:* He reported to the dispatcher at 5:07.

*Mr. Laliberte:* Okay

*Noreen:*

Now the exact time when it occurred I did not get that time but I'm assuming it was prior to after him getting bit and riding back to his home. So I mean it would have been great to have an exact time when it did occur.

*Mr. Laliberte:* Oh so you didn't ask him the estimated time of the incident?

*Mrs. Laliberte:* I understand that. That's fine I get that.

*Mr. Laliberte:*

Well I mean we were told that it was first down at the end of River Street not even I mean probably three quarters of a mile to a mile away from our house.

*Roy:* Noreen that is untrue?

*Noreen:* Well basically the incident occurred on at around 304 Wood Street. 304 Wood.

*Mrs. Laliberte:* So that ...

*Noreen:* That's where it well he said the dog was running in and out of yards.

*Mrs. Laliberte:*

No but you told me when you showed up when I called you and then when you showed up to my house in front of all the kids and everything that it happened way down on River Street and I'm like he's ten years old why would he be way down there and you're like nope dogs venture out and my kids heard that.

*Noreen:* It was it was 304 is where the incident occurred. Okay.

*Mrs. Laliberte:*

Cause that's why it took you so long to figure it out because it happened so far away from our house and again.

*Mr. Laliberte:* Wouldn't it been nice if he showed up to verify that.

*Noreen:* Right I mean true

*Mrs. Laliberte:* On that day when you called on that day in front of all the kids

*Roy:* Okay we're going to talk one at a time.

*Garron:* Right

*Mrs. Laliberte:*

In front of the kids like my daughters was there my son was there and she was like it happened right next to Kaylee's house her friend's house so that's how we knew when I was telling everybody I was like I don't know how he would go all the way down on River Street.

*Garron:* Noreen

*Noreen:* Yes

*Garron:* When you checked the neighborhood did you see any other dogs running loose at that time

*Noreen:* Not at that time.

*Garron:*

Did you see did your neighbors or anybody that you talked to say that there was more than one dog with the coloring that you pointed out being tan and white on the chest?

*Noreen:*

No there was at the beginning of River Street I questioned one person who said it possibly could be hunting dogs. We have no idea who it could have been but the description of the dog it was a large dog it was Australian Shepard type it had white markings on its chest it was brown it had a little black in it. Long hair did it have short hair. Did it have, I'm looking for a small Australian Shepard originally. I spoke to one of the neighbors on the street who wishes to remain

anonymous because I do not want to start anything as far as that goes, who stated that the dog had been running loose for at least a month ya know at certain times of the day. We're not saying it's that dog but it was a neighbor who directed me to the house otherwise I would have never gone to the house. Then at that time we had to get the victim and to positively identify because I was not going to pursue this if he could not positively identify the dog and he said to me unfortunately that was the dog that bit me.

*Roy:* Tom do you have any questions or comments?

*Millias:*

I just wish the victim was here that would make this a lot more informative.

*Mr. Laliberte:* Can I speak?

*Roy:*

In a minute I'm just going to make statement. This is not the first time Drew has been involved in a dog hearing and the last incident was almost an identical situation where somebody was riding a bike and was bit so that sort of got our attention and that's why so the evidence is not

*Mrs. Laliberte:*

I completely understand that. I mean and I can't deny the fact he is a herding dog

*Roy:* Yes

*Mrs. Laliberte:*

And he goes after tires I will not deny that although he has gotten a lot older he's much more sedimentary like he usually stays in the house. I have letters and signatures from all my neighbors stating that the dog. I had nine 10 year olds at my house last weekend all running around the house screaming the dog he goes after tires he's a herding dog.

*Roy:* Yes

*Mrs. Laliberte:*

He's not out to hurt anybody but I do get it like ya know he's. He did it before and could he do it again ya he could he could very well have done it but this incident I'm not convinced only because my kids are good kids they get good grades they don't get in trouble I don't I just don't know why they would lie. Like I don't know why they would say cause if the dog was loose they would know he was loose because someone would have had to let him back in the house. So that's my only ... could he have done it I mean ya he's a herding dog that's what he does. He not vicious he's not mean.

*Roy:* It's a natural instinct.

*Mrs. Laliberte:*

Yes it's a natural instinct. It's not he never tried to hurt anybody any person.

*Roy:* Yes go ahead

*Mr. Laliberte:*

Not to mention that I get of work at five and I'm home in ten minutes I'm home. I'm home that's what time I'm home. I'm home at 5:10.

*Roy:* Noreen do you have something you want to add.

*Noreen:*

It just concerns me the dog is a large dog. The dog did not at the time that I was at the residence the dog did not mind you're fourteen year old. He did not mind when you were getting the dog in the car. It concerns me.

*Mrs. Laliberte:* I wasn't trying to get the dog in the car.

*Noreen:*

It was a I have experience of fourteen years in animal control I can see who can control the dog and who cannot and on that particular occasion you asked your son to take the dog and he couldn't control the dog. So that was my and he was he's chipper for a nine year old. He's chipper. He's very ...

*Mrs. Laliberte:*

He was excited. So every day I get home from work I'm a teacher I get home at like 2:30 I grab the leashes both dogs jump up and down they're super excited cause we're going for a walk. So when she came to the house she asked me to bring the dog on a leash so he automatically assumed we were going for a walk so he was excited he was excited to be with me so he was trying to get me so Ryan was like (inaudible) mom just take him just take him because he wanted to be with me because the dog knew we go for a walk on the field every day at 2:30 after school. So the dog was excited to go for a walk.

*Roy:*

I understand that but I think what Noreen's point is that it doesn't matter why the dog was excited that he wanted to go for a walk what her observation is that the dog did not that your son did not have control over the dog.

*Mr. Laliberte:* Yes he has complete control.

*Mrs. Laliberte:* But he didn't get away from him.

*Mr. Laliberte:*

He's bigger than me my son is bigger than me. He plays football he's an offensive lineman. Of course he can.

*Mrs. Laliberte:* If I can control the dog he can control the dog.

*Mr. Laliberte:* It's ridiculous

*Mrs. Laliberte:* He's 160 pounds.

*Mr. Laliberte:* He's bigger than I am.

*Mrs. Laliberte:* He was aggravated with the dog.

*Garron:* He's taller than you are but he's not as heavy as you.

*Millias:* Ya no he's ...

*Mr. Laliberte:* He's 170 pounds. That's strong that's big enough all muscle.

*Roy:*

Okay how are we going to resolve this because at this point there's substantial evidence to support that you know we could continue it again and see if we can get the victim here.

*Mrs. Laliberte:* I want to just keep ... I'll do whatever

*Roy:* So what are we going to do?

*Millias:*

What is the status with the victim has have you had any conversation with him that was sent.

*Noreen:* Just the letter that was sent by the ...

*Millias:* There's some concern he wanted to be reimbursed for something.

*Mr. Laliberte:*

That's fine I said I'd reimburse him for his pants no problem at all. I mean if that would let me keep my dog ya I have no problem with that ya know.

*Roy:* Let's talk about other stipulations because

*Mr. Laliberte:* I just bought a nice new thick chain

*Roy:*

But let's talk about other ways that we could restrain the dog on the property. So I don't know if Noreen had any recommendations. I know that the last time when I read that dog hearing from the last time that Drew bit somebody that you didn't have kennel and that the request from the Selectmen was for you to build a kennel.

*Mrs. Laliberte:* We do have a kennel

*Roy:*

And is that something you still use cause you keep talking about the dog being on a leash.

*Mr. Laliberte:*

Well because the dog doesn't ... we don't leave him outside anymore. He's older he stays ... I'm sure when you dropped the notice off the dogs in the house.

*Noreen:* They were.

*Roy:* Okay

*Mrs. Laliberte:*

They're inside the house. We don't let the dogs outside and then I get concerns because we have a puppy, Golden Retriever, and I don't want them barking in the kennel cause I don't know what she would do she's a baby so the dogs are in the house so I do have a kennel but we don't use it I keep them in the house. He goes home at lunch and lets them out. I get home at 2:30 and I take them for a walk in the fields. I bring them to Plympton.

*Roy:* So when you say you let the dog out at lunch

*Mr. Laliberte:* To pee on the chain

*Mrs. Laliberte:* To pee

*Roy:*

On the chain and so when we talked earlier that had the dog gotten loose before sure the dog had gotten loose and what instance does the dog sometimes get loose?

*Mrs. Laliberte:* It hasn't happened

*Mr. Laliberte:* Long long time

*Roy:*

When was the last it had happened and what is your experience was it somebody just let the dog out to use the bathroom and he didn't come right back in.

*Mrs. Laliberte:* No it was probably

*Roy:* Was it that he tugged the thing and ran away?

*Mr. Laliberte:*

I would say it was way back in the summer when the coyote when he hears the coyotes.

*Roy:* Okay

*Mrs. Laliberte:* inaudible

*Mr. Laliberte:*

Because we live on a corn field and we open the back and if I open the back door to do something and if I left it opened a crack he's wiggle out and run over to the field.

*Roy:*

Okay so that's something. So is there is there a recommendation that there's fencing is there a recommendation ya know where you have a puppy maybe it might be a safe thing for your puppy as well to have a fenced in yard.

*Mrs. Laliberte:*

We did look into fencing and it was like ten thousand dollars to fence in our yard cause we wanted to do that and it's not financially feasible.

*Roy:*

And I know that Drew back a few years ago when he was part of a dog hearing had a electronic collar.

*Mrs. Laliberte:* We don't use electronic collar cause I don't trust it.

*Roy:* Okay. Noreen do you have any recommendations?

*Noreen:*

I would think they absolutely have to have control over the dog and if the kids are left to have the responsibility of taking that large dog out and putting him on a chain Drew on the chain. He's not the alpha in the household it's you and him that are the alphas and they may act differently when you guys aren't around is what I'm saying but there's risks to the public should he get out by accident.

*Mrs. Laliberte:* Right I get that.

*Noreen:*

We've got to absolutely if the dog runs lose my suggestion is you if the dog is found running loose it's a absolutely large fine to you all. We can't have it we cannot have it.

*Roy:*

But this is what I worry about. It's the liability to the sense of if that dog should get loose again and there's another bike rider and again it's a natural instinct of that ...

*Mrs. Laliberte:* Right

*Roy:*

Particular breed to be nipping at somebody to keep it in order so what's liability to the town as well for not coming down and instituting a large penalty at this point or things that you have to do if you want to keep your dog perhaps we make a motion that you have to fence in the property. I know it's a financial hardship but if you want the dog and we have to protect the public that might be something that we have to talk about. What other alternatives are there? Do you use the kennel? Do ... I don't know a smaller fenced in area. I don't know we need to talk about that though. We need to talk about other ways that we can ...

*Mr. Laliberte:*

I'll use the kennel and the chain link at the same time if I have to. Ya know I will.

*Roy:* Do you have any opinions (gestured toward Garron & Millias)?

*Millias:*

You kind of expressed mine ya know where does that leave us for any in action.

*Roy:* Right

*Millias:*

And that's concern for the town and our responsibilities to the entire town and any financial obligations the town may incur because of it. Now there's some discrepancies I have no reason not to lend credibility to the Animal Control Officer I know it's an emotional issue for everybody nobody wants to have their dog banned from town or worse. I'd feel a lot more comfortable if the victim and/or the neighbor who wished to remain anonymous had presented themselves cause I think that would clear up a lot of things not that I'm saying you're being misleading us but there is always a natural tendency to want protect "yours". I think if we do anything we're going to have to put the caveat on it that if we have another incident there is absolutely no room. I'm uncomfortable only because nobody else has come forward that's my only concern me personally. Had the victim come in had the neighbor come in and verified again not that I'm discrediting the Animal Control Officer

*Mrs. Laliberte:*

I have letters from all our neighbors about Drew that I can give to you.

*Millias:* Well that's a tough spot for neighbors too. I'm thinking into a little bit

*Mrs. Laliberte:*

But I had neighbors come and approached us. Had neighbors at my door last night wanting to come to the hearing and wrote a letter.

*Mr. Laliberte:*

And they gave their phone numbers to call them if you want to.

*Roy:*

You can we can enter them as evidence in the hearing and I can forward them to Noreen as well.

*Mrs. Laliberte:* That's a letter from them.

*Roy:* Yup. Yes

*Mr. Laliberte:* and the neighbor right next door.

*Roy:* Do you have any comments Troy?

*Garron:*

See the biggest issue I have is that your husband and you were the ones making the statements when neither one of you were home at the time this incident supposedly taking place. Having spent thirty five years in law enforcement if I was to take this case to court circumstantial they'd find him guilty based on the fact that the witness, the person that was bit identified the dog. The neighbor said that the dog had been loose on several occasions and the MO most (inaudible) the dog biting someone on the leg at the same time as (inaudible). Ya know and I have to agree with my constituent that I don't want to make a decision based on (inaudible) and I don't want to call the kids a liar or anything of that nature cause I wasn't there and I don't know them well enough but it just seems as there's



enough information if I were to make a decision today you could take it to court and you have that right, if we make a decision you know like to take it to court have hearing you know what I'm saying but my feeling is that if we put the caveat that if the dog is loose one more time that you need to find another home for it. That's my feeling on it right now

*Mrs. Laliberte:* I think that's fair

*Garron:* because

*Roy:*

I don't think that an option though I don't believe we can ban a dog any longer. Charlie is that true?

*Seelig:* Correct

*Garron:*

So well there's other way to find a homes but at the same time I'm a dog lover. I've had dogs my whole life I've had them ever since I was in the cradle so I understand the loyalty and the attachment you get to animals but I've said it time and time again we're not having a dog hearing we're having a people hearing because the dogs will not do those things unless the people that own them allow them to do those type of things. Either because of lack of training or lack of (inaudible) on they're part of watching the animal so the owners put the dog in the position that he might lose his life and that's a decision that this Board can make if they were to go there.

*Roy:*

And you can read these letters but I just wanted to sort of explain what they say in the sense of this is a kind gentle dog around children and there's no doubt but as you stated in the instance of having a tire.

*Mrs. Laliberte:* Right

*Roy:*

or something round it's his natural tendency is to herd that particular thing so these are great ya know I have no doubt that he's good with your children and other people and is a nice dog but again how do we protect the public from this happening again and we understand that there's a financial hardship about the fence. I don't know if any of you are interested in having that as an option or if you would like to terminate the dog. Like I don't know where you want us to go from here or is that the recommendation of the Animal Control Officer.

*Noreen:*

It's still lies the responsibility lies on the dog owner's period. It's do you choose to save the dog's life by making sure it does not get out or that there be fencing from your back door into the kennel.

*Roy:* Right

*Noreen:*

Where there's going to be no issue that the dog is not going to get out. That's the thing to keep the public safe.

*Roy:*

I don't know if that is something you can entertain it doesn't necessarily have to be your entire yard because of the financial hardship but is there a way I don't know where your house is or how it is designed but is there a way that you could potentially do that?

*Mrs. Laliberte:* We'd have to have to look into it.

*Garron:*

Let me ask this question. The chain that you say you use on your dog is that stationary or is that on a run?

*Mrs. Laliberte:* Stationary

*Mr. Laliberte:* Stationary

*Mrs. Laliberte:* He's never gotten lose from the chain.

*Garron:*

Well my thoughts are if you want to ensure that it doesn't get loose again every time you come out the door is to put that chain on a run that leads out to the your cage area so that you can hook him at the door not have to walk him any distance.

*Mrs. Laliberte:* No we do a runner at the door.

*Roy:*

Ya but in the instance that maybe you open the door and he snuck out at least if you had some fencing from that door to the kennel you wouldn't have to worry about that and then it might be easier for you to let him out to use the bathroom without having to deal with the chain. Ya know it may be better situation for him and for you and you're kids.

*Mrs. Laliberte:* I would love, I would love to fence in my entire backyard.

*Roy:*

Ya but even if we just do something like this that it would almost be like a "T" like almost a little ...

*Millias:* Around the landing where you would let the dog out to ...

*Roy:*

Or even just like as simple as just the minimal amount that you need to be able to keep him safely in his yard.

*Mrs. Laliberte:*

So even like a gate. Like when you go down the stairs a gate to go out to the yard and then a kennel on the side.

*Roy:*

Well or I don't know what your house looks like but I'm saying like literally your back door has fencing on either side that goes straight to wherever the kennel is or you move the kennel closer so that it's not even that much fencing that needs to be there so the dog if he gets out the door he just goes straight and the only place he can go is his kennel.

*Millias:* So basically what you're saying is fence in the porch.

*Roy:* Ya

*Millias:*

Really I mean that's what it comes down to. That's a lot less than doing your whole yard.

*Roy:*

Right and then it does both it saves the dog from having to be chained its and when bad weather you open the door he runs right out does his business and comes right back in. I mean it's something that could work for both the Town and you in a sense of it's a way to keep Drew safe.

*Mrs. Laliberte:* Right

*Roy:*

And the residents safe. That we feel like we did our due diligence that we did everything we could to prevent another incident from happening.

*Millias:*

And if your children are home and they're either watching the dog and they have to let him out they don't have to worry about ya know.

*Mrs. Laliberte:* Him being (inaudible)

*Millias:* Ya

*Roy:* Right it's just something

*Mr. Laliberte:*

What about what about like a gate. I mean we have a deck ya know and it has open stairway going down. What if we have a gate going across the deck?

*Roy:* That might help

*Mr. Laliberte:* Ya know

*Mrs. Laliberte:* And then they can hook him before they open the gate.

*Mr. Laliberte:* Ya I mean if ya know

*Roy:*

Ya that might work if it's that simple. I don't know what your house looks like I have no idea.

*Mr. Laliberte:*

Oh I could work I could work make something work out. I mean my brother's very handy he's a carpenter.

*Millias:* Gate at the steps you're talking

*Mrs. Laliberte:* So he can get off the deck.

*Millias:* Deck without

*Mr. Laliberte:* Without being hooked

*Millias:* Ya

*Roy:* And he's not a jumper right?

*Mr. Laliberte:*

No he's old I mean he's only got a couple of years left I'd say ya know.

*Mrs. Laliberte:* He already has tumors all over his body.

*Roy:*

But it might help too with your puppy in the sense of ya know I don't know how old did you say your puppy was?

*Mrs. Laliberte:* She just turned a year.

*Roy:*

Ya so it may help to with the kids because I think he probably super excited to get out and then it saves that dog ya know. And it's the kids I know I have children myself I understand it's

*Garron:*

The bottom line is we're trying to give you an opportunity to deal with this because it just for me there's not much of a gray area but there is a gray area there because haven't gotten people (inaudible) . I have believe me the last thing I want to do and unfortunately my position I have, have the dog put down because of negligence of the owners that's why I call it a people hearing not a dog hearing. So hopefully you can ... my recommendation will be that we ask them in fact to make some type of enclosure that leads out to the pen or somewhere closer to the house so the dog doesn't run loose when it comes out of the house. It's for your own benefit too.

*Roy:*

Could we include in that motion Troy, that the animal ... that they let us know what their intentions is and we have the Animal Control Officer

*Garron:* I want to see pictures.

*Millias:* Absolutely

*Roy:*

Ya and we would like to see pictures and the Animal Control Officer to see what your design is so that we feel comfortable with what you've come up with. Do you feel okay with that?

*Mrs. Laliberte:* Ya yup

*Millias:*

I just want to comment that all things being equal if we had the victim and the neighbor who wanted to be remained anonymous come in and tell us yes it was the dog my inclination was to think it probably was the dog and I would be sitting in here voting to put the dog down just so that we're clear but because that gray area exists for me I would like some reassurance that we are going to do something there that make sense that will contain the dog and prevent it from happening again. But need there be no room if it should happen again and the dogs identified again I just want to be on notice to you that I would in fact as much as I would find it disagreeable I would in fact vote to put the dog down.

*Garron;* Okay

*Roy:* So Troy has this motion would you like to second that motion?

*Millias:* I'll second it.

*Roy:*

So we're clear of what the terms are you would talk among yourselves figure out what your plan is to secure the dog in the sense of it can no longer just walk out the door or run out the door without having something to stop it before it gets to the kennel and that when once you come with a design you contact the Selectmen's office you can bring it in we'll have the Animal Control Officer look at it and each of us will look at it again and once it's approve then you can do that and if it's something we can't work with then you need to know that this hearing may take a different turn.

*Mrs. Laliberte:* Okay

*Roy:* Okay. I will call for a roll vote Tom

*Millias:* Aye

*Roy:* Troy

*Garron:* Yes

*Roy:* And I say yes

*Mrs. Laliberte:* Okay

**EXECUTIVE SESSION**

Moved by Roy and seconded by Millias, the Board voted as follows to enter into Executive Session at 9:15 p.m. to discuss contract negotiations for Sergeants, Patrol Officers, Firefighters, Highway, Dispatch and Highway and to discuss court hearing, *Wissel v. Halifax* and would not reconvene in open session:

Troy E. Garron	-	Yes
Thomas Millias	-	Yes
Kim R. Roy	-	Yes

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Moved by Garron and seconded by Millias, the Board voted as follows to come out of Executive Session at p.m.

Troy E. Garron	-	Yes
Thomas Millias	-	Yes
Kim R. Roy	-	Yes

**MEETING ADJOURNED**

There being no further business, moved by Garron and seconded by Millias, the Board unanimously voted to adjourn the meeting at 9:35 p.m.

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Thomas Millias  
Clerk

/pjm