

**MINUTES OF THE SELECTMEN'S MEETING  
JUNE 26, 2017**

**PRESENT:** Willard J. Boulter, Jr. (Chairman), Matthew J. Furlong (Vice-Chairman), Lewis W. Stone (Clerk), Arthur P. Boyle, Jr. (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Richard Wall (Police Chief), William Hart (Animal Control Officer), Rebecca Coletta (Planning Board Chairman), Stephen Curley (Advisory Committee), Nick Zechello, Jr. (Energy Committee), Simon Yeung (National Grid), Bobbie Jo Pippin-Arndt, Jennifer Toone, Alice Fairclough, Nicholas McKay, Kristin McKay, Hayley Johnson, Bonnie Pajick, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm Mr. Boulter opened the meeting. At 7:05 pm, he 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 JOINT WITH ADVISORY COMMITTEE: RE-APPOINTMENT OF STEPHEN WALSH AND TIMOTHY BRENNAN**

Advisory Committee Clerk Stephen Curley was present to move to re-appoint Stephen Walsh and Timothy Brennan to the Advisory Committee for a three year term; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

**7:05 JOINT WITH PLANNING BOARD, BOARD OF HEALTH; RE-APPOINTMENT OF DRAINAGE COMMISSIONER PAUL WHITMAN**

Board of Health Chairman Donna Bagni submitted a letter from the Board of Health confirming their vote to support for the re-appointment of Paul Whitman to the Drainage Commission. Planning Board Chairman Becky Coletta moved to re-appoint Paul Whitman as Drainage Commissioner for a three year term; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

**JOE MITCHELL, BRIDGEWATER SAVINGS BANK**

Mr. Mitchell was present before the Board, and thanked them for the opportunity for the Chamber of Commerce's local businesses to address the public in this forum. Mr. Mitchell stated that East Bridgewater Savings Bank moved to Pembroke in the 1960s and became Bridgewater Savings Bank in 2010. The branch has remained in the center of town, building their new facility on Mattakesett Street in 2012. The bank actively supports the town and its residents through various endeavors, including their membership in the local Kiwanis, teaching financial education classes at the Pembroke High School and supporting the Chambers efforts with the annual Pembroke Day and other events. Mr. Mitchell cited the branch's participation in the 300<sup>th</sup> Anniversary parade. Other sponsored, local events include the Pembroke Arts Festival, the Grand Ole Fish Fry and a Taste of Pembroke.

**7:10 DOG HEARING: 27 MALINDA LANE INCIDENT ON MAY 4, 2017**

Mr. Boulter advised that this dog hearing is for the purposes of reviewing the recent Animal Control Officer and Police Reports of an incident that occurred on May 4, 2017 at 12:34 pm with a brown and white female Treeing Walker Coonhound named "Louise" at 27 Malinda Lane, Owner Bobbie-Jo Pippin-Arndt. According to the ACO's investigation, Louise was leashed at the time of the incident while being walked by a professional dog walker. The victim was a Chihuahua named "Phoebe" owned by Jennifer Toone who has requested this hearing. The Chihuahua did not survive. Ms. Toone has requested that the Selectmen hear the reports of this incident and order that "Louise" wear a muzzle at all times in the future when being walked in the neighborhood. All parties who plan to give testimony in this hearing were sworn in at the opening of the Dog Hearing under the provisions of Chapter 140, Section 157 of the General Laws; namely Jennifer Toone, Alice Fairclough, Bobbie-Jo Pippin-Arndt, Nicholas McKay, Kristin McKay, and William Hart. Mr. Boulter recognized Jennifer Toone, owner of the Chihuahua Phoebe who was attacked and died as a result of her injuries. Ms. Toone stated that Phoebe was a 6 pound, five year old Chihuahua. Ms. Toone stated that she received a telephone call at work from her father on May, 4, in which she was informed that Phoebe was killed by a dog. Alice Fairclough, Ms. Toone's mother and the person walking Phoebe at the time of the

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incident, stated that she went to the police station and filed a police report (ref 17-4664-OF). Ms. Fairclough stated that she was returning from walking Phoebe heading towards Malinda Lane from Victoria Lane when she saw a dog walker who was walking Louise and another dog walking towards her. Ms. Fairclough stated that Louise lunged and attacked Phoebe. She stated that she was shocked; the dog walker tried to get Louise but she lunged again. She stated that the dog walker was then able to secure Louise, and she picked up Phoebe and ran home, at which point she took Phoebe to the vet. Ms. Fairclough stated that Phoebe was bleeding and the vet couldn't save her. Ms. Fairclough stated that she disputes the facts presented in the investigatory report of the Animal Control Officer, stated that she cannot walk down the street any more, that the attack was vicious and she wants Louise muzzled when out in public. Ms. Toone presented the Board with the veterinarian's report from VCA Hanson Animal Hospital. Ms. Toone referenced the report's finding of a "probable ruptured trachea". Ms. Toone stated that she also disagrees with the facts presented in the ACOs report. Ms. Toone stated that she and her husband want Louise euthanized or muzzled when in public. Ms. Fairclough stated that the second dog with the dog walker was not involved in this incident. The dog walker who was present at the time of the incident, Nick McKay, stated that he has worked with animal for over ten years and he knows animal behavior. Mr. McKay stated that Louise is a coon hound bred to hunt small prey; he further stated that the sound of her calls during the incident were consistent with the sounds made when a coon hound is displaying hunting instincts. Mr. McKay stated that he was walking the two coon hounds when he spotted Ms. Fairclough and Phoebe 50 to 60 yards away. Mr. McKay stated that he turned the dogs away from them, but Ms. Fairclough approached and closed the distance to less than 20 yards. Mr. McKay stated that Louise turned, slipped out of her collar, and ran toward Phoebe. Mr. McKay disputed Ms. Fairclough's assessment of the incident. Mr. McKay stated that he was able to secure Louise on the first try, and that Ms. Fairclough picked up Phoebe while Mr. McKay was attempting to re-attach Louise's collar; however, he stated that Ms. Fairclough put Phoebe back down on the ground, and Louise broke off from the dog walker and grabbed Phoebe a second time. Mr. McKay stated that it was at this time that Ms. Fairclough picked Phoebe up and went home. Mr. McKay stated that his assessment of the incident was that it was avoidable had Ms. Fairclough prevented the encounter by maintaining the separation distance, or could have been less severe had she not returned Phoebe to the ground. Mr. Boulter stated that the owner of a hunting dog must be responsible for their animal's behavior so that the streets are safe for all. ACO Bill Hart stated that he was called by the police department when the report was being taken at the station; he reported to the scene of the incident, where there were police cruisers and a gathering of neighbors outside on the street. Mr. Hart stated that he broke the protocol of home quarantine in an abundance of caution, and took Louise to the animal pound to serve her ten day quarantine. Mr. Hart reported that Louise behaved phenomenally with the people she came into contact with, but Mr. Hart stated he did not introduce her to other animals. Mr. Hart reported that his investigation revealed that Louise is customarily walked on a harness, which hangs by the door next to her collar. Mr. Hart stated he could not determine why on May 4<sup>th</sup> Louise was placed into her collar and leash for the walk that led to the incident; had she been in her harness, she would not have broken loose. Mr. Hart reported that he removed Louise from the neighborhood at the time of the reporting of the incident; he secured and settled her at the pound while the police officer spoke with Phoebe's owners. Mr. Hart stated that he called Ms. Toone on May 5<sup>th</sup> and she was very upset; he spoke with Ms. Toone's father at length. Mr. Hart reported that he returned Louise to Ms. Pippin-Arndt at the end of the ten day quarantine and recommended to her that Louise be walked with a muzzle for her own protection and the protection of others; however he did not impose an order to that effect. Mr. Hart stated that he has had frequent contact with Ms. Pippin-Arndt and she has struggled to find a muzzle that Louise cannot remove. Mr. Hart concluded by stating that breed is a factor, and coon hounds can be aggressive with other small animals and that he classified this incident as a very unfortunate accident versus owner negligence or dangerousness in the dog. Mr. Stone inquired why no harness was worn that day; Mr. Hart stated that the reason remains unknown and the harness was present and available on that day. Mr. Trabucco asked Mr. Hart and Police Chief Wall if any criminal violations occurred during this incident; both replied that there were none. Discussion ensued on the content of Article XX Section 7 otherwise known as The Leash Law in which the use of a leash is required but not a muzzle. Mr. Stone stated that requiring a harness and a muzzle together could be an effective solution. Ms. Pippin-Arndt stated that she apologizes for this horrific accident and stated that she has lived at the address for six years and adopted Louise three and a half years ago. Ms. Pippin-Arndt brought an image of the harness that Louise usually wears and stated that there have been no

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other incidents prior to this day and this is an isolated incident. Mr. Trabucco inquired as to the residence's yard; Ms. Pippin-Arndt stated that is a full fenced in acre. Dog walking service owner Kristin McKay stated that she knows the owners and that they are responsible owners and Louise is a "sweetheart". Ms. McKay categorized this incident as an "awful, isolated incident". Ms. McKay stated that she has never observed this behavior in Louise before or since, nor has her staff who are present this evening. Ms. McKay stated that they share the same high opinion of Louise and her owners, and she introduced staff members Nancy, Heather and Zach. Mr. Furlong inquired as to the experience of the staff. Ms. McKay stated that the members of her staff are experienced, insured and bonded and she trusts them implicitly in the care of animals. Ms. Fairclough stated that she believes that Louise is "fine with bigger dogs" but that this attack was vicious. Ms. Toone asked if the staff of Ms. McKay's service is licensed dog behavioral specialists; Ms. Toone clarified that this was not an altercation or quarrel between two dogs, but instead was a vicious attack. Mr. Boulter recommended that this hearing be continued for sixty days, during which time Louise should be walked alone under the control of one handler while wearing a harness, during which time the owner, with the assistance of the ACO, work to fit Louise with a properly fitting muzzle. Discussion ensued; Mr. Boulter suggested that Ms. Pippin-Arndt notify all neighbors when she plans to walk Louise. Ms. Pippin-Arndt stated that Louise is walked twice daily between 5:40 am and 6:15 am and again between 7:00 pm and 8:00 pm. Mr. Boyle stated that he does not feel that the hearing needs to be continued where a plan to resolve the issue has been developed. Condolences were expressed to Ms. Toone and her family on the loss of Phoebe. Mr. Stone inquired as to her opinion of the proposal as expressed by the Board; Ms. Toone stated that she would prefer that Louise be muzzled permanently and further that she be examined by a licensed dog behavioral specialists. Mr. Boyle moved to close this dog hearing conditionally at the end of 60 days without incident under the following conditions: Louise be muzzled and harnessed anytime that she is being walked on a public street; the owners maintain their fenced in yard; Louise is to be walked alone under the control of one handler; and neighbors are notified that she will be walked between 5:30 and 6:30 am and between 7:00 pm and 8:00 pm. Mr. Trabucco seconded the motion. Mr. Boulter requested that these orders of condition are prepared by the Selectmen's office and signed by Ms. Pippin-Arndt. The vote was unanimously in favor.

### **7:45 (8:20) POLE HEARING: JOINT PETITION OF NATIONAL GRID AND VERIZON: INSTALL POLES, ANCHORS AND GUYS TO CONNECT SOLAR ARRAY TO GRID PLAN #20090054, HOBOMOCK STREET POLES 26-30 TO 26-33**

At 8:20 pm, Mr. Boulter opened the pole hearing. National Grid representative Simon Yeung was present to address the petition. There were no abutters in attendance. This petition seeks to install poles, anchors and guys to connect solar array to grid at Hobomock Street poles 26-30 to 26-33. Mr. Yeung was present before the Board to explain that the plan is to add additional infrastructure for the solar array at the landfill. Mr. Trabucco asked if the poles placement in the layout affects the Hobomock sidewalk project; Mr. Yeung advised that there is 35' of clearance so these poles will be located approximately 3' behind the proposed sidewalk. Mr. Boyle moved to grant approval to National Grid and Verizon on their petition to install 4 new Joint Owned Poles as well as 2 anchors and guys for 26-30 and 26-33 in order to incorporate the new solar array, poles 26-30, 26-31, 26-32, 26-33, in accordance with work order and plan # 20090054. Mr. Stone seconded the motion. The vote was unanimously in favor.

### **7:50 (8:30) NICK ZECHELLO, JR.: MUNICIPAL AGGREGATION PROGRAM UPDATE**

Mr. Zechello was present before the Board with an update from Colonial Power on the municipal aggregation program proposal. Colonial Power is going out to bid for electric rates to offer the residents in the communities that have voted to adopt the program; however, the town has several decisions to make. The town chooses when to implement the plan and which proposed program to choose. Mr. Zechello explained that the proposal will include options for a supplier and a term; terms range from 6 months to several years and any offer will include green power. Mr. Thorne explained that the chart before the Board reflects residential rates paid over the last ten years; peak rates are in winter months and valleys are summer rates and have ranged from .163/kwh to today's current low of .094/kwh. Mr. Zechello pointed out that today's rate of .094 ends on November 1<sup>st</sup>, and National Grid will announce the winter rates in September. Mr. Thorne stated that Colonial Power anticipates that Wednesday's rates as bid will result in a proposed agreement offered of .105/kwh for any length of time desired by the town. Discussion ensued; the proposal equals the

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three year average rate realized under National Grid of .105/kw. The Board expressed disappointment that the rates were not more competitive. Mr. Zechello recommended that the Board consider waiting until September to review the rates from Colonial Power; at that time, the residents will know National Grid's winter rates. Mr. Thorne added that each resident will receive a postcard stating that they are automatically enrolled in the program unless they opt out in writing. Mr. Trabucco reminded the Board that this fact was clearly presented at Town Meeting and the residents are aware of the terms of the program. Discussion ensued on researching additional solar array opportunities. Mr. Boyle moved to table this discussion for two weeks; Mr. Furlong seconded the motion. The vote was unanimously in favor.

#### **VOTE TO APPOINT TOWN'S REPRESENTATIVE TO THE PLYMOUTH COUNTY ADVISORY BOARD FOR FY18**

Mr. Boyle nominated Matthew Furlong to serve as the town's representative to the Plymouth County Advisory Board for the next fiscal year; Mr. Stone seconded the motion. The vote was unanimously in favor.

#### **VOTE TO APPOINT CINDY WENGRYN TO THE PEMBROKE DRUG PREVENTION COALITION**

PTAD chairman Mike Cogburn has requested that the Board consider appointing Cindy Wengryn of 30 Pine Mill Drive to the Pembroke Drug Prevention Coalition; Mr. Boyle moved to approve Cindy Wengryn to PDPC at the recommendation of Mike Cogburn; Mr. Stone seconded the motion. The vote was unanimously in favor.

#### **VOTE TO PERMIT THE FIRST CHURCH IN PEMBROKE TO PAINT THE TOWN CLOCK**

Mr. Boulter read a letter from Alan Peterson, Trustee of the First Church in Pembroke, stating that the First Church applied for and was awarded funds to paint the church; the bids were unexpectedly low, and the Church would like to paint the Town Clock while the rest of the building is being painted. Discussion ensued. Mr. Boyle moved to grant permission to First Church in Pembroke to paint the numbers, face and trim of the town clock. Mr. Trabucco suggested confirming the appropriateness of the project using CPC funds; the project is due to begin July 10. Mr. Boyle accepted the friendly amendment to add "upon the approval of the Community Preservation Committee". Mr. Trabucco seconded the motion. The vote was unanimously in favor.

#### **VOTE TO ACCEPT THE MINUTES OF JUNE 5, 2017**

Mr. Stone moved to accept the minutes of June 5, 2017 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

#### **VOTE TO ACCEPT THE MINUTES OF JUNE 12, 2017**

Mr. Stone moved to accept the minutes of June 12, 2017 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

#### **OLD BUSINESS**

On August 9, 2016, Governor Charles Baker signed An Act to Modernize Municipal Finance and Government whereby the Board of Selectmen may designate any one of its members for the purpose of approving bills or payrolls provided, however, that the member shall make available to the board, at its next meeting, a record of such actions. Mr. Stone reported that on June 21<sup>st</sup> he personally reviewed five accounts payable warrants for \$422,435.99 and one payroll warrant for \$226,069.23. Mr. Trabucco moved to accept Mr. Stone's report. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Trabucco moved to authorize Mr. Stone or Mr. Boulter to sign warrants on non-meeting weeks; Mr. Boyle seconded the motion. The vote was unanimously in favor.

#### **TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne advised that Monday is July 3<sup>rd</sup> and staff scheduled time off makes it prudent to consider closing town hall; Chief Wall voiced payroll concerns. The Board instructed Mr. Thorne to determine an acceptable

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outcome whereby the departments offer reduced services until at least noontime and employees used their accrued personal or vacation time if not at work.

Mr. Boulter read the upcoming issues from the agenda.

At 9:25 pm, Mr. Stone moved to enter Executive Session under M.G.L. c.30A, Sec. 21 (2) 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; Town Administrator, Police Chief; Mr. Boulter stated that the Board would most likely return to open session. Mr. Boyle seconded the motion. The vote by roll call: Boyle – yes, Furlong – yes, Stone – yes, Trabucco – yes, Boulter – yes.

At 10:28 pm, the Board resumed open session. Mr. Boyle moved to extend the Town Administrator's contract agreement for a term of three years through June 30, 2020, with a salary increase of 2% in the first year with years two and three to be negotiated at a later date; Mr. Furlong seconded the motion. The vote was unanimously in favor.

**MATERIALS & EXHIBITS**

Reappointment letters, Advisory S. Walsh, T. Brennan (BOS/TA Office)

Reappointment letter, BOH Letter from D. Bagni for Drainage P. Whitman (BOS/TA Office)

Police Report, ACO Report, Correspondence re: Pippin-Arndt, Incident 5/4/17 (BOS/TA Office)

Joint Petition National Grid/Verizon Plan #20090054 Hobomock Street (BOS/TA Office)

Application for Appointment, C. Wengryn (BOS/TA Office)

Letter, A. Peterson for First Church (BOS/TA Office)

Draft Minutes of June 5, 2017 and June 12, 2017 (BOS/TA Office)

Record of Approved Bills & Payrolls, L. Stone, 6/21/17 (BOS/TA Office)

Town Administrators Contract (BOS/TA Office)