

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM – 127 ELM STREET

May 28, 2013

7:00 p.m.

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**Present:** Board of Selectmen: E. Bernard Plante; Francis B. King; Brian M. Ashmankas; Sandra J. Cristo, Mary Krumsiek; Town Manager, Bob Spain; Finance Director, Brian Turbitt, Sgt. Thomas Hall, Police Officers, Doreen Hall, Tom Reilly, *The Millbury-Sutton Chronicle*; Susan Spencer, *The Worcester Telegram & Gazette*, Edd Cote, and concerned citizens.

Retirement of Sgt. Thomas Hall. He was always a go to officer; he knew his job and was a great dresser. Personally we hate to see Tommy go!

Sgt. Hall spoke thanking all of his fellow officers, the Selectmen, Town Manager, Chief Howell and the town of Millbury.

**Erica Lawson**-This is a service project and she would like to thank the Veterans of Millbury by putting a stone path and a plaque saying the Veterans Memorial-see attached diagram. Cordis Mills will take care of maintenance.

Chairman Plante said that this is a great project and thanked her for respecting our Veterans.

Selectman Ashmankas read hearing notice into record.

**Change of Manager-Millbury Xtra Mart.** Carol Kane is the area manager. They will be moving manager's around and would like to put John Lipponen in the Millbury store.

Motion to close public hearing made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to change of manager made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

Chairman Plante read into record the rules of the hearing:

Motion to open public hearing made by Selectman King, seconded by Selectman Cristo.

Chairman Plante swore witnesses in.

**Daniel Chauvin, Animal Control Officer** for Millbury, Sutton and Northbridge.

Owner-Regina Okuliczki did not appear. Spoke regarding **Nakita, 7 Victoria Terrace**-excessive barking and failure to restrain in 2009. Agreement in Superior Court was to erect a runner or kennel and not allow dog to wander anymore. A couple of months ago the complaints started again. He is looking for compliance.

**Frank Giacopello**, the next door neighbor, spoke regarding the nuisance of the dog. These complaints are ongoing-it did settle down but it has started up again. His wife got knocked down by the dog and he is digging up his garden and defecating all over his yard and garden.

Selectman Cristo asked if they ever restrained the dog at all. Last summer they did.

Mr. Chauvin recommended a letter sent to the owner asking to restrain the dog.

**Decision and Order:** Motion to put together a letter to the owners asking for restraint of the dog and if not it will be brought back to the board. Mr. Spain asked for restrain with a run and/or kennel and has to remain quiet if further complaints are received a warrant for the dog will be issued for the animal control officer to confiscate the dog, seconded by Selectman Cristo. Motion carried unanimously.

**Justin Bristol-Harley.** Hearing opened and witnesses sworn in.

Mr. Chauvin spoke regarding German Shepard named Harley. First came to know him in 2009 where he bit a child and on May 17, 2013 another child has been bitten rather severely. He does not want two turned into 3 into 5. There is a heightened responsibility that goes along with owning a guard dog. One incident ok but one year later, same dog, same child. He issued citation and it was paid by the owner. Before something bad happens, he would like to nip in in the bud.

**Justin Bristol-** 27 Rollie Shepard Drive. He agrees with Dan that he was stupid by allowing him to roam in the yard. They agree that they failed as parents and as dog owners. It is not allowed free roam anymore he is willing to construct a kennel and be vigilant watching the dog. Jessica Bristol was present for both incidences. She said that the first incident was not involving a child the second incident was a protecting incident. She apologizes to the Lund family for causing Alfred pain but they will do everything they can.

**Julie Ann Lund-**Macarthur Drive- There was a prior incident at the bus stop with her son where the dog grabbed him by the leg and scraped him. In short she needs her son to be safe, she let it go the first time and she doesn't want to know what is next. She had to change her son's bus stop.

Selectman King asked if she would be ok with a kennel and when it was out of the kennel muzzled. She asked for professional training as well. She showed pictures of the injuries to the Board. Ms. Lund asked if he gets out un-muzzled the dog would have to go. She has asked Jason to donate him to a K-9 unit.

**Bob Ayotte-**20 Rollie Shepard Drive- he has felt comfortable enough to let his dog run with this German Shepard. It needs more formal training but it does listen to Jason.

Mr. Valentino suggested going to the building inspector to make sure everything is licensed the right way.

Daughter of Jason and Jessica Bristol spoke that the friends and cousins were over Sunday and she said that her dog was nice to them.

Mr. Chauvin said that he would like to have in the agreement that he inspect the kennel. He needs some real assurances from the Bristol's that this will be done and approved.

Mr. Bristol said he has no problem putting up a fence and has no issue with the muzzle.

Ms. Lund wanted to make sure Alfred did not provoke dog-Mr. Bristol said he did not in anyway.

**Discussion and Order:** Motion by Selectman King for installation of kennel with inspection by the Animal Control Officer and muzzled whenever out of the house/or kennel and always leashed when walking and professional training, seconded by Selectman Ashmankas. Motion carried unanimously.

**Vincent Gauthier: Gino**

**Mr. Chauvin** spoke regarding Gino who lives at 18 River Street. Gino attacked Mr. Bemis and required medical attention and stitches. 2<sup>nd</sup> incident on April 9<sup>th</sup> was attack on Ruby-a German Shepard and on 5/5/15 bit Logan Johnson age 9. He does not trust this dog, the owner doesn't get it. The owner does not comply with restraining the dog. He personally believes this is a dangerous dog. He does not have a place with regular folks. This kind of dog would have no problem with a 24 hour handler. Mr. Gauthier continues to demonstrate this non-heightened responsibility of owning this dog.

Selectman King asked if banishment is an option. Mr. Chauvin explained that in October of 2013 banishment was taken away from the BOS as an option.

He suggests a destruction order from the Board and the dog turned over to Animal Control for proper destruction.

**Steven Johnson**-father of Logan said he would not like to see the dog destroyed, a muzzle would be ok with him but he would like his children safe.

**Mr. Richard Bemis**-114 North Main-when he was bitten it was in front of the library-he heard the dog coming because of the rollerblades. The dog knocked him down, bit his stomach, arm, hand and puncture wounds all over. The owner did not have control of his dog and acted like he didn't care. The owner has not responded to letters or bills. This dog could kill a kid very easily. He would like to see it destroyed.

**Mike Muller**-52 Rayburn- He was walking his dog and that dog came running attacking his dog. There is a pit bull rescue in North Brookfield. But that dog should not be on the street. It is unfortunate but there is something wrong with this dog.

**Jill Muller**-doesn't want to see the dog destroyed and if there are options she would like them. She doesn't think it was intentional. You have to take responsibility for your dog.

Mr. Bemis said he was the first victim and nothing happened-they did not restrain him and did not compensate him for his injuries. Now there have been two other incidents. This dog is bred for fighting.

**Vincent Gauthier**-owner of Gino. Since the incident with Mr. Bemis he has not been on rollerblades with the dog. He did care about Mr. Bemis being bitten. There was no police report made. He does not fight his dog-he is completely against it. 2<sup>nd</sup> incident was at his grandfather's house doing yard work-he had him in the screened in gazebo and he was working with his headphones so he didn't hear him get out. 3<sup>rd</sup> incident with Logan, she was running towards him and she went to pet him and Gino nipped her in the arm. He didn't think that there would have been an issue because he was familiar with the girls. He takes responsibility and feels bad.

**Trish Gauthier**-Vincent's mom-she does not believe that there are any medical bills but his attorney did send a paper to Vinny and they forwarded it to their attorney. No one in the 6 family has complained about the dog. He is up to date on all his shots. He does not seek out to hurt people. She knows he can be a very good dog. They can get training for him, they will muzzle him and he does not let him run loose.

**Candy Paus**-20 River Street-she was unaware of the previous 2 incidents. He jumped on Logan, she doesn't think the dog bit her. Gino is a big baby.

**Steve Johnson**-It was not a scratch-it was a bite. She was on antibiotics for 15 days, had to flush it out with a syringe. He is ok with a short leash and a muzzle.

**Greg Gauthier**-Vin's dad- the dog is part of the family-it was not a vicious attack of the dog. It is not a vicious dog. It needs more training.

Vin already bought a muzzle and he does not want anything else to happen to anyone else.

**Brian Poulot**-18 River Street-lives with Vinny and says the dog is great-never aggressive. He says this dog is such a good dog.

**Daniel Gauthier**- 57 Carousel Drive- Vinny loves and takes care of that dog properly. He cares so much for that dog. Just because it is a big dog does not mean it is vicious.

Selectman King asked about the incidents with the dog and Mr. Bemis and wanted to know about the wounds. Mr. Chauvin said the wounds were significant. If you love your dog you would not put him in the position to hurt people. This is the third time – you did not protect your dog.

Selectman Ashmankas asked if there was multiple bites- yes there was. The first two attacks were vicious the third was not as vicious.

Selectman King does not like being in this position-but he cannot take the risk of having another person injured.

Greg Gauthier thinks Vin understands the severity of this. He was wrong. The dog does not try to get out. He suggests a muzzle. Vinnie is a kid and has made mistakes.

Mr. Spain doesn't think Vinnie shows any responsibility at what point does the dog become more important than a life.

Selectman Ashmankas said even the third incident was jumping and not in his control.

Vincent Gauthier said that he will be more responsible.

**Decision and Order:** Motion to turn the dog, Gino, over to the Animal Control Officer for destruction made by Selectman King, seconded by Selectman Ashmankas.

Motion carried unanimously.

9:10 pm recess

Returned at 9:16 pm

**Rob McNeil-DPW Director** introduced **Armand White** from the Board of Health. He is here to correct some misunderstandings- He spoke against the SMART program as written, but he is

for recycling. Recycling is here. He was just against the state mandating it. After doing it for several weeks it is now a habit-they have reduced their trash in half. He is in favor of recycling and would like us to bring our numbers up on our own.

Mr. McNeil said the numbers are trending to back that up. Recycling IS Mandatory in the state. Some people have taken the select board's vote that they were not for recycling and he wanted to clarify that. He is working with the BOH to talk more about private hauler's recycling and to track trends.

The **tree warden, Ron Depres**, is here and would like to jump to Stowe Road intersection comments. There was a co-hearing with the Planning Board and Tree Warden.

Ron Depres, Tree Warden said that the trees were unhealthy.

Selectman Krumsiek asked if the Peterson's and Stowe's were still unhappy with this project.

Mr. McNeil changed the plans a bit to accommodate Mr. Peterson and he seemed acceptable to that.

Motion to give permission to remove nine (9) trees from the island located at the intersection of Stowe Road and Carleton Road made by Selectman Ashmankas, seconded by Selectman Cristo. Motion carried unanimously.

Household Hazardous Waste Day will be on June 8<sup>th</sup> from 8am-12 pm at the sewer plant on Providence Street. Cost is \$10 per carload and you must be a resident.

He has contracted with beaver control for removal.

Fence repairs on West Main Street are being looked into but the quote he received was way too high.

McCracken Road engineering contracts are close to being executed. It has been a battle of the attorneys.

He met with the Butler Farm Committee and will be reconstructing the driveway-should be completed before the end of the fiscal year.

Herbicide spraying is happening, with street sweeping and catch basin cleaning the streets should look better.

Moving forward to revamp Woolie World- still looking for volunteers. New equipment will be installed, it will be handicap accessibility, and some more trees.

A big thank you to all who showed for the DPW open house. The plows look great and the kids did a great job. They will be displayed during the Bicentennial Parade.

Selectman King asked when Mosquito Control will begin and asked about the process on the damn repairs.

**Approve Warrant for Special Town Meeting:** Mr. Spain explained each of the 7 articles.\*attached.

Motion to close Warrant for Special Town Meeting made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously,

Motion to approve the Warrant for Special Town Meeting made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to approve the Special State Election Ballot made by Selectman Cristo, seconded by Selectman King.

**Drainlayer Renewal- Chase Harris of Sutton, MA**

Motion to approve the renewal of Chase Harris made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

**Drainlayer Renewal- Robert Bernard-Bob Bernard of Excavating of Sutton, MA**

Motion to approve the renewal of Bob Bernard Excavating made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

**Previous Minutes**

Motion to approve the minutes of May 2, 2013 minutes made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to approve the minutes of May 14, 2013 minutes made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

**Town Manager Report:**

He is appointing Chief Kenny Howell to the Safety Committee.

Motion to concur with the appointment made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Mr. Spain has appointed Daniel G. Webster, Jr. and Laura E. Prunier as part time dispatchers at the request of Chief.

Motion to concur with the appointments made by Selectman Ashmankas, seconded by Selectman King.

Motion carried unanimously.

Mr. Spain is asking the Board to sign the Memorandum of Agreement from the police to allow sergeants to go to 5 & 2 schedule recommended by Chief Howell.

Motion to sign the Memorandum of Agreement made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

The Board has to cancel the June 25<sup>th</sup> meeting due to the Special State Election.

Mr. Spain is asking the board to consider a summer schedule, meet 2<sup>nd</sup> Tuesday of month and schedule 2<sup>nd</sup> meeting if necessary.

Chairman Plante announced that he will miss the next meeting.

Sutton, Millbury and Northbridge hire same animal control officer. Sutton and Northbridge prefer to have Mr. Chauvin as an employee and we will have an IMA with Sutton. They need a vote from the Board to allow them to draw up the agreement.

Motion to allow the Agreement made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

The Town Hall repairs are complete-there is a couple of items downstairs.

DPW Negotiations next meeting is June 3<sup>rd</sup>; Teachers are basically complete-one minor holdup and he hopes to approve contract on June 12<sup>th</sup>; next meeting with police is tomorrow.

Town Clerk, Jayne Davolio and her staff will be selling transfer station stickers on Saturday's in June for the new fiscal year.

The Board would like the Chief in on monthly schedules.

Selectman King would like committee updates quarterly.

Selectman Cristo asked if NStar has responded to expansion requests.

Chairman Plante asked how the budget was going. Mr. Spain is not having fun. He does not see it getting better in the near future. Chairman Plante does not see how we can peel any further back without cutting services. Mr. Spain we have a great team and they will continue to work hard.

Selectman King asked about Verizon issues at Rayburn Drive. Mr. McNeil is working on that and in contact with Verizon. They have to fix the issues under our regulations.

Selectman Cristo asked for important dates to be announced at the selectmen meeting.

**On a Good Note**

Bicentennial Birthday Party on June 11<sup>th</sup> at the Mansion and around town-should be good time. There is a cake contest-please enter.

**Mail**

Letter from the Planning Board regarding donation in the amount of \$31,555.80 from the Oaskes Circle Home Owners Association to complete road improvements in the Oak Circle Development to be combined with the insurance money.

Motion to accept the donation made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

**Executive Session**

Motion made by Selectman King, seconded by Selectman Cristo to move into Executive Session at 10:05 p.m. under Chapter 39, Section 23B, Paragraph 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

- Selectman King - Yes
- Selectman Ashmankas - Yes
- Selectman Cristo -Yes
- Selectman Krumsiek -Yes
- Chairman Plante -Yes

Chairman Plante announced the Board would return only to adjourn.



Adjournment

Motion made by Selectman King to adjourn at 10:25 p.m., seconded by Selectman Ashmankas.  
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

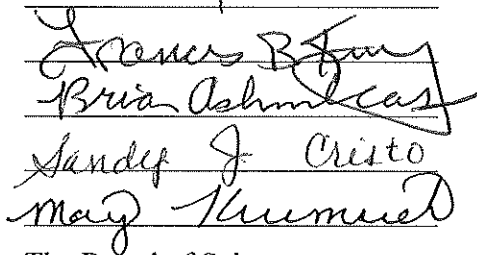
E. Bernard Plante

Francis B. King

Brian M. Ashmankas

Sandy J. Cristo

Mary Krumsiek



The Board of Selectmen