

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, SEPTEMBER 22, 2009 – 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came or order at 7:30 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

AGENDA

The meeting with the Master Plan Study Committee was cancelled and will be rescheduled.

With the above deletion, the Agenda for Tuesday, September 22nd, was unanimously approved.

MINUTES

No Selectmen Meeting Minutes were considered or approved.

BILLS/WARRANT/COMMITMENTS/TURNOVERS

Moved by Schleiff and seconded by Garron, Board unanimously affirmed committing for collection Ambulance Commitment #8B in the amount of \$20,844.00

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of Payroll Warrant #22 in the amount of \$312,987.42

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of Vendor Warrant #23 in the amount of \$118,782.15

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of Withholding Warrant #24 in the amount of \$113,031.57

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of the following Selectmen bills:

| | |
|--|-----------|
| Natural Heritage Endangered Species Program/Fund | |
| (algae - Monponsett Lakes) | \$ 300.00 |
| Halifax Post Office (STM warrant mailing) | \$ 894.21 |

Moved by Schleiff and seconded by Bruno, Board unanimously approved payment of Vendor Warrant #25 in the amount of \$21,605.35

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

| | |
|--|-------------|
| Charlie Seelig (reimbursement for postage) | \$ 45.00 |
| Mass. Municipal Management Assoc. (Oct meeting)..... | \$ 30.00 |
| Constellation New Energy (Town Hall electric/Sep)..... | \$ 560.42 |
| Baystate Environmental Consult (mussel/dragonfly monitoring).... | \$ 1,650.00 |

The Board acknowledged payment of the Selectmen Office payroll for the period ending September 12, 2009 in the amount of \$5,196.48.

The Board acknowledged Payment to the Treasurer #10-08 in the amount of \$32.73

GENERAL MAIL/BUSINESS

A. Appointments - Election Workers

Moved by Garron and seconded by Schleiff the Board unanimously appointed the following election workers, terms to expire July 27, 2010:

DEMOCRATIC ELECTION WORKERS

| | |
|-------------------|----------------------|
| Geraldine Bernier | 54 Twin Lakes Drive |
| Joan Burke | 8 Rosewood Avenue |
| Vicki L. Croke | 73 Plymouth Street |
| Andrea D. Delaney | 145 Cranberry Drive |
| Thomas Fitzgerald | 463 Plymouth Street |
| Carol Keene | 57 Thompson Street |
| Cathleen Miller | 123 Palmer Mill Road |
| Lee Mulready | 25 Lawrence Road |
| Judith Wall | 27 Cherry Street |

REPUBLICAN ELECTION WORKERS

| | |
|---------------------|-----------------------|
| Heika Canaday | 112 Lake Street |
| Susan Elliott-Smith | 119 Plymouth Street |
| Marion Heath | 7 Christmas Tree Lane |
| Gail Peck | 82 Circuit Street |
| Kenneth Vinton | 96 Circuit Street |

B. Resignation - Tilley/Finance Committee

Moved by Bruno and seconded by Garron, Board accepted, with regret, the resignation of Gregory Tilley from the Finance Committee, effective immediately. Schleiff abstained from voting because he had not had the opportunity to know Tilley.

C. Resignation - Evangelista/Halifax In Lights

Moved by Bruno and seconded by Garron, Board accepted, with regret, the resignation of Brian Evangelista from the Halifax In Lights Committee, effective immediately. Schleiff abstained from this vote because he had not had the opportunity to know Evangelista.

D. Resignation Intention - Whitbeck/Veterans Agent

The Board acknowledged notification from Roxanne Whitbeck of her intention to resign as the Town's Veterans Agent in the near future. Discussion ensued on how to fill the position. Schleiff suggested contacting the candidates who had applied for the position last spring to see who may be still interested. Bruno and Garron wanted to give Schleiff the opportunity to review the resumes since he was not on the Board at that time. It was agreed to not re-advertise for candidates.

E. Use of Town Green - Historical Society

Moved by Bruno and seconded by Garron, Board unanimously approved a request from the Historical Society to use the Town Green on Saturday, September 19th, from 9:00 a.m. to 1:00 p.m. for its annual fall plant sale.

F. Work Within Layout of Paradise Lane Extension

The Board postponed action until next week on a request from PMP Associates on behalf of Marston Realty Trust to install temporary erosion control within the layout of Paradise Lane Extension adjacent to 343 Monponsett Street. Seelig will inform the Highway Surveyor of the request.

G. Bonds for Subdivisions

Bruno read a letter dated January 16, 2008 from Janyce Whitney, Principal Assessor/Appraiser, to the Planning Board requesting they stop the practice of holding back a lot as "bond" on a subdivision and to instead require some type of financial bond. Moved by Bruno and seconded by Garron, Board unanimously voted to write a letter to the Planning Board supporting this request.

H. Autumn Lane

With regard to Autumn Lane (a subdivision for which a lot was held as bond on the project), Bruno stated the Town has to go through a long and expensive process to take the property for non-payment of taxes. Seelig added that, at this time, the lot is in tax title. Schleiff asked if the Town plows and maintains this road. Seelig stated this road is plowed by but not maintained by the Town. Garron said, until such a time the Town accepts a road, it is the responsibility of the developer. Moved by Bruno and seconded by Garron, Board unanimously voted to instruct the Treasurer to start foreclosure proceedings.

I. Paving Contract - T. L. Edwards

Moved by Bruno and seconded by Garron, Board unanimously approved and signed the contract between the Town and T. L. Edward for paving the roadway on Elm and Hudson Streets.

TAX CLASSIFICATION HEARING

At 7:35 p.m. the Board convened a Public Classification Hearing for the purpose of allocating the local property tax levy among the five property classes for Fiscal Year 2010. Present for the hearing were Assessors Thomas Millias, and John Shiavone and Principal Assessor/Appraiser Janyce Whitney. Whitney noted this is a revaluation year. Values have been sent to the State for pre-approval. Once pre-approval has been received, comparative information will be available to residents.

The following was discussed:

A. Single Tax Rate

Whitney noted that a single tax rate is generally applied across the board, unless Commercial, Industrial, and Personal Property (CIP) make up approximately 30-35% of the Town's total value. Currently, Halifax is 90% residential. To give residential a 2% reduction would result in a 50% increase to commercial. A split rate would drive business out of town and would not reduce the homeowner's tax rate enough to make a difference. The Board of Assessors recommended continuing with the single tax rate. Moved by Garron and seconded by Bruno, Board unanimously voted to set a single tax rate across all classes

B. Open Space Discount

Whitney stated the Town does not have any properties categorized as open space. The Board of Assessors did not recommend a separate "open space"

tax classification. Moved by Garron and seconded by Bruno, Board unanimously voted not to include a discounted tax rate for open space

C. Residential Exemption

Given that the Town does not have a large seasonal population; the Board of Assessors did not recommend this exemption. Moved by Bruno and seconded by Garron, Board unanimously voted note to include a residential exemption

D. Small Commercial Exemption

Whitney pointed out that the property owners (and not the business owners) generally benefit from this exemption. The Assessors did not recommend this be granted. Moved by Garron and seconded by Bruno, Board unanimously voted not to have the Assessors adopt the small commercial exemption.

The hearing was continued until such time as the property values have been approved by the State.

DOG HEARING - RICKLEY / LAWRENCE ROAD

In accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address a complaint that a three year old Yellow Lab named "Maggie" owned by Samuel Rickley and housed at 31 Lawrence Road was running loose and acting in an intimidating manner. The hearing was held at the request of David J. Brown of 43 Lawrence Road (copy of his complaint is attached hereto as Exhibit A and made an official part of these Minutes). In attendance was Police Chief Michael Manoogian.

The following individuals were present and sworn in by Notary Public John Bruno:

| | |
|----------------|---------------------------|
| Samuel Rickley | Dog Owner |
| David J. Brown | Complainant |
| Ted Broderick | Halifax Police Sergeant |
| Beth Chandler | 34 Lawrence Road, Halifax |
| Susan Chandler | Weston Street, Carver |
| Jeff Chandler | Address Unknown |

Following is a statement by Halifax Police Sergeant Ted Broderick :

My only involvement is the complainant came into the station and spoke to me about a dog issue he had. I listed his complaint and made a log entry (copy attached hereto as Exhibit B and made an official part of these

Minutes). I told him, if there were any other issues, to follow up with us and to follow up with the Board of Selectmen. I did not respond to the area. It was just a walk-in to the police station.

Following is a statement by David Brown:

It started last winter. I use to go out checking my mail. His dog is a yellow lab. Not everyday but, on certain occasions if the dog saw me, it would come barking and flying at me. I started carrying a stick when I checked my mail. Springtime came. My granddaughter was over riding her bike. The first time was in June. She was riding her bike. The dog was out roaming free again. (It) went after her. His (Rickley) neighbor across the street - I don't know his last name - his name is Mike - was out doing his yard and chased the dog away with a rake. I got my granddaughter.

The day I wrote to the Board, my granddaughter was out riding her bike. The dog was out again (and) went after her again. This time I went out. I got into a verbal altercation. I called the cops (copy of police log attached hereto as Exhibit C and made an official part of these Minutes). The officer who came down - I don't know his name - recognized the dog as the one he called Houdini because he had chased him around the neighborhood for a couple of hours one day. I wrote a letter to the Board because, when I called the Police Department, they said the dog officer was unavailable and they recommended if I wanted to follow through with this to contact the Board which I did. The day before the day Broderick was talking about, I had my children over for dinner. My granddaughter wanted to walk my dog but she was afraid and my daughter decided to go with her.

Bruno asked if that made four instances since the summer. Brown said since the winter, two were in the summer.

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

How long have you lived in the neighborhood?

Eleven years.

Prior to that, were there any incidents at all. Did you know the dog was in the neighborhood?

No.

You lived there for eleven years without a problem?

Without a problem.

Following are questions asked by Selectman Michael J. Schleiff (*in italics*); responses by Brown immediately follow:

Have you had any discussions with the owner of the dog prior?

Only discussion I had with the owner was two summers ago. I was out mowing my lawn and I kept running over golf balls and come to find out - did not know where they were coming from; I have thirteen of them in fact - I saw him throwing the ball down my end of the street - I live on a dead end street. The dog can't find it and I end up running it over with the lawn mower. That was the only discussion I had with him about his dog prior to that.

That was the only discussion you had with him about his dog. You had talked to him about the dog problems you were having?

No

In response to questions, Brown said he had no other complaints other than the ones made last winter until this summer and he knew of no other neighbors that had a problem with the dog.

Following is a statement by Samuel Rickley:

As far as my awareness of any situation leading up to the incidences that happened this summer, I was unaware of any incidences where she might have been intimidating anyone in the neighborhood, bothering anyone. He did speak to me about golf balls. Several friends would throw golf balls down the road because they would go further than tennis balls, and she would chase them. We stopped doing that as soon as he asked. (I) apologized.

The first incident I was ever spoken to about was when the police officer showed up in the neighborhood and we talked about it. Some words were exchanged. The police officer said this is not a big deal at the moment. There was no physical harm done here. We are not going to file any charges against you. You need to keep this dog on a leash which I realize was my mistake at the time. When I first moved in, I got a dog. There are several dogs running loose through my yard, several still do on occasion. I grew accustom to letting her run around, play with my neighbors behind my house and play with other people. Several of my neighbors are fond of my dog very much. They asked to be anonymous and asked not to do anything in this hearing. I spoke to them after this incident and if they had anything and apologized for anything she might have done.

The second incident where he went to the police station and filed a complaint was about four weeks after the initial incident I was aware of. At the time, we had a second disabled dog I was trying to help into my house and she (Maggie) scurried through my legs. It was an accident. And that is my

biggest fear. It was an accident. I have been keeping her on a leash. At no time has she acted aggressively toward any human being as far as I know. Several of my friends have one year olds that come over to play with her. I have customers; I bring her to work with me. She plays with their five year olds, three year olds. I have a picture of one of my customer's with her little niece walking my dog with a leash, walking around their yard.

I think if anything there may have been a misunderstanding. She is a yellow lab and she is extremely excitable. Her first instinct might have been to bark but all she really intended to do was to go over and say hello and probably go over and lick the girl. At the time when the police officer was present I asked if they would be interested in introducing the dog to the girl so that she could understand the dog is extremely friendly and her running up to her was her means of wanting to say hello. I was rejected and the police officer suggested that was a bad idea. I have been trying to remain as completely according to the law as I can. Since the first incident, I have spent four thousand dollars to fence in my yard; probably this weekend I will complete it. I am slightly behind on money but I only have about seventy five feet left. It is a six-foot stockade fence around my entire one acre property.

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

How do you keep the dog normally? Is it on a lead or?

Generally up until the first incident I did let her run around. If I took her for a run on Route 36 or near a busy road, I would have an electrical restraint unit or leash on her mainly for her safety - if she saw a dog or human she wanted to play with she would bolt across the road.

How do you keep her now?

She always has a leash on. Beth, my girlfriend, lives across the street. We purchased a 10 x 10 chain link fence pen with a dog house that the dogs can stay in. As soon as the fence is finished, I will let her run around the yard. Until then, she is restrained with a cable to a tree and/or by hand with a leash.

Do you leave her out all day?

No. She comes to work with me. She generally runs around in my customers' yards and plays with their dogs or kids.

Garron noted the incident happened on August 9th and asked if the dog has not run loose and has been on a leash since August 9th.

Rickley responded:

Every time except for the second incident which was, as I said, I had to pick up the other dog and was carrying it out at the time. I was holding the door open carrying the dog and she (Maggie) went between my legs to get out. My intention was to let him out and then bring her out on the leash afterwards. She saw the little girl walking with the dog. She ran to the end of the yard. I yelled at her. She stopped. She has a bad habit where, as soon as she knows she is in trouble, she will run around and think it is some kind of a game. After about twenty minutes or so, I got her back into my control and into the house. Other than that, she was not going out to cause any harm. I have several friends who could not attend that will be willing to write letters that they have witnessed her playing with their little children and is an extremely well behaved dog.

Schleiff stated:

The first thing I see is the perception. Obviously you know the dog to what you perceive him to be. You are around him all the time. His (Brown) perception is a little girl out in the street and the dog comes charging which is a decent size dog and he is like - you know. He doesn't know your dog. His first reaction is to protect his (grand) daughter and he is going to react. Everyone reacts in a different way. It happened a second time. Unfortunately, his daughter happened to be out in the street when you said the dog slipped out.

Rickley responded:

I really tried to apologize. I did make attempts to try to introduce and I was denied. I had verbal threats against my dog's life and myself from the household a number of times. At the time, I decided not to press charges or go further with it because I figured the matter was settled and that we would just let it go. With the continuation of this, I just (did not finish)

Garron stated:

I have heard enough and recommend we issue a letter. It seems he is making moves to try to correct the situation - putting a fence on his property; he has had the dog leashed. No one was hurt at this point; otherwise, I would be looking at this differently. Move to issue a letter of restraint - that he does obey the law; that the dog is leashed at all times on or off the property and the fence be put in place.

Bruno seconded the motion and stated:

You should be aware that the fact your dog is ordered restraint makes you liable for any damages and liable for multiple damages in case that dog bites anybody. We have no record of other complaints, and the dog did not harm the girl which is lucky. If we have any other complaints, we will have you come back and the penalties can be up to having the dog destroyed. Do you understand that?

Rickley replied:

I do. I have a couple of questions. Depending upon on the level of complaint other than someone being bitten by the dog, which I do not foresee happening, what will happen if she gets out, barks, runs around and someone complains. What am I looking at. She is a dog. They do get out. I have dogs in my yard all the time. I am not going to call the neighbors and complain.

Bruno responded:

We live in a society. It has been this Board's understanding and direction that the society is for humans, and animals are welcome but must maintain their place. Mr. Brown raises a serious issue when he has a young child and he doesn't know and she doesn't know what is going on with that dog. So it is a serious issue in that regard. My recommendation to you is just don't let it happen. Things do happen sometimes, but it is your burden as the owner and keeper of the dog to make sure it doesn't. She may be the most friendly dog in the world but she scared a little kid already. We don't want to be faced with a situation like we are later tonight in other hearings where we tried to make this accommodation and the dog eventually got caught (inaudible).

Rickley continued:

My second concern is, even though our second dog is handicapped, it is significant in size. Even if it is fenced in or on a leash, this girl may be extremely terrified of a 180 pound dog running around.

Garron responded:

You cannot control other people's emotions, phobias or fears. All you can do is restrain the dog and make sure he can't get to anyone going by. What other people do outside that fence - we are not asking you to do anything that any law abiding citizen is not asked to do - to restrain that animal so that anyone walking that street can do it without fear of being bitten or chased. This hearing is about this particular dog, this particular incident. If another incident comes up, we will deal with it.

Rickley requested a copy of the minutes when available. The Board will inform him when they are available at a cost of 20-cents per page. Bruno informed Rickley he will be sent a written letter on the Board's decision which will include information on filing an appeal.

Schleiff said it has to do with perception. One person is not afraid of something while another person is. Garron opined we do not have dog problems, we have people problems. People are responsible for taking care of the dogs, the dogs are not responsible for taking care of them.

Bruno stated this is a serious matter and the Board considers it a serious matter. He felt Mr. Brown also considers it a serious matter.

Brown made the following statement:

I just want to say - I do not want you to be afraid I am going to call the cops every time I see your dog. If my granddaughter is over, I am going to be defensive. That is just the way it is. The dog may be friendly but it weighs 60-70 pounds. Even if it is a friendly jump, it is going to knock her down and hurt her. You don't have to worry about me calling the cops. If I see the dog running around, and I think he got out of your fence - I've seen what you have done, I know what you have done, and it is costing you a lot of money - I will go up and knock on your door and say your dog is running loose. You don't have to worry about that.

Bruno said that one of the resources available to Selectmen is a handbook which talks about some of the problems one will face as a Selectman, one of which is dog hearings. They recommend they are typically neighbor problems more than anything else. A lot of these problems can be resolved by good sense on both sides. He felt Brown was telling Rickley that and that Rickley should take the opportunity to make a friend.

Schleiff suggested that, whenever Rickley saw Brown's granddaughter over there, he double check the fence, the locks, and the leashes to make sure they are not loosening up and there is no way the dog will come out of that fence while Brown's daughter is there. He noted the girl is not there all the time but unfortunately happened to be when the dog got loose. The dog sees a kid and the dog is going to do everything it can to go out and play.

Moved by Garron and seconded by Bruno, Board unanimously voted to issue an Order of Restraint requiring the three year old Yellow Lab named Maggie owned by Samuel Rickley and housed at 31 Lawrence Road to be restrained at all times whether on or off the property and instructed the owner to finish enclosing his yard with the fence.

DOG HEARING - BINLEY / ELEVENTH AVENUE

In accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address a complaint that a two year old Yellow Lab named "Cody" owned by Susan Binley and housed at 16 Eleventh Avenue was running loose and bit another dog. The hearing was held at the request of Board of Selectmen based on a report by Police Officer Ryan Botto (copy attached hereto as Exhibit A and made an official part of these Minutes). In attendance were Police Chief Michael Manoogian, and Police Sergeant Ted Broderick.

The following individuals were present and sworn in by Notary Public John Bruno:

| | |
|----------------------|--|
| Susan Binley | Dog Owner |
| Jacob Binley | Binley's son (person walking dog that bit) |
| Mary Elizabeth Riley | Owner of dog bitten |
| Dillon Riley | Riley's son (person walking dog that was bitten) |
| Ryan Botto | Halifax Police Officer |
| Paula Garcia | 842 Monponsett Street, Hanson |

Police Officer Robert Botto made the following statement:

On Wednesday, August 5, 2009 at approximately 1700 hours an incident occurred leading to this report. Dillon Riley from 16 Eighth Avenue was out walking his 2 ½ year old beagle named Sherman in the area of Lingan Street and Eleventh Avenue. Sherman was on a leash at the time being walked by Riley heading west bound with his head phones on. Jacob Binley from 16 Eleventh Avenue was walking into the house with his two year old yellow lab Cody. Binley entered the doorway of his three season porch with Cody on a leash. Sherman was across the street walking and caught Cody's attention. Binley let the leash go as he was walking into the house. Cody ran back out. Cody bit Sherman on the left side of the body and then the left rear leg. Riley fended off Cody with his foot and brought his dog home. The dog was then brought to the Halifax Animal Hospital where it received treatment for flesh wounds. Riley was not bit by the dog but Sherman had a mark on its right rear leg.

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

Did you see any of these dogs?

I saw the beagle which was the dog that was bit.

Can you describe how severe it was?

It looked like a pretty good flesh wound, nothing more severe than that.

Have you had any follow up with this at all or did you just take this report?

No. Basically I took this report. This actually occurred a month earlier and the Dog Officer was going to follow up on it.

The incident happened on August 5th but was not reported until?

The 29th of August

Garron asked if there had been any other instances at the police station of either of the dogs having problems or complaints or was Botto aware of any complaints against Corey in the past that the dog was running loose or being intimidating in the neighborhood.

Botto stated he knew of no other incidents.

Mary Elizabeth Riley stated the following:

I reported it the day after it happened because I took the dog to the vet. He was bleeding, He got patched up, shaved and got antibiotics. I went to the police station and they told me the Dog Officer was not available because she was out on injured leave. They said they would take care of it. Then someone from animal control called me and I said I did not know the person who owned the dog but I would try to get in touch with them. They said they would take care of it after that. We walk past that person's house all the time - probably twice a day - and never had a problem before that or since then. That day was very traumatic. My son was upset; the dog was traumatized. Since then we have walked past, and their dog is always inside. They have a fenced in yard, and I have not seen their dog outside. I have never seen their dog loose in the street, and there are plenty of dogs down there that are loose. Their dog is never loose. It seems like it was an unfortunate accident.

Bruno noted that Binley's dog is two years old and asked Riley if she had not had a problem with the dog for those two years. Riley said:

We walk past that house all the time. Up, down and around multiple times. I can hear him barking through the fence. He doesn't jump at the fence, and I have never seen him loose.

Bruno asked whose dog it was. Susan Binley said it is her dog but the whole family takes care of it. Bruno asked if someone wanted to explain what happen. Susan Binley said that Jacob was walking the dog and felt he should relay what happened.

Jacob Binley made the following statement:

I was putting the dog into the house. I did not see the other dog coming down the street so I dropped the leash to let Corey in. The other dog just came around. Sherman started barking. Corey ran over.

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

You were originally walking the dog on a leash?

Yes

And you were coming back in the house and trying to open the door when you put the leash down?

Yes

And the other dog came unexpectedly?

Yes

Schleiff asked if Sherman caught Cody's attention and Cody ran back outside. Jacob said yes.

Following are questions asked by Selectman John Bruno (*in italics*); responses by Susan Binley immediately follow:

Do you have anything you would like to say?

Just what my son has said. We normally leash this dog. He is a family dog and is around other dogs. We have a cat. Kids are over all the time. I don't let the dog run loose. I keep him on a leash. It was unfortunate at the time when Jake was putting him in the house. From what Jake said, the dog caught his attention.

So your general practice with this dog is, when someone takes this dog for a walk, it is on a leash?

Yes

And where does it stay most of the time?

In the house. We let it out in the back yard to do its business.

And there is a fence around the back yard?

Yes and we usually stay right out there. He does his business and comes right back in because he likes to be around people and not by himself. After this incident, for training purposes, we started to put a muzzle on when we take him for a walk to make sure this incident does not occur again.

Garron said it sounds as though the Binleys have done everything they can under their control. It looks like it was an accident. Riley said it was an accident.

Schleiff noted that Riley's son picked up his dog as soon as it happened and asked Jacob Binley if he immediately went after his dog.

Riley responded:

Binley immediately came after his dog. His dog grabbed my dog and my son swung my dog up because he had a harness on. The Binley boy came right over and apologized. Everyone was upset. It was one of those situations. When I contacted Susan Binley, she came right over, we discussed it, and Susan paid the vet bills. We walk past their home every day and do not have a problem at all.

Bruno said the Board takes these things seriously. It is the Board's view that society is for people and allow animals as guests but they have to behave. He felt that, in this case, however, the complaint should be kept on file with no action taken at this time. Garron agreed, noting it appeared to be an accident and the dog has not been a problem in the past. Schleiff commented it was nice to see neighbors getting along and communicating with one another.

Moved by Bruno and seconded by Garron, Board unanimously voted to keep the complaint on file and take no action at this time.

REPORTS AND DISCUSSIONS

A. Traffic Safety Committee

Bruno stated that, last meeting the Board discussed forming a Traffic Safety Committee made up of the Fire Chief, Police Chief, Highway Surveyor, Elementary School Principal and one or more Citizens at Large. Garron felt the four departments represented the departments that should be involved in traffic safety along with one Citizen at Large. He felt this would be a workable size.

Bruno suggested discussing what the charge of the committee would be. Garron wanted information on what the Town can do with or without State permission - the feasibility of getting or placing pedestrian lights at crosswalks, the costs, etc.

Schleiff asked if a citizen at large had been found. Seelig noted that Susan Basile was present during the last discussion and indicated an interest in serving but had not submitted an official application. Schleiff said there was a discussion after the last Communications Committee meeting relative to the best time to hold these meetings which appeared to be right after the Communications meeting since most of the departments involved were already there. Bruno noted a citizen at large might not be available during the day.

Police Chief Manoogian was present and said Basile had talked with him and is willing to step forward. Information is being gathered and the group is going to meet the second Wednesday of the month. Bruno asked if a committee needed to be established at this time. Manoogian did not think a formal committee was needed at this time since the Selectmen had already charged the Police, Fire and Highway to look into the issue.

Bruno suggested the Police Chief continue on this study with the pertinent departments and have him meet with the Board in forty-five days to determine if a formal Committee is needed. A short discussion ensued on possible devices and funding sources which the group could explore.

Schleiff was reluctant not to have a formal committee that would continually focus on the issues. Bruno felt the departments need time to determine if a committee is needed.

Schleiff asked what mechanism is in place to change passing lanes if a committee is not formed. Bruno said the Highway Surveyor is a separately elected position. Garron wanted to make sure any work done is not in violation with the state. Manoogian said that is why an opinion is being sought from Town Counsel. Bruno said the Highway Surveyor agrees and wants confirmation on what he is allowed to do before he proceeds.

The Board tabled discussion until November 10th. Manoogian will provide the Board with a report at that time.

B. Liaison List

The Board did not discuss the Selectmen's Liaison List to various departments and outside agencies.

DOG HEARING - WOODBURY/EIGHTH AVENUE;
DOG HEARING - DACKOW/LINGAN STREET

In accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address a complaint that a ten year old male Lab/Pit Bull Cross named "Quincy" owned by Melissa Woodbury and housed at 35 Eighth Avenue bit Jennifer Dackow on the right thumb and bit Woodbury on the left inner thigh while being walked on a leash but not muzzled in violation of a Restraint Order issued on February 24, 2009 which required the dog be muzzled at all times when outside whether on or off the property.

In conjunction with this hearing, the Board also addressed a complaint that a four year old Chihuahua owned by Jennifer Dackow and housed at 60 Lingan Street was running loose in violation of the Town's leash law.

Both hearings were being held at the request of the Board of Selectmen based on a report by the Halifax Inspector of Animals (attached hereto as Exhibit A and made an official part of these Minutes) and a report by Police Officer William Caprio (copy attached hereto as Exhibit B and made an official part of these Minutes). In attendance were Police Chief Michael Manoogian and Police Sergeant Ted Broderick.

Both Woodbury and Dackow failed to appear at the hearings.

The following individual was present and sworn in by Notary Public John Bruno:

Police Officer William Caprio

Police Officer William Caprio made the following statement:

On August 4th, I was ordered to investigate a dog bite that occurred two weeks prior. The same day, I went to one of the parties' house. The people involved are Melissa Woodbury of Eighth Avenue and Jennifer Dackow of Lingan Street. They live right across from each other. I went to Woodbury's house that day. She told me she put the dog on a leash. She was going to take it into the bog area that day. When she got across the street near her neighbor's yard - the other party involved here - she heard her neighbor yelling for her dog to come back. She looked up. She saw Dackow running after her little dog. She (Dackow) grabbed it. She said it got loose from her (Dackow) and then it went running back to her (Melissa) and her dog. Melissa used her body to shield her dog from Dackow's. At that point, her (Melissa) dog bit her on the left inner thigh. She believes because of the excitement between the two dogs. It just got excited, didn't know what was going on and bit her. She went down to the ground because she was in shock at what just happened. She could see the little Chihuahua right there and then saw Dackow reach down to grab her dog and her (Melissa) dog grabbed Jennifer's hand. When they finally broke it up, they both went home. Melissa said she would come

over to speak to Jennifer about the incident. She went over to her house; no one was home. That was pretty much it. I asked Woodbury for her dog's rabies certification and license. She said it was not licensed at that point. The rabies was up to date. So we left it at that.

In response to questions from Garron, Caprio said the incident took place on July 20th at which point the dog was not licensed but the rabies was up to date. In response to a question from Bruno, Seelig said the dog was licensed on August 31st.

Caprio continued with his report:

The next day I spoke with Jennifer Dackow. She said her dog was in the yard; she was in the yard. She saw Melissa and her dog across the street. Her dog took off after the dog. She said Melissa looked alarmed and she turned around to head back toward her yard. She told me at that point the dog was not wearing a muzzle. It is suppose to be because of past incidents with this dog. Jennifer said that Melissa's dog went after her dog. She reached down to grab her dog and Melissa's dog bit her on the hand. She said it held on about 20 to 30 seconds before they could get her hand out of its mouth. She showed me her wound. It didn't look bad at all. Maybe a little dried blood but she could not bend it at all.

In response to questions from Schleiff, Caprio said the wound was about two weeks old because the incident happened two weeks prior to his talking with the parties involved.

Caprio continued with his report:

She spoke with Judy Anderson (the Inspector of Animals); that was the only person she had spoken to up to that point. Anderson told her this dog was suppose to be wearing a muzzle because of past incidents and it was not.

Schleiff understood from the Police Officer report that the dog was not suppose to leave the yard. Caprio believed it could be off the property as long as it was muzzled. Seelig clarified there is a letter from the Board that specifically states the dog must be restrained and muzzled whenever outside whether on or off the property.

Bruno noted that Caprio was assigned this investigation as part of his regular day shift two weeks after the incident and asked who initiated the complaint. Caprio referred to the police log (copy attached hereto as Exhibit C and made an official part of these Minutes), noting that an individual called on July 20th at about 7:10 p.m. about this incident for Jennifer Dackow. Police Chief Michael Manoogian said a formal complaint was not filed at the time. Someone said that someone was bitten and that he would call back with specifics. The person did not ask for a police officer. Seelig said the Inspector of Animals gave a short

report to the Board of Selectmen concerning this incident. Seelig believed she found out from the hospital which must report dog bites. Because the Board has always held a hearing on any incident involving a dog bite, he went back to the Police Chief and asked him to investigate the matter since the Animal Control Officer was not available.

Bruno concluded that the person went to the hospital which reported to the Inspector of Animals who reported to the Board at which point a hearing was scheduled to address the incident.

Garron stated:

Two things distress me: Quincy was not licensed at the time and not muzzled. We had a long hearing on this dog because it bit a person and a horse in Plymouth. We went with the recommendation of the Inspector of Animals that the dog be muzzled at all times. She (Woodbury) did not have the dog muzzled evidently because it bit. That is a violation of the Restraining Order in place on the dog. The fact the other dog was in its yard and ran out is a separate issue. The Woodbury dog was not muzzled and attacked its owner and someone else.

Bruno stated:

They are not here which is a problem. The Dackow dog ran out which could have agitated the other dog. But the Woodbury dog was to be muzzled whenever outside whether on or off the property. I think we should ask the Police Chief to have letters directly served on Woodbury advising her that we opened the hearing and my recommendation is to continue for one more session.

Garron responded:

I have a problem with continuing it but understand we have no one to speak to it. In the Officer's report, she knew there was a problem because she put herself between her dog and the other dog. That is how she got bit. That is an indication she knew there was a problem. I am willing to continue the hearing but would rather render a decision now. I think the dog should be removed from town or euthanized.

Bruno's only concern is there is no proof Woodbury received the certified letter. He agreed there are problems with this dog, noting the Inspector of Animals went out of her way to say the dog was a problem. His only concern was whether or not she received notification of the hearing. Garron understood the Board did not have verification she received it but was concerned that, once again, the dog showed it will attack. Schleiff commented the owner cannot even control the dog.

Garron agreed to have a fair hearing, Woodbury should be served notification. Schleiff asked that the officer take note as where the dog is when the notice is served (i.e. in the house, outside muzzled or not muzzled, etc.). Manoogian stated that, if the dog is outside and not muzzled, that is another issue and someone would have to go to the court, make a statement to the judge, and ask permission to take the dog. The Board could then make a decision on what then happens to the dog.

Discussion ensued on the date to continue the hearing. Garron wanted to continue to next Tuesday even though the Board was meeting in the Elementary School before the Special Town Meeting. Manoogian said, when they serve notice, they could determine if Woodbury would be available next Tuesday and report back to the Board. At that time, if Woodbury was not available, the Board could continue the hearing to another date.

Moved by Bruno and seconded by Schleiff, Board unanimously voted to continue the hearing on the Woodbury dog to Tuesday, September 29th, at 6:45 p.m. in the Elementary School and instructed the Police Chief to have an officer hand serve Woodbury the notice of continuation.

With regard to the Dackow dog, the Board had received proof that the notice had been received. Garron recommended issuing an Order of Restraint that required the dog be restrained when outside whether on or off the property. In addition, the dog must be licensed and up to date on rabies.

Seelig stated the dog is now licensed.

Schleiff asked if the letter would just be an FYI and not official. Garron said it would be an official restraint order. Bruno said that, with the Woodbury dog, the Board wants to ensure notification was received because the Selectmen may take more drastic steps. With regard to the Dackow dog, Dackow did receive the notification, was given an opportunity to appear and did not show up. The Police Officer's report is sufficient upon which to make a decision.

Moved by Garron and seconded by Bruno, the Board unanimously voted to issue an Order of Restraint against the four year old Chihuahua owned by Jennifer Dackow and housed at 60 Lingan Street requiring the dog be restrained whenever outside whether on or off the property.

HISTORICAL COMMISSION APPLICANTS

While two applicants were scheduled, the Board met only with Shirley Schinder; Nicholas Bessette did not appear for his appointment with the Board. Two openings exist, and both candidates had been recommended by the Historical Commission.

Schindler has lived in Halifax for eighteen years with her husband and two children. Her in-laws have resided in Halifax continuously since 1886. The Schindler family has been known for the "Monponsett Hotel". She has also been researching the history of the Town and her interests lean toward the historical areas.

Moved by Bruno and seconded by Garron, Board unanimously appointed Shirley Schindler to the Halifax Historical Commission, term to expire June 30, 2012.

There being no further business, moved by Bruno and seconded by Garron, Board unanimously voted to adjourn the meeting at 9:30 p.m.

Michael J. Schleiff
Clerk

pjm/bfs

ATTACHMENTS - RICKLEY DOG HEARING EXHIBITS
BINLEY DOG HEARING EXHIBITS
WOODBURY/DACKOW DOG HEARING EXHIBITS