

MINUTES OF SELECTMEN'S MEETING AUGUST 25, 2015

Chairman Hevy called the meeting to order at the Senior Center at 6:05 PM with Mrs. Walter and Mr. Smith also present. He reminded those in attendance that the meeting would be both audio and video taped.

I. APPROVAL OF MINUTES

- **June 24, 2015**
- **June 24, 2015 Executive Session**
- **August 6, 2015**
- **August 11, 2015**
- **August 11, 2015 Executive Session #1**
- **August 11, 2015 Executive Session #2**
- **August 17, 2015**

Mrs. Walter moved, and Mr. Smith seconded, a motion to approve the aforementioned minutes as written. So voted, with Mr. Smith abstaining on the August 6th minutes. .

II. APPROVAL OF WARRANTS

- **School Warrant #1007 for \$21,779.22**
- **General Warrant #1008 for \$217,912.57**
- **Payroll Warrant #4 for \$204,392.93**

Mrs. Walter moved, and Mr. Smith seconded, a motion to approve the aforementioned warrants. So voted.

III. PUBLIC PARTICIPATION

- **The public has the opportunity to briefly comment on agenda items through the Chairman**

Mr. Hevy informed those in attendance that they would be able to comment on any of tonight's agenda items by going through himself as chairman.

IV. FINANCIAL REPORTS

- **None**

There were no financial reports.

V. OLD BUSINESS

A. Town Beach appointments

There was no one present for this item. Mr. Hevy asked anyone interested in this committee to please contact the Selectmen's office.

B. Fees for one-day liquor licenses

Leslie is gathering information on this for discussion at a later date.

C. Electronic policy/Social Media policy

The Selectmen briefly reviewed a draft Social Media Policy that was written by Kopelman and Paige. It was agreed that everyone would take a closer look at it and bring their comments for discussion at the next meeting.

D. Vacancies on town boards

Mr. Hevy reviewed the list of vacancies on the various town boards. (Attachment #1) He urged any resident that would like to get involved in the town contact the Selectmen's office.

VI. NEW BUSINESS

A. Appointment of Meg Cloutier to School Committee

Mr. Hevy noted that Jim Metcalf has resigned from the School Committee. He thanked Mr. Metcalf for his work on the committee. School Committee Chairman Mike Kiszka was present to explain that the School Committee has recommended that Meg Cloutier be appointed to fill the vacancy.

Mrs. Cloutier was present and noted that she has worked in education for 9 years, and that she appreciates the good work that the North Brookfield schools are doing. Mr. Smith said that Mrs. Cloutier has a great background in education, and he is sure that she will make a great contribution to the committee.

Mrs. Walter moved, and Mr. Smith seconded, a motion to appoint Mrs. Cloutier until the May 2016 town election. So voted.

B. LPAC update

Jake Anderson, Chairman of the Local Public Access Channel (LPAC) was present to give an update on the recent restructuring of the committee. Mr. Anderson reported that Byron Ake is now the vice-chairman of the committee, and Corey McIntosh is the new studio manager. The group has been working to upgrade the studio over the summer, and Mr. Anderson apologized for any inconvenience to cable subscribers. The committee can be reached through their new webpage at NBLPAC.org.

C. NBEMA appointment

Mr. Hevy reviewed an e-mail from NBEMA Deputy Director Anne Adams asking that Gino Carmiello, Jr. be appointed to the committee. (Attachment #2) Mr. Carmiello noted that his parents are on the committee, and he has volunteered in the past. Now that he has graduated from high school he would like to become a member. Mrs. Walter moved, and Mr. Smith seconded, a motion to appoint Mr. Carmiello. So voted.

D. Olson dog hearing

At 6:40 PM Mr. Hevy called to order a public hearing to hear complaints regarding a dog owned by Shawna Olson of 7 St. Claire Avenue. The hearing is a result of an incident on July 16, 2015 in which the dog May, owned by Shawna Olson, allegedly attacked the dog Coco, owned by Roger and Kathleen Peters. Coco was subsequently euthanized on July 17th.

Mr. Hevy asked that everyone who planned on speaking during the hearing come forward to be sworn in. Mr. Hevy asked Animal Control Officer Chris Donais, Roger and Kathleen Peters, Raymond Olson, and Shawna Olson to raise their right hands and swear that the testimony that they were about to give was the truth. All of them answered in the affirmative.

Attorney Brian Riley of Kopelman and Paige was also in attendance.

Mr. Hevy reviewed a list of documents to be considered during the hearing. They were:

- The certified letter that was sent to Shawna Olson regarding this hearing
- The formal dog complaint signed by Kathleen Peters
- The 2010 letter to Mr. Olson signed by the Board of Selectmen
- The written complaint of Kathleen and Roger Peters
- The police report of the July 16, 2015 incident
- A copy of May's 2015 North Brookfield dog license

Mrs. Walter asked what kind of dog this is, Mrs. Peters' written complaint states a German Shepard, and the license states a boxer. Shawna Olson stated that the dog May is a 5 year old boxer/shepard mix.

Kathleen Peters spoke first, stating that she first met Shawna after the first attack on her dog Coco in September of last year. Coco was a 9 pound Cairn Terrier. Ms. Olson stepped up and paid all of the vet bills at that time. Ms. Olson promised that she would be more careful with the dog, and that it would never happen again. After this latest attack in July Ms. Olson did pay for Coco's surgery. Mrs. Peters thanked Shawna for that, but it does not change what happened. Mrs. Peters stated that her life has changed, she had Coco for 8 ½ years. She believes that May should be destroyed. It is difficult for her to say that because she loves dogs.

Roger Peters asked what would happen if his grandchildren were over and May got loose again? Twice he has heard his wife scream for help because May attacked. He stated that we can't enjoy our home. He is very concerned that next time it could be a child.

Mr. Hevy thanked Mr. and Mrs. Peters for their input.

Animal Control Officer stated that he had planned to review the documents that were reviewed by Mr. Hevy, and that there was not much more that he could add. He noted that there was another incident with the dog on June 6, 2013 that the Selectmen were not aware of. During that incident May attacked a dog owned by Mary Lou Deslisle when Ms. Deslisle was walking her dog. Shawna Olson ran over to get May, and did pay for the vet bills for the other dog. Ms. Olson was issued a by-law citation at that time.

Ms. Shawna Olson then spoke, saying that she was not at home when this latest incident occurred. She lives in Southbridge in a one bedroom apartment where she cannot keep May. Ms. Olson stated that she did not believe that May would go after another dog; May pushed open the screen door when the first incident with Coco happened. At the time of the second incident her family was watching the dog. Ms. Olson stated again that she did not think May would attack another dog. May is staying in Southbridge with her for now.

Mr. Hevy asked if Ms. Olson has tried to get some training for the dog, and she replied that she had called a dog trainer in Sturbridge three weeks ago but hadn't heard back.

Mr. Peters noted that May's kennel is 10 feet from the Town Common where there are children playing.

Mr. Ray Olson and Ms. Shawna Olson stated that there have been no problems with May and children. Ray Olson stated that May was recently in a kennel while the family was on vacation and there were no problems.

Mr. Hevy said that part of the obligation of being a dog owner is being responsible and careful. We are in a situation now where the dog is out of control.

Mr. Smith asked if Ms. Olson had licensed the dog in Southbridge, and she indicated that she has not. Mr. Smith stated that the Selectmen spend a lot of time addressing operational issues of the town, but their primary responsibility is public safety. He noted that if any of his dogs had escaped and done what May has done he would have done something by now.

Mr. Smith went on to say that a citizen in North Brookfield has the right to walk on any street in town, or walk their dog without the danger of being attacked. He shares the concern of Mr. and Mrs. Peters when it comes to children. He told Ms. Olson that she does not seem to be aware of the dangers of this dog. This type of danger should not be allowed to happen.

Mrs. Walter noted that May is a herding and working dog, and this type of dog requires a lot of work and attention. She asked if Ms. Olson had done any training with May?

Ms. Olson stated she did not realize that the times that May had gotten loose would change her as a dog. Ms. Olson said that she has tried to ask for help. She has done everything that she knows how to do.

Mrs. Walter noted breeds like boxers and shepards can't be confined; they need to be doing something. Ms. Olson said that she knows May is an active dog, and she does everything she can as far as exercising the dog.

Mr. Peters stated that he has never seen the Olsons walking the dog.

Mr. Olson stated that every time there has been an incident with May Shawna has stepped up and paid the bills.

Mr. Hevy thanked Mr. Olson and Ms. Olson for the information they provided.

Officer Donais stated that he does not have any recommendation on what the Selectmen should decide about May. He is concerned with so many incidents with this family and this dog. Officer Donais said that he understands that Shawna is a good person and is doing her best, but the fact that the dog gets out, even accidentally, is a problem. He does not want to see this happen again.

Attorney Brian Riley noted that Ms. Olson stated that May is currently living with her in Southbridge, he said that the Selectmen need to determine if that is permanent, and if and when Ms. Olson intends to license the dog in Southbridge.

When asked by Mr. Hevy if she intended to license the dog in Southbridge, Ms. Olson said that she does not know what she is going to do. She wants the dog with her, but really does not have an appropriate space for May.

Attorney Riley pointed out that in the past Boards of Selectmen were allowed to banish a troublesome dog from town, but that is no longer allowed. If Ms. Olson voluntarily chooses to take the dog to Southbridge and licenses the dog in Southbridge, then the Selectmen are not ordering it.

Attorney Riley noted that having heard all of this testimony this evening, it appears that this is a dangerous dog as defined in the statute. He advised the Selectmen to take a vote to determine if May is a dangerous dog, and if so there are 7 options.

Mrs. Walter said that this is an issue of competency; none of the efforts to contain this dog have worked. She asked if there is an option to send the dog to be evaluated and rehabilitated, which would require surrender of ownership by Ms. Olson.

Mr. Hevy said that this all goes back to what Mr. Smith said previously, this is about public safety and the ability to be safe in your neighborhood. Based on the reports and the testimony tonight, he believes that this is a dangerous dog.

Mrs. Walter said that even though we can't determine how this started, we can't allow it to happen again. She said that she believes that the dog is dangerous as well.

Mr. Hevy said that the Selectmen can't ignore this, no one wants to order the dog to be put down, but it is the owner's responsibility to make sure everyone is safe.

Mrs. Walter moved, and Mr. Smith seconded, a motion to declare that the dog May, owned by Shawna Olson, is a dangerous dog. So voted.

Attorney Riley outlined the seven options: to order that the dog be restrained, secured, restrained and muzzled, to provide proof of \$100,000.00 liability insurance, provide photographs or video to identify the dog, spay or neuter the dog, or order the dog euthanized.

Mr. Hevy noted that the dog is already spayed, previous efforts to restrain the dog have not worked, an insurance policy will not help the situation, providing proof of identification is not relevant, which leaves euthanasia as the last option. Mr. Hevy asked Attorney Riley to explain what will happen if the Selectmen order the dog euthanized.

Mr. Riley said that there will be a 10 day appeal period during which Ms. Olson can appeal the ruling to a clerk magistrate, and after the magistrate's ruling either party can appeal to a judge.

Mr. Smith asked where the dog would be during this process? Mr. Riley said that the dog would still be in the custody of the owner, unless the Selectmen order that it be held in a secure location.

Mr. Smith said that he is not concerned about why the dog bites. Any citizen of North Brookfield should be able to go anywhere in town without fear of a dog attack. He would like the Selectmen to order the dog destroyed. He said that the Selectmen need to focus on the consequences of these attacks. He is not willing to take the risk of something more severe happening.

Mr. Smith moved, and Mr. Hevy seconded, a motion that under Chapter 140, Section 157(c), the Selectmen hereby order that the dog may be humanely euthanized. So voted.

Mr. Hevy told Ms. Olson that this is the decision of the Selectmen, but she does have the right to appeal within 10 days.

The Selectmen briefly closed the hearing at 8:25 PM, and reopened the Selectmen's meeting at 8:30 PM.

VII. ANNOUNCEMENTS

- **Planning Board hearing notice**

Mr. Hevy reviewed a notice from the Planning Board regarding a public hearing on the application of Jenner Renewable Holdings for a Special Permit at 96 Shore Road for a solar generation facility. The hearing will be held on Wednesday, September 16th at 7:30 PM in the Senior Center.

- **Town Forest informational woods walk**

Mr. Smith reviewed an e-mail from Ross Hubacz of Hull Forest Products informing everyone that he will be leading an informational woods walk on Saturday, October 3rd

at the Town Forest on West Brookfield Road. The walk will begin at 10 AM and take approximately 2 – 3 hours.

- **Brookfield Orchards Craft Fair**

Mrs. Walter read a notice from Brookfield Orchards that they will be having a Harvest Craft Fair on Saturday, September 12th from 10 AM to 4 PM.

VIII. PENDING/FUTURE AGENDA ITEMS

It was agreed to discuss the social media policy next time. Mrs. Walter stated that she will be ready with a report on the Cemetery Road issue, the Cable Advisory Committee is scheduled to meet with the Board in Executive Session next time. Mr. Smith asked that the Board consider a written policy on the handing of citizen complaints.

IX. EXECUTIVE SESSION

There was no executive session.

There being no further business, at 8:45 PM Mrs. Walter moved, and Mr. Smith seconded, a motion to adjourn. So voted.

Respectfully submitted,

Leslie Scott Burton
Administrative Assistant

PENDING/FUTURE SELECTMEN'S ITEMS

Solterra Agreement
NBDDP/Aztec
Gilbert Street Stormwater issues
Cable license renewal Oct 2015
Purchase Orders
Creation of Financial Advisory Committee
Personnel policies
Cemetery Road
Meeting with Gobi and Berthiaume