

MINUTES OF THE SELECTMEN'S MEETING

MONDAY, MAY 23, 2011

PRESENT: Daniel W. Trabucco (Chairman), Lewis W. Stone (Vice-Chairman), Gregory M. Hanley (Clerk), Arthur P. Boyle, Jr. (Selectman), Edwin J. Thorne (Town Administrator), Diane M. Tobin (Executive Assistant), John Mattinson (Pembroke Media Broadcast), Mikaela Slaney (Pembroke Express), Mary (Mariner/Reporter), Charles Matthewson, Linda Peterson, Ben Bastianelli, Eugene Fulmine, Jr., Matt York, Police Chief Michael Ohrenberger, and others. Selectman Boulter was absent due to injury this evening.

The meeting was opened by the Chairman at 7:00 pm in the Veterans Hall.

ANNOUNCEMENTS:

Town Memorial Committee: Linda Osborne, Josephine Hatch, Sean Keegan and David McPhilips informed the Selectmen of the plans for the Memorial Day Parade and Commemoration Ceremonies. The parade will be on Monday, May 30 beginning at 1:00 pm from Lucky Dawg Restaurant and ending at the Town Memorial Park in front of the First Church. Veterans are encouraged to ride the donated trolley if they cannot walk in the parade.

Eagle Scout Project: Chairman Trabucco noted that the project of Eagle Scout David Lopes has been completed at the Town Memorial Park and he gave credit to the scout for his project being one of the most visible in town. Great job!

300th Anniversary: Chairman Trabucco expressed thanks to Tiny & Sons for presenting the Antique Show on the Green for the 300th Anniversary. He also extended well wishes on behalf of the Board to Selectman Boulter while he recuperates from a severe injury sustained while assisting a friend on a boat.

Pembroke Watershed Association: Appreciation was extended to Gene Fulmine for his concern of the ponds and the objectives that were set to help prevent future water issues.

Condolences: Chief Ohrenberger informed the Selectmen of the passing of Joseph O'Reilly who was a Special Police Officer for over 35 years. A moment of silence was observed.

DPW Director: Gene Fulmine, Jr. advised the Board that hot mix would be applied to the potholes tomorrow along Mattakeset and Center Streets. Beginning July 1, Taylor St., Mountain Ave, Spring St., High St., and Pleasant Streets will be addressed. The plan is to work on the roads all year for one day per week with available manpower using hot mix and patching and cold plane. Commissioner Bastianelli hopes that by the end of the year there will be a comprehensive plan to address all roads in town. The DPW is looking to increase the amount in their line item and not just rely on Chapter 90 funding. The department would like to get a reclaimer machine which they now borrow from Duxbury. The estimated cost would be \$35 - \$60,000. They will discuss this with the Town Administrator and Advisory for a future purchase. Selectman Boyle asked about getting sand pulled back at Little Sandy beach area and along the drain areas of Route 27.

**MINUTES OF THE SELECTMEN'S MEETING
MAY 23, 2011 – PAGE TWO**

DOG HEARING-121 BARKER STREET: Chairman Trabucco opened this emergency meeting to address a vicious dog complaint that occurred on Friday, May 20th at a boarding facility at 121 Barker St. Present for the hearing was the dog owner, Dr. Judy McAdam, her attorney Gerard Lane, Heather Dean, Nichole Scanell, and Animal Control Officer Bill Hart. All parties were sworn in before any statements were made.

This hearing was held just to secure the public safety until a full and formal hearing could be held in about two weeks. Mr. Hart explained that he was called after the incident to investigate what happened. He talked to Dr. McAdams, her barn manager, Dana from Black Pond, and Tom Donnelly. He noted that there had never been problems at this property before and feels this was a tragic, unfortunate accident. There seemed to have been a miscommunication between the property owner and her barn manager and the veterinarian who was administering to animals on the property that day. The concern is that it was a pack on one dog and measures need to be in place so it will not happen again. Mr. Hart explained that it appears the three French Bordeaux Mastiffs who reside on the property attacked a smaller dog carried in by a visitor. He said the little dog died in the process of euthanasia when his wounds were being attended to. He recommended no interaction with the general public in or out of the property. The mastiffs are very large dogs and need to be contained in an enclosure in the back of the house with a locked gate. He also recommends that the dogs only be walked on a leash, one at a time, by one person.

Dr. McAdams admitted this was a terrible accident and extended her sympathy to the Donnelly's. She has drawn up plans for new fencing, new signage, new barn rules and a gate has been installed. Her notice will indicate it is a private boarding facility and can be viewed by appointment only. Atty. Lane would like to meet with the Animal Control Officer and Dr. McAdams before the formal hearing. He noted that there had never been an incident before and that the dogs have never been a threat to children or humans. Dr. McAdams admitted that one of the dogs does not like little dogs but has been receiving training for this.

Mr. Hart reiterated his recommendations saying that there should be a 6' chain link fence that is dig-proof; dogs should be hand walked one on one; there should be no public interaction; and the dogs should not be loose out of the enclosure.

Dr. McAdams was asked if she understood and agreed with the recommendations of the ACO. She acknowledged that she did. Mr. Thorne recommended that the Selectmen vote to accept the recommendations and instruct and order that an enclosure be constructed immediately. Atty. Lane suggested that it would be unfair to force this decision until the final, full hearing takes place. Mr. Hart suggested that if the dogs are witnessed to be off lease or off the property, then the Selectmen should give him the authority to pick them up.

The Board of Selectmen conferred and feel that the dogs should be home quarantined to be observed for rabies until next Friday. Dr. McAdams acknowledged that Rocky's license expired in January and she forgot to renew it in Pembroke but his shots are up to date.

**MINUTES OF THE SELECTMEN'S MEETING
MAY 23, 2011 – PAGE THREE**

Selectman Boyle stated that he will not accept a proposal from the owner to install an electric fence. It must be a strong fenced-in pen. He is concerned about the dogs being registered in Edgartown instead of in Pembroke. Dr. McAdams assured him that it is not a case of the dogs having been sent here from there.

As an interim measure before the full dog hearing can be held, Mr. Hanley moved, that Dr. McAdams be solely responsible for the animals at 121 Barker Street to be in her care until the date certain for the formal dog hearing and if his is violated then the Animal Control Officer has authority to claim and retain the dog or dogs at the town pound. Further, that only one dog may be walked on a lease at a time by only one human. Seconded by Mr. Boyle and so voted unanimously in favor.

CENTER PLAZA TRAFFIC LIGHTS: Matt York, Planning Board Chairman, supplied the report from Vanasse after their visit here five weeks ago. Most of the changes that were made went into effect on May 9th. No everyone is happy with the light situation at Elliot Ave. They changed it to an 80 second interval and there is discussion about adding another turning strip onto Elliot from Center St. Some have expressed that they prefer this light to be blinking, but public safety is the biggest factor. He feels the situation is improving. He noted that originally the Planning Board wanted a full intersection at the Plaza and Elliot Ave but because the bank was on private property, they could not make a true intersection. The Bank would not sell to the plaza owners.

Mr. Hanley said that he experienced some frustration at this location after Selectman Boulter noted residents were calling him and he requested that any information on this subject from the engineers please be copied to the Selectmen. Mr. Trabucco asked about the credentials of the peer review engineer and Mr. York stated that they have been in business for 23 years. He maintains that Vanasse was the best choice of engineer for this project. Mr. York requested that phone calls be referred to the Planning Board office. Mr. Stone reiterated questions he has received from residents inquiring about the sidewalks and grassed areas at the intersection of Mattakeeset and Center. They want to know why they extend so close to the road and not allow for a wider turning lane on Mattakeeset. Mr. Trabucco suggested that a full slip lane from Mattakeeset onto Center may create a safety problem for vehicles exiting the plaza onto Mattakeeset during a busy time.

MINUTES: The Selectmen accepted the minutes of May 16, 2011 as written.

ROADSIDE STAND: The Board voted to grant permission to David Nash at 47 Mattakeesett Street to operate his annual roadside stand.

**MINUTES OF THE SELECTMEN'S MEETING
MAY 23, 2011 – PAGE FOUR**

GREEN COMMUNITIES: Mr. Boyle moved, that the Selectmen accept the recommendation of the Town Administrator to support the Town's application for designation as a Green Community. Seconded by Mr. Stone and so voted unanimously in favor.

STREET LIGHT AGREEMENT: Town Counsel's recommended changes will be incorporated into the Street Light Consulting Agreement and it will be ready for the Selectmen's review and vote at the next meeting. The Energy Committee will also review and recommend this agreement.

EXECUTIVE SESSION: Mr. Stone moved, seconded by Mr. Boyle, that the Board enter into executive session to discuss strategy for non-union or collective bargaining, to discuss strategy for litigation; and to consider the purchase, exchange, lease or value of real estate property, and upon conclusion of executive session no further public business will be discussed.

Roll call vote: Boyle, yes – Hanley, yes – Stone, yes – Trabucco, yes

The meeting was adjourned at 8:25 pm.