

November 17, 2020



TOWN of WAREHAM

Board of Selectmen

Meeting Agenda

7:00 p.m. – Meeting taking place remotely due to COVID-19

Join Zoom Meeting

<https://us02web.zoom.us/j/84292153746?pwd=S3FmZTRFU1gveS9oOGsrWkZZSjFDQT09>

Meeting ID: 842 9215 3746

Passcode: 598149

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

1. **CALL TO ORDER BY CHAIRMAN**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ANNOUNCEMENTS**
5. **CITIZEN'S COMMENTS**
6. **BOARD'S COMMENTS**
7. **TAX LEVY HEARING 7:10 PM**
8. **DOG HEARING 7:15 PM**
9. **APPOINTMENTS/REAPPOINTMENTS/ INTERVIEWS**
 - a. Conservation Commission
 - i. Kwamie Bartie
 - ii. Michael Mercier
 - iii. Lisa Morales
10. **LICENSES AND PERMITS**
 - a. **Renewal of the following Year Round Retail Package Good Store All Alcoholic Beverages Licenses for the year 2021, under the provisions of Chapter 138 of the Massachusetts General Laws:**
 - i. The Jinjas Company, Ltd., d/b/a The Jug Shop, 219 Main Street, Wareham.
 - ii. Amar Jyoit Corporation d/b/a Wareham Liquors, 419 Main Street, Wareham.
 - iii. The Liquor Locker, Inc., Manager, 3021 Cranberry Highway, East Wareham.
 - iv. Onset Village Market, Inc., 231 Onset Avenue, Onset.
 - v. Pepin's, Inc. d/b/a Pepin's Liquors, 2259 Cranberry Highway, West Wareham.

- vi. D.J. Sullivan, LLC d/b/a Sullivan Wine & Spirits, 260 Marion Road, Wareham.
- b. **Renewal of the following Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2021, under the provisions of Chapter 138 of the Massachusetts General Laws:**
 - i. Al & El Corp. d/b/a Ella's Woodburning Oven Restaurant, 3136 Cranberry Highway, East Wareham.
 - ii. Barnacle Bobs, Inc. d/b/a Barnacle Bob's and/or BB's, 2424 Cranberry Highway, Wareham.
 - iii. Bay Pointe Club LLC, 10 Bay Pointe Drive, Onset.
 - iv. Fan Club, Inc., 2859 Cranberry Highway, East Wareham.
 - v. G.S. Corporation d/b/a Gateway Tavern, 371 Marion Road, Wareham.
 - vi. Gourmet Garden of Wareham, Inc., d/b/a Ginger, 2421 Cranberry Highway, Wareham, MA
 - vii. Hadley-Macintosh Enterprises d/b/a The Stonebridge, 5 East Boulevard, Onset.
 - viii. CABRST LLC d/b/a Vels Restaurant, 2352 Cranberry Hwy, W. Wareham.
- c. **Renewal of the following Year Round Veterans Club all Alcoholic Beverages License for the year 2021, under the provisions of chapter 138 of the Massachusetts General Laws:**
 - i. Dudley L. Brown Post #2846 VFW of US, Inc., 4 Gibbs Ball Park Road, Onset.

11. TOWN BUSINESS

- a. COVID-19 Update.
- b. Refuse Update.
- c. Application from Wareham Garden Club to place signs on Town Property.
- d. Ratify hiring of Sandra Malley part-time Communications Officer for the WPD.
- e. Continued discussion and votes to recommend warrant articles for 2020 Fall Town Meeting.
- f. Discussion and vote on articles for 2020 Special Town Meeting.
- g. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

12. TOWN ADMINISTRATOR'S REPORT

13. LIAISON/INITIATIVE REPORTS

14. CONSENT AGENDA

- a. Approve meeting minutes: November 5, 2020
- b. Authorization to sign bills and documents, etc.

15. ADJOURNMENT

16. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: November 17, 2020
Date of Transcription: May 5, 2021
Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

This meeting was held remotely due to COVID-19.

2. ROLL CALL

Selectmen Present: Peter W. Teitelbaum, Esq., Chairman
Judith Whiteside, Clerk
Alan H. Slavin
Patrick G. Tropeano
James M. Munise (7:05 p.m.)

Also Present: Derek Sullivan, Town Administrator
Richard Bowen, Town Counsel

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

There will be a trailer outside Tobey Hospital for COVID testing. An appointment must be made.

5. CITIZEN'S COMMENTS

None.

6. BOARD'S COMMENTS

Selectman Slavin stated that the Veteran's Day event went very well and wanted to extend his appreciation to the Fire Departments and the Police Department.

7. TAX LEY HEARING 7:10 P.M.

MOTION: Selectman Whiteside moved to open the hearing. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

Present Before the Board: Jacqui Nichols, Director of Assessors
Ms. Nichols was before the board with the recommendations to continue with the single tax rates.

MOTION: Selectman Whiteside moved to close the hearing. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to set the residential factor at 1.0%. Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

8. DOG HEARING 7:15 P.M.

MOTION: Selectman Whiteside moved to open the hearing. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

Selectman Teitelbaum read the complaint letter into record. *(See attached)*

Selectman Teitelbaum swore in all participants stating testimonies.

Present Before the Board: Brandan Muller, William Manguso, Miriam Dimauro and Joshua Kimball, Natural Resources Officer.

Officer Kimball read into record the incident report. *(See attached)*

Mr. Muller stated that his dogs are puppies that do not understand orders yet. Mr. Manguso testified that he has seen the dogs loose three to four times since the summer. He also witnessed Ms. Dimauro trying to exit her boat when the two dogs were barking at her. Mr. Muller asked Mr. Manguso if he has ever witnessed the dogs physically harming any children and anyone elderly. Mr. Manguso responded no. Ms. Dimauro stated that she was attempting to exit the boat until she saw the dogs aggressively running toward her growling and showing their teeth. She stated that she remained on the boat for approximately seven minutes. Her concern is the safety in the neighborhood. Mr. Muller asked Ms. Dimauro if she has ever seen children walking the dogs, playing with the dogs, or seen the dogs on golf carts with any children. Her response was no.

Mr. Muller testified that while he understands all concerns, his neighbors have played with the dogs and children have walked the dogs. They are currently being professionally trained, have been vaccinated and licensed, and are also currently chipped. He has gated the property with a 10 X 10 fence and has installed surveillance cameras in order to keep an eye on the dogs. He has also familiarized himself with the Massachusetts Laws.

Officer Kimball recommended deeming the dogs at risk and explained that the enclosure installed is suited for one dog not two and that it must be increased to a two hundred square foot enclosure. He also recommended that the dogs may leave the property securely and humanely muzzled with a chain or tethering device not to exceed four feet in length by a controlling person 18 years or older. The dogs must be microchipped and shall undergo obedience training from a trainer approved by the Animal Control Officer. After two years of compliance, the dogs shall no longer be considered at risk.

MOTION: Selectman Tropeano moved to close the hearing. Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to deem the dogs at risk with the following conditions:

1. When not under direct control of a controlling person, the dogs shall be contained within a secure enclosure.
2. The dogs may only leave the premises by a controlling person and shall be securely and humanely muzzled and restrained with a chain or tethering device to exceed four feet in length having a minimum tensile strength of three hundred (300) pounds.
3. Both dogs shall be microchipped.
4. Both dogs shall undergo obedience training from a trainer approved by the Animal Control Officer.
5. After two years of compliance, the dogs shall no longer be considered at risk.

Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Tropeano-yes, Selectman Munise-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

9. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Conservation Commission

i. Kwame Bartie

MOTION: Selectman Whiteside moved to appoint Kwame Bartie as an associate member to the Conservation Commission to a term to expire no later than June 30, 2021. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

ii. Michael Mercier

MOTION: Selectman Whiteside moved to appoint Michael Mercier as an associate member to the Conservation Commission to a term to expire no later than June 30, 2021. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman

Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

iii. Lisa Morales

The interview will continue on next week's meeting.

10. LICENSES AND PERMITS

a. **Renewal of the following Year Round Retail Package Good Store All Alcoholic Beverages Licenses for the year 2021, under the provisions of Chapter 138 of the Massachusetts General Laws:**

- i. The Jinjas Company, Ltd., d/b/a The Jug Shop, 219 Main Street, Wareham.
- ii. Amar Jyoit Corporation d/b/a Wareham Liquors, 419 Main Street, Wareham.
- iii. Ranchod Inc. d/b/a The Liquor Locker, Inc., Manager, 3021 Cranberry Highway, East Wareham.
- iv. Onset Village Market, Inc., 231 Onset Avenue, Onset.
- v. Pepin's, Inc. d/b/a Pepin's Liquors, 2259 Cranberry Highway, West Wareham.
- vi. D.J. Sullivan, LLC d/b/a Sullivan Wine & Spirits, 260 Marion Road, Wareham.

Licenses were not approved for the Jinjas Co., Amar Jyoit Corp., Onset Village Market, Pepin's Inc. and DJ Sullivan. Additional paperwork needed.

MOTION: Selectman Whiteside moved to renew the Year Round Retail Package Good Store All Alcoholic Beverages Licenses for the year 2021, under the provisions of Chapter 138 of the Massachusetts General Laws for Ranchod, Inc. d/b/a The Liquor Locker, 3021 Cranberry Hwy, E. Wareham. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

b. **Renewal of the following Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2021, under the provisions of Chapter 138 of the Massachusetts General Laws:**

- i. Al & El Corp. d/b/a Ella's Woodburning Oven Restaurant, 3136 Cranberry Highway, East Wareham.
- ii. Barnacle Bobs, Inc. d/b/a Barnacle Bob's and/or BB's, 2424 Cranberry Highway, Wareham.
- iii. Bay Pointe Club LLC, 10 Bay Pointe Drive, Onset.
- iv. Fan Club, Inc., 2859 Cranberry Highway, East Wareham.
- v. G.S. Corporation d/b/a Gateway Tavern, 371 Marion Road, Wareham.

SELECTMEN MEETING MINUTES-11/17/2020 (CONT'D)

- vi. Gourmet Garden of Wareham, Inc., d/b/a Ginger, 2421 Cranberry Highway, Wareham, MA
- vii. Hadley-Macintosh Enterprises d/b/a The Stonebridge, 5 East Boulevard, Onset.
- viii. CABRST LLC d/b/a Vels Restaurant, 2352 Cranberry Hwy, W. Wareham.

Licenses were not approved for AL & El Corp., Bay Pointe Club, GS Corp., Gourmet Garden and CABRST LLC. Additional paperwork needed.

MOTION: Selectman Whiteside moved to approve the renewal of the Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2021, under the provisions of Chapter 138 of the Massachusetts General Laws for Barnacle Bobs, Inc. d/b/a Barnacle Bob's and/or BB's, 2424 Cranberry Hwy, Wareham, FC II d/b/a Fan Club, Inc., 2859 Cranberry Hwy, E. Wareham and Hadley-Macintosh Enterprises d/b/a The Stonebridge, 5 East Boulevard, Onset. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

- c. **Renewal of the following Year Round Veterans Club all Alcoholic Beverages License for the year 2021, under the provisions of chapter 138 of the Massachusetts General Laws:**

- i. Dudley L. Brown Post #2846 VFW of US, Inc., 4 Gibbs Ball Park Road, Onset.

This license was not approved. Additional paperwork needed.

11. TOWN BUSINESS

- a. COVID-19 Update.

Mr. Sullivan provided there are currently twenty-three new confirmed cases and two probable cases. Since September 1, 2020 there have been 132 confirmed cases. He urged residents to continue following the guidelines especially during the upcoming holiday season.

- b. Refuse Update.

The disposal agreement with Covanta is in process. The web portal is being worked on as well as the process for distribution of stickers and curbside. Making sure the Transfer Station is open in a timely manner is a priority.

- c. Application from Wareham Garden Club to place signs on Town Property.

MOTION: Selectman Whiteside moved to approve the application from Wareham Garden Club to place signs on Town Property. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

SELECTMEN MEETING MINUTES-11/17/2020 (CONT'D)

- d. Ratify hiring of Sandra Malley part-time Communications Officer for the WPD.

MOTION: Selectman Whiteside moved to ratify hiring of Sandra Malley as a part-time Communications Officer for the WPD. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

- e. Continued discussion and votes to recommend warrant articles for 2020 Fall Town Meeting.

Articles will be discussed and voted on at a later meeting.

- f. Discussion and vote on articles for 2020 Special Town Meeting.

MOTION: Selectman Tropeano moved to include the Rescind Article 84 of the 2010 Fall Town Meeting Article in the 2020 Special Town Meeting warrant. Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Tropeano moved to include the Lease of a Portion of the Westfield Property article in the 2020 Special Town Meeting warrant. Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Whiteside moved to include the Hospitality Entertainment Zoning article in the 2020 Special Town Meeting warrant. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

- g. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

12. TOWN ADMINISTRATOR'S REPORT

13. LIAISON REPORTS/INITIATIVE REPORTS

Selectman Slavin stated that the Southcoast Bikeway Alliance is currently working on a basic bike path from Plymouth to the Cape. This project is expected to take up to five years.

14. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
b. Approve meeting minutes: November 5, 2020

MOTION: Selectman Whiteside moved to approve the meeting minutes for November 5, 2020. Selectman Tropeano seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-present, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 4-0-1 (Selectman Munise present)

15. ADJOURNMENT

MOTION: Selectman Slavin moved to adjourn at 8:47 pm. Selectman Whiteside seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Tropeano-yes, Selectman Whiteside-yes, Selectman Teitelbaum-yes.

VOTE: 5-0-0 (Unanimous)

16. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted

Cassandra Slaney

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen on:

Attest: 
Judith Whiteside, Clerk

Date signed: 5-18-21

Date sent to
the Town Clerk: 5-20-21



Town of Wareham

DEPARTMENT OF NATURAL RESOURCES

48 Marion Road, Wareham, Massachusetts 02571

Telephone 508-291-3100 EXT 3180 + dnr@wareham.ma.us

COMPLAINT OF VICIOUS OR BARKING DOGS

M.G.L. CHAPTER 140 SECTION 157

October 27th 2020

To the Honorable Wareham Board of Selectmen,

I hereby make complaint hereon that the dog(s) owner or harbored by:

Brendan Muller

81 Pinehurst Drive

Wareham, MA 02571

Are danger and nuisance to the public by reason of:

1. 2 mixed breed mutt dogs, black in color are continuously getting loose. Various incidents throughout the summer have occurred where numerous neighbors call about the dogs running loose.
2. On October 16th, a Wareham DNR Officer responded to the call of loose dogs that had begun barking at a boater, becoming increasingly aggressive and trapped them on the boat by preventing the boater from coming ashore. Subsequently, while trying to corral the dogs, one had bitten the DNR Officer in the left leg.
3. Another Offense on 10/27/2020 where the dogs chased a woman while she was out for a walk.

I request a dangerous dog hearing to be scheduled before the Board.

Signed under the pains and penalties of perjury,

A handwritten signature in black ink, appearing to read "Joshua Kimball".

Officer Joshua P. Kimball, #54

Wareham Department of Natural Resources



Wareham Police Department
Incident Report

Page: 1
10/27/2020

Incident #: 20-1570-OF
Call #: 20-37056

Date/Time Reported: 10/16/2020 1158
Report Date/Time: 10/16/2020 1242
Status: No Crime Involved

Reporting Officer: DNR Joshua Kimball

Signature: _____

EVENTS(S)

LOCATION TYPE: Highway/Road/Alley/Street Zone: WAREHAM SOUTH PATROL
81 PINEHURST DR
WAREHAM MA 02571

1 LOOSE DOGS AND DOG BITE TO DNR OFC.

VICTIM(S)

SEX RACE AGE SSN PHONE

1 KIMBALL, JOSHUA P M W 25 *****
48 MARION RD *****
WAREHAM MA 02571

DOB: *****
EMPLOYER: TOWN OF WAREHAM DNR *****
INJURIES: Apparent Minor Injury
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

2 MAURO, MIRIAM F W 67 *****
588 PEAKHAM RD *****
SUDBURY MA 01776-2236

DOB: *****
EMPLOYER: 1 BLUEJAY TERR WRHM *****
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Non Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

PERSON(S)

PERSON TYPE SEX RACE AGE SSN PHONE

1 MULLER, BRANDON F PARTICIPANT M W 34 *****
1034 MILLNERS DR *****
LYNCHBURG VA 24502
DOB: *****

2 MANGUSO, WILLIAM E REPORTING PARTY M W 65 *****
70 PINEHURST DR *****
WAREHAM MA 02571-2096
DOB: *****

OTHER PROPERTIES

PROPERTY # STATUS

1 2 MUTT DOGS DARK IN COLOR Evidence (Not Nibrs Reportable)
QUANTITY: 2 VALUE:
SERIAL #: NOT AVAIL
DATE: 10/16/2020
OWNER: MULLER, BRANDON FREDERICK

NARRATIVE FOR DNR JOSHUA KIMBALL

Wareham Police Department
Incident Report

Page: 2
10/27/2020

Incident #: 20-1570-OF
Call #: 20-37056

Ref: 20-1570-OF

On October 16th 2020 at approximately 11:45, I Officer Joshua Kimball of the Wareham Department of Natural Resources received a call for 2 loose dogs in the area of Pinehurst Beach. The caller stated that the dogs constantly are getting loose. I immediately knew where these dogs belong to (81 Pinehurst Drive) and told the caller, identified as William Manguso DOB 12/02/54, that I would be on my way. As I hung up the phone from MANGUSO, the caller ID stated that we had an incoming call from a 9-1-1 transfer from the Wareham Emergency Communications Center (ECC). I picked up the phone and a woman, later identified as Miriam Dimauro DOB 01/08/1953 stated that she was trying to come off of her boat and was being harrassed and trapped on her boat by 2 loose aggressive dogs. I told DIMAURO that I would be right there. I left the DNR Office at Town Hall and proceeded to the area. Upon arrival to the area where DIMAUROs boat is moored, I spotted the 2 loose dogs urinating in a flower bed. The dogs were on the corner of Blue Jay Terrace and Pinehurst Drive. The dogs can be best described as 45-60lb brown/black mutts. I exited by cruiser and told the dogs to come home. One of the dogs was slobbering and barking at me. I continued towards the dogs and corralled them into the direction of the residence that they belong at. The dogs were following me with no issues. While walking, suddenly one of the dogs became extremely aggressive and lunged at my left hand. I yelled "no" in the direction of the dog. I then radioed to DNR Deputy Director McGuire to "step it up" as the dogs were now becoming increasingly aggressive. The dog then lunged again at my left side and I punched the dog in the snout. This made the dog even more aggressive, and the dog ultimately bit my left thigh. The bite was approximately 5" away from my knee. I took out my canister of pepper spray to deploy at the dog in the event that the dog decided to chomp at my leg again but the dog retreated. I radioed Dispatch that I had been bitten by the dog but did not require medical attention. Additional patrol division units then had arrived. At this time, I arrived at the residence (81 Pinehurst Drive) and began knocking on the door. The dogs then started to roam free again. I began to knock on all of the doors of the residence. There was another dog that was tied up in the backyard that was barking. After numerous knocks at the door, someone finally answered. I asked the man if the dogs roaming around were his dogs, and he stated that they were. He further began to explain that his dogs were supposed to have e-collars on. I then told the man that I had been bitten by his dogs, and that he needed to go secure them. The man, later identified as Brandon Muller DOB 12/22/85, continued to ask me questions while his dogs were running loose. I stated to MULLER that we can discuss this after he goes and contains his animals. MULLER attempted to contain one of the menacing dogs, and another began walking up the street towards the Pinehurst Beach Association clubhouse. I went to retrieve that dog, it began growling and eventually went into MULLERs backyard. MULLER provided me his identification and I stated to him that he would be receiving a citation for having a loose dog, and unlicensed dog. The dogs have been in the Town greater than 30 days. I also advised MULLER that the dogs need to be fully contained in the yard by means of fence or chain, and this is about the 6th time this year that we have responded for his dogs being loose. MULLER was advised that the dogs were going to be placed in a 10 day quarantine, due to the bite on me. I also advised MULLER that this information will be forwarded to the Board of Selectman to have a Dangerous Dog Hearing and that I would be recommending euthanasia to the Board. MULLER stated to us to "go in the house and take them then" and we advised him that we are going to follow the proper channels and he would be receiving the hearing information in the mail. MULLER stated that he would go to the veterinarian and voluntarily euthanize his dogs. The citation process was explained to MULLER as well.

On spoke with DIMAURO and she stated that she was trying to exit her boat when the dogs were running loose and acting aggressively, which prompted her call to the ECC. DIMAURO and other neighbors all stated that this is a constant issue with the dogs. I advised DIMAURO and the other neighbors that we would be

Wareham Police Department
Incident Report

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10/27/2020

Incident #: 20-1570-OF
Call #: 20-37056

having a dangerous dog hearing, and would be requesting euthanasia. DIMAURO and the neighbors that were gathered all stated that they would be in attendance to the hearing if they can make it.

At approximately 1:15pm, MULLER called the police department and was requesting how to pay the fine. The call was transferred to my phone, and I advised MULLER that the instructions to pay the citation were listed on the bottom of the citation. MULLER then stated to me that "he is not in the business to kill animals unless he and his family were going to eat it for food". I told MULLER that I am not in the business of killing animals either, but I am in the business of maintaining safety and order that the residents of the Town of Wareham deserve to have. I then explained the dangerous dog hearing process to MULLER once again, and he stated that he would be moving the dogs out of Town and we would not have to worry about them again. I advised MULLER that dog orders are valid throughout the Commonwealth of Massachusetts. MULLER then stated that he wants to put this all behind him, and pay the citation. MULLER then stated to me that he would happily provide me a band-aid for my wounds, and then hung the phone up.

R Officer Joshua Kimball Injury

Left thigh bite mark from dog tooth, did not break skin. Approximately 5" up from the knee on the back side of my thigh. Area is just uncomfortable and red, did not require EMS treatment at the time as there was no blood drawn. I will continue to monitor the area and will update the report and the DNR Director if medical attention is required.

A copy of this report will be sent to the Board of Selectmen for the dangerous dog hearing.

Respectfully Submitted,

Officer Joshua Kimball, #54
Wareham Department of Natural Resources



Town of Wareham
54 Marion Road
Wareham, MA 02571

SELECTMEN'S OFFICE
Phone: 508.291.3100
Fax: 508.291.3116
E-mail: selectmen@wareham.ma.us

Peter W. Teitelbaum, Esq., Chairman
Judith Whiteside, Clerk
Alan H. Slavin
Patrick G. Tropeano
James M. Munise

November 5, 2020

Brendan Muller
81 Pinehurst Drive
Wareham, MA. 02571

Re: Hearing

Dear Mr. Muller:

In accordance with the provisions of Chapter 140, Section 157 of the Massachusetts General Laws, you are hereby notified that a public hearing via Zoom will be held before the Board of Selectmen on **Tuesday, November 17, 2020** at 7:15 p.m. regarding a dog owned or kept by you. Please find attached a complaint letter from the Wareham Animal Control Officer. If you require more information, please let me know at your earliest convenience. The meeting information is as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/84292153746?pwd=S3FmZTRFU1gveS9oOGsrWkZZSjFDQT09>

Meeting ID: 842 9215 3746

Passcode: 598149

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Your attendance is requested at this hearing in order that your interest is properly protected.

Sincerely,

Peter W. Teitelbaum, Esq.
Chairman

cc: Board of Selectmen
Animal Control Officer Joshua Kimball
Director of Natural Resources/Harbormaster
Police Chief John Walcek
Town Counsel



TOWN OF WAREHAM

54 Marion Road
Wareham, MA 02571

BOARD OF SELECTMEN

Peter W. Teitelbaum, Esq., Chairman
Judith Whiteside, Clerk
Alan H. Slavin
Patrick G. Tropeano
James Munise

November 19, 2020

CERTIFIED MAIL NO. 7020 1810 0002 1337 0531

Brendan Muller
81 Pinehurst Drive
Wareham, MA. 02571

RE: Notice of Decision

Dear Mr. Muller:

On November 17, 2020, a public hearing was held before the Board of Selectmen Pursuant to M.G.L. Chapter 140 Section 157 concerning complaints involving dogs owned or harbored by you.

After the close of the evidentiary hearing, based on the testimony heard and exhibits presented, the Board determined that your dog is deemed at risk.

The Board voted the following motion:

1. When not under direct control of a controlling person, the dogs shall be contained within a building, vehicle, or secure enclosure.
2. The dogs may only leave the premises by a controlling person and shall be securely and humanely muzzled and retrained with a chain or tethering device not to exceed four feet in length having a minimum tensile strength of three hundred (300) pounds.
3. Both dogs shall be microchipped.
4. Both dogs shall undergo obedience training from a trainer approved by the Animal Control Officer.
5. After two year of compliance, the dogs shall no longer be considered at risk.

You are hereby ordered to comply with the above conditions within thirty (30) days of receipt of this notice and have the right to file an appeal in the Wareham District Court within ten (10) days of receipt of this notice.

Very truly yours,

Peter W. Teitelbaum, Esq.
Chairman

cc: Board of Selectmen
Animal Control Officer Joshua Kimball