

Selectmen's Meeting

July 12, 2010

4:00 pm

A meeting of the Board was held on the above date in the Fred B Morgan Jr. Meeting Room, Town Hall. Members present were Margaret E. Serpa, Chairman; Arthur Smadbeck; and Michael J. Donaroma. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 p.m. Ms. Serpa opened the meeting and attempted to open the hearing for Mr. Kyle Byrne. Mr. Byrne was not present so thinking he was running late, the Board moved on to other items and suspended the hearing.

The Board then approved the following items:

A Lodging House License for The Lightkeeper's Inn.

A Transient Vendor License for Penumbra Photographs.

Commercial Marine License renewals for Edgartown Marine Boat Services, Capt'n Porky's Bait & Tackle, & Aquamarine Dredge LLC.

A new Commercial Marine License for Louis Paciello for Charter Fishing.

Yard Sale Permits for: Hubert P. Earle, Jr. at 49 Kitt's Field Circle on July 17th from 9-1 and Caroline Taylor at 52 Kitt's Field Circle also on July 17th from 9-1.

The commitments for mooring bills from the Harbormaster's Office.

The Minutes for 6/7/10, 6/28/10, & 5/24/10.

The Board then announced the winners for the 4th of July Parade: Grand Prize – MV Boys & Girls Club, Most Patriotic – MV Youth Hockey, Most Original – Felix Neck, Special Prize – Camp Jabberwocky, Best Float – Rising Tide Therapeutic Equestrian Center.

The Board then moved on to the Annual Review for Ms. Kristy Rose, Assistant in the Selectmen's Office. The Board stated that Ms. Rose was always friendly, courteous, and professional on the phone and in person and that she always had the paperwork well prepared for meetings. Ms. Dolby agreed. Mr. Smadbeck moved to give Ms. Rose a positive review. Mr. Donaroma seconded. Unanimous.

At 4:10 Ms. Serpa opened the hearing for the Right Fork Diner. They are requesting a seasonal beer & wine license. Present were Ms. Jamie Langley, Owner of the Right Fork Diner, and Mike Creato, Manager of the Katama Airport.

Ms. Serpa asked if anyone had any input.

Mr. Creato spoke in support of granting the license.

Ms Langley stated that people enjoy just having a beer with their hot dog or burger at lunch.

Ms. Serpa asked if the license only included the porch and restaurant. She asked about the special functions they sometimes have out there and whether or not she may want to include some of the lawn.

Ms. Langley stated that it was a good idea and she would resubmit the wording to the office tomorrow.

Mr. Donaroma stated that they had a license before and this was not a drinking destination.

Mr. Smadbeck moved to approve the beer and wine license for the Right Fork Diner. Mr. Donaroma seconded. Unanimous.

Ms. Serpa then circled back to the matter of Mr. Byrne and his hearing that was scheduled for 4:00. Mr. Byrne was still not present. Present for the hearing was Ms. Barbara Prada, Animal Control Officer, Ms. Catherine Bonham, Complainant, and Ms. Pam Logan, concerned citizen. Ms. Bonham had filed a complaint with the Board that Mr. Byrne's dog "Josie" had bitten her on Tarkiln Path and that his other dog "Dill" had come along as intimidation. A copy of the complaint and report are attached for the record.

Ms. Serpa then swore in Ms. Bonham and Ms. Prada.

Ms. Bonham had some corrections for Ms. Prada's report. 1) That she had been bitten on the right thigh not the left and 2) That she had finished her walk at 8:45am.

Mr. Donaroma stated that it was odd to have the hearing without Mr. Byrne being present.

Mr. Smadbeck asked if they could go on without him.

Ms. Prada stated that the hearing could go on without him and that he had been served and notified in person of the hearing. She then stated that she had spoken to Mr. Byrne and that he wasn't home at the time of the attack. The dogs were in the care of his girlfriend. He seems responsible and wants to fix the situation. He spoke with his landlord and has gotten the ok to build a fence to enclose both his dogs. Ms. Prada recommended the following: That a permanent restraining order be put on both of Mr. Byrnes dogs; That Mr. Byrne place a \$200 bond on "Josie" with the Town Treasurer; and that Mr. Byrne erect a fence to enclose his dogs with approval of Ms. Prada.

Ms. Bonham stated that she had been walking on a public Land Bank Trail with her friend Ms. Amy Gowell and her dog "Pogo" and that this is the second time she has come into contact with "Josie". The first time she had been chased quite a ways down the trail but did not report it, thinking it was a one time occurrence. She hasn't been on the trail since the incident and is scared to go down there. She has encouraged everyone she knows not to go there until the dog is taken care of. She would like to know what kind of fence he is planning on putting up. She is worried because the dog is a "Pitbull" that it may escape a simple fence by digging under it.

Ms. Logan suggested a muzzle ordinance on all "Pitbulls" in the Town of Edgartown.

Ms. Serpa replied that the issue at hand was this particular incident. That would be a larger issue for discussion another day.

Ms. Prada responded that the fence would be a pen close to the house. The recommendations stated that she would approve the fence design.

Mr. Smadbeck moved to approve the order of recommendations and that Mr. Byrne had to bring in his design for the pen to the Board for their approval the following week on 7/19. All work must be done in 30 days. Mr. Donaroma seconded. Unanimous.

Ms. Dolby then gave her weekly update. She started with thanking the Police, Fire, and Highway Departments for all their hard work on the 4th of July weekend.

Mr. Donaroma stated that the Town looked great. The other Board members agreed.

Ms. Dolby then reported that Ms. Alice Boyd had reported that the Town had been granted \$745,000 from the Community Development Grant. She and Ms. Melissa Vincent would be coming down with the auditors on 7/21 at 10:30am and requested the Board to attend.

Ms. Dolby then wanted to thank Mr. Charlie Smith, Highway Foreman, and the Highway guys for all their help cleaning up the grates and trash down by Atlantic after the Wastewater issue.

She then reported that the Gazette had called last week and requested a copy of a letter the Board had written to the Chilmark Board of Selectmen. They then changed the addressee line to read "To the Editor" and put it in the paper. Ms. Dolby wanted to make it clear that the Board had not sent the letter to the editor and that was not it's intent. She thought the Board deserved an apology from the Gazette for it's misrepresentation of the letter.

Mr. Donaroma stated that it was not a matter of it being public record. It was the fact that it was changed.

Ms. Serpa stated that that was not the intent of the letter. The Board did not make it a practice to send letters or copies of letters to the editor.

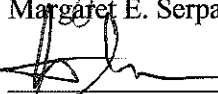
Ms. Dolby then asked the Board if they had seen any report about the bike path on Chappaquiddick. Mr. Roger Becker was under the impression the Board had received something but she had not seen anything.

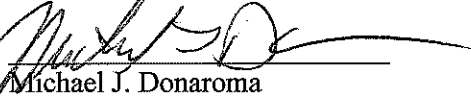
The Board responded that they had not seen or heard anything new pertaining to the Chappaquiddick bike path.

Mr. Smadbeck moved to adjourn at 4:34pm. Mr. Donaroma seconded. Unanimous.

Approved:


Margaret E. Serpa, Chairman


Arthur Smadbeck


Michael J. Donaroma
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant

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