

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, FEBRUARY 10, 2009 – 7:00 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:00 p.m. with Selectmen John H. Bruno II and Troy E. Garron present. Selectman Margaret T. Fitzgerald was not in attendance.

The following business was discussed:

EXECUTIVE SESSION

Moved by Bruno and seconded by Garron, Board voted as follows to enter into Executive Session at 7:02 p.m. to discuss potential litigation:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes

Bruno announced that no statement would be made at the end of the Executive Session and the Board will reconvene in open session.

Moved by Bruno and seconded by Garron, Board voted as follows to come out of Executive Session at 7:40 p.m.:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes

AGENDA

Seelig informed the Board the search for a new Veterans Agent is underway. With regard to the Fire Chief search, Bruno asked Seelig to look at the process when Benjamino was hired.

The Agenda for Tuesday, February 10th, was approved.

MINUTES

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

- Selectmen Meeting 01-27-09 – Regular Session
- Selectmen Meeting 01-27-09 – First Executive Session
- Selectmen Meeting 01-27-09 – Second Executive Session

ABATEMENTS/ COMMITMENTS/ BILLS/WARRANT/TURNOVERS

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

Payroll Warrant	#63	\$316,900.74
Vendor Warrant	#64	\$442,966.10

Moved by Garron and seconded by Bruno, Board committed for collection Ambulance Commitment #1B in the amount of \$19,048.00

Moved by Garron and seconded by Bruno, Board committed for collection Mobile Home Park License Fee #02 in the amount of \$5,160.00

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

Withholding Warrant	#65	\$115,430.14
Vendor Warrant	#66	\$145,886.82

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

Gilman and Associates (legal services/Jan)	\$2,081.25
Matthew Bender (law books)	\$ 225.80
Jordan on the Job (employment physicals)	\$ 670.00
Constellation NewEnergy (Town Hall/Jan)	\$ 823.98
Constellation NewEnergy (Pope’s Tavern/Jan)	\$ 213.78
National Grid (Pope’s Tavern/Jan)	\$ 92.95
Constellation NewEnergy (street lights/Jan)	\$ 811.23
Constellation NewEnergy (pole at old police station/Jan)	\$ 35.42
National Grid (street lights/Jan)	\$1,127.41
National Grid (pole at old police station/Jan)	\$ 41.54

Moved by Garron and seconded by Bruno, Board acknowledged payment of the Selectmen Office Payroll for the period ending January 31, 2009 in the amount of \$6,031.93

INTERVIEWS – SPECIAL POLICE OFFICERS

The Board met with the following candidates for Special Police Officer; Police Chief Michael Manoogian was present.

A. David Acevich

In response to questions from Bruno, Acevich stated the following: Acevich is a life-long resident of Halifax. He graduated from the Reserve Police

Academy and currently works for the Sheriff's Department. He would like to work as a Special Police Officer in Halifax to broaden his training. He felt his growing up in Halifax would not be an issue in carrying out his duties. He felt those he knew would respect he had a job to do and that he had to put personalities and friendships aside. He understood that Halifax is a small town and most of his interaction would be with its citizens. Acevich has discussed his availability with the Police Chief.

In response to a question from Garron on what fair, firm and consistent meant, Acevich said he had to be fair to the person he was dealing with, consistent in not showing favoritism and firm.

B. Panashe Flint

In response to questions from Bruno, Flint stated the following: Flint moved to Halifax three years ago. He enjoys working with all age groups and would like to be a Special Police Officer for Halifax. He did not feel living in town and knowing some of the citizens would interfere with his duties; he felt they would understand he had a job to do and had to handle situations in accordance with procedures, etc. His entire career has been in police work and he planned to continue in that field. He currently has a very flexible schedule. He works for a college which makes him more available to Halifax during the summer months.

In response to a question from Garron on what fair, firm and consistent meant, Flint said fair is treating people as you find them without judgment, firm when you have to be and consistent is following what you normally would do, handling things the same.

Garron said the reason he asked the question is because it means you are fair to everyone, firm once you make a decision, and consistent in doing both.

Moved by Garron and seconded by Bruno, Board appointed David Acevich as a Special Police Officer, term to expire June 30, 2009.

Moved by Garron and seconded by Bruno, Board appointed Panashe Flint as a Special Police Officer, term to expire June 30, 2009.

GENERAL MAIL/BUSINESS

A. Highway Thank-You

The Board acknowledged a letter thanking the Highway Department for fixing a drainage problem on Eighth Avenue.

B. Verizon Cable

Verizon has filed legislation that would require communities to make a decision about a license within ninety-five days of receipt of an application. Moved by Garron and seconded by Bruno, Board opposed the legislation and instructed Seelig to notify the Town's State legislators.

C. Regionalization – Dispatch

Seelig advised the Board the application for a grant for regional dispatch has been submitted by Plymouth County.

D. Large Scale Holiday Soldiers

The Town has received an offer to purchase the two soldiers that have been set up each holiday season at the house at the corner of Hemlock Lane and Plymouth Street. The Board felt it was not practical for the Town to purchase them for the Holidays in Halifax celebration on the basis of both funding and storage.

E. Monponsett Ponds – State Boat Ramp/Weed Control

The Board acknowledged a response from the Office of Fishing and Boating Access relative to the Board's suggestion the State Boat Ramp be closed until the invasive weed problem in Hobomock Pond in Pembroke is resolved. The response indicated closure of the Boat Ramp would not be considered and there does not appear to be concern about possible contamination from Hobomock to Monponsett as the ponds have few, if any, boats in common.

F. Resignation – Benson/Finance Committee

Moved by Bruno and seconded by Garron, Board accepted, with regret, the resignation of Joseph Benson from the Finance Committee, effective immediately.

G. MS Bike Ride

Moved by Garron and seconded by Bruno, Board voted to sign the form for Mass Highway approving the bike ride route through and the rest station stop in Halifax.

H. Snow and Ice Account

Moved by Garron and seconded by Bruno, Board voted to allow the Highway Department to overspend the Snow and Ice Removal account for the remainder of the snow season.

I. Public Safety Funds

Seelig did not believe the Town spent more than \$500,000 in federal funds but will check with the auditors.

J. Fireworks Contract

Moved by Garron and seconded by Bruno, Board affirmed approval of and authorized the Vice Chairman to sign the contract between the Town and American Thunder.

K. Telephone Audit

Chambers Advisory Group found two improvements: (1) pre-purchase data services and text messaging for cell phones, thereby saving about \$50 per month; and (2) stop paying for listings in the telephone book that do not exist, saving \$68 per month. Seelig will sign off authorizing Chambers to implement the changes. Chambers will recoup 50% of the savings for the next twelve months.

L. Resignation – Pratti/Veteran's Agent

Moved by Bruno and seconded by Garron, Board accepted, with regret, the resignation of Harold Pratti as the Veterans Agent/Veterans Service Officer/Veterans Burial Agent for the Town, effective March 3, 2009. His last working day for the Town will be March 2, 2009.

Seelig will talk with Pratti about an interim plan to address any issues that may come up between March 3rd and the appointment of a new Agent. In addition, Bruno asked Seelig to see if Pratti would be willing to screen any applications received.

M. Printing Annual Town Report/Meeting Warrants

Given the amount is less than \$5,000, Seelig recommended contracting Harry B. Harding and Sons to print the 2008 Annual Town Report and warrants for the May 2009 Annual Town Meeting and Special Town Meeting. The Board noted Harding has done an outstanding job in the past and wanted to continue with Harding for the 2008 Report and warrant printings.

N. Dog Complaint – Gilcoine/Eleventh Avenue

The Board scheduled a hearing on March 10th at 7:45 p.m. to address a complaint that a dog owned by Patricia Gilcoine of 11 Eleventh Avenue bit an individual on the hand

DOG HEARING – PILOTTE/LAKE STREET

In accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address complaints that a ten year old German Shepherd named “Diesel” and a seven year old German Shepherd named “Bear” owned by Corrine Pilotte and housed at 22 Lake Street were running loose (in violation of Order of Restraints issued against each dog in 2006) and acting in an intimidating manner on December 18, 2008. The hearing was held at the request of the Selectmen based on a report from the Animal Control Officer (copy attached hereto as Exhibit A and made an official part of these Minutes).

The following individuals were present and sworn in by Notary Public Beverly Smith:

Denise Horton
Corrine Pilotte

Animal Control Officer
Dog Owner

Horton stated:

On December 18th, I was called out because two German Shepherds were running loose on Lake Street. Upon arrival, they were in their yard but they were loose. I managed to get them in the kennel. When I was leaving, I noticed the front door was open. In talking with Pilotte, her roommate, who does not live there anymore, accidentally did not shut the door all the way. So the front door was open and that is how they got out. They were out for about fifteen minutes.

Following are questions asked by Selectman John Bruno (*in italics*); Horton’s responses immediately follow:

Are these the same dogs – Diesel and Bear?

Yes. We have restraining orders against them from 2006.

Have you had any complaints since the last time in 2006?

No, none. She has done a good job keeping them in.

How did you feel about the dogs when you had to handle them? Were they aggressive or difficult to handle?

I had dog bones and kind of coaxed them. I got one in. I did not hesitate. Maybe it was my approach.

The complaint is because someone was in their car and the dogs surrounded them. Did you talk with them?

I did. The dogs surrounded her car and they did not do anything. She was leaving so there wasn't any kind of conflict. She did not mention them jumping on the car or anything like that. They were just walking around.

What are Pilotte's facilities for keeping them under control?

She was required to and installed a big kennel with a top, cement on bottom, and chain link. The Building Inspector had inspected it. It is adequate and there have not been any problems. I think the issue is the house door was left wide open.

Garron asked Pilotte if this could happen again - does someone else have access to her house when she is not there.

Pilotte replied:

No. Because of this incident, I made the roommate move out. This was one of the main stipulations when I was getting a roommate – how the dogs have to stay inside or be leashed at all times or in the kennel. She asked if she could stay and I said no because she failed to do it, close the door properly and lock it. As of right now, no one is there and the door is latched and locked so they are not out when I am not home.

Garron said so the only time the dogs are in the kennel is when you are home. So they are not out at all?

Pilotte stated:

Yes. That was one of the stipulations. They do not go from the car to the front door without being on a leash.

Bruno asked if Pilotte wanted to say anything else.

Pilotte stated:

I was not made aware of it. I was at work when it happened and it was too late to call the dog officer when I got home. We did end up getting in contact.

Bruno said Pilotte can understand why someone is complaining if they cannot get out of their car. This is not acceptable.

Town Administrator Charles Seelig noted that both dogs are not licensed and one has an expired rabies vaccination. He asked what the status was for both dogs. Pilotte said she has not had the money to license the dogs. She gets paid on

Friday and will get Bear vaccinated on Friday and get both dogs licensed next Tuesday because the Clerk's office is closed on Friday and Monday is a holiday.

Garron pointed out it has been two years without an incident. Since the dogs were not intentionally let out, he recommended taking no further action against the dogs or their owner at this time, except to send a letter reiterating the Restraint Orders are in effect and the dogs must be restrained at all times whether on or off the property. Based on what she has said, it was not her fault; they were not intentionally let out.

Bruno agreed. He too felt it was an accident but was concerned when he heard that someone was frightened enough they could not get out of their car. He felt Pilotte appreciated why that would be a concern.

Provided the license/rabies vaccination is taken care of by Tuesday, February 17th, moved by Bruno and seconded by Garron, Board voted to take no action and to close the hearing.

DISCUSSION

A. Recycling Fee Abatement

Moved by Bruno and seconded by Garron, Board abated \$25 from the \$50 2009 Recycling Fee billed to 38 Oak Place; the Board acknowledged verification that the house is closed down for more than six months out of the year.

B. Reclassification of Selectmen Assistant Position

Bruno stated the Chairman had provided each Board member with a list of duties and responsibilities for the Selectmen Assistant position so that members could individually determine if the position should be reclassified. Moved by Bruno and seconded by Garron, Board affirmed its recommendation to reclassify the Selectmen Assistant position from Grade 7 to Grade 10 and authorizing the Chairman to submit the request to Wage and Personnel in time for its annual public hearing.

C. Treasurer/Collector and Town Clerk

Seelig reported the Finance Committee has been discussing salaries for the Town Clerk and Treasurer/Collector positions. There are different views amongst the Committee members and a decision has not been made. The Finance Committee would like to have the issue of changing the Treasurer/Collector from an elected to an appointed position on the town meeting warrant in May so that it can be considered in the 2010 Town election and become effective in 2011.

DOG HEARING – WOODBURY/EIGHTH AVENUE

In accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address complaints that a ten year old Lab/Pit Bull Cross named “Quincy” owned by Melissa Woodbury and housed at 35 Eighth Avenue bit an individual while in Plymouth on January 6, 2009. The hearing was held at the request of the Selectmen based on a report from the Animal Control Officer (copy attached hereto as Exhibit A and made an official part of these Minutes).

The following individuals were present and sworn in by Notary Public Beverly Smith:

Denise Horton
Melissa Woodbury

Animal Control Officer
Dog Owner

Horton made the following statement:

On January 6th, John Pavidis, who is a locksmith, was called to a farm in Plymouth to fix a door knob. There was no one around so he did not know which door. He kept going from door to door. He finally came to this door. There was no sign there was a dog inside; and, when he opened the door, the dog lunged at his arm. Both ended up outside. That is when Melissa came and took the dog.

Bruno asked for a description of the property. Horton said it was a horse farm. Bruno asked where the door went to. Woodbury said the TAC room to the barn.

Bruno asked Horton if she followed up with Woodbury in Halifax. Horton said she did. She spoke with her. Woodbury had just moved to Eighth Street. Bruno asked if Horton saw the dog. Horton said she did not; she was not able to connect with Woodbury when she was home, while the dog was home. Woodbury confirmed the dog does live in Halifax. She moved here the first of the year.

Bruno asked Woodbury to tell the Board what happened.

Woodbury stated the following:

I was not there. The only witness to the incident was the gentleman who was bitten. I was at work on a seventeen acre horse farm. The dog comes with me all the time. Had never been a problem prior to that. I was a couple of hundred yards – actually under the apartment building the locksmith was there to work on. I had shut him (the dog) into the TAC room to keep him out of the way while I was putting away equipment. As I was walking back over, I heard yelling; and I saw my dog running around outside. I assumed someone didn't know (not) to open the door and there is my dog running around. I asked the gentleman if I could help him. He asked for some iodine or

betadine. I asked if he had been bitten; and he said, yes, he had. He cleaned himself off. I did not see blood; I saw maybe some bruising. I didn't get a good look at it. He went about his business and changed the locks.

Following are questions asked by Selectman John Bruno (*in italics*); Woodbury's responses immediately follow:

You've lived in Halifax the first of the year?

Yes. Before that I lived in Plympton.

Has Quincy ever been the subject of a dog hearing before?

No.

Has he ever bitten before?

No. There was an incident at work with one of the horses – a nipping, not a biting. I was amazed. Everyone who knows the dog was taken aback. Probably just defending what he thought was his territory. Maybe a bit upset about the move is the nearest that I can really come to.

Following are questions asked by Selectman Troy Garron (*in italics*); Woodbury's responses immediately follow:

Are you allowed to bring your dog to work every day?

Up until that point, yes I was.

Up until what point?

Up until the point of the biting of the locksmith.

Prior to that there was no (did not finish)

No, when we had the incident with the horse – the nipping - I owned up and said my dog did bite this animal. At that point I was told they trusted my judgment, I knew and understood my animal, that it was a fluke or accident and that he was not going about attacking other animals and people. We have done Girl Scout camps with seven and nine year old girls running around with him. He has had quite a bit of exposure to people on the farm. From the way the incident was described to me, all I could think of was he was being defensive. Understandably, he is not allowed back to work with me any more after biting a person regardless of the circumstances.

Understand my reluctance to say he has not attacked anyone before because you have him attacking a horse supposedly defending his territory and also biting a person. There is some propensity there. He gets territorial very quickly. If you only brought him to work and that is not where he lives, dogs normally don't get that territorial over strange places.

He had been coming to work with me for about five or six months. I am there all day. I am there 9 to 5. He had the run of the property. It is not as if I brought my dog once in a while. I work on a farm and took advantage I could give that freedom to my animal. So it wasn't a very short development. He was pretty comfortable there.

At this point, Bruno read the report from the Inspector of Animals (copy attached hereto as Exhibit B and made an official part of these Minutes). In summary, the report stated:

Mr. Tringali, Woodbury's employer, claims he had asked Woodbury not to bring the dog to work but she kept bringing it. This same dog had attacked one of his horses during the summer and ripped open its stomach. Because of this lack of responsibility on Woodbury's part, the Inspector of Animals extended the usual ten day quarantine until further notice. If the dog is allowed to remain, the Animal Inspector recommended (1) the dog remain on a permanent quarantine; (2) the dog can leave the property for Vet appointments only; (3) the dog is to be on a leash and muzzled to and from the Vet's office; (4) the dog is to be leashed and muzzled for any walks in the yard for elimination purposes; and (5) the dog must be put in a room or crated when company comes to visit.

Bruno asked what "permanent quarantine" meant. Garron believed it meant the dog cannot come in contact with other people or animals. Bruno asked Woodbury what she does with the dog now. Woodbury replied:

He is staying in my bedroom. I have my dog locked in a room for a good portion of his life. It is disgusting. I am allowed to take him out in the yard on a leash, muzzled. My dog has no life. This has been going on for about six weeks now. It is nauseating. When I come home and I am downstairs watching TV, he will come down and he is really not getting the exercise and the mental and physical stimulation that any animal deserves.

Bruno stated that, first, the Town has a leash law and the dog would have to be on a leash anyway. Secondly, the dog has not been licensed and must be vaccinated for rabies. Woodbury said she has taken him to the Halifax Vet and he is up to date on his vaccination now.

Bruno said:

In terms of keeping animals under control, especially in a congested neighborhood like the one you live in, this Board has been consistent that we

have a town for people first and animals are welcome. They are welcome, which means the town has to be safe for the people. That is what we are interested in. If the dog cannot survive under those circumstances, it might be best to make other arrangements. We have not yet decided what the circumstances will be, but we do not want to see a dog like this with one bite to its credit come back before us running around the neighborhood by itself. That would be the worst thing.

Woodbury stated:

I have absolutely no disagreement about obeying the leash law. I would even not be opposed to having to muzzle my dog when he is off my property. Having to crate my dog any time anyone comes into my home, not being allowed to go off the property, walking around the same acre endlessly in order to get the exercise he needs, that is really beyond my comprehension. I don't know how that could be done in good conscience.

Bruno recommended the Animal Control Officer visit the home and dog and give the Board a report on the dog. Horton has been the dog officer for thirteen years. Bruno said he trusts her judgment. If she comes back and says these are the conditions we need to follow, those are the conditions that will probably be required.

While Garron did not like to tell people what to do in their own home, he noted the dog has bitten both an animal and a person. Sometimes you have a dog that has a problem with other animals or people, but this dog has bitten both. The dog did not run or try to run or hide – it attacked. Woodbury said he attacked once. Usually he would lick you to death while beating you with his tail. Garron said that, in this particular incident, the dog did not run or try to hide – it attacked. Garron agreed the Animal Control Officer should do a home visit and report back. He reiterated the leash law must be obeyed no matter what decision is made.

Woodbury said the Inspector of Animals, Judith Anderson, had come to her home when she was not there and had spoken with her father who introduced Anderson to the dog. She did not know what her take on the situation was. Garron said Anderson is the one making the recommendation listed earlier. Woodbury said there are a handful of inaccuracies in the Animal Inspector's report with regard to her boss.

Garron asked how old the dog is. Woodbury said the dog is ten years old. Garron asked how long she has owned the dog. Woodbury said nine and a half years. Garron asked where the dog resided for the first nine and a half years. Woodbury said she got the dog when she lived in Plympton, she then moved to Hull, then moved to Hingham and then moved back to Plympton before recently moving to Halifax which is her original home.

Moved by Bruno and seconded by Garron, Board voted to continue the hearing to February 24th at 7:15 p.m. In the interim, the Animal Control Officer will visit the home, submit a report to the Board and provide her recommendation.

Moved by Bruno and seconded by Garron, Board continued the quarantine without the requirement the dog be crated or muzzled while inside the home. The dog must be restrained at all times when outside, whether on or off the property; and the dog must be licensed by the next meeting.

There being no further business, moved by Garron and seconded by Bruno, Board voted to adjourn the meeting at 8:55 p.m.

Troy E. Garron
Clerk

/bfs

ATTACHMENTS: PILOTTE DOG – EXHIBIT A - ANIMAL CONTROL OFFICER REPORT
WOODBURY DOG - EXHIBIT A - ANIMAL CONTROL OFFICER REPORT
WOODBURY DOG - EXHIBIT B - ANIMAL INSPECTOR REPORT