

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
APRIL 18, 2023**

In attendance were Chairman Randolph G. LaMattina; Vice Chairman Daniel L. Salvucci; Clerk Justin R. Evans; Member Shawn M. Kain and Town Administrator Mary Beth Carter. Dr. Carl Kowalski was absent.

Chairman LaMattina opened the meeting at 6:30 p.m.

The Pledge of Allegiance was recited and was followed by a moment of silence dedicated to the family of Edith Blake, mother of DPW employee Elonie Bezanson and mother in-law of long-time selectman Brian Bezanson.

Chairman LaMattina announced the meeting is being recorded and televised by WHCA.

Mr. Salvucci **MOVED** to approve bill and payroll warrants. **Second** Mr. Evans, **so voted 4-0**.

Mr. Salvucci **MOVED** to accept correspondence in the Read File. **Second** Mr. Evans, **so voted 4-0**.

At 6:34 p.m. Mr. Salvucci **MOVED** pursuant to M.G.L., c.30A, §21(a)(3) to discuss strategy with respect to collective bargaining or litigation relative to a Whitman Police Union member as an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, as declared by the chair; and pursuant to M.G.L. c.30A, §21a (1) to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual.

- Extended sick leave

Chairman LaMattina declared that having this meeting in open session will have a detrimental effect on the bargaining or litigating position of the public body. **Second** Mr. Evans. Roll call vote revealed: Mr. Evans – yes; Mr. Kain – yes; Mr. Salvucci – yes; and Chairman LaMattina – yes. **So voted 4-0**. The meeting will reconvene in open session.

At 7:43 p.m. Mr. Salvucci **MOVED** to reconvene in Open Session. **Second** Mr. Evans, **so voted 4-0**.

**SCHEDULED MEETINGS/HEARINGS**

**Livery License/Livery Driver's Certificate: All Star Transports**

Mr. LaMattina apologized for the delay and opened a public meeting in connection with the application of All Star Transports (Marie Fries), for a Livery License and Livery Driver's Certificate on the premises located at 56 Vincent Street. Chairman LaMattina advised Ms. Fries that if approved, the permits will not issue until she provides proof that the vehicle has been registered with the Mass. RMV as one to be used for livery service; an updated certificate of insurance; and the license fees. Ms. Fries stated that she is aware of this, and noted that she cannot register the vehicle for livery service until she has proof of approval from this Board. Mr. Salvucci **MOVED** to approve the application of All Star Transports (Marie Fries) for a Livery

License and Livery Driver's Certificate subject to receipt of proof that the vehicle has been registered with the Mass. RMV as one to be used for livery service; an updated certificate of insurance; and the license fees. **Second Mr. Evans, so voted 4-0.**

**Dangerous/Nuisance Dog Complaint: Parent, Connolly v. Karger**

Chairman LaMattina opened a public hearing pursuant to M.G.L., Chapter 140, Section 157 and the Town of Whitman General By-laws, Article XXVII in connection with a complaint filed by Patricia Parent of 220 High Street and Erin and Joseph Connolly of 226 High Street against dogs allegedly owned or harbored by Jean Karger. Town Counsel Peter Sumners and Animal Control Officers Laura Howe and Joe Kenney were present for the hearing. Chairman LaMattina outlined the procedures for the hearing and the rules for all speakers before swearing in all those who wished to speak.

Laura Howe, Animal Control Officer was called to speak. She reported that Ms. Karger has surrendered 9 of her 13 dogs. Due to the number of remaining dogs, Ms. Karger was advised to receive a kennel license. The remaining dogs have been immunized. Laura Howe stated that the 4 dogs escape quite often, and she recommends a concrete pad and a roof be added to their kennel area in order to prevent them from digging under or jumping over in order to get out. In her opinion, the dogs are well-cared for.

Joe Connolly reported that he lives across the street from Ms. Karger and that quite often he sees the dogs loose, sitting in the middle of the street. He would like to see the dogs contained by an electric fence. He further stated that the dogs are friendly yet jumpy. He fears for elderly or young neighbors who might be injured by the dogs. Both he and his wife have been approached by the dogs.

Laura Howe stated the dogs range from 50-70 pounds and that she often finds them loose on Pine Street. She fears that the dogs will be struck by a car because they have become so familiar with her that when they see her approaching, they run.

Patricia Parent stated that she has had several encounters with the dogs. One of the dogs jumped into her granddaughter's car while she was placing her baby inside. A dog also came after and grabbed her 10-pound dog which caused Ms. Parent to fall when she tried to kick the dog away.

Mark Parent reported that the dogs are friendly but they are all over the neighborhood. He worries about the kids coming home from school being knocked over.

Joan Butterfield also reported the dogs are friendly but strong. The dogs jumped over her fence and got onto her pool cover on Sunday. She is also worried about children.

Adam Casey confirmed the dogs are not dangerous and that they are friendly. On Easter, they jumped over his fence, and they surrounded his daughter who was playing on a trampoline in their yard. He went outside to move them along and they jumped on him. Also, his son has received minor scratches in the past.

Mrs. Connolly witnessed one of the dogs' pounce on another dog.

Raoul who lives with Ms. Karger, spoke on her behalf. He stated that he plans to put railroad ties along the fences and that he will raise the fence. He put lattice on his porch to contain the dogs. He admitted that the dogs are escape artists and confirmed that they are friendly.

Ms. Karger is looking into getting the electric fence programmed. It has been installed but needs to be programmed to the dogs' collars. She is hoping to have this done within a week.

Mr. Butterfield stated that other neighbors walk their dog on a leash and bring them back into their house. He would like to suggest that Ms. Karger do the same.

Chairman LaMattina asked Laura Howe how many times she has had to catch the dogs to which she stated 1-2 times a day, 3 or 4 times a week. She agrees that they are escape artists and she has suggested a trainer. She is concerned that they have been trying to get the dog owners to cooperate on this matter since October. Mrs. Howe said she would personally work with the family on securing the dogs.

Ms. Karger clarified that there was a delay in installing the electric fence because they were planning to move. They are currently looking for a new residence as they are renting this property. Mr. Salvucci asked Ms. Karger to clarify how the electric fence works and how soon she could get it installed. She stated that she would call the electric fence company tomorrow. Mr. Salvucci told Ms. Karger that she is to keep the dogs on a leash. She agreed to do so. She further stated that two of the dogs are emotional support dogs.

Attorney Sumners advised the Board of Selectmen on the definition of a dangerous dog and a nuisance dog and advised the Board to come to a preliminary finding. Chairman LaMattina further read the Massachusetts General Laws and stated that testimony heard proves that the dogs are nuisance dogs.

Mr. Lynam believes the owner of the property could be held at fault.

Attorney Sumners further read the by-laws with respect to fines, hearings, etc. for dogs deemed a nuisance, providing a range of options for the Board of Selectmen to consider. Mr. Salvucci would like to see fines issued each time the dogs are found loose by the ACO.

Mr. Kain **MOVED** to deem the dogs as nuisance dogs. **Second** Mr. Salvucci for discussion. The Board discussed options for an order to be imposed that would keep the dogs securely on the property, such as tethering the dogs or attaching them to a run. Animal Control Officer Joe Kenney stated that there are laws about tethering a dog for more than 15 minutes on a fixed object. Laura Howe recommended using pallets to secure the base of the kennel and offered to help.

Mr. Kain **MOVED** to issue an interim order and deem the dogs owned or harbored by Jean Karger of 221 High Street as nuisance dogs pursuant to M.G.L. Chapter 140, Chapter 136A; and to order Ms. Karger to take the necessary steps to confine the dogs to the property and to keep the dogs leashed at all times, whether on the property or off, and when not on a leash, the dogs

must be confined indoors. These requirements shall remain in place until the Board of Selectmen receives confirmation from the Animal Control officer that, in the Animal Control Officer's professional opinion, a secure outdoor facility has been constructed on the property and is sufficient to confine the dogs to the property when off-leash. If Ms. Karger fails to obey this interim order, she will be subject to any and all authorized fines and penalties per the Town of Whitman General By-laws and M.G.L. Chapter 140. **Second** Mr. Salvucci, **so voted 4-0.**

### **COVID 19 UPDATE**

Chief Clancy provided a Covid-19 update. There were 217 tests performed with 5 positive results which is a positivity rate of 2.30%, the lowest rate in a long time. The wastewater testing is also showing a decline.

### **OLD BUSINESS**

#### **WMS Debt Exclusion**

Fred Small approached the Board and stated he would like the Board to consider a date of October 30, 2023, to hold a special Town Meeting; And November 4, 2023, to hold a special Town Election. Mr. Salvucci **MOVED** to call for a special Town Meeting on Monday, October 30, 2023, and a special Town Election on Saturday, November 4, 2023. **Second** Mr. Kain, so voted **4-0.**

### **NEW BUSINESS**

#### **License Renewals**

Mr. Salvucci **MOVED** to approve license renewals for the following license holders for the period May 1, 2023 through April 30, 2024 (subject to the submission of renewal paperwork, renewal fees and current tax status):

#### **1. Fuel Storage Licenses**

- a. Whitman Burial Vault/Watertown Engineering, 1200 Auburn Street
- b. The Stop & Shop Company, LLC #444, 475 Bedford Street
- c. TMC II Realty, dba Carey's, 672 Bedford Street
- d. Jiffy Lube International #1918, 691 Bedford Street
- e. Whitman Middle School, 100 Corthell Avenue
- f. Department of Public Works, 100 Essex Street
- g. Cee Jay Realty Trust (Joseph Saccone), 106 Essex Street
- h. Conley School, 100 Forest Street
- i. Bullet Realty Co., dba T&K Asphalt Services, 7 Industrial Way
- j. Duval School, 60 Regal Street
- k. Trillium Fuel, dba Whitman Gas, 180 South Avenue
- l. OM South Avenue LLC, 311 South Avenue
- m. A.L. Prime Energy Consultant, Inc., 79 Temple Street
- n. Cumberland Farms, Inc., 280 Temple Street
- o. MKPM Whitman, LLC, dba New World, 359 Bedford Street

**Second** Mr. Evans, so voted **4-0.**

Mr. Salvucci **MOVED** to approve licenses for:

#### **2. Junk Collector's Licenses**

- a. Joseph Saccone (J. Saccone & Sons, Inc.), 106 Essex Street

- b. Environmental Pick Up Corp., dba Conway Scrap Metal, 36 Vincent Street

**Second** Mr. Evans, so voted **4-0**.

Mr. Salvucci **MOVED** to approve licenses for:

**3. Junk Dealer's Licenses**

- a. Joseph Saccone (J. Saccone & Sons, Inc.), 106 Essex Street
- b. Whitman Estate Furniture, 356 South Avenue, Unit C

**Second** Mr. Evans, so voted **4-0**.

**Request to Hold Memorial Day Parade**

Mr. Salvucci **MOVED** to approve the request of Roger Hendrix, Commander, Whitman VFW Post 697, to hold the 155<sup>th</sup> Memorial Day Parade on Monday, May 29, 2023. **Second** Mr. Evans, so voted **4-0**.

**Request for One-Day Liquor Licenses**

Mr. Salvucci **MOVED** to approve the request of Holmestead Harvest (Lizz Wilson) for a One-Day Liquor License on the premises located at 30 Temple Street, Unit C for the following events:

- May 7, 2023: Pasta Making Class with charcuterie spread and wine (12-person event, 4:00 p.m.–7:00 p.m.).
- May 21, 2023: Cookie decorating event with charcuterie spread and wine (serving 14-16 people, 4:00 p.m.–7 :00 p.m.).
- June 4, 2023: Craft & Carry event with food and wine (14 people, 4:00 p.m.– 7:00 p.m.).
- June 25, 2023: Women's Networking event with professional headshots (event includes food & wine, 16-20 people, 4:00 p.m.– 7:00 p.m.).

**Second** Mr. Evans, so voted **4-0**.

**Meeting Schedule**

The Board set their meeting schedule for Monday, May 1, 2023, at 7:00 p.m. and Tuesday, May 23, 2023, at 7:00 p.m.

**OLD BUSINESS (cont'd)**

**FY23 Budget**

Mary Beth Carter stated that the FY24 budget is \$17,739,450 causing the Town to use one-time funds in the amount of \$455,323 from free cash to close to gap and close the budget. No Town employees will be laid off. She is requesting the Board vote to approve the Annual Town Meeting warrant. Mr. Salvucci **MOVED** to approve the May 1, 2023, Annual Town Meeting warrant. **Second** Mr. Evans, so voted **4-0**.

Chairman LaMattina complimented the members of the Hanson Board of Selectmen, WHRSD School Committee and Whitman Board of Selectmen on finalizing the School Committee budget.

### **Discuss Process for Approving Executive Session Minutes**

Mary Beth Carter would like to set a process for approving Executive Session minutes. Due to a backlog, Frank Lynam offered his services free of charge to review and redact the backlog of minutes as necessary. Going forward, minutes that occur in a given month will be reviewed and voted the following month in Executive Session. Mr. Kain feels Mr. Lynam should be compensated for reviewing and redacting the backlog of executive session minutes. Chairman LaMattina agreed, noting he's sure something can be worked out.

### **TOWN ADMINISTRATOR'S REPORT**

#### **Request to Appoint Checkers for the Annual Town Meeting**

Mr. Salvucci **MOVED** to approve the request of Town Clerk Dawn Varley to appoint checkers for the May 1, 2023, Annual Town Meeting as outlined in a memo dated April 18, 2023 **Second** Mr. Evans, so voted **4-0**.

#### **Update: WHRSD Regional Agreement**

Mr. Evans stated that the committee feels the 2/3 majority vote should only come into play for major financial matters, i.e. assessment methodology. It was the consensus of the Board to agree. With respect to the language regarding emergency repairs, the committee is in favor of the town administrator being notified; however, Hanson does not have a facilities director and the committee would like to see the facilities director removed from the process. Mr. Salvucci argued to keep the facilities director involved in order to provide a second opinion on emergency repairs. It was the consensus of the Board to agree with the Regional Agreement Committee with respect to this issue.

At 9:30 p.m. Mr. Salvucci **MOVED** to adjourn the meeting. **Second** Mr. Evans, so voted **4-0**.

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Justin R. Evans, Clerk