

11/22/21 Select Board Meeting Minutes

7:02 PM Chair Pete Jurmain called the meeting to order. Also present via Zoom: Erin Underhill, Vice Chair, Craig Schultze, Clerk, Michael Guzinski, Town Administrator, Karen Bouret DeMarzo, Operations Support Manager

Announcements

Mr. Guzinski announced that there will be a flu clinic on November 27th at the Veterans Memorial Building Gym. Contact Jen Kiggen at the Board of Health office or go to the website for more information.

Mr. Guzinski announced the Town was awarded a Recycling Dividends Program grant of \$4200.00 through the Sustainable Materials Recovery Program.

21-295 Appointment of Part-Time Dispatchers

21-296 Appointment of Full Time Dispatcher

Police Chief Soffayer asked the Board to approve the Town Administrator's appointment of three new staff members. Chief Soffayer said both Garin Eisele and Sandra Malley are coming to the department with all current certifications. Teaghan LeBlanc is a Millis resident and college student who has been interning at the department for the past year and has been involved with the department for four years.

Sel. Schultze made a motion to ratify the Town Administrator's appointment of Sandra O'Malley as a Part-Time Public Safety Dispatcher. Sel. Underhill seconded the motion.

Sel. Jurmain polled the Board and the motion passed unanimously.

Sel. Schultze made a motion to ratify the Town Administrator's appointment of Teaghan LeBlanc as Part-Time Public Safety Dispatcher . The motion was seconded by Sel. Underhill.

Sel. Jurmain polled the Board and the motion passed unanimously.

Sel. Schultze made a motion to ratify the Town Administrator's appointment of Garin Eisele as Full Time Public Safety Dispatcher . The motion was seconded by Sel. Underhill.

Sel. Jurmain polled the Board and the motion passed unanimously.

21-298 Appointment of On Call Snow Removal Worker

Sel. Underhill made a motion to ratify the town Administrator's appointment of Brian Nichols as an On-Call Snow Removal Worker. The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the Board and the motion passed unanimously.

21-300 Review/Approval of Salt Bid for 2022

Mr. McKay said he has received the results of the joint salt bid with Medfield for 2021-22 in an amount not to exceed \$170,277.00. Mr. McKay said the cost per ton is significantly more than last year but there is not alternative option.

Sel. Underhill made a motion to award the Joint Purchase Salt Bid for 2021-222 according to the lowest bid prices and Town of Medfield specifications as follows:

CC Rock Salt \$65 per ton delivered Eastern Minerals, Inc.

Solar Salt \$65 per ton delivered Eastern Minerals, Inc.

Treated Salt \$65 per ton delivered Eastern Minerals, Inc.

Sel. Schultze seconded the motion. Sel. Jurmain polled the Board and the motion passed unanimously.

Sel. Underhill made a motion to approve an electric Chanukah Menorah display on the Veterans Memorial Building, town hall, lawn for the period beginning one week prior to Chanukah through December 10. The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the Board and the motion passed unanimously.

21-303 Discuss Process for Town Administrator Annual Evaluation Process

Sel. Jurmain said that the forms used last year for Town Administrator's evaluation are included in the Board's packet. Sel. Jurmain explained that the forms should be filled out independently and kept confidential until they are reviewed independently with the Town Administrator. The completed forms should be sent directly to Kate Feodoroff, town counsel, who will combine all three of the Select Board's comments into one comprehensive document.

21-304 Request for Waiver of Building Fees for PFAS Treatment Plant Construction

The Board discussed having the Permanent Building Committee manage the project instead of the Select Board, and Sel. Jurmain noted that the ultimate authority rests with the Select Board but they will involve the Permanent Building Committee to a degree.

Sel. Underhill made a motion to approve the waiver of Building Department permit fees, not inspection fees, for the construction of the PFAS water treatment plant. The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the board and the motion passed unanimously.

21-305 Approval of Water/Sewer Commitment

Sel. Underhill made a motion to approve the Water/Sewer Commitment to Collector for October 2021 in the total amount of \$3,267.50. The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the board and the motion passed unanimously.

Sel. Underhill made a motion to approve the 2nd Quarter Bill Run for \$754,027.96. The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the board and the motion passed unanimously.

Mr. Guzinski asked the Board to consider closing municipal offices, the Library and DPW department at 1:00pm on Wednesday, November 24th in honor of the Thanksgiving holiday.

Sel. Schultze made a motion to close municipal offices, the Library, and DPW department at 1:00pm on Wednesday, November 24th. The motion was seconded by Sel. Underhill.

Sel. Jurmain polled the board and the motion passed unanimously.

Dog Hearing

Sel. Jurmain opened the hearing at 8:00pm.

Brenda Hamelin, Regional Animal Control Officer, stated that all individuals interested in giving testimony must be sworn in. The following agreed to state the facts in a truthful manner.

Cody Kaine

Anne Hesslin
Heather Cuccinello (Larry's owner)
Beth McCleod (trainer)
Julie Donnelly – friend and coworker
Benjamin Briggs –friend of Heather
Nicholas Pregiato –Friend of Heather's

Ms. Hamelin reviewed the sequence of the events of September 25th up to and following Larry the dog biting the neighbors' daughter, five year old Sarah Heslin. Ms. Hamelin said there have been no other events since this incident occurred. Ms. Hamelin said if the dog is deemed dangerous after this hearing, a fence is not an option due to the regulations in the neighborhood he lives in. Ms. Hamelin said this is not the first dog that Ms. Cuccinello has owned that Animal Control has been called in for being aggressive.

Dan and Theresa Heslin recounted the events of the day from their point of view. Their daughter Sarah was attacked and bitten by Larry. They noted that Larry has barked and charged at other family members and visitors entering or exiting their home on numerous occasions. The Heslins voiced concerns about Ms. Cuccinello's ability to keep Larry under control and asked the Board to deem Larry a "dangerous dog" stating that their daughter is traumatized by the incident specifically Larry.

Ms. Cuccinello did not dispute the facts and apologized for the incident stating that she has changed the harness he slipped out and has added gates to her home to prevent him escaping again. She noted that Larry is in training and took responsibility to work with him and take any and all safety precautions moving forward. Daniel Burns spoke on behalf of Larry and Ms. Cuccinello saying he has known him for six months and he is anxious but not dangerous, and is now on anti-anxiety medication. Bryant Shields also said she doesn't believe Larry is dangerous. Brenda Kavaros said she is a resident of Heritage Path and it is a family neighborhood. Mrs. Heslin said her daughter suffered both puncture and pressure wounds from the two bites from Larry and they were not considered by the staff at urgent care to be play bites. Beth MacLeod, dog trainer, is working with Ms. Cuccinello and set up gates and is working with muzzle training but has only been to the house once.

Ms. Hamelin said she prefers for Beth, Larry's trainer, would actually work with the dog and not just talk about training with Ms. Cuccinello on the phone.

Ms. Hamelin stated that euthanizing the dog is not the option that has been put forward at this point. Ms. Hamelin also stated that Larry is not a puppy, he is a two year old dog. Nicholas Pregiato spoke on behalf of Larry saying he had seen him on several occasions and he does not think he is dangerous.

**Sel. Schultze made a motion to close the hearing. The motion was seconded by Sel. Underhill.
Sel. Jurmain polled the board and the motion passed unanimously.**

Ms. Hamelin said that Larry is found to be dangerous, there are several options put forward by the state. She listed options including placing the dog on a leash no longer than 3'-0", muzzling the dog when he is outside and several other options. Ms. Hamelin said once a dog is deemed dangerous the designation follows him/her throughout the state.

Ms. Hamelin recommended that the dog should be muzzled when outdoors and should be on a leash no longer than 3'-0" long and with a minimum tensile strength of 300 lbs. Ms. Hamelin recommended in-person training to be carried out at Larry's residence. The Select Board discussed the options.

Sel. Underhill listed the finding of facts as the following as:

1. "Larry" was loose and approached a gentleman on the roadway on 5/10/21
2. "Larry" did leave your property on 9/25/21, at approximately 2:00 pm
3. While "Larry" was off your property on 9/25/21, "Larry" did bite 5 year old Sarah Heslin two times, once on the side and once on the buttocks

Sel. Underhill made a motion to declare Larry the dog as a dangerous dog. Sel. Schultze seconded the motion.

Sel. Jurmain polled the board and the motion passed unanimously.

Sel. Underhill made a motion that based on the findings of fact and the declaration of Larry as dangerous that the following orders be put in place:

1. "Larry" be securely and humanely muzzled at ALL times when he is outside, on or off the owner's property.
2. "Larry" be held securely on a leash, cable, or chain no more than 3 feet in length with a tensile strength of 300 lbs. when off the premises of the owner.
3. Liability insurance in the amount of \$100,000 and must be obtained and insurance must be kept in force for the life of the dog.
4. In-person behavioral training sessions with "Larry" for a must be carried out for a minimum of 6 months, with report dates and progress for the 6 month span being sent to the Animal Control Officer via email following each session.

The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the board and the motion passed unanimously.

Sel. Jurmain made a motion to move into executive session to conduct strategy sessions in preparation for union and non-union personnel.

(Police Chief & Massachusetts Coalition of Police Local 171 and Millis Police Association Dispatchers)

The motion was seconded by Sel. Underhill.

Sel. Jurmain polled the board and the motion passed unanimously

Entered Executive Session at 9:45pm

Exited Executive Session at 10:07pm

Sel. Underhill made a motion to adjourn. The motion was seconded by Sel. Schultze.

Sel. Jurmain polled the board and the motion passed unanimously.

Respectfully submitted by Karen Bouret DeMarzo