Town of West Brookfield-Board of Selectmen
Minutes of Meeting - Regular Session – July 8, 2014
LOCATION: Lower Level Conference Meeting Room – Town Hall  TIME: 6:15PM
PRESENT:  Barry Nadon Jr. (arrived at 6:45pm), Diane Vayda & Sarah Allen – Selectmen, Johanna Swain – Executive Secretary and members of the press & cable tv.

Call To Order: 6:15PM - The meeting was called to order by Diane at 6:32pm
The Board executed the Payroll & Expense Warrants.

DOG HEARING:  A. Dick:
Those present were sworn in.

Jeanette Petersen stated that on Sunday, June 22, 2014 her sixteen (16) year old poodle (Buddy) was attacked by the neighbors dog (Maggie). Maggie travel at least 150’ to attack her dog. She stated that she had witnessed three (3) separate attacks by this dog. (Bob Levite’s dog, Beland’s dog and Petersen’s dog) Mrs. Petersen stated that Maggie got loose and tried to get on her back porch where her autistic grandchildren were. She stated that she has seen this dog at least six (6) times loose on her property. She was trying to be a good neighbor and did not contact the police or ACO. She stated that her poodle had seven (7) separate bites. Mrs. Petersen submitted photographs for the Board to view. She had to wrap herself around Maggie to try to get her off of her poodle. The dog definitely was not controlled by the owner. Mrs. Petersen said that Maggie lunges when out on a leash.

Bob Levite stated that he witnessed five (5) adults trying to control the dog on the day in question. He identified them as Jeanette & Keld Petersen, her daughter & son in law and himself. He stated that the dog was loose on the Petersen property.

Jeanette Petersen stated that she understood that an addendum to the police report was done by the Dick’s. She further stated that none of this information was in the initial police report. She questioned why these statements were not made to the police at the time of the incident. She acknowledged that Mrs. Dick had sent her a check in the amount of $250; and asked that she not cash it right away until her retirement check is received. She stated that Mrs. Dick had written that the payment was for Buddy’s medical bills. Mrs. Petersen stated that Samantha Dick had threatened her. She further stated that she is afraid of Maggie. Mrs. Petersen stated that she understood that the Dick’s have a homeless man, Mike Taylor, living at the residence and that he accidentally let Maggie out. Mrs. Petersen stated that her daughter, who was a witness, is currently out of the country. She further stated that her daughter had provided information to the officer who responded to the call and that her statements were contained in the police report.

Cathy Dick read a prepared statement on behalf of her mother Ann Dick. The statement was provided to the Board. (Statement attached.)

Samantha Dick stated that people with mental illness aren’t taken seriously. She further stated that she is angry that the police officer did not check on her; as she called 911 stating that she was threatened by Kelder Petersen. She questions why the officer did not put her statement in the police report.

Mike Taylor stated the he inadvertently left the back door open. He heard the neighbor yelling for Sam. He didn’t see anything but he called to Sam to tell her that the neighbors were yelling for her. When they approached the neighbors he stated that Kelder was waiving his hands and yelling at Samantha. He stated that Sam simply froze.

Samantha Dick stated the Mrs. Petersen now carries a big red rake around their yard. She stated that it is “not necessary & not needed”. She stated that she feels intimidated by this action.

Ann Dick & Ann Marie Killborn stated that they were not present on the day of the incident.
Ann Dick stated that if these people would keep their dogs on leashes 99% of the attacks could be prevented. Mrs. Dick stated that Maggie is NOT a pit bull.

Samantha Dick stated that she is concerned that the Board will order Maggie be euthanized.
Jeanette Petersen stated that her daughter’s statements can be found in the police reports. She further stated that Ann Dick’s other dog defecates in her yard. She stated that she knows that none of this was intentional but she is afraid and feels that Maggie is uncontrollable. Mrs. Petersen stated that she only brings her rake outside when her dog is relieving itself. She feels that she needs it to protect her dog.

Ann Marie Killborn stated that accidents happen.

Jeanette Petersen stated that she made it very clear to the Dick’s that this can not keep happening; referring to when Maggie got loose and scared her grandchildren.

Ann Marie Killborn stated that her son was walking Maggie on a leash when the Beland’s dog got loose. When opening the door for her son, Maggie’s collar hook snapped and she got loose. Maggie ran back and attacked Stephanie Beland’s dog. Her daughter Jess yelled. This incident happened across the street from my mothers house. She stated that her father passed away about five (5) years ago and that her mother is undergoing treatment to deal with this issue. She stated that Maggie is her mothers companion.

Jeanette Petersen wanted it on record that her husband did not attack Samantha Dick.

Leah Shattuck, ACO stated that she has concerns that Maggie may attack another dog or animal if she gets loose again. Maggie has a very high prey drive. If she gets loose, she WILL attack other peoples animals. She stated that she had received calls in the past from Bob Levite about Maggie. She stated that the owners are working on gates and fencing but she has serious doubts that Maggie can be safely contained.

Bob Levite stated that Maggie has been loose on several occasions. He stated that he does not believe that his family can control Maggie.

Barry Nadon Jr. stated that the animal is animal aggressive. He further stated that at the last Hearing the Board instructed that Dick’s to keep the dog on a leash. Barry asked about having the dog evaluated by a professional.

Jeanette Petersen stated that Maggie had been loose at least six (6) times.

Ann Dick stated that she does not walk her dog by Levites or Beland's.

Bob Levite stated that he believes that Ann can NOT control Maggie.

Jeanette Petersen stated that she could not control the dog and further stated that she is not disabled or elderly. I am afraid; even on my own property.

Ann Dick stated that Maggie only goes after loose dogs. She will not go after dogs that are leashed. She further stated that Mike Taylor has two (2) children who now know that they are not to let Maggie out. She stated that she will insure that Maggie is kept inside. Ann Dick stated that she would rather euthanize the dog than get rid of it.

Sarah Allen stated that Maggie was not defending herself, she was not stopping a crime and that the attack was not instigated.

Jeanette Petersen stated that Maggie needs to be moved out of the neighborhood and that if the Board does not order this she will appeal the decision in court.

Diane motioned to close the Hearing. Second Sarah. The Board voted unanimously.

After some deliberation, Sarah motioned to impose the following resolution:

The Board of Selectmen order the following actions be taken by the dog’s owner:

1) The dog (Maggie) must be fully physically restrained on a leash or chain when outside of the residence and must remain on the property known as 38 Ridgewood Circle, West Brookfield, MA. The dog may remain on this property for seven (7) days from the date of this Order.

2) The owner has the right to search for suitable placement, away from the current neighborhood, for the dog within the initial seven (7) days. The placement has to meet with the approval of the West Brookfield Animal Control Officer, Leah Shattuck. If the owner can not retain suitable & approved placement, the owner shall either relinquish custody of the dog to the Animal Control Officer, who has agreed to hold the dog and search for suitable placement or the owner may choose to euthanize the dog.

3) Proof of either option must be submitted into the Selectmen’s Office, PO Box 372, West Brookfield, MA 01585 on or before 31 July 2014.
If you are aggrieved by this decision, you may appeal it at the Western Worcester District Court within ten (10) days pursuant to G.L. c. 140, s157.

Second Diane. The Board voted unanimously.

**Highway – Road Material Bids:**
Sarah motioned to approve the Road Material Bids, as presented. Second Diane. The Board voted unanimously.

**Joe Salvadore – Thank You VSO Flag Day Ceremony:**
Joe Salvadore, teacher at QRHS, wrote to thank the Veteran’s Service Officer S. Patrick Swain for participating in the Flag Day Ceremony at the school.

**Planning Board – Re-Organization:**
The Planning Board submitted information relating to their re-organizations within their Board.

**Dudula – Waiver of Right of First Refusal:**
Barry questioned why the rollback taxes only go back five (5) years. The Board agreed to wait to execute the waiver pending more information from the Assessors.

**Resignations/Appointments:**
Sarah motioned to accept Teri A. Roberts’s resignation as Clerk to the Burial Commissioners. Second Diane. The Board voted unanimously.

The Board took the appointment requests under advisement until the July 22nd meeting; where all appointments will be addressed.

**Fire Chief – Question on Waivers for Civic/Non Profits:**
The Fire Chief wrote an email to the Board asking for policy on waiving fees for non-profits/civic groups. After some discussion, the Board agreed to decide on a “case by case” basis. The Fire Chief will be instructed to notify the Board of any requests or questions by him regarding fees and the Board will render a decision.

**Meeting Times:**
It was agreed by the Board to change the meeting time from 6:15pm to 7:00pm. The Executive Secretary was instructed to re-post the new time.

**Proposed Tree Removal on Lake Shore Drive:**
Barry questioned a tree removal request on Lake Shore Drive; noting that it was a private way. The Board agreed to follow up with the Tree Warden for more information.

**Assistant Town Treasurer Vacancy:**
Sarah recused herself — stating that her sister had applied for the vacancy. Barry and Diane agreed to ask Legal Counsel who appoints the post and who sets the salary.
Sarah motioned to adjourn at 8:45pm. Second Diane. The Board voted unanimously.

Respectfully submitted,

_______________________     _________________________   __________________________
Chairman     Vice Chairman    Clerk