

Selectmen's Meeting

April 23, 2012

4:00 pm

A meeting of the Board was held on the above date in the 2nd Floor Meeting Room, Town Hall. Members present were: Margaret Serpa and Arthur Smadbeck. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 pm Ms. Serpa opened the meeting and the scheduled vicious dog hearing. Present were: Ms. Helene Owens, Complainant and owner of "Charlie"; Ms. Barry Nevin, owner of "Rocket"; and Ms. Barbara Prada, Animal Control Officer. Ms. Serpa swore all in for the hearing and asked for comment.

Ms. Owens stated that the incident was very upsetting. The full report has been filed with the Selectmen. But to summarize "Rocket" came out of his yard as she was walking by with "Charlie" and grabbed him by the neck. It was horrific and she was terrified. She was able to get them apart and took him to see Ms. Prada and the veterinarian. She has asked Ms. Nevin for reimbursement of the veterinarian bills and agrees with Ms. Prada that "Rocket" should be restrained.

Ms. Nevin stated that "Rocket's" main problem is that he is large. He plays well with other dogs. She offered to restrain him, but doesn't believe that he bit "Charlie".

Ms. Prada stated that, as per her report, at 6:35 pm on March 14th Ms. Owens showed up with "Charlie" at her house and they both were visibly shaken. Ms. Owens explained what had happened. Ms. Prada stated that she observed what appeared to be a large quantity of saliva and bits of dog food on the back of "Charlie's" neck. She did not see any apparent puncture wounds. Ms. Owens asked what further could be done and she told her about filing a complaint. She then went to see Ms. Nevin. In discussion with Ms. Nevin, she seemed to think it might have had something to do with "Rocket's" food. His dish was near the road. Ms. Prada recommended a bond of \$200 and to permanently restrain "Rocket" for the rest of his life in a harness tethered by chain or cable, something that he couldn't chew through. The veterinarian bills were a civil matter and out of her control. If Ms. Owens wanted to pursue them she would have to take Ms. Nevin to court.

Ms. Serpa asked if she was adding the harness to the conditions.

Ms. Prada responded that after some thought, she thinks that a harness would be best do to the conical shape of "Rocket's" head and that he can get out of a collar fairly easily.

Mr. Smadbeck asked if this was the first incident.

Ms. Prada stated that there was a complaint three years ago from a neighbor that his dog was jumped and two years ago that a neighbor's granddaughter had been scared. Nothing had happened in the last year. None of these people had filed official complaints with the Board of Selectmen.

Mr. Smadbeck moved to order "Rocket" permanently restrained as advised by Ms. Prada. He did not see the need for a bond at this time. Ms. Serpa seconded. Unanimous.

Ms. Prada then gave her quarterly report. January and February were quiet, while March was a little busier.

Mr. Smadbeck moved to accept the report. Ms. Serpa seconded. Unanimous

Ms. Serpa then opened the scheduled hearing for the transfer of liquor license from Nectar's to Flatbread. Present was Atty. Howard Miller and President of Flatbread Company, Jay Gould.

Atty. Miller explained that the new manager for the property could not be present and he apologized. He then explained that the Flatbread was buying out Nectar's and that the venue would now be more restaurant than nightclub. They would like to have special events and stay open until 1am once in a while, but typically they would close around 10 or 11pm. They had met with the Airport Land Use Committee and they had approved the lease and they are scheduled to meet with the Airport Commission on Friday the 27th.

Ms. Serpa asked about entertainment.

Mr. Gould responded that they would be primarily a restaurant and would present some entertainment in line with the restaurant. He mentioned acoustic music or local bands. He would like to keep the options open though to have special event concerts and be open until

I am once in a while. He explained that the business is family driven and not a bar, but he would like the flexibility to stay open later.

Ms. Serpa asked if the license would be pledged.

Atty. Miller responded that the bank had not made that a requirement as of yet. If they did, the applicant would file the proper paperwork.

Mr. Smadbeck stated that a lot of his questions had been answered.

Ms. Dolby asked if they could continue the hearing to clarify the rules on opening hours on the license.

Mr. Gould stated that they had operated in a similar fashion the previous year.

Ms. Dolby responded that the office was not aware of that. The question still needed an answer.

Atty. Miller suggested that they make the general closing 11pm and get permission for special events.

Mr. Smadbeck moved to continue the hearing until Monday, April 30th at 4:15pm.

The Board then approved the following items:

To offer the Colonial Insurance Bridge Plan to town employees. The Board also stated that this does not represent an exclusive offer right and that any other companies were welcome.

The minutes of April 9th and 17th.

Yard Sales Licenses for: Suzanne Shea, 30 The Boulevard, 5/26 9am-4pm; John Stevens, 20 Eagle's Nest, 4/28 9am-12pm; Patricia Jacobs, 36 Mercier Way, 6/30 9am-4pm.

A Lodging House License for the Edgartown Lodge.

A Common Victualler's License for the Tropical Bakery.

Travel Vouchers: 4 for the Shellfish "Quahog Relay", 1 for the Wastewater Department, and 1 for the Library.

For the Board of Trade to hang the Pink and Green Weekend Banner from 5/4-5/14.

To accept a donation to the Library in the name of Stephen Gentle for \$11,478.88.

To sign two mortgage subordinations for the Affordable Housing Committee.

Ms. Dolby then shared that several town buildings had received an energy audit from the Cape Light Compact. She had received news this week that the Town Hall was going to receive \$11,000 in insulation and light bulbs as a result.

The Board was very happy about the news.

Ms. Serpa moved to adjourn at 4:34PM. Mr. Smadbeck seconded. Unanimous.

Approved:

Michael J. Donaroma, Chairman

Margaret E. Serpa

Arthur Smadbeck
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant