

MINUTES – SELECT BOARD MEETING

Monday September 12, 2022

Select Board Hearing Room, Town Hall

Participants: Stephen R. Darcy, Chair; James J. Kilcoyne; Lynne E. Fidler; Michael A. Maresco, Town Administrator

Mr. Darcy moved, seconded by Mr. Kilcoyne, to open the meeting at 6:30 p.m. The vote was unanimous. Stephen Darcy announced that the meeting is being recorded by Marshfield Community Media.

Town Administrator Report – Michael Maresco provided the Board with his brief as follows:

- Meeting with PMA on Police Station and DPW building projects
- Meeting with Danielle Kerrigan to discuss staffing issues
- Meeting with James Marathas on Building Department issues
- Meeting with Police Department and Anne Bastille on budget and grant issues
- Meeting with Chief Simpson and Anne Bastille to review Fire Department Overtime
- Weekly OAC meeting on Police station project
- Conference call with outside counsel for interrogatories and request for additional information
- Meeting with Fred Russell NRAS regarding GAR Hall maintenance and lease issues
- Participated in Select Board listening tour at St. Ann's Parish Hall
- Lunch meeting with Stephen Darcy to review ongoing issues, dog park, FY24 budget process and Special Town Meeting
- Meeting with Bill Grafton to review ongoing Conservation Commission issues with Couch Beach, Article 97, maintenance on conservation land and tree removal
- Meeting with Anne Bastille and Lisa Clarke to discuss FY23 Budget and FY24 budget free cash, deb service
- Participated in check presentation by Plymouth County Commissioners and Treasurer Tom O'Brien for \$1.7 million for water project on Surf Avenue
- Participated in Stop the Blood class with the Fire Department at the Maritime Center
- Meeting with Fred Russell and Robert Kuhn, Architect for Town Hall project to review final plans for new bathrooms, chamber and other changes
- Conference call with Jim Bunnell, Executive Director of the Boys & Girls Club regarding the 9/11 Event
- Meeting with DPW professional staff, Superintendent and Greg Guimond regarding Complete Streets program for Marshfield
- Meeting with Jim Boudreau, Scituate Town Administrator, Police and Senior Center
- DPW construction meeting with PMA and architect to review the project
- Attended HVAC meeting at Police Station
- Meeting with Bill Grafton and Liz Anoja on conservation grant to develop software option and necessary equipment to convert/retrieve records
- Meeting with Fred Russell to review School and Town ongoing projects
- Participated in International Opioid Awareness Vigil at Harbor Park with Marshfield FACTs
- Meeting with Labor Counsel and Danielle Kerrigan regarding some labor issues
- Participated in special Select Board meeting to approve permits and licenses for Labor Day weekend events
- Lunch meeting with Jim Kilcoyne to review some ongoing issues
- Assisted Town Clerk with arrangements for using the Congregational Church Parish Hall to host early voting for State primary
- Conference call on ongoing legal matter for the Town
- Meeting with Danielle Kerrigan on training for Town employees and department heads
- Meeting with Craig Hannafin on challenging conservation commission issues
- Attended an event in Hyannisport for the Caron Foundation
- Participated in 9/11 final planning meeting with Jim Bunnell and Boys & Girl Club staff
- Meeting with Matt Parent, Energy Consultant, to discuss aggregate electric, PV projects, heat pump and AC projects at schools
- Meeting with Chief Simpson on ambulance rates and fees

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- Meeting with retired Chief Hocking and Todd Goodwin to discuss the new Covid vaccine and re-opening of the clinic at the Fairgrounds on September 17
- Meeting with Anne Bastille regarding capital budget requests for FY24
- Meeting with Labor Counsel and Danielle Kerrigan on DPW grievance issue
- Reviewed update for website “Construction Zone” on DPW and Police Station projects
- Reviewed final plan for Dog Park project
- Sent final Dog Park project plans/specifications to Stanton Foundation for their review
- Call with Brian Murphy, ZBA Chair, on 40B project final review process
- Worked with Vertex on a site assessment for land
- Had IT put suicide prevention information on website/facebook page for Suicide Prevention Month
- Sent out Economic Development Survey to Board/Committee members and elected officials
- Assisted Marshfield Housing Partnership with meeting agenda to approve final payment for the Veterans House project
- Sent out final press release on 9/11 Event

Michael Maresco gave an update on the Vaccination Clinic and said that 1570 vaccines have been given to date. Plans are underway to reopen the clinic at the Fairgrounds to distribute the new booster on September 17, 2022. It will be operational on Tuesdays, Thursdays and Saturdays through the end of the year.

Dedication of Perpetual Plaque – Stephen Darcy gave some details on this plaque in memory of former Selectman James Creed’s service to the Town of Marshfield. Mr. Creed’s family was present and participated in the unveiling of the plaque.

Chief Simpson – Ambulance Rates and Fire Inspection Fees – Chief Simpson appeared before the Board and gave a Powerpoint presentation outlining EMS operations, ambulance fee comparisons with surrounding towns, the factors considered for fee adjustments and the recommended changes. Chief Simpson also gave details on current fees for inspections and his recommendations to streamline the inspection process by having a flat fee of \$50 for all inspections. After some discussion, Stephen Darcy moved, seconded by James Kilcoyne, to approve the recommendation of the Fire Chief to increase the ambulance rates for the ALS 1 to \$2,300, an increase of \$200 per run, effective October 1, 2022. The vote was unanimous. Stephen Darcy moved, seconded by James Kilcoyne, to approve the recommendation of the Fire Chief to set the fees at \$50.00 per fire inspection effective October 1, 2022. The vote was unanimous. Stephen Darcy moved, seconded by James Kilcoyne, to approve the recommendation of the Fire Chief to set the annual Master Box user fee at \$100.00 effective October 1, 2022. The vote was unanimous.

ARPA Funding for Fire Truck and Community EMS Program – Chief Simpson said that they Fire Department is currently operating 5 engines, two of which have over 100,000 miles on them and noted that the cost of repairing these engines has increased. Chief Simpson said that the normal turn-around time on a new engine is about 3 years, but with this program using ARPA funding, they will be able to get the new truck by late next Spring. Chief Simpson gave some details on Community EMS and said that they are looking to expand the program. James Kilcoyne said that these types of projects are exactly how we should be using ARPA funds. Stephen Darcy moved, seconded by James Kilcoyne, to approve the purchase of a new Fire Pumper Truck for \$700,000 using ARPA funds. The vote was unanimous. Stephen Darcy moved, seconded by James Kilcoyne, to approve the additional funding of \$150,000 for the Community EMS program using ARPA funds. The vote was unanimous.

Dangerous Dog Hearing - Pacquette – Stephen Darcy read into the record the public notice regarding this hearing and gave some details on the hearing process. All parties interested in speaking at this hearing were sworn in by Robert Galvin. Animal Control Officer Courtney Ellis appeared before the Board and gave a detailed timeline of incidents

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involving Ms. Pacquette's dog "Heidi". Officer Ellis recommended finding the dog to be dangerous and gave her recommendations for controlling the dog. Stephen Darcy moved, seconded by James Kilcoyne, to mark the timeline submitted by Officer Ellis as Exhibit A and the list of citations as Exhibit B. The vote was unanimous. Regina Pacquette and Douglas Vance appeared before the Board. Ms. Pacquette read a letter from S.A.F.E. Pet Rescue Inc. and submitted this letter along with other testimonials that Heidi is not aggressive or dangerous for the record. Ms. Pacquette gave some details on the steps she has taken to appease her neighbor, including hiring a trainer. Douglas Vance said that he has seen the dog get loose, but he has never seen her growl or snap at anyone and said that Heidi is a kind friendly dog. Stephen Darcy moved, seconded by James Kilcoyne, to mark the letters submitted as Exhibit C. The vote was unanimous. Stephen Darcy asked how many times the trainer came. Ms. Pacquette said Maura Porter came a couple of times and was very effective. Courtney Ellis said that she has been with the dog and does feel that some of the barking is a warning or fearful bark that could lead to aggression. James Kilcoyne said that it does appear that the number of complaints has decreased since 2020 and he hopes that trend will continue. After some discussion, Stephen Darcy moved, seconded by James Kilcoyne, to order that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building; and that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog. The vote was unanimous.

Dangerous Dog Hearing - Leary – Stephen Darcy read into the record the public notice regarding this hearing and gave some details on the hearing process. All parties interested in speaking at this hearing were sworn in by Robert Galvin. Animal Control Officer Courtney Ellis appeared before the Board and gave some details on the dog fight incident involving Ms. Leary's dog "Frankie" which occurred on June 26, 2002. Officer Ellis said that Ms. Leary has been very proactive in trying to prevent any further incidents. Stephen Darcy moved, seconded by James Kilcoyne, to mark the letter and police report regarding this incident as Exhibit A. The vote was unanimous. Patricia Leary appeared before the Board and provided them with some pictures and a quote for additional fencing that she plans to have installed. Ms. Leary said that she has lived in Marshfield for 30 years and has had several German Shepherds through the years and noted that she has an enclosed area for the dogs. Ms. Leary disputed some of the facts stated in Mr. Phelps complaint. Stephen Darcy asked if "Frankie" has had any training. Ms. Leary said that she did take him for training when she first got him. Stephen Darcy asked if Ms. Leary felt she had control of Frankie when walking him. Ms. Leary said she does, but noted that there was one incident when she tripped and let go of the leash. James Kilcoyne noted that there was no one here to speak in support of finding the dog dangerous. Stephen Darcy moved, seconded by James Kilcoyne, to mark the fence quote as Exhibit B. The vote was unanimous. After some discussion, Stephen Darcy moved, seconded by James Kilcoyne, to order that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building; and that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. The vote was unanimous.

Dangerous Dog Hearing – Colantoni-Hale – Stephen Darcy read into the record the public notice regarding this hearing and gave some details on the hearing process. All parties interested in speaking at this hearing were sworn in by Robert Galvin. Animal Control Officer Courtney Ellis appeared before the Board and gave some details and a timeline on the incidents involving Ms. Colantoni-Hale's dog "Ellie". Stephen Darcy noted that two

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incidents resulted in punctures that required quarantine for Ellie. Officer Ellis said that based on the evidence, this dog should be deemed dangerous and gave the Board her recommendations. Stephen Darcy moved, seconded by James Kilcoyne, to mark the evidence presented by Officer Ellis as Exhibit A. The vote was unanimous. James Kilcoyne said that this case is different in that the dog has bitten twice and also there are multiple complainants. Barbara Colantoni-Hale appeared before the Board with her Attorney Christopher Daly. Attorney Daly provided the Board with letters in support of Ellie and noted that in one of the dog bite incidents the other dog was let off his leash and the owner admitted that it was his fault. Mr. Daly gave details on some of the other incidents and said that a lot of it is hearsay. Andrew Colantoni of Taunton gave his account of the bite incident that he witnessed and said the owner of the other dog apologized for letting his dog off leash. Mr. Colantoni said that Ellie was defending herself from the loose dog. Scott Shanley, 283 Holly Road, said that he is a breeder and trainer who has been working with Ellie and she has shown no aggressive behavior and he does not feel that she is a dangerous dog. Stephen Darcy asked how many sessions Mr. Shanley has had with Ellie. Mr. Shanley said that he has been working with her for 4 days so far. Stephen Darcy asked Barbara Colantoni-Hale if she feels she has control of Ellie on a leash. Ms. Colantoni-Hale said that she does. Stephen Darcy asked about the other bite incident. Attorney Daly said that no one witnessed that incident, but it seems that the puncture may have been from a claw, not a bite. Attorney Daly asked Mr. Shanley, through the Chair, if the dog should be muzzled. Mr. Shanley said no. Attorney Daly asked Officer Ellis, through the Chair, if she has had any direct contact with Ellie. Officer Ellis said that she has and the dog did seem aggressive. Stephen Darcy moved, seconded by James Kilcoyne, to mark the affidavits and letters provided by Attorney Daly as Exhibit B. The vote was unanimous. Lynne Fidler asked Mr. Shanley about his professional qualifications. Mr. Shanley said that he has been training dogs for 32 years, went to dog training school in 1995 and breeds and trains dogs for police departments, pet owners and as service dogs. Stephen Darcy moved, seconded by James Kilcoyne, to mark the pictures of bite wounds as Exhibit C. The vote was unanimous. Dave McCarthy of Walpole, said that he has a summer residence next to Barbara Colantoni-Hale and that he has always found Ellie to be calm and friendly. After some discussion, Stephen Darcy moved, seconded by James Kilcoyne, to find that Ellie is a dangerous dog. The vote was unanimous. Attorney Daly said that he does not find that the facts in the timeline support the finding that Ellie is a dangerous dog. Stephen Darcy moved, seconded by James Kilcoyne, to order that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building; and that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. The vote was unanimous.

Harbormaster Update – Harbormaster Michael DiMeo appeared before the Board and gave details on the new ice machine at the Town Pier and outlined his proposed fee structure for the purchase of ice by recreational boaters and commercial fishermen. James Kilcoyne said that this is a great addition to the pier. Stephen Darcy moved, seconded by James Kilcoyne, to approve the fee structure for the ice machine located at the Town Pier as presented by Harbormaster DiMeo with commercial and non-commercial rates. The vote was unanimous. Harbormaster DiMeo gave the Board an update on the Damon's Point gangway and dock, the Ridge Road docks and the Green Harbor dredging and jetty realignment project.

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Request for Permission to Waive Conservation Commission Fees – Harbormaster DiMeo gave some details on the vegetative management work that is being done in the Harbor Park and noted that this work has been approved by the Conservation Commission. Stephen Darcy moved, seconded by James Kilcoyne, to approve the request of the Conservation Department to waive the filing fees for vegetative management on Joseph Driebeck Way. The vote was unanimous.

Brant Rock Village Association Update – Paul Kaufman, Vice President of the Brant Rock Village Association, appeared before the Board and said that on August 31, 2022 they held an election of officers and approved new bylaws. Mr. Kaufman listed the new officers and board members and said that Scott Dixon, the newly elected President was unable to attend the meeting tonight. Mr. Kaufman said that some former board members decided to create a separate organization and usurped the Brant Rock Village Association name, so the this group has been incorporated as The Original Brant Rock Village Association, Inc. Mr. Kaufman outlined the goals and mission of the organization and said that they hope to establish a collaborative relationship with Town government and work together to improve the look, feel, safety and economic vitality of the Brant Rock area. Stephen Darcy said that he looks forward to working collaboratively with the new organization to build bridges and get things done in the Brant Rock area. Lynne Fidler said that Mr. Kaufman shared a refreshing point of view and she looks forward to working with this group.

Madeline Daly said that she is the Secretary of Brant Rock Village Association Inc. and her group also wants to work with the Town to preserve Brant Rock as it is. Joseph Pecevich said that he is Vice President of Brant Rock Village Association Inc. and nothing was done surreptitiously when they filed for incorporation, and gave some details on the differences between the two groups. Stephen Lynch, 50 Central Street, said that he considered this a hostile takeover so they took the initiative that will put the resident's needs ahead of the commercial needs of the area.

Request to Increase Cultural Council Membership – Michael Maresco gave some details on the reason for this request. James Kilcoyne said that in his opinion 11 members is a very large board and suggested having associate members instead of adding two full members. Stephen Darcy noted that the reason for the increase is because they are having difficulty reaching quorum and a having a large board may not solve that issue. Mr. Darcy suggested adding two members tonight and asking for an attendance report so they can revisit this at a future date. After a brief discussion, Stephen Darcy moved, seconded by James Kilcoyne, to approve the request by the Cultural Council to increase their membership from 9 members to 11 members effective September 12, 2022 with a requirement that they provide an annual attendance report. The vote was unanimous.

New Appointments to Cultural Council – After a brief discussion, Stephen Darcy moved, seconded by James Kilcoyne, to appoint Marie Miller, Andrea Miller, Diana Perry and Ned Bangs to the Cultural Council for three year terms expiring on June 30, 2025. The vote was unanimous.

New Appointment to Recreation Commission – Stephen Darcy moved, seconded by James Kilcoyne, to appoint Mary Whidden to the Recreation Commission for the remainder of a three year term expiring on June 30, 2024. The vote was unanimous.

Request for Permission to Waive Permitting Fee – Stephen Darcy moved, seconded by James Kilcoyne, to approve the request from the Building Department to waive the Electrical Permitting fee for the installation of a generator at the Ventress Library. The vote was unanimous.

Temporary Occupancy Permit – Michael Maresco gave some details on this request that resulted from a fire at 1159 Union Street. Stephen Darcy moved, seconded by James Kilcoyne, to approve the request of the Building Commissioner to grant the extension of a temporary occupancy permit for a mobile trailer at 1159 Union Street until the renovations to the home are completed and the occupancy permit has been issued. The vote was unanimous.

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Application for Temporary Entertainment License – Flannel Jam – After a brief discussion, Stephen Darcy moved, seconded by James Kilcoyne, to grant a temporary entertainment license to Dan Hassett, Levitate Flannel Jam LLC for the Levitate Flannel Jam concert to be held at the Marshfield Fairgrounds on October 8, 2022 from 2:00 p.m. until 8:00 p.m. pending approval of Board of Health and Police Department. The vote was unanimous.

Application for Temporary Entertainment Licenses – South Shore Buds – Lynne Fidler said that she is seeing a pattern of these events at this location and said that there is a permit on this property which does not include this type of use. Ms. Fidler said that she does not support this use and suggested tabling this item to a future agenda. Stephen Darcy said that since the Board has approved previous events at this location and have not had any issues, he feels they should approve these applications and look into having the permit modified for future events. Michael Maresco said that he will check with Town Counsel to see if he would support the applicant going forward with applying for a site plan modification. Stephen Darcy moved, seconded by James Kilcoyne, to approve temporary entertainment licenses for Ben Virga, Frozen 4 Corp. dba South Shore Buds for community engagement events on April 22, 2023, July 22, 2023 and October 14, 2023, pending approval from the Board of Health, Building and Fire Departments, with a recommendation to go before the ZBA for possible site plan modification prior to future events. The vote was unanimous.

Acceptance of Minutes – Stephen Darcy moved, seconded by James Kilcoyne, to accept the minutes of August 22, 2022 and September 1, 2022 as written. The vote was unanimous.

Mr. Darcy moved, seconded by Mr. Kilcoyne, to adjourn the meeting at 9:40 p.m. There was no executive session held. The vote was unanimous.

Respectfully submitted,

Catherine Burke

The following documents and exhibits were presented at the meeting: Fire Department PowerPoint presentation; Dog Hearing process guidelines; letter notifying Patricia Leary of Dangerous Dog Hearing and accompanying documentation/exhibits; letter notifying Regina Pacquette of Dangerous Dog Hearing and accompanying documentation/exhibits; letter notifying Barbara Colantoni-Hale of Dangerous Dog Hearing and accompanying documentation/exhibits; email from Scott Dixon regarding Brant Rock Village Association update; email and backup information from Harbormaster DiMeo regarding ice machine and proposed fees; email from Cultural Council requesting increase in membership from 9 to 11 members; applications for appointment to Cultural Council and backup material from Andrea Miller, Marie Miller, Diana Perry and Ned Bangs; application for appointment to Recreation Commission and back up information from Mary Whidden; letter from Andrew Stewart requesting permission to waive permitting fee for generator at Ventress Library; letter from Liz Anoja requesting permission to waive permitting fee for Harbormaster vegetation management; email and information on request for extension of temporary occupancy permit; application for temporary entertainment license for Flannel Jam; applications for temporary entertainment licenses from South Shore Buds;