

**Town of Rehoboth-Rehoboth Board of Selectmen-Minutes of Regular Session Meeting on August 10, 2015 at Gladys L. Hurrell Rehoboth Senior Center**

Present: Chairman Costello, Selectman Perry, Selectman Pimental, Selectman Schwall, Selectman Vadnais, Dighton Selectman Patrick Menges, Dighton Selectman Dean Cronin, Bill Maiorano, Jane Foster, Ron Whittemore, Helen Dennen and others.

Chairman Costello called the meeting together at 6:17 PM

On a motion made by Selectman Pimental, seconded by Selectman Schwall, it was voted by roll call vote to enter Executive Session per MGL Chapter 30A, Section 21: (3) 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; (6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

Topic of Discussion: Medeiros et al vs. Morra; Town-owned Land; Cell Tower

Roll Call vote: Perry aye; Schwall aye; Pimental aye; Vadnais aye; Costello aye.

**1.) Chairman Costello called the regular meeting back to order at 7:12 p.m.**

The Board had a moment of silence for family of Kevin Jarvis who died in a car accident the week before.

**Business for Discussion:**

**WARRANTS:** 16-05A Withholdings \$23,845.23; 16-06 Invoices \$78,885.75; 16-06B Payroll \$80,256.35

**MINUTES:** None for approval (Executive session minutes for 6/24/15 & 7/27/15 approved in Executive Session)

**Announcements:**

Chairman Costello announced that the Economic Development Committee has developed an online survey to gain a better understanding of what residents and voters collectively see as the most desirable areas for business expansion in Town and that survey info can be found on the Town website or by going to RehobothSurvey.com.

The next regular Selectmen's Meeting will be held August 24, 2015 at the Senior Center.

**Action Item (1) Meeting with Dighton Board of Selectmen**

Chairman Costello welcomed Dighton Selectmen Patrick Menges and Dean Cronin: **Regionalizing Animal Shelter-** Dighton Selectmen Cronin asked Rehoboth Board of Selectmen what they have heard about regionalizing animal shelter. Selectmen Costello replied he has not heard anything and was interested in seeing what was proposed. Selectmen Cronin replied that he had spoken with the Dighton Animal Control Officer in regards to SPREDD approaching the Town of Dighton and proposing to regionalize the Animal Shelter. Cronin said he had heard that four towns were going to be involved (Som., Swan, Digh, Reh). Selectmen Costello stated that this is the first time that he has heard of this. If happens will take years. Cronin: We do realize that it is a lengthy process and I don't think anyone in the Town's will initiate this, it will have to be someone from SPREDD due to grant money for funding. No town would want to take on the funding for regionalization process. Cronin: We have not been officially notified so I wanted to bring it up to your town to see if anyone has heard of this. Jane Foster mentioned leash laws v. no leash laws. Talked about one shelter with separate officers. **School Resource officer-** Selectmen Costello stated: I hope that we will share this if we decide to move forward with a Resource

## Page 2 of 6 BOS Meeting regular minutes 8/10/15

Officer. Selectmen Menges stated that the Principal Mr. Braga proposed to Dighton Town a school resource officer that will teach at High School, and he said he has available funding for this position. He wants a Certified Criminal Justice Program in place that will be grant eligible. Some controversy on teaching part with conflict of interest if a situation arises in school. Selectmen Menges stated: After meeting with the Police Union, the Chief, and Mr. Braga; we decided that the teaching part will have to come out. Mr. Braga was fine with that decision. Officer should be from out of district. Concerned about taking an officer off road duty after the Town already voted to put another officer on due to the need. Position starts Nov. 2015 – end of fiscal year and will be funded by Regional School Budget at agreed salary. The school will receive a substantial grant for teaching the students. Selectmen Schwall asked who will the Resource Officer report to. Selectmen Menges; they will work under command of Chief but if the officer teaches, they will also work under Principal Braga. Selectmen Schwall: Will the officer be available to the Town on school vacations. Selectmen Menges: Yes. The School Committee has also put together a detailed job description and we be posting that soon so everyone can have a chance to review it. Selectmen Costello asked Selectmen Menges: Is the school moving forward with the security cameras that were needed. Selectmen Menges: An audit was done and to my knowledge they are moving forward with the cameras. What exactly is being done, the Principal did not disclose that information. Selectmen Menges “One more thing that dove tails with the resource officer”; The disaster committee has been promoting the **ALICE Training Program**-Mr. Braga, Mr. Morra(teacher at High School), and Sergeant Dutra took courses. Bristol Aggie, Dighton Elementary are all on board. Dighton would like Rehoboth to be trained as well. They would like to see Chief Trombetta is involved and on board if a disaster was to arise. Selectmen Costello said that would be great thing for everyone to get involved. Selectmen Cronin: Do you know if any of your officers are ALICE Trained? Selectmen Costello: I do not know but I think we should put the two Chiefs together so that they can come up with something together. Selectmen Pimental touched briefly to Dighton Selectmen on local Comcast Channel and getting on board for public access and contributing in funding. Selectmen Menges said right now our service is undergoing some conflict about where we should broadcast out meetings and maybe charge for discs. Dighton Board of Selectmen agreed to look into it and contribute what is owed from their part and let us know what the hours of operation are. We just starting paying our camera man recently. Selectmen Pimental: This is a separate entity not just personnel it's equipment and labor. Right now Dighton is getting school channel for free. **Regionalizing Veteran's Agent** discussed briefly. Selectmen Costello said we can talk about this again another time. Dighton asked how many hours Rehoboth Agent works; 16 hours per week. Dighton has a part time officer. Besides working in the office, he transports veteran's to the hospital and makes home visits. Selectmen Costello: Yes our officer does all those things also. Selectmen Perry: It's a part time job that requires full time service. Selectmen Costello: The Veteran's need this service and you need someone that has the passion to give that service.

- Chairman Cronin asked if he could address Dighton Town with a letter for Highway Department regarding part time help, M. Costello motioned to allow. We need to address this because our Superintendent Thomas Ferry is gagging right now. With high recommendations John Horner and Joshua Kaneski were hired as part time workers for the Dighton Highway Department. All Aye.

- For the nominations we had 7 papers taken out, 6 returned for the Selectmen, it should be interesting.

### Action Item (2): Public Dog Hearing

The Board on a motion by Selectman Pimental, seconded by Selectman Schwall, voted to open the Public Hearing pursuant to MGL Chapter 140 Licenses, Section 157 Nuisance or dangerous dogs to address the issues involving a dog known as EZY owned by Dorothy Eleuterio.

Roll Call vote: Perry aye; Schwall aye; Pimental aye; Vadnais aye; Costello aye.

**Page 3 of 6 BOS Meeting regular minutes 8/10/15**

Chairman Costello asked if parties involved were in attendance. Dorothy Eleuterio, owner of dog known as EZY stated she was in attendance. Isidro Bairos, individual attacked by dog, EZY, stated he was in attendance.

Jane Foster, Animal Control Officer, present and she states how dangerous dog is and needs to be restrained in a caged area at all times.

Chairman Costello swears both Mr. and Mrs. Bairos under oath and asked for Mr. Bairos to describe what had happened on the day questioned. Mr. Bairos states that he was walking on his property the dog comes out of the door and jumps on him and attacks him. He tried to get the dog off but the dog bit him in the chest. He had to go to the hospital and received seven stitches and he states he stills has a big scar on his chest. Mr. Bairos states that the tenants were very upset and asked the landlord who gave him permission to go on their property. I don't want the dog on that property anymore. What happened to me can happen to anybody.

It was noted by the Board that Isidro Bairos is the owner of the property at 470 Winthrop Street and owner of dog, Dorothy Eleuterios is a tenant at 470 Winthrop Street.

Chairman Costello asked Mr. Bairos if he has had any other incident with the dog since June 15, 2015.

Mrs. Bairos states that they avoid their property because they are afraid. They have sent Dorothy Eleuterios a letter giving family 30 days to vacate the property. They had until July 31, 2015 and have not done anything so their Lawyer is handling the case.

Chairman Costello asked the Board if they would like to ask any questions to Mr. & Mrs. Bairos at this time. Costello states to Mrs. Bairos that the Board of Selectmen's job today is to find out if dog was protecting a child or property. S. Vadnais asked where were you when dog came out of house and Mrs. Bairos states that they were at the bulk head not near door that was opened and dog came running out. S. Vadnais also asked how many families live their? Answer: two and Mrs. Bairos states that other tenants are also afraid. S. Vadnais said that they were in a common area that other tenants might be in at some time and that landlord has rights to.

Dorothy Eleuterio comes up to speak and M. Costello asks her if she heard everything that Jane Foster, Mr. and Mrs. Bairos has stated. He also asks her if she is aware of what had occurred on that day and why the dog was put in quarantine. Chairman Costello asks her how long has she owned the dog?

Answer: six years and have lived at that residents with the dog for six years. M. Costello: Have you had any other incidents with the dog besides Mr. Bairos. He also asks Jane Foster if there are any reports on the dog previous to this incident. Answer: Jane states no. M. Costello asks Mrs. Eleuterio if she knew that the dog was aggressive and is it aggressive more around the children? Mrs. Eleuterio stated that the dog usually will bark when someone comes on the property. She states that night Mr. Bairos had not called or let her know he was coming over and it was 8:45pm and the dog was on a leash but ran out and broke leash. She states the dog did not know who it was and she stated that she thinks it was a finger nail cut not a dog bite. Her dog has never bitten anyone, says Mrs. Eleuterio. M. Costello states that the dog must have long finger nails for that to happen. Mrs. Eleuterio says yes because he is a house dog and goes out back a little. She says that she has a dog because of her anxiety disorder.

Jane Foster – when the dog is tied up, what happens when the dog doesn't know who it is?

Mrs. Eleuterio states when the incident happened it was late and she was all nerved up and when she realized it was Mr. Bairos she called the cops because she saw the blood and does care about him.

She also states that she has told Mr. Bairos that if the door is open let me know you're here so I can put dog away. M. Costello asked if there are any warning signs put up and she stated "yes everywhere". M. Costello asks, have they been up all along and Mr. and Mrs. Eleuterio said yes. Mrs. Eleuterio says we have never had a problem and I feel bad. M. Costello asked why you put up signs if you thought that the

**Page 4 of 6 BOS Meeting regular minutes 8/10/15**

dog was not vicious. Mrs. Eleuterio stated for everyone's protection because he barks a lot. She stated that the dog is a big baby and this has never happened.

S. Vadnais asks if the hallway that you let the dog enter is it only your hallway? Answer: yes

Mr. Eleuterio stated how all Mr. Bairos workers come in pet the dog and walk by the dog all the time.

Witnesses: Carrie Sullivan and Michelle Butler live on the second floor. Mrs. Butler states that she was not a witness of the attack but there has been issues with the dog. Miss Sullivan says she has nothing against the dog but the leash does not seem sturdy, it is about five leashes tied together. Miss Sullivan says she feels intimidated by the dog because of the way it pulls on leash and barks at her. She states that she saw the dog go after Mr. Bairos and knock him down. She asks what if it was me or someone that was over the house visiting like a small child whose ball rolled over to their side of yard. The dog would over power me(Miss Sullivan) or a small child and easily cause more damage. Mrs. Butler states that she is afraid of the dog and can't go in back yard to enjoy her fire pit or yard with relatives. She also states that she has heard Mrs. Eleuterio say "whoever comes in my backyard deserves to be bitten". Mrs. Butler stated that was said way before Mr. Bairos got bitten and it concerned her. M. Costello asks her if the dog has been restrained? Answer: That is a tricky question; I work animal control in East Providence and we have a different policy than Rehoboth. You cannot take the dog places and Jane Foster told her that they could. S. Vadnais states that we are here under Mass General Law. Mrs. Butler stated that the leash was partial nylon part chain, very chewable and snapable.

M. Costello calls up Amanda and Robert Eleuterio(Dorothy's daughter in-law and son) to speak.

Amanda states that she was around the dog a lot in the 60 day restraining order and the dog was always inside being watched or on a leash. She lets the dog around her daughter. Robert states that any big dog is intimidating and no one should approach an unfamiliar animal. He has seen when the dog has been on a leash and doesn't bark at Mr. Bairos.

The Board of Selectmen call Jane Foster up for questions. Jane first stated that if the dog knows someone the dog is fine, but she is not worried about the dog knowing someone. S. Vadnais asks Jane, when the dog was impounded did Allan Borgel of the Boston Animal Rescue League and Dr. O'Connor, Chief Veterinarian for the Common Wealth of MA have a chance to observe the dog? Jane- they walked past him and said he was potentially a vicious dog. Jane proceeds to explain that anyone who goes into shelter and walks by the dogs (Pitbull and Rottweiler), most of them if not all will bark because they are protecting their territory and me who feeds them every day.

S. Vadnais states that those were two professional opinions one from the Boston Animal Rescue League and another from the Chief Vet from the Common Wealth of MA and their observation was, that the dog is potentially dangerous. Jane: Yes. Jane states that her observation was that the dog is dangerous when protecting its owners or territory and she would not go in its cage after spending time with the dog.

S. Pimental asked Jane what was her order after observing the dog. Jane states that she wants the dog in a caged area not on a leash but the Bairos don't want a cage in their yard. The cage needs to meet MGL with a cover on top and two feet into the ground.

Robert Eleuterio asked anyone if they would walk into a cage with an animal they don't know.

S. Vadnais makes a motion to close the public hearing 2<sup>nd</sup> by S. Pimental All Schwall – aye, Perry – aye, Costello – aye, Vadnais – aye, Pimental – aye

S. Vadnais states from this point on only the Board of Selectmen can discuss this matter.

Step one: decide if the dog is a nuisance or a dangerous dog.

The Board of Selectmen agreed that the dog is a dangerous dog but does not warrant euthanization. S. Vadnais had talked with Dr. O'Connor and Mr. Borgel and with Jane Foster, they believe it is a dangerous dog. M. Costello believes it is ii on page two of the laws: M. Costello reads: the dog must be confined to the premises by the owner; confines must be secure indoors or outdoors in a securely enclosed locked pen

## **Page 5 of 6 BOS Meeting regular minutes 8/10/15**

on the premises of the keeper. It must have a roof so dog cannot jump out and a floor so that dog cannot dig out or be embedded into the ground at least two feet. They would need to get permission from the landlord and S. Vadnais says that is not our concern. G. Schwall agrees and feels iii should be added: that when a dog leaves the premises it should be muzzled properly and on a leash no more than three feet. S. Vadnais states he agrees with tether but that breed of dog cannot be muzzled properly and therefore is a false sense of protection. G. Schwall removes his suggestion and stated stay with ii.

The Board of Selectmen all agree to enforce ii.

S. Vadnais goes on to say in the interim period of time - if they move anywhere in Town or in Massachusetts, this order is still enforced and they have to abide by it. And they have to buy a better leash that dog cannot chew through and someone that can handle the dog needs to be behind the leash. The dog cannot be tied to an inanimate object.

M. Costello is going to have Jane Foster over see if this order is being abided by. M. Costello also goes on to say you have to have control over this dog at all times, in the house and outside. You need to be careful. M. Costello addressed Mrs. Bairos as she had her hand raised and he states I know this isn't the way you wanted it to go, but you have civil remedies you can take as well. Mr. Bairos spoke and said who is responsible for this dog if it bites someone in the house? S. Vadnais states that you allowed this dog in your house for six years you will be somewhat responsible. Mr. Bairos says he doesn't want dog on property. S. Vadnais says he has to go to housing court and remedy the matter. It is a civil matter you need to bring your case to a judge. S. Vadnais states we can only do what we are allowed to do and I know you want us to do more, you have to take it to court.

S. Vadnais states to Mr. and Mrs. Eleuterio that they have 10 days to appeal the order in court if you feel we have made an error. That is your right and you will be notified of this with a copy of the order.

Motion made by S. Pimental to accept and enforce the order under MGL 157 item ii as a solution 2<sup>nd</sup> by G. Schwall All Vote 5-0

### **Action Item (3): Animal Advisory Board Request to modify structure**

Request 5 members without alternates (board has 2). M. Costello stated that you don't have to go out and find two alternates and Panofsky thought he had to. Panofsky states he has three applicants and can the board vote on them now and S. Vadnais says we will put them on the agenda for next meeting Sept. 9 and interview and vote on the new members. Also, S. Vadnais would like Richard Panofsky to put together a solid feral cat policy before then. The Board of Selectmen all agree.

### **Action Item (4): Rescue Squad not renewing Ambulance Service License**

Requesting an official letter from the Town.

Selectmen S. Pimental motions to approve Rescue Squad not renewing Ambulance Service License. S. Vadnais 2<sup>nd</sup> all voted 5-0

### **Action Item (5): Request from Town Events Committee to waive fees for Harvest Block Party**

On a motion made by Selectman M. Costello approve request from Town Events Committee to waive fees for the Harvest Block Party 2<sup>nd</sup> S. Pimental all voted 5-0

### **Action Item (6): Reappointment of Election Workers & Economic Development Committee**

On a motion made by Selectman Pimental to reappoint: Economic Development Committee for a term 7/1/15 – 6/30/16:

Linda Ferreira, Lorraine Botts, John Jordan, Stephen Brook

## **Page 6 of 6 BOS Meeting regular minutes 8/10/15**

On motion made by Selectmen Pimental to reappoint with exception to hold Republican Election Worker Cornelius V. Harrington appointment listed as Inspector (pointed out by S. Vadnais) For Election Workers term running 9/1/15 – 8/30/16 please see sheet attached  
2<sup>nd</sup> D. Perry all voted 3-2 with G. Schwall/ S. Vadnais abstaining

### **Action Item (7): Vote to Approve & Sign Chapter 90 Reimbursement \$12,205.31 for Drainage Improvement Project**

S. Vadnais motions to approve & sign Chapter 90 Reimbursement for Drainage Improvement Project. S. Pimental 2<sup>nd</sup> all voted 5-0

### **Action Item (8): Request for bid to approve new Fire Tanker #2**

Legal counsel has reviewed and approved bid previously.

G. Schwall stated he has reviewed all contracts and votes to issue bid for Fire Tanker #2

2<sup>nd</sup> S. Pimental all voted 5-0

### **Open Public Forum:**

Mr. Whittemore asked about Action Item # 4 and what it meant:

BOS told him will not affect ambulance service.

Was an old vehicle and never used.

Will only be used as a rescue vehicle.

### **Selectmen's Reports:**

**S. Vadnais** received phone call regarding tree stumps on Plain Street Resident would like them removed before snow and before it becomes a hazard. D. Perry also brought up Fairview Avenue.

M. Costello made motion to forward item over to the Tree Warden

S. Vadnais 2<sup>nd</sup> all voted 5-0

**G. Schwall** speaks of air quality test showed immediate needs to address such as wet tiles, visible mold. Will get full report and have BOH come to a meeting to educate everyone on this matter. Selectmen Vadnais: This is a public problem and people need to be notified. I believe it should be on the agenda so that the citizens are aware of this matter and the understand what they are walking into.

**M. Costello** discusses Jeff Ritter's "To Do List" that he left in June:

Most of list done need to sell; 1) The Salt Shed bids are still going on; 2); The Wheeler Street Bridge bid was completed and awarded to Welsh Construction out of Attleboro; 3) Winthrop St Anawan Fence at live auction and get update on tax title properties; 4) The contracts for the cell tower are completed; 5) Air quality test was completed; 5) The 44 intersection is moving along, so we are in pretty good shape  
Selectmen discussed Cell Tower construction at the land fill including adding a speed bump. Is it affecting operation of the land fill. Need to talk to Bob Ashton BOH. Cannot impede function of the land fill. Consult with lessee on operation and placement of equipment.

M. Costello motioned to adjourn @ 9:07pm: S. Pimental in favor 2<sup>nd</sup> by D. Perry. All Vote 5-0

Respectfully submitted,

Helen Dennen & Kelly J. Hathaway

Approved 3/7/16