Town of West Brookfield-Board of Selectmen
Minutes of Meeting - Regular Session – February 8, 2011

LOCATION: Town Hall – Lower Level Conference Meeting Room
TIME: 6:15PM
PRESENT: Barry Nadon Jr., Mike Frew, David Eisenthal, Johanna Barry - Executive Secretary, local access t.v. and members of the press.

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

Accept Minutes:
David motioned to accept the minutes of January 25, 2011 (Regular Session). Second Mike. The Board voted unanimously.

David motioned to accept the minutes of January 25, 2011 (Executive Session). Second Mike. The Board voted unanimously.

6:30PM     DUPUIS – Dog Hearing
Barry opened the Dog Hearing at 6:30pm. Mike motioned to recess the Dog Hearing until 6:45pm. Second David. The Board voted unanimously.

Appointments/Resignations:
Mike motioned to accept the resignation of Donald Puduski as Electrical Inspector. Second Barry. The Board voted unanimously.

David motioned to accept the resignation of Jennifer Sablack from the Asparagus Committee and to appoint Claudia Tourigny. Second Mike. The Board voted unanimously.

Thank You:
Maureen and Jack McCann sent a letter of thanks to Officer Kara Hartung for her assistance in getting Jack to the hospital.

Priscilla Cullen sent a letter of thanks to Officer S. Patrick Swain and Highway Superintendent Jim Daley for pulling her auto out of the snow.

The board acknowledged those commended and asked that copies of the letters be placed into their respective personnel files.

Open Space & Recreation Plan Update:
Gordon DeWolf asked the Board to review and provide a letter of support relative to the updated Open Space & Recreation Plan by the end of February.

Rowena E. Hanson/MGL c61A Tax Classification:
Upon favorable recommendations from both the Treasurer and Board of Assessors, David motioned to approve Ms. Hanson’s request keep her current property tax classification under c. 61A upon transference of 6.7 acres of her property into an irrevocable trust. Second Mike. The Board voted unanimously.

Special Use Permit:
Mike motioned to approve Chicopee Bass’n Associations request to host a tournament on June 12, 2011. Second David. The Board voted unanimously.

Request to Include Highway Foreman’s Stipend in his Base Pay:
Passover until next meeting.

DOR Financial Management Audit:
David announced that DOR would be conducting a Financial Audit of the Town within the next three (3) months; at no charge to the Town.

6:45PM     DUPUIS – Dog Hearing:
Barry reopened the Dupuis Dog Hearing. Mike excused himself stating a potential conflict of interest. Town Counsel Barbara St Andre sat with the Board.

Ms. Lynda Plante asked the Board to clarify the status of the Hearing.
Barry explained that his father is Animal Inspector and that he had asked for a ruling from Town Counsel relative to sitting on the Board during the dog hearing. Atty. St. Andre noted that Mr. Nadon, Jr. did ask for a ruling from counsel and received a favorable response to sit on the Board during the dog hearing.

Barry allowed Atty. Jonathan Rankin speak first. Atty. Rankin stated that he felt that the Board did not have the authority to rehold the Dog Hearing. He discussed the process leading up to the order issued and stated that the statute only allows ten (10) days to appeal the order in Court. He stated that he felt that the Dupuis should be fined for making a unilateral decision to erect a four (4) foot fence and allowing their dogs to run loose within the fenced area. He further stated that he felt that the current order was legal and challenged Ms. Dupuis’s statement that the order was invalid; as her dogs had not been deemed dangerous at the previous hearing. Atty. Rankin stated that the current muzzle order should not be lifted. He challenged the findings of the Elise Gouge of Amherst. He further stated that the Dupuis’s are irresponsible and not taking proper caution/care. His last statement was that he felt that it was illegal for the Board to hold another Hearing.

Atty. St. Andre stated that a quorum of the Board has the inherent right to reconsider their decision.

Atty. Jonathan Rankin stated that any fence considered should be at least 5 to 6 feet in height.

Becky Gelineau stated that she put her dog outside between 10:40-11:00pm; which is a change from the original police report but she reviewed her timeline and felt that this is the correct time. She stated that she heard something outside and noted that she had nine (9) fans going in her house alone and that the neighbors all had their air conditioners going so she wasn’t sure what she heard but that she heard something. Ms. Gelineau reiterated her story and stated that she had shown her plastic surgeon her bite wounds. She submitted a letter from her sister Allyson M. Kopec, who was sick, stating that she stood behind her first statement.

Robin Dupuis stated that her dogs were not near Becky’s dog when she first came out of her house and that she believes that her dogs were not responsible. She stated that her neighbor Debbie did not see the dogs present either. Ms. Dupuis stated that she did not deliberately disobey the Selectmen’s Orders; that there was a simple misunderstanding.

Leah Shattuck, ACO, stated that dogs fighting will bite if you intervene, however that does not mean that they will be aggressive towards people. Puncture wounds generally do not have a lot of blood. Internal bleeding and septic tends to be the bigger concern. Animals in shock generally do not eat or drink – this does not mean that they have brain damage. The ACO stated that she does not feel comfortable recommending euthanization in this instance. She further stated that a four (4) foot fence may be adequate for containment based on the dog(s) in question.

Lynda Plante stated that she lost her Tinker bell two (2) years ago. She stated that she believes Becky. She stated that Becky’s dog was tied and was attacked by a loose dog(s). In her opinion the Dupuis’s should have lawyered up.

Robin Prouty, Yankee Golden Retriever Rescue, stated that there seems to be a lot of phantom dogs in West Brookfield. Assuming the Dupuis’s dogs were responsible, and she does not know the dogs, but assuming, she felt that a six (6) foot stockade fence would be appropriate. Ms. Prouty spoke about vicious v. predatory behaviors in dogs. Dogs have power in numbers. Tied dogs exacerbate these types of problems.

Debra Fant stated that she heard Becky screaming and she ran outside. She stated that she saw Robin and her mother who was holding a broom but did not see Dupuis’s dogs. She went over to Becky’s dog and it was still alive. She called 911. She stated that she didn’t even know that the Dupuis’s had dogs until that night. She stated that Bailey and Dalia (Aube’s dog) were always loose in the neighborhood.

Barry stated that in the past a six (6) foot fence was a standing order.

David motioned to incorporate all previously received documents into the record. Second Barry. The Board voted unanimously.
Atty. Rankin asked for an explanation of predatory behavior.

Ms. Prouty stated that predatory behavior included the hunting instinct, prey drive and defense drive; which range in levels in dogs.

David motioned that the Board’s order be based upon the recommendations of Ms. Elise Gouge. Second Barry. The Board voted unanimously.

Michelle Demore, 42 Winter Street, has two (2) children and is worried about whose dogs did this.

Barry closed the Hearing at 8:11pm.

The Board deliberated.

David motioned to find the dogs to be nuisance dogs by reasons other than by virtue of vicious dispositions. Second Barry. The Board voted unanimously.

David motioned the following Order:

1) The dogs (Jacob: Black Labrador Retriever and Keeno: Gold Golden Retriever) must be fully physically restrained on a leash or chain when outside of the residence until such time that a six (6) foot stockade fence can be erected on all four sides of the exercise area. Once the fence is in place the dogs may be loose within the fenced area. There shall be a deadline of September 1, 2011 to erect such fence or the Selectmen may revisit the issue.

2) Further the animals, if walked outside of the property, must be on a 4’ or shorter non-retractable leash and be walked by an individual who is physically capable to manage the dogs off premise.

Second Barry. The Board voted unanimously.

David motioned to close the Hearing at 8:22pm. Second Barry. The Board voted unanimously.

The Board adjourned at approximately 8:22pm.

Respectfully submitted,

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Chairman                  Vice Chairman                Clerk