

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, 25, 2019**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Michael Nelson, and Rich Kuklewicz, Town Administrator Steven Ellis, and Executive Assistant Wendy Bogusz.

Call to Order: Chair announces that the meeting is being recorded by MCTV and asks if anyone else is recording the meeting

Approve Selectboard Minutes of November 4, 2019

Nelson makes the motion to approve the Selectboard Minutes of November 4, 2019. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment

None

Liquor License Transfer Request

Crestview Liquors d/b/a Bryan G. Call, Bryan Call as Manager has applied for the transfer of the Annual \$15 Off Premise Package Store, All-Alcoholic Beverage Liquor License from Gregory F & Margaret M Call, d/b/a Crestview Liquors

- Boutwell recuses himself.
- *Nelson makes the motion to approve the request for a Liquor License transfer for an Annual \$15 Off Premise Package Store Crestview Liquors All-Alcoholic Beverage Liquor License from Gregory F & Margaret M Call to Bryan G. Call and to send that paperwork to the State for further approval. Seconded by Kuklewicz, approved. Nelson - Aye, Kuklewicz - Aye, Boutwell - Abstain*

Bruce Hunter, Franklin Country Regional Housing & Redevelopment Authority

- **Execute Certificate of Substantial Completion: GZA Geoenvironmental, Inc., for Rutter's Park Improvements - Phase One Project**
Nelson makes the motion to approve the Certificate of Substantial Completion: GZA Geoenvironmental, Inc. in regards to the Rutter's Park Improvements - Phase One Project. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Authorization to Disburse No. 6; Payment Requisition #6; Rutter's Park Improvements - Phase One Project to Aqua-Turf Irrigation, L.L.C., \$53,986.34**
Nelson makes the motion to authorize Disbursement No. 6; Payment Requisition #6 for the Rutter's Park Improvements - Phase One Project to Aqua-Turf Irrigation, L.L.C. in the amount of \$53,986.34. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Program Extension to June 30, 2020 for the FY18 CDBG which will allow for the completion of the Rutter's Park Improvement Project and the Housing Rehabilitation Program Activities**
Nelson makes the motion to approve the request to have the Chair sign the letter for the Department of Health and Community Development that puts an extension 2020 for the FY18 CDBG completion, pushing that out to June 30, 2020. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Budget Revision for the FY18 CDBG to transfer \$14,909.75 leftover from contingency funds for the Rutter's Park Project into the Housing Rehabilitation Program**
Nelson makes the motion to approve the Budget Revision for the FY18 CDBG to transfer \$14,909.75 leftover from contingency funds for the Rutter's Park Project into the Housing Rehabilitation Program. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Budget Amendment for the FY18 CDBG to add \$5,750.16 of Program Income derived from a payoff of a previous Housing Rehabilitation loan into the current Housing Rehabilitation Program activity funded through the FY18 Grant**
Nelson makes the motion to approve an amendment for the FY18 CDBG to add \$5,750.16 of the Program Income into the current Housing Rehabilitation Program funded through the FY18 Grant, and authorize the Chair to sign the appropriate documents. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Execute a contract between the Town and Berkshire Design Group, Inc. for Bidding & Construction Administration Services for the Spinner Park Restoration Project funded through the FY19 CDBG**
On hold for now

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Michael Nelson, d/b/a the Great Falls Festival, Event Date: October 24, 2020

- **Request use of Peskeompskut Park and Avenue A - Entertainment Event, 2:00 PM - 9:00 PM (Set up: 10:30 AM - 2:00 PM) (Clean-up: 8:00 PM - 12:00 AM)**
Boutwell makes the motion to approve the Use of Peskeompskut Park and Avenue A - Entertainment Event, 2:00 PM - 9:00 PM (Set up: 10:30 AM - 2:00 PM) (Clean-up: 8:00 PM - 12:00 AM). Seconded by Kuklewicz, approved. Boutwell - Aye, Kuklewicz - Aye, Nelson - Abstain
- **One Day Beer and Wine Permit at Peskeompskut Park, 2:00 PM - 9:00 PM**
Boutwell makes the motion to approve the One Day Beer and Wine Permit at Peskeompskut Park, 2:00 PM - 9:00 PM. Seconded by Kuklewicz, approved. Boutwell - Aye, Kuklewicz - Aye, Nelson - Abstain
- **Request to hang a sign in Peskeompskut Park October 3 - 24, 2020**
Boutwell makes the motion to approve the request to hang a sign in Peskeompskut Park October 3 - 24, 2020. Seconded by Kuklewicz, approved. Boutwell - Aye, Kuklewicz - Aye, Nelson - Abstain

Town Administrator's Report

- **Execute Agreement with Diversified Infrastructure Services, Inc. for Millers Falls Collection System Rehabilitation, \$75,046.30 (base bid)**
Nelson makes the motion to execute the Agreement with Diversified Infrastructure Services, Inc. for Millers Falls Collection System Rehabilitation, \$75,046.30 (base bid). Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Issue Notice to Proceed to Diversified Infrastructure Services, Inc., for Millers Falls Collection System Rehabilitation**
Nelson makes the motion to issue the Notice to Proceed to Diversified Infrastructure Services, Inc., for Millers Falls Collection System Rehabilitation. Seconded by Boutwell, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Water Pollution Control Facility Superintendent Search Update**
Ellis reports that four candidates have been interviewed for the WPCF Superintendent position and at least one has been identified as a good prospect. There will be a more intensive exploration of this individuals' qualifications. The Selection Committee meets tomorrow afternoon and will make a decision regarding this candidate.

Dog Complaint Hearing, Josh Hoffman

Investigation of Nuisance or Dangerous Dog as those terms are defined in said statute

Nelson recuses himself.

Attorney Corbo reads a disclosure and the following Town employees who intend to participate respond affirmatively: Police Chief Williams, Calin Giorgio, Peter Lapachinski, Richard Kuklewicz, Chris Boutwell, Steve Ellis, Josh Hoffman.

All individuals who are to testify are sworn in.

TESTIMONIES and EVIDENTIARY PROPORITION:

- Zsazsa Brunelle from 16 Flagg Hill Road, Erving, MA reads aloud a letter she had written to the Town regarding the incident in which her son, Jace, age 4, was attacked by the dog; shows photos of her son; and reads aloud Cina Brunelle's sworn statement into the record. In addition, she shares that she had been informed prior to the event that Garrett, the dog, has a history of biting the face of its sister dog, Luna. She was unaware her mother-in-law would be dog-sitting Garrett at the same time that she was babysitting Jace.
- Curtis Brunelle shares that he has had no previous bad interactions with Garrett, but had been told by both Josh Hoffman and Marney Brunelle (Garrett's owners) that there have been times that Garrett has been "mean to other people."
- Rebecca **Anderholm**, a pediatric nurse, gives a medical summary of the three bites on Jace's face. She also mentions that according to an evaluation, Garrett has also bitten another individual.
- Detective Lapachinski reviews the steps that were taken insofar as gathering the necessary information for the report.
- Animal Control Officer Giorgio suggests that Jace might have slipped and fell and touched the dog, which resulted in Garrett "snapping." He says he explained the incident to the Animal Inspector, who quarantined Garrett. Garrett is licensed and is up to date on his shots. Officer Giorgio feels that the behavioral evaluation done by Elise

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McMahon from Canine Headstart is accurate. He finds it hard to make a recommendation as he did not review the Town's files.

- Elise McMahon shares her findings of Garrett's behavioral evaluation. She feels that the laceration was not caused by aggressive intention on the dog's part, and considers the bite a Level 3 on Dr. Ian Dunbar's Dog Bite Scale. She believes that Garrett should not be around children.
- Zsazsa Brunelle does not feel that the dog can be managed to not be around children given its proximity to a school and neighborhood children, and the fact that it is not in a fenced-in location.
- Zsazsa Brunelle reads aloud a statement provided by Dr. Ingrid Ganske, Head of Plastic Surgery at Boston Children's Hospital, documenting the severity and complexity of the lacerations on Jace's face.
- Josh Hoffman shares information regarding the two bite incidents, as well as his and Marney's actions immediately after Jace was bitten. He gives details on their management of Garrett, including supervising him outdoors.
- Andrea Greene, Hoffman's ex-wife and a licensed RN, brings attention to the fact that their daughter, Kianna, will also be affected by the outcome of this event. She also points out that the surgeon's documentation is "not out of the ordinary," and that our opinions as friends and medical professionals are two separate things.
- Hoffman states that from now on Garrett will not be sleeping over anyone else's house, he is going to be under his or Marney's direct supervision, and he will not be around small children.
- Marney Brunelle clarifies that Garrett nipping Luna was Garrett "setting his boundaries." She shares information on the work that she has done with both dogs under the advice of a dog trainer. She feels that Garrett and Luna are her children. She also stresses that Garrett has been around children before and there has never been an issue like this before. In addition, Kianna is very upset about her dog possibly being put to sleep. Regarding her tenant's children as well as other children walking down the road, she and Josh make sure there are no unsupervised interactions.
- Evidentiary Proportion concludes at 9:41 PM.

DELIBERATION PHASE:

- 1) Is the Dog a Dangerous or Nuisance Dog?
- 2) If yes, what remedy should the Selectboard impose?

- Corbo reviews the criteria that defines the definition of a "Nuisance and Dangerous Dog."
- Kuklewicz feels that Garrett fits the category of "Dangerous Dog," and that he needs to be very carefully monitored. He believes that a dog that tends to get startled will continue to get startled, and that his actions in the past suggest that he is a threat. He recommends euthanasia as he feels that Garrett is at an age where he will only get more aggressive as time goes on.
- Boutwell feels that Garrett fits the category of "Nuisance Dog," but does not feel that there is enough evidence to categorize him as a "Dangerous Dog."
- Corbo provides some guidance by asking that the Board ponder the question, "Even if it's reasonable that a dog startled awake is going to snap at someone, is it a proportionate response to almost kill that person?"
- Boutwell agrees that the dog fits the category of "Dangerous Dog," but does not agree with euthanasia.
- *Kuklewicz makes the motion based on the evidence presented at this proceeding that the Board find that the dog known as Garrett is a Dangerous Dog and that the dog shall be humanely restrained as follows: (1) the dog shall be kept indoors at all times; (2) provided that the dog may only be taken outdoors when secured by a leash held by one of the owners, Joshua Hoffman or Marney Brunelle; (3) the dog shall not be permitted in the presence of any person 18 years old or younger at any time except the owners' own children; (4) the dog shall not be kept or brought to any other premises for any length of time except for a commercial boarding kennel, provided that the owner of the kennel shall be notified of this order; and (5) the owner shall provide the Board with proof of insurance in an amount of not less than \$200,000, such proof to be provided within 30 days of this order. Seconded by Boutwell, approved. Kuklewicz - Aye, Boutwell - Aye*

Hearing is concluded at 10:24 PM.

The next regularly scheduled Selectmen's Meeting will be held on **MONDAY, December 2, 2019** at the Montague Town Hall, 1 Avenue A, Turners Falls, MA

Boutwell makes the motion to adjourn the meeting at 10:24 PM. Seconded by Kuklewicz, approved. Boutwell - Aye, Kuklewicz - Aye

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Documents and Exhibits:

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- Issue Notice to Proceed to Diversified Infrastructure Services, Inc. for Millers Falls Collection System Rehabilitation
- Water Pollution Control Facility Superintendent Search Update