

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, JULY 22, 2014 - 7:30 P.M.
SELECTMEN MEETING ROOM

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

The Chair announced that the meeting is being taped.

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, July 22th was unanimously approved without revision.

Garron wanted to take a moment to show respect to Joe Freitas of Plympton who recently passed away. He had been a major part of Plympton and was Plympton Selectmen for many years.

Roy wanted to add that at the HOPS meeting an 11 year old girl came in and presented them with a donation of \$800. She asked that instead of receiving gifts for her birthday that donations be made to the HOPS playground fund. Twenty five thousand has been raised so far and they are looking to reach one hundred and twenty five thousand dollars. The next event is going to be a Chops for HOPS (meat raffle) and Shop for HOPS at Christmas time.

MINUTES

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

- Regular Session – May 13, 2014
- Regular Session – May 21, 2014 (Schleiff abstained; not present)
- Executive Session – June 10, 2014
- Executive Session – June 24, 2014

AFFIRMED COMMITMENTS/WARRANTS/BILLS

Moved by Garron and seconded by Roy, the Board unanimously affirmed approval for the payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrants #108 and #3:

FY14 Payroll Warrant	# 108	\$ 30,992.10
FY14 Vendor Warrant	# 110	\$ 373,067.40
FY15 Payroll Warrant	# 3	\$ 163,544.98
FY15 Vendor Warrant	# 4	\$ 151,251.44
FY15 Withholding Warrant	# 5	\$ 68,205.34
Ambulance Commitment	# 6D	\$ 9,344.78
FY14 Selectmen Bill payable to: National Grid		\$ 856.63

APPROVED COMMITMENTS AND WARRANTS

Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following warrant:

FY15 Vendor Warrant # 6 \$ 23,256.97

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

Express Newspapers (ad for COA office clerk).....	\$ 14.75
Pamela McSherry (establish FY2015 petty cash).....	\$ 50.00
Overhead Door comp. (fire station door/TNT-0122675).....	\$ 1050.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending July 12, 2014, in the amount of \$5,510.37.

The Board acknowledged payment to the Treasurer for the following turnovers:

<u>TURNOVER</u>	<u>AMOUNT</u>
2015-01	\$ 5.00
2015-02	\$ 5.00
2015-03	\$ 5.00
2015-04	\$ 150.00
2015-05	\$ 5.00
2015-06	\$ 5.00

REMINDERS

Town House in Plympton – August 6th at 7:00 P.M. – Cable TV
MMA Fall Breakfasts – Fairhaven Council on Aging
Selectmen’s Fall Conference – Saturday, October 25th

GENERAL MAIL / DISCUSSIONS

BMI Letter

BMI has been sending correspondence to the office regarding the use of copyrighted music at events held on Town property. The Board has declined to make any payments but Seelig wanted the Board aware that letters have been received. Schleiff asked if we were to pay for the license where would the money come from and Seelig said there would be a separate line item for it or a department can be designated. Schleiff said that this could be considered when looking over the budgets. Seelig will look into it and will put in the Town Meeting folder.

SCHEDULED APPOINTMENTS

Library Board of Trustees – Appoint Ava Grimason

Selectman Roy moved and Board of Trustee Member, Greg Tilley seconded, to appoint Ava Grimason to the Library Board of Trustees, with a term expiring May 16, 2015.

Schleiff asked Jean Gallant if there were any activities coming up at the library and she said that they are in full swing with the summer reading program and that there will be a puppet show in August. Also there is a series of reading events each week. In addition, Troy Garron will be coming in with his arrowhead collection. Lastly she mentioned that they had a bubble gum contest where you would have to guess how many pieces of gum were in a container.

Continuation Fuel Storage Permit Revocation Hearing Kozhaya Nessralla

At this time Mr. Nessralla has several properties in tax title. The Treasurer-Collector had offered that he pay all of his FY2014 taxes and then \$2,000 per month on his tax title taxes. He has offered to pay \$10,000 in October and the Treasurer-Collector said that this would be acceptable but wants \$500 a month so that some progress is made during the next couple of months. This discussion took place yesterday and he has not come back. Mr. Nessralla may attend tonight but whether he does or not, the Board could vote to revoke the licenses or perhaps, approve them on a month to month basis that is if \$500 is given to the Treasurer-Collector by end of this week; \$500 by August 25th and September 25th, \$10,000 by October 25th, and then \$2,000 per month after that with the stipulation that failure to comply with this schedule will result in the automatic revocation of the licenses. Seelig stated that if the Board ends the hearing at this time then it would need to be re-posted. Garron said that they could continue the hearing but definitely wants to see some payments made.

Moved by Roy and seconded by Garron, the Board unanimously voted to continue the Fuel Storage Hearing to August 12th at 8:15 P.M.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Tyler Bryant – 111F

Moved by Roy and seconded by Garron, the Board unanimously voted to place Tyler Bryant on 111F status for July 4, 2014 for medical only.

Recycling Abatement

The Assistant Collector asks that Bill #2472 from Fiscal Year 2009 be abated as the MLC that was given in November 2012 did not include this bill.

Moved by Garron and seconded by Roy, the Board unanimously voted to abate Bill #2472 from Fiscal Year 2009.

Regional Emergency Shelter

Next meeting is August 13th at 10 a.m. at Bridgewater University. Copies of the notes have been given to the Board.

Plymouth County Pension Obligation Bonds

Various communities continue to be opposed to the legislation. There was a meeting with staff from Senator Murray's office today and legislation may be changed so that towns could "opt-in" to participate.

Dogs/Musterfield Lane

The Police Chief has provided more information about the dogs as per the Board's request. The dispatch log state that two dogs were fighting over a bone, the owner tried to break up the fight and got bitten by one of the dogs. Schleiff asked if they should pursue this any further and Garron stated there was no need.

COA Surplus Equipment

Moved by Roy and seconded by Garron, the Board unanimously declared the following items surplus and then place them out to bid:

- 1 2001 Dell Optiplex 170L w/ keyboard and mouse
- 1 2005 Dimension 3000 w/ keyboard and mouse
- 2 Dell Flat-Panel Monitors

Surplus Electronic Equipment in Basement

Seelig asked the Board if they wanted to go out to bid or just send the equipment down to the recycling center. Garron thought it was a waste of time and storage space to continue to hold and Roy agreed with him.

Moved by Roy and seconded by Garron, the Board unanimously voted to have Gerry bring the surplus electronic equipment to recycling.

SCHEDULED APPOINTMENTS (CONTINUED)

Dog Hearing - Brandie Jones

At 8:00 p.m., in accordance with MGL Chapter 140, Section 157, Schleiff opened a hearing to address a dog bite to a three year old against a dog owned by Brandie Jones and housed at 20 Third Avenue. The hearing was held at the request of the Board of Selectmen.

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

Brandie Jones	Dog Owner; 20 Third Avenue
Danny Jones	20 Third Avenue
Noreen Callahan	Animal Control Officer
Lisa McKay	Animal Inspector
Robert McDonnell	Police Officer
Panashe Flint	Police Officer

Schleiff: All righty do we have any complaints

Seelig: Basically what we have is a series of police reports that said

Schleiff: Right. So this is one whole package right here

Seelig: Right I guess ya know concerns of ours is the pictures is this the right one?

Roy: Yes

Schleiff:

Ya know We what to make sure that our residents, children, dogs are all living in harmony and when they're not reports as disturbing as these really tugs at your heartstrings. So we like to bring everybody in find out what happened. Find out what the story is. What do we need to do so we don't see this kind of thing happen in the future so try and feel comfortable I guess what we'll do is we'll ask Animal Control Officer and policeman if they would give us their report on what

they've learned on this incident I guess we'll start there so anybody can go. Anybody wants to go first be my guest. I have several letters in here I have reports from you all but since we got you here we might as well hear from the horses mouth ya know. The old expression I guess.

Panashe Flint:

Mr. Flint read his report. Copy attached hereto as Exhibit A and made an official part of these Minutes.

Schleiff:

Officer McDonnell do you have anything you'd like to add or should we move on did you observe anything.

Robert McDonnell:

Nothing different then Officer Flint. I arrived pretty much less than a minute behind him. I took some photographs of the injuries of the female party.

Schleiff: Does the Board have any questions for the officers?

Garron:

Panashe was there anything said during the time you were there that you might have overheard either from the defendants or from the kids mother?

Robert McDonnell:

What I got out of I believe it was one of those unfortunate accidents. The dog was in a fenced in yard. It was in the corner of the yard on a leash. We weren't there to witness the bite but after the fact just seems like one of those unfortunate accidents.

Noreen Callahan:

Ya it was a birthday party going on the dog was set in the backyard. He had a bone by him I guess the mother of the victim went up and tried to introduce him to the dog or her to the dog. When she looked away for a moment that's when the bite occurred. I believe it was just a warning bite because he did not grab a hold of the child hold on it was more or less bang. It was very quick the way it looks the injuries to me. I think he was it's a nine month old dog it was protecting a very precious object which was his bone and I think with the like ten or so kids running around back yard. Ya know we went up to the dog the dog was friendly it was young happy and it allowed us to touch him but I think he was just protecting his bone.

Roy: Can I

Schleiff: Go ahead

Roy:

Is that common for a puppy like I think of puppies as very friendly and not aggressive at all even when protecting a toy. Ya know when I first read the report I was hoping that it was a playful bite that perhaps the dog ya know ya know puppies can jump on children and just sort of play bite so that was what my hope was but that's not really what occurred. So the dog was protecting its bone and ya know I guess I never witnessed a puppy or known puppy that would be willing at that young age acting aggressively.

Noreen Callahan:

It was a nine month old so it's trying to establish the pecking order.

Roy: Okay

Noreen Callahan:

At that time. It's not a little little baby puppy with milk teeth he is trying to get his position in the family so and I think he was he's a very skittish dog and I think it was a mistake to have a child that's face level up in a dog that was for the first time tethered outside with all that activity going on.

Roy: So that was the first time that the dog had been tethered outside?

Noreen Callahan: Correct

Roy: It had never done that so there as a lot of children so feel that it was

Brandie: We thought we were doing the best possible thing... sorry

Roy: Okay

Noreen Callahan:

But it is common for ya know siblings to nip each other like that and it wouldn't have an effect like a child's face if they did it to each other at that age it's rather normal.

Roy: Ya I haven't come in contact with that behavior.

Garron:

My question is that have you had any other incidents of kids in the yard where there was aggressiveness on that part of the dog.

Noreen Callahan: not that I saw on that day and no history as far as this dog goes.

Garron: And did you have the opportunity to talk to the mother

Noreen Callahan:

No she was in the ambulance going away with the child all I heard is overheard the conversation when I was in the ambulance trying to get pictures is I just looked away for a moment and that's all it takes.

Garron: Thanks all right

Schleiff: Thank you. Would you have any comments that you would like to speak for or against.

Danny Jones:

We had a birth my son's ninth birthday party and we decided that we were going to have him outside and put him on a leash. This was the first time we ever did any type of wrung or anything of like that

Brandie Jones: Because we adopted him October so we didn't have that family kids.

Danny Jones:

We have other kids in the neighbor that come over the house all the time and he plays with them I think it was probably wrong on our part to do the leash for the first time at a birthday party we probably should have had him in the house but... we made a mistake of putting him on the leash. She went down to visit the dog we weren't there uh was it a bite or a jump nobody saw it so I wasn't really sure. I heard her mother crying so we brought him in the house saw that then um we thought it was just a small laceration then her grandmother said I think you should call 911 just to get it checked out. So that's when she called 911 and everybody came she's been fine since then.

Brandie Jones:

Well I have some pictures if you just want to see her and some text messages from her mom and I. I'm not sure if that's important.

Roy:

Oh I thought the dog lived at the same home as the child that had been bitten.

Brandie Jones: No

Garron: No

Brandie Jones: They never met they've have never met the dog.

Garron:

That was going to be one of my questions are you friends with the young lady who?

Brandie Jones: Cousins by marriage cousins ya.

Garron:

Okay. So had this young lady been in the house or any place else with the dog prior to this

Brandie Jones: No

Garron:

So no one has been around the dog. You haven't had opportunity to have the dog around a crowd before?

Brandie Jones:

Well small crowds but there was a lot of children more a lot going on

Danny Jones: More activity

Brandie Jones:

And we tethered him for the first time and thought we were doing the right thing. We got him a bone and put him in the corner of our yard tree under the tree and they approached the dog.

Garron:

Prior to your accepting the dog as part of your family did you get any kind of history on the animal?

Brandie Jones: No

Garron: Or it's Parents

Brandie Jones: No

Garron: So did you get form State agency adoption agency?

Brandie Jones:

New England Lab Rescue they're based out of Maine. They rescue mostly ...

Garron: Any they at the time say anything about the parent

Brandie Jones: Nothing

Garron: Or that they had any problems with the dog the dog prior to that

Brandie Jones:

I even asked about his siblings and they hadn't ... I don't know they didn't say anything.

Garron:

Okay. What are you doing to prevent this from possibly happening again?

Danny Jones: We enrolled him in the K-9 training in Plympton

Brandie Jones: Complete K-9

Danny Jones: Complete K-9 training.

Brandie Jones: For a six week course. We have an electric collar

Danny Jones: The electronic training collar

Brandie Jones: For training. We've did the choke collar we have that as well

Garron:

So during the party did any of the other kids go near the dog unsupervised or with a parent when the time that you aware of?

Brandie Jones:

My son mostly. I don't even know who got there first. They were one of the first people to arrive so.

Garron:

What I'm trying to get at is that if there were other kids playing with the dog that period of time that this one just happen to be the unfortunate one to be bit

Brandie Jones: No I don't

Garron: So the dog was left alone to this point

Brandie Jones: For about ten minutes

Garron:

And you don't know whether the dog had ever prior to you adopting the dog had been around crowds or just been locked in a pen for a period of time or what.

Danny Jones:

I think when they do the New England Lab Rescue it came from South Carolina so for the first three months of his life was pretty much

Garron: Southern Dog

Brandie Jones: Yes

Danny Jones:

Traveling and then quarantined and then when it comes up here we pick him up. So we were the first owners other then

Brandie Jones: Foster

Danny Jones: Foster parents

Brandie Jones: That's what they call it

Garron: Okay.

Schleiff: How the young lady doing

Brandie Jones: Did you want to see her?

Schleiff: The four year old

Brandie Jones: This was her Sunday.

Schleiff: How is she?

Danny Jones:

Wanted to come back to the party after she went to the hospital she asked if she could come back to the party.

Brandie Jones:

So these are the texts that I got from her mom just so you know how she was feeling.

Danny Jones: This is our first dog too you know we made a couple of mistakes

Schleiff: She's not traumatized doesn't seem to be ...

Danny Jones: She has the same dog

Brandie Jones: They have a lab as well a yellow lab that looks just like him.

Garron: And that may be why the young lady was bold enough to try to ...

Danny Jones: And we all thought it was safe

Roy:

Within your own family has the dog exhibited any other behaviors that it would want to dominate like he's a dominant ...

Danny Jones: Pack leader

Roy: Ya

Danny Jones:

On occasion I guess not nothing really that we would consider threatening he is an animal.

Roy: So can you give me an example of something that ...

Danny Jones: Oh he'll bark

Brandie Jones: If a stranger comes to the fence

Danny Jones:

If a stranger comes to the house he'll bark if he doesn't know you he'll bark He'll jump up on the fence ya know once he knows ya he's wagging the tail and hi how ya doing

Roy: When did he attend these classes at the K-9?

Brandie Jones: He's been to only two so far.

Roy: Oh okay so he hasn't ...

Danny Jones: Once a week for six weeks.

Roy: Okay. Are they going to teach him things about jumping up

Brandie Jones: Oh ya I mean it's ...

Danny Jones:

They're actually teaching us a lot of things that we've ... This incident wouldn't have happened if we've done the training before we ...

Garron:

I don't want to be crass but let me explain my feeling on these hearings it's more a people problem then it is a dog problem and I don't mean that in a mean way

Brandie Jones: No we agree

Garron:

People don't train the animal or socialize the animal to be around people as such that's not the dog's fault that things happen and just to explain probably being in the kennel it probably did have to maybe hustle for a bone or something because he was being care for with other dogs before you adopted him.

Danny Jones: Right

Garron:

I don't know what the Board's feeling is right now but there is three things that stand out it was on their own property; the dog was tethered; the young lady was in supervision of her mother, who took her over there so it's not as if she wandered over by herself is basically being said when she got bit so it sounds like they're taking steps to resolve this problem and I think the thing that is key to me is that the dog didn't run off the property I didn't chase the kid down.

Roy:

I agree. I would encourage you again to make sure that the dog is trained and to pay attention to different things you do around the house that lets him know that he is the dog as far as getting on the furniture or where he sleeps makes a big difference to a dog. Those sorts of things will tell him his pecking order so as long as you are committed to making sure that the dog is trained and that he will continue to be tethered in the yard that's fine.

Brandie Jones: You want him tethered in the yard?

Roy: Well oh is it fenced in?

Danny Jones: Ya it's fenced in

Roy: That's fine that's fine. I thought he ...

Schleiff:

Well I think you're doing sounds like you've gonna raise made a corrective measure and you are going to raise him to be a responsible little puppy so ... when are they not a puppy two three years old.

Garron:

My caviler is that we get a report back in six weeks when the dog training is over with how well the dog responded to the type of training it engaged in so we have some idea of what's going on.

Schleiff: That's a good idea Troy.

Roy: Yup ... follow up

Schleiff: Other than it we don't hear or see anymore ...

Garron:

I think we just send a letter or note that we send it that the dog under restraint at all times when it's on the property or off the property if there not a fenced area and that it up to date with all its rabies shots license at all times

Schleiff: Do you have copy of that By-Law the Halifax By-Law?

Brandie Jones: I'm sorry

Schleiff:

Do you have a copy of the Halifax By-Law pertaining to dogs and leashes and

Brandie Jones: No on me I've been on the website

Schleiff: As long as you understand that so

Garron: I wish you well with the dog

Brandie Jones: Thank you. Wish we had done this before the ... ya know

Garron:

Ya know sometimes it takes a mistake. Hopefully ... it serious mistake it's hopefully not going everlasting harm to the child physiologically or physically shows up so hopefully. We hopefully if we meet you in the street walking the dog

Schleiff:

That we're able to pat him without getting jumped on. Appreciate you taking this seriously and taking measures to correct it and I appreciate the officers and the ACO for coming in.

Garron:

People don't understand that our Animal Control Officer and Police Officers are here to assist and to help not to punish but when you get a little mouthy or anything else I understand sometimes the mouth runs before the brain kicks in.

Schleiff: In heated situations more so then other. Again thanks for coming in

Brandie Jones: Thank you

Garron:

You will receive a letter from the Board with all the expectations that we just talked about and we will expect seven weeks or whatever time it takes for training with an update how well the dog responded to it.

Schleiff: Give the little girl our love. That was a motion is there a second

Roy: Yes second

Schleiff: Any further discussion all those in favor.

Schleiff: Aye

Roy: Aye

Garron: Aye

Dog Hearing - Declan Hanaphy & Tammy Scarlata

At 8:15 p.m., in accordance with MGL Chapter 140, Section 157, Schleiff opened a hearing to address an incident where one on the dogs owned by Tammy Scarlata and housed at 98 Annawon Drive ran off the property and bit another dog that was housed at 96 Annawon Drive. The hearing was held at the request of the Board of Selectmen.

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

Tammy Scarlata	Dog Owner; 98 Annawon Drive
Phillip French	96 Annawon Drive
Noreen Callahan	Animal Control Officer

Schleiff: This has been a few reports or is this ...

Noreen Callahan: This is just history.

Roy: History of dogs not being leashed.

Schleiff: Oh

Roy: Ya missing dogs

Noreen Callahan:

And basically this one started on 6/28 where dispatch received a call from Philip French stating that his neighbor's dog, Doberman, came on to his property and became aggressive with his dog. The reported party said that a minor injury to his dog which does not require medical attention with the veterinarian. The Doberman originated from 98 Annawon Drive the Scarlata residence and basically I got a hold of them the next day I got a hold of Declan.

Tammy Scarlata: Declan

Noreen Callahan:

Declan the next day at 98 Annawon which has two two Dobermans in there. Ones a female, Carley and ones a male, Capone. Basically what I told Declan is they had a problem with the fence. It seems that one of the Dobermans got out. I informed him and instructed him to make sure that he keeps the dog in the kennel area within the fence until the fence is repaired and make sure that all the dogs are current and up to date on their license and vaccinations.

Roy: Which they were not.

Noreen Callahan:

One was not okay. Carley was and that was registered under Declan. Capone was not.

Tammy Scarlata: At the time

Noreen Callahan: At the time

Tammy Scarlata: He's up to date now. I have all the paperwork if you need it.

Garron: How old is the dog? Puppy?

Tammy Scarlata: No

Noreen Callahan: No no they're older.

Schleiff: Two and a half?

Noreen Callahan: No

Tammy Scarlata: No Capone is not two.

Noreen Callahan: I have my record here.

Schleiff: Carpone you have two years and Carley is two and a half.

Noreen Callahan: Carley is three.

Tammy Scarlata: No Carley Carley just turned two in December.

Noreen Callahan: Well under the Clerk we have three.

Tammy Scarlata: Okay

Schleiff: Carley is three

Noreen Callahan: And we have Carpone listed as zero point zero

Schleiff: He's a figment of our imagination

Roy: Because this is probably the first time you got a license maybe?

Noreen Callahan: Right

Tammy Scarlata: Oh okay

Roy: Because this is the first time you licensed him.

Tammy Scarlata: Correct

Roy: When you found out you weren't licensed.

Tammy Scarlata: Right

Garron:

Have you had the dog since it was a puppy and is that the reason he wasn't licensed or did ...

Tammy Scarlata:

No no my boyfriend I thought he had it done he takes care of the dog stuff so wasn't know to me that it wasn't done yet. Carley was done so I assumed Capone was done.

Garron: Ya

Schleiff: We'll do a referral on this one it's so confusing.

Garron:

The question is that has either one of the dogs have a type of training especially Carley obedience training of any type?

Tammy Scarlata:

Not professional obedient training however my boyfriend he spends a lot of time with these dogs. He's out of work and they're always under his supervision and they're very obedient under his supervision. Capone just happened to get he busted through the fence. I can show you ya know what I have here that ya know I'm in the process of trying to replace the fence. So and my whole yard is fenced for them and theres a kennel within the fence. So they don't have roam of the yard like at their leisure unless I'm out there and if he needs to be out on his own he goes they go in the cage.

Roy: Okay.

Garron: I have one more question.

Roy: Ya that is fine.

Garron: How long have you had the dogs?

Tammy Scarlata: Well about a year in a half Capone two plus one Carley.

Garron:

Has there be any other incidents of the dog getting loose off the property?

Tammy Scarlata:

Yes we my boyfriend has three kids that we have every other weekend and unfortunately I'd have to say we've gotten by with it this season because we put locks on the gates to you have stop to unlock it and remind you stop to lock it again. Last season we didn't do that so they got out a few times last season so that's why we put locks on each gate for the area that they're ya know where the dogs go. I call it the dog yard so ...

Garron: This kennel you observed what condition is it in?

Noreen Callahan:

It's in good conditions. It's a nice high about eight foot secure its better than fenced area and that's where I told them until the fence is repaired that's where they'll have the dog outside.

Garron: One question to you are the dogs left outside unsupervised?

Tammy Scarlata: No

Garron: They just run lose in the yard or somebody out there?

Tammy Scarlata: No

Garron: So the day the dog got out was someone with her?

Tammy Scarlata:

Declan was there yes my boyfriend was there when he busted through the fence and he went and retrieved the dog put him in the kennel went back to the neighbor's house and made sure everything was okay and it was to our understanding that everything was fine so.

Garron: Okay thanks mam

Roy:

I would say that to me and I don't want to pick on a breed but I think a Doberman Pincher is a pretty intimidating looking dog.

Tammy Scarlata: Right

Roy: And so if I saw a Doberman Pincher roaming the neighborhood I would be pretty nervous and so ...

Tammy Scarlata: I respect that.

Roy:

It not really that fair to the residents of Halifax when we have an instance we have a few times that theses dogs have been loose. It troubles me that you didn't license the dogs. That's something that I encourage you to pay attention to make sure that it is done every year on a timely basis it's the law and the fact that you knew that the dogs could get loose that it continued to happen troubles me as well.

Tammy Scarlata: No, No I didn't.

Roy:

I'm sorry but the dog got out with the owner in the yard. The owner did not have control of that dog and it left the yard with the owner in the yard which is what you just said correct?

Tammy Scarlata:

Ya I would like I would like to show you the fence if you don't mind.

Roy:

But I just want to get to the point that the dog escaped the yard when your boyfriend was in the yard with him.

Tammy Scarlata: Correct

Roy: So he wasn't alone so the owner did not have control over ...

Tammy Scarlata: Oh yes you're right.

Roy:

That the dog left the yard that troubles me because if the dog for some reason was off leash the owner does not have control over the dog. So my question to you is what kind of training are you willing to put into the dog to make sure that the dog stays under control of the owner?

Tammy Scarlata:

Well then I'll go see that trainer that they just talked about. I've heard about that guy in Carver did they say he was ...

Garron: Plympton

Tammy Scarlata:

In Plympton thank you. I've heard about him I'll take go there if that's what I have to do.

Roy: I'd like to see them (meaning the pictures).

Tammy Scarlata:

Ya ya absolutely. I just want to let you know that prior to this happening I was waiting on an estimate from my neighbor to give me ... see this is where okay this the yard that's the front to the back so you can see where it's kind of rickety a bit okay so ...

Schleiff: A bigger fence

Tammy Scarlata: Pardon me

Schleiff: A bigger fence

Tammy Scarlata: Ya right exactly

Schleiff: Might solve

Tammy Scarlata:

I'm gonna eventually do the stockade fence and follow suit here is what I plan on doing. There's the kennel from a far and there's the inside they have the ya know for the shade and for food and water. So I just want to make sure that you know that ya know I don't feel that I'm irresponsible it was just an incident ya know an obviously I certainly do everything to make sure that it stays under control.

Roy:

Ya we were fortunate that the incident wasn't bigger than it was as it could have been.

Tammy Scarlata:

Of course of course and I understand the Doberman gets the bad rep but they really are nice dogs.

Roy: No it can be any dog.

Tammy Scarlata: Ya of course.

Roy: The fact that it's aggressive towards another dog.

Tammy Scarlata:

I don't know if you need copies of that. I got their licenses to if you need that.

Roy: How much time do they spend outside?

Tammy Scarlata:

I don't leave them out often. Probably when I'm out there I'll run them for ten twenty minutes at a time bring them in. Ya know we have different parks that we go. I live on a lake they swim in the lake to get their exercise that type of thing but I don't leave them. Since this incident I have not left them unattended in the yard on their own. Not even not even I don't put them in the kennel and leave. They're indoors. I don't do that. Do you need these photos?

Roy: No

Tammy Scarlata:

Okay. I just wanted to make sure I had that because I am under I am having it corrected so that its privacy too ya know.

Roy:

And I would just encourage the training only because if again the dog is not under control within the owners you're allowing it to go swimming probably off leash and if you can't insure that the dog will return when called I'm not sure that's

Tammy Scarlata:

Well honestly I mean not to favor my dog but when they do they do they're very obedient I feel the puppy his puppy was on the other side of the fence and he was excited about the other dog but here nor there it shouldn't have happened so I understand that. So I'll do what I have to do to make sure the dog is ya know one hundred percent obedient in any situation.

Noreen Callahan:

I just want to make a point also. Both of the parties live right next door to each other and both are guilty of letting the dog run loose or ya know by accident they did get out. So they're both ...

Roy: Oh okay I didn't realize the other dog.

Noreen Callahan: Yes they are both.

Garron: That was my other question.

Noreen Callahan:

And and they're both working on it there is ya know I think you got Brandy just licensed today or did she get her vaccinations?

Phillip French:

Brandy got her vaccinations and they were closed so I could ask them.

Roy: So Brandy wasn't even vaccinated?

Phillip French: Brandy wasn't involved it was ...

Noreen Callahan: This this wasn't involved

Roy: But again a dog that's not even vaccinated

Noreen Callahan: We do had an older dog that that I told him

Schleiff: (Inaudible)

Noreen Callahan:

You can get right exactly he's got to go to the vet to get a waiver because he has an allergic reaction to the rabies thing but I informed him of Miss Phillips that that Phillip that he must get it licensed.

Phillip French:

We did get the vaccination today she was well enough so I went there for a waiver and they said ya know how she been I described the dogs health and she said I think we can do it so they did vaccinate today and I can go down tomorrow and get the license.

Roy: Okay

Phillip French: Which should have been done in June but

Garron:

I painted this as a Public service announcement people should understand we have we have a leash law in town not so much to restrain the dogs but also to protect the public as well as the owners because if that dog had bit somebody seriously or even killed a dog or went lame then you're out a lot of money. Could be a lot of cash; a lot of headache.

Tammy Scarlata: I understand that

Garron:

So this is not (inaudible) cuz I own dogs I always owned dogs my neighbors own dogs but it is the responsibility of the human to make sure the dogs taken care of and property enclosed. Leash laws are very specific no dogs should run loose without being under control of their owner and every dog should be licensed and have rabies shot Town of Halifax. We're not saying anything new. I'm not jumping down your throat or anything.

Tammy Scarlata: No I understand that.

Garron:

And I said it earlier it's not a dog problem it's a people problem take care of that.

Roy:

And I'm not saying its for you but I'm saying there are people out there that feel that's it's not their obligation to pick on a dogs license why is the town charging me for a dog license. Well we use the dog license in order to pay for our ACO salary do that we have somebody that's an expert to make sure that there is order when it comes to dogs. So there's a purpose for the fee so that's why it needs to be paid.

Phillip French:

I've been here twenty years the dog is always licensed I just neglected this year till June and if I started this process earlier if there was a medical condition like the Animal Control Officer informed us you can get a waiver and I could have done that and not have had Brandy.

Garron: We all make mistakes as long as we don't repeat them.

Roy: And I wasn't saying that for you I was saying it for the people at home.

Phillip French: She was not involved with the incident

Garron: I wish the dog well but that's where I am at this point

Schleiff:

I'm not gonna beat a dead horse. I don't want to talk my voice is hoarse tonight but I mean you all get the point. Ya know the young dogs are aggressive when they get in their teens ya know fifteen years old they don't move so then you can probably let your guard a little bit down in your own yard but you gotta really keep an eye on them they're like small children ya know. So you know that what corrective measures you need to do. We have more important things for our ACO to do then chasing barking dogs and biting chasing and so cut them all down makes life a lot easier we can chase the ones that don't pay their ...

Garron:

My recommendation is that we take no further action other then writing the letter to remind them there is leash law

Tammy Scarlata: Thank you

Garron:

And that dog be kept under restraint even while it's only a puppy until such time you get the fence repaired.

Tammy Scarlata: Of course

Garron:

To a point where the dog even if it gets away from you doesn't leave the property that way ...

Schleiff: And now they're on our radar so ...

Phillip French:

If I may it's been a night and day difference of how they're taking care of the dog very ya know complete care so we were rather impressed we were rather satisfied. I had no idea that we would have to appear before the Board was more just reporting the incident.

Garron:

Well I've been on the Board now twenty five years dog hearings let me give you an example we had an individual who came to our board meeting her German Sheppard had bit her six month old daughter in the face she was pregnant with another baby coming and she said the dog just got excited cuz he heard kid

screaming. I said what happens if the baby starts crying. So these are serious to me we have hearings just to make sure you understand cuz some people like yourself may not understand what is necessary for them to maintain their dog in this town and this is one way of doing it.

Schleiff:

It helps because it addresses something in the future making you aware that it is serious and hopefully our viewers pick that up to and I don't want to be up here and take a look at my fence my yard my cables so it helps everybody so. Anything else?

Garron: No

Schleiff: That was a motion?

Garron:

Ya and if we can send a letter to them stating leash law and that the dogs retrained on the property under supervision of the owners as such time as the fence is repaired.

Roy:

And can we just include that we work on having a little bit more control over the dog.

Garron: Ya

Tammy Scarlata: Okay

Schleiff: Any further discussions. I see no further discussion all those in favor.

Garron: Aye

Roy: Aye

Schleiff: Aye

Chapter 40B – Blackledge

Several weeks Robert Lincoln of Beard Lincoln, LLC has applied for a site plan approval from the State for fifty-two single family homes located on Franklin Street. This is the first step in the process and is the comment period. This has come before the town before but for a different size parcel for that development. If the State approves the site plan the next step would that they would apply to the ZBA and at that point a public hearing will be scheduled. The State is interested in the reaction to the site and the proposal. We went through this process back in 2007 & 2008 and the Board sent comments about the proposal back then and other proposals for this site have gone before the ZBA and comments were submitted. The BOS has sent in their initial comments for this current proposal and now have invited department heads and the general public to come in and provide to comments to the Board. There was a site visit a couple weeks ago which Seelig went to and he stated that they did not tour the entire site due to the area being very wooded. At this point the Board can send a second letter being more specific about concerns they may have. Other than Chief Cuzzo providing a letter about his concerns regarding the site Seelig has not received anything else for the other departments.

Garron said last time they wrote the letter the biggest concern was that it was in a flood plain/wetlands. Seelig said that the plans included areas where wetlands could be replace if they were to have to destroy any of the wetlands. The thirty day comment period is up at the end of the week and Seelig wanted the BOS to

discuss this so that they could send a separate letter of comments if they wanted to and again to also invite departments and abutters in to voice any concerns they may have.

Below is a synopsis of the discussion.

Schleiff reviewed the letter that was submitted from the Board in December 2007 and stated was pretty much on the same lines as what they wanted at this time. There were some variations and he asked if they wanted to stick to the same format but adjust it to today's plans. He also asked if some of the points in the letter of 2007 were still valid and Seelig said they would have to review to see which ones warrant enough to bring back as comments to the State.

Mr. DiBona:

There is a significant change from the proposal that was submitted in 2007. They have since subdivided the estate lot from the property which is now owned by Josh Prada (243 Franklin St.). It is a retreat lot with only 70 feet of frontage it is a mile and a half of road with one way in and one way out.

Seelig said the buyers and sellers are going to have to be aware that the road would not be maintained by the town as there will not be any snow plowing or maintenance of the road. Schleiff asked if an association would have to be set up and Seelig said in this case yes because there is going to be shared maintenance costs. Roy asked about the septic and he said the same thing. Schleiff also brought up the point of snow removal as to where will the snow go when plowed and the impact on the town's water supply. Seelig said what was said back then and what we say today is the same that the site survey should be done before the project is approved.

Josh Prada - 243 Franklin St.

Mr. Prada began by saying that he recently read an article about a 40B project going on in Plymouth and they interviewed the residents and some of their concerns were the lack of communication, houses being covered in dust, their foundations and chimneys not getting much support from the town. He can relate to them because he feels that at some point a project is going to happen at that location and his concern is the safety of his one year old where there will be construction going on and a road will be going in right along the side of his property. In essence he as well as his neighbors will be making sacrifices. He hopes that there is support when it comes to their request when this does happen such as fencing or trees or something to help them deal with this.

Garron said that there are things we can do but it may or may not change the State's decision and that this is the most important phase for us to layout our positive and negative concerns and get them to the State so that they can make a decision for or against it. Schleiff said this is our last shot to get a letter to the State and we have only been given a short time to voice the concerns. Garron asked the residents who were here tonight to please write down their concerns so that the BOS could include them in their letter.

Mr. DiBona

Mr. DiBona stated that the present layout of the road goes within twenty one feet of his well is and is concerned about that. Also the road hugs his rear property stating that there will be a road in his backyard. He thinks that can be altered

without affecting the wetlands. He does not want to miss his opportunity to be involved early on in the design stage before this is totally designed.

Garron wanted to be honest with him and told him that he cannot have a say that he will be able to have a hand in this as that is up to the developer but we can get his comments to the developer so that they are noted. There are laws and by-laws in the book preventing them from doing something and we then can enforce them from doing or not doing things.

Seelig said that if the State approves the project then ZBA can also approve it and place any number of stipulations on the project as they are within their right to do so. The developer then can appeal the decision of the ZBA up to the State agency if they feel those stipulations make the project financially unreasonable. Garron added the last time this came before the Board they withdrew it because they put so much pressure on it.

Resident (unknown):

We found out about this meeting because Charlie sent out a facebook post but there is no notification and the information is not getting out there. Tonight the three abutters who are going to have the biggest impact on this development are here but other than us there is no one here as no one knows about it. Garron said in the past individuals have been contacted. Seelig said yes it can be publicized by people need to be in receipt of it. At this step the developer only had to notify the town that they applied. Seelig has the 40B mailing list and has publicized it on the town's website.

Schleiff said that ZBA is very aware of the concerns of the Town and the impact. The Conservation Commission and the Planning Board will be involved and will know what the concerns of the residents are. Seelig mentioned that there is going to be a 40B workshop in the future where anyone can attend to find out their rights as well as the developers.

Carol Corrieri - 247 Franklin Street

Ms. Corrieri asked where is the swamp land going to go as she gets water in her basement now and had to put in a raised septic system. Garron said to put that in a letter as that will be one of the issues that will be addressed and also said for the residents to Conservation, ZBA and all involved and let them know now so when it does go before them they already know what your concerns are.

Carol Corrieri

Ms. Corrieri brought up the point that Franklin Street will need to be done and her house shakes when trucks go by. Schleiff thinks that might be something the developer might consider in order to get this project going and maybe something on the lines of Mr. DiBona's well having some testing done beforehand and then if any issues later they retest.

Mr. DiBona

When I look at this project I see 1.5 miles of road and sidewalks and infrastructure, and electricity and drainage for 52 houses selling in the \$300,000 range my fear is that this is not going to make it.

Roy asked if Kenzies Path resident would be affected. Seelig stated that he does not have enough knowledge to know. Schleiff added that when the leaves are down the residents on Kenzies Path are going to see this development. Roy added

that the Board will do their best to help them but in the end they may not be able to do anything and it might still happen and said a lot of time the developers are there to help.

Roy pointed out that there is the misconception that project will bring revenue to the town but we do not raise the revenue that is needed to support the services. This is the time seeing as the housing market is coming back and with houses in this price range they may sell quickly.

Burt Gaynor – member of the ZBA

Mr. Gaynor said let's hope it stays as single family homes and agrees with Garron that letters be submitted. He also stated that there are no guarantees when dealing with the State as it is a very tedious process. You try and work with the builder and they try and work with the town and the various boards but the bottom line is if they don't get their way they go to the State who then can sign off and say do what you want. He said it would be great if ZBA had the residents concerns in writing beforehand and let's hope our demands are reasonable to them and vice versa. The State wants to work with the Town but they do not have to.

Garron made a suggestion to the Board that they notify our representatives that this issue has come up in the town and ask that they direct us on where to go. He hopes that the abutters' concerns are heard and addressed.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Flight Alarm Contract Alarm - Phase II

Building department went out to bid for Phase II for the alarm system. Only one bid came in which was from Flight Alarm.

Moved by Roy and seconded by Garron, the Board unanimously voted to award the contract to Flight Alarm for Phase II in the amount of \$46,053.

Letter from Mr. Co-Wallis

Mr. Co-Wallis wrote again mentioning the following:

- a) Letter to Chief Justice Ireland the statue incident and a drunk driving arrest;
- b) Parking on the sidewalk across the street from his house (he did call the Police Department, the Department responded, the vehicles were moved but he is still perturbed);
- c) Fireworks being set off across the street, allegedly a piece of one went into his yard and the HPD should have known about the fireworks being set off.

Seelig does not plan on answering his letter and there is no action needed from the Board. The BOS were fine with not responding.

Council on Aging/Vacancy/Appointment

Seelig is going to let the COA aware of anyone who is interested in serving on the COA (talent bank forms are here in the office) and then ask for a vote from the COA as to whom to recommend.

Community Development Block Grant Award

Carver and Halifax will receive \$758,067 to provide housing rehabilitation assistance to 17 units and provide childcare assistance to approximately 15 families. In essence, this is a sequel from the first grant awarded three years ago for housing rehabilitation with the addition of the childcare assistance program. While applications are still being accepted for both programs, previous applicants will have priority.

Communication Center Hire

Communications Director, Matt Tucker, has hired Jordan Hill as a part-time dispatcher.

Monponsett Pond/Aquatic Hitchhiker

Several people have mentioned the possibility of adding "Stop Aquatic Hitchhiker" (prevent the transport of nuisance species) signs at the boat ramps here in Halifax. Seelig asked the Board that if he could find funding is there an interest in having signs put up at the three boat ramps.

AG's Office/Civil Rights Division

Kelsey Meagher of the AG's Civil Rights Division talked with Seelig about a complaint that the AG's office received about a possible civil rights violation at a restaurant in Halifax that had a liquor license. She asked if the Board placed any restrictions on outside food or drink (aside from alcohol) being brought into a restaurant and Seelig stated that said that there were no licenses that had that stipulation.

Seelig thinks what might have happened was that an individual went into a restaurant with a smoothie and claimed that it was medically necessary to have the smoothie (Seelig is not sure whether there was no confidence in the restaurant being able to provide something without allergens or some other medical issue) and the restaurant prohibited the smoothie from being brought in. Whether this might be discrimination due to a disability is a question and does not know the circumstances nor any conversation between the owner/manager/host and the patron. However, most restaurants will prohibit outside food or drink from being brought. There is no action for the Board to take and he does not plan to follow up on this but thought the BOS should know about the phone call and information about the incident.

Evaluation Status

Town Accountant, Sandra Nolan, has been completed and turn into the Treasurer's Office and W&P

Communication Director, Matthew Tucker has been completed and turned in to Treasurer's Office and W&P

Copies have been made for the Board to review Police Chief Ted Broderick's copies available for the Board to read. Schleiff noticed that there was an area where is marked *not observed* and was wondering if another Board member has. Roy said that she has and can change it up.

Computer Problems

Below are Charlie's notes as to what had happened with the computers, where we stand and options to think about.

During the July 4th weekend, the server holding most of the documents for departments in Town Hall, the Highway Department and the Water Department failed. The Town does have a back-up system, MozyPro, which backs up the documents on a daily basis, but the Town had reached its back up limit at the end of March (any warnings went to the terminal in the computer room which is not checked on a regular basis). One of the Town's IT vendors, Unified Networking Solutions, was able to restore any documents up to the end of March with the exception of the Highway Department's documents (these were stored on a separate drive and Unified is working with the Highway Department to recover these documents).

The Town's financial software, SoftRight, was not included in the normal backup but was on a separate device and no data was lost. That information is now being backed up by SoftRight several times a day.

The Town's assessing software, PK, was backed up by PK in mid-April, but that was the most recent backup (the PK data recovered by Unified was only up to late March). Unless the data is recovered (see below), the Assessors' office will have to re-enter any data since mid-April.

The IT firm used by the Police and Fire Departments, Terminal Exchange has worked to determine whether the information on the drives is recoverable. They've tried several techniques and ended up recommending that the drives be sent to a company specializing in data recovery. I expect that in five to seven business days (from now) to find out whether the data is recoverable. If it is, it will cost between \$3,000 and \$8,000. I don't have a time frame, as of yet, as to when the data would be available (if it works).

Some documents may be recoverable using other techniques. Any document that was sent as an attachment to an e-mail can be obtained (e-mails sit on a different server run by Microsoft). In addition, if a paper copy exists, scanners and the correct software can re-create an electronic version of the document.

While all this is going on, another priority is to ensure that this does not happen again. During this week, all files on the servers will be backed up on another, unused server. At the end of the week, MozyPro will be set up to backup all documents and send alerts to computers other than the one in the computer room if there is a problem.

During the next few weeks, I expect that the Town will change backup systems working with Unified, Terminal Exchange or another firm so that backup and recovery will be easier, quicker and more transparent. Backup will be done here at Town Hall and off-site so that if the Town Hall server fails, employees will be able to continue to work with the documents via the off-site server. In addition, the IT firm will monitor the servers and workstations, either solving problems as they occur or notifying the Town about the problems and making recommendations for immediate action. The cost for the more robust backup plan and monitoring service will be about \$7,000 to \$10,000 per year (MozyPro backup with no monitoring costs about \$500 per year).

Once these steps are taken, The Town should look into hiring a part-time (10 to 15 hours per week) employee at \$15-\$20 per hour (total of perhaps another \$10,000) for low-level IT maintenance and complaint resolution work. For this year, the elementary school has hired someone for the summer, but this is short-term and the school superintendent said that while they might want to have someone on a permanent basis in FY2016, they do not have money available for FY2015. I've checked with Plympton and the Plympton Town Hall is sufficient in its set-up and the Plympton/Dennett Elementary School has an employee that works on this along with her main work at the library.

In addition, the Town should work with whatever firm is handling the backup and monitoring (or another firm) to develop a five-year plan for hardware and software replacement and any other steps the Town should be taking in IT. This might cost a few thousand dollars (this does not include the money that would be needed to implement these steps).

At this point, I need to review the budget for FY2015 but the first steps need to be done. If need be, I'll talk with the Finance Committee about a reserve fund transfer for some time in the future if the need arises.

With all this being said Roy agrees that we need an IT person as Seelig is too busy and does not need the extra work on his plate. Garron agreed with Roy that someone should be hired.

Solar Farm

No action for the Board to take right now.

Road Cut – 13 Ocean Avenue

Moved by Roy, seconded by Garron, the Board unanimously approved permit #2015-08 issued to Columbia Gas of Massachusetts to excavate two (2) 3' x 5' ± road cuts to abandon old gas service and install new gas service at 13 Ocean Avenue.

Road Cut – 9 Ocean Avenue at Dwight Street

Moved by Roy, seconded by Garron, the Board unanimously approved permit #2015-09 issued to Columbia Gas of Massachusetts for a 2' x 2' ± road cut 1'± to do remedial work to raise test station at 9 Ocean Avenue at Dwight Street.

EXECUTIVE SESSION

Moved by Roy, seconded by Garron, the Board unanimously voted to enter into Executive Session to discuss Patrol Officer negotiations and Fire Chief contract.

Michael J. Schleiff	-	Yes
Kim R. Roy	-	Yes
Troy E. Garron	-	Yes

Schleiff announced that they would not be coming back into public session.

Moved by Garron, seconded by Roy, the Board voted to come out of Executive Session at 10:55 p.m.:

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

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 10:55 p.m.

Troy E. Garron
Clerk

/pjm