

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, JULY 26, 2011 - 7:30 P.M.
SELECTMEN MEETING ROOM

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

The following business was discussed:

AGENDA

The Agenda for Tuesday, July 26th, was unanimously approved without revision.

Halifax Girls Softball – 12A Hurricanes

On behalf of the Board of Selectmen Garron wanted to congratulate the girl's 12A Hurricanes softball team on becoming the New England Regional Champions and wished them luck heading as they take part in the Babe Ruth Softball World Series in Annaloosha

Alabama. Schleiff mentioned that there will be a fundraiser held this coming Friday at the elementary school parking lot. Roy also wanted to state the wonderful job the Police, Fire, and Dispatchers did this past weekend regarding the numerous emergency calls that came in because of rain storm we had this past Saturday.

SCHEDULED APPOINTMENTS

Swearing in Jeffrey Cuozzo – Fire Captain

Schleiff turned the meeting over to Fire Chief Carrico for the swearing in of Jeffrey Cuozzo to Fire Captain by Town Clerk, Barbara Gaynor. Carrico mentioned that it was an honor to promote Mr. Cuozzo to Fire Captain. Cuozzo's family came to witness the swearing in and pictures were taken. The Board extended congratulations to Cuozzo on his accomplishment.

Carrico also wanted to ask for the Board's permission to use the front steps of the Town Hall for this years 911 ceremony that is planned for Sunday September 11th at 1:00 p.m. (if it rains will be held inside at the Halifax Congregational Church). The Board was more than happy to allow the ceremony take place on the steps of the Town Hall.

Dog Hearing – Joseph / Brandeis Circle

At 7:45 p.m., in accordance with MGL Chapter 140, Section 157, Schleiff opened a hearing to address a complaint of a dog "Odie" owned by Chrystal Joseph and housed at 52 Brandeis Circle being loose and defecating on neighbor's property. The hearing was held at the request of Alison Maher of 65 Brandeis Circle (copy attached hereto as Exhibit A and made an official part of these Minutes); therefore, testimony by Maher was mandatory.

Schleiff stated that he would like this to go as smoothly as possible and give everyone a chance to speak.

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

Alison Maher	Complainant
Dan Maher	65 Brandeis Circle Resident
Ann Marie Maher	65 Brandeis Circle Resident
Christine Tomasello	72 Brandeis Circle Resident
John Tomasello	72 Brandeis Circle Resident
Victoria Joseph	52 Brandeis Circle Resident
Chrystal Joseph	Dog Owner
Thomas Hammond	Animal Control Officer
Anne Brown	Animal Control Officer

Schleiff opened by asking if anyone was familiar with the town's by laws nuisance by dogs 82-2 running at large 82-1 has anyone had a chance to read these. He asked if anyone has read the by laws regarding dog. The dog owner is aware of them and Alison Maher said that she has not read them.

Schleiff then reviewed all the paperwork that was submitted regarding this hearing, and started the hearing with the Animal Control Officers.

Brown:

Her partner and herself have been called out a few times to go and handle "Oldie" who is the name of who is the dog the husky that we are talking about tonight. There are nine call documented in the police logs starting from May till July 5th that have been called in. We have actually been called out on three occasion for this dog, we have issued three citations, they have been for lease law violations and unlicensed violations. I guess there is another incident involving the Officer with clean up with "Odie". We were not present for that particular confrontation but we did follow up with the dog for violations of being loose and stuff.

Schleiff: You went out there on how many occasions?

Brown: Three occasions

Schleiff: We have how many dispatched?

Brown: There are nine logs.

Schleiff: Okay.

Brown: Nine officer logs including the incident.

Schleiff:

Now when you went out there on each of these occasions what did you see on these occasions?

Brown:

A fellow officer had picked up the dog. I was called out at 10:00 at night for Odie and he had been transferred from a neighbor that had been holding him to the

Officer until I could get there and then the officer gave him to me. I put him in the pound and released him the next day. Prior to that my partner had been out on two other occasions to pick him up for being loose and we had released to the custody of Ms. Joseph three times. We had asked that the dog be registered because he has not been registered with our Town Clerk in several years. She is current with her rabies vaccine and I do believe as of tonight she has taken care of payment of her citations as well as her licensing bill so she is currently licensed.

Roy: In full?

Brown: As of right now.

Schleiff: Does anyone else have any other questions?

Garron:

Other than the dog running loose have there been any complaints of the dog biting people or chasing people down the street?

Brown:

We haven't had those type of issues. Just, from my reading of the logs we have the dog defecating on the lawn of a neighbor and that have escalated into a pivotal point now that the police have been involved as well as us. We have not had any...He is a nice dog not a nasty dog he is well loved and cared for, that part is obvious but some where in the responsibility of keeping the dog off of other people's property as well as keeping him leashed has become a issue.

Roy: So Anne, the dog is at least eight years old.

Brown: Yes

Roy: And has never been registered with the Town of Halifax?

Brown:

He had previously been registered, he has not been registered since 2008 and now he has been currently caught up, this evening she (gestured toward the Joseph's) caught everything up.

Roy:

But we want to recognize that he not been that the license has not been renewed since 2008.

Brown: Correct

Roy:

And this is a dog who I believe from the notes, has never, is used to having the run of the neighborhood for eight years.

Brown:

That is my understanding. Speaking with Officer Sterling, there is statement that states that the dog has not been leashed for eight years.

Roy:

So basically what we have is a dog has not been licensed since 2008 and has been running the neighborhood, running around and digging up mulch and using the bathroom on people's yards.

Brown: Yup

Roy: Okay. Thank you.

Schleiff:

That's basically your understanding of what you have been told about the animal? There are no other previous complaints... up until

Brown:

Not that I have had. I went back for three years and did not find anything. Since May it started actively.

Roy: And we have picked the dog up two or three times?

Brown: We have picked the dog up three times and issued three citations.

Roy: Okay so the dog has been loose at least three times... that...

Schleiff:

We are going to Tom next. Tom do you... have a problem... we have the officer...

Hammond:

Actually I was the initial investigator. I was the one who picked up the dog the first time. I had Chrystal come to the station and pick up the dog at the station. At that point in time I asked her if the dog was licensed and had it's shots and she told me yes, and I said okay, this is the first time, and for that reason I won't write you a citation. And then we went beyond that and we went to two more citations after I picked the dog up once more and Anne picked the dog up. But I did physically see the damage to the Maher's property. I was down there several times. I was investigating complaints in that neighborhood, there was another complaint going on and I would stop by and it was a thing where would constantly try to capture the dog. The dog was... the observation was that dog was coming down at night doing its business in digging up in the flower garden then leaving, that's how we pretty much got a hold of it all. So it came out to three times capturing the dog, one time for not licensing. I actually spoke to the grandmother on the phone in the presence of the Selectwomen in the police station, and in that conversation I said to her the resolve to this whole problem is if you contain your dog on your property you would never see the Mahers again

nor would you see the Animal Control Officers. That was my last conversation. That's pretty much it.

Roy:

So it's your testimony that they originally told you that the dog was registered but that was not true?

Hammond: Yes, yes they did.

Roy: Thank you

Brown:

One more thing that I would like to add, is that also one of the conditions of releasing him on the 5th he was picked up, the 6th he was released, it was a condition that she go up to the Town Hall the next day and have him licensed and that was not taken care of until today.

Roy: Until today the day of the hearing?

Brown: yes

Schleiff: How long of a time when you told her till? Two weeks? A week?

Brown: I asked for it to be done the next day that the dog be licensed the next day.

Schleiff: So how long did it take? When was that?

Brown: That was July 6th.

Schleiff: So it took...

Roy: Twenty days.

Schleiff: Troy. Is the Patrol...

Garron:

In all honesty, I don't really need to hear anything else, it has been shown that person that dog has been running loose has been observed by law enforcement and other people that the dog has been running loose and it's not a dog problem it is a people problem. If you own the animal you need to take care of the animal and if you can't control it you need to get rid of it because it is not fair to the animal that's being prosecuted when it fact it is a human error for not dealing with the dog this type of animal can't be kept or the person can't control it you should find a better home for it. That's just reading the papers and hearing what's going on.

Schleiff:

Its seems to have roam of the neighborhood for a long time and then population people change, neighborhoods change, neighbors change and (inaudible) so anyways we have Officer Sterling here. You have done the narrative.

Officer Sterling:

Yes I was sent up to the residents on an animal complaint or turned into a complaint because she called up (gestured towards to Victoria Joseph).

Victoria Joseph: Because she abused me.

Officer Sterling: Said there was a bag of...

Victoria Joseph: Physical

Officer Sterling: Dog feces thrown in her driveway.

Victoria: With my grandson

Schleiff: All right I am just trying... We'll get there. So you witnessed.

Sterling:

There was a bag in the driveway. I spoke with her daughter and her mother and they were saying that Mrs. Maher had come over to the house and thrown a bag of dog feces on their driveway. She said she had children playing in the driveway at the time. I spoke with the Mahers afterwards, she said that there was no one in the driveway when she returned their dog feces, that the parties had followed her almost back to her house and that's where they engaged them in a conversation. Ah in speaking with them about their dog I was told that the dog has not been leashed for eight years and they were going to try and get some sort of animal fence one of the wireless fences.

Schleiff: Well thank you sir.

Roy:

Well, I just want to point out that in your report there was nobody got hit by the dog feces?

Officer Sterling: no

Roy: At all, correct? Thank you.

Schleiff:

All right the complainants we will listen to next. Okay go. I'm sorry what was your name again?

Alison:

My name is Alison Maher. I live at 65 Brandeis along with my husband, my mother in-law and my daughter. And just like Mr. Hammond said if the dog never came in our yard we wouldn't have a problem. In April my husband had part of his kidney removed due to kidney cancer and we had our yard landscaped. Everyday we had to go out and fix our mulch and pick up the dog's feces. Every single day, and I had gone up several times and asked them to, that it has to stop they have to keep the dog in their yard. To no avail. And yes there was a heated

exchange, I did pick up the poop and throw it in the driveway there was no one in the driveway. I could hear...

Schleiff: Was it in a bag?

Alison:

Yes it was in a bag. I could hear there were tons of people where in the in the backyard they have a pool. I would never throw it at a child like they're stating. It was not like that. They didn't even know I threw the bag of poop in their driveway until they followed me down the street screaming that I stole their dog. I said I didn't steal your dog. I said I threw a... and she said yes you did. No... I'm taking out some bad words on both sides because it wasn't a sweet exchange. The reason you saw me at the end of your driveway because I threw a bag of poop in your driveway. She didn't even know that I did it I had to tell her that I did it. And from there it was just a lot of screaming and yelling at each other. And then we went home and we both called the police. And so that's... And even after we went to court and the morning we got home from court there was dog poop in the same exact spot and the mulch was torn up. My mother in-law was with me and the dog hasn't pooped in my yard since July 12th but that's still a week after we went to court.

Schleiff: Why do you think it hasn't been in your yard since?

Alison Maher: I am not sure. I haven't gone that way.

Schleiff: You haven't seen the dog?

Alison:

No I haven't seen the dog. I haven't driven by ... there actually is a harassment order I am not supposed to go within fifty yards of their house, but I should tell you there a two pending lawsuits still against me. One claiming elderly abuse because of the grandmother and one Chrystal Joseph said that I assaulted her.

Garron: Mr. Chair

Alison: I didn't know if you needed to know any of that. I just wanted to...

Garron: That's really irrelevant to what we are talking about.

Alison: Right

Garron: That goes into the people side of it

Alison:

Right. I didn't know if you needed to know that. There is a lot going on.

Garron: I will say one thing that you realize what you did was inappropriate.

Alison:

Extremely inappropriate. Extremely and you know what... was I just heated and I shouldn't have done it. Would I take it back in a second if I could? Of course I would. I just... you know.

Garron:

I just have a couple questions. Has the dog ever tried to attack you or anyone else?

Alison:

The dog is the nicest dog. I'm not saying...

Garron: isn't chasing anybody?

Alison:

And you know what I wouldn't have a problem with it if wasn't tearing up my mulch and pooping in my yard. I would have no problem. He is a nice dog.

Garron: Have you seen the dog actually doing it or (inaudible)

Alison: Oh.

Garron:

No. That's why I'm asking because you're saying that your finding it but I need to know...

Dan: You look out the window.

Garron:

I need to know that you actually saw the dog so that we know in fact ... what's his name Odie?

Alison: Odie

Garron: Odie doing damage and not some other dog in the neighborhood.

Alison: Our neighbors have seen it and it was in the same spot.

Christine: I am just here. The dog is a great dog. I love the dog. I really do like this dog.

Garron: And you are?

Christine:

I live across the street. Christine Tomasello. You guys sent me a letter to come maybe I might want to be here. I just... I think... I don't understand what this meeting is gonna... Just get the fence and... I had to get one for my dog... get the electrical fence and I don't understand what this other stuff is about so I'm just here to support (gestured towards Alison Maher). She is a good person made a mistake.

Garron:

What it's all about let me explain since I'm the sitting person in this chair. This is just to make sure that things are done in the proper manner and rule and any indication that this is done the decision we make then puts the ones on the individual that owns the animal to do what's necessary or we can take other actions all the way to the point of maybe having the dog euthanized if it becomes that. I am just saying that is all within the purview of this Board. Not saying that it's going to happen but I'm telling you what can happen if the person doesn't follow what we administer at this time. We have not made a decision yet.

Schleiff:

There's town by-laws in place for nuisance in animals and that why we have Animal Control Officers to make sure that there are no nuisance you deserve the right to everybody's property but that's why you are all up here so we can see what we can do to get this...

Alison: Can I add one thing?

Schleiff: Sure

Alison:

They think their dog, on the heated day, their dog didn't do it and Christine was laying by my pool and saw Odie come into the yard and do it as well as my mother in-law.

Christine:

It was like clock work. I think the dog is, like an actor or something.

Schleiff: How long have you live in that...

Dan:

Me on and off for 35 years and her for 35 years (gestured towards Ann Maher).

Garron: So you're thirty six.

Dan:

I do want to go on record we have our own dog, I never once taken him out and not picked up whatever he left behind ever.

Schleiff: Good. We also have Chrystal Joseph. Okay, would you like to...

Chrystal:

Can I just clarify a few things? The reason he wasn't registered a few times is because I was doing split custody with my kid's father because it was both of our dog so he was in Plymouth half the time and I paying him to get him back and he finally said you know what just take him I can't afford to take him so I finally just got him back this year and I have the electric fence. I have pictures of the collar and when I ordered it. I have a petition from other people on Brandeis Circle that he is not a problem. When she approached me I apologized and I said I would take control of it and then started to take him under control. Like she said she

brought it up to me in May so it not like it has been going on for years and I started leashing him. The first time he got loose the runner snapped. I took pictures of it and went to the dog officer and told him I had pictures of it was really rusted and had to get another one and then the second time he got off was just switching from leash to leash my kids let him out by accident and he... he'll just run and the third time was in between training with the electric collar.

Garron:

May I ask you a question? During the period of time with this dog are you home? Are you working? Is there anybody home?

Chrystal:

I'm a full time student, but my sister is sometimes home and my mom so I mean as much as I try to lock him up and tie him up some people might switch him from leash to leash or try and let him out and he'll take off on them. So it's hard until I got the electric fence.

Garron: And when in fact do you think you have the fence?

Chrystal:

I ordered it June 30th. I told the dog officer that I was in the process of ordering it I needed to save the money. I am full time student single mom with two kids. I didn't exactly have the money to put it in right away.

Garron:

What are you doing with the dog at this time to keep him from running loose in the neighborhood?

Chrystal:

He has, he's on the collar and he took training pretty good after the first incident.

Garron: So he still not confined?

Chrystal: No he is, he is. That's why she hasn't seen him.

Garron: She said the collar

Roy: It's the electric fence.

Chrystal: It's the electric fence

Schleiff: The collar goes along with the electric fence.

Roy: Yes

Garron:

I understand when she thought the electric fence was going to be in she ordered on June 30th but nothing was said that you put it in.

Garron: You didn't clarify it with me

Chrystal:

Oh. I have pictures of the fence put up, him with the collar on, and the date I ordered it, the petition of every one on the list.

Roy:

I would actually like to see that if you wouldn't mind (Joseph handed papers to Roy). Thank you

(below Brown, Joseph, Schleiff and Garron were all talking at the same time)

Schleiff:

So in the meantime while you were waiting for this in the meantime what are you using to restrain the dog properly?

Brown:

When I picked him up in July the fence was not installed July 5th and I believe on the 6th it was not installed.

Chrystal:

I have the fence installed now that's why she hasn't seen him since the 12th.

Schleiff: Oh okay.

Chrystal:

The third time he get got out he was... he tried to run through and escaped

Garron: have you been back past there since?

Brown: No

Chrystal (continuing from above):

So I have been trying to be compliant with her. I have never had words with her and apologized every time and been doing what I could do. I don't deny him getting out. I apologized every time and I wouldn't have no problem going and picking it up.

Victoria:

Ya, we both, I'm sorry, we both had said that I apologized and actually told her I would come over and clean up the mulch or anything. We were in the process. I'm in school full time too and have my two grandchildren I am trying to raise so neither one of us have money so we were trying to get money up to get the fence and get her licenses paid and stuff. Everything is taken care of. We have never been confrontational; we have just been apologetic because it was our fault.

Schleiff: What does a fence like that go for? How does that...

Chrystal: Four hundred... four hundred.

Victoria: My mother bought it.

Schleiff: It's a specific area of the yard they put it on?

Chrystal:

You have to install it. It's pretty tedious. You have to dig up a trench and lay the wire and hook everything up it takes... it took about three days to install.

Victoria: But he has... he has... we have good sunshine. He has quite of bit of area now.

Schleiff: So they run by battery? I mean how do they...

Victoria:

No it's electrical. The things inside the garage. He gets shocked.

Schleiff: So the collar is...

Victoria: The first day was bad when he got shocked

Chrystal:

The collar will last six months and it's a LED battery so it works really good.

Roy: Anne has something to say.

Schleiff: I know I just want to make sure you had your opportunity to...

Brown: The way that... the dog fence that they have that they chosen is a good quality fence because I did see the particular type. The part that makes me fearful is the dog, the batteries, the responsibility to take care of the batteries and I think that we have a track record of the dog getting out of his area consistently and I don't think that... I think when they're there to monitor the dog that the electric fence is a great option for them but they have a extremely busy household by the sounds of things with multiple people coming in and coming out with children and things like that so I do think that we need to consider... the Board should consider a fortified kennel outside for..

Garron: you read my mind?

Brown:

...and having it locked. So that the adults only can move the dog. So that the battery does not become an issue because that is extremely common as well as, with this particular coat like German Shepherds, it's a very thick coat and it needs to be maintained. The area consistently shaved and maintained so that there is direct contact and that is some maintenance that needs to be done and I don't think without... I think there needs to be another step.

Schleiff: Chrystal are you aware of...

Chrystal:

I did. I shaved him. I know to charge the battery earlier. I'm very on it. I took the summer off from school and he's already pretty much trained. It's not hard to maintain.

Victoria:

And we did all sorts of investigating and once he trained they no longer have the collar they don't leave the area because they think they're gonna be...

Garron: Can I, can I... Nothing is fool proof

Victoria: Ya, that's true too. I'll give you that.

Garron:

If a dog... and I've owned dogs my whole life... I've trained dogs...German Shepherds attack dogs myself. Those collars are nice and everything else but even with the skin shaved if they develop a tolerance, that they gonna last a split second they'll be through the fence and be back again. So it's a good idea again but I really truly think that you ought to consider either a large crate or a fenced in area where when you're not around the dog could be put there and left.

Chrystal:

I keep him in my room when I'm not home I lock him in my bedroom so nobody can open my door and access him when I'm not there.

Brown: But it has been happening at night.

Chrystal:

That was before I left. I didn't get the fence until June. And when I spoke with you I just said.....

Brown: Ya but you didn't have the fence.

Garron:

Excuse me do you want to direct it this way (pointed towards the Chair, Schleiff).

Chrystal: I'm sorry.

Brown:

I'm sorry. It's been happening in the evening. I've picked him up ten o'clock at night so the dog has been out at night

Chrystal: Before I had the fence.

Schleiff: Was it before?

Victoria: Ya it was before. This all happened before...

Schleiff: Mr. Hammond, what is your recommendation?

Hammond:

I think Ms. Brown is right on track relevant to the collar situation. I think that this dog has a long track record or being a roamer now he is a eight year old and he is a beautiful dog, there is no argument there, friendly as friendly can be but the simple resolve of keeping the dog in the yard is a lengthy chain two clips and a

dog house it doesn't require electric fences or kennels. It's that simplistic. I've had this phone conversation I mentioned that earlier I said to Ms. Joseph I said simply contain the dog in the yard any way any means so it doesn't have to be elaborate. The electronic collars, I have a background like the good Selectmen in dogs. Electronic collars, once that dog learns the trick of defeating the batteries run down once he finds any given point in time you take the collar off he'll jump the fence. It's not a good option, it's a good option in a young dog that has no track record for roaming, not so much in a dog that's eight years old. My recommendation would be just contain the dog by any physical means and be responsible and that will end this whole problem. We'll all be happy.

Schleiff:

So they went out and had the expense of four hundred dollar electric fence. They did the training, um... would you suggest that maybe if there's one incident that this dog steps out of those bounds then you would...

Hammond: I would agree.

Schleiff: I would hate to see that they spent that kind of money and have to...

Hammond: I understand, again, again.

Garron:

I see one solution and I think and you can verify it, Chrystal, whether I'm correct or not. We have a fence up and when the dog goes out and roam on it's own if I were to make a recommendation now that the dog be taken off to do his business on the leash under supervision then take him back to the house to let him run loose...

Chrystal: That's what I do.

Victoria: That's what we've been doing.

Chrystal: I don't have a problem.

Garron:

I'm just saying I don't know these things. I'm saying because that's the best way. He's been caught at ten o'clock at night doing... I do with my dogs I have a fence yard and let him out and they come back but even the other day my son left the gate open and I had to go pick my little dog up. So believe me I am being honest he is licensed and everything else the fact is the fence was open the gate was open and he was gone so even the best trained animals.

Schleiff:

I am not even for taking your dog walking around and doing his business some where else because I find them in the front of my yard all time and walking down the street there's another one... there's another one. So any ways if you can have him do it in your own yard is where he really needs to be doing it unless you're picking it up some where down the road but...

Roy:

Well I guess for eight years it worked for them but I need to just point out that, the electric collar if that's the decision that we make then it has to stay on at all times, it can't be that once we think he's trained we'll take it off.

Victoria:

Now can I say something, I'm sorry, we have only lived there for five years we haven't lived there for eight years, I'm sorry.

Roy: Okay its five years. I'll correct it

Victoria:

And when she threw the feces that day when me and my mother were sitting in the yard, the officer did I showed him the bag and it was a tiny thing and I said you don't have to be a detective but it wasn't from my dog.

Roy:

But that particular day we have witnesses that did see him do that in the yard so...

Schleiff: It takes one time its all over again

Victoria: Oh I know I'm just saying

Alison: Can I

Schleiff: Sure

Alison:

It is to go with what she just said earlier, her and her daughter said we said we'd come pick it up and that's what I didn't want to get into... this isn't my dog's it's her dog's. We have it on video; we have pictures of her dog in action. I didn't want to get into going to her house and saying...

Schleiff: You didn't want to get into....

Alison: This is your dog's poop

Schleiff: Your dog... not my dog...pick it up... not pick it up...

Dan:

How comfortable would that be every day can you come down and rake my mulch and pick up your dog's ...

Roy: And your laughing about it and I think that's awful.

Victoria: everybody was laughing. I don't think it's awful.

Roy: You were laughing about it and I don't think it's funny

Garron:

If I could make a recommendation here because at least in my mind is becoming a ferris wheel that is going around in circles. I...

Schleiff: I just wanted to make sure that everyone had a chance to say their peace

Garron:

My recommendation is that as well as the electric collar being maintained at all times that the dog not be let loose even on the property unless it's supervised on a leash and should it be found off the property after this period of time, that other measures be taken other than what we've recommended.

Roy: Serious consequences will happen.

Garron:

Well, we have the ability to have the dog removed from the town as a nuisance, we have the ability to...

Victoria: Ya that's fine

Garron:

Put the dog out... so I'm willing to go with what I consider at least the beginning you have the electric fence, you have the electric collar that in fact the dog not be let loose on the property or off the property unless it is properly supervised under the leash laws, that at all times it be licensed and have its rabies shots.

Roy: That's your motion?

Schleiff: When your say...

Garron: That's my motion

Roy: I will second that

Schleiff:

So when you say let off let loose I mean with an electric fence the dog is maintained with in that electric fence area.

Garron:

I have no confidence that that will continue to be the case because the dog is eight years old and once and teaching an old dog new habits is very difficult and (inaudible)

Roy:

Oh then I am not going to second that then. I'm sorry. You're saying that they have to use the leash to take him out.

Schleiff: In addition.

Roy: In addition

Schleiff:

If they're taking the leash off... if they're taking the animal off the property then

Garron: On the property off the property

Roy: He's saying on the property.

Schleiff: What's the sense in even having the electric fence

Roy: I would say off the property

Garron: I'm not confident

Schleiff:

You're not confident the electric fence working for the dog when the one of the animal control officers...

Victoria: She has an electric fence. She just said she did.

Schleiff: So

Victoria: And I spoke to a bunch of our neighbors that have them too.

Garron: That's my recommendation.

Schleiff:

My thought is on this I said it before they went to the expense they shave the collar they're doing the training if the dog comes off that lot we're gonna go to harder measures I don't care if its one time the police get called. the animal control officers get called they're gonna investigate and find the dog was off or any of that we're gonna have to step it up.

Roy: Right

Schleiff: And then beyond that it becomes... we don't even want to go there.

Roy: I would go there but one time one time. I don't have a problem with it.

Brown:

I have to say in my professional opinion as not only a dog trainer, an animal control officer, or owner of several dogs that the electric fence with this particular family is great when the dog is monitored with them, when the dog is not monitored with this particular breed they are an extremely intelligent dog. My suggestion would be that the dog be mandated to have a leash on at all times that its steps out of that house.

Victoria: Why would she say something about my family?

Schleiff: No, no, no

Brown: I'm just saying

Schleiff:

Hold on, hold on, hold on that's the recommendation that's how she feels she's in the business. She's giving her honest opinion on what it is we are trying to come to a conclusion of this and we are going to momentarily. If we're comfortable that if you feel that that dog not ready go in yard with the leash and just keep watching it, keep watching it so after some time goes past you let him off the leash or you know what I mean? Just Please be very...

Chrystal: I never leave him alone

Schleiff:

If we decided to go with that without the leash on your electric fence section that if we go against the recommendation of one of our animal control officers...

Roy: Two of them

Schleiff: Well I mean

Victoria:

If that happens we'll get rid of the dog. I say that so... I'm not going to do this with the neighbors. I'm happy where I am. I (inaudible) all my neighbors.

Schleiff:

We see your trying you spent the money we just want to make sure that it stays on the property. We don't want to put you through any additional expense. We just want to make you aware that if the dog is off the property it becomes like any dog, not just your dog any dog in town that's running loose it's a nuisance its our obligation to do something about it. That's our burden and... so go ahead (motioned to Hammond)

Hammond:

I just want to reinforce the simpleness of this whole thing. All we're asking is that you simply restrain the dog and when we say leash it could be twenty foot length chain, two clips to a dog house. The dog can roam freely and that would maintain what were trying to do here. So it's not a question that we're asking you or forcing you to do something to your dog that you really don't want to do. All we're asking is, you contain the dog on your property. Okay. Thank you very much.

Schleiff: So Troy had motioned and I don't know Kim tossed around...

Roy:

I mean I was really torn. I don't really want to go against the experts of the animal control officers. I understand Ms. Joseph's point that other people have electric fences and it works for them and so I'm kind of torn to say lets just use the electric fence and the first time it's done. You know I mean I could go either way. I mean I respect our animal control officers and they have, you know they

have feelings about and they know a lot more about dogs than I do. About the behavior of an eight year old dog and the breed and so you know I'm leaning now actually toward supporting their request.

Schleiff:

Well I'm willing to let the electric fence lie with caution with monitoring with physically being with. If you see any indication its going to break loose get a collar get a runner get something on it right away that's how I would like to move forward with this. So really its...

Roy:

I'm gonna second Troy's motion. I motioned. I'm gonna second his motion and support the animal control officer's decision.

Schleiff: And that is

Roy: To make sure the dog is restrained even with the electric fence.

Schleiff: With a leash or chain or in addition to the electric fence

Roy: yes, yes, yes

Schleiff: I would have went that way if it was a vicious dog but it's a nice dog.

Roy:

But we don't want it to get hit by a car either. You know it's not just about that

Schleiff:

It's not just like... it's not getting off the leash and attacking anybody, it's a nice dog that's why I intended to lean without the leash because just... you know what I am saying.

Garron:

This situation has gone on for three years, at least three years, where the neighbors have put up with... have finally come to us. I appreciate the fact that the money has been spent. Please understand me, I'm an animal lover. But I think for you own peace of mind and for the peace of mind for the neighborhood you walk the dog on a leash when you let it out and everything else and you are in control it. If for some reason an accident happens and the animal gets off you have something to fall back on or for some reason the hair grows back underneath the collar or the dog gets used to the shock and gets out again your gonna have to get rid of the dog and remember, this is the human world animals are brought into it at our own discretion but you have to obey the rules of the towns society. The dogs been running loose... I am trying to give you the opportunity to keep the dog, this is why I gave the recommendation that I have and I don't think that it's a big thing. I go outside with my dogs when I let them out. I don't let them out by themselves.

Schleiff: So we have a motion and a second. We have a vote?

Roy: Aye

Garron: Aye

Schleiff: My opinion is a little different so I don't know if I should abstain.

Roy: Why don't you just vote no?

Schleiff:

Rather than a no because I really need to see the dog restrained... but to the level... I'll go along with the Board then and the Animal Control Officers and keep an eye on it. So that's a yes. We send out a letter?

Seelig: We send out a note to everyone, yes.

Schleiff:

On the decision tonight and hopefully this will solve the do-do problems and the...

Garron:

Mr. Chair, you realize you have the right to appeal (gestured to Chrystal Joseph) our decision if you want to take it to court or whatever.

Victoria: Ya a friend of ours used to be on the Board she told us that ya.

Garron:

Okay. Just so you know everybody's aware and if I may say from a personal stand point you're neighbors, you got to live together you don't know what's gonna come down the road. I would hope that you guys can iron this out and don't let an animal control what is going on in the neighborhood. Thank you.

Schleiff:

If it was a vicious dog it would have been a lot easier to do this than a nice dog... (inaudible)..... thank you all for coming in.

George Smith – Landcraft Corporation

Mr. Smith came this evening to describe the idea of a solar farm on the Haseotes property that is located on Route 58 at the Plympton town line. He has discussed this plan with John Peck, who is the manager of the property. The proposed site is approximately 14 acres of land on Map 105, lot 1 and 2 and is zoned industrial.

Mr. Smith has had some meetings with Tom Millias over the last year and Millias has indicated that a special permit would not be required for this use with current zoning. Smith is aware that he would need a site plan. He also would like to talk with the Assessor to get a feel regarding the tax.

He has been negotiating with Bridgewater State College and would like to obtain land here in Halifax and in Raynham.

Garron had asked why here and how would you get the wattage to the college. Mr. Smith went on to say that this site has a high water table making it feasible for a solar farm and they would hook into the regular distribution line to get the power to the college. Garron also asked if the Town of Halifax wanted to do this

what would be needed and Smith said that he would need about five to ten acres. He added that the best land would be a capped landfill. He also wanted the town aware that he could save the town about twenty percent in energy costs if we wanted to join. He suggested that we could check with the Town Accountant to get an accurate amount as to what the town pays in energy costs.

Seelig asked if he was planning on leasing or buying the property and wanted to know what other structures besides the panels would be on the property. He is planning on buying the land and the only other structure would be a shed and thirty percent of the property will be the panels.

A question was asked if there would be any noise or pollutants and Smith said there would be none and also no trucks. He did add that most people would like to see a corn field there as opposed to the solar panels and that maintenance for this farm is minimal and it would only need to be mowed once or twice a year.

His job is to get the sites and the permits and will buy together with Constellation. Once he gets the permits the utility company will come in and design it. Smith hopes that if everything falls into place they could get started by the first of next year and would be completed in about six months.

Garron had asked him how long he has been doing this and he went on to say he has been in solar farms for the last three years but in the solar energy business for most of his life.

Smith is asking permission to talk with the Assessor and Schleiff had no problem with this request but asked him to keep Seelig in the loop. Roy and Garron were both in agreement with Schleiff and no motion was needed by the Board.

Kozhaya Nessralla – Farm Stand Sign

Mr. Nessralla came in to discuss the current sign he has located at the corner of Hemlock Lane and Plymouth Street. This sign was approved by the Board in July 2009 with the stipulation that it acceptable with Historic District Commission.

Mr. Nessralla explained that when he first came in with approval for the sign it was colorful and Board was okay with it but it was small and he asked for a bigger sign. He was not told that it had to be black and white so he made it colorful with fruit and vegetables on the sign. He has checked the town by laws and there is nothing stating that signs should have no color. What he is asking is that the sign be white with green lettering and a cornucopia in the center with a little coloring.

John Shea, member from the Historic District Commission, was present this evening to clarify some of this. He was okay with the sign having the cornucopia but be black and white. Shea was not aware that there would be color on the sign and that it was put up before his comments were submitted.

This past spring it was brought to the Boards attention that the Historic District Commission sent Mr. Nessralla a letter stating that the sign does not confirm to the other signs in the Historical District and that in 2010 the commission voted that his sign was to black lettering with white background and the only color was to be the cornucopia.

Mr. Nessralla thought the Board voted on it and that Shea was okay with the cornucopia as well as the sign having color.

Garron went on to say that the commission is trying to maintain a standard look throughout the town and reiterated what Nessralla was looking for which is green lettering, white background, cornucopia and no flowers. Shea said that he would like to see the sign before it gets painted, which Nessralla had no problem in doing.

Moved by Garron and seconded by Roy, the Board unanimously voted to table this matter until such time that the Historical District Commission has a chance to look at the sign before it is painted and will revisit this at the Board's meeting on August 23rd.

Julie Lane – Appointment to COA Committee

Ms. Lane would like to give back to the community in which she grew up in. She currently works at the Rockland Trust Company and enjoys helping her senior clients with their banking needs and wanted to take it a step further in hence she thought being on the Council on Aging Committee would be the step in the right direction.

Beverly Smith – Appointment to COA Committee

Ms. Smith was on this board in the past, which she enjoyed, but did not have the time to put into it due to working full time. She is now retired and has the time to devote to this committee and looks forward to being apart of the new senior center.

Moved by Garron and seconded by Roy, the Board unanimously appointed Julie Lane of 82 Walnut Street and Beverly Smith of 320 Elm Street to the Council on Aging with terms to expire June 30, 2014.

MINUTES

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

Regular Session – May 24, 2011

Regular Session – June 28, 2011

Executive Session – May 24, 2011

Executive Session – June 14, 2011 - First

Executive Session – June 14, 2011 - Second

Executive Session – June 28, 2011

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Vendor Warrant	# 112	\$ 13,927.15
Payroll Warrant	# 6	\$ 181,938.32
Vendor Warrant	# 7	\$ 114,569.16
Withholding Warrant	# 8	\$ 65,880.86

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

Vendor Warrant	# 9	\$ 291,527.49
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Moved by Garron and seconded by Roy, the Board unanimously committed for collection the following:

Ambulance Commitment	# 7A	\$ 30,503.00
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Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following Selectmen bills:

Nationalgrid (service 6/15-7/19)	\$ 1,252.08
MMA (annual dues 7/1/11-6/30/12)	\$ 895.00
Division of Local Services (conference-Seelig-9/1/11)	\$ 25.00
Halifax Postmaster (stamps)	\$ 83.30
Jordan on the Job (physicals-Fire)	\$ 670.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending July 16, 2011 in the amount of \$5,665.30.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-02	\$ 5.00
2012-03	\$ 26.20
2012-04	\$ 10.00
2012-05	\$ 1,457.07

GENERAL MAIL / BUSINESS

A. Richard Lema – Talent Bank form – Town Government Study Committee

Mr. Lema has expressed in interest to serve on the TGSC and the board was asked if they wanted him to attend their next meeting on August 9th. The Board was in agreement to have him come in.

B. Sheriff's Department Reverse E911

The sheriff's office was able to attain funds allowing residents the ability to add their cell numbers and email addresses to the alert database. They can do this by visiting the Sheriff's department website.

C. Reappointments - Democratic and Republican Elections Workers

Moved by Roy seconded by Garron, the Board unanimously re-appointed the following people as Republican Election Workers with a term to expire July 27, 2012:

Nathan Campbell	65 Highland Circle
Heika Canaday	112 Lake Street
Marion Heath	7 Christmas Tree Lane
Barbara Merrick	87 Elm Street
Gail Peck	82 Circuit Street
Richard Roche	503 South Street
Amy I. Troup	36 Colby Drive
Kenneth Vinton	96 Circuit Street

A letter in April as well as another one in June had been sent to the Chairman of the Democratic Town Committee requesting to submit a list of names to Board of Registrars to be reappointed to the Democratic Election Workers. As of this time a list has not been presented. The Board is free to accept recommendations from the Town Clerk, who has supplied a list for tonight's meeting.

Moved by Roy seconded by Garron, the Board unanimously re-appointed the following people, from a list provided from the Town Clerk, as Democratic Election Workers with a term to expire July 27, 2012:

Joan Burke	8 Rosewood Drive
Andrea D. Delaney	145 Cranberry Drive
Paul Delaney	145 Cranberry Drive
Thomas Fitzgerald	463 Plymouth Street
Carol Keene	39 Thompson Street
Lee Mulready	25 Lawrence Road
Gerald Schwartz	100 cedar Lane
Judith Wall	27 Cherry Street

D. Town Treasurer/Collector Consultant Contract

Regarding the training that the consultant will be providing a question was asked if the Treasurer Collector was leaving the door open for future training and it was stated that the idea of having the consultant come in was that future training would not be needed. Garron stated that we are not responsible for them absorbing the training that will be offered.

Seelig suggested that if the Board is comfortable with the terms of the contract and the services from the consultant then they should sign the contract.

Moved by Garron and seconded by Roy, the Board unanimously voted to sign the contract between the Town of Halifax and Eric A. Kinsherf, CPA.

E. GATRA/MBTA

Seelig has not heard back from either agency in response to him contacting them asking about what transit services they provide. On a side note Garron did ask Seelig to contact MBTA regarding the completion of the job on Route 58.

F. Comcast – Internet Essentials

Comcast is offering low cost internet service and the opportunity to purchase a computer and training to low-income families who have a child in lunch program.

G. Roofing Contract

Moved by Roy and seconded by Garron, the Board unanimously voted to sign the contract between the Town of Halifax and Keene Contractors to replace roof shingles on the roofs of the Town Hall, Council on Aging/Pope's Tavern and the Fire Station.

H. OPM Contract for New Senior Center

Moved by Roy and seconded by Garron, the Board unanimously voted to sign the contract between the Town of Halifax and Pomroy Associates LLC for Owner's Project Manager Services for the Halifax Senior Center Project.

I. Gasoline and Diesel Fuel Contract

Last year the contract for fuel was awarded to Dennis K. Burke which was for one year plus two additional one year options. Highway has recommended that the Board implement the first of these two options for FY12.

Moved by Garron and seconded by Roy, the Board unanimously voted to continue the contract with Dennis K. Burke, Inc. for the delivery of Premium, Unleaded Gasoline and Diesel fuel to the Town of Halifax for the period July 1, 2011 to June 30, 2012.

DISCUSSIONSRoad Opening – 28 Eleventh Avenue

Moved by Roy and seconded by Garron, the Board unanimously approved Permit #2012-12 issued to Columbia Gas of Massachusetts for a 3' x 5' road cut to install new gas service at 28 Eleventh Avenue.

Road Opening – 111 Lake Street

Moved by Roy and seconded by Garron, the Board unanimously approved Permit #2012-11 issued to Columbia Gas of Massachusetts for a 3' x 25' road cut to install new gas service at 111 Lake Street with the stipulation that a \$5,000 bond be required at the request of the Highway Surveyor that it be held for nine months.

Live Entertainment Permit – Scott Thomsen

On Mr. Thomsen application he indicated that alternate parking for this event (wedding) would be at the Route 36 boat parking lot. The Board was little concerned that if the parking lot was filled with vehicles for this wedding that there might not be any parking available to residents who might want to use the beach or boat landing. The Board would like Mr. Thomsen be contacted asking if he could come up with another option for parking.

Moved by Garron and seconded by Schleiff, the Board unanimously approved Permit # 2012-9 issued to Scott Thompson for lives entertainment at 12 Baker Street on August 6, 2011 from 1:00 p.m. to 9:00 p.m. with the stipulation that he come with another plan for parking other than the boat parking lot on Route 36.

Live Entertainment – Council on Aging

Moved by Roy and seconded by Schleiff, the Board unanimously approved Permit #2012-8 issued to Barbara Benton for live entertainment at the Annual Senior Cookout on August 10, 2011 from 11:30 a.m. to 3:00 p.m.

Update on Concession Stand

The Town Accountant was wondering where the concession stood regarding the completion of the project. It was brought to the Board's attention that funds are running low and work still needs to be done to finish this project. Up until this point no permits have been issued as well a lease signed. The Selectmen's office has tried to contact Lisa Hillcoat but has not heard back from her.

Insurance Settlement – Horton

Moved by Roy and Seconded by Garron, the Board unanimously authorized Seelig to sign the settlement agreement from CCMSI.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 10:30 p.m. to discuss collective bargaining:

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

Garron 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 Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 10:50 p.m.

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

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 10:50 p.m.

Troy E. Garron
Clerk

/pjm

ATTACHMENT – JOSEPH DOG HEARING EXHIBIT A