

**MINUTES OF THE SELECTMEN'S MEETING
MARCH 14, 2016**

PRESENT: Arthur P. Boyle, Jr. (Chairman), Lewis W. Stone (Vice-Chairman), Willard J. Boulter, Jr. (Vice-Chairman), Michelle L. Burt (Selectman), Daniel W. Trabucco (Selectman), Deborah Wall (Library Director), William Hart (Animal Control Officer), Kevin Doyle (Pembroke Police Officer), Stephen Burt, Arthur Lally, Catherine Acampora, David Acampora, Melissa Drew, Mark Empoliti, Diana Julian, Joe Chinzi, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm Mr. Boyle opened the meeting and advised that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

7:00 WAGE AND PERSONNEL BOARD APPOINTMENT: DEBORAH WALL

Library Director Deborah Wall was present before the Board of Selectmen acting as the Wage & Personnel Board. The Library Trustees have submitted an article for Town Meeting requesting the creation of the position of Assistant Library Director under the Classification and Compensation By-Law to appear as SA-31. Ms. Wall has six full time staff members and would not increase staffing levels; rather, the support position would act in concert with and in the absence of the Director, particularly as the role relates to Communications and Emergency Management. All other departments have a second in command as an organizational structure requirement; currently, the Head of Circulation performs the duties but does not have the authority. Ms. Wall advised that this position adds content to the library website, increases the library social media presence, and is involved in public relations and policy. Ms. Wall stated that next year the Library is required to re-write the Five Year Plan, which the Assistant Director would largely participate, working with the Director to hold a series of public hearings, conduct surveys, and compile the data into an acceptable format for the Plan. The Assistant would attend and conduct trainings, assist in the budget process, apply for grants and act as support for PEMA as the library is the town's warming and cooling station and emergency shelter, and utilizes a computerized heating and cooling system. Mr. Stone asked how many associate librarians the town has; Ms. Wall stated that there are three Associate Librarian II and one Associate Library I. The three ALII specialize; one leads in cataloguing, one leads in the inter-library loan system and computer systems, and one is head of circulation. Mr. Stone asked if the salary increase is \$5,000; Ms. Wall stated that it is approximately \$4,400 from ALII step 2, to Assistant Director step 1. Consensus of the Board was achieved on supporting this request.

CONSIDER PERMIT RENEWAL APPLICATION FOR ICE CREAM VENDOR: STEPHEN BURT

Mr. Burt was present before the Board to request that the Board renew his Permit to Engage in Ice Cream Truck Vending throughout the town with no changes in operations. Previous terms include Mr. Burt as sole operator, Monday through Saturday from 9:00 am to dusk, Sunday 11:00 am to dusk with no chimes before 11:00 am on the weekends. Chief Wall has approved Mr. Burt's application as submitted. Mr. Boulter moved to grant the application of Stephen Burt of Burt's Ice Cream to renew permit # IC-01 to Engage in Ice Cream Truck vending and operate an ice cream truck throughout the town Monday through Saturday from 9:00 am to dusk and Sunday from 11:00 am to dusk for a period of one year pending inspection by the Board of Health Agent. Ms. Burt seconded the motion. The vote was unanimously in favor.

CONSIDER REQUEST FOR THE USE OF THE TOWN'S ROADS: CAMP PEMBROKE ALUMNI ROAD RACE IN CENTER ON MAY 22, 2016

Ms. Felcher of Camp Pembroke has submitted a request for the use of the Town Green, Center Street, High Street, and Mountain Avenue for a Camp Pembroke 5K Alumni Road Race on Sunday, May 22nd at 7:00 am. She has preliminary approval from the Police Chief with the understanding that Camp Pembroke will retain a police detail at their own expense. Mr. Stone moved to grant the use of the town's roads for the Camp Pembroke 5K Alumni Road Race on May 22, 2016 at 7:00 am pending the approval of the Police Chief; Mr. Boulter seconded the motion. The vote was unanimously in favor.

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MINUTES OF FEBRUARY 29, 2016

Mr. Stone moved to accept the minutes of February 29, 2016 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

GENERAL REVIEW OF WARRANT ARTICLES

Mr. Thorne advised that articles known as 13, 27 and 28 have been removed as alternate funding sources were identified. Mr. Stone asked if article 24 submitted by the Conservation Commission to fund the removal of trees at the Mattakeesett Street DPW location (estimated at \$9,000) could be funding through their revolving fund responsible for expenditures for property maintenance; he also asked if they have approached the DPW to remove the trees. Mr. Trabucco asked if CPC has provided fun balances as yet; Mr. Thorne stated that the Board will have them next week.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne attending a meeting of the Old Colony Planning Council with nine other towns represented to review RFP submission for the municipal aggregation program; there will be between ten and seventeen towns involved. The package would provide electricity to residents and small businesses at a reduced rate. The responding firms were interviewed and the successful bidder will be announced by the OCPC tomorrow. Mr. Thorne advised that there is an article on the Special warrant allowing Pembroke residents to become involved and the Board will hear a presentation regarding the program prior to Town Meeting. Mr. Thorne advised that there will be a pre-construction meeting regarding the Route 14 corridor project at Mass DOT's Station 5 in Taunton that will be attended by the DPW Director and Assistant Director as well as the Police and Fire Chiefs. Topics will include project scheduling, timelines and logistics with the winning bidder PA Landers as the project is anticipated to begin on March 28th and will last approximately 2 ½ years.

OLD BUSINESS

Mr. Stone stated that he spoken with Energy Committee chairman Nick Zechello and State Representative Josh Cutler regarding the town's solar project at the landfill and the progress in the legislature of the net metering cap increase; Mr. Stone will follow up when he received further information. Mr. Trabucco stated that he attended the meeting of the OCPC last week and he brought up the increased traffic flow on Hobomock and surrounding streets as a result of HCVE in the area; he advised that there will be a continuing dialogue about this topic and OCPC will assist the town in reviewing local area traffic flow.

NEW BUSINESS

Mr. Boulter stated that volunteers cleared the streams and cut trees along the herring migration route where they saw juvenile herring moving through. The PHF spoke with Brockton and requested that they shut off the diversion pipe, which they did.

7:30 DOG HEARING: ARTHUR LALLY OF 215 PELHAM ST REGARDING FEBRUARY 24 INCIDENT

At 7:30 pm, Chairman Arthur Boyle opened the public dog hearing pursuant to MGL C. 140 s. 157 and Sabrina Chilcott swore in the following people to give testimony in the hearing: ACO William Hart, PO Kevin Doyle, Arthur Lally, Catherine Acampora, David Acampora, Melissa Drew, Mark Empoliti and Michelle Burt.

Michelle Burt recused herself from deliberations and vote and removed herself to the audience as she has been affected by the situation and will give testimony if needed.

Animal Control Officer Bill Hart told the Board that he has had several discussions with the owner, Arthur Lally, about the animal question since 2012 and there have been several promises that weren't kept. The male, five year old brindled color American Bulldog mix named Abram, has frequently been loose, chased people and pursued other dogs. Mr. Hart stated that there were two interactive incidents, with the most recent incident on February 24th resulting in punctures and wounds to a neighboring dog. Mr. Hart stated that the town needs to consider how to proceed; the primary concern is public safety, and there are other alternatives to labelling the dog as a nuisance or an aggressive animal. An attempt to rehome the dog to a new town

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would require the new town having to accept the dog. Mr. Hart stated that he believes that the dog is territorial and dominant to the property; each attack involves the protection of Mr. Lally's second dog, a bichon frise, or protecting the property. Mr. Hart stated he has been visiting this residence regarding dog complaints since the animal was one year old, primarily for being loose, barking and chasing. Mr. Hart stated that he will work with the owner provided Mr. Lally guarantees that he will follow every rule put forth to him, and if the dog is loose again, he will be seized and re-homed elsewhere. Mr. Lally questioned the number of interactive incidents. Mr. Hart explained that Pembroke Police took a report for chasing two people when his first offense as a verbal warning (April 22, 2012), he was ticketed and fined on June 20, 2013 for violation of the leash law, chasing people, aggressive behavior and failure to license. The most recent incident also involved an animal attack. Police Officer Kevin Doyle told the Board that he responded to 231 Pelham Street to take a report of a dog attack on February 24, 2016 at 7:15 am that had just occurred. The reporting party, Mrs. Acampora, stated that she was walking her two collies on Pelham Street and a large dog attacked n of her two collies named Leah as they passed in front of 215 Pelham Street. She reported that the dog came out from a fenced in rear yard and began attacking her dog in the roadway, then Mr. Lally came out and removed his dog. Mrs. Acampora stated that she needed to bring her dog to the veterinarian as soon as possible for treatment. Officer Doyle went to 215 Pelham and spoke with the dog's owner Arthur Lally who acknowledged that his large American Bulldog named Abram escaped the fenced in back yard and attacked the collie. Mr. Lally stated that he would pay monetary expenses incurred for treatment of the collie. Mr. Boyle asked how Mr. Lally's dog reacted to Officer Doyle; Officer Doyle stated that Abram slammed his body against the door, leading Officer Doyle to believe that he was being protective of his home, or still affected by the adrenaline from the previous attack. Mrs. Acampora told the Board that she was walking her dogs past the house when the bichon frise breached the fence, came forward barking, which appeared to lead to Abram also breaching the fence and pursuing her collie, overtaking her and biting her. Mrs. Acampora stated that Mr. Lally came out immediately and stopped the attack, removing his dog to the house. Neighbor Ms. Drew told the Board that she does not believe Abram to be a danger, but agrees he requires training and a different enclosure. She closed by stating that she does not want to see the dog removed, and that this dog previously belonged to Mr. Lally's grandsons who passed away suddenly. Mr. Boulter stressed the leash law (Pembroke By-Laws Article XX Section 7) and reminded that pet owners assume the responsibility for their animals. Ms. Drew stated her belief that Abram can be rehabilitated through training and asked the Board to give Mr. Lally and Abram a second chance. Mr. Acampora stated that the day was emotional, but he went to meet with Mr. Lally after work and found him to be kind, sympathetic and he took full responsibility for the incident and paid the collie's veterinarian bills. Mr. Empoliti stated he lives next door and has never had an issue with the dog, stating that the dog is confined in a fenced in yard. Ms. Burt told the Board that she walks by the house regularly and has been chased several times by the larger dog, barking aggressively the entire time, acting mean and vicious and frightening her each time. Ms. Burt stated that the event is frightening for an adult and her primary concern is for the experience happening to a child. Ms. Burt stated that the dog should never be loose; while the larger dog was under owner executed quarantine, the smaller dog got loose and chased her to Chapel Street. Ms. Burt stated that she doesn't know the owner personally; the law states that the dog should be secured and the neighbors should feel safe. Mr. Lally stated that he takes full responsibility for the dogs getting out; he stated that he fenced in his rear yard two years ago and they have found a way through it over time. Mr. Lally states that he researching obedience dog training facilities now and will enroll, and he promises to monitor the conditions of the rear yard fence daily. Mr. Boulter pointed out that the leash law includes an animal being under the control of its owner at all times, and control is lost when the animal is loose. Mr. Boulter explained that the Board of Selectmen is responsible when incidents arise and their role is to ensure that the situation never occurs again; the owner must assure the Board that this will never happen again. He further explained that these laws are in place in the interests of public safety. Mr. Lally stated that he will get himself professional training with Abram and he and he has put a dog run in his backyard. Mr. Stone asked for the ACOs recommendation; Mr. Hart stated that he wants to keep the dog in Pembroke but never to run the streets again. Mr. Hart recommends a dog run to be enclosed in the fenced in rear yard, preferred would be a 10'x10' kennel; a pet-safe and effective Martingale dog collar be worn by Abram at all times and if he is loose again, Mr. Hart should pick up the dog and hold it until another public hearing can be scheduled. Mr. Trabucco stated that the Board has a long history of balancing an opportunity for the owner to secure their animal and preserving public safety. Mr. Trabucco recommended the seizure of

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Abram if he is loose again. Mr. Hart stated that it may be possible to rehabilitate Abram, but the owner must remain conscientious and diligent which has not been the case to date. Ms. Acampora, Mr. Acampora, Ms. Drew, Mr. Empoliti all requested that the Board give Mr. Lally another chance to secure and train Abram. Ms. Burt stated that she wants to believe Mr. Lally's assurances but has doubts. Mr. Boulter suggested that the Board continue the hearing for two weeks, set conditions with Mr. Lally for the securing the dog and then review the progress with the stipulation that a violation of the conditions will result in the dogs removal. Mr. Boulter further stated that the conditions should be in writing and Mr. Lally should sign off on them. Mr. Hart and Mr. Lally both agreed. Mr. Boyle and Mr. Stone concurred. Mr. Boulter moved to order the removal of Arthur Lally's American Bulldog brindle male dog know as Abram with the order to be held in suspension for two weeks subject to the following conditions: that the animal and his owner immediately enroll in obedience training, that the animal be confined to a dog run within the rear yard fence while wearing a Martingale dog collar, and any further violation of the leash law will result in the Animal Control Officer seizing the dog, resulting in the suspended order of removal being lifted. Mr. Stone seconded the motion. By roll call vote: Boulter – yes, Stone – yes, Trabucco – yes, Boyle – yes. The vote was four in favor, none opposed with Ms. Burt present not voting.

At 8:25 pm, Mr. Boyle declared the public dog hearing continued to March 28, 2016.

OLD BUSINESS

Mr. Stone has spoken with Nick Zechello Jr of the Energy Committee and there is no news to report on the solar project as the net metering cap legislature is still pending. Mr. Stone recommended that Pembroke consider reviewing the Governor's Community Compact agreement with cities and towns; 146 towns have entered into agreements to date whereby they agree to implement several best practices as recommended by the State. Mr. Trabucco cautioned the Board to review thoroughly before entering an agreement.

Mr. Boyle read the upcoming issues from the agenda.

At 8:30 pm, Mr. Stone moved to enter executive session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; and to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares regarding the Police and Fire Contracts; and to consider the purchase, exchange, lease or value of real estate, if the chair declares than an open meeting may have a detrimental effect on the negotiating position of the public body, and Mr. Boyle declared it so. Mr. Boulter seconded the motion. By roll call: Ms. Burt – yes, Mr. Stone – yes, Mr. Boulter – yes, Mr. Trabucco – yes, Mr. Boyle – yes.

MATERIALS & EXHIBITS

Draft Annual Town Meeting Warrant (BOS/TA Office)

Police Reports February 24, 2016, April 22, 2012 re: 215 Pelham St (Police/BOS/TA Office)

ACO Reports, Tickets, Correspondence Sent to 215 Pelham Street (ACO/BOS/TA Office)

Permit Application for Renewal of Ice Cream Truck Vendor – Stephen Burt (BOS/TA Office)

Emails, E. Felcher, R. Wall, Permit for Use of Towns Roads 5/22/16 7:00 am (BOS/TA Office)

Draft Minutes, February 29th (BOS/TA Office)

Memo, E. Thorne re: Request for Extension of Order of Conditions at Herring Run (BOS/TA Office)