Town of West Brookfield–Board of Selectmen
Minutes of Meeting–Regular Session – January 15, 2008

LOCATION: Town Hall - Lower Level Conference Room  TIME: 6:30PM
PRESENT: John Tivnan, Barry Nadon, Jr., Tom Long, Johanna Barry, Executive Secretary and members of press.

Call To Order: 6:30PM - The meeting was called to order by John at 6:30pm.

Accept Minutes:
Tom motioned to accept the minutes of December 4, 2007 (Regular Session) and December 13, 2007 (Executive Session), as presented. Second John. Tom and John – yes, Barry – abstain.

Tom motioned to accept the minutes of December 12, 2007 (Executive Session), December 14, 2007 (Executive Session) and December 20, 2007 (Regular Session), as presented. Second Barry. The Board voted unanimously.

Barry J. Nadon, Sr. – Illegal Dumping/Snow Removal:
Mr. Barry Nadon, Sr. asked the Board about the status of the dumping on Route 9. The Board stated that someone had complained to DEP and that the Town was working with the DEP on corrective measures. John stated that the DEP had provided a Notice of Noncompliance to the Board stating that if all corrective actions were met there would be no fines. The Superintendent stated that he had been in contact with DEP and that they were satisfied that all conditions appeared to be met. Mr. Nadon, Sr. stated that only two (2) Selectmen had signed off on the $7,000 invoice for the chipping of the wood at the site and he provided the Board with copies of three (3) warrant coversheets and invoice. The Board noted that Barry Jr. was attending a school function and did not attend the meeting when the warrants were executed; however they were available to Selectman Nadon at any time. Mr. Nadon, Sr. stated that it appeared as though the Board was hiding this issue. John stated that there was a picture and article in the Worcester Telegram and that all three (3) Selectmen were aware of the Compliance Notice from the DEP. John stated that the Town had addressed the Notice of Noncompliance with the DEP and that the issue was over. Mr. Nadon, Sr. stated that he had spoken with a lawyer from the DEP and that this issue was far from over.

Mr. Nadon, Sr. accused highway employee Marc Astrella of removing snow a couple of weeks ago from his private property located on Central Street. (Attendees: Marc Astrella – highway foreman, Jason Benoit – Supt., Duane Cassavant, Gregg Waterman & Ryan Pontbriand – highway employees & Mark Cassavant.) Mr. Astrella stated that he did not, and would not, remove snow from his apartment building which is located in a highly public area of Central Street. Mr. Astrella further stated that he has a plow on his personnel vehicle and had no reason to use town equipment. Mr. Nadon, Sr. stated that he had pictures of loader tracks on the property. Mr. Mark Cassavant asked Mr. Nadon, Sr. to produce the pictures. Mr. Nadon, Sr. did not. Barry stated that he had viewed the tracks and felt that Mr. Astrella may have removed snow from his private property. Barry further stated that he had informed John and Tom when the tracks were still fresh to go and view them; and was not sure if they did or not. Mr. Astrella stated that during the snow removal process in the center of town there may have been some tracks in his driveway, which was utilized as a turn around. He reiterated, however, that he did not remove snow from his property. The Board advised those present that snow removal on private property is strictly prohibited and ended the conversation.

Thomas Scanlon – Town Audit:
Mr. Tom Scanlon Jr. reviewed the recent audit results with the Board, stating that overall the Town is in very good shape.

DOG HEARING: Guzik – 5 Ash Lane:
Pursuant to the provisions of MA General Laws Chapter 140 Section 157, the Board of Selectmen held a Public Hearing at 7:00pm on a dog complaint brought against Gary and Jennifer Guzik by Ms. Lizzette I. Anaya-Calderon. West Brookfield Animal Control Officer - Leah Shattuck, Animal Inspector - Barry J. Nadon, Sr. and Ms. Anaya-Calderon, who were duly-sworn, testified. Photographs of Ms. Anaya-Calderon’s bite, her torn shirt, medical bills and a local police report were presented.

Ms. Anaya-Calderon testified that on 25 October 2007 while leaving her home with her three (3) children she was approached by Guzik’s dog “Tanner” an English Mastiff, who was growling, barking and showing his teeth. At this time one of her children told her the dog was often loose and that had on at least one occasion chased and knocked her smallest child to the ground. This information was later confirmed by her husband Brian LaRiviere. Later that day Ms. Anaya-Calderon flagged down her neighbor Gary Guzik to talk to him about his dog. He approached her vehicle and she met him in his yard. She began to tell him about his dog when “Tanner” leaped up on her and bit her bicep, pulling her down. Mr. Guzik advised her to get medical attention and that he would take care of all of the bills. According to Ms. Anaya-Calderon the Guziks have not contributed any money towards her medical bills. Ms. Anaya-Calderon and Mr. LaRiviere are concerned that the dog has been loose since and may bite one of their children. Ms. Anaya-Calderon stated that “Tanner” has held her and her children hostage in their car upon arriving home. He growsl at them in the car in their driveway and they are afraid to get out of their vehicle.
Leah Shattuck, Animal Control Officer, testified that the dog had in fact been loose since the initial attack. Ms. Shattuck stated that Ms. Jennifer Guzik’s response letter complains about the neighbor’s children jumping on their trampoline antagonizing their dog. Ms. Shattuck noted that it is the dog owner’s responsibility to control their dog – under any circumstances.

Animal Inspector, Barry J. Nadon, Sr., testified that he had gone to the Guzik’s house at the request of the State to insure that the dog was in good health – due to the dog bite. Mr. Nadon stated that when he knocked on the door, “Tanner” came bounding towards the storm door, jumped up on it and knocked it open. Mr. Nadon stated that he had all he could do to push the door shut with his shoulder. He noted strength of the puppy and stated that the dog will grow to be much larger.

Ms. Jennifer Guzik wrote in a response letter to the Board that “We are taking several steps under consideration, including obedience training and a shock collar.” Ms. Guzik also stated that her two young children have let the dog outside without proper supervision and that they are attempting to resolve this issue. Ms. Guzik further stated that they have stated on several occasions that they intend to compensate Ms. Anaya-Calderon for her medical expenses and the cost of her damaged clothing, and fully intend to do so.

The Board of Selectmen agreed to order the following actions be taken by the dog owner(s) provided they are within their legal rights to do so:

1) The dog **must** be fully physically restrained on a leash or chain when outside of the residence.

2) The Guzik’s must erect a fence (minimum of 6’) and/or onsite kennel cage. Fencing must be pre-approved by the Board of Selectmen and must be installed as soon as possible. “The Board would prefer to see stockade fencing between the residences to block the dogs’ view of activities next door. The Guzik’s may use a different type of fencing for the other three sides of the property.

Tom motioned to recess the Hearing pending an inquiry into the Boards legal rights with regards to their order and to re-open the Hearing on Tuesday, January 29, 2008 at 6:45pm in the Lower Level Conference Meeting Room located in the Town Hall. Second Barry. The Board voted unanimously.

**Highway Superintendent Benoit – FY09 Budget Requests/Sweeper Purchase:**

Superintendent Benoit reviewed his FY09 Budget Requests with the Board. Superintendent Benoit asked the Board to consider purchasing a used sweeper from the City of Gardner for $28,000 plus shipping. Supt. Benoit stated that the sweeper currently had 33,000 hour on it. The Board agreed to move the request forward to the Advisory Committee for a joint meeting. The Board asked Supt. Benoit to obtain pictures of the sweeper, if at all possible.

**Police Chief, C. Thomas O’Donnell – Personnel/FY09 Budget Request:**

Chief O’Donnell reviewed his FY09 Budget request with the Board. Chief O’Donnell requested permission from the Board to advertise for a full time patrolman to fill the recent Sergeant’s vacancy. Barry motioned to approve the hiring of a full time patrolman. Second Tom. The Board voted unanimously. The Board also agreed to jointly discuss the status of the police boat with the Advisory Committee.

The Board agreed to re-affirm their policy on degrees. Barry motioned to verify all degrees going forward, both high school and college. Second Tom. The Board voted unanimously.

**Appointments/Resignations:**

Tom motioned to accept Keith Bordeau’s resignation as custodian at the Merriam Gilbert Library, with regret. Second Barry. The Board voted unanimously.

Tom motioned to appoint Barry Gillogly and Paula Slade to the Cultural Council. Second Barry. The Board voted unanimously.

**Special Use Permit:**

Tom motioned to approve the Blackstone Valley Bass Anglers request to host a tournament on June 1, 2008. Second Barry. The Board voted unanimously.

**Quotes:**

Tom motioned to accept Norm’s Carpet and Upholstery Cleaning quote of $700 to strip, rinse, seal and buff both restrooms on the first floor of the Town Hall. Second Barry. The Board voted unanimously.

The Board took the quotes to replace the Town Hall lights on the first floor under advisement.
Police Union Negotiation Preparations:
Tom motioned to go into Executive Session under reason number three (3) to conduct a preparation session for upcoming Police Union Negotiations. The Selectmen will adjourn directly thereafter. Second Tom. The Board voted Barry –yes, Tom –yes and John –yes. (Executive Session Minutes are kept separately.)

The Board adjourned at approximately 9:30pm.

Respectfully submitted,

________________________ ____________ ____________
Chairman Vice Chairman Clerk