Town of West Brookfield-Board of Selectmen
Minutes of Meeting - Regular Session – September 21, 2010

LOCATION: Town Hall – Lower Level Conference Meeting Room
TIME: 6:15PM
PRESENT: David Eisenthal, Barry Nadon Jr., Mike Frew, 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 David at 6:15pm.

Erik Shaffer, USDA – Cooperative Service Agreement:
After some discussion, Barry motioned to authorize the Chairman to enter into a Cooperative Service Agreement with the USDA-APHIS-Wildlife Services for $2,500.00 to assist with beaver control. Second Mike. The Board voted unanimously.

Jim Daley, Highway Superintendent – Backhoe Replacement:
(*Advisory Committee posted.) Superintendent Daley provided the Board with three (3) quotes for a replacement backhoe. Superintendent Daley stated that he was not yet ready to recommend a machine for purchase and stated that he would like to test the machines prior to requesting a replacement purchase. The Board took his request under advisement.

Upon recommendation by the Highway Superintendent, Barry motioned to accept the low bid, being Elliott Tree, for tree removal on Wigwam Road. (Phase I: $26,500 and Phase II: $20,000) Second Mike. The Board voted unanimously.

After the Superintendent left, the Board requested the Executive Secretary to follow up with him to find out whether or not his bids included police details.

Al Collings, Advisory Committee Chairman – Financial Policies:
Upon recommendation by the Advisory Committee, Barry motioned to adopt the Financial Management Policies submitted by the Advisory Committee dated 9-3-10. Second Mike. The Board voted unanimously.

Members of the Advisory Committee questioned the status of the town owned house on 7 Cottage Street. Chairman Collings stated that the Committee would like to entertain dialogue in the near future with respect to public safety spatial needs, specifically the fire and police departments, in conjunction with the parcel on 7 Cottage. The Board agreed to obtain a demolition quote for 7 Cottage and to set up a meeting in approximately one (1) month to discuss fire and police spatial needs.

C. Thomas O’Donnell, Police Chief – Cruiser Replacement:
After some discussion, Barry motioned to purchase a replacement cruiser from MHQ for $28,700 and to auction off the 2006 Crown Victoria. Second Mike. The Board voted unanimously.

The Board questioned the Chief on why the overtime values appeared to be lower at this junction than last year. The Chief stated that this is the first year that he has had a full compliment of staff. He stated that by sliding staff to fill shifts he is saving on overtime costs.

DOG HEARING – Gelineau/Dupuis:

Leah Shattuck (Animal Control Officer):
Ms. Shattuck briefed the Board on the process utilized to obtain an evaluation on Dupuis’s dogs.

Attorney Jonathan Stone Rankin:
Attorney Stone Rankin questioned the evaluation and stated his objection, as it appeared the individual who performed the evaluation was not a certified applied animal behavioralist.

David Eisenthal:
David stated that he there appeared to be no history of aggression with Dupuis’s dogs. David stated that the Board should consider sending both dogs to an animal behavioralist to determine whether or not they are aggressive.

Sergeant Charles Laperle:
Sergeant Laperle stated that he could not find any reports of aggression before or after the incident with Ms. Gelineau’s dog.

Attorney Jonathan Stone Rankin:
Attorney Stone Rankin accused the Board of making light of the situation.
**David Eisenthal:**
David asked if the Attorney could demonstrate a pattern of behavior with Dupuis’s dogs.

**Lynda Plante (29 Lake Street):**
Ms. Plante asked the Board how many dogs it was going to take before they take any action. She further asked if the Board was waiting for an evaluation to take them off the hook. She urged the Board to make a decision.

**Leah Shattuck (Animal Control Officer):**
Ms. Shattuck stated that for what it’s worth she had received several anonymous phone calls stating that Dupuis’s dogs were not aggressive.

**Attorney Jonathan Stone Rankin:**
Attorney Jonathan Stone Rankin questioned “Where are all these people?” Attorney Stone Rankin accused the Board of having a lackadaisical attitude toward the whole matter.

**David Eisenthal:**
David stated that he took serious offense to Attorney Stone Rankin accusing the Board of having a lackadaisical attitude towards the whole matter. David further stated that the Board is taking the issue very seriously.

**Attorney Jonathan Stone Rankin:**
Attorney Stone Rankin stated that his client does not want either dog euthanized. He urged the Board to take action and described the pain, suffering and loss his client was experiencing.

**Sergeant Charles Laperle:**
Sergeant Laperle reiterated that the action is that the Board has agreed to take so far is to keep the dogs leashed.

**David Eisenthal:**
David explained that the Board had no jurisdiction over pain, suffering and loss. He stated that the plaintiff would need to seek relief in an alternative venue; court.

**Ms. Robin Dupuis:**
Ms. Dupuis stated that she found many discrepancies in Ms. Gelineau’s story. She submitted paperwork to the Board which outlined her alleged findings. Copies were given to Attorney Stone Rankin.

**Ms. Lynda Plante (29 Lake Street):**
Ms. Plante told the Board that they should take the same action on this case as they did when her dog was attacked.

**Ms. Rebecca Gelineau:**
Ms. Gelineau stated that she tried to settle this in a civil way. My story has never changed. The dogs are in my view everyday. She requested that the Board make the Dupuis’s tie their dogs out behind their barn or house. Ms. Gelineau inquired as to what happened with Ms. Leslie Mathieson and Officer Swain’s testimony/evidence. She stated that it was odd that these two items were missing from the police department.

**David Eisenthal:**
David stated that pain, suffering and negligence should be settled in another venue. We are here to decide whether or not these dogs are vicious and their fate. David stated that he believed the Dupuis’s dogs may have killed Ms. Gelineau’s dog. David stated that he would like to see the dogs continued to be tied and on a leash and muzzled when off of their property.

**Attorney Jonathan Stone Rankin:**
Attorney Stone Rankin stated that if we are all in agreement that the Dupuis’s dogs killed Rebecca’s dog then the dogs should be deemed vicious.

**Ms. Robin Dupuis:**
Ms. Dupuis stated that she did not agree with that statement.

**Attorney Jonathan Stone Rankin:**
Attorney Stone Rankin stated that Becky was only trying to be a good neighbor. He further stated that the owners are not claiming any responsibility. He stated that they are irresponsible and should not be allowed to continue to have their dogs. His client would like to see both dogs evaluated by the MSPCA or Animal Rescue, and if they receive a positive recommendation, be adopted out separately to families who would be informed of the history of both dogs.
Ms. Robin Dupuis:  
Ms. Dupuis reiterated that there were many discrepancies in Ms. Gelineau’s story and that the Board should look hard at all of the facts.

Sergeant Charles Laperle:  
Sergeant Laperle motioned to have both dogs evaluated by an animal behavioralist to determine if the dogs are aggressive. Both dogs must remain tied in the yard or on a leash and muzzled when off the their property.

David Eisenthal:  
Seconded the motion.

Attorney Jonathan Stone Rankin:  
Attorney Stone Rankin asked if the final decision would be rendered by Sergeant Laperle and David Eisenthal.

David Eisenthal:  
David stated “Yes”.

Attorney Jonathan Stone Rankin:  
Attorney Stone Rankin asked if Sergeant Laperle was the officer on the scene the night of the attack. He asked his client if she recalled Sergeant Laperle’s name.

Sergeant Charles Laperle:  
Sergeant Laperle stated that he did not have any involvement and that Officer Letendre was the officer responding to the call.

Ms. Robin Dupuis:  
Ms. Dupuis stated that they are planning to install a fence.

Attorney Jonathan Stone Rankin:  
Attorney Stone Rankin replied “Good.”

Sergeant Charles Laperle:  
Sergeant Laperle inquired as to what type of fence would be installed and when.

Ms. Robin Dupuis:  
Ms. Dupuis stated that she did not want to install a stockade fence in her front yard, so probably a picket or four foot fence.

Ms. Lynda Plante (29 Lake Street):  
Ms. Plante stated that a dog could jump a four foot fence. She further stated that a higher fence should be installed. She stated that dogs that are tied out tend to get very aggressive when they finally get loose. She gave McMullen’s dog as an example.

David Eisenthal:  
David stated that he was in favor of the dog owners seeking additional training for their dogs.

Ms. Lynda Plante (29 Lake Street):  
Ms. Plante stated that she felt it was criminal for the Board to sit around and wait for a second incident.

David Eisenthal:  
David stated that he took great offense to Ms. Plante inferring that the Board was partaking in criminal behavior.

Ms. Lynda Plante (29 Lake Street):  
Ms. Plante clarified her statement and stated that she felt what they were doing was morally wrong.

Sergeant Charles Laperle:  
Sergeant Laperle motioned to order the following actions be taken by the dog’s owner:

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. Further the animal, if walked outside of your property, be on a 4’ or shorter leash with a muzzle at all times.
2) The dog’s owner shall seek additional training for both dogs. Certificates/documentation shall be submitted into the Board of Selectmen’s office.
3) Both dogs shall undergo an evaluation by a certified behavioralist to determine whether or not the dogs are considered to be aggressive. The report shall be turned into the Board of Selectmen’s office.
**David Eisenthal:**
David seconded the motion.

The Board voted unanimously.

**Attorney Jonathan Stone Rankin:**
Attorney Stone Rankin asked the Board to rule on whether or not the dogs were deemed dangerous. He stated “That’s why we are here.”

**David Eisenthal:**
David called Attorney Stone Rankin out of order and stated that the Board had provided their ruling.

**Attorney Jonathan Stone Rankin:**
Attorney Stone Rankin called Chairman Eisenthal out of order.

**Ms. Lynda Plante (29 Lake Street):**
Ms. Plante stated that she was very saddened by the action the Board had taken today. This is the third incident of a large dog that has killed a smaller leashed dog. She sited her dog, Rebecca’s dog and Fairs dog. She stated that there are loose dogs all over town, especially near the Common. She urged the Board to meet with the Animal Control Officer to tighten controls over the Town’s leash law.

Barry Nadon, Jr., back to the Board, agreed with Ms. Plante about loose dogs in town and asked the other members to consider having the Animal Control Officer into the next meeting to discuss loose dogs. Both members agreed.

**Police Union Grievance:**
(*Officer Swain was present.) The Union voluntarily withdrew their grievance.

**Pam Searah – Lawnmower Races on the Common:**
Barry recused himself from the discussion; as he is a on the 350th Committee participating in the event. After a short discussion, Mike motioned to authorize the Police Chief to close School Street on Saturday, October 2, 2010 from 7am until 5pm for the lawnmower races. He furthered motioned to allow the Police Chief to temporarily close Routes 67 & 9 during the day to accommodate the lawnmower parade. Second David. The Board voted unanimously.

**Special Town Meeting Warrant:**
Barry motioned to remove the article to fund a full time highway position off the STM; stating that he would like to have further discussion during the winter months before filling the post. Second Mike. The Board voted unanimously.

Barry motioned to close the STM Warrant, noting language was pending from legal counsel on the Woodbury Property article. Second Mike. The Board voted unanimously. The Board executed the STM Warrant.

**Cindy Larson, Ye Olde Tavern – Request for One Day Outdoor Liquor Sales License:**
Barry stated that the Police Chief had placed an additional officer on duty the night of the requested one day permit and was subsequently told by the Board that detail officers for extracurricular events would remain the sole expense of the business from this point going forward. Barry explained to the Larson’s that should the Police Chief require a detail officer for extra or unusual events the Tavern would be solely responsible for the cost. Ms. Larson stated that she did not ask the Chief to put an extra officer on duty, in fact, the last time they had to pay for a detail officer the Chief had not informed them they had put one on duty. Ms. Larson questioned the Board why they have to pay for detail officers when the Salem Cross Inn has Drover’s Roasts and does not. Barry reminded Mrs. Larson that it was her in fact who had stated to the Board that she expected an attendance at the last event of 150-200 people and that is why the Board asked the Chief to require a detail officer. Mike motioned to allow Ye Olde Tavern a one day outdoor liquor license for October 2, 2010 with a rain date of October 9, 2010 from 2pm to 10pm with the same fencing as previously approved and a $25 fee. Second Barry. The Board voted unanimously.

The Board adjourned at approximately 8:00pm.

Respectfully submitted,

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Chairman     Vice Chairman    Clerk

Sergeant Charles Laperle