

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, SEPTEMBER 27, 2016 - 7:00 P.M.
GREAT HALL

Meeting came to order at 7:00 p.m. with Selectmen Troy E. Garron, Thomas Millias and Kim R. Roy 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, September 27th, was unanimously approved without revision.

SCHEDULED APPOINTMENTS

Jennifer Choate – Dog Hearing

Garron:

The first thing on our agenda is the continued hearing on Ms. Choate. Are you ready to begin?

Roy: Ya I'm ready.

Garron: Okay I'll turn it over pot our sleuth.

Roy:

The investigator Kim Roy. So I know that the last time we met, we mostly talked about a mitigation plan that was presented to this Board to help the neighbors and the excessive barking noise. So we had chosen at that time to have a productive meeting of just talking about the mitigation plan. Prior to that I had done a fair amount of investigation as I was elected to do and so I had spent many hours combing minutes of the Board of Selectmen as well as minutes of the Zoning Board of Appeals. We were pretty fortunate that the minutes of the Board of Selectmen are verbatim so it's actual conversation so it was easy for me to look up the information. The Zoning ones were great but I had to cross-reference like sort of the history. So I think, I think it's important for me to sort of just talk about the history of Tarawood Kennels and the dealings that we've had in trying to resolve the barking issue in years past and I went back to 2010.

Roy – reads:

So, May 17, 2010, Ms. Choate attended a ZBA meeting for a special permit. This was her very first special permit in her becoming an official breeder. She had thirty-three dogs total at the time there's no breakdown of adults or puppies or litters but the minutes reflect that she wanted five to ten males and ten females to breed. Mr. Clawson attended the hearing and explained that he did not care how many dogs she had he just wanted the excessive barking to stop. The hearing was continued to July 12th because ZBA wanted further research on kennel special permits and noise complaints from the police department. So on July 10, 2010 Mr. Clawson came before the board of Selectmen with a barking and loose dog complaint. Mr. Clawson talks about loose dogs and excessive barking twenty-three complaints were logged and an officer went to the top of Ms. Choate's driveway and did not hear barking.

I stated that noise sometimes travels in different ways and perhaps the location of the dogs to Mr. Clawson property is would make the barking appear more. Ms. Choate stated that her dogs do not bark as she used no bark collars on the adult German Shepherds and that the Pomeranians simply didn't bark. She explains that she had been breeding without a special permit but now she's at the point she requires a special permit. Mr. Clawson stated that in over one year the barking had been excessive. He was asked why the complaints to the police department had just started in May of that year and he stated that he just learned from the ZBA that he must log complaints with the police department. Mr. Clawson stated that in the past two to three weeks it had been better and that he had walked the fence line and he couldn't find one dog and believed that maybe she relocated the dogs on the property to help ease the noise. Because the noise had subsided the Board of Selectmen told her to keep up with whatever she was doing and to keep the dogs contained. On July 19, 2010 the ZBA met again about the special permit. Ms. Choate is approved for a special permit and these are the requirements of her permit

- No boarding of outside dog
- No breeding of outside animals
- Permit is non-transferable
- Two litters per breed
- And fifteen adult dogs are approved
- The applicant must maintain soundproofing and the dogs can stay on the

property.

So that how we ended 2010.

In February 2012 Ms. Choate went before the ZBA and she was granted to increase from fifteen adult dogs to twenty-three adult dogs and from two litters to three litters per breed and she was to maintain the soundproofing and that part stayed on the permit.

In December of 2012 the Board of Selectmen received a written complaint from Mr. Clawson about excessive barking. Annie Brown our then ACO investigated the allegation and confirmed that there was significant barking and warranted a hearing. She had been trying to work with both parties and felt it best that we sit in a room and discuss it. She confirmed that you could not hear barking from the road but could hear it from Mr. Clawson's property. She stated that the kennels was clean and well maintained. The report also stated Mr. Clawson did not continue to call dispatch to complain because he was told that there was nothing that could be done and he didn't was to disturb the dispatchers. Of four calls that were received officers verified hearing barking at each call.

On February 12, 2013 the Board of Selectmen held its first dog hearing for the year. Deb Tinkham, who was the Chair of the ZBA, attended the dog hearing. Mr. Clawson submitted evidence of excessive barking again Annie Brown confirms barking and that the location of Mr. Clawson's house is where the barking can be heard. Ms. Choate states that because they are being disturbed. Mr. Clawson states that he's concerned about barks from the collars. That it's a very terrible sound that comes out of the dog when they are zapped by a collar. Ms. Harmon stated that last spring she had a death in the family and that she was away a lot tending to estate business. She states that maybe the employees were not placing the bark collars on correctly and were not as good adhering to bring the dogs at the correct time at the end of the day. Annie Brown states that the dogs get bored which could contribute to excessive barking. She suggest playing a radio could be helpful, you can't one hundred percent soundproof an outdoor kennel. She does state the kennel itself is impeccable. We talk about additional soundproofing with Ms. Choate and she says she will entertain that. When I address Ms. Choate about the barking that Annie heard she stated that one of the days that Annie had visited the dogs did not have bark collars on because she stated the day before the sores on their necks were so bad that she didn't want to put them on and she stated that she thought it was because of the truck traffic the day before at Mr. Clawson's property.

It's important to note that over a month ago I asked Ms. Choate the exact question whether any of her dogs ever received sores on their necks, and she stated "No, never ever." It's in the minutes. Annie suggested that she work with Ms. Choate about rotating the dogs so they are not outside at the same time. The hearing is now continued till the following month.

So on March 11th oh I'm sorry, on March 11th Ms. Choate has an appointment with the ZBA to renew her kennel permit. That particular meeting I attended but it had been cancelled because of lack of quorum and it had been scheduled to the following month.

On March 12th we continued the Selectmen's meeting and Mr. Clawson stated that things had been quieter. I ask Ms. Choate about the renewal of her special permit and she asked that and asked her what she was looking to increase. She stated that she was only looking to increase the amount of litters by two making it a total of eight litters per year. We talked about the screaming from the bark collars I asked her if it was possible for a dog to bark and not yelp from a collar and she confirmed that it was absolutely impossible. Annie stated that bark collars do not prevent dogs from barking. I suggest that perhaps reducing the number of dogs would help with the noise as less adult dogs would equal less barking. I also stated that I'm concerned about increasing the number of litters. Annie proposes working again with Ms. Choate and scheduling the dogs being outside. Mr. Clawson wants the building sound proofed. We now continue to April 9th.

2013

Mr. Clawson stated that all seems to be going well. He stated that he feels that he does not seem as many dogs on site. Mr. Schleiff asks Ms. Choate about the renewal of the special permit and the number of litters that she would like to have. This was on April 9, 2013. She stated that she hadn't quite figured that out yet because she hadn't had a chance to compute the number of adult dogs she currently had and what would be reasonable to ask for. Two weeks later Ms. Choate asked the ZBA to go from twenty-three adult dogs to fifty adult dogs and six litters to twenty-six litters per year. Again we didn't know that was going to happen at that meeting we asked she again the month before had said she only wanted two more litters and at this meeting that she hadn't quite computed it so during this hearing Mr. Clawson was telling the Board of Selectman that things were much quieter and so we decided we're going continued it again for another month to see how things go.

On April 22nd Ms. Choate requests to doubling the adult dogs and to have limitless litters to the ZBA. Mr. Nassralla, a member of the ZBA, states that he's not comfortable with limitless litters. There is a discussion about doubling the amount of soundproofing but Annie Brown was present and stated that she didn't feel it was necessary. In addition to more than doubling the adult dogs Ms. Choate explains that she would to expand her business to include boarding dogs that she had previously that she had only previously sold. The Board asks our own Animal Control Officer, Annie Brown, her opinion. It should be noted that she did not speak on behalf of the Board of Selectmen. I was not able to attend this hearing because I had three other meetings on the same evening. It was also important to point out that because Ms. Harmon had only talked to the Board of Selectmen about increasing the number of litters by maybe two we had no idea that two weeks later that she would ask for such a significant increase. Annie Brown stated she supported the increase and that she would put ... that she would not put her reputation on the line if she didn't feel comfortable with the increase. She suggests perhaps to bring it for review in six months. Ms. Tinkham spoke in favor of the increase and the ZBA voted unanimously to grant the following:

- Maximum of fifty adult dogs on the property
- Twenty-six litters per year
- Must maintain soundproofing and dogs must stay within the property
- She must adhere to Chapter 140
- The records must be maintained
- There will be no boarding of outside animals
- And all dog must be licensed to Ms. Choate

On May 23, 2013 Ms. Harmon submits a letter expanding her new business venture and states that she will insure that the noise from the coming and goings would be limited to business hours. The special permit is reissued with the elimination of dogs being registered to Ms. Choate. However it still states that there should be no boarding of outside dogs.

On June of 2013. Even though we were assured then the month before that things were fine it was the decision of the Board of Selectmen that we wanted to revisit it in a couple of months to insure that things were still being quiet in the neighborhood. So in June of 2013 the Board of Selectmen holds the final hearing up here of Mr. Clawson's petition. Mr. Clawson does not attend the hearing. But I explain to Ms. Choate that heard that she been granted by the ZBA to more than double her dogs and litters and that I was very concerned about that increase and hoped that we did not have to hold future dog hearings.

So that brings us to March 2016. Ms. Choate approaches the ZBA about doubling the amount of dogs to one hundred and the amount of litters per year from twenty-six litters to fifty litters per year. I happened to be at the ZBA meeting for a completely different petition. Ms. Choate was asked if there were any neighbors that had been complaining about barking and she stated that no everything was great. She explained that she had such a demand for puppies and that she needed the increase. I suggested that it seemed to me to be a lot of dogs and I meant no respect to Ms. Choate but I had a very hard time thinking about a hundred dogs being fully cared for and where would all those dogs be housed and how could you possibly care for all of those dogs. I suggest that the ZBA do a on site visit and include me and the Animal Control Officer to look at the facility and see and how one hundred dogs could be housed and cared for. The inspection is set for April it is moved to April 30th. ZBA would like for her to submit her package in writing.

So on April 30, 2016 we I attended the inspection of Ms. Choate's property. Ms. Choate did not know the exact number of dogs that she had when she was asked. She was housing dogs that were not registered to Ms. Choate. There was not protection from the elements in most of the outdoor kennels. There was a large hole in the wall where the juvenile dogs were housed. Crates had sharp edges due to being chewed. No staff was on hand but Ms. Choate and Mr. Paul Wozniak. She was over the number of adult dogs allowed on the property and in attendance for this lovely tour was Jerry Joy, Bob and myself from the ZBA.

On May 2, 2016 ZBA holds a hearing. The ZBA asks if she brought the package with business plan. No she had not. Ms. Choate denies being over the amount of dogs. After the hearing she's accompanied by a member of the ZBA and the ACO and the count is exact to what it was on that Saturday. The neighbors had testified about loose dogs and excessive barking. Mr. Shawn Clawson submitted video with time stamped and Ms. Choate believed they were fabricated. I offered to do my own investigation that would either prove it was fabricated or prove that it was valid. Annie Brown spoke for Ms. Choate for most of the meeting. I went to the property and taped dogs barking at different times of day (inaudible). Despite Ms. Choate stating that she disagrees there was excessive barking this Board has heard testimony and has heard evidence of the contrary. There is excessive barking period.

June 2016 ZBA meeting. Ms. Choate finally submitted papers at three-thirty on the same day of the meeting which included brochures for training and boarding. Another site visit was scheduled and the neighbors spoke about excessive barking at the ZBA meeting as well. The Board of Selectmen will hold a dog hearing on the bark hearing and then there's the twenty-five resident submitted a petition.

As you all know, at the beginning of this petition hearing we heard testimony from neighbors I had submitted, well I have plenty of barking videos, I spent quite a bit of time in my car recording barking videos, and we wanted to be able to work with Ms. Choate on helping her to achieve lowering the barking and eliminate barking for the neighbors who should have peace in their homes, and Ms. Choate and her attorney came up with a noise mitigation plan.

She had a sound engineer do a presentation although she was not that convincing that she felt that her plan was going to eliminate barking which, you know, who does it matter to? – It matters to the abutters. They are the judge of what is excessive and what is not. What somebody can be peaceful in their yard and as you know and tell you my opinion whether or not I would want to live next to the property with excessive barking and I can tell you without question that I would not. So, that is the history, and then I continued my investigation by listening to dogs bark which I will play a couple of tapes later, but I was ... I think his proper term, I think Ms. Choate described him as a Kennel Manager, that's would be Paul Wozniak, he's a former Kennel Manager at Ms. Choate's Tarawood Kennels. He came into the Selectmen's Office and wanted to make a statement that he was willing to sign. So on Tuesday morning September 6, 2016, our Selectmen Secretary informed me that Paul Wozniak had stopped in on Thursday, September 1, 2016 and asked if I could call him about Tarawood Kennels. I called him and apologized for the delay in getting back to him as I had just received his message just that morning. He asked me to meet him in person because he had information that would be helpful to my investigation. We agreed to meet in the Selectmen's Meeting Room at 2 pm that afternoon. The following is the information that Mr. Wozniak stated to me about Ms. Bobbi Choate and the practices at Tarawood Kennels. We met from 2 pm until 3:13 pm. Mr. Wozniak explained that he wanted our discussion to be on the record and agreed to sign a statement.

Exhibit A: statement from Mr. Paul Wozniak

Roy:

Now we move on to dogs barking. So, as I stated I have still continued my investigation on the dogs barking. So, what was the date of our last hearing) was it August 27th I believe it was.

Roy plays recording of dogs barking at all different times and on different days

So I'm in Mr. Clawson's, actual driveway at that point. So I, thinking we're going to have this noise mitigation but still keep taping this because I'm still going to continue because I've been told that I'm the one that aggravates the dogs to make them bark when everybody should be able to sit in their yard and I'm a hundred yards away and there's a berm in there and a barn that I might be disturbing them so I'm just going to keep making sure that what I hear is really what I hear.

Roy continues to plays recordings of the dogs barking.

Roy:

Okay I think I made my point. Okay, so that's the dog barking. So I know that our attorney has been trying to get in touch ... Mr. O'Shaughnessy has been pretty good about getting back to us. Reached out and it has taken him some time to hear back from his client looking from her some information from her that we had asked about. I obviously needed to make a tour of the facility this morning, well that's when the earliest I can go, and you know, I took a tour with our Animal Control Officer and our Zoning Enforcement Officer, Rob Piccirilli, came along with us because we were expecting to see construction of all things that Ms. Choate told this particular Board that she was going to do to help mitigate the sound. Couple of things: I brought the Animal Control Officer with us to count dogs and to look at the facility. I know that on her inspection of the kennel in May she made a couple of points about some of the crates being jagged that they were chewed and could easily cut dogs. She was very concerned about that and I remember at this hearing we talked about and think it was discussed at the ZBA and I think that Ms. Choate had committed at that point to changing out some of those kennels and putting up some protection. As everybody in this room who's attended a hearing before knows that I was extremely concerned about the fact that the dogs were left in the elements, in the rain and the snow, and what I mean by that is that most of the kennels were not covered with anything.

All the dogs had were chewed up crates to fit their bodies into, and in my personal opinion did not really keep the dog dry from the snow or rain and on several occasions from the ZBA, this is all on tape as well, Ms. Choate has suggested that she would do over-hangs. When she was asked why they weren't done, I think at the last ZBA meeting I think her and the former kennel manager Mr. Paul Wozniak committed to getting it done before the winter. I did not feel that that would be a good thing because the dogs suffer from the sun as well, and we sort of pushed the issue at that particular hearing and Ms. Choate had agreed to do the over-hangs, although they are not permanent structures and she admitted to that today on the tour, that these were not the permanent structure, they were just poles with tarps that were not really tight on it, it's to protect the dogs certainly from the sun, but none of the crates were replaced. So I greet Ms. Choate today, I think it was about twelve-to-three, and Ms. Choate said "welcome to my mess" – it was rainy and there were puddles, understandable. I explained that I thought it would be best if we could go through the mitigation plans, step by step. I explained that Noreen would be counting dogs which Noreen goes right into it and asks how many dogs do you have. Ms. Choate states forty-nine. How many males, how many females? After carefully thinking about it she came up with, she thought maybe four, five or six adult males and whatever the balance was for females. Noreen asked her how many puppies that she had, she said "well, I think there's seven out here and there's two in the office. Noreen then started counting the puppies and realized there were only 6, and asked Ms. Choate where the 7th was, and I don't know that I really got an answer to that. We ended up going into the office where we not only found two additional puppies, but another whole litter of puppies, that maybe she forgot about – I don't know. But we started to go through the mitigation plans. So I'm going to go through the mitigation plans and we'll finish talking about the actual tour of it. Now I'm going to switch to the mitigation plan.

Roy:

So no dogs will be located inside or outside Building D – yes, that was complied with, in fact, when we were driving out we saw that there was only one side of the outdoor kennels was taken off and sort of leaning. I asked Ms. Choate about that and she would take the rest of it down since she wouldn't be using that facility, and she said "oh I'll probably leave it for now." Number two: the Acoustifence or a similar product or echo barrier will be installed along the fence in the area shown ... I think it went a little bit like Wow we've really ... I took on more than I really thought I knew because of problems with rocks and problems with I think roots and the fence isn't done it's just not done. I said okay well go into Building B, which according to this map its going to have insulation on all the walls. Again, this was submitted by Ms. Choate and her attorney, that this was what was going to happen. So we walked into the Building B where we saw the additional litter of puppies number 2 puppies there was 2 Poms in there as well and none of the insulation or soundproofing work was done in that building at all. So we left that building and we went over to Building C where most of the adult dogs are kept outside. Again, the over-hangs were not a permanent thing – it was temporary according to Ms. Choate, but Noreen does mention at that time that if crates were still jagged that she was very concerned about the dogs, and Ms. Choate stated that time that she's been swapping them out, yet according to my photographs which I asked if I could take pictures there was not one brand new crate on in any of the kennels. Every single one of them was old and had cracks and some kind of jagged. Then we go into we look at the back of the other section of the property that was supposed to have acoustic fence and found that it was not done. She stated something about maybe starting it on Thursday, and I should note that when we went behind Building B there was the new wood fence that was being constructed, but it didn't have Acoustifence on it, whatever that sound-proofing, and Ms. Choate stated that she was doing the work herself and that she hadn't finished that, and then at one point I asked her if she ordered the material and she had not. So we go to the barn area "C" where none of the fencing is done at all and she said something about maybe starting it on Thursday – I think that's what was said.

We, Noreen continues to count the dogs at that point and we go inside Building C and again none of the insulation is complete in Building C. So, that takes care of point 3 which is the north and south and east and west walls in Building B & C will be covered in accoustifence or similar product. The windows of the east and west walls will be closed and covered with Acoustifence or similar product - that is not what was done. The fences and gates including sound barrier application must be kept in good order and care at all times as to keep the dogs from wandering off the premises. Again the accoustifence was not complete. She's erecting that new fence and then she has old fence which a gentleman was putting which she I think said that was to for privacy and that was I think kind of where Mr. Clawson berm is.

So then we go to "B" which is where the dogs are outside. The dogs cannot be permitted outdoors between the hours of 7pm and 7am. I played you a tape that at 4:58 in the morning there's are dogs outside barking. So this is clearly a violation on that particular day. A shelter or suitable shall be erected in each outdoor area so that allow dogs to take shelter from the rain and snow. Again that was done on a temporary basis it is not completely done and it's not completely covered.

A Kennel staff be present within the vicinity of the dogs outdoors. Yes, there was one staff out there who was cleaning all the stalls today. And the staff at Tarawood Kennels shall be trained to properly attach and manage and discipline collars to not cause burning. We really didn't get into that today I'm assuming that's been done and I shouldn't assume.

And then number 3 – Tarawood Kennel will work with a trainer to develop and exercise training program to address barking by over stipulation and frustrated dogs and Tarawood impose that the trainer shall be trained to administer the exercise program.

What's important to know is that besides the training program, we did asked for an independent trainer to let us know how long it would take to wean the dogs off the bark collars. As you know, that was a most concern with the neighbors was with that sound, and that Ms. Choate agreed with me on the bark collars. We were confused as to how long that would take and so we thought it would be best to have an outside trainer sort of let us know what would it take to do that. You know how much time ... we were told by a trainer in the audience that it's a pretty big undertaking. We didn't get that letter. We did ask for that letter and we didn't get the letter. We did get a training plan. So there was a – and I think I left you a copy in your files for you, I don't know if you were able to look at it – so, it's not really specific, it talks about treats and some toys and it talks about some individual things which, if this is acceptable to the Board, I'd want to see in writing each and every dog what the plan is but again, it is not what this Board asked for. So, what do we do now, what do we do now. At the end of our last meeting Ms. Choate and her Attorney presented the Board with this detailed noise mitigation plan. In addition to the sound-proofing of the building and sound proofing fencing a detailed exercise training program with an outside training and that they would work with dogs weaning off the dogs collars and me met a trainer that Ms. Choate had brought before us that the bark collars were not meant to be a long term use but they were used as a short term solution to teaching the dog not to bark. Ms. Choate has been given every opportunity to complete the mitigation and sound program. I think that we were pretty generous in giving her the ability based on prior testimony that we receive from the first hearing to mitigate the sound and to work on it as we stated we were not here to take businesses away at all we want work with people to be able have a successful business but also allow our neighbors to live in peace and that's a very delicate thing and know that some people in the audience were not that happy that we were giving Ms. Choate the opportunity but we thought it was the right thing to do, it was the right thing to do to give her the chance to get this done. Ms. Choate did not do it. She's got thirty days to install and yet she told me today that she hadn't even purchased the materials. Ms. Choate hasn't followed the direction of her very own sound-proofing engineer.

Ms. Choate has failed to provide and to wean the dogs from bark collars from an independent trainer and the noise still continues and it is clear to me that Ms. Choate cannot handle fifty adult dogs let alone a hundred.

She has been in violation again before in the number of dogs. She does not submit paper work on time. She can't even answer once correctly how many adult dogs do you have on the property because when we went through the whole thing, I think there were forty-six dogs. She didn't even know or even mention that she had another litter of puppies inside that room. We have asked since May to update the crates – it shouldn't be that difficult. You should care enough about the dogs to want to replace the chewed-up crates that could hurt the dog because they're pointy – I have pictures of it. It's not a safe thing for a dog. Nobody would want a dog laying in that. You want a dog to be protected from the elements. If you care about a dog you will do that. I'm so disappointed and I did not want to be here today with these kinds of results. This is not something that we expected at all. But at this point, we have to do something, we have to do something.

Garron: Do you have any statements have any facts to consider?

Choate:

There's all different parts of it. I stated today that I'm continuing to work on the fence. I do have the materials I proposed (inaudible). I do not have the Acousti material as of yet. It's taken far longer than I expected at which I'm continuing to work on with my (inaudible). Not that I'm not trying to get it done it's a lot of work (inaudible) to try to (audio went silent for a moment) sound barrier.

Garron: Tom?

Choate is talking but it is inaudible

Roy: Every single crate that was there.

Garron: Kim

Choate:

What you're seeing is they were ... the crates initially (inaudible) since chewing on them (inaudible) is an ongoing (inaudible).

Roy: I have two people who were with me.

Garron: Tom

Millias:

To say that this whole process has been exhausting would be an understatement. What strikes me the most is that always in your order of conditions there's been sound-proofing and this goes back to the beginning and apparently that still hasn't happened for whatever reasons. It's become painfully clear to me that this cannot continue at this level. Whether you're unable or for whatever reason, financially or otherwise, this cannot be managed at this level. This Board has to act, in my opinion we have to do something. We cannot let this continue to go on. For me personally, this level of, the amount of dogs, and particularly the amount of dogs being violated continuously, it appears to me, or at least at enough times that it's a problem. I would think fifty dogs is manageable. I would submit that at the very least I would like to see a reduction in the amount of dogs. And I understand that that's a financial hardship to you, nobody wants to assault anyone's business, but at the same time you have to take into consideration other folks, and honestly, all this time that's gone by and I haven't really, I can't see where a supreme effort has been made. It's been years, we're talking maybe three years that the sound mitigation has been clearly in the order of conditions. How do you just ignore that?

Choate:

I don't feel that I've ignored that, it's just come to a point where I've actually brought to a point where now to do a completely different thing. I mean not bushes not stockade and put up this type of fencing.

Millias:

But even with that and I don't want to get argumentative with you but even with that there has been no sound mitigation plan that was presented.

Choate: Absolutely.

Millias:

I mean we didn't come up with, I understand it's been thirty days and maybe that was not doable for you, but at the same time how long is everybody have to continue with this. I mean this is an awful thing for everybody concerned. We've tried, this Board, at least in my opinion, did its best to try to work with everybody here to come up with something that would work for the neighbors, that would work with you, and unfortunately you're just not able to get this thing done. So I would be inclined to decrease the number of dogs at the very least. I don't know about the rest of the Board feels but ...

Choate:

And I would like to comment about the sworn testimony that has been given to you that is false. It is. There's a lot of extenuating circumstances along with that.

Millias: Well I'm not the one who was presented by it.

Lady sitting next to Choate: Me too I can ...

Millias: No one wants to hurt anybody in this process.

Roy:

Yeah, nobody really wants to be talking about this anymore to be honest really ... I was hoping that I was going to go there today and that everything was going to be done and then I would spend the next thirty days going over there at interment times and not hear dogs barking.

Choate:

Oh but it has (inaudible) I showed you when you were there all the kennels existing all the mats, flooring, temporary roofing all everything has to come down on order to install this fencing properly that is going to make a difference. In the short period that they're barking I go out more than a minute. Like I said (inaudible) I have committed two people people helping me.

Roy:

This is the problem Ms. Choate. We had this conversation thirty days ago, thirty days ago, and you didn't even contact us to say 'hey, I've run into problems' or you know, again, tell me why the crates haven't been replaced because I have pictures of them. Why didn't you just get new crates?

Choate: They haven't ...

Roy:

Why do you just start small?

Choate: Because of my financial situation in building this fence.

Roy: But before that you had committed to replace them

Choate:

As of ... I've ... those have been removed there's at least a tarp over them they're not outside at night.

Like I have installed until I can put new dog kennels instead again pardon the (inaudible). That I ask the Board that maybe do on a weekly basis to come want to make sure that there's progress and I'm doing what I should have.

Garron:

I guess I have had dogs (inaudible) trained dogs before but it's not our responsibility to oversee your operation.

Choate: I understand that I do.

Garron:

It's your responsibility to adhere for whatever reasons you should have done this work prior to this meeting (inaudible) because it looks like you're telling us to go someplace because you haven't done. Seems to me doing what you said you were going to do.

Choate: Oh absolutely not.

Garron:

What I'm saying I am willing to extend but my first thought is that you don't have the expertise or the capabilities or people on staff to possibly do what you need to do to take care of. But I was willing to give you an opportunity to go forward and get that covered. If you remember the last thing I said to you we're trusting you to do what you say you're going to do. And you haven't done anything that you said you were going to do. At least by my (inaudible) you've done is set up animal shelter (inaudible) our investigation. I mean, what's expected of this Board right now. Someone once said to me poor planning on your part does not necessarily mean it hurts me on mine. Why should I react to something that (inaudible). We've been very open giving you in writing the things that you need to do you haven't done those. My tendency my first tendency is say that maybe you shouldn't be in business or at least in that community.

Choate:

I was here doing business for twenty-two years. There's no denying I haven't disregarded the Board its ...

Roy: What did you do with the mitigation plan?

Choate:

I have implemented my employees to have daily activities and routines with the adults in various ways. Enclosing that ring area was part of having another area for them to be able take out the daily activities. For the solid fencing is around the whelping office the moms and puppies. I started there to mitigating possible disturbance from the Begleys the neighbors next to them. Footings to be put in to bring to and seal the area.

Roy:

But again, I would point out to the noise hasn't changed so much. There was one day, on Sunday that it wasn't so bad somebody was out there actually quieting the dogs because I heard them quieting the dogs so on Sunday it wasn't so bad. Thursday again it was intermittent barking, like there's never a time when I've gone there where there's been no barking at all. But when I went there yesterday, again, I just played that, and it went on for three minutes. What do you say to that?

Choate:

They're dogs. They do bark I'm not denying that there's times it's just not a point of nuisance.

Roy: But it's three minutes long that is a nuisance.

Choate:

Nuisance I believe is ten to twenty minutes. Not in a matter of three minutes.

Roy: I don't care okay but

Choate: and that all part of (inaudible).

Millias:

It's the on-going problem. Again, I look back to the original order of conditions included sound-proofing. We still don't have sound-proofing. The original order of conditions is how old? How many years is it?

Choate:

But I understand soundproofing but at that point there was not a direction of soundproofing. There was bushes there was stockade fence there were berms. There was containment of the dogs in kennels initially. I have tried to do something.

Millias:

It's been an on-going problem since ... on again off again reported, potentially at some point it's getting frustrating trying to report it, but it's been an on-going complaint and based on the performance since the hearings started you really have not done very much again, it was your mitigation plan not ours. We agreed to it, but it's clear to me that you can't maintain that this level cause it's not maintained.

Roy:

Well, I mean I think you bring up a good point that it can't be maintained right now, so perhaps what we could do is do a ... not a temporary but a reduction of dogs at this point and then re-visit it in the spring or something when the plan should be complete and then, you know, people are starting to shut-up their doors and windows now and so things may get a little quieter now that clearly things aren't working so perhaps we do the reduction of dogs at this point and then we say re-visit it in the spring and then maybe we do increments to add the dogs back in so that we say 'okay,'

Millias: This is manageable.

Roy: This is the manageable then we have ...

Garron:

Before we get ahead ... are we allowed to ask for a reduction from this Board?

Mayo:

Yeah, I think you have ... (inaudible) the statue and ... revoke. You can suspend it or you can otherwise regulate it. That's your own discretion.

Garron: Kim?

Roy:

So when we look at the history of the dog-barking obviously we weren't hearing from other neighbors until recently because they didn't you know we already asked them why they hadn't called but certainly there seems to be a difference between when it went from twenty-three dogs to fifty dogs. So perhaps we bring it back down to twenty-five dogs and then like I said, for a period of time so Ms. Choate can get everything in place and get a hold of manage the dogs, start weaning the dog collars and perhaps we can start adding dogs as proven the neighbors can prove there isn't excessive barking.

Millias:

I think that's a fair and reasonable approach – that's kind of where I was going, that's what I was alluding to. I would want to add one other thing to that if we try and go that way. Apparently at the present time we're not tagging each individual dog, is that correct? Of adult dog.

Roy: No

Choate: Correct

Millias:

I'd like to see each dog tagged. I don't know how you can tell the difference. At least maybe you can, but I don't think anyone else coming in trying to count dogs would have a clue as to discern which dogs which. I think that's the only thing that would make any sense. I see our attorney looking up at the ceiling and wondering if I'm okay with that.

Mayo: I'm just thinking. No question about that.

Millias: Okay. I don't know if that's reasonable, but I think it appropriate.

Roy:

So Larry can you just walk us through what we have so we could do ... how could ... what would be reasonable?

Mayo:

Well, the answer to that ... "reasonableness" is in ... it's again the Board's discretion. I think you pin point a point in time if I'm not mistaken (inaudible) the elements in the kennel (inaudible) increased as well but again it's really what the Board considers to be reasonable. You're the ones listening to the thoughts and concerns of both parties.

Roy:

And I know it's difficult to put the neighbors on you know on the spot but it's really up to what they feel is reasonable as well and so they are the ones that have to listen to the noise.

Mayo:

Well, again, it's the Board's decision. Listen to what the thoughts and concerns are but at the same time at the end of the day it's the Board's decision. Subjective or objective task. A reasonable man being he irritated or annoyed by what's going on. In general he nor should this particular neighbor be irritated by what's going on particularly because he's an abutter. Stating down the facts. So those are the first couple of questions he can have away and the answer to both or even one perhaps is yes then the other thing is that is something you want to address.

Roy:

Okay so if we were to do a reduction of dogs and we would give a certain amount of time before Ms. Choate could be penalized.

Mayo:

Yeah, I don't think in my experience that requiring a reduction in twenty-four hours is going to work that's for sure. Right you pick the time for them, you pick the window,

Roy: So thirty days sounds reasonable?

Mayo:

That's the Board's consideration and you know, perhaps you can ask Ms. Choate if that's reasonable and if not why. At the end of the day again it's up to the Board the number of days you want to set up mitigation meeting.

Roy: What's a reasonable amount of time?

Garron:

Well, we got some history (inaudible) the reality is that how quickly (inaudible). My recommendation is that three things – that we reduce the number of dogs, thirty days is reasonable time for the changes. We send a letter to the ZBA stating the fact what our actions are today and that the request for additional dogs to be tabled and that Ms. Choate continue to do the installations.

Roy: Is that should still be a requirement?

Garron: I just want to make sure we have everything.

Roy:

I know I just want to make sure the noise mitigation plan still proceeds at this point.

Mayo:

I think the plan itself hasn't been complied with. Putting that aside it's not unreasonable for the Board at this point to require that certain noise mitigations be installed and perhaps (inaudible). Again that's the Board's decision.

Millias:

I'd like to see the dogs tagged or maybe adult dogs. I think it's impossible. Then again maybe our Animal Control Officer can weigh in on that. That's a reasonable idea or not.

ACO: I agree with that idea – the reduction.

Millias: Tagging each individual adult dog.

ACO: Absolutely – I can't tell them apart.

Millias: That's what I was getting from ...

ACO: Absolutely

Mayo: (inaudible; point to Ms. Choate)

Choate:

The dogs do have individual tags and numbers on their rabies certificates if that's helpful.

Millias: Do they wear them?

Choate: They can.

Millias: What would be a reasonable way of identifying the dogs?

ACO:

Pictures of the dogs, male or female, a face shot, a body shot. I mean I need that when I go examine this.

Millias:

And not the inoculation tag on. Would that be enough as opposed to tagging?

ACO:

Well, inoculation tags should be where I can access them. I mean, that would be time-consuming to take off each license. If they have them somewhere available where the dog is. Picture of the dog so the name, the picture, the tag, and so I can identify each one.

Millias: For each adult dog?

ACO: Mmm-hmm.

Millias:

I don't think that's unreasonable. If that's way of at least keeping track of the dogs.

Garron: Is that doable?

O'Shaughnessy: Sure (inaudible)

Garron: (inaudible)

O'Shaughnessy: (inaudible)

Choate: I do currently have all my rabies have pictures on them.

Garron: What she's asking for is photo (inaudible)

Choate:

I do have all of that for them it's something that I do the rabies certificate I do have them put a picture vertically ... expiration.

Millias:

I just keep hearing it was difficult trying to track dogs especially if you're not in the area.

Choate: And that was (inaudible) in the office (inaudible).

Garron: Any other suggestions?

ACO:

To have that affixed in a water-proof thing picture of their face, their profile, the whole dog, their license affixed to each one of their kennels, so I don't have to, we don't have to go to her office run the book with twenty-five to fifty pictures and then open it up with its – it's time consuming and difficult for one person to do.

Garron: You understand what she's saying?

O'Shaughnessy: (inaudible)

Roy:

I know that at one point you use to do individual tags and I know I had a conversation with Ms. Choate today that there was a procedure change about a year ago two years ago you had one tag for your kennel right and that was it. And so we may be going back to an old way which was when you got a kennel you got a certain tag so ...

O'Shaughnessy: I can get to that. I was hearing you want pictures of each dog?

Garron:

The dog officer is recommending that if you have a dog in a cage then that picture and anything should be attached to that cage.

Millias: So the cage or kennel?

Garron:

Kennel/Cage. Wherever they're being kept on a regular basis so that when she goes through she can look right at the kennel itself and match the dog with pictures on the page. Am I correct?

ACO: Yes.

Millias:

We're talking about a total amount of adult dogs or we talking about litters too right?

Roy: Yes, we would have to talk about that.

Garron:

(inaudible) at this point in time, we can take (inaudible) but at the same time what are the things we want to see (inaudible).

Roy:

I have nothing to do with the idea of putting pictures I'm not going to weigh in on that so that's between what makes your job a lot easier Noreen. So we talked about reducing the amount of dogs.

Garron: What's the number?

Roy: Well right now there's fifty so ...

Garron: Reducing half is that what you're suggesting?

Roy:

We could do twenty-five which is I think it was twenty-four adult and six litters but we could do twenty-five adult dogs and ten litters a year.

Millias: What is it currently?

Roy: It is currently fifty dogs and sixty-six litters.

Garron:

Depending on the mortality of puppies in the litter and how many survive (inaudible)

Garron: Hold that thought.

Dawn Corby:

I just I do remember someone stating from the very beginning when there were fifteen dogs, there was little to no trouble as far as barking goes. The other point I'd like to make is who is going to regulate this because there's already statements of dogs coming and going, there's never been an accurate count of how many are coming and going, so I would suggest to the Board that we go back to the fifteen original dogs which would make a lot more manageable for everyone involved.

Garron: Well, you know

Dawn Corby

And the other thing about the trainer, as you are not going need fifty dogs or twenty-five dogs – I'm just stating the obvious that it's already been spoken of.

Garron:

And I appreciate it we've gone through these for a lot of attention. You know I value your opinion. At this point in time we did our due diligence with what has been presented at this time and hopefully as I stated earlier before our meeting we have our own decision to make (inaudible).

Roy:

No it's very difficult to even be in (inaudible) so we need to give (inaudible) the opportunity. So what I wanted stated back in 2000, prior to 2013, up to three dogs yielded six litters per year. Do we want to ask Ms. Choate to ... you know it's her thing on how many if you had twenty-five adult dogs how many litters would you have?

Choate:

In a year? Conceivably, and still have them healthy I'd say eighteen litters a year.

Garron: Fifteen

Millias: Twenty-five dogs.

Roy: Twenty-five

Scott Clawson:

Can I ... if I speak ... one of the neighbors (inaudible). In 2010 we had many dogs. At that time the ZBA, we went to ZBA meetings; in 2012 we were uniformed by the ZBA of the increase. I'd like to see a recommendation to go back to the original fifteen dogs. And another point that I have to make is what are the penalties? I know for the horse shows we have different penalties for putting them over certain things, different fees. I wanted to see something at least some sort of penalty, if we're going to keep going through this, the dogs are going to continue to bark. The other thing is, what is the time frame for the mitigation plan, is it going to be thirty days, six months?

Garron: Well we're discussing that right now.

Scott Clawson:

The original permit was for fifteen dogs. We were all notified at that time by the ZBA. When she went for the twenty-five dogs, the ZBA didn't notify us we're all aware of that. It should go back to fifteen dogs otherwise we had chance with the ZBA meeting to put this down to the twenty-five dogs.

Roy:

May I just ask the attorney a question because you just brought up ZBA. So, I know that we're all on different train tracks but ZBA has not granted that so if we were to reduce the number of dogs ZBA really can't increase the number of dogs, correct?

Mayo:

Well, I don't think that they're ... it's an interesting question, but again your order is independent from theirs right now, and your order remains standing, and remains enforceable by the Board of Selectmen independent of what the Zoning Board may have determined. Essentially that's what we may be doing right here another decision to make and make them separate, independent and enforceable decision on behalf of the, by the Board of Selectmen, separate statute.

Garron:

We cannot deny the request for a hundred dogs that's the ZBA discussion or discretion.

Roy:

But what if we reduce the number, then how can the ZBA approve a hundred dogs?

Mayo:

I don't think it would be a wise decision, but again, it has separate jurisdiction. It be certain an issue. You're ... they're grant if you will a license or permit for a hundred dogs theoretically would be based on the impression or understanding that such an increase wouldn't create a nuisance. You're going determine whether the barking is creating a nuisance.

Garron: That's why I recommended that we send a letter to the ZBA do not ...

Roy:

No I understand that I just want to understand the process. I think the Zoning Enforcement Officer has a question.

Garron: Rob

Zoning Enforcement Officer, Rob Piccirilli:

I don't know if Mr. Mayo touched on it or not, but again we're two independent things ... here where to increase the dogs to a hundred and correct me if I'm wrong they're still (inaudible) by a license because they're dealing with a license while we're dealing with something totally different.

Mayo: That's true yes.

Roy:

He just made a point. There isn't anything in place like where we just re-did your agreement, your consent agreement; we put in those stipulations for you being penalize for not following it. But in this particular case, there's nothing in place. I don't know if we can come up with an agreement right now but maybe that's something we can talk about.

Garron: That's a separation

Roy: Yes but we've never done anything like that before so ...

Garron: We can't say we're going to put a certain amount of dogs (inaudible).

Roy:

No no but I'm saying by working ... that's fine. This is all new for all of us.

Garron: I know that so if you need to take more of your time.

Roy: No, I understand

Garron: We don't have anything on the books at this time (inaudible).

Millias:

We do in fact we have a remedy here. The remedy is to take reducing the amount of the dogs and that's the penalty. It isn't monetary directly monetary but ultimately business wise.

Roy:

So let me just do a what if that's okay, so we reduce to twenty-five and still continuous barking,

Millias: We're going to have some monitoring.

Roy:

But I'm saying so let's say we reduce the number of dogs except there's still continues to be what is deemed unacceptable nuisance barking at the property. Would we need to have another petition, do we keep this petition open?

Mayo:

No. I think you're going to have to make a decision and close this petition. And if the problem persists in the future another petition would have to be served and presented to the Board by the citizen. So I don't think you can keep this open forever is the point and you have to make a decision and rest with it.

Roy: So today will be the final decision?

Mayo: It seems that that's the route the Board is going, yes.

Millias:

Well don't we kind of have to leave it open if we have a mitigation plan in progress that has to be reviewed, would that to see make that part of the decision?

Mayo: When you say 'mitigation plan'

Millias:

Well I'm assuming that we're still going to want the mitigation plan installed.

Mayo:

As part of your order so long as you're bi-lateral agreement is part of your order.

Millias: Again, what I'm saying is that ...

Roy:

But this order might not even work. because nobody is convinced that the outdoor sound-proofing is going to actually work so again you would have her with the expense of doing it. It was her idea that she would do it knowing that it may not work. Right? We explained this may not work and so long to do it and so now we better know and say you have to do this and if doesn't help the barking then if you had her put this expense out and it wasn't in our agreement.

Mayo: So that's something the Board has to consider.

Roy:

I don't feel comfortable saying ... when it was her telling she was going to do this even though we were a little nervous whether it was going to work in the beginning. That's her intent she was willing to do it. But by us making her do it

Millias: Good point.

Garron: But we're not making her do it because she needs to (inaudible) responsible for taking care of (inaudible)

Roy: That's a separate thing from the ...

Millias:

But if we go ahead to the reduction of dogs to twenty-five and take Ms. Roy point she right it's up to Ms. Choate to control the noise of the dogs in whatever way manner or shape that she deems appropriate and it's not up to us to tell her to proceed with the plan. I reverse my original thinking; I think that's the proper thing to do. We can't and should not have her do any particular sound abatement it's up to her to abate the noise period and if in fact the noise is not abated then we start entertaining another petition or we'll just go back from that as we get it.

Garron: I agree

Millias: Okay just looking for consensus.

Roy:

So let's talk about the thirty days to reduce the number of dogs. Is it hard to ask Ms. Choate if that is an achievable thing? Is that an achievable thing thirty days?

Choate: (inaudible 1:25:43 to 1:126:02)

Roy: What is an appropriate amount?

Choate: I would like to ask for sixty days.

Roy:

But I warn that the sixty days was given that this sound [holds up her cell] is not acceptable in that sixty days, meaning you would still have some dogs but I shouldn't go over there and hear excessive barking. That would be a problem within that sixty days, so you would still need to control the barking of those fifty dogs.

Choate: I understand that.

Roy:

How do we enforce it? How do we enforce it? Yes, but now the neighbors have to listen sixty more days of barking.

Garron:

The burden the burden of sound-proofing and keeping the dogs quiet so that they're not sit there sixty days if that's what we give part of our (inaudible) Ms. Choate in which that on my understanding is that monitoring that every time a dog barks continues. If there's barking if that's where we are we have to make another decision.

Roy: So let's say I go there next week and I hear excessive barking, what do I do?

Garron: You bring it back to the Board

Roy: In what form though?

Garron:

But the problem is that you're giving her ... you're deciding giving her sixty days there's going to be some that period of time where there's going to be some barking (inaudible) is it fair for her to go over a week from now to listen to the barking and say you about to get thirty days' notice to alleviate the dogs.

Millias: Its unrealistic is what it is. If they're barking now it's not going to stop.

Roy: I'm just trying to make it for people more

Millias: I understand, I don't know how we how we rectify.

Scott Clawson: That's why this whole is ...

Garron: Excuse me Mr. Clawson

Scott Clawson: No, no I've been listening to this for years

Garron:

Mr. Clawson, we're trying to be as reasonable as possible. If you want to get into a personal thing like that, you don't want to do that, cause I'll have an officer remove you from here. Am I understood?

Scott Clawson:

Its fine I'll leave. For six years and you're not going to do anything.

Roy: We are doing something.

Scott Clawson: I don't see anything being done.

Garron:

Just so you understand, we're in the process of making a decision and discussion before this Board right now. We're not taking any more information from the audience at this time. We've had all the testimony, we've heard the things you had to say, and I don't think there's anything new except more barking that's come up and I would appreciate you maintain. Thank you. Okay Board.

Millias:

This is a dilemma I mean it's not easy to solve. Something that's not brought under control.

Mayo:

In a sense your investigation is over as of tonight given whether or not the Board needs to ... Zoning needs to reduce the number of dogs in a reasonable time frame by which the dogs have to be reduced and if you don't get some assurance at that particular time the dogs left the premises permit even you remedy is to seek enforcement the order that you've given by way of a Court order or perhaps you get a administrative search warrant, something to that effect to prove you're (inaudible) and if that remedy if the order hasn't been complied with then essentially what you'd be asking the Court to do by bringing affirmative action on the order is to permanently conjoin Miss. Choate from holding those dogs in excess of whatever the number the Board so determines. If she doesn't do that, then next thing is to contempt of court and those coming serve as penalties consider as sanctions. Again, (inaudible) you don't have magic dog bite entity it seems like over the course of time, certain promises haven't been kept with so how do you know thirty days is not good enough, but forty-five days or sixty days is. Have to factor all of that into whatever sort of time frame you do make. I think in consideration of all the neighbors' concerns.

Roy:

I do worry about the neighbors that's the thing, but we also have to do, we have to be reasonable and sometimes that's tough. So in the eyes of the law it has to be reasonable.

Millias:

I'll put an offer in here a forty-five day period. It's not going to make anybody happy, certainly not the neighbors, but again, this "reasonable" concept is pretty tough to find homes for twenty-five dogs in thirty days, I'm thinking, I'm no expert at it by any means and then to our Attorney's point I mean if we can't verify it's not done – then we take the other road, file a court action.

Roy:

I want to know what my role is whether I'm in charge of dogs any more or I'm not.

Mayo:

Once your order is given tonight, you're done. You can't continue to investigate it or a part in any of it.

Garron:

But what we can do is make the requirement that in fact the Dog Officer periodically check those and then forty-five days to see if the dogs could the dogs been removed.

Millias: Can we do that?

Mayo: I think it's within the animal control jurisdiction as a

Millias: That would be (inaudible) to see if it progressing.

Garron: Well we need to have some type of balance and check.

Mayo:

Again, that's sort of a side to the Order you don't place that in the Order.

Millias: Well, I'd be happy to have some assurance of that.

Mayo: Right now, you'd be incumbent upon (inaudible).

Roy: So Tom?

Garron: Forty-five days

Roy: Forty-five days to reduce the amount of dogs to twenty-five.

Millias: And we did not establish the liter amount, I believe.

Roy: I think somebody said twelve.

Garron: Fifteen

Roy: You said twelve (gestures to Millias) you said fifteen (gestures to Garron)

Garron: No difference to me, twelve.

Millias: I just came up with a number of twelve

Roy: Well, like I said, when there were twenty-three dogs there were six litters.

Roy:

Twelve litters. When is the year starting? When is the litter of the year starting? No, I have to ask that question. When does the liter year start? Will it start now, or does it start from when the permit was in place in June?

Garron: Well, it doesn't wait 'til spring when all the flowers are in the air.

Choate:

Can I ask a question about the number of litters can I just comment that in asking for eighteen litters or fifteen litters is that suggesting they don't add any noise to the puppies is not ...

Roy: Well I do hear them outside when I'm taping so they do make a little noise.

Choate: I understand. Not so much that I just ask (inaudible).

Garron:

We're trying to be reasonable and I understand what you're saying but that time has passed. We're hoping you abide by it and we won't be sitting here again.

Millias:

Keeping in mind, I'm sure you're not happy but I'm sure the neighbors aren't happy either, cause they're not getting everything they want either. We're just trying to be reasonable; we're trying to be sensible, that reasonable concept.

Garron:

So we have the three things that we want to do ... twenty-five dogs; twelve litters forty-five days.

Millias: To reduce the number of dogs.

Garron:

And a side note ... let the dog officer you allow access to your property to come in and check there in two weeks or so the progress you made. Sound reasonable?

Roy: You want to make sure the covers are done – those are permanent I think

Garron: Okay anything further?

Roy: Tom made the motion. Did you make the motion?

Millias: Yes, I will make the motion.

Garron: Second?

Roy: I will second that motion.

Garron: All in favor?

Garron: Aye

Millias: Aye

Roy: Aye

Kathleen Ballerini – Appointment to Wage & Personnel

The Board invited Ms. Ballerini for a meet and great as she expressed interest in serving on the Wage and Personnel Board. She introduced herself to the Board and told them of her qualifications should she be appointed. The Board thanked her for wanting to volunteer and voted to appoint her.

Moved by Garron and seconded by Millias, the Board of unanimously appointed Kathleen Ballerini of 6 Danson Lane to the Wage and Personnel Board, term to expire June 30, 2018.

Residents of Ocean Ave.

Robin Bellinger approached Seelig during the dog hearing and asked to postpone tonight’s scheduled appointment until October 11th at 8:30 pm.

AFFIRMED WARRANTS AND COMMITMENT

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

Payroll Warrant	# 25	\$ 363,219.91
Vendor Warrant	# 26	\$ 285,887.76
Withholding Warrant	# 27	\$ 138,197.43
Ambulance Commitment	# 9A	\$ 6,577.00

APPROVED WARRANT

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

Vendor Warrant	# 28	\$ 123,941.57
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APPROVED BILLS

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

National Grid (service/concession stand).....	\$ 27.04
National Grid (service/Town Hall).....	\$ 1,535.94
Charles Seelig (reimburse /workshop/10-18-16).....	\$ 25.00
Burns & Levinson LLP (Seelig/workshop/9-23-16)	\$ 20.00

GENERAL MAIL / DISCUSSIONS

Recycling Abatements

Moved by Roy and seconded by Millias, the Board unanimously voted to abate FY2017 recycling fee for Bill #2337, 870, 1272, 86, 151, 1320, 643, 2605, 1249, 948, 346, 2008, 1199, 2121, 2371, 1441, 1142, 368, 122, 486 and 2276 based on confirmation from the private haulers that they provide recycling services to the residents.

Moved by Roy and seconded by Millias, the Board unanimously voted to abate FY2010 recycling fee (Bill #263) and FY2011 thru 2017 (Bill #271) based on confirmation that the resident has authorization to use the Hanson Transfer Station.

Moved by Roy and seconded by Millias, the Board unanimously voted to abate FY 2013 recycling fee (Bill #1179) as it was not listed on the MLC at the time of closing because the bill was not out yet.

Silver Lake Negotiations

The three towns have been informed by Silver Lake that negotiations will be beginning soon and that the towns have a right to have someone there for discussions concerning the negotiations. The board suggested that Mary McKinnon be that person.

Moved by Roy and seconded by Millias, the Board unanimously voted to send a letter recommending that Mary McKinnon be the representative from the three towns for negotiations.

Use of Town Green – Boy Scout Bottle and Food Drive

Moved by Millias and seconded by Roy, the Board unanimously approved a request from the Halifax Boy Scouts to use the Town Green on Saturday, November 5th, for the Boy Scout Troop 39 bottle and food drive.

School Roof Project Contract

Moved by Roy and seconded by Millias, The Board unanimously voted to have the Chair, Troy E. Garron sign the contract between the Town of Halifax and the OPM for the Elementary School Building Project.

Seelig recommended that the Board appoint a School Building Committee of the following people:

- Joy Blackwood
- Kayne Beaudry,
- Matthew Durkee
- Cassandra Hanson
- BOS member
- Gordon Andrews
- Charlie Seelig

With that being said moved by Roy and seconded by Garron, the Board unanimously voted to appoint Thomas Millias to the School Building Project Committee.

Net Metering – Franklin Street

The developer (Coneco) for the above project has asked to meet again with the Board. Seelig checked with Garron and they both agreed that since the BOS has indicated that they would like to pursue the project at the landfill there would be no need for them to come back.

Net Metering – MBTA Station

The MBTA is developing solar fields on top of the train station canopies and the Town has been contacted by Omni Navitas Holdings asking if we would be interested in net metering proposal for this site. Seelig wrote back to the developer stating that he would forward the proposal to the Board but the Board has indicated they would like to move forward with the net metering on the proposed landfill site.

Country Club Multi-Family Project

The engineer for the project provided the Planning Board with plan that shows a combined parcel totaling 16.35 acres. The plan includes a sand trap and green. Seelig would like to ask the Planning Board if any part of the golf course is part of this dedicated parcel and if so whether it will continue to be used for a golf course once the development is completed.

Silver Lake - Sale of Land

The Silver Lake Regional School Committee has set aside a time at their meeting on October 13th to discuss this project with town official from all three communities.

Mudfest

Robert Bergstrom has filed an appeal with the ZBA of the Zoning Enforcement Officer's decision to deny the use permit for Mudfest in the agricultural-residential zone. Seelig will be meeting with the Chair of the ZBA and land use counsel regarding this matter.

Robert Inglis – 111F

Moved by Roy and seconded by Millias, the Board unanimously voted to place Firefighter Robert Inglis on 111F status for medical expenses from an injury that occurred on September 15, 2016.

Dog Hearing scheduled for October 11th.

The office has received a report of a possible dog bite incident. The report stated that the injured dog may have bit its own tongue. Seeing as the complainant has requested a hearing one has been scheduled for October 11th at 8:00 pm.

Agricultural Commission Signs

The Agricultural Commission has submitted a proof for six signs (to be hung up on the border of major roads in Halifax) that they would like the Board's approval on.

Hingst V. Halifax Appeal

Officer Hingst is appealing the three day suspension to the American Arbitration Association. A hearing will be held sometime in the future. Labor Counsel and the Police Chief have been notified.

Foreclosure – 4 Upton Street

On behalf of the Town, the town's tax title attorney has filed paperwork in court to begin the foreclosing proceeding on the above property. The process will take nine to fifteen months.

Health Insurance FY18

Seelig said that he has his concerns about Mayflower but it may be the best option. He continued to say that it appears there is going to be another group forming in this area but both have risks involved. He added that sometime in October they are going to need to make a decision.

Fragrance Policy for Residents Entering Building

Seelig wanted to bring this up and is not asking the Board to do anything about it tonight. Roy thinks that it might be impossible to control and Seelig said he is not asking for something to be enforced and we will not throw someone out if they have excessive perfume but wants to get the word out there so that residents are more aware.

Garron thanked Roy for all her hard work she did investigating the Choate dog case as he knows it was not easy. Millias added putting together the material was a lot of work and time consuming.

MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Millias, the Board unanimously voted to adjourn the meeting at 9:12 p.m.

Troy E. Garron
Clerk

/pjm