

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, AUGUST 12, 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 following business was discussed:

PLEDGE OF ALLEGIANCE

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

Garron wanted to offer his condolences to the family of Joe Freitas.

AGENDA

The Agenda for Tuesday, August 12th was unanimously approved without revision.

SCHEDULED APPOINTMENT

Appointment – HEMA Director

Chief Broderick has been the HEMA Director since Chief Carrico left and now he would like to pass it on to Fire Chief Viveiros. Mike Manoogian will stay as Deputy.

Moved by Roy seconded by Garron, the Board unanimously voted to appoint Fire Chief Viveiros as HEMA Director, term to expire June 30, 2015.

Introduction - Fire Chief Jason Viveiros

Schleiff began by asking Chief Viveiros how things were going and he said he is doing great and thanked the Board of Selectmen for giving him this opportunity. He continued to say that Cuozzo, Cunningham, the Deputy Chief and Patty have been great and that there is lots of energy among the guys down there. A couple of things he plans on doing is looking into the emergency shelter and working with personnel to get some new hires.

Garron asked him if he wanted to have the shelter stay here if possible and he said no matter where it is there will be transportation issues to factor in. Garron also asked if there were any programs coming up and he said the TRIAD Fair. Garron wanted to mention that he will get one hundred percent support from the BOS and as time goes on things will smooth out. Chief mentioned that his home is up for sale and hopes that it will sell soon so that he can make the move to the area.

Schleiff offered congratulations to the chief and announced to the audience that there will be the swearing in of the new chief on August 18th at Fire Station at 7:00 pm. He asked Chief Viveiros how his car was working out and asked if he wanted the cruiser for a backup car. He said his car is working out fine and is looking into doing something regarding the cruiser and plans on contacting the

school to see if they can paint it. With that being said Schleiff asked Seelig how much it cost to add a vehicle to the fleet and he said approximately \$1,000.

MINUTES

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

Regular Session – April 22, 2014

On a side note Schleiff asked Seelig to look at putting money into a Certificate of Deposit with a better rate for the cemetery account and the Donelson Scholarship Trust account.

AFFIRMED WARRANTS

Moved by Garron seconded by Roy, the Board unanimously affirmed approval for the payment of the following warrants with the exception of Schleiff abstaining from the police payroll in warrant #07:

Payroll Warrant	# 07	\$ 187,296.32
Vendor Warrant	# 08	\$ 63,551.47
Withholding Warrant	# 09	\$ 57,005.08
Vendor Warrant	# 10	\$ 132,506.79

APPROVED COMMITMENTS AND WARRANTS

Moved by Garron seconded by Roy, the Board unanimously approved payment of the following warrants and commitments with the exception of Schleiff abstaining from the police payroll in warrant #11:

Payroll Warrant	# 11	\$ 191,638.31
Vendor Warrant	# 12	\$ 70,550.79
Withholding Warrant	# 13	\$ 66,322.89
Mobile Home Park Fee	# 08	\$ 5,160.00

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

Attorney Lawrence P. Mayo, P.C. (legal/July)	\$ 1,518.75
Deutsch Williams Brooks DeRensis & Holland, P.C (legal /July).....	\$ 1,280.50
Peter J. Epstein, Esq. (legal/July)	\$ 825.00
Michael C. Gilman, Esquire (legal/July).....	\$ 1,870.00
Beth Israel Deaconess Plym. Occup. Health (duty exam).....	\$ 600.00
Beth Israel Deaconess Plymouth Occupational Health (physical/screening/tests)	\$ 384.00
National Grid (Town Hall electricity).....	\$ 1,222.85
National Grid (concession stand electricity).....	\$ 40.14
Davis Bates (This Land is Your Land – celebration).....	\$ 500.00

The Board acknowledged payment of the Selectmen Office Payroll for the periods ending:

July 26, 2014	FOR	\$ 6,154.24
August 9, 2014	FOR	\$ 6,185.84

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2015-07	\$ 5.00
2015-08	\$ 118.46
2015-09	\$ 5.00
2015-10	\$ 5.00
2015-11	\$ 10.00

GENERAL MAIL / DISCUSSIONS

Surplus Police Vehicle

The police chief has brought the 2007 Dodge Charger to the Highway Barn as it will no longer be used by the Police Department. Seelig asked the Highway Department to take a look at the vehicle and provide a report. The town mechanic stated that the engine light is on; the car may need an oxygen sensor; the skid control light is on; the car may need a brake switch and the car will need new tires eventually and possibly new front brake. He also mentioned that the front end work seems okay. Seelig is going to see if fire chief is interested in this vehicle and check on the other vehicles that are available.

Regional Shelter Meeting

Meeting is scheduled August 13th. There is a request asking to provide locations for shelters in Halifax and provide contact information from Halifax for the Town's representatives. At some point the Town needs to decide whether to commit to this.

Recycling Center

The office has received a note from Kimberley King and Michael Cavicchi complimenting the staff at the Recycling Center. Seelig has forwarded it to Recycling and Highway.

Bosworth Development Deed

At the 2013 ATM the Town approved Article 54 which was to accept a donation of land at 0 Clyde O Bosworth Road from Bosworth Development Trust. The deed is ready to be signed by the Board.

Moved by Garron seconded by Roy, the Board unanimously voted to sign the Bosworth Development Deed.

Joe Freitas

Memorial event for Mr. Freitas will be on August 16th from 1pm to 5pm at the Upland Sportsmen's Club in Plympton.

Carver/Halifax Cable

The Cable Advisory Board met with representatives from Plympton and Attorney Epstein wrote up some notes based on the meeting. Copies were made for the BOS. Schleiff was curious of where they will be operating the studio and asked if Plympton was holding us up and Seelig said no that we are moving forward with or without Plympton. The only thing stated in the notes about location of the studio was that Rich from Carver indicated that the move out of the high school might not be immediately.

SCHEDULED APPOINTMENTS (CONTINUED)***Ellen Murphy – Appointment to COA***

Garron asked Ms. Murphy why she wanted to be appointed to the COA and she said she knows the value of a dedicated Board of Directors and that it is rewarding to be a volunteer. Garron said it was nice to hear that she someone knows the importance of volunteers.

Moved by Garron seconded by Schleiff, the Board unanimously voted to appoint Ellen Murphy to the Council on Aging, term to expire June 30, 2017.

Roy thanked her and stated that she has seen her over at the center.

GENERAL MAIL / DISCUSSIONS (CONTINUED)TRIAD Health Fair

Fair will be on Saturday, September 13th at the Elementary School. If the Board wants to participate (set up a table) at the TRIAD fair they will need to know. Roy said that she usually walks around and visit the tables.

Blackledge Farm/Chapter 40B

Land use counsel advised the ZBA that if the site is approved by the State the earliest that the developer can submit an application for a comprehensive permit is February 2015. As of yet there has been no word from the State about site plan approval. Seelig does not think a decision will be made before the fall.

Halifax Trails

The ZBA has approved this project. There will be a sidewalk in the subdivision leading to Monponsett Street/Route 58 but no sidewalk on frontage. It has not been approved by the Planning Board and Seelig will send a memo to them reiterating the need for the sidewalk along Route 58. Garron said for safety concerns he think it is needed and Schleiff said they assumed there was going to be a sidewalk and when there wasn't, that raised a flag.

Silver Lake Regional School District

FY2013 audit has arrived. No action is needed Seelig just wanted the Board to know it was there.

FEMA/Floodplain

Another notification has been received regarding floodplain maps. The Building Inspector will send another letter about the Baker Street area and Seelig follow up the week of August 11th.

Sandwich Signs

The Building Inspector has sent letters of complaint regarding the sandwich signs to the Halifax Coin Shop, Salon Sei Bella and Salon Blu. The letters state the next step will be fines at \$300 per day if violations occur again. They had been previously warned in letters sent by the Building Inspector on July 2nd. Schleiff asked if the signs were still out and Seelig said he did not know. Schleiff continued to say that it is simple, take the sign in at the end of the day. Garron was bother by the fact that they were warned and they still leave the signs out.

Electricity Aggregation

Good Energy has indicated an interest in electricity aggregation (Town goes out to bid for electric rates on behalf of residents and businesses). Seelig told the agent that the Town was not interested at this time.

Use of Town Green – Historical Society

Moved by Garron and seconded by Roy, the Board unanimously granted the Halifax Historical Society the use of the Town Green on Saturday, September 13th, from 8:00 a.m. to 1:00 p.m. for their annual fall plant sale.

Eagle Scout Library Benches

The following was a Facebook posting in reference to the benches behind the HOPS Playground.

“3 brand new benches built and installed as part of an Eagle Scout Project by Ryan Kelly of Troop 39 in Halifax. The benches are right behind the HOPS playground at the top of the hill. Please, use them and enjoy them!!! Thank you to EVERYONE who helped Ryan in his efforts to complete his project!”

Roy and Garron both said that they look great.

Chapter 90 Contract

The Chapter 90 project request for the repaving of 7,900 feet of Plymouth Street is ready for the Boards signature.

Moved by Roy seconded by Garron, the Board unanimously voted to approve and sign the Chapter 90 Project Request.

SCHEDULED APPOINTMENTS (CONTINUED)***Continuation of Fuel Storage Permit Revocation Hearing - Kozhaya Nessralla***

Seelig talked with the Treasurer/Collector and she has not received payments from Mr. Nessralla. Schleiff asked to hold off doing anything at this time as maybe Mr. Nessralla may show up later this evening.

GENERAL MAIL / DISCUSSIONS (CONTINUED)Re-Appointments - Election Workers

Moved by Roy and seconded by Garron, Board unanimously re-appointed the following individuals as Election Workers for the Town of Halifax, all terms to expire July 27, 2015:

DEMOCRATIC ELECTION WORKERS

Joan Burke	8 Rosewood Avenue
Andrea D. Delaney	145 Cranberry Drive
Paul Delaney	145 Cranberry Drive
Carol Keene	57 Thompson Street
Cathleen Miller	123 Palmer Mill Road
Lee Mulready	25 Lawrence Road
Gerald Schwartz	100 Cedar Lane
Judith Wall	27 Cherry Street

Re-Appointments - Election Workers

Moved by Roy and seconded by Garron, Board unanimously re-appointed the following individuals as Election Workers for the Town of Halifax, all terms to expire July 27, 2015:

REPUBLICAN ELECTION WORKERS

Marion Heath	7 Christmas Tree Lane
Barbara Merrick	87 Elm Street
Gayle Peck	82 Circuit Street
Richard Roche	503 South Street
Amy Troup	193 Holmes Street

Early Sunday Morning Opening/Package Stores

As of October 26th the State will allow package stores to sell as early as 10 am on Sundays. The Board of Selectmen still needs to approve this if a package store would like to open up earlier. Seelig suggested the Board could send a letter to businesses to see if they are interested and if there is the Board could hold a public hearing of some type or a discussion with the interested owners at one of their meetings sometime in September. Garron does not see the need to do this as people have six and half days to buy liquor and does not think the businesses will lose their customers. Roy stated that she does not want to see businesses to lose business if other package stores are going to open earlier. Seelig has spoken to an owner and he does not want to open but to compete with other package stores he may have to. Schleiff thought that it encourages drinking sooner and would like to see it stay at noon on Sundays. Garron does not feel comfortable about doing this and suggested not allowing them at this time unless there is a business who wants to come in.

SCHEDULED APPOINTMENTS (CONTINUED)***Dog Hearing – Tanya Bejarano***

At 8:20 p.m., in accordance with MGL Chapter 140, Section 157, Schleiff opened a hearing to address an incident where a dog owned by Tanya Bejarano and housed at 144 Cranberry Drive walked through the electric fence and had an altercation with another dog that was being walked by its owner, Theresa Donnelly. 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:

Jose Bejarano	Dog Owner
Noreen Callahan	Animal Control officer
Lisa McKay	Inspector of Animals
Theresa Donnelly	201 Cranberry Drive

Schleiff: Alright we have no complainant ... the complainant is not here.

Theresa raised her hand

Schleiff: So you're the injured party

Theresa: Yes

Schleiff: Okay so we're gonna let you go first. Don't worry about it

Selectmen Assistant: She didn't complain.

Schleiff: This isn't

Seelig: The thing is that

Garron: Investigating officer

Schleiff: Well I'm looking at complainant complaint and its its ya.

Noreen:

Okay basically we had Ms. Donnelly walking her dog her three year old Golden Retriever, Maddie, up her street on a leash and just before she got to Tanya Bejarano address at 144 Cranberry a dog was running loose a German Sheppard named, Gretchen, went after her dog. The dogs got in a fight and in the interim Ms. Donnelly fell. Both dogs sustained injuries. Two puncture wounds to each dog, one in the head one in the neck on both of them so they both sustained injuries. Tanya Bejarano stated that the electric fence might have failed that's why the dog was loose actually at a neighbor's house when the incident occurred. The dog was not licensed or and it was running loose at the time of the incident so I cited her for both and I gave her a citation. Due to the dogs biting one another I called the Animal Inspector, Lisa McKay.

Schleiff: You're up I guess

Lisa:

Originally I was going to just quarantine the Bejarano dog for the ... because originally we thought just Maddie was bitten which was the Golden Retriever but we inspected Gretchen and we found puncture wounds on her so I just went ahead and quarantined both dogs.

Schleiff: And how that ... it went well I determine.

Lisa: Ya everything went well both were healthy at the end.

Noreen:

I informed Mr. Bejarano that ya know a lot of times the electric fences fail. If the batteries fail they will get loose. Sometimes dogs will go right through the electric fence and they won't come back on to the property.

Garron: They come accustomed to the shock

Noreen:

And they get shocked I don't think it's very humane in my opinion but ya know they sell them it's not illegal but it doesn't work.

Schleiff:

So they won't come back on the property because they get shocked coming back over.

Noreen: Exactly, exactly. Some dogs know.

Schleiff: I'm loose I'd be out there loose as long as I could get away with it.

Noreen:

Exactly. But there are extenuating circumstances too like there were incidents prior to this with the dog and the two dogs and she ya know walks on there... the Bejarano family is alleging that the dog does taunt the one behind the electric fence and um that it urinates on their lawn. I mean I have no facts to this. This is what they're alleging what the Bejarano family is alleging so. I'm trying to weight both. If I have a problem I would try to avoid I know as a citizen you're able to walk but I think there's compromise that should be on both sides. So I leave it up to the Board to make their recommendation.

Garron:

Mike, I have a question if I could. What's the status of both dogs at this point in time?

Noreen: As far as I know they passed their quarantine period their alive and well.

Garron: Any licenses or licenses up to date

Noreen:

We we the Bejaranos did get their license shortly after the citation so I'm satisfied everybody has their licenses. That is the A number one thing.

Garron: Is this the first time that the license has not been issued on this fine?

Noreen:

No it's been issued before but they were like ... ya on this particular case.

Garron: Ok ok I just wanted to know if this was an ongoing thing. Thanks Mike.

Jose: Can I

Schleiff:

Hold on a sec we're trying to go through there and then we'll go to you and then ... do you have any ...

Roy: Not so far.

Schleiff: Alright um

Garron: Bejarano

Schleiff:

No I'm just ... when you walk your dog its tough when other when there's other dogs around. Its its ya I don't know my wife does it so it can get scary there's dog on their property they come darting off its more frequent then norm and we're getting to this point I don't believe electric fences personally myself I thought always retrain on your yard or fence or some other restraint. I mean nothings nobodys ever prove to me. This isn't the first time we've ...

Garron: No we've had issues with electric fences before.

Schleiff:

So would you even consider as an ACO to even is that something we even want to ... I don't know where we stand on.

Garron:

At this point it's the persons legal right to use them. One of the responsibilities with the use of it that in fact works and that the dog does not come accustomed to it and just leave the property. I think our issue right now is that have there been other instances where the dog has left the property with the electric fence that you have calls that you have never received any calls or anything?

Noreen: I have not

Garron: Ms. Donnelly here shaking your head yes.

Theresa:

About a year ago I was walking about seven o'clock at night, I do twelve o'clock seven o'clock every day and people see me up around the corner and about a year ago I had seen Gretchen on her sidewalk off of her property. So I as an animal lover and I volunteer at an animal shelter three days a week. I thought I was doing the right thing by letting going back heading home and going up the side of their yard just to let Tanya know that the dog was off the property because if anything happened to the dog and I didn't speak up and say anything I would have felt bad. So at that point I take responsibility that I was on their yard again away from where the dog was even near and at that point before I knew it when I told Tanya and her children that the dog on the lawn she came and attacked Maddie. But like I said I thought was doing the right thing by informing them.

Roy: This was a year ago or was this ...

Theresa:

Well ya right this was probably about a year ago and then last two three weeks when I was walking the dog about twelve thirty in the afternoon from that point on I would always make sure that the dog was on in their yard after that instance and again I walk right at the edge of the lawn which is owned by the town on the sidewalk it's a public sidewalk I always would make sure that that dog always in the yard and it just so happened that three Thursdays ago when this incident happened I didn't see the dog anywhere so I thought to myself maybe the dog was out in the backyard no problem so I come around where Luanne Tellers lives on Cranberry Drive and before I knew it I could see in a distance that Gretchen was near Louann Teller's driveway so at that point I grabbed my dog and we started heading back on the other side of the street. We get in front just before Tanya's house and all of a sudden I hear the chain wrangling around her neck. I'm thinking oh my God she's gonna come and attack my dog at that point I thought what I was doing was the right thing I took my shoes off and started running because I did not want my dog my dog attacked by the dog. I take ... ya okay but that was my instincts to get away the reason why did what because no neighbors were around in that area and I couldn't even run to anybody's house to get away from the dog. If I ran behind someone house the dog would have probably followed me back there okay. So I thought I was doing the right thing by running. I got past Tanya's house and I stopped and said so I stopped and I yelled I said Gretchen go home she was at her driveway at that point Tanya heard me yell she came out of the house and Gretchen at that point was walking by driveway walking by the front lawn and as soon as Tanya was exiting off the lawn the dog just pulled straight across the street and attacked my dog. That was the (in audible).

Schleiff: Okay

Roy: May I

Schleiff: Go ahead

Roy: So it's happened twice

Theresa: Twice, twice she attacked

Schleiff: The first time it was

Noreen: did you bother to report the first one?

Theresa: Well no like I said I just wanted to

Garron: She just ... on this particular issue she to edify my thoughts

Theresa: Yup

Garron:

The first time you went onto the property to let them know that the dog was off the property.

Theresa:

Yes because the dog was already off the electric fence at that point and she was a head of me on the sidewalk

Garron: Okay

Theresa: Past her house

Garron:

So you went ... the dog didn't come off the property that particular incident but it did attack you.

Theresa: No it was off the property the first time

Schleiff: But you went on the property to let them know

Garron: That's when the dog attacked when you were on the property.

Theresa:

To let them know I came around the side of the yard so the dog was behind I knew enough what I was doing cuz I've had animals for thirty years of my life but I knew enough that I didn't want the dog to see me I wanted to let the people know that the dog was off the property and if by chance that the dog got away cuz as an animal lover myself I just wanted to make sure that she knew that the dog was off of her property. That's the difference.

Garron:

I just have one last question ... what's the relationship between you and the Bejaranos?

Theresa: Where just where good friends neighbors ya ...

Jose:

Wave ya know thanking you for doing that and yes she's correct she was walking her dog and I didn't witness anything I was at work I got the phone call. Now ya know and I know she walks three times a day.

Theresa: Twice about twelve to one and seven o'clock that my time oh sorry.

Jose:

And that's fine and that's great that she walking the dog. All in all with all due respect we've been we've been there twenty four years.

Theresa: Yes

Jose:

We've had dogs dog going to obedience we had electric fence and it's not ya know the dogs fault it was human error. We once in a while forget to check the battery that's our (in audible). The fence does work for us anyways and Gretchen trained and this is and I don't know what happened but I know Gretchen's number one gone through obedience she's trained not to pee in the yard or poop she goes in the woods. So maybe she was upset I don't know ya know another dog coming in our yard I'm not sure. But she's (referring to Theresa) very good I know she goes around and pick anything up that the dog might do. So she does all the right things and it was just an unfortunate accident that the dog ya know because of our mistake got out of the yard and it did that and it happened altercation happened and Tanya when I asked her cuz they called as soon as ya know she walked down she said Gretchen in the yard and I believe she ran right up into the yard. So I don't know if it was because the kids were outside and she was being protective. Ya know with our kids we've had dogs Gretchen for nine years we have children we have ya know jumpy birthday parties. Good temperament dog. Some hard words there vicious is not that's not my Gretchen but she does let me know if there's an animal or something.

Garron: She's territorial.

Jose:

Ya. She would do that. So I don't know if she was trying protective or if she was upset because ya know someone was peeing in our yard I don't know.

Schleiff:

If they're in the yard you say they'd that dog would leave the yard to go after them?

Jose:

No no the dog when they walk when she walks by with the dog I mean you see her goes she goes up top but she's up top watching them walk by.

Schleiff:

I would ya know I mean if that fence I'm not exactly one hundred percent sure how the fence but you reach a certain point.

Jose: Right right.

Schleiff:

They train you to a certain point but if you feel a shock and you go barreling through it that shock is only instantaneously you're out and once you start learning that you're gonna ...

Jose:

Right my dogs not that smart. Once she has that shock she actually she wouldn't leave she would just pull back.

Schleiff:

How long have you had ... well the dog doodling along ya.

Jose: Ya

Schleiff:

But it there's something going around a squirrel or something just triggers the time of day she's been lying around all day nobody's paying any attention full of energy you could dart through that fence and when if how long have you had that fence.

Jose:

We've had it we've had it I think we've had it before Gretchen we had another Shadow another German Sheppard.

Schleiff: I'm talking this specific dog.

Jose: Nine years so we've got the fence for nine years.

Schleiff: Ok and this and this dog been through it twice.

Jose:

Well I don't know like I said because not being not checking the batteries I mean she does not got through it she knows the territory she so she's smart enough she wouldn't go she wouldn't need the fence because she'll stop.

Garron:

May I just ask a question? You walk your dog everyday twice twice a day

Theresa: Yes

Garron: 365 days a year.

Theresa:

Yes I do...well other than the winter time I have a fence in my yard that I put up for the dog other then when it snows.

Garron: Okay but during the summer months for at least ninety days or better

Theresa: Yes I'm (in audible)

Garron: You walk ...

Jose: Fence well that shows you then

Schleiff: One at a time

Garron:

So out of out of the nine years you had the dog the dogs been off the property twice. Unfortunately he was in the vicinity both times.

Theresa: Both times.

Garron: Okay so you can understand why she's upset.

Jose: I do I know I understand that.

Garron:

In fact that I try and ask so many things walk the dog because that's even though it's a small amount it still serious enough because the law requires that your dog be restrained at all times on your property and that it doesn't impede anybody else from using the public way. You have to admit the dogs been off the property twice whether the battery went off the dog went off those are the facts that we have to deal with. Okay so I don't know where the rest Board wants to do with this Michael but that answers to my question okay.

Roy: Do you know for sure it was because of the battery?

Jose: Yes

Roy: Why? How do you know that?

Jose: Because we tested it.

Roy: Oh you did

Jose: Yes

Roy: Okay. The dog was not licensed.

In audible

Roy: Okay so it's always has been like okay.

Jose: Licensed and she's up on her shots and she's up to date.

Schleiff:

That's a scary thing with the charging after I mean ya know I wouldn't mind it but

Jose: No I understand

Schleiff: But ya go ahead

Theresa:

Now I avoid going I go off the sidewalk or go across the street but I'm still nervous.

Schleiff: Right

Theresa:

If I don't see that dog in the yard how do I know she's not going to be coming around the corner on Cranberry Drive.

Schleiff: And you seen that before.

Theresa: I have and it is a fear everyday twice a day ya know.

Jose: I understand that

Theresa: Ya know

Schleiff: These animals they look forward to it and you're allowed to do it.

Theresa: Right

Schleiff:

And what if one days its ya know there's a little kid that might look like another dog I don't know how do they look two dimensional I don't know.

Theresa: And there's no neighbors.

Schleiff: It's a concern. It's a big concern

Roy: I think Lisa actually had a statement.

Lisa:

Ya I just wanted to say that when I went up to Gretchen to quarantine her Tanya had her on a leash and I called Gretchen to me but she back up and I was oh is she afraid of me and Tanya mentioned no she's afraid of the fence. So she wouldn't even come to me I had to go on the electric fence perimeter for her to come to me. Um so I mean I don't know if this dog had activated her to go through it but both animals were around she wouldn't come even (in audible) what so ever.

Roy:

Okay so I bumped in Noreen the other day and I asked her specifically about ya know if a dog gets zapped when it goes through the fence does that make it seem like ya know make the animal feel like it can just go through it again but now that you've explained to me that you know for sure that the battery wasn't working that you may feel a little bit more confident that the dog hasn't defied the ya know the zap and gone forward that it was really a human error that there was no battery. So I guess a dog would get upset if your dog is doing something to the lawn but it's a public ya know you have every right to walk your dog back there. But do feel that your dog normally stopped and did his business specifically there.

Theresa: No not at all.

Roy: Oh okay

Theresa:

Not at all no she goes right around the corner where there's all dead grass that's why I walk up there twice a day.

Roy: Okay perfect

Theresa:

I don't go anyways along if she did happen to stop on somebody's lawn I pick up I pick up the poop.

Roy:

No I'm just trying to figure out if this dog been sitting there ... I can't stand that dog

Theresa: Nope not at all. Nope not at all

Garron: Territorial warnings.

Roy: No no no I didn't know cuz maybe ya know.

Theresa:

Right next to their house there's a lot of dead grass that's where I take her and that's how I trained her.

Roy: Okay.

Noreen: Both dogs are very very friendly.

Roy:

Right I'm just trying to figure why she was specifically start charging you when she wasn't even at her property.

Theresa:

Well my thing was that I thought the dog well like he was saying earlier that for the dog to go back to the house meaning she was probably going to be afraid to go back on the lawn but like I said I just saw her walk by the driveway walking right on the sidewalk coming towards us and like I said as soon as Tanya came out of that house she was I was already across the street at that point and she just came and attacked my dog.

Roy: Do you think cuz Tanya came out that she was feeling extra protective.

Theresa: I

Roy: It doesn't matter she shouldn't have done that.

Schleiff: Ya

Jose: I wasn't ... She came after the dog?

Theresa: Ya

Jose: Were they sniffing each other

Theresa:

No not at all no because as soon like I said she was walking by the driveway as soon as cuz I yelled like if I yell by Luanne's house you'll know.

Schleiff: You gotta direct to the Board.

Jose: Oh ya I'm sorry

Schleiff: Just to keep it even though you're talking and you're neighbors.

Jose: I understand I have no problem I just ah.

Schleiff:

I just think ya know once that thing breaks through the electric fence whether the battery dies or not just to me its concern that ya know I'm not confident that these electric fences are a hundred percent. There's no other way to even know dogs off the property if nobodys even there at the house to see the dogs off the property that's a problem for me as well. I don't what the rest of the Board feels. Once they start breaking through this fence whether it's the batteries or now they're starting to go through it they're gonna probe that fence they're going to keep trying to do that.

Jose: I have a pen as well.

Schleiff:

And I'm ... hold on ... and ya know she's already adjusted her way of going around the neighborhood or walking her dog and she's in fear of it. I don't think that fair either. So I don't know what the rest of the Board ...

Garron: Ya know

Roy: Can I can I ask a question.

Garron: Go ahead Kim.

Roy:

So is your dog let out at the beginning of the day and she just sort of hangs out outside most of the day is that ...

Jose: Yes yes.

Roy: So even when you're not home the dog is free in the back yard.

Jose:

She always ... now what we're doing we're we have a pen as well but she like to be so she is she likes to be in the yard and roam so but now we're we're adjusting as well so now we have the dog in the pen a little bit more so then before and in the house and when she is out we do supervise as well when we're home.

Roy: Ya

Garron:

Let me ask you this question. Do you walk your dog the same time every day?

Theresa: Yes I do that's how I trained the dog.

Garron:

The key if you know the certain time she going to be coming by maybe getting in the habit of putting the dog in the pen.

Jose: Ya that would (inaudible) same time.

Theresa:

Ya. Like I said when I don't see her out there especially in the afternoon if I know you guys are not there with the cars everybody else around me works I just I just I just been afraid from last week since she was just let out so.

Schleiff:

That's okay no no its hard cuz you try and work this out trying to be good neighbors.

Theresa: Ya

Schleiff: Believe me we appreciate this.

Theresa: I know there no ...

Jose:

It just that it happened I feel terrible and we all did and I just don't understand she's a very friendly dog.

Schleiff:

We we got to make a decision here and we don't ever want to see this come back because if we come back if it ever comes back its not we're not going to be as gentle as we are tonight about this. So we want to try and come up with some solution that everybody feels comfortable if you're not on the property that the dog is restrained fenced in or kennel when you're there ya know you're able to keep an eye on the dog a little better if ... obviously I mean everyday is different it's not every day same day same hours same thirty minutes or ten minutes. You don't need to have that restrain worry on you in my opinion also so in order for us to feel comfortable with this electric fence if you're not home or on the property we rather I would like to see the dog penned or some other form of restraint beyond the fence. When you're home then you are able to know that the batteries are going to be tested more and then feel comfortable that your there so you can keep an eye on him and you can enjoy it because he's is a bad doggie he got off the property it's your fault by not checking those batteries and it shouldn't be ya know it shouldn't have got off and if he's trained to stop whether the battery works or not that training didn't work. So I would feel more comfortable having that type not relying on electric fence ya know maybe ya during when you guys are home I mean I don't know what the ACO might say or the rest of the Board would but myself if you're home he's running around you kind of keep an eye on him he's a child he's not very smart like you said I feel a little better if he's penned or restrained physically or manually somehow when you're not away and when home ya know all right free time with the electric collar. I don't know maybe is that a good split?

Garron:

Well I have one question to ask. Has there been any other incidence with any other dogs or any other person in the neighborhood with your dog?

Jose: No

Garron: Do you have any problem?

Theresa: No (in audible).

Garron:

Okay then I would support what Michael had said like hinted to her earlier when she said she walks certain periods walks the dog certain time day is that the dog be restrained at that time in the pen or in the house and as Michael said if you're home and somebody's out there supervising the dog so that it doesn't get off the property for some reason it changes. I don't know if that's possible. How old are your kids?

Jose: My youngest is ten, my oldest ...ten, fourteen, sixteen.

Garron: I met your kids didn't I?

Jose: Yes softball

Garron: Softball. Then so it sounds reasonable Mike. I would support that. I don't know what Kim wants to do.

Roy:

Okay I just want to clarify what you're saying. When no one is home at their house then the dog must be in the pen or in the house.

Schleiff: Or restrained in some fashion.

Roy: Right

Schleiff:

If they have a runner or some sort of back up that it's not wandering off. Cuz I mean you guys could be gone for hours.

Roy: Okay

Schleiff:

And that dog could be roaming. Not to say he going to do any damage but still there's a leash law so.

Roy:

Right so I just want to okay we agree on that. The part that I'm sort of gray on and I want to understand is if they are home then the dog ... if it's around the same time the neighbor's typically walking their dog that the dog goes in the pen or in the house but if they're home and it's not within the walking period that the German Sheppard can be in the backyard with even people in the house or do they have to be in the yard?

Schleiff:

I don't if I would go that far as to base off her walking because it could be any dog walking around really.

Roy: Okay so

Theresa: Which there are quite of few dogs in the neighborhood.

Roy: Okay all right just want to make sure.

Schleiff: just maybe your dog really likes that dog

Garron: You got two German dogs that don't like each other.

Schleiff:

Right but I mean right just just if you're saying tonight you're aware of it and you be conscious of it to try at least ya know in your home your kids okay watch the dog let's just kind of keep an eye on him or if not comfortable to watch him we're gonna do something football or something then bring him in or restrain him. Ya know just kind of feel her out because really don't want to have you guys come up again. She shouldn't have or anybody in town in fear of dogs German Sheppards I mean they're ya know I've seen Hogan Hero those dogs.

Garron: Used to breed them

Schleiff: So I think ...

Roy: Okay so

Schleiff: That's the way I was looking at it.

Roy: So okay Noreen I'd like to hear your recommendation.

Noreen:

I agree with your recommendations. You've got to have a backup plan. It's not one hundred percent. This is twice three strikes. I agree and just really pay attention now your awareness level should be up this high and if she's walking avoid it bring him inside. If you think you can control him then the anxiety for

both dogs is going to be diminished especially if its only two times a day you get an idea twelve o'clock.

Theresa: Between twelve and one and seven o'clock.

Noreen: Seven o'clock and eight?

Theresa: About seven seven-thirty

Noreen:

Seven to seven-thirty twelve to one around that time if we could ya know just compromise a little bit. Really pay attention to that dog make sure it does not leave the property.

Roy:

And I do just want to mention again this is the first time that we've learned that this is the second thing

Noreen: Exactly

Roy: So the fact that the battery ...

Camera man had to change the film

Roy:

But I do think it's a serious thing that we would appreciate if you could really keep an eye on that. And we do not want to beat up a breed but they are frightening looking dogs.

Theresa:

Would Gretchen do good on a runner at all versus the fence.

Schleiff: All right well

Theresa: Oh I'm sorry. Okay ya I'm just wondering if Gretchen would

Schleiff:

He has I mean he knows where we are this is I think where we're going with this vote I would like this handled and obviously he can give him a bigger pen you can do all kinds there's all kinds of stuff these days ya know but this is how I feel I think this is ... are you along that line Kim?

Garron:

What I would like to move is that the dog be restrained either in the pen or in the house during the hours between noon and one and seven and eight or whatever time it is. That if the dog is loose in the yard that someone's out there supervising it during the period of time. And that if you are not at home that the dog restrained in pen or in the house. Is that basically what everybody ...

Roy shook her head

Schleiff:

ya I mean I don't know if it need to be watching staring at the dog with the dog in the yard the whole time as that wasn't what I was saying I just want somebody to be there kind of watching.

Garron:

What I am saying is that and I know kids they're told watch the dog okay and all of a sudden a game comes out or the TV comes on and it changes ya all I'm saying is that there needs to be some thought that's the dogs out there it needs to be watched because I know we can't cover all incidences but I just don't want to see someone other than the dog get seriously hurt or you wind up having to put

the dog down or pay other fines and stuff because that's what I we're trying to prevent here ...

Roy: I know it's a tough ...

Schleiff:

We got we got two more we got to look at next week and I just heard one on the radio a lady got bit had to go to the hospital. So we've had enough of this. So you kind of maybe got under the wire with us so.

Garron:

We don't have dog problems we have people problems because people don't do the things they need to take care of their animal that they're responsible for then it becomes a problem with society.

Schleiff: Do we have ...

Roy: You made the motion I'll second that

Schleiff: Charlie did we get that down the exact thing do you understand?

Seelig:

Nobodys home the dogs physically restrained meaning in the house in the cage or on a runner it has to be physical restraint. Someone's home the dog can be within the electric fence.

Schleiff: Monitored

Seelig:

It would be extremely helpful that during the hours when the other dog is being walked that they be more observant during those times.

Roy: Thank you

Seelig: That's it.

Schleiff: Does that sound good

Theresa: That's good that's good

Garron: That reasonable

Roy: I think that's fair

Garron: It's as fair as short of saying they're selling stockade fences.

Schleiff:

But no sometimes you hate to say fences make good neighbors you don't want to have to go there right?

Garron:

And I say this whole heart saying that I was on this side on that side of the desk with my dog at one point.

Theresa: Ya

Schleiff:

And sometimes I think I'm on the wrong side I know how you feel. Anyway so we have a motion and a second any further discussion all those in favor.

Garron: Aye

Roy: Aye

Schleiff: Aye

Schleiff: So we'll be sending out a letter with that.

Garron: And thanks for being good neighbors

GENERAL MAIL / DISCUSSIONS (CONTINUED)Recycling Fee

A new recycling truck will need to be purchased in FY2017 and in August of 2013 a quote was given in the amount \$219,000 for a new truck. Schleiff did not want to raise the fee. Sandy Nolan stated that some maintenance on the building was done and also an oil burner so that took away from the retained earnings. Seelig suggested increasing from \$38 to \$40. Roy said going up the \$2 dollars may be better because if we have a bigger deficit might have to be raised next year and she rather do it in \$2 increments as opposed to having to increase it next year by \$4. Again Schleiff felt it should not be raised. Sandy stated that it is not an issue to keep it at \$38 for another year. Garron suggested go up to \$39. Schleiff again said he was okay keeping it at \$38 and they can see how it plays out. Roy said that is fine as long as we keep in mind that it could be bumped up more next year.

Moved by Roy and seconded by Garron the Board unanimously voted to keep the recycling fee at \$38 for FY2015.

Council on Aging Van/Backing Up

There has been another accident where a municipal vehicle hit a parked car while backing up. The van was damaged and the report states that the other vehicle had some scratches, but no significant damage. Incident reported has been sent to the to the Town's insurer. Schleiff asked if there were any corrective measures they can do for the person that does this and they really need to watch what they are doing as this happening to frequently. He added that they should not have a problem with backing up and they should be held accountable. Roy said that Fire and Police went through Miia for driver safety and we get something back. Garron said if we were to hold them responsible we need to offer some type of training such as sending them to a truck-driver training school and Schleiff said that maybe something to think about.

Site Plan Reviews

320 Monponsett Street – used car sales lot and garage for auto repairs

150 Industrial Drive – food take-out establishment

The Board may wish to review the plans for both locations listed above and they can be discussed on August 26th and provide comments to the Planning Board by September 1st as it will be easier to do this now than require changes in the site plans when the applicants approach the Board for a license (Class II for 320 Monponsett St. and common victuallar if seats at 150 industrial Dr.). More plans can be requested if need be.

On side note Garron wanted to say that Dick Steele was not aware of the benches being put in up at the HOPS playground so going forward could we let Youth and Recreation know.

Earth Removal/Turkey Swamp

Barry Gates has written to say that he continues to work on his application and will have something within ten to fourteen days.

What's New in Municipal Law

There will be a meeting on October 2nd in Randolph. Pre-registration (\$50) is required.

Dog Bite – 100 Industrial Drive

Non-employee goes into restricted area and employee's dog (leashed) bites him. No hearing needed.

Dog Bite - 69 Twin Lakes Drive

Dog gets off leash/run and bites painting contractor working on property. A hearing will be scheduled.

Walk-a-Thon

Moved by Garron and seconded by Roy, the Board unanimously approved Mr. Unwin's request for a Walk-a-Thon to benefit the Jean Unwin Memorial Scholarship Fund.

SCHEDULED APPOINTMENTS (CONTINUED)

Continuation of Fuel Storage Permit Revocation Hearing - Kozhaya Nessralla

Schleiff said that Mr. Nessralla called him a week ago and he caught up with him yesterday and told him to talk with Treasurer/Collector Kathy Shiavone. Mr. Nessralla said he is strapped out and does not have the money. Schleiff wished that he showed up this evening.

Roy stated that he a great man but he cannot be treated any different than anyone else and she has a problem with him not coming in or talking with Kathy as he should have reached out to her because it would have made a world of difference. Although she was glad that he contacted Schleiff and continued to say that the Board cannot start picking and choosing who we collect from. Schleiff agreed with Roy and asked if we have done this in the past? Garron also agreed and was upset that he is not here pleading his case.

Seelig stated that there were a couple of options one to leave things as they are or continue the hearing on August 26th. If the Board does not want to do either then Seelig's recommendation is to revoke the fuel storage permit. Mr. Nessralla has an agreement with the Treasurer-Collector which is payment of \$500 by August 25th, \$500 by September 25th, \$10,000 by October 25th and \$2,000 by the 25th of each subsequent month

Schleiff ask what happens after the Board revokes it and Seelig said that the Fire Chief is contacted and then he notifies Mr. Nessralla. Seelig added that his letters were not having a significant affect and suggested he could go down there.

A decision was made to revoke the fuel storage permit this evening as he has been given ample time to rectify this matter.

Moved by Roy seconded by Garron, the Board voted as follows to revoke the fuel storage permit held by Kozhaya Nessralla:

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

Roy asked if a letter could be sent to him about the sign at the corner of Hemlock Lane and Plymouth Street and Seelig said yes.

Moved by Roy seconded by Garron, the Board unanimously voted to send a letter to Mr. Nessralla regarding the sign and to include in the letter that if not changed within two weeks the Board will take the sign down.

EXECUTIVE SESSION

Schleiff announced that no statement would be made at the end of the Executive Session and the Board would not reconvene in open session.

Moved by Schleiff and seconded by Garron, the Board voted as follows to enter into Executive Session at 9:43 P.M.:

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

Seelig stated that the board will be discussing Collective Bargaining for the School Custodial Contract in executive session.

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 10:45 p.m.

Troy E. Garron

Clerk

/pjm