

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, December 13, 2011

Present: Matthew V. Moore, Vice-Chairman
Brinsley A. Fuller, Clerk
Richard B. McGaughey, Associate

Absent: Timothy J. Gordon, Chairman
Kevin J. Sheehan, Associate

In attendance: Marjorie E. Godfrey, Selectmen's Secretary

The meeting was called to order at 7:00 pm by Vice-Chairman Moore, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

Mr. Moore expressed the condolences of the Board upon the passing of:

Ms. Emily Brigandi, an employee in the Assessors' office for over 30 years

Mr. David Holden, a lifelong resident who was a former Selectmen and Holbrook Police officer, in addition to having served on various town boards and committees

Mrs. Theresa Phelan, Town Administrator William Phelan's mother

MINUTES:

MOTION: By Mr. Fuller, second by Mr. McGaughey, to accept the minutes of the regular session of November 8, 2011 as printed

VOTE: 3:0

MOTION: By Mr. Fuller, second by Mr. McGaughey, to accept the executive session minutes of November 8, 2011 as printed

VOTE: 3:0

It was announced that:

- Donations for Holbrook Santa can be sent to the Holbrook Cooperative Bank or the Selectmen's office. Ms. Jacqueline Yunits, who has volunteered to serve as Santa for the past 7 years, has reported that there are more families seeking assistance with Christmas this year than ever before.
- A concern has been received about early morning deliveries at the Prime Gas station on North Franklin Street. The Building Inspector will be notified.
- The Building Inspector will also be notified about a complaint received relative to the debris in the yard of a home on West Street.
- The lawsuit brought against the proposed transfer station on Phillips Road by the Town of Randolph has been won by the Town of Holbrook. Two more permits are required from the state, and the project will be back to the Board of Health in the spring.

7:06 p.m.: FILL A VACANCY ON THE LIBRARY BOARD OF TRUSTEES:

Present: Trustees: Jeffrey Farash and Marianne Morelli
Library Director Ruth Hathaway
Ms. Mary Kwiatkowski, a resident interested in an appointment to the Board of Trustees

It was explained that Ms. Ellen Mann resigned from her position on the Board of Trustees and Ms. Kwiatkowski, who has been a volunteer and participant in the Library activities, would like to fill that position. She would be appointed until the annual town election in April 2012.

MOTION: By Mr. McGaughey, second by Mr. Fuller, to appoint Ms. Mary Kwiatkowski as the third member of the Library Board of Trustees until the annual town election in April 2012

VOTE: 5:0 (3 Selectmen and 2 Trustees in favor; none opposed)

VERIZON FIOS SOLICITING:

Ms. LaVerne Diane Johnson and Mr. Thomas William Rotondo, III applied for permits to solicit door-to-door at multi-dwelling units for the sale of Verizon FIOS on behalf of DRASCO Alternate Sales.

Mr. Rotondo was present at this meeting.

The two applications were reviewed and discussed, and the town by-law, Section 5-4 of the General By-Laws was read. Mr. Rotondo indicated the soliciting would not take place before 11:00 a.m., and they are generally done by 4:00 – 4:30 p.m.

MOTION: By Mr. McGaughey, second by Mr. Fuller, to grant the solicitation of Verizon FIOS with the following restrictions:

- o Solicitors must check in with the Police Department each day
- o Soliciting is to be done during daylight hours only, between 11:00 a.m. and one-half hour before sunset
- o The residents are allowed to opt-out of soliciting. A 2-week grace period will allow for the coordination of an opt-out list.
- o There is to be no soliciting on Sunday
- o The solicitors must be fully badged

VOTE: 3:0

PUBLIC HEARING ON THE APPLICATION FOR A PRIVATE CLUB LICENSE TO EXPOSE, KEEP FOR SALE AND TO SELL ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES IN THE NAME OF SOUTH SHORE POKER CLUB, INC (PAUL A. ANASTASIO, MANAGER) AT 27 MAPLE AVE., 4R:

7:20 p.m.: The hearing notice published in the *Patriot Ledger* on Saturday, November 19, 2011 was read.

MOTION: By Mr. Fuller, second by Mr. McGaughey, to open the hearing on South Shore Poker Club

VOTE: 3:0

Mr. Moore explained that Mr. McGaughey does not hear matters related to alcohol; therefore, the hearing will have to be continued until the next Board meeting.

MOTION: By Mr. Fuller, second by Mr. McGaughey, to continue the hearing until January 10, 2012 at 7:15 p.m.

VOTE: 3:0

DESIGNATE THE TOWN FOREST COMMITTEE MEMBERS AS SPECIAL MUNICIPAL EMPLOYEES:

Present: Ms. Patricia Greely and Mr. Dale Lewis, members of the Town Forest Committee
Ms. Greely said she called the Ethics Commission because she volunteers for the Forest Committee and works in the Tax Collector's office. In order to be compliant with the Ethics laws, she is requesting that the Town Forest Committee members be designated as special municipal employees.

MOTION: By Mr. Fuller, second by Mr. McGaughey, to grant special municipal employee status to the Town Forest Committee members, pursuant to MGL Chapter 268A

VOTE: 3:0

The appointment of a Representative to the METROPOLITAN AREA PLANNING COUNCIL (MAPC) was tabled until the next meeting.

Mr. Moore briefly reviewed the WATER SUPPLY ALTERNATIVES STUDY done by Environmental Partners and asked that it be included on the next agenda.

RECESS:

With no further business until an 8:00 p.m. hearing, Mr. Moore indicated the Board would take a recess until that time.

MOTION: By Mr. McGaughey, second by Mr. Fuller, to adjourn the meeting until 8:00 pm

VOTE: 3:0

HEARING REGARDING THE DOGS AT 28 LOUISE ROAD:

Present: Laurice Hedges, Animal Control Officer (ACO)
Mrs. Brigitte T. Mello, 28 Louise Road
Mrs. Mello's grandchildren, including Christopher Mello of 122 Weymouth St.
Mr. Robert & Mrs. Nora Kizelewicz, 32 Louise Road

MOTION: At 8:00 p.m., by Mr. Fuller, second by Mr. McGaughey, to open the hearing regarding the dogs at 28 Louise Road

VOTE: 3:0

The Animal Control Officer presented the history of dog-related complaints in the vicinity of 28 Louise Road, which she described as frequent since 2009. The dogs from that location have repeatedly been reported as being allowed to run at large in the neighborhood and the licensing has been sporadic. Three dogs from 28 Louise Road are currently in quarantine after breaking through the fence to the neighbor's property at 32 Louise Road and killing a 1 year old Yorkshire terrier owned by the Kizelewicz family on December 3, 2011. The dogs in quarantine include:

1. A registered, neutered male, Boxer named Champ
2. An unregistered, unneutered male, Pit bull named Joker
3. An unregistered, unneutered male, Boxer-mix named Buddy

Ms. Hedges said that one of the dogs (Champ) is licensed, but that was only done after Mrs. Mello received a Quincy Court notice. Two of the dogs have also not had Rabies or distemper shots.

Mr. & Mrs. Kizelewicz said that the history given by Ms. Hedges is accurate. Although the Boxer is frequently loose, he was not aggressive. The Pit bull has been observed trying to bite through the fence and jumping up on the fence trying to jump over it to get at the Yorkshire terrier in the Kizelewicz' back yard. Mrs. Kizelewicz said she talked to Mrs. Mello three times and expressed her concern about the fence being damaged, but Mrs. Mello said she was just babysitting the dog, and nothing was done. Mrs. Kizelewicz said recently her small dog was found dead outside, and she found bite marks on the fence and a hole that had been made in the fence. She took pictures of the hole and a blood trail. The ACO, who was called and responded to the scene, said that the small dog was not mauled, but had had its neck snapped. The fines due from the Mello's for that day will total \$570.00.

Mr. Christopher Mello, Mrs. Mello's grandson, argued about the dogs being let out the day the Kizelewicz's dog was found and questioned whether the dogs damaged the fence. He said that times are hard, money is short, and it is hard to keep the dogs in the house when people come to the door.

Mr. Moore read a petition signed by 24 of the neighbors asking that the Boxer, Champ, be removed from 28 Louise Road.

ACO Hedges explained that there is an ongoing issue with the dogs getting out because neither Mr. nor Mrs. Mello can handle or control dogs of that size. The dogs have no obedience training and can drag Mrs. Mello. At this point, the three dogs have been together long enough and have been allowed to run freely enough that there is a pack mentality situation and there is no one in the home to supervise the dogs.

Discussion took place relative to the options the Board of Selectmen has in resolving the matter. Ms. Hedges recommended that all three dogs be removed from Holbrook. She said that allowing Champ to remain would require that the Board stipulate that an electrical fence or a new kennel with a top and bottom be installed first.

After considering all the information presented, Mr. Moore indicated that his recommendation would be to remove the three dogs from 28 Louise Road. Mrs. Mello was told that any decision of the Board is appealable in District Court within ten days. If there is an appeal, the Mello's are responsible for the cost of sheltering. Her grandson, Christopher Mello, indicated that there will be an appeal.

MOTION: By Mr. Fuller, second by Mr. McGaughey, that the Board of Selectmen have all three dogs held in the custody of the Animal Control Officer while the Board's decision to remove the dogs is appealed in District Court

VOTE: 3:0

MOTION: At 8:45 pm, by Mr. Fuller, second by Mr. McGaughey, to adjourn the meeting

VOTE: 3:0

Documents: Agenda, draft minutes, request to appoint Library Trustee, request from Town Forest Committee to be designated Special Municipal Employees, letter from MAPC, information re: dog hearing, (2) requests to solicit, South Shore Poker Club license application