

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: April 21, 2020
Date of Transcription: January 25, 2021
Transcribed by: Cassandra Slaney

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Selectmen Present: Patrick G. Tropeano, Chairman
Mary Bruce, Clerk
Peter W. Teitelbaum
Alan H. Slavin (remotely)
James M. Munise (remotely)

Also Present: Dorene Allen-England, Assistant Town Administrator
Richard Bowen, Town Counsel
Derek Sullivan, Town Administrator (remotely)

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. CITIZEN'S COMMENTS

None.

6. BOARD'S COMMENTS

Selectman Slavin stated that the Governor has announced schools will be closed for the rest of the school year.

7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

None.

8. LICENSES AND PERMITS

a. **HEARING AT 7:15 P.M.** – Application for Stone Path Malt LLC d/b/a Stone Path Malt, for an alteration of premises of an Annual Common Victualler All Alcoholic Beverages License, under the provisions of Chapter 138 of the Massachusetts General Laws for the year 2020.

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

VOTE: 5-0-0 (Unanimous)

SELECTMEN MEETING MINUTES-4/21/2020 (CONT'D)

Present before the Board: Mark St. Jean, Owner of Stone Path Malt.

Mr. St. Jean is seeking approval to use the fenced in outdoor area as a beer garden.

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

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Bruce moved to approve the application for Stone Path Malt LLC d/b/a Stone Path Malt for an alteration of premises of an Annual Common Victualler All Alcoholic Beverages License, under the provisions of Chapter 138 of the Massachusetts General Laws for the year 2020. Selectman Teitelbaum seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

b. Renewal of Second Hand Dealer's License

i. The Friends of the Wareham Free Library

MOTION: Selectman Bruce moved to approve the Second Hand Dealer's License for The Friends of the Free Library. Selectman Teitelbaum seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

ii. Church of the Good Shepherd

MOTION: Selectman Bruce moved to approve the Second Hand Dealer's License for the Church of the Good Shepherd. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

9. DOG HEARING 7:30 P.M.

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

VOTE: 5-0-0 (Unanimous)

Selectman Teitelbaum swore in participants stating testimony.

Present before the Board: Garry Buckminster, Director of Natural Resources and Joeyna Barber.

Selectman Teitelbaum read into record the complaint made by Joshua Kimball, Animal Control Officer. (See attachment)

Selectman Teitelbaum asked Ms. Barber to state her testimony. She stated that she was not present at the time of the incident, however, her dogs did escape from the property, but she does not know the facts of the incident. She was asked if she had any further questions for Mr. Buckminster, she stated no. Selectman Tropeano asked Ms. Barber if she accepted or denied the facts read into record. Ms. Barber stated

SELECTMEN MEETING MINUTES-4/21/2020 (CONT'D)

that she agreed to the first incident, but denied the second incident. She explained that she was present during the second incident and said her dogs were loose but there were no attacks at all.

Selectman Tropeano asked Ms. Barber if she attempted to reach out to the owners of the dog that was attacked or offered to pay for the euthanasia. Ms. Barber answered no to both questions, but would be willing to pay the bill if she needs to. Selectman Tropeano then asked if she has done anything to keep the dogs from escaping. Ms. Barber stated that the door is now locked at all times and the only way to get into the house is through the side door. She then assured that her dogs are friendly and would not hurt anyone.

Selectman Munise asked if all of the dogs were on the beach and if all of the dogs were leashed. Selectman Teitelbaum stated that the incident did take place on Swifts Beach, the dogs that attacked were not on a leash, and there is no information given if the dog that was attacked was on a leash.

Selectman Slavin asked if dogs were allowed on that part of the beach at the time of the incident. Mr. Buckminster stated that dogs are not allowed on Town Beaches at any time.

Selectman Bruce asked Ms. Barber if the dogs have been licensed and vaccinated since the incident took place. Ms. Barber stated she has not been able get the dogs licensed or vaccinated due to the Coronavirus restrictions. Selectman Bruce then asked Ms. Barber if she has taken the necessary steps to keep her dogs locked up. Ms. Barber answered yes.

Mr. Buckminster was asked to provide his recommendation. He explained that this incident was very traumatic for the individuals who lost their dog and that the actions of Ms. Barber's dogs were violent. He recommended euthanizing both dogs.

MOTION: Selectman Slavin moved to close the hearing. Selectman Bruce seconded.

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

VOTE: 5-0-0 (Unanimous)

Selectman Munise and Selectman Slavin asked that the hearing be continued. Both attended the meeting remotely and there were technical difficulties that prevented them from hearing the testimony. Attorney Bowen recommended to suspend the hearing and allow Selectman Slavin and Selectman Munise to listen to the tape to determine if the hearing can be voted on or if a new hearing must be scheduled.

Mr. Buckminster recommended an emergency temporary order to the following:

1) Dogs must be controlled individually, by adults 18 years of age or older, 2) Dogs are to be muzzled and on a leash at all times when removed from the house, 3) Dogs must be muzzled and on leash whenever taken off property. Ms. Barber agreed to these terms.

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

VOTE: 5-0-0 (Unanimous)

SELECTMEN MEETING MINUTES-4/21/2020 (CONT'D)

MOTION: Selectman Tropeano moved to adopt the temporary orders related to restraining the dogs until the disposition of this case. Selectman Bruce seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

10. TOWN BUSINESS

a. COVID-19.

No update at this time.

b. Vote on articles for 2020 Special Spring Town Meeting.

To be voted on at a later meeting.

c. Vote on articles for 2020 Annual Spring Town Meeting.

To be voted on at a later meeting.

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

11. TOWN ADMINISTRATOR'S REPORT

None.

12. LIAISON REPORTS/INITIATIVE REPORTS

Reopening businesses is under review currently and the actual decision will be determined by the date that is available at that time.

The current Energy Aggregation Program offered to residents and businesses will be ending in December. A new program beginning in January is expected to be offering lower rates. Official information will be sent in November. Residents and businesses will have the option to opt out of the program.

13. CONSENT AGENDA

a. Authorize payment to the Law Office of Richard P. Bowen.

MOTION: Selectman Teitelbaum moved to authorize payment to the Law Office of Richard P. Bowen. Selectman Bruce seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

b. Authorization to sign bills and documents, etc.

c. Approval of meeting minutes: March 10, 2020

MOTION: Selectman Bruce moved to approve the meeting minutes for March 10, 2020. Selectman Slavin seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

SELECTMEN MEETING MINUTES-4/21/2020 (CONT'D)

14. ADJOURNMENT

MOTION: Selectman Slavin moved to adjourn at 8:11 p.m. Selectman Munise seconded. Roll Call: Selectman Slavin-yes, Selectman Munise-yes, Selectman Teitelbaum-yes, Selectman Bruce-yes, Selectman Tropeano-yes.

VOTE: 5-0-0 (Unanimous)

15. 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*
Judith Whiteside, Clerk (out of necessity)

Date Signed: *2-2-21*

Date sent to the Town Clerk: *2-3-21*