

## **MINUTES – SELECTMEN’S MEETING**

**Monday, October 29, 2018**

**Town Hall, Selectmen’s Hearing Room**

Present: James J. Fitzgerald, Chairman; Joseph E. Kelleher; Michael G. Bradley; Michael A. Maresco, Town Administrator

Jim Fitzgerald opened the meeting at 7:00 p.m. and announced that the meeting is being recorded.

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

- October 23<sup>rd</sup> – met with department heads to look at GIS usage
- October 23<sup>rd</sup> – met with Treasurer/Collector regarding foreclosures and process
- October 23<sup>rd</sup> – met with Treasurer/Collector regarding capital budget requests
- October 23<sup>rd</sup> – met with Nancy Amatucci, former member of the ADA committee, about ADA issues
- October 23<sup>rd</sup> – met with representatives from schools, fire and police as well as Duxbury and Marshfield DPW administration and planners regarding emergency repairs to the Canal Street Bridge.
- October 23<sup>rd</sup> – met with Carol Hamilton regarding COA budget
- October 24<sup>th</sup> – met with Treasurer/Collector regarding capital budget
- October 24<sup>th</sup> – met with Fred Russell regarding Green Communities Grant
- October 25<sup>th</sup> – hosted South Shore Managers meeting at the Maritime Center
- October 26<sup>th</sup> – met with Matt Parent of the Energy Committee regarding solar voltaic panels on land fill
- October 27<sup>th</sup> – rode with police chief to check on storm related flooding in Brant Rock
- October 29<sup>th</sup> – met with Fire Chief regarding capital budget requests

Permission to Hold Veterans Day Parade – Jim Fitzgerald read the letter from Kevin Feyler requesting permission to hold the parade on November 11, 2108 at 10:00 a.m. Jim Fitzgerald moved, seconded by Joe Kelleher, to approve this request. The vote was unanimous.

New Appointment to Capital Project Building Committee – Jim Fitzgerald read through the application from Pegi Davis. Jim Fitzgerald moved, seconded by Joe Kelleher, to appoint Ms. Davis to the Capital Project Building Committee for a term that expires on June 30, 2018. The vote was unanimous.

Ragnar Relay – Jim Fitzgerald read the letter from Ragnar Events requesting permission to route this race through the Town of Marshfield on May 10, 2019. Mr. Fitzgerald noted that Police and Fire have recommended approval of this request. Jim Fitzgerald moved, seconded by Joe Kelleher, to approve this request with the conditions set forth by the Safety Officer. The vote was unanimous.

Marshfield Education Foundation – St. Patrick’s Day 5k – Jim Fitzgerald read the letter from John Gilberti requesting permission to hold the 9<sup>th</sup> annual St. Patrick’s Day 5k on Saturday March 16, 2019 at 10:00 a.m. Mr. Fitzgerald noted that the Police Department has recommended approval of this request. Jim Fitzgerald moved, seconded by Joe Kelleher, to approve this request with the conditions set forth by the Safety Officer. The vote was unanimous.

Public Hearing Regarding Dangerous Dog Complaint – Jim Fitzgerald opened the public hearing at 7:15 p.m. Mr. Fitzgerald read into the record the letter sent to Ms. Stacy Ryan notifying her of this hearing. Mr. Fitzgerald gave an overview of how the hearing would be conducted and swore in all parties interested in speaking at this hearing.

Attorney Jeff Delisi appeared before the Board with Dr. Richard Karr, the complainant in this hearing. Mr. Delisi gave the Board a copy of a written statement from Dr. Karr and read the statement into the record. Mr. Fitzgerald thanked Dr. Karr for preparing this very thorough statement and asked if he had anything to add. Dr. Karr said that he feels you should be able to walk a dog on a public street without being attacked and also said that it is very concerning to him that this happened near a school bus stop. Joe Kelleher said that he had no questions at this time. Mike Bradley asked Dr. Karr what he would like to see happen to the dog. Dr. Karr said that he thinks the dog should be euthanized.

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Officer Brendan Meehan, the first responder at the scene, appeared before the Board and gave his statement on the events that took place on September 18, 2018. Officer Alyssa Ryan, Animal Control Officer, appeared before the Board and gave some details on her investigation and the recommendations that she has made to Ms. Stacy Ryan to prevent future incidents. Mike Bradley asked Officer Ryan what her recommendation is. Officer Ryan said that she thinks Ms. Ryan can be a responsible dog owner and will listen to the recommendations to ensure this does not happen again. Since this is a first offense, Officer Ryan said that she would not recommend that the dog be euthanized.

Stacy Ryan, owner of the dogs Lita and Mack, appeared before the Board and showed them pictures of her dogs and her children. Ms. Ryan described her version of the events that took place on September 18, 2018 and said that she plans to follow all of the recommendations made by the Animal Control Officer in order to ensure that nothing like this ever happens again. Jim Fitzgerald asked when the fence would be installed around her property. Ms. Ryan said that she does not have a date, but the fence is being made now and will be installed as soon as possible. Ms. Ryan said that she takes 100% responsibility for the dogs being out of the house off leash and ensured that it will not happen again.

Kate Cipolletti, Emmy’s Barking Lot, spoke in support of the Ryan dogs and their mild temperament.

Pam Bruckner, 738 South River Street, said that she heard the whole incident and gave details on what she saw and heard.

Jeanine Graf, 100 Seaview Avenue, spoke in support of Dr. Karr.

Mason Pires, 147 Arlington Street, said that he witnessed the incident from his car. He said that he did not see how it started but did see the majority of the incident. He said that when he came upon the scene there were three dogs involved, but the dog later identified as Mack Ryan did leave the scene very quickly. Mr. Pires said that he saw Dr. Karr punch the dog later identified as Lita Ryan in order to get Lita to release its grasp on Dr. Karr’s dog Pete’s neck. Mr. Pires added that after Lita released her grip she escaped her owners grasp and began to attack Pete a second and possibly a third time.

Jim Fitzgerald closed the public comment portion of the hearing at 8:15 p.m. Jim Fitzgerald said that he feels that the steps recommended by Officer Ryan make sense since this is a first offense. Joe Kelleher agreed that euthanasia is too extreme for this case, but added that he finds Mr. Pires’ statement that Lita disengaged and then reentered the fight concerning. Mike Bradley agreed and said that Officer Ryan’s recommendations should be sufficient at this time. Mr. Bradley said that the recommendations should also require that the leash have a minimum tensile strength of 300 pounds. After further deliberation Jim Fitzgerald moved, seconded by Joe Kelleher, to find the dog Lita to be dangerous and to dismiss any complaint against the dog Mack. The vote was unanimous.

Jim Fitzgerald moved, seconded by Mike Bradley, to order Stacy Ryan to completely enclose her yard with a fence and install a storm door on the front entrance to her house, and to ensure that the dog be confined to the house or on a 300 pound tensile strength leash when he is not in the fenced in portion of the yard. The vote was unanimous.

Jim Fitzgerald closed the hearing at 8:30 p.m.

Building Permit Fees – Michael Maresco gave a brief overview of the reason for this request to increase some permitting fees in the Building Department. Jim Folkard appeared before the Board and gave some details about the fees that would be increased and the rationale behind the request. After a brief discussion, Jim Fitzgerald moved, seconded by Joe Kelleher, to accept the new fee structure as presented by Mr. Folkard effective immediately. The vote was unanimous.

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New FEMA Preliminary Riverine Flood Maps – Nancy Porreca appeared before the Board and gave a PowerPoint presentation illustrating the changes to the maps and the process going forward. Ms. Porreca noted that the Town received notice of the start of a 90 day appeal period of the new Riverine maps on September 4, 2018. Greg Guimond joined Ms. Porreca and answered some questions from the Board. Bob Galvin asked if the homeowners affected by these changes have been notified. Greg Guimond said that they have not. Nancy Porreca said that she will get letters out to them tomorrow. The Board thanked Nancy Porreca and Greg Guimond for the presentation.

Host Agreement for Marijuana Facility – Michael Maresco gave a brief overview of the process to open a marijuana facility. Bob Galvin gave some details on how the licensing process works and provided the Board with a draft host community agreement for their consideration. Mr. Galvin said that before the applicant can proceed with the application process, they need to have a host agreement and hold a community outreach meeting. Mr. Galvin reviewed the terms of the host agreement he is proposing.

Michael Westort and Paul Jacobson from Health Circle appeared before the Board and gave some details on their plans for Marshfield. Mr. Westford said that Health Circle currently holds a license in Rockland. Mr. Jacobson said that the plan for Marshfield includes a retail dispensary for recreational and medical marijuana and a kitchen to prepare edibles. Mr. Westort noted that they will not be cultivating marijuana in Marshfield. Jim Fitzgerald asked if they have applied to any other towns and been denied a license. Mr. Westort said that they have not. Jim Fitzgerald asked where the product would come from if they are not cultivating in Marshfield. Mr. Westort said that it would come from their Rockland facility and gave some details on how it would be transported. Mike Bradley asked how employees would be trained to ensure that the product is not sold to underage buyers. Mr. Westort said that the Cannabis Control Commission has very strict guidelines that need to be followed. Mike Bradley asked if Mr. Westort could provide the Board with a copy of their business plan. Mr. Westort said that he would be willing to give it to the Board but would not like it to be disclosed to the public. Bob Galvin suggested having the Police Chief review the business plan. Jim Fitzgerald asked if they would only be selling products that they create, or would they be selling other products. Mr. Westort said that right now it would be his own products, but that could change in the long term in order to be competitive. After further discussion, Mike Bradley suggested tabling a vote on this agreement to a future meeting so that the Board can gather more information.

Brian Wall, 38 Stagecoach Drive, asked some questions about the licensing procedure.

Jim Fitzgerald said that the Board will take all of this information under advisement and gather more information and reconvene at a later date.

The meeting was adjourned at 9:50 p.m. There was no executive session held.

Respectfully submitted,

Catherine Burke

*The following documents and exhibits were presented at the meeting: memo from Town Counsel regarding dog hearing process; complaint dated September 21, 2018; letters to complainant and dog owner notifying them of the hearing; copy of police report and report from Animal Control Officer; affidavit from Dr. Karr; additional letters and photos regarding dog hearing; letter from Jim Folkard requesting permission to increase building permit fees and accompanying documentation; PowerPoint presentation regarding FEMA Preliminary Riverine Flood Maps; letter from Kevin Feyler requesting permission to hold the Veterans Day Parade on November 11, 2018; application for appointment to Capital Project Building Committee from Pegi Davis; letter requesting permission to route the Ragnar Relay through the Town of Marshfield and accompanying information; letters from Police and Fire recommending approval of this request; letter from Marshfield Education Foundation requesting permission to hold the St. Patrick’s Day 5k on March 16, 2019 and recommendation from Safety Officer; draft Host Community Agreement for Marijuana establishment and letter from Town Counsel describing the process.*