

Board of Selectmen Meeting  
Library Meeting Room  
September 9, 2008

Present: Chairman Ronald DiOrio, Selectmen Gregory Coogan, Kerry Scott, Roger Wey.  
Also present: Town Administrator Michael Dutton, Administrator Alice Ryan Butler.  
Absent: Selectman Duncan Ross.

**Meeting was called to order at 5:00 p.m.**

**Vicious Dog Hearing:** Pursuant to MGL Chapter 140, Section 157 the Board of Selectmen will hold a vicious dog hearing on Tuesday, September 9, 2008 at 5:00 p.m. in the Library Meeting Room, 56R School Street regarding a vicious dog incident which occurred in the Town of Oak Bluffs on Sunday, August 30, 2008.

Animal Control Officer Heather Jablowski read the complaint about the two dogs. Attorney Rosemary Hagaizian representing Ken and Nina Garde, owner of Storm, one of the dogs, stipulated to the facts and presented a plan that the Gardes had concerning the dog.

Elisha Smith recounted coming home to find his chickens killed and gave an estimate of the expense of replacing them.

#### **STORM**

*Selectman Coogan motioned to order the Gardes to pay Elisha Smith \$1,000 in lieu of treble damages, require the canine to be placed in an off-Island facility approved by the Oak Bluffs Animal Control Officer; require that the canine be held in the custody of the Oak Bluffs Animal Control Officer at a cost of \$10 per calendar day until such time as the canine is removed from the Island; the release of the canine will happen only upon proof adequate to the Animal Control Officer that transit has been arranged for the canine within one hour of the proposed release time; and that all actions take place prior to October 1, 2008, seconded by Selectman Wey. Vote was unanimous.*

#### **MUSSA**

ACO Jaglowski read the charges against Mussa who was involved in the same incident as Storm.

*Selectman Wey motioned to require that a \$200 bond be posted which shall be forfeited if the canine is found loose (meaning unrestrained) in any of the six towns on the Island anytime prior to midnight on March 9, 2009; require that a shelter be constructed at the owner's expense where the canine will be housed, it must be approved by the Oak Bluffs Animal Control Officer as adequate to hold a canine of this particular breed; require that the canine be held in the custody of the Oak Bluffs Animal Control Officer at the expense of the owner at \$10 per calendar day until such time as the shelter is completed to the satisfaction of the Oak Bluffs Animal Control Officer, seconded by Selectman Coogan. Vote was unanimous.*

The Town Administrator shall notify the towns of Tisbury and West Tisbury of these decisions.

***Selectman Scott motioned to close the hearing, seconded by Selectman Coogan. Vote was unanimous.***

## **Minutes**

August 26, 2008

***Selectman Coogan motioned to accept the Minutes of August 26, 2008 as amended, seconded by Selectman Scott. Vote was unanimous.***

## **Town Administrator's Report**

Primary elections will be held on September 16, 2008, 7:00 a.m. to 8:00 p.m.

Work is progressing with Tisbury on the joint purchase of land in Edgartown adjacent to the trash transfer facility.

A cruise ship will be in on September 12, 2008.

The Bureau of Standards has confirmed that Ben David Auto Repair does have a state license.

## **Selectmen's Update**

Selectman Coogan discussed the poor acoustics in the Library meeting room.

He also reported that Copeland Committee approval of the Moujabber project failed due to one vote. He suggested that a lot of time and money was being spent to improve the project when it wasn't that much different from other houses in the neighborhood.

New lights are needed on East Chop Drive.

Selectman Scott said that the Seaview Waterfront Project needed two year round residents at large and two summer residents for their committee.

***Selectman Coogan motioned to appoint two year round residents and two summer residents for the Seaview Waterfront Committee, seconded by Selectman Wey. Vote was unanimous.***

Selectman Scott requested that a letter, signed by all of the Selectmen be sent to MA Highway requesting that the waterfront project be put on the TIP list. Also, a letter should be sent to Mark London, MVC thanking him for accepting the project. Another letter should be sent to the Division of Conservation and Recreation concerning the public access fishing pier and the waterfront project.

After the ZBA hearing, a public hearing will be held to discuss the public safety issues of the Bradley Square project.

## **Old/New Business**

### Evaluation of the Town Administrator

There were 26 respondents, consisting of the Board of Selectmen, Department Heads, Committee Chairs and others.

Mr. Dutton exceeded expectations in all categories.

The Selectmen will discuss goals that they would like the Town Administrator to achieve next year. Mr. Dutton said that it would be helpful to work from a set of goals. He is also working on a set of goals for the Department Heads.

***Selectman Coogan motioned to accept the Town Administrator's evaluation, seconded by Selectman Wey. Vote was unanimous.***

### Joint meeting with the Wastewater Commission

See attached page.

### Report from the Highway Superintendent regarding the Lake Avenue Reconstruction Project.

Highway Superintendent Combra announced that all easements have received right of way certification.

He planned on having the project out to bid within ten days.

The easement for Nancy's has not yet been secured but it will not hold up the project.

The project should start by early spring.

## **Appointments**

### Request for Appointment to the Energy Committee

Kara Gelinas

***Selectman Wey motioned to appoint Kara Gelinas to the Energy Committee, seconded by Selectman Scott. Vote was unanimous.***

## **Adjourn**

***Selectman Coogan motioned to adjourn at 7:55 p.m., seconded by Selectman Wey. Vote was unanimous.***

Respectfully submitted,

Alice Ryan Butler  
Administrator