

## **MINUTES OF MEETING OF THE BOARD OF SELECTMEN**

Date of Meeting: March 5, 2019  
Date of Transcription: March 6, 2019  
Transcribed by: Janet Wilson

### **1. CALL MEETING TO ORDER BY CHAIRMAN**

### **2. ROLL CALL**

Selectmen Present: Alan H. Slavin, Chairman  
Patrick G. Tropeano, Clerk  
Peter W. Teitelbaum  
Anthony Scarsciotti, arrived at 7:20 p.m.  
Mary Bruce

Also Present: Derek Sullivan, Town Administrator  
Richard P. Bowen, Town Counsel – absent

### **3. PLEDGE OF ALLEGIANCE**

### **4. ANNOUNCEMENTS**

Selectman Bruce will be bartending on March 15<sup>th</sup> at the Stonebridge Bistro in Onset, all proceeds will benefit the Onset Bay Association.

Election Day will be April 2<sup>nd</sup> and Town Meeting will take place on April 22<sup>nd</sup>.

### **5. CITIZENS COMMENTS**

None

### **6. BOARDS COMMENTS**

The board wished David Riquinha well in his new position in another Town and thanked him for his hard work.

### **7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS**

### **8. LICENSES AND PERMITS**

### **9. DOG HEARING AT 7:30 P.M.**

**MOTION:** Selectman Tropeano moved to open the hearing. Selectman Scarsciotti seconded. Poll vote: Selectman Scarsciotti=yes, Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

SELECTMEN MEETING MINUTES-3-5-19 (CONT'D)

Selectman Teitelbaum asked all who were going to speak at the hearing to stand and be sworn in.

Present before the board: Cheryl Gorveatt-Dill

Ms. Dill stated that after the first incident with the Geigle dogs in March, 2018 the dogs were deemed as dangerous during a hearing was held and the dogs were to be muzzled and leashed anytime they were to leave the property, the latest incident was on February 15, 2019 and the dogs were off the leash and off the property when it attacked the neighbor's dog. The owners of the dog attacked have waived coming to hearing since they are neighbors and it's an uncomfortable situation. A written statement received by Mr. Geigle indicates that they were unleashed however, only for 60 seconds. The owner of the dog injured stated that Mr. Geigle didn't come over to check on their dog, he was only concerned with his dogs. Ms. Gorveatt-Dill said that it is with a heavy heart that she does feel that Mr. Geigle isn't a responsible dog owner and would recommend humane euthanasia of both dogs. Selectman Teitelbaum read into the record the letter submitted by Paul Geigle in lieu of appearing at the hearing (attached). Selectman Teitelbaum also read into record the letter sent to Mr. Geigle cautioning him that offering a letter in lieu of appearing does constitute a waiver of his rights to offer his own testimony (attached). Selectman Teitelbaum also made notice of all the documents in the file.

**MOTION:** Selectman Tropeano moved to make administrative notice of the file. Selectman Scarsciotti seconded.

**VOTE: 5-0-0 (Unanimous)**

Selectman Teitelbaum also read into record the notice of decision letter sent on September 24, 2018 (attached). Ms. Gorveatt-Dill also wanted noted that on the same day when she arrived at the Geigle's the dogs were in the back yard in chained link 4' fence and not contained in the 6' pen. She has also never received any proof of training, or insurance and they have not been microchipped, she said that nothing that was required has been submitted to her. The board voted on the following notice of decision – **MOTION:** Selectman Tropeano moved that they violated #1 When not under direct control of a controlling person, the dog shall be contained within a building, vehicles, or secure and locked enclosure 6' in height or angled arms. Selectman Bruce seconded. **Vote: 5-0-0 (Unanimous)** Selectman Tropeano moved that they violated #2 The dog may only leave owner's property accompanied by a controlling person over the age of 18 and on a leash not more than 40 feet having a minimum tensile strength of three hundred (300) pounds, used in conjunction with a muzzle. Selectman Bruce seconded **Vote: 5-0-0 (Unanimous)** as far as #4 & #5 are concerned the board felt that just because the Geigle's didn't notify the Animal Control Officer doesn't mean that the dogs were not microchipped or sent for training. Selectman Tropeano moved that they violated #6 Proof of insurance for the dog in an amount no less than \$100,000, insuring the owner. Selectman Scarsciotti seconded. **Vote: 5-0-0 (Unanimous)** #7 the board felt didn't

## SELECTMEN MEETING MINUTES-3-5-19 (CONT'D)

apply. Selectman Teitelbaum asked Ms. Gorveatt-Dill what her recommendations were and she said that unfortunately she does recommend humane euthanasia of both dogs.

**MOTION:** Selectman Tropeano moved to close the hearing. Selectman Scarsciotti seconded. Poll vote: Selectman Scarsciotti=yes, Selectman Bruce=yes, Selectman Tropeano=yes, Selectman Slavin=yes, Selectman Teitelbaum=yes.

**MOTION:** Selectman Bruce moved to go with the recommendations of Ms. Gorveatt-Dill with euthanasia of both dogs. Selectman Scarsciotti seconded.

**VOTE: 5-0-0 (Unanimous)**

### **10. TOWN BUSINESS**

- a. Discussion and votes to recommend warrant articles.
- b. Discussion with lead petitioners re: petition articles.

Present before the board: Brian Grady, GAF Engineering

Mr. Grady explained the article submitted on behalf of Mr. Zeady asking the Town to grant an easement over Town owned property to allow Mill Pond Diner to reconnect to the sewer. The board would like to wait before voting whether to recommend or not.

Regarding the article for Commercial Aquaculture Regulation article the petitioner wasn't present and sent an email stating she felt the article spoke for itself. Selectman Teitelbaum said that he would like to vote due to the Harbormaster already filing his version with the State.

**MOTION:** Selectman Teitelbaum moved to not recommend. Selectman Bruce seconded.

**VOTE: 5-0-0 (Unanimous)**

- c. Vote to include warrant articles on Special town meeting warrant. Nothing was voted.

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

### **11. TOWN ADMINISTRATOR'S REPORT**

Mr. Sullivan has been working on the Special Town Meeting warrant articles such as the annual budget transfers, funding the parking program, they are looking to change the kiosks to pay by space which would allow people to pay via their phone. Also, looking to fund a Gatra shuttle that would run from Hynes Field to Bay Point and stop in between. The Capital Plan, the committee will meet this week also rescind the borrowing articles, and the transfer of free cash. Mr. Sullivan said that a resident has

SELECTMEN MEETING MINUTES-3-5-19 (CONT'D)

expressed interest in a piece of property consisting of .56 acres on Charlotte Furnace Road which is MR60 and would like to see that expended at Town Meeting. Mr. Sullivan stated that the town is allowed to place 25% of all cannabis revenue into the stabilization fund and would like the funds to be used towards a Police Station.

**12. LIAISON REPORTS/INITIATIVE REPORTS**

Selectman Slavin stated that the Governor has filed a Housing Choice Initiative and that the State Reps have put forth an affordable housing bill also the Senate has some Zoning changes coming up. The Phase 1 of 2022 transportation plan has the commuter rail going from New Bedford to Lakeville/Middleboro and Selectman Slavin is trying to get Wareham included in that as well. Also some discussion at the state house on banning or placing a deposit on miniatures (nips). Selectman Tropeano stated that the Governor plans on building a lot of housing units and said that if they are all 40b units then we could be in trouble.

**13. CONSENT AGENDA**

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes: February 26, 2019

**MOTION:** Selectman Tropeano moved to approve the meeting minutes of February 26, 2019. Selectman Scarsciotti seconded.

**VOTE: 5-0-0 (Unanimous)**

**14. ADJOURNMENT**

**MOTION:** Selectman Tropeano moved to adjourn. Selectman Scarsciotti seconded.

**VOTE: 5-0-0 (Unanimous)**

**15. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

Respectfully submitted

***Janet Wilson***

Department Assistant

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

Attest:

  
**Patrick G. Tropeano, Clerk**

Date Signed: 3.12.19

Date sent to the Town Clerk: 3.13.19



**TOWN OF WAREHAM**

54 Marion Road  
Wareham, MA 02571

*Attachment to  
3-5-19  
meeting minutes*

**BOARD OF SELECTMEN**  
Alan H. Slavin, Chairman  
Patrick G. Tropeano, Clerk  
Peter W. Teitelbaum, Esq.  
Anthony R. Scarsciotti, Jr.  
Mary Bruce

September 24, 2018

**CERTIFIED MAIL NO. 7012 3460 0003 3768 4006**

Laura Geigle  
Paul Geigle  
8 Windy Hill Drive  
W. Wareham, MA 02576

RE: Notice of Decision

Dear Mr. & Mrs. Geigle:

On June 19, 2018, a public hearing was held before the Board of Selectmen Pursuant to M.G.L. Chapter 140 Section 157 concerning complaints involving a dog owned or harbored by you. Sworn testimony was offered by complainants, whom you had the opportunity to cross examine. You offered sworn testimony on your own behalf.


After the close of the evidentiary hearing, based on the testimony heard and exhibits presented, the Board determined that your dogs are dangerous.

The Board voted the following motion:

1. When not under the direct control of a controlling person, the dog shall be contained within a building, vehicles, or secure and locked enclosure 6' in height or angled arms.
2. The dog may only leave owner's property accompanied by a controlling person over the age of 18 and on a leash not more than four (4) feet having a minimum tensile strength of three hundred (300) pounds, used in conjunction with a muzzle;
3. Microchip or tattoo identification for the dogs;
4. Behavior training for the dog from a trainer approved by the Animal Control Officer;
5. Spaying or neutering of the dogs unless an owner of the dogs provide evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner of the dog shall cause the dog to be altered so that the dog shall be reproductively intact;
6. Proof of insurance for the dog in an amount no less than \$100,000, insuring the owner;
7. The dogs shall not be allowed to be left in secure area alone without a person over the age of 18 at the residence;

You are hereby noticed of your right to appeal the decision of the Hearing Authority. You have the right to file an appeal in the Wareham District Court within ten (10) days of receipt of this notice.

*Very truly yours,*

  
Alan H. Slavin  
Chairman

cc: Board of Selectmen; Animal Control Officer



Town of Wareham  
54 Marion Road  
Wareham, MA 02571

Attachment to  
3.5.19  
Meeting minutes

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

**Board of Selectmen**  
Alan H. Slavin, Chairman  
Patrick G. Tropeano, Clerk  
Peter W. Teitelbaum, Esq.  
Anthony R. Scarscotti, Jr.  
Mary Bruce

**VIA FIRST-CLASS MAIL AND DIRECT SERVICE BY SWORN OFFICER**

Paul and Laura Geigle  
8 Windy Hill Drive  
West Wareham, MA

Re: Dangerous Dog Hearing (Second Alleged Offense), March 5, 2019

Dear Mr. and Mrs. Geigle:

I have been authorized by Wareham Board of Selectmen Chairman Alan H. Slavin to respond to Mr. Geigle's correspondence submitted to our office today, which you have offered in lieu of appearing at the above-referenced hearing.

During the hearing, your letter will be read into evidence as your defense to the complaint that has been made against your dogs, and will be accorded the appropriate evidentiary weight, which is typically less than the weight accorded to direct testimony, as we cannot ask questions of a written document.

Furthermore, although I am not your attorney, in good conscience I must caution you that offering a letter in lieu of appearing at the hearing constitutes a waiver of your right to offer your own testimony or to introduce potential witnesses appearing on your behalf, to examine and cross-examine witnesses, or to offer rebuttal testimony, or to set forth additional defenses to the complaint that might not be presently apparent to you.

Very truly yours,

Peter W. Teitelbaum, Esq.  
Member, Wareham Board of Selectmen

cc: Board of Selectmen  
Derek Sullivan, Town Administrator  
Garry Buckminster, Director of Natural Resources  
Cheryl Gorveatt-Dill, Animal Control Officer

RECEIVED

FEB 21 2019

TOWN OF WAREHAM  
BOARD OF SELECTMEN

emailed to BOS  
Chair

Attachment to  
3.5.19 meeting  
minutes

8 WINDY HILL DR.

WEST WAREHAM 02576

TO:

ANIMAL CONTROL OFFICER / CORVEAT GILL  
BOS CHAIRMAN / ALAN SLAVIN

ON THE MORNING OF FEB, 15 2019, I WAS ON MY WAY TO THE PET SUPPLY STORE WITH MY TWO DOGS. WHILE PUTTING THEM INTO THE BACK OF MY SUV, THEY SCRAMBLED OUT BEFORE I COULD CLOSE THE LIFT GATE. THE DOGS RAN OUT TOWARDS THE PROPERTY NEXT DOOR AND TREE-LINE, WHICH IS ABOUT 120 FT FROM THE DRIVEWAY. THEY CAME IMMEDIATELY BACK AND JUMPED INTO THE VEHICLE WHICH WAS STILL RUNNING, ONLY 60 SECONDS OR SO HAD ELAPSED. I HEARD ONLY MY DOGS BARKING BRIEFLY. I DID NOT HEAR OR SEE ANYTHING THROUGH THE TREES AT THE PROPERTY LINE. I ASSUMED THE DOGS WERE CHASING A SQUIRREL THAT FREQUENTS MY BIRD FEEDER. HOURS LATER, I RECEIVED THE COMPLAINT REPORT, VIOLATION AND ORDER OF QUARANTINE IN PERSON. A CARD AND NOTE OF APOLOGY WAS SENT TO THE RAFFERTY'S. I TAKE FULL RESPONSIBILITY FOR WHAT HAS HAPPENED AND APOLOGIZE TO ALL CONCERNED FOR MY LAPSE IN JUDGEMENT IN THIS MATTER. PLEASE ACCEPT THIS STATEMENT IN LIEU OF A REQUESTED APPEARANCE ON MARCH 5, 2019.

SINCERELY  
PAUL CRAIGLE