

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, SEPTEMBER 29, 2009 – 6:30 P.M.  
HALIFAX ELEMENTARY SCHOOL

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The meeting was delayed and came to order at 6:45 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

**AGENDA**

The Agenda for Tuesday, September 29<sup>th</sup>, was unanimously approved without revision.

**DOG HEARING CONTINUED - WOODBURY / EIGHTTH AVENUE**

At 6:45 p.m., the Board continued the hearing from September 22<sup>nd</sup> to address a complaint that, on July 20, 2009 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. Woodbury had failed to appear for the hearing and had been notified by a letter hand-delivered by the Halifax Police Department of the date and time the hearing was continued to afford her an opportunity to reiterate what happened on July 20<sup>th</sup>.

Woodbury was present and stated the following:

I was walking my dog on a leash off my property in the bog across the street from my house. Another dog, also with its owner, was at the bog not leashed. The unleashed dog started running towards me and my dog so I quickly started heading back to my house. The other dog approached me and my dog. I stepped in between my dog and the other dog and in doing so my dog bit me in the thigh. As the owner of the other dog, Jennifer Dackow, was reaching down to pick up her dog, my dog bit Jennifer on the hand.

Bruno asked if the dog was leashed. Woodbury said it was. Garron asked if the dog was muzzled. Woodbury said it was not.

Garron asked Woodbury if she got the original notice. Woodbury said she did not because she thought it was a letter from a bill collector and she did not pick up the mail.

Schleiff stated the following:

It seems like an aggressive dog. I don't seem to think the dog is able to change his behavior. The dog should have been muzzled. What do you think the Board should do?

Woodbury responded:

Of course I am going to be very biased. The only option for my dog is another chance or putting the dog down.

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

*Do you own a muzzle?*

Yes. I have him muzzled when out for walks. The open space in the bogs; I didn't see the danger.

*How will you prevent this from happening again?*

Muzzle him at all times. But sometimes dogs get into a tiff with each other. He tries to get if off.

Following are questions asked by Selectman Michael Schleiff (*in italics*); responses by Melissa Woodbury immediately follow:

*How is he with the muzzle?*

He doesn't like it. I can get it on him and I take him out, but it's no fun. The dog can't pant during the summer, and I was lax that day. They have cage size muzzles to allow the dog to pant, but I have not found one yet. No problem with the muzzle he has. Have him leashed and muzzled when under my supervision.

*Is the dog alone in the yard?*

No. Leashed, muzzled, and attended when outside the house.

Following are statements made by Selectman Troy Garron (*in italics*); responses by Melissa Woodbury immediately follow:

*The dog has a tendency to bite humans and animals. This is the second time being here. My first thought is to euthanize the dog.*

You were very up front at the last hearing, and I didn't think your feelings would change.

*My job is to protect the public and also you. He will go after other dogs.*

Not if other dogs are leashed, and he was leashed.

Bruno said he has been doing this for a while and he tries to avoid a difficult situation. Sometimes it works and sometimes they go back to their ways. He felt this was going to be a problem and eventually going to happen again.

In response to a question from Schleiff, Bruno and Garron reiterated what happened the last time for which a hearing was held. Woodbury said she felt she was never able to clarify what really happened. Bruno said he does not want to have another problem down the road - a door may be left opened someday and the dog might get out.

Schleiff said, when the dog gets tangled up, he reacts. Dogs don't know sometimes how to behave. Two dogs come together - one was not muzzled and the other one was loose. Garron said that, in all fairness, the dog was not suppose to be outside on or off the property without a muzzle and it was. Bruno said the dog is a biter and he would not know how to explain to someone if their child got bit in the future.

Moved by Garron and seconded by Bruno, the Board voted as follows to find the ten year old male Lab/Pit Bull Cross named Quincy owned by Melissa Woodbury and housed at 35 Eighth Avenue to be a nuisance by reason of vicious disposition and ordered the dog be destroyed within ten days after the date of notice to the owner:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	No

Motion passed by a 2/3 vote.

**MINUTES**

No Selectmen Meeting Minutes were considered or approved.

**BILLS/WARRANT/COMMITMENTS/TURNOVERS**

Moved by Schleiff and seconded by Garron, Board unanimously committed for collection Ambulance Commitment #9A in the amount of \$19,588.00

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Payroll Warrant #26 in the amount of \$328,468.73

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Vendor Warrant #27 in the amount of \$239,374.47

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Withholding Warrant #28 in the amount of \$117,454.45

The Board acknowledged payment of the Selectmen Office payroll for the period ending September 26, 2009 in the amount of \$6,026.99

**GENERAL MAIL/BUSINESS**

A. Work Within Layout of Paradise Lane Extension

The Board acknowledged a letter from the Highway Surveyor stating he had no problems with P.M.P Associates LLC using Paradise Lane Extension for access to complete work that needs to be done to 343 Monponsett Street, provided that (a) the work to be done does not change the topography of the land and will have no negative impact on Paradise Lane Extension and (b) all conditions are met to meet the needs of the Conservation Commission. Moved by Bruno and seconded by Schleiff, Board unanimously granted permission to P.M.P. Associates to work within the layout of Paradise Lane Extension contingent upon the two stipulations required by the Highway Surveyor.

B. South Coastal Counties Legal Services, Inc.

Moved by Bruno and seconded by Schleiff, Board unanimously approved and signed the contract between the Town and South Coastal Counties Legal Services, Inc. for Fiscal 2010 in the amount of \$3,500.

C. MTBE Settlement

Moved by Garron and seconded by Schleiff, Board unanimously authorized the Chairman to sign the MTBE settlement agreement between the Town and Exxon Mobil.

D. Resignation - Rannou / Halifax In Lights

Moved by Garron and seconded by Bruno, Board unanimously accepted, with regret, the resignation of Denise Rannou from the Halifax in Lights Committee, effective immediately.

E. Resignation - Allen / Youth and Recreation Commission

Moved by Garron and seconded by Bruno, Board unanimously accepted, with regret, the resignation of Joyce Allen from the Youth and Recreation Commission, effective immediately.

There being no further business, moved by Garron and seconded by Bruno, Board unanimously voted to adjourn at 7:15 p.m. to attend the Special Town Meeting.

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Michael J. Schleiff  
Clerk

pjm/bfs