



MINUTES  
Tues, May 18<sup>th</sup>, 2021  
**Select Board Meeting – 5:00PM**  
**Public Dog Nuisance Hearing – 5:05PM**  
**Joint Select Board & Finance Board Meeting – 5:30PM**  
VIRTUAL MEETINGS

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Holland, Select Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Holland's website, at <https://town.holland.ma.us/>.

For this meeting, members of the public who wish to listen in on the meeting may do so in the following manner:

Join in Meeting ID: 524-171-077

Meeting room link: <https://global.gotomeeting.com/join/524171077>

Call the following number and follow the instructions: United States: +1 (312) 757-3121; Access code: 524-171-077

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on our Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

The public will not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or [city/town] staff or official(s) physically present at the meeting location during the meeting. "Public comment" portions of meetings will be temporarily suspended.

Meeting called to Order at 5:00PM by Bettina Schmidt, Chair; Reading of Governors order (above)

Select Board Members in attendance: Bettina Schmidt, Clelland Johnson

Select Board members absent: Larry Mandell

Others in attendance for all or some portions of meeting: Stacy Stout (Town Admin), Andy Harhay (Finance Board), Ernie Fancy (Finance Board); Sharon Ashleigh (Finance Board), Kelli Robbins (Finance Board), Eric Hawk, Tess Mazzone, Chip McIsaac, Ed Ward (Sgt PD), Bryan Haughey (Chief PD), Gary Wilson (Animal Control Officer), Peter Frei

**1. Approve Minutes from 5/4/2021 and 5/12/2021**

Motion051801: Motion to approve minutes for 5/4/2021 as written made by Mr. Johnson; 2<sup>nd</sup> by Ms. Schmidt; Roll call vote: C Johnson – Yes; B Schmidt – Yes

Minutes for 5/12/21 not yet distributed; postpone approval to future meeting

Request to take Agenda items out of order; awaiting Public Hearing participants

**2. Committee Appointments**

- a. Brock Jenkins – Trails Committee
- b. Bob Kamay – Lake Oversight Committee

Motion051802: Motion to appoint Bob Kamay to LOC and Brock Jenkins to Trail Committee made by Mr. Johnson; 2<sup>nd</sup> by Ms. Schmidt; Roll call Vote: C Johnson – Yes, B Schmidt – Yes

## **Dog Nuisance Hearing opened at 5:13 By Ms. Schmidt**

### **3. Dog Nuisance Hearing**

Summary of Mazzone/Hawk dog nuisance complaints, actions and previous hearing provided by ACO Wilson

Mr. Hawk expressed frustration with inconsistencies in information and actions; following orders of contacting Dog Officer; under impression that fines/citations were being given; new hearing needed since it is a different dog; if dogs are going to continue to rotate having new hearings is not going to resolve anything

Chief Haughey commented contacting ACO is correct process for reporting incidents; he falls under PD and has full authority to enforce Town Bylaws and Mass General laws (MGL); Chief Haughey asked for clarification on whether all dogs are same, new or mix – response from Mr. Hawk – combination - 2 from previous, 1 new; Chief Haughey reaffirmed when a complaint is filed involving a new dog, a new hearing is required according to MGL

Ms. Schmidt summarized: Ms. Mazzone has put up a fence; count is down from 4 to 3 dogs and another will be moved elsewhere; owner has purchased bark collars; Ms. Mazzone stated there are two fences – a 6 ft fence and an electric fence; only keeping original 2 dogs

Mr. McIsaac summarized incident where dogs were barking all day and night; State police were called (unknown by whom) and responded; he has had concern for care of dogs for a while (outside long periods of time, empty water bowls); when Ms. Mazzone is home, there are no issues; issues arise when they are left alone for periods of time

Ms. Mazzone responded the incident state police responded to was because she needed to be away for personal emergency; Mr. Hawk stated that was not an isolated incident

Mr. McIsaac asked if dogs are being bred; Ms. Mazzone responded she has had litters, is only planning to keep her 2 original dogs

Ms. Schmidt asked how long the dogs have had bark collars; Ms. Mazzone responded she purchased them at the direction of ACO Wilson after the incident referenced above; Mr. Hawk confirmed barking has escalated with the new dog but that for others this is same as what was discussed at previous hearing; Ms. Schmidt referenced MGL Section 14.3.8; Ms. Mazzone stated the dog primarily barking has been re-homed

Mr. Hawk asked questions about process - inconsistencies in whether citations/fines are issued; Chief Haughey stated Select Board can order remediation (bark collars, fences, etc.); for roaming dogs, ACO could catch and impound and there is an associated fee; ACO Wilson indicated he had previously mis-spoke on being able to impose fines; fines can be issued for unlicensed or unvaccinated dogs only

Ms. Mazzone needs to renew licenses

Mr. Hawk acknowledged positive remediation by Ms. Mazzone; requesting detailed documentation outlining which dogs are deemed nuisances, what actions are to be taken, timelines and follow up plan to measure if things are happening to a satisfactory level

Mr. Hawk stated the 2 new dogs are the primary nuisances at this point in time

Motion051803 Mr. Johnson made a motion to deem the 3 remaining dogs a nuisance; 2<sup>nd</sup> by Ms. Schmidt; Roll call vote: Ms. Schmidt – Yes, Mr. Johnson – Yes

Motion051804 – Ms. Schmidt made a motion for ACO Wilson to visit all parties involved mid-June and that all dogs need to be in control and have bark collars; 2<sup>nd</sup> by Mr. Johnson; Roll call vote: Mr. Johnson – Yes, Ms. Schmidt – Yes

Action: ACO Wilson to visit prior to June 15<sup>th</sup> Select Board Meeting; TA Stout to draft letter to ACO Wilson, Ms. Mazzone and Mr. & Mrs. Hawk

Ms. Mazzone questioned why all 3 dogs are deemed nuisance rather than the 1 new dog; Mr. Johnson and Ms. Schmidt replied they were deemed nuisance at previous hearing so this is continuation of that ruling

ACO Wilson requested the Select Board consider updating ordinances

### **Public Hearing closed at 5:51PM**

### **Joint Meeting with Finance Board opened at 5:52 by Ms. Schmidt and Ms. Ashleigh**

4. Joint Meeting with Finance Board – Final Warrant review
  - a. Articles 6 and 7 (all others already reviewed and voted)
    - i. #6 – To raise and appropriate, transfer or borrow \$5,425.00 deficit in Fund 241 Police Vests State Grant account
      1. Select Board already voted to Sponsor
      2. Motion made by Mr. Harhay that Finance Board sponsor Article #6; 2<sup>nd</sup> by Ms. Ashleigh; Roll call vote: Ms. Ashleigh – Yes, Mr. Harhay – Yes, Mr. Fancy – Yes, Ms. Robbins - Yes
    - ii. #7 – To raise and appropriate, transfer or borrow \$145.51 for prior year invoices – for Highway for Roberts Auto
      1. Mr. Johnson made a motion to endorse Article #7; 2<sup>nd</sup> by Ms. Schmidt; Roll call vote: Mr. Johnson – Yes, Ms. Schmidt – Yes
      2. Mr. Fancy made a motion that Finance Board sponsor Article #7; 2<sup>nd</sup> by Mr. Harhay; Roll call vote: Ms. Ashleigh – Yes, Mr. Fancy – Yes; Ms. Robbins – Yes, Mr. Harhay – Yes
  - b. Mr. Harhay stated that the amount in Article #11 (\$45,075) is not the actual; Ms. Stout reiterated that since the actual amount (\$44,004) is less this can be handled by the motion stating the actual
  - c. Mr. Fancy asked about Article #15 – to raise and appropriate or transfer \$12,500 to fund a Planner; the language needs to be updated to say “contract” instead of “part time

### **Joint Select Board and Finance Board meeting closed at 5:57PM**

Ms. Robbins made motion to adjourn Finance Board meeting; 2<sup>nd</sup> by Mr. Fancy; Roll call vote: Ms. Ashleigh – Yes, Mr. Fancy – Yes, Mr. Harhay – Yes, Ms. Robbins - Yes

5. **Close Warrant** – Motion to sign Warrant made by Ms. Schmidt; 2<sup>nd</sup> by Mr. Johnson; Roll call vote: Mr. Johnson – Yes, Ms. Schmidt – Yes

Motion to close Select Board meeting made by Ms. Schmidt; 2<sup>nd</sup> by Mr. Johnson; Roll call vote: Ms. Schmidt – Yes, Mr. Johnson – Yes

**Meeting adjourned at 5:58PM**

Respectfully submitted by Stacy Stout, Town Administrator