

Groveland Board of Selectmen
Meeting minutes
November 28, 2018

Present: Chairman William O'Neil, Selectman William Dunn, Selectman Edward Watson and Selectman Michael Wood

Others present: Denise Dembkoski

The meeting was called to order at 6:30 PM.

PUBLIC HEARINGS

The Groveland Board of Selectmen will hold a public hearing on Wednesday, November 28, 2018 at 6:30 P.M. at Town Hall, 183 Main Street, Groveland, MA on the application for Transfer of an Annual Wines and Malt Beverages Liquor License from S.B.A.P. Ram Corporation d/b/a Gerry's Variety, 15 Elm Park, Groveland, MA to Heithtilak Corporation d/b/a Gerry's Variety, 15 Elm Park, Groveland, MA , Hardy Patel is the proposed Manager

The Board took a roll call vote to open the public hearing. Watson- yes, Dunn-yes, Wood-yes, O'Neil-yes

Chairman O'Neill read the following:

The Groveland Board of Selectmen will hold a public hearing on Wednesday, November 28, 2018 at 6:30 P.M. at Town Hall, 183 Main Street, Groveland, MA on the application for Transfer of an Annual Wines and Malt Beverages Liquor License from S.B.A.P. Ram Corporation d/b/a Gerry's Variety, 15 Elm Park, Groveland, MA to Heithtilak Corporation d/b/a Gerry's Variety, 15 Elm Park, Groveland, MA , Hardy Patel is the proposed Manager. Description of premises: 15 Elm Park. Two Story Building with store on first floor. Approximately 750 square feet. One entrance/exit.

Attorney John Mooradian spoke on behalf of the applicant, Hardy Patel. Attorney Mooradian explained that Mr. Patel is purchasing the business and has worked at a convenience store. He is in the process of getting TIPS Certified.

Selectman Dunn asked if the applicant would be TIPS Certified prior to the transfer. Attorney Mooradian stated that he would be. Selectmen Dunn also confirmed with the applicant that there would not be any changes to the business and what they are selling.

Selectman Watson asked about operation of a deli. Mr. Patel stated that they may at some point in the future apply for a common victualler license to operate a deli.

Chairman O'Neil asked if he will continue to sell tobacco products and if there is a safe place away from minors. Mr. Patel indicated they have a closet to store the items.

Selectman Wood made a motion to approve the transfer of an Annual Wines and Malt Beverages Liquor License from S.B.A.P. Ram Corporation d/b/a Gerry's Variety, 15 Elm Park, Groveland, MA to Heithtilak Corporation d/b/a Gerry's Variety, 15 Elm Park, Groveland, MA, Hardy Patel is the proposed Manager, subject to the approval of Alcohol Beverage Control Commission in Boston, Massachusetts; seconded by Selectman Watson; roll call vote: Watson-yes, Dunn-yes, Wood -yes, O'Neil- yes; motion approved 4-0.

Selectman Dunn made a motion to close the public hearing; seconded by Selectman Wood; roll call vote: Watson-yes, Dunn-yes, Wood-yes, O'Neil- yes; motion approved 4-0.

Groveland Board of Selectmen meeting- November 28, 2018

In accordance with M.G.L. Ch. 140, §157, the Board will conduct a public hearing on a Dog Nuisance Complaint. The complaint was filed against Cosby, a Terrier Mix, owner Timothy O'Connor, 269 Center Street, Groveland.

Chairman O'Neil read the following:

In accordance with M.G.L. Ch. 140, §157, the Board will conduct a public hearing on a Dog Nuisance Complaint. The complaint was filed against Cosby, a Terrier Mix, owner Timothy O'Connor, 269 Center Street, Groveland.

The Board took a roll call vote to open the public hearing. Watson-yes, Dunn-yes, Wood-yes, O'Neil-yes.

Chairman O'Neil administered the oath to Lieutenant McDonald of the Groveland Police Department and asked for him to explain the complaint.

The complaint was originally filed by the Animal Control Officer but he could not be present as he is at a FEMA training. Lieutenant McDonald gave a brief history of the matter. On September 21, 2016, the dog at 269 Center Street broke free of his chain and bit a contractor working at the house. The dog was quarantined. On September 26, 2016, when an officer was delivering the paperwork to the home at 269 Center Street, the officer was bit and suffered a minor injury. On December 25, 2016, the dog was quarantined again because of a fight with an unknown animal. On October 21, 2018, the dog ran off the property and bit a dog being walked on a leash by its owner.

Selectman Watson, asked how many days the officer that was bit was out of work and if the town was reimbursed by the owner for the officer's time off. Lieutenant McDonald did not know how many days he was out or if the town was reimbursed.

Selectman Dunn asked if the Animal Control Officer believes the dog is out of control. The recommendation of the ACO is that the dog is on a lease at all times and muzzled when off the property.

Selectman Wood asked if there is a fence in the yard. Lieutenant McDonald did not know if there was a fence.

Chairman O'Neil administered the oath to the owner, Timothy O'Connor, 269 Center Street. Selectmen Wood confirmed with the owner that he does not have a fence. Mr. O'Connor stated that the dog is always tied to a lead when outside and on a leash when being walked. The dog escaped once on Christmas Eve and was gone for 1.5 days. Mr. O'Connor stated that one of his kids opened the door and the dog got out on October 21, 2018. Mr. O'Connor stated the dog is twelve years old and he has owned him for 10 years.

Selectman Dunn asked if there is anything he can do to keep the kids from letting the dog out. Mr. O'Connor stated he has to be more diligent of closing the garage door.

Selectman Dunn suggested to have him muzzled when he is outside of the house.

Selectman Watson asked Mr. O'Connor to explain each incident. Mr. O'Connor stated that in September 2016, the dog was tied to a lead and his wife was outside with his children. His wife warned the contractor not to go near the dog, the contractor did not listen and the dog lunged toward the contractor and bit him. With regard to the incident of the police officer serving the quarantine notice, the dog jumped up and either scratched or bit the officer and insurance paid the claim. In the last incident his child opened the door and the dog got out through the garage. Selectman Watson asked where the contractor's truck was parked. Mr. O'Connor stated the truck was parked where he told him not to park.

Chairman O'Neil asked if there is a smaller area that he could fence in. Mr. O'Connor stated it is very expensive to fence it in.

Chairman O'Neil administered the oath to the witness, Sharyn Perrotti of 22 Garrison Street. Ms. Perrotti stated that she was walking her two dogs and was in front of 269 Center Street when the dog came barreling down the driveway and started following them and lunged onto her small

Groveland Board of Selectmen meeting- November 28, 2018

dog. Ms. Perrotti could not get the dog off her dog and people driving by stopped to help her. She then took the dog to the animal hospital. Ms. Perrotti was looking for reimbursement of her veterinary bills which totaled approximately \$300.

Selectman Watson stated that if someone opens the door to let the dog out, he's not going to be muzzled because he was inside. Selectman Watson stated they could order additional insurance on the dog. Selectman Watson stated that the witness should be reimbursed for her expenses. Selectman Dunn asked if the witness felt the dog was after her or the dog. She stated the dog. Selectman Wood stated that at a minimum, the witness should be reimbursed for her veterinary bills.

Mr. O'Connor stated that he believes if the dog is muzzled all the time, he thinks that would make the dog more aggressive. He stated that the family needs to work on keeping the door closed so the dog does not get out.

Selectman Dunn suggested that if the dog is outside the house he should be muzzled and Mr. O'Connor should put some "beware of dog" signs on his property.

Mr. O'Connor stated that he has tried to get insurance but no one will insure after the first incident.

Selectman Wood stated they need to come up with a system to stop dog from getting out.

Chairman O'Neil asked what Mr. O'Connor can do to stop this from happening again. Mr. O'Connor stated he will muzzle him when he is outside and will tie him to a lead, but financially, he cannot do anything else.

Selectman Watson asked if Mr. O'Connor would agree to the provisions stated in the Chapter 140, section (c) (i)(ii) and (iv).

Mr. O'Connor stated he only has a problem with iv because he cannot find any company that will insure him. He would agree with the police officer's recommendation.

Selectman Dunn asked about the veterinarian bill. Mr. O'Connor stated that he would pay that within thirty days.

Ms. Dembkoski stated that whatever the board decides is final and that the owner has the right to appeal to the Haverhill District Court.

Selectman Watson made a motion that the Board require that the dog be confined under Chapter 140, section 157 (c) (ii) and (iii) and (iv) and the owner reimburse Mrs. Perrotti for the veterinary expense of \$294.92 and the Town of Groveland for the police officers time off. There is no second.

Selectman Wood made a motion that the owner of the nuisance dog pay Mrs. Sharyn Perrotti's veterinarian bill of \$294.92 within thirty days, that the dog is always leashed and muzzled while outside regardless of the hour and to install a 300 pound lead of no more than 30 feet, display beware of dog signs; make every effort to change the family habits with regard to the dog; and for the owner to provide proof that every reasonable effort to obtain insurance has been made; seconded by Selectman Dunn; roll call vote- Watson-no, Dunn- yes, Wood-yes, O'Neil- yes; motion approved 3-1.

Selectman Wood made a motion to close the hearing at 7:43PM; seconded by Selectman Dunn; roll call vote- Watson-yes, Dunn-yes, Wood-yes, O'Neil-yes.

Selectman Wood made a motion to adjourn at 7:44PM; seconded by Selectman Dunn; motion approved 4-0.

Respectfully submitted by: Laurie Burzlaff, minutes clerk.

*** Unanimously Approved on 01.07.19 ***