

HOLLISTON BOARD OF SELECTMEN

June 1, 2010 (Tuesday)
7:30 P.M.

Town Hall
Selectmen's Meeting Room

Mr. Porter said that this is the first meeting after the Town Election. A re-organization of the Board is necessary.

MR. MCCOLL MOVED TO NOMINATE ANDREW PORTER AS CHAIRMAN. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

MR. MARSDEN MOVED TO NOMINATE WILLIAM MCCOLL AS VICE-CHAIRMAN. THE MOTION WAS SECONDED BY MR. PORTER. ALL IN FAVOR.

MR. MCCOLL MOVED TO NOMINATE JAY MARSDEN AS CLERK. THE MOTION WAS SECONDED BY MR. PORTER. ALL IN FAVOR.

Mr. Porter welcomed Mr. Marsden to the Board.

MR. MARSDEN MOVED TO APPROVE THE FOLLOWING WARRANTS:

10-49	GENERAL WARRANT	\$ 82,759.91
	WIRES/MANUAL: DEBT SERVICE	\$523,625.00
	COMMUNITY PRESERVATION	\$ 1,313.74
	PAYROLL	\$ 89,509.59
	TOTAL WARRANT	\$697,207.24

ACCOUNTANT'S NOTE:

ACCRUED DEDUCTION LIABILITIES NOT PAID
\$ 29,745.63

TREASURE'S NOTE:

WIRE TO HEALTH INSURANCE TRUST
\$ 19,185.75

THE MOTION WAS SECONDED BY MR. MCCOLL. TWO IN FAVOR. MR. PORTER ABSTAINED.

COMMENTS FROM THE BOARD

Mr. McColl congratulated all the participants in the election. He also thanked Bobby Blair for all his work on Memorial Day.

Mr. Marsden thanked everyone who went to vote. He said that he met lots of new people.

Mr. Porter said that the parade on Memorial Day went off with out a hitch. Everything went well. He also said that for anyone in the area that was affected by the flooding back in March, there is a telephone number to call if you need assistance. He will pass it along to the press.

There were no comments from the audience.

BOARD BUSINESS

MR. MCCOLL MOVED TO APPROVE THE MINUTES OF APRIL 12, 2010, AS WRITTEN. THE MOTION WAS SECONDED BY MR. PORTER. TWO IN FAVOR. MR. MARSDEN ABSTAINED.

MR. MCCOLL MOVED TO APPROVE THE EXECUTIVE SESSION MINUTES OF MAY 24, 2010, AS WRITTEN BUT NOT TO BE RELEASED. THE MOTION WAS SECONDED BY MR. PORTER. TWO IN FAVOR. MR. MARSDEN ABSTAINED.

MR. MCCOLL MOVED TO INVOKE THE RULE OF NECESSITY FOR THE FOLLOWING MOTIONS. THE MOTION WAS SECONDED BY MR. PORTER. ALL IN FAVOR.

MR. MCCOLL MOVED TO APPROVE THE MINUTES OF MAY 24, 2010, AS WRITTEN. THE MOTION WAS SECONDED BY MR. PORTER. TWO IN FAVOR. MR. MARSDEN ABSTAINED.

MWRTA APPOINTMENT

Mr. Porter said that he has been in touch with Ed Carr the Director of the MWRTA and he is looking for a representative to the Advisory Board from Holliston. Mr. Porter said that Mr. Damigella has done a great job on this Board, and he is now in line to be the Chairman of the Advisory Board.

MR. MCCOLL MOVED TO APPOINT CARL DAMIGELLA TO THE METROWEST REGIONAL TRANSIT AUTHORITY. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

FEMA LETTER

MR. MCCOLL MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN A LETTER TO FEMA FOR THE FLOOD PLAN MAP. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

HIGHLAND STREET SIDEWALK PAVING CONTRACT

MR. MCCOLL MOVED TO AWARD THE PAVING CONTRACT TO D&F AFONSO BUILDERS, INC., OF 189 MAIN STREET, MILFORD, MA. FOR THE HIGHLAND STREET SIDEWALK PAVING CONTRACT. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

FY11 SOLID WASTE FEE

MR. MCCOLL MOVED TO CHANGE THE SOLID WASTE FEE FROM \$170.00 PER YEAR TO \$155.00 PER YEAR FOR FY 2011. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

RESIGNATION – AGRICULTURAL COMMISSION

Melissa Bailey has been with the Commission for several years. The family is moving out of Town. The Board thanked Ms. Bailey for all her services.

SUMMER HOURS

Mr. Porter said that regular hours are Monday through Friday 8:30 to 4:30, with an hour for lunch. The summer hours will be Monday through Thursday 8:00 to 4:30 with 45 minutes for lunch and Friday 8:00 to noon. This will start the week of June 21st and go through September 3rd.

MR. MCCOLL MOVED TO APPROVE THE SUMMER HOURS AS STATED. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

7:45 P.M.- PEJAMAJO – CHANGE OF MANAGERS HEARING

Mr. Porter recused himself for this part of the meeting. He stepped out of the meeting room. Mr. McColl said that this hearing is for a change in manager.

Peter Savas is part owner of Pejamajo's and he was voted by the owners to become the manager. Mr. Savas said that they have brought in an Executive Chef. He said that they are going to all organic and all natural foods. Mr. Savas said that the new chef will be on-site all the time. Mr. Savas said he is also there a lot of the time. Mr. Savas said that the Chef will not be there on Friday and Saturday nights. He will be there, that is why he wanted to be approved as manager. Those two nights is when they serve the most alcohol. Mr. Savas will provide a report of the alcohol sales to the Town Administrator.

AT 7:50 P.M., MR. MARSDEN MOVED TO CLOSE THE HEARING. THE MOTION WAS SECONDED BY MR. MCCOLL. TWO IN FAVOR. MR. PORTER HAD RECUSED HIMSELF FROM THIS PORTION OF THE MEETING.

MR. MARSDEN MOVED TO APPROVE THE CHANGE IN MANAGER WITH THE STIPULATION THAT THE NEW MANAGER WILL WORK WITH THE TOWN ADMINISTRATOR TO PROVIDE DATA OF HIS HOURS IN THE STORE AND THE ALCOHOL SALES. THE MOTION WAS SECONDED BY MR. MCCOLL. TWO IN FAVOR. MR. PORTER HAD RECUSED HIMSELF.

8:00 P.M. DOG HEARING – WINTER STREET

Mr. Porter said that this is a continuation of the hearing from last month.

Mr. Porter read the names of the people who signed the complaint letter that the Selectmen received. Cheryl Rudolph, Animal Control Officer was present. Mr. Porter asked Ms. Rudolph on what day did she visit the property? Ms. Rudolph said on May 18th. She said that she and Alan Borgel from the Animal Rescue League of Boston went for an inspection of 623 Winter Street because of the signed complaint. Ms. Rudolph was invited in to inspect the residence. She said that there was an odor of orange citrus with an underlining odor of dog. All dogs were in crates but three. She said that they were clean and had plenty of water. Ms. Levine showed proof of rabies shots for the

dogs. Ms. Rudolph said that there were 34 dogs in the residence. Ms. Rudolph said that most of the yard was mud, there was not a lot of grass. The yard was fenced in. Ms. Rudolph said that she spoke with every person who signed the complaint, but one. All the complaints were about barking early in the morning and late in the evening. There was also a complaint about the odor of waste. Ms. Rudolph said that as of tonight, several dogs have been removed or put down.

Atty. Meltzer, counsel for Ms. Levine, was present. Atty. Meltzer said that this is a licensed kennel with a license to have more than ten dogs. He also had a letter from the local veterinarian, Dr. Poling, who takes care of the dogs. Mr. Porter read the ruling from Judge Robert Greco in 1996 about the number of dogs that Ms. Levine could have. The ruling was that she could have only eight dogs. Atty. Meltzer said that this ruling was over-ruled when the Town of Holliston issued a kennel license to Ms. Levine. Atty. Meltzer said that they would reduce the count of dogs to twenty. Ms. Levine said that there are twenty-two dogs now. Ms. Rudolph said that she has been called to the house for barking and loose dogs.

Kathleen Anderson lives in Hopkinton. She was a the part-time Animal Control Officer for Holliston. She said that in the years that she worked for Animal Control, she was never called to the Winter Street house for a complaint. She also said that she purchases food at the house. She said that she is there every other week on a regular basis. She said that she has never noticed an odor. She said that the only time that the dogs barked was when she pulled into the driveway.

Robert Mard, of Annemarie Drive, said that over the past 15 years, there have been several calls about barking. He said that after a heavy rain, his back yard stinks. Mr. Mard also asked if this address was zoned for a kennel? He said that it was more than just keeping dogs, it is a business in a residential area.

Al Scaramella, of Annemarie Drive, asked why did the number of dogs go up when they were not notified and how did they get a kennel license without being notified?

Paul Mayo, of Annemarie Drive, asked about the legality of a business being run out of a residence? Mr. Mayo said that he is in his yard all day and said that the dogs bark all the time. He also said that the dogs do get loose and end up in his yard.

Judy Scaramella, of Annemarie Drive, she said that in the middle of winter, she can hear the dogs bark with all the windows shut.

Susan Mayo, of Annemarie Drive, said that her bedroom window faces the back yard of 623 Winter Street and she can't sleep with her windows open because of the barking. She said that this has been going on for many years.

Mr. Porter asked why did they have so many dogs? Atty. Meltzer said that they breed some and then sell them. Ms. Rudolph said that there is a "blanket" license for the kennel. She said that all dogs must wear a license tag. Mr. Marsden asked if Dr. Poling has been out at 623 Winter Street. Ms. Levine said no, she brings the dogs to his practice.

Audrey Mard, Annemarie Drive, asked why do the Levine's have 34 dogs? Mr. Porter said that Ms. Levine takes in dogs and breeds them and there is also the rescue part of the business. Mr. Porter said that they are now down to 22 dogs.

Paul Mayo, of Annemarie Drive, said that when it rains everything runs downhill onto to his property.

Atty. Meltzer said that they would like to have a kennel license for 20 dogs.

William Mayer, Town Counsel, asked Ms. Rudolph if all the dogs were adult or were they puppies? She said 34 adult dogs. He also asked what area of the house were the dogs in? She said all over the house, up-stairs and down-stairs. Mr. Mayer asked Ms. Rudolph to describe the lay-out of the house. She said that when you come in the front door there is a foyer and a living-room. Off of that, there is a kitchen. In the kitchen, there are several dogs. She said that the dogs in the kitchen were in crates. She said that up-stairs there is a room for breeding dogs and in another room there were two great Danes. In another room there were dogs stacked in crates. In the bedroom there were dogs in crates. Heading out the back door there were a few crates with dogs in them. And in another room there were dogs in crates as well. She said that there were no dogs in the basement. There were also 3 parrots in the back yard. Atty. Mayer asked if Ms. Rudolph counted the number of dogs? She said that she did not enter into every room to count. She saw 34 dogs. Atty. Mayer asked if Ms. Levine disputed the count of 34 dogs? Ms. Rudolph said no.

Kathleen Anderson said that she purchases dog food from Ms. Levine.

Mr. McColl said that there are 4 complaints from 2007-2009.

Mr. Porter said that the Animal Control Officer has the right to inspect all kennels. Ms. Rudolph said that this kennel was inspected in March 2009. She said that this inspection was based on complaints.

Atty. Mayer said that they would like to follow the ruling of Judge Greco. Atty. Mayer requested that any communication between Atty. Meltzer and himself be in writing.

Mr. Porter said that they will take the ruling under consideration.

AT 8:50 P.M., MR. MARSDEN MOVED TO CLOSE THE HEARING. THE MOTION WAS SECONDED BY MR. MCCOLL. ALL IN FAVOR.

AT 8:53 P.M., MR. MARSDEN MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. MCCOLL. ALL IN FAVOR.

Respectfully submitted,

Donna A. Muzzy

approved_____

