

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM

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4:30 pm

April 19, 2016

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Selectmen Present: Chairman Francis B. King, Sandy Cristo; Mary Krumsiek, William Borowski Brian Ashmankas  
Town Manager, Bob Spain  
Absent: Brian Ashmankas

Motion to open the dog hearing made by Selectman Borowski, seconded by Selectman Cristo.  
Motion carried unanimously.

Chairman King swore the witnesses in; went over the many calls regarding this dog. The owner has been before the Board of Selectmen on July 23, 2013; June 10, 2014 and April 19, 2016

Officer Dan Chauvin spoke regarding the most recent calls on this dog out of his enclosure; Chulo attacked a woman who was walking down the street. As per the board's order dated August 15, 2014, Chulo would be confiscated by the ACO and signed over to him if this dog got out again.

Chief Donald Desorcy spoke of two incidents that this dog was out, on Saturday, April 9<sup>th</sup> and Sunday April 10<sup>th</sup> when a bite took place.

Selectman Krumsiek read a statement into record from Carol Larose, the victim, who lives at 15 Ward Ave.\*see attached.

Selectman Borowski went over the timeline.

Chief Desorcy read into record Officer Fortunato's report. \*see attached

Selectman Krumsiek asked ACO what a nuisance dog entails and what our options are. You can return the dog to the Barbieri's with certain specifications; if chulo remains with the ACO he can be adopted out after evaluation; or if he is deemed dangerous he will be destroyed.

David Augustine, 4 Katherine Street, said they were the ones who initiated the call on April 9<sup>th</sup> when the dog was out for 45-50 minutes before the owner noticed he was out. They have 3 other small dogs on the property that are yipping all of the time. The tree fell into the Valis driveway at 6 Katherine. This dog has chased him back into his house on numerous occasions. There is no warning when he gets out-the dog charges people. She has an order and she does not contain that dog.

Jean Barbeiri, the owner, spoke stating that she received a phone call from the police Saturday night stating that the dog was out; she looked all over to see where the dog got out; she could not find a breach; she found the spot he came out was at the landing near a rock wall, the stump of the tree was there on Sunday. Yesterday she had the whole yard reinforced with plywood. Her son walks the dog when he can and her daughter takes him to the dog park sometimes.

Selectman Borowski said that there was an Order of this board, in 2014 he made it clear that he did not want to see her here again; he appreciates all of the work that she puts into the fence; but

now he is getting out again and has attacked a person; he no longer has confidence that this dog will stay in the yard.

Chairman King said that the dog is a nuisance dog right now; he does not want this to become a dangerous dog; he cannot feel safe for the neighbors at this time.

Mr. Spain added that per the Order, the dog is supposed to be supervised when out of the house. Selectman Krumsiek added that Ms. Barbieri agreed that this dog would not be out again and supervised at all time. You are not following the rules.

Ms. Barbieri's, Toni, daughter spoke saying that they would send the dog to training with Carrie Prest.

Donna Augustine, 4 Katherine St., called the ACO in February and on April 9<sup>th</sup> to tell him that the dog was going after their neighbor, he was loose for over an hour, they got him in the house, and then he got out again.

Jonathan Lavage, of Worcester, spoke to say that he helped fix the fence where the dog got out. It is reinforced now.

Dave Augustine spoke again saying that the dogs come and go out of the house; they are left alone with her elderly deaf mother who cannot handle 4 dogs.

Selectman Cristo said that Chulo is like a magician who gets out; he is supposed to be supervised; we cannot have the neighbors living in fear.

Selectman Krumsiek said that she needs to stand on the previous order

Selectman Borowski said that their options are 1) put strict restrictions on the owners; 2) have him evaluated and adopted out if possible; he would vote for the adopting out.

Ms. Barbieri would rather have the dog put dog than adopted out.

Chairman King asked ACO Chauvin what the options were. There was a contract that she signed, the dog does not belong to her anymore; it is a ward of the Town right now. There is a heightened responsibility that goes along with dogs like that; as soon as that dog escaped the first time, it should have been corrected at that time. The neighbors are terrified. The dog will not get destroyed unless the assessment shows that. This dog wants to be led, have structure and focus; there is no issues with him at the kennel. When Chulo is loose on the street, he is in a panic state; he does not know what to do.

Chairman King feels that the dog did not fail, the owners failed. He let the Barbieri's know that this decision can appealed to the court. Based on the Agreement you signed, the dog is a ward of the ACO by way of the town.

Motion made by Selectman Borowski to allow Dan Chauvin continued ownership of the dog, assess and take action what is needed, seconded by Selectman Krumsiek.

Motion carried unanimously.

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BY:.....

April 19, 2016

Dear Selectman:

My name is Carol Larose. On April 3, 2016 at approximately 11:30 am I was walking past the house where the dog Chuilo lives. He came out from behind the broken fence and charged me and bit my right hip area. I was afraid he was going to keep biting me. The owner then came out and I said he bit me she said "no he didn't". Had I known the fence was broken I would have never walked that way.

A few minutes later I got to my house, I called the Millbury Police and Officer Fortunato came. He knew of this dog because of numerous complaints.

A major concern is that if this dog breaks free he will be able to get to East Millbury park and bite some poor little kid or kill my dog. I always avoid going that way when I'm walking my dog. This dog is never walked so he is not socialized with other people or dogs.

Thank you



Carol Larose  
15 Ward Avenue  
Millbury, MA

Motion made by Selectman Krumsiek to adjourn at 5:26 p.m., seconded by Selectman Cristo.  
Approved by roll call vote.

Respectfully submitted,  
Tish Hayes, Secretary

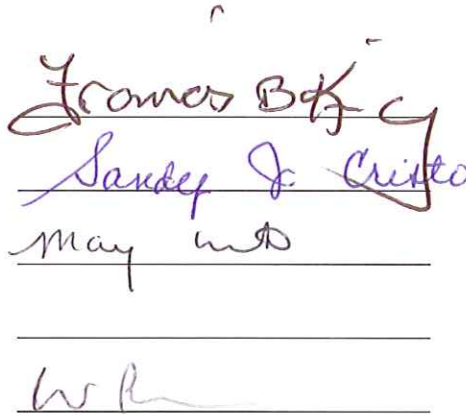
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