

Memorial Town Hall, 1 Library Street, Georgetown, MA 01833

**Meeting Minutes 11/21/2022**

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BOARD OF SELECTMEN

Memorial Town Hall

7:00PM-General Meeting

Verizon Channel 42/Comcast channel 9

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**Selectmen Present:** D. Dawes, Chair, Vice Chair P. Kershaw, G. Fowler and A. Smith.

**Others Present:** Orlando Pacheco, Town Administrator.  
Administrative Assistant, Maureen Shultz participating on Zoom.

**Absent:** D. Lamonica

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**7:00PM CALL TO ORDER**

Invocation-Douglas W. Dawes

Pledge of Allegiance-Douglas W. Dawes

**The following were present for the Dog Hearing: Dangerous Dog Hearing**

Animal Control Officer Derek Jones

Deputy Chief Scott Hatch

Mr. Tim Byrne, 99 Lake Shore Drive,

Ms. Irene O'Brian, 97 Lake Shore Drive

D. Dawes opened the Public Hearing:

Testimony and police reports were already given to the Board.

Animal Control Officer Derek Jones read aloud his report from 8/23/2022 at approx. 3PM -Report is part of the record.

Spoke of three (3) incidents occurred (one from the past) dog Patch owned by Irene O'Brian, 97 Lake Shore Drive is accused of biting Mr. Byrne's hand, both neighbors share a driveway, incident happened on Irene's side of the driveway, Mr. Byrne put his hand out to patch, went to the hospital for treatment for his puncture wounds on his hands, spoke of another incident at the mailbox, patches got off his leash had to use a magazine to keep patch away from him and Patch was off his leash while at the area around the water department .

Mr. Byrne's is afraid of patches -will keep a stick with him.

Ms. O'Brian was advised by Officer Jones about a dog hearing that could happen and is Mr. Byrne's right to have. Officer Jones suggested to consider an electric fence for Patch and keep Patch contained to protect the public. Ms. O Brian understood and thanked him.

*Patches rabies and dog licenses are both up to date -Patches license was not originally found in the system but it was then confirmed by the Town Clerk that Patches is up to date on everything.*

*Summary of Mr. Byrne's testimony:*

*Spoke to the Board on past and current incidents relating to Ms. Irene O'Brian's dog Patch, believes Ms. O'Brian doesn't like to keep her dog on a leash, has not apologized for the incident, mailbox area is a shared area along with a shared driveway, stated he has gone to the mail to retrieve mail and has used a magazine that he folds in case he needs to ward off Patch, has missed a week of work due to swelling from his injury, spoke of a second incident that took place around the Town's Water Department area (Bailey Lane) was in that area walking a relative's dog (Jenny) had to use a bag of tomatoes he had just purchased approx. eight of them and swung them at Patch who was off the leash and Ms. O'Brian was behind the scene and was not with Patch at that moment but did appear from around the corner.*

*D. Dawes asked about the first incident and asked if the dog was on a lead and did you make a sudden move.*

*D. Dawes asked what did the dog Jenny do after the incident at Bailey Lane.*

*Mr. Byrne stated he has a flash drive from a neighbor of Patch when he went after a young child who was with her grandmother, the child was terrified had a princess dress on and patches ran up to her, no footage from the mailbox, has been assaulted and attacked three times, we were being civil with each other prior to this meeting, dog zooms in on him, Ms. O'Brian had stated that Patch is afraid of men, dog is damaged doesn't want her to lose her dogs and does not want this to happen again, would like a muzzle on the dog, pictures were shared with Board members.*

*D. Dawes stated it was ring video.*

*Unknown resident had the ring video. (Could not recognized name of resident)*

*G. Fowler mentioned a timeline of events and mentioned the reports are thorough and then asked Mr. Byrne when date did you start to bring defensive items with you was it prior to the incident of July 9, 2022.*

*A. Smith asked has patches been your neighbor all this time and asked how long they have been neighbors.*

*D. Dawes asked Animal Control Officer Derrick Jones about a ring video regarding Patches interaction with a young child and her grandmother - Animal Control Officer Derrick Jones did view the video and he also spoke to the child's grandmother about what happened.*

*A. Smith asked what kind of dog is Patch. (Black and white boxer).*

*O. Pacheco, Town Administrator informed the Board they cannot discuss dog breeds.*

*Deputy Chief Scott Hatch brought up the ring camera video on his laptop for the Board to view and showed the Board the footage which showed the little girl with the princess dress on with her grandmother. Members of the Board watched the ring video on a laptop provided to them from Deputy Chief Scott Hatch.*

*Mr. Byrne's requested a chance for a rebuttal.*

*Summary of Ms. Irene's O'Brian's testimony:*

*Ms. O'Brian Owner of Patch spoke on the following -showed pictures of her home and the area of the shared driveway, extensions of the lead that Patch uses does not go near any cars, lead is tied to a tree near the front door approx. 15 feet, spoke to Mr. Byrne on that day which she was informed by Mr. Byrne that Patch has snipped at him, she asked if he was all right, Mr. Byrne stated he was fine and then walked away but did ask if Patches was up to date on his shots, Ms. O'Brian never knew he went to the hospital and stated she would cover the cost.*

*D. Dawes asked Ms. O'Brian if she was sitting in the front yard did, she see Mr. Byrne enter your property, do you know if Patch growled.*

*Ms. O'Brian spoke of the pumping station incident that evening it was misty rain, I walked with Patch who not on a leash and he stayed right with me, saw a figure on the side of the road and realized it was Mr. Byrne who was walking Jenny, both dogs are know to each other both dogs have played together, patch was laying on the ground Mr. Byrne had a bag of tomatoes with him and he started to swing the bag, he was asked to stop swinging the bag as Patch being a boxer is a jumper. Ms. O'Brian questioned why Mr. Byrne was carrying a bag of tomatoes with him at that time of the evening. Ms. O'Brian spoke about the incident with the little girl and her grandmother that patches it was 4<sup>th</sup> of July weekend door didn't get locked and patch got out he circled the little girl Smelled her hand and that was there were neighborhood kids were playing baseball in the front her yard.*

*D. Dawes asked how long has she has owned Patch.*

*Ms. O'Brian stated the incident with the little girl was on 4<sup>th</sup> of July weekend and there were boys from the neighborhood who witnessed the incident and told her that patch sniffed the little girl's hand and it was not a big deal according to the boys. Ms. O'Brian stated Patch is a nosey dog not an aggressive dog.*

*D. Dawes asked is Patch is always on the lead.*

*D. Dawes asked if Ms. O'Brian had spoken to the little girl or to her parents.*

*Ms. O'Brian stated she had gone to their house several times and no one came to the door.*

*Ms. O'Brian asked if a representative from Boxer Rescue who was present could speak on behalf of patch.*

*D. Dawes mentioned the Town by Laws and how they state that all dogs should be on a leash.*

*P. Kershaw asked if Patch is a male or female.*

*G. Fowler spoke on the amount of evidence at this meeting and the Open Meeting Laws and should all of this material be part of meeting minutes and the decision process. All copies should be part of the record.*

*Ms. O'Brian stated Patch is a nose dog not an aggressive dog.*

*Mr. Hilton next door neighbor spoke on Patch and stated he lives with Mr. Byrne , said that Ms. O'Brian is a good neighbor and has never had any problems with her and does not think Patch is a vicious dog but has bit my brother in-law-blood everywhere -this was the first time -something has to be done -unreasonable that the dog might bite -which he has already bitten -mentioned if Patch was running to his grandchildren he would be upset, something has to be done , spoke about Patch who had jumped in the water and swam over to the beach unattended, maybe a muzzle is not unreasonable, dog should not just be running around.*

*Resident Lisa Mendator @ 109 Lake Shore asked why the owner of the ring video wasn't present at this meeting –if there was an issue with the ring video why wasn't that family owner here tonight, she knows the family and stated that their dog is friendly-dog aggressive people friendly she has complete view of their yard and their dog is not leashed in their fenced in yard thinks everyone should have to follow the rules -the ring video family should be leashed also have made it very clear their dog is dog friendly knows the family has seen the video –friendly -dog aggressive -has compete view and their dog are unleashed in their yard-the family with the ring video*

*D. Dawes reminded audience members to not have a debate among audience members.*

*G. Fowler point of order -stated that all questions should be addressed through the Chair to keep order, wait for the Chair to recognize you.*

*Kerri Hart from Salem NH is a Certified Dog Trainer / Boxer Rescue -spoke on Patch , visited Patch at his homes , spoke about jumping when doorbell rings / not looking at the dogs character , agrees with both parties , impulse control , muzzle not in agreement of that being used, short term solutions were suggested to Ms. O'Brian was to have a leash attached at the front door so when he goes to jump to the door Ms. O'Brian can step on the leash to control him , shortening the tether , add signs to the home that let the public know that there is a dog on the premise , this one incident should not reflect the dogs character, preventions should be in place.*

*Ms. O'Brian informed the Board she had seen Mr. Byrne walk by her window with a saw blade swinging it and since she saw that she has added security to her home.*

*D. Dawes asked if Patch has had any formal training, Ms. O'Brian replied yes, he has gone through training and has passed it.*

*O. Pacheco, Town Administrator had suggested the mailbox to be moved since they both share a mailbox area, asked if the Postmaster decided this and suggested he would reach out to the Post Office to see what they could do.*

*D. Dawes asked does the general law indicate if a dog is on their own property they have to be on a leash- Animal Control Officer Derek Jones answered that if a dog is on their own property, they do not have to be on a leash but cannot be running at large.*

*Resident of 90 Lake Shore Drive is very familiar with patch, stated that Patch is 100% friendly, Patch comes to his house often and has never seen Patch being aggressive resident states he sits in his truck on two separate times in his driveway and has seen a man that fits Mr. Byrne description - ---sits in his truck has come out to the mail box with a plastic bag waving it which looks like he is taunting the dog.*

*Leslie Damico, 12 Beverly Drive spoke on she knows Patch and is always on a leash gives him treat, friendly and always listens to Ms. O'Brian.*

*Mr. Byrne mentioned that he had been told by Ms. O'Brian that patch is afraid of men and asked her if she had any letter from any men and inquired about her statement of him swinging a sword and asked if she had any pictures and asked when did this happen.*

*D. Dawes asked Dog Officer Derek Jones and Deputy Chief Scott Hatch is they had anything to add -both did not and any other information.*

*Resident of 119 Lakeshore Drive sees Patch many times a week, Patch can be skittish of men some dogs can be, nothing that is so out of the ordinary after he got to know me, react in a defensive way if your aggressive to any dogs / him.*

*Resident of 103 Lakeshore Drive (for the record D. Dawes & G. Fowler know this resident) spoke about a comment that Patch is afraid of men and doesn't believe that is true, might be a little afraid, but once he sees me, he drags Irene to see me, he is not aggressive to men at all, she gives him treats all the time, and she was asked if she had seen him off leash and she answered that she has seen him off leash at times.*

*Resident of 99 Lynn Shore Drive who lives with Mr. Byrne stated this is not the case of a dog not biting someone This is a case of a dog who did bite someone and he feels likes everyone is acting like this did not happen, maybe it won't happen again but it was brought before the Board so we wouldn't have to take any legal resolution.*

*G. Fowler proposed to continue the Public Hearing to the December 5, 2022 meeting to have time to go over the decision process that the Board is allowed to make for a dangerous dog hearing including time to look over all the documents.*

*A. Smith asked the board for clarification on what the Board can rule on / conditions two things we have to determine course of action for the owner was asked.*

*O. Pacheco, Town Administrator spoke on quality of life for neighbors -not trying to dismiss what Mr. Byrne is going through -advise the board, would like to view the neighborhood/ site spoke on some way to sort out this situation since everyone stills has to live next to each other.*

*P. Kershaw spoke on the last dog hearing that the Board had more information on how to proceed and in fairness and consistently we need to have time to look at this material, does supports O. Pacheco, Town Administrator efforts to look at the neighborhood possibly moving the mailbox.*

*G. Fowler would like to know what happens with the mail box which may be a possible re-location from O. Pacheco, Town Administrator.*

*G. Fowler spoke on needing the material to make a decision but is reluctant to declare this as a dangerous dog –spoke to Mr. O'Brian and stated she seems a little reluctant to control your dog, spoke on the video the Board just watched with the child.*

*Motion by G. Fowler to moved the Dog hearing to be continued to the next Board of Selectman meeting on December 5, 2022, seconded by P. Kershaw. Roll call vote was taken all in favor.*

*D. Dawes stated there are no winners in hearings like this.*

### **VOTES OF THE BOARD:**

*G. Fowler motioned the Board to approve the meeting minutes from October 17, 2022 as printed seconded by P. Kershaw Roll call vote was taken 4-1, A. Smith abstained from vote she was absent at that meeting on October 17, 2022.*

### **SELECTMAN'S REPORT:**

*D. Dawes read aloud the Winter Parking Ban for the Town which starts December 1, 2022 and ends April 1, 2022.*

### **PUBLIC COMMENT:**

*A. Smith read aloud a letter written to Syvinski Excavation from Tom Falzareno, 64 Jackman Street regarding his concerns with illegal filling and heavy machine work. This letter will be part of the record.*

### **APPOINTMENT & APPROVALS**

*A. Smith spoke on applicant Randy Bobac, 237 Central Street, Georgetown, Mass whom she met on Zoom for a meeting found him to very nice, very technical, goal of challenges regarding Cable Prescriptions.*

*P. Kershaw asked if he was planning on coming into Town Hall to work or will hybrid be used.*

*Conversation regarding Hybrid use now and in the future was spoken of.*

*G. Fowler spoke on hybrid meetings and would like the Zoom meetings to go away, believes there needs to be a startup of what we are going to go with Hybrid .*

*P. Kershaw motioned the Board to appoint Mr. Randy Bobac, 237 Central Street, Georgetown, Mass to the Cable TV Advisory Committee with a term to expire on June 30, 2023, seconded by A. Smith. Roll call vote was taken all in favor.*

**TOWN ADMINISTRTAOR REPORT:** *O. Pacheco, Town Administrator spoke on the the Following:*

- **Green Communities Annual Report** -*The Town has completed and submitted its Green Communities Annual Report to the Department of Energy Resources. In reviewing the report that Town has made limited progress in reducing overall energy consumption by 20%. Weather pattern was disgust. 2018 base line year we use for consumption of energy.*

- **Invasive Species Budget Earmark**-Scope of work has been submitted that was approved by the DCR for the \$25,000.00, budget earmark for the removal of invasive species in the Town of Georgetown, Mass-Looking to remove the following invasive species-Milfoil, Fanwort and Curly Pond Weed, the Town is doing more than most communities on these issues.
- D. Dawes asked who is implementing this \$25K-O. Pacheco, Town Administrator will be implementing this funding.
- P. Kershaw asked about Community Preservation Committee (CPC) grant funding from the past for Knotweed.
- G. Fowler spoke on Community Preservation Committee (CPC) grants that were handled by neighborhoods and thinking if there are any reports on these and how they turned out.
- **MIIA Grant**-The Town has received #8,363 from MIIA -this amount is less than the \$10,000.00 projected -the Town should have sufficient funds to pay for \$14,000. Floor replacement project in the lower level of the Town Hall.
- **American Legion Park Parking Kiosk**-The parking Kiosk have been delivered and are currently being housed at the highway Department awaiting installation. Flow bird has worked through the financial procedures. The kiosk will be up and running for the spring season.
- **Capital Plan -FY24-29** -The Capital Plan has been revised based on the existing departments request and a copy has also been provided to the Finance & Advisory Committee, A joint meeting might be needed to discuss funding for various items prior to the Annual Town Meeting. First go around ready request not recommendations. feasibility study the Police Chief is requesting for the future.

#### **Adjournment:**

G. Fowler moved to adjourn at 9:04 P.M. with P. Kershaw seconded the motion. A roll call vote was taken all in favor.

All Board of Selectman Meetings can be viewed on our Town Website at <https://www.georgetownma.gov> Under the Community TV tab on the left side.

#### **Documents used in the meeting:**

- Dog Officer Derek Jones report:
- Pictures of Mr, Byrne's injury of his hand.
- Ring Camera video
- Letter received by resident / abutter Tom Falzareno, 64 Jackman Street,



*Georgetown, Mass regarding Syvinski Excavation/ Letter part of the record for the Board of Selectman meeting 11/21/2022.*

- *Meeting minutes from 10/17/2022.*