Call To Order: 6:15PM - The meeting was called to order by David at 6:15pm.

Accept Minutes:
Mike motioned to accept the Minutes of August 6, 2010 (Regular Session), August 9, 2010 (Regular Session) and August 13, 2010 (Regular Session). Barry second. The Board voted unanimously.

Appointments:
At the request of the Fire Chief, Barry motioned to appoint Ashton J. Jansen as an On Call Fire Fighter. Second Mike. The Board voted unanimously. The Board congratulated Mr. Jansen.

Roger Ouellette – Proposed Petition Relating to Foreclosure:
Mr. Ouellette presented petitions to the Board for their consideration. The petitions would ask that a fine be attached to a current federal law which requires financial institutions to inform potential foreclosure recipients of their right to mortgage counseling etc. The Board took the request under advisement.

Sue Bouchard – Status of Wigwam Cross Road:
Ms. Bouchard, a resident of Wigwam Cross Road, pleaded with the Board not to pave the way. Karen and Bob Richards also asked the Board to consider leaving Wigwam Cross Road alone. Richard Lee, Wigwam Road resident, stated that he felt Wigwam Cross Road should be paved at this time. He stated that from a cost standpoint, now is the time to pave it. The Board asked the Highway Superintendent to compile financial information with regards to paving v. repairing. The Board agreed that no trees would be cut on Wigwam Cross Road until such time that the Board makes a decision upon the fate of the way.

DOG HEARING: Dupuis/Gelineau (Winter Street):
Barry and Mike both recused themselves from the Dog Hearing. Noting his appointment earlier in the week, Sergeant Laperle took a seat at the Selectmen’s table.

All parties planning to testify were sworn in by David.

The Chairman stated that he would hear first from the plaintiff, then the defendant and then would allow for cross examination. Chairman Eisenthal gave the floor to Ms. Gelineau.

Ms. Rebecca Gelineau (29 Winter Street):
Ms. Gelineau stated that on June 23rd she had tied her bichon outside in front of her home. At 11:00pm she heard noises and rushed outside. She was concerned because a neighbor had told her that they had seen a coyote in the area two days prior. She stated that her dog was blind, due to diabetes. She stated that she saw a black lab savagely attacking her dog. She further stated that a golden retriever came from the left hand side and proceeded to attack her dog and that five (5) minutes later her dog was unconscious. At this point she stated that she kicked the dogs with her bare feet in an attempt to break up the fight. She stated that she was bit on the foot and knee. She screamed for what felt like forever. The Dupuis came out of their home. The owners pulled their dogs off of her dog. According to Ms. Gelineau, a neighbor, Debbie, found a weak pulse on her dog. Ms. Gelineau states that her dog could not pick up his head because the bite wounds were so bad. She stated that her dog was brought to her. She knew he had brain damage because she saw the other two dogs slamming his head against the cement. She called her sister at 11:01pm. Her sister cleaned up the dog. Someone called the police. She did not know who. Area vets were called; but none answered. She stated that her dog’s trachea was swollen and he couldn’t drink. The Rescue Squad appeared on the scene. According to Ms. Gelineau the Rescue Squad said her wounds appeared to be scrapes. Ms. Gelineau refused treatment from the Rescue Squad. She stated that her dog was brain dead and that there was a vacant appearance when she looked in her dogs eyes. Ms. Gelineau stated that Ms. Dupuis told her “It’s all my fault.”
Ms. Gelineau stated that dogs continually run loose in the neighborhood. She stated that Dupuis’s dogs were in the swamp earlier in the week. The adults from the household were out looking for their dogs. She stated she felt the dogs were wild because they would constantly run through the electrical fence.

Ms. Gelineau stated that the Vet felt that her dog was “too quiet”. She claims her dog almost died in her arms on the way to the Vet. He had six wounds around his neck. The Vet, Dr. Pelletier, told Ms. Gelineau that she would have to shave the dog to get a better view of the wounds. After consulting with the Vet, Ms. Gelineau chose to euthanize her dog. Her dog was put in her garage overnight. She had her dog buried the next day. Ms. Gelineau stated that she then called Ms. Dupuis at work to see how she was doing. Ms. Dupuis asked if Ms. Gelineau needed assistance digging a grave for her dog. Ms. Gelineau stated that Officer Swain had told her that Dupuis’s dogs had chased the police cruiser from Winter Street to the Elementary School. She further stated that another officer had called the dispatch center to state that Dupuis’s dogs had surrounded the police cruiser and that he could not get out of the vehicle safely to serve paperwork.

Ms. Gelineau stated that her foot was still swollen and that she had been to the doctor.

Ms. Gelineau stated that she had heard from the police department that Ms. Dupuis had stated that Ms. Gelineau’s dog had been in her yard. She stated that was impossible and proceeded to call Ms. Dupuis to inquire about the information she had heard.

Animal Inspector, Barry Nadon Sr., called Ms. Gelineau and stated that she should have never euthanized her dog, as it was unclear which dog Ms. Gelineau had been bitten by. He asked where he could retrieve her dogs head. Ms. Gelineau stated that this was very upsetting.

Ms. Gelineau stated that she had called the Animal Control Officer, Leah Shattuck, to inquire about her relationship with Ms. Dupuis. Ms. Shattuck stated that she knew who the Dupuis’s were but did not have a relationship with them. Ms. Gelineau stated that Ms. Shattuck appeared to be happy with the action the Dupuis’s had taken to tie their dogs outside. Ms. Gelineau stated that she called her insurance company to report the incident. Ms. Gelineau stated that when her neighbor called to give information to the police and Animal Control Officer she was turned away, as she did not see the beginning of the dog fight. She stated that her neighbor did see the second dog join the fight. Ms. Gelineau informed that Board that there are many children in the neighborhood and also a handicapped individual; and that she is now afraid for their safety. She stated that she is now scared to death of all dogs. Ms. Gelineau claims that Ms. Dupuis refused to quarantine her dogs for the required 45 days. She also stated that Ms. Dupuis had paid her Vet bill and that Mr. Scott Mathieson buried her dog for twenty-five ($25.00) dollars. Ms. Gelineau was very emotional and asked for a moment.

At the request of Ms. Gelineau at 7:29pm, Charlie motioned to recess for two (2) minutes. Second David. The Board voted unanimously.

Charlie motioned to recess the Hearing at 7:31pm. Second David. The Board voted unanimously.

Ms. Gelineau stated that she is only trying to be a good neighbor. A compassionate neighbor. She is not looking to sue anyone. She just wants Dupuis’s dogs better retrained. She does not want to start a neighborhood war.

**Ms. Robin Dupuis (30 Winter Street):**
Ms. Dupuis stated that she heard whining and thought her dog(s) wanted to come into the house, as they generally cry at the rear door of the house. She looked out back by the door and both dogs were there but did not want to come in. Soon after she hear Becky Gelineau yelling and exited out her front door to see what was going on. She stated that she saw Becky fall down and crawl on her hands and knees to her front door. She stated that she did not see her dogs at this time. Her dogs then rushed over to Becky’s dog and Robin’s father called their dogs back into their side yard. A neighbor, Debbie, called the Vet and police. Ms. Gelineau’s dog eventually got up and walked over to the front step where Becky was sitting. Once the police arrived they apparently called the EMT’s. Ms. Dupuis stated that she did in fact drive Ms. Gelineau to the Vet with her dog.

**Ms. Leah Shattuck, Animal Control Officer:**
Ms. Shattuck stated that she did not see Ms. Gelineau’s dog, however, felt that there were a lot of inconsistencies with Ms. Gelineau’s story. Ms. Shattuck pointed out that according to the Vet records, Ms. Gelineau called the Vet to request that the Vet change the chart to state that “the decision to euthanize was do to an attack and probable brain damage.” Ms. Shattuck stated that Ms. Gelineau states that her dog had multiple puncture wounds, however the Vet only sites one puncture wound. Ms. Shattuck described traditional dog attacks to the Board. Ms. Shattuck stated that she was very concerned about this incident as it appears to host a multitude of “red flags”. Ms. Shattuck stated that she was very uncomfortable with the whole situation. She stated that she had personally NOT received any complaints about Dupuis’s dogs. She stated that she had contacted Officer Parker at the West Brookfield Police Station who told her that he could not find any complaints with regards to Dupuis’s dogs either. Ms. Shattuck questioned whether or not Ms. Gelineau’s dog could have had a seizure; based on its medical history. Ms. Shattuck stated that Dupuis’s did in fact quarantine their dogs at their home, as requested.
Mr. Barry Nadon, Sr., Animal Inspector:
Mr. Nadon stated that he received a call after 11pm the night of the incident. He inquired as to whether or not someone had been bitten. Officer Matthew Letendre noted that Ms. Gelineau stated that she had been bitten but was unsure which dog had bitten her and refused treatment from EMS. Mr. Nadon stated that he contacted the Town Clerk who informed him that all three (3) dogs involved had been administered rabies vaccines. After learning that Ms. Gelineau euthanized her dog, Mr. Nadon followed up to ensure that proper protocol had been followed, sending the dogs head to Jamaica Plain. According to Mr. Nadon, Ms. Gelineau stated that she had already buried her dog and that she had forgotten to inform the Vet that she had been bitten by one of the dogs. Mr. Nadon stated that because Ms. Gelineau had not informed that Vet that she had been bitten, State protocol had not been followed and therefore Dupuis’s dogs would need to remain quarantined for 45 days.

Ms. Debra Fant (33 Winter Street):
Ms. Fant stated that at 10:45pm she heard screaming and yelling coming from outside. She did not hear any dogs fighting. When she arrived outside Ms. Dupuis and her mother were there. The mother was holding a broom. At this time the Dupuis’s dogs were in their back yard. Ms. Fant stated that there was a little bit of blood on Ms. Gelineau’s floor from her dog, but not a lot. She stated that Becky was hysterical. Ms. Fant stated that she was very worried for Becky at this time. She stated that she went home and eventually heard the ambulance arrive. She stated that she did not even know that the Dupuis’s had dogs until that evening. She further stated that she had never seen the Dupuis’s dogs loose in the neighborhood. She stated that she had seen Dalia – a black lab, Bailey – Becky’s dog and Brandy loose in the neighborhood at times.

Ms. Lynda Plante (29 Lake Street):
Ms. Plante stated that her dog had been attacked and that you are in shock, focused on your dog and not you. She stated that her dog had also received a puncture wound. It’s not a mauling but it is still serious. Ms. Plante stated that the Dupuis’s are in violation of the Town’s leash law. She further stated that she saw the bite wounds.

Ms. Allison Kopec (Sister of Becky):
Ms. Kopec stated that Robin Dupuis claimed all responsibility. She stated that her sister had bite wounds on her foot and had pictures to prove it.

Ms. Selina S. (Becky’s Foster Child):
Selina stated that she was not home at the time of the attack. She stated that her mother was very upset and had been crying a lot since the attack. She further stated that she had witnessed Dupuis’s dogs loose in her yard several times. She stated that the children would call the grandparents to retrieve the dogs when they were loose. She stated that she believed Dupuis’s electric fence was ineffective, as she had witnessed the dogs running through it several times. She stated that there are a lot of loose dogs in the neighborhood. She stated that she felt that the Animal Control Officer took the situation “too lightly”.

Ms. Rebecca Gelineau (29 Winter Street):
Ms. Gelineau stated that the officer who called for EMS stated that her wounds were from a dog bite. She stated that she had a new note from the Vet stating the condition of her dog when it arrived. She stated that her dog had an ulcer. She states that her dog had six (6) puncture wounds on his neck. Ms. Gelineau provided the Board with pictures of her foot and the bloody blankets used to wrap her dog. Ms. Gelineau stated that she is still not sure which dog actually bit her. She stated that she showed the Vet at Wickaboag Vet Clinic her bites and that the Vet (Dr. Pelletier) told her to seek medical attention. Ms. Gelineau stated that she used to walk her dog for one (1) hour each day.

Ms. Leslie Mathieson (48 Winter Street):
Ms. Mathieson stated that approximately one (1) year ago she received a call from the New Braintree Police Dispatch Center stating that there was a police officer in front of her home attempting to serve her a summons; however he was unable to exit his vehicle due to a black lab growling at the cruiser door. After conversing with Ms. Mathieson, the officer stated that he was going to go over and speak with the Dupuis’s about the dog.

Ms. Robin Dupuis (30 Winter Street):
Ms. Dupuis stated that she did not recall an officer coming to her home.

Mr. Gary Minor (Father Robin Dupuis):
Mr. Minor questioned why Ms. Gelineau’s dogs head was not sent to Jamaica Plain by protocol if Ms. Gelineau had in fact disclosed to the Vet that she had been bit.
Ms. Robin Dupuis (30 Winter Street):
Ms. Dupuis stated that she believes that the attack could not have happened the way Ms. Gelineau states. She stated that she did not see her dogs attacking Ms. Gelineau’s dog. She stated that “If our dogs did it, we are sorry.” She stated that she saw her dogs smelling Becky’s dog. She stated that her dogs have gotten loose. One time chipmunks had chewed through the electrical fence wiring. This was corrected as soon as it was discovered. She stated that she does not believe her dogs did this. We did not have to pull our dogs off of her dog as she stated in her written statement. A lot of dogs in the neighborhood are loose. Ms. Dupuis stated that she had recently taken her dogs to a trainer who videotaped her dogs interacting with other dogs. According to Ms. Dupuis the dog trainer found the dogs not to be vicious or dangerous. Ms. Dupuis stated that Becky often walks downtown with the neighbors dog unleashed.

Ms. Leah Shattuck, Animal Control Officer:
Ms. Shattuck cautioned the Board that the circumstances of the bite must be considered. Dogs fighting do not care who they bite when they are in the middle of a fight. Ms. Shattuck stated that the Board should also consider that the Dupuis’s dogs have had no prior problems and none since. Ms. Shattuck stated that both of Dupuis’s dogs are considered to be non-aggressive breeds. The Board should also consider an evaluation of these two (2) particular dogs. Ms. Shattuck stated that the owners are being responsible and are making a concerted effort to restrain both of their dogs.

Charlie motioned to provide an immediate order to the Dupuis’s to continue to confine their dogs on tethers in their yard or on leashes. Second David. The Board voted unanimously. The Board agreed to have the Dupuis’s dogs evaluated to determine whether or not they are aggressive.

Attorney Jonathan Stone Rankin disclosed that his wife was a Dog Behavioral Analyst at Tufts. He further stated that the MSPCA has doctors to evaluate dogs. Attorney Stone Rankin submitted new evidence to the Board including a letters from Ms. Gelineau’s Vet and pictures of her injuries.

Charlie motioned to recess the Dog Hearing at 8:36pm until September 7, 2010 at 7:00pm. Second David. The Board voted unanimously.

Fern & Daniel Maskell – EQLT Land Acquisition:
Ms. Fern Maskell asked the Board to give them an additional five (5) acres of land out of the EQLT proposed land purchase to allow Daniel to haul and sell gravel. Ms. Maskell stated that once the gravel was removed the area would be re-seeded and ownership would be given to the Trust. The Board stated that they would need to contact the EQLT to determine if that were possible. The Board took Ms. Maskell’s request under advisement.

MA Broadband Institute – Request to Appoint MBI Community Representative:
The Board asked the Executive Secretary to canvass employees in an attempt to find an appropriate candidate.

Historical Commission – Book Sales Proceeds:
The Historical Commission wrote the Board to notify them that they had returned $12,783.65 to the General Fund, as a result of book sales from the history of West Brookfield.

Jeanette Plante – Request for Crosswalk:
The Board agreed to forward Ms. Plante’s request for a crosswalk on Route 9 to MassHighway.

Disclosures of Financial Interest by Special Municipal Employees:
Barry motioned to accept Mike’s Disclosure of Financial Interest (salary for teaching at Quaboag), as submitted. Second David. The Board voted Barry and David – yes, Mike – abstain.

Mike motioned to accept Barry’s Disclosure of Financial Interest (B&N Trucking – BOH work, as needed), as submitted. Second David. The Board voted Mike and David – yes, Barry – abstain.

DRAFT Charge for Road Projects Advisory Committee:
The Board took the draft under advisement.

DRAFT “Clean Up After Your Animal” Bylaw:
The Board took the draft under advisement.

USDA Cooperative Agreement – Renewal:
The Board agreed to call Erik Shaffer, USDA, into their next meeting.
DOR – Consulting Service:
The Board agreed to contact Robert Nunes, Deputy Commissioner of the DOR, to invite him to conduct a Financial Assessment of the Town.

Keith Arsenault, Town Treasurer – Unemployment Insurance:
Mr. Arsenault briefed the Board with regards to a recent unemployment claim. Mr. Arsenault stated that if the individual is allowed to collect it could cost the Town nearly $45,000. (76 weeks of benefits) Mr. Arsenault noted that the Town would probably have greater than a 50% chance of losing an appeal. He further stated that filing an appeal might spark other legal action by the ex-employee. The Board noted that the ex-employee could file legal action regardless. After some discussion, Barry motioned to have Mr. Arsenault speak with Town Counsel and proceed with a request for a Hearing to contest the application. Second Mike. The Board voted unanimously.

The Board adjourned at approximately 9:17pm.

Respectfully submitted,


Chairman ______________  Vice Chairman ______________   Clerk

Sergeant Charles Laperle