

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM

RECEIVED  
TOWN CLERK

April 12, 2016

16 MAY 11 PM 7:00pm

---

Selectmen Present: Selectman Francis B. King, Sandy Cristo; Mary Krumsiek, Brian Ashmankas, William Borowski  
Town Manager, Bob Spain, ACO Dan Chauvin, Susan Spencer, Jon Adams, Scott Despres, Tim Cluett, Edd Cote, and other concerned citizens

Tonight is the last meeting that Selectman Ashmankas as he is not running for another term. He will be concentrating on the seminary; Selectman King turned the meeting over to him.

**Approve and Sign the renewals of Bond Anticipation Notes**

Motion to approve and sign the bond anticipation note for \$300,000 for the Ramshorn Dam made by Selectman Cristo, seconded by Selectman Krumsiek.

Motion carried unanimously.

Motion to approve and sign the bond anticipation note for \$227,704 for the Self Contained Breathing Apparatus made by Selectman Cristo, seconded by Selectman Krumsiek.

Motion carried unanimously.

**One Day Liquor License- NE Carpenters Training Fund-13 Holman Road 5pm-9pm**

Motion to approve the one day license made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

**One Day Liquor License- Daniel Benabou- Asa Waters Mansion 5/7/2016 1pm-6pm**

Motion to approve the one day license made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

**Drainlayer Renewal-Mark Sadowski- East Hill Enterprises-Rutland, MA**

Motion to approve the drainlayer renewal made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

**Selectmen Appointment to the Town Manager Screening Committee**

Selectman Cristo motioned to appoint Fran King to the town manager screening committee seconded by Selectman Krumsiek.

Some discussion

Motion carried unanimously.

**Previous Minutes**

Motion to approve the regular selectmen meeting minutes for March 22, 2016 made by Selectman Cristo, seconded by Selectman Krumsiek.

Motion carried unanimously.

Motion to approve the regular selectmen meeting minutes for April 5, 2016 made by Selectman Cristo, seconded by Selectman Krumsiek.  
Motion carried unanimously.

**Town Manager Report:**

Mr. Spain is appointing Ronald Marlborough to the Town Manager screening committee.

The Town Planner is not going well; Tish has spoken to Southborough who is looking for a Planner as well and they are not getting responses either. The salary should be between \$75,000-\$85,000.

The town got the same amount that we got last year for Chapter 90 money; \$430,300. The town will be approving \$260,000 additional dollars at town meeting; hopefully.

The bids will be opened for IT Services and Auditing Services on Friday, April 15th.

Still doing some punch-list items on the HVAC system; we will be having a class to learn how to properly use it.

Selectman Krumsiek asked about residents at 3 Braney Road that have stumps in their front yard that need to be removed by the town.

The mess at CVS has not been cleaned up yet. Mr. Spain will check with Rob McNeil.

**Dog Hearing- 7:15 pm**

Acting Chairman Ashmankas swore in the witnesses.

ACO Dan Chauvin spoke regarding a boxer pit-bull mix named Fenway who lives at 1 Thomas Hill Road. There were 2 bites of children within 30 days of each other. 1st person was Ty Pearson and 2nd is son of Steven Ripz, Brandon who lives at 1 Rice Road.

**Katie Stevens**, owner of the dog, spoke about the incidents. The 1st incident was Fenway was on the run in the backyard and Ty ran through the backyard; Fenway bit him on the arm; the 2nd one she was getting the mail outside of the front door, the kids were at the front door and Fenway pushed his way by and bit the child on his upper arm. They believe the bites were nips or caught a tooth on them. They are willing to do anything they have to do. They are having him fixed, getting his shots and having him evaluated. He is a great dog, but he is young.

Selectman King said that the photos do not look like nips. He is concerned about the attack on a child; he does not want this to happen again. They are not taking this lightly; they do not want this to happen again. The husband is only taking out this dog now and they will keep him muzzled when he is on the run. Selectman King said that he would consider this dog dangerous. ACO Chauvin said that a rescue organization will not take this dog because of the 2 children bites under his belt. He has to recommend euthanasia for this dog.

Mr. Ripz spoke regarding his son who was bitten and pulled to the ground. His son does not want to see the dog put down; they want to make sure that this does not happen again and make sure the kids are safe. The Steven's asked the board to think of their 5 children.

Chief Desorcy said that they were not notified of either bite when they happened. He has spoken to both parents of the children. Neither family wants the dog put down; but they do not

want a reoccurrence. Chief Desorcy said that the run does not work; the dog should be muzzled. The photos do make the injuries look larger than they are; but it is close.

Selectman King asked if it is possible to have him take the dog and have him evaluated at the owner's expense before we make a decision regarding the fate of the dog. Mr. Chauvin suggested Carrie Prest or Robert Clark.

The owner was concerned that the dog may not behave for someone else and may seem more viscous than he is. He thinks the dog plays too rough with the kids.

Selectman Borowski explained that he will only give them one shot; he will not be so kind if they have to come in again; if we get one phone call that is it.

Mr. Spain reminded the board that the owner himself said that the dog plays too rough and they have 5 children in the home; these are the worst bites they have seen.

Motion made by Selectman King that this dog, Fenway, is declared a dangerous dog by reason of a vicious disposition due to the extent of injuries, seconded by Selectman Cristo.

Motion carried unanimously.

Motion made by Selectman King that ACO Daniel Chauvin take custody of the dog on April 13, 2016 to be evaluated and trained for up to 30 days at the cost of the dog owner. Also continue the public hearing until May 10, 2016, seconded by Selectman Borowski.

Motion carried unanimously.

The owners asked what if they cannot afford this- Mr. Chauvin said that they will work it out with them. Selectman Krumsiek asked what if the person running through the yard was a burglar how would this be handled. Mr. Chauvin explained the heightened responsibility as a dog owner with certain breeds. Beware of dog signs, chain link enclosures with concrete floor, maybe a roof on the kennel, do whatever you think you can and kick it up a notch.

Selectman Borowski asked if the Chief can look into some type of light or siren for the ACO to get through traffic.

**New Drainlayer-Juniors, LLC-** Mark Santora from Grafton, he has a small project to do in the Tiffany Circle area. They do have experience in the town. He is a small operation and does the work himself.

Motion to approve the drainlayer license made by Selectman Cristo, seconded by Selectman Krumsiek.

Motion carried unanimously.

**Acting Chairman Ashmankas Read Dates to Remember:**

**Wednesday April 13, 2016** from 6:00 pm – 7:30 pm; Immigration Celebration at the Millbury Public Library

**Friday April 15, 2016** from 8:30am – 4:00 pm; DAV Mobile Service Van at Millbury VFW Post #3396 – free benefits assistance.

**Saturday April 16, 2016** from 9:00 am – 4:00 pm; Millbury Day at Mass Audubon Broadmeadow Brook-free admission for Millbury residents courtesy of Wheelabrator.

**Wednesday April 27th** from 5 to 6 PM and 6 to 8 PM Substance Abuse Awareness Panel & Resource Fair regarding the opioid epidemic -MHS Auditorium

Selectman King asked if we can schedule a meeting for another dog hearing on April 19, 2016 at 4:30 pm for the Barbieri matter.

**On a Good Note**

Congratulations to Mark <sup>Leclair</sup> Auclair Jr. on achieving his Eagle Scout; Selectman Krumsiek presented him with a proclamation from the Board on Sunday.

**Mail:**

Letter from the Millbury Federated Church Nursery School regarding their 50 year anniversary. They will have a program on Sunday, May 1st from 2:00 pm – 4:00 pm.

Letter from Doreen Thornburg to join the Opioid Task Force.  
Motion to appoint Doreen Thornburg to the Opioid Task Force made by Selectman Krumsiek, seconded by Selectman Cristo.  
Motion carried unanimously.

Letter from George Warren from Whitinsville asking the board to support the Massachusetts Replica of the Liberty Bell being moved into the building on the 4th floor so that people can see it.  
Motion to send a letter of support made by Selectman King seconded by Selectman Borowski.  
Motion carried unanimously.

Selectman King wanted to wish Mr. Ashmankas well in his future endeavor; Acting Chairman Ashmankas said that it has been a pleasure to be on the board for the last six year.  
Jon Adams wanted to thank Brian on behalf of the town and the citizens; he has always been helpful.

Motion made by Selectman Krumsiek to adjourn at 8:16 p.m., seconded by Selectman Cristo.  
Approved by roll call vote.

Respectfully submitted,  
Tish Hayes, Secretary

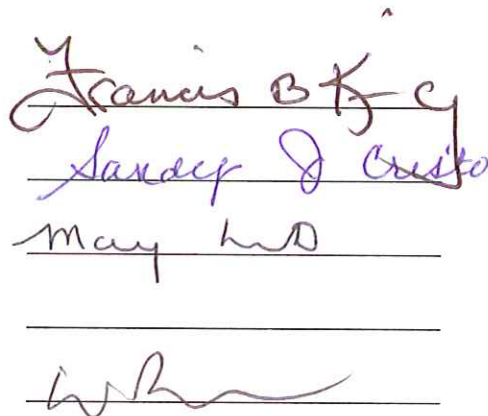
Francis B. King

Sandy J. Cristo

Mary Krumsiek

Brian Ashmankas

William Borowski





**TOWN OF MILLBURY** *Office of the Town Manager*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 • TEL. 508/865-4710 • FAX 508/865-0843  
EMAIL: bspain@townofmillbury.net

Bob Spain  
Town Manager

April 5, 2016

Ms. Katie Stevens  
1 Thomas Hill Road  
Millbury, MA 01527

RE: Pit Bull

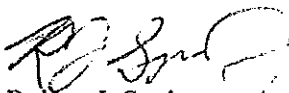
Dear Ms. Stevens:

As a result of information submitted to this office in regards to incidents involving your dog biting a child, the Board of Selectmen have scheduled a public hearing for Tuesday, April 12, 2016, at 7:15 PM in the Selectmen's Meeting Room, Municipal Office Building, 127 Elm Street, Millbury, MA.

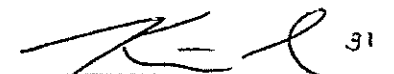
The Selectmen will hold this hearing pursuant to M.G.L. c.140 §157 and if such charges are proven, the Board is authorized to make such order concerning the restraint, banishment or disposal of such dog as may be deemed necessary. You are invited to attend this meeting and respond to the allegations made against your dog. You also have the right to have legal counsel present and to introduce information, testimony, and witnesses in response to the complaints.

If you have any questions, or should you need additional information, please feel free to contact me at 508-865-4710.

Sincerely,

  
Robert J. Spain,  
Town Manager

cc: Board of Selectmen  
Daniel Chauvin, Animal Control Officer

  
Hand Delivered by Officer

4/5/16  
Date



Millbury Police Department  
Incident Report

Page: 1  
04/05/2016

Incident #: 16-147-OF  
Call #: 16-2763

Date/Time Reported: 04/05/2016 1756  
Report Date/Time: 04/05/2016 2127  
Status: No Crime Involved

Reporting Officer: POLICE OFFICER KEITH GASCO

Signature: \_\_\_\_\_

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
1	STEVENS, KATIE 1 THOMAS HILL RD MILLBURY MA 01527	F	W	37	NOT AVAIL	508-847-1769
Military Active Duty: N BODY: NOT AVAIL. COMPLEXION: NOT AVAIL. DOB: 01/26/1979 PLACE OF BIRTH: NOT AVAIL. LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC						
[CONTACT INFORMATION]						

	Home Phone (Primary)			508-847-1769		
	Work Phone			508-726-1596		
2	FINNE, SHANE 1 THOMAS HILL RD MILLBURY MA 01527	M	W	34	NOT AVAIL	508-847-1769
Military Active Duty: N BODY: NOT AVAIL. COMPLEXION: NOT AVAIL. DOB: 09/25/1981 PLACE OF BIRTH: NOT AVAIL. LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC						
[CONTACT INFORMATION]						

	Home Phone (Primary)			508-847-1769		
--	----------------------	--	--	--------------	--	--

#	EVENTS (S)
	LOCATION TYPE: Residence/Home/Apt./Condo Zone: SOUTH MAIN STREET 1 THOMAS HILL RD MILLBURY MA 01527
1	Animal Complaint



## NARRATIVE FOR POLICE OFFICER KEITH R GASCO

Ref: 16-147-OF

On Tuesday April 5, 2016 I, Officer Keith Gasco, was in full duty uniform operating marked cruiser C107 assigned to the 4p-midnight shift for the Town of Millbury. At 1600hrs when I started my shift I was approached by Chief Desorcy regarding an individual who was going to be coming into the station to be given a notice to appear at the Board of Selectman meeting on Tuesday April 12, 2016. Chief Desorcy informed me that their dog was involved in a couple of biting incidents and he would like me to gather information about these incidents, as well as signing that I delivered the individual the notice to appear.

At approximately 1800hrs the individuals came into the station, Katie Stevens (DOB 01/26/1979) and Shane Finne (DOB 09/25/1981), the owners of Fenway, the dog in question. I asked them what had transpired with Fenway that had lead us to this point. Stevens stated that the two separate incidents had taken place once with her and once with Finne. I asked Stevens and Finne which one of them was present at the first incident, Finne stated he was there at the first incident and I asked him to just briefly explain to me what had transpired. Finne stated that about a month ago (did not know the exact date) Fenway was on a run that they have set up for him in the back yard. Finne stated that one of the neighborhood boys, Ty, (they did not know his last name) cut through their backyard and did not realize Fenway was on the run and was bitten by Fenway on his wrist.

I then spoke with Stevens about the incident in which she was home. Stevens stated that she was home and the neighborhood kids came running up to the front door at the same time she was coincidentally opening the door to grab the mail. Stevens stated that Fenway heard the children and pushed by her and bit one of the kids, Brandon, (again did not know the last name of the child). Stevens stated that Fenway bit Brandon in the shoulder.

Fenway is a 14 month old 65lb Boxer Lab mix according to Stevens and Finne. I told them to bring all of their documentation for Fenway to the meeting, that they do plan on attending.

Signed under the pains and penalties of perjury:  
Officer Keith Gasco  
Millbury Police Department

## Tish Hayes

---

**From:** Daniel <danchauvin@hotmail.com>  
**Sent:** Wednesday, April 06, 2016 10:19 AM  
**To:** Tish Hayes  
**Subject:** RE: dog bite

Good Morning:

I just spoke with Michelle McGrath who called back for Ty Pearson's Dad (I left a message on his machine) Ty was walking across the yard to get to his own yard which is diagonal from the dog's residence (#2 Aldrich is where Ty lives) ... The dog was on a runner, restrained...the dog bit Ty on the wrist when he got to close ... She says the dog is not a pit bull, but a boxer mix with perhaps some pit in him ... She is unsure if they will attend the hearing ... She says "She'll think about it" ... I pleaded my case in regards to her attendance ... She was polite, respectful, and answered all my questions ... She is angry the no one was notified ....

That's the info I have ... Not sure if she'll show or not ... but it is confirmed the dog bite did indeed occur ...

Daniel ACO

> From: [PHayes@townofmillbury.net](mailto:PHayes@townofmillbury.net)  
> To: [william.borowski@bankofamerica.com](mailto:william.borowski@bankofamerica.com); [Brianashmankas@yahoo.com](mailto:Brianashmankas@yahoo.com); [fking@aquarionwater.com](mailto:fking@aquarionwater.com); [mandc318@verizon.net](mailto:mandc318@verizon.net); [bspain@townofmillbury.net](mailto:bspain@townofmillbury.net); [sjcristo@aol.com](mailto:sjcristo@aol.com)  
> CC: [danchauvin@hotmail.com](mailto:danchauvin@hotmail.com)  
> Subject: FW: dog bite  
> Date: Tue, 5 Apr 2016 19:43:54 +0000  
>  
> FYI



## Tish Hayes

---

**From:** Donald Desorcy  
**Sent:** Tuesday, April 05, 2016 3:38 PM  
**To:** Tish Hayes  
**Cc:** Robert Spain  
**Subject:** Dog Bite@ 1 Thomas Hill Road

Please be advised that on Tuesday, April 5 at approximately 1500 hours, Animal Control Officer Dan Chauvin came to my office to report two past dog bites at 1 Thomas Hill Road. Animal Control stated that he had received a call today from Steve Ripsz reporting that his son had been bitten by a Pit Bull last Friday, April 1, 2016. Mr. Ripsz also stated that approximately 1 month ago another boy had been bitten by the same dog at the same address. Animal Control Officer showed me photos of the injuries sustained by the two individuals. The photos showed considerable injuries to both subjects. I advised Mr. Chauvin that the police department had not received any calls concerning the dog bites. He also stated that he had not been notified by either family. He stated that he informed Bob Spain, Town Manager, and a hearing would be scheduled to address this issue. The owner of the dog was identified as Katie Stevens of 1 Thomas Hill Road Millbury and the dog is named Fenway. The dog currently has an expired license (03-31-2016). According to the Millbury Town Clerk's office, the dog was licensed as a boxer mix.

Police Department currently has a notice to be served to Katie Stevens for a hearing scheduled for Tuesday, April 12, 2016 at 7:15 PM.



**TOWN OF MILLBURY** *Office of the Town Manager*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 • TEL. 508/865-4710 • FAX 508/865-0843  
EMAIL: [bspain@townofmillbury.net](mailto:bspain@townofmillbury.net)

Bob Spain  
Town Manager

April 5, 2016

Mr. Steve Ripsz  
1 Rice Road  
Millbury, MA 01527

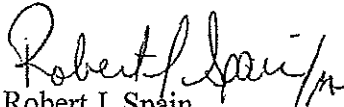
RE: Fenway-Pit Bull

Dear Mr. Ripz:

The Board of Selectmen has scheduled a hearing for Tuesday, April 12, 2016, at 7:15 PM in the Selectmen's Meeting Room, Municipal Office Building, 127 Elm Street, Millbury, MA. in regards to the pit bull, Fenway biting your child.

If you have any questions, or should you need additional information, please feel free to contact me at 508-865-4710.

Sincerely,

  
Robert J. Spain,  
Town Manager

cc: Board of Selectmen  
Daniel Chauvin, Animal Control Officer