

TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
SELECTMEN MEETING ROOM

July 12, 2016

RECEIVED
TOWN CLERK
7:00 pm
16 JUL 27 PM 1:16

Selectmen Present: Selectman Francis B. King, Sandy Cristo; Mary Krumsiek, William Borowski, and Scott Despres
Town Manager, Bob Spain, Jon Adams, Edd Cote, and other concerned citizens

Moment of silence for the Dallas Police Officers who were killed in the line of duty.

Selectman Cristo spoke regarding the CMRPC reappointment as the delegate, the director sent a letter stating that our delegates did not go to any of their meetings; Selectman Cristo said that she has been to many meetings and seminars. She spoke to the director, Janet Pierce and she said that there was an email discrepancies and reminded anyone that attends to make sure you sign in. Motion made by Selectman Borowski to appoint Sandy Cristo as the CMRPC delegate and Mary Krumsiek as the alternate, seconded by Selectman Despres.

Motion carried

Motion to send letter by Selectman Borowski, seconded by Selectman Krumsiek to inform CMRPC that our representative has attended meetings and of the correct email addresses

Old Time Inn – 29 Canal Street - Automatic Amusement License, Common Victualler and Pool Table License. Selectman Krumsiek questioned the opening hours.

Motion to approve the licenses made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried

Chairman King suggested summer hours for the Selectmen Meetings for August and September to only meet the 2nd Tuesday of the month.

Motion to adjust the meetings for August and September for the 2nd Tuesday of the month made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

Ron Despres- Tree Warden- spoke regarding the procedure for National Grid taking trees down and how he determines if a tree will be taken down.

Town Manager Report:

Mr. Spain is appointing Jayne Davolio as the Municipal Parking Clerk

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried.

Mr. Spain is appointing George Duhamel as the Assistant Wiring Inspector. He comes with great recommendations.

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

Motion carried.

They have hit a snag on the negotiations for the clerk's contract. The next session for the police negotiations will be the 25th. He will not be finished with the clerk's negotiations, but he is hopeful for the police.

7:15 Public Hearing- Peter Sannicandro-55 Sycamore Street

Motion to open the public hearing made by Selectman Borowski, seconded by Selectman Krumsiek.

Chairman King asked anyone testifying in this public hearing to stand and he swore them in.

ACO Dan Chauvin spoke stating that he first met this man about five years ago when some animals were getting killed on his property; a couple of years later there was complaints about barking; he is up to about 10-11 dogs; when he first went there were two dogs. They live in a permitted use for kennels. They do not have a kennel license and the dogs are not licensed in town. Selectman Krumsiek asked if there is a bark by-law Mr. Chauvin explained that there is a MGL stating that it cannot be excessive barking, but they have not defined "excessive".

Selectman Despres asked why this has gone on for so many years? Mr. Chauvin said that he tries to handle these by speaking with the owners and they usually comply because they do not want issues with their neighbors. The barking calls have started in the last few months and he just discovered that he has 11 dogs and that is why he brought this forward to the Board.

Selectman Despres asked

Selectman Cristo asked how many dogs can you have when you get a kennel license? It varies from 4 -25 dogs. Selectman Krumsiek said that she is bothered by him not registered the dogs. He is waiting to see what the resolution of this issue will be; he doesn't want to register them if he will not keep them. Chairman King asked at what age the dogs have to be registered. At 6 months of age they have to be registered.

Selectman Krumsiek asked what the solution is for the barking dogs. Mr. Chauvin stated that every time he was there the dogs were not barking; they were not barking when the Building Inspector and the MSPCA officer went as well. Chairman King said that he has not seen a dog out or a dog barking at 55 Sycamore St. the three times that he was there. Mr. Spain explained that the kennel license acts as the license for all dogs there but they all have to be vaccinated. Jayne Davolio, Town Clerk said that at 6 months they have to get rabies vaccinations and be registered.

Tom Sannicandro is the attorney representing Peter Sannicandro said that he is Peter's cousin; he bought this property in 2008; he would like to put the property in context, it is 3 acres wooded lot that abuts Rt. 146.

Selectman Borowski wants to cut to the chase- how many dogs; any licensed and how many do not have rabies. Attorney Sannicandro said that Peter tried to get a kennel license but had a hard time working through the departments; he did go through the Planning Board last night for the kennel license.

Peter Sannicandro spoke stating that there are 11 dogs, same breed; youngest dog is about 11 months. They are all vaccinated expect for the 2 new ones. Selectman Borowski asked about the barking- he does take the dogs down to his property at night and keeps them in his insulated barn next to his house; he brings them in around 8:00 pm and then brings them out around 8:00 am; on the weekends he brings them out later so the neighbors won't be bothered. The breed is a

nocturnal; they are protectors from the predators for farm animals. He has goats as well that he works the dogs with. His passion is bringing this breed to the new generation. Selectman Cristo asked if these dogs are confined, yes they are-it is a double gate system and the fence is electrified as well.

Denise Sliwoski, 28 Sullivan Place- said that you cannot hear the dogs from 55 Sycamore Street; you hear the dogs barking better on Sullivan Place than on Sycamore St. She said that it is excessive barking at 9 pm – 1am- 2 am – 4 am. They tried working with Animal Control in 2012 but they did not get any relief from them. It is after 8-8:30 pm. Selectman Krumsiek asked if it the kennel was across Rt. 146. The residents called the MSCP for a wellness check on the dogs. Selectman Borowski asked what her definition would be “excessive” barking. Ms. Sliwoski said that when you hear a dog barking morning noon and night. They never stop barking, it is consistent. Selectman Borowski stated that it may be a difficult story if one dog is barking for 5 minutes and there are 11 dogs, even if one stops then the other begins. He would like to stop by the area that they say you can hear the barking most.

Selectman Krumsiek read a letter from a Sullivan Place resident regarding the dog barking at 55 Sycamore St. that has been going on for 4 years. A letter from Catherine & Dennis Dickson was read as well regarding the barking *both letters attached*

Selectman Borowski asked when the barking is worse, during the day or the evening. William Delorey- 22 Sullivan Place-he hears them when he gets home from work and when he goes to bed. Mike Demers 26 Sullivan Place- all of the dogs bark at the same time; the dogs are directly behind his house, he cannot use the back part of his property; the night has gotten better recently. John O’Connell, 51 Sycamore St., his house is in the middle of Peter’s back yard. He does not hear the dogs all the time, Peter is walking the dogs at 8:00 – 8:30 at night then putting them away. You hear the traffic, trains and construction more than the dogs. Lori Iwaniuk, 32 Sullivan Place, her husband is a truck driver and if he can’t sleep there may be an accident. Tim Johnson 8 Sullivan Place, when he moved in no one told him about the train. He hears the 146 truck noise, train and construction vehicles, he has not heard the dogs. He wonders why there is no evidence of the dogs barking. Peter cares for the property, the animals and his neighbors. Girlfriends’ brother asked why they didn’t ask Peter about the dogs, they just went to the police. 53 Sycamore-police officer who works 3rd shift; he seldom hears the dogs bark, they are not excessive. Tula, Peter’s girlfriend, said he has set up a routine with the dogs so not as to bother the neighbors. He takes good care of these dogs; he broke his back and discharged himself from the hospital to take care of them. William Comeau- 24 Sullivan Place; he has been locking them up at night but he skipped Thursday; the excessive barking is 24/7.

Attorney Sannicandro said that Peter never knew the depth of the complaints; they never came to him to talk to them.

Chairman King said that this board has three issues 1) excessive barking 2) amount of dogs on property and 3) to vaccinate the dogs that are not. The vaccinations need to be done within the week. The kennel license is in progress and he will meet again with the Planning Board.

Selectman Borowski would like to determine what excessive barking is; there are 11 dogs there; there are two groups of neighbors one that cannot stand it and ones that are not hearing it. We need to mitigate this situation.

Peter Sannicandro said that he tucked them near the highway because he thought being near the highway would be the best place for them. He puts them in the barn every night near his house. He would hear the barking if it was all night.

Selectman Despres said that seeking a kennel license does not remedy the problem; it only allows him to have more dogs. Peter said himself that he lets the dogs out later on the weekends because people wanted to sleep; this says to Selectman Despres that there is a barking issue. He then asked if Mr. Sannicadro if he planned on having more dogs. He does not; he is at the most that he will have. He has had 3 litters over the last 4 years;

Mr. Spain read the by-law concerning the Board of Selectman being the licensing authority of the town; and they do have to go through the Planning Board first; the next meeting for them is not until August.

Selectman Borowski said that we need to figure out a way to keep the dogs from barking past 8:00 – 8:30 pm at night and keep not have them barking all day as well. He will stop by at night sometime to try to find something to keep everyone happy. Chairman King asked ACO to keep the board informed if there any more complaints. Mr. Spain would like him to keep a detailed log of who, when and what you found. ACO Chauvin said that 24/7 is just that, and he is not seeing it.

Michelle O’Connell wanted to make sure that they cannot trespass onto Peter’s property to video tape. The residents of Sullivan Place would like the ACO to go to Sullivan Place when they call to say that the dogs are barking. Another speaker offered her definition of ‘excessive barking’; Lowell has a by-law concerning this.

Motions made by Selectman Borowski to have the two (2) dogs vaccinated and continue to keep the dogs in the barn at night and to keep the barking to a minimum seconded by Selectman Krumsiek.

Motion carried.

Motion made by Selectman Borowski to Continue the Public Hearing to July 26, 2016, seconded by Selectman Cristo.

Motion carried

Town Manager Report:

The Ramshorn Project is off and running; the progress so far is going well. They’ve begun the Jacques Park replication of wet lands.

Selectman Krumsiek heard a rumor about a new road at the highway barn going from the highway barn to the sewer department. Mr. Spain has no knowledge of it.

Selectman Despres asked how the detours were going at Ramshorn Dam. So far so good.

Chairman King Read the Dates to Remember

Friday, July 15th 6:00 am – 10:00 am – Asa Waters Mansion Fox25 Zip Trip

On a Sad Note

Doreen & Mary have filmed their last show-‘Get Out’ they have been filming for 10 years.

Mail:

Letter from the Millbury Beautification Initiative regarding a \$200 donation from Ken’s Oil. Motion to accept the donation made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion Carried

Citizen Speak:

Mat Ashmankas – 5 Millbury Terrace – asked why the Selectmen did not question the DPW Director when he said was not fixing any roads this year and waiting until next year to get the entire South Main section done.

The Chairman announced that he spoke with E. Bernard Plante regarding the acting town manager position and the Board will be going into Executive Session to negotiate and will come out to make a motion.

Motion made by Selectman Cristo, seconded by Selectman Ashmankas to move into Executive Session at 9:15 p.m. under Chapter 39, Section 23B, Paragraph 2 to conduct contract negotiations with the acting town manager if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

The Chairman declared.

Selectman Cristo	- Yes
Selectman Krumsiek	- Yes
Selectman Borowski	-Yes
Selectman Despres	-Yes
Chairman King	-Yes

Open meeting continued at 9:33 pm

Selectman Borowski made a motion to officially offer the Acting Town Manager to E. Bernard Plante, seconded by Selectman Cristo.

Motion carried unanimously.

Motion made by Selectman Borowski to adjourn at 9:35 p.m., seconded by Selectman Cristo. Approved by roll call vote.

Respectfully submitted,

Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

William Borowski

Scott Despres

Francis B King
Sandy J Cristo
Mary Krumsiek
W B
Scott Despres



TOWN OF MILLBURY *Office of the Board of Selectmen*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 • TEL. 508/865-4710 • FAX 508/865-0843

**CONTRACT BETWEEN
THE
TOWN OF MILLBURY
AND
E. BERNARD PLANTE**

Whereas the Town of Millbury (Town) is desirous of hiring an Acting Town Manager and whereas E. Bernard Plante (Plante) is willing to serve as Acting Town Manager of Millbury, the Town and Plante agree as follows:

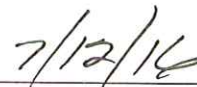
The Town agrees to hire Plante for a minimum of ninety (90) days from July 25, 2016 to October 23, 2016.

The Town and Plante agree that Plante shall work a minimum of twenty (20) hours per week at a rate of \$65.00 per hours and that Plante shall attend all Board of Selectmen meetings and special town meetings.

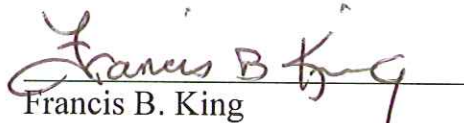
Plante shall be entitled to holiday pay and shall not be entitled to any vacation, health insurance or other town benefits.



E. Bernard Plante



Date



Francis B. King
Chairman, Board of Selectmen



Date

June 13, 2016

RECEIVED
JUN 22 2016
BY: *[Signature]*

To The Board of Selectmen,

This letter is being written to you in regards to a 4 year problem that the residents of Sullivan Place have had with the residents of 55 Sycamore Street.

Since 2012 they have had several dogs kenneled in the woods behind our houses. To date there are 16 dogs. The dogs barking continuously have disrupt the entire neighborhood for years, and as tax payers our quality of life has been detrimentally affected by this.

When the problem first started occuring, the neighborhood decided that no one would approach the residents at 55 Sycamore Street, we brought our concerns to the police department, and were advised to call the animal control officer Mr. Dan Chavin. After speaking with him, he gave us his number and assured us that if we contacted him when it was happening, during the day or night, he would call the owner directly and have him quiet the dogs. After numerous phone calls by residents of Sullivan Place, Mr. Chavin stopped taking our calls and did not answer the messages left about the dogs' loud continual barking.

After further discussion, the neighborhood decided the next step would be to approach the Town Manager Mr. Spain. He assured us that he would speak with the animal control officer directly regarding our neighborhood situation. This resulted in us being told that the owner had every right to have the dogs on his property, because they were protecting his goats. The issue of the "excessive barking" was not resolved at this time. It is important to note that many of the residents of Sullivan Place own dogs. The issue is not a bias against the animals themself, rather our quality of life, and the need for our families to get sleep!

From 2013 to present, numerous attempts have been made to seek releif by contacting Millbury police department. Once again residents of Sullivan Place were told to contact animal control, but the messages left were continuously ignored.

In an attempt to do something more formal, Denise Sliwoski of 28 Sullivan Place, wrote a petition to represent the residnets of Sullivan Place. As of May 13, 2016, 22 residents have signed the petition.(please see attached. It also includes residents in the Sycamore area .)

Virgina White, 73 Sycamore Street

Richard Parella, 3 Mitchell Road

Theresa Parella, 3 Mitchell Road

Wayne Winschel, 3 Fink Road

Karen Winschel, 3 Fink Road

Catherine Dixon, 71 Sycamore Street

Kevin Dixon, 71 Sycamore Street

Eric Iwaniuk, 32 Sullivan Place

Lori Iwaniuk, 32 sullivan Place

Donald Boettger, 20 Sullivan Place

PETITION FOR BARKING DOGS

TOWN OF MILLBURY

2016

We, the undersigned, are petitioning to stop the barking of several dogs located at 55 Sycamore Street in Millbury. These dogs have barked 24/7 over the last 4 years. It has taken a toll on our health and quality of life due to the "EXCESSIVE" barking. This falls under MASS. GEN LAWS CH 140 SECTION 157.

PRINTED NAME	ADDRESS	SIGNATURE	DATE
17. Wayne Wonschel	3 Fink Rd	<i>Wayne Wonschel</i>	6-14-2016
18. Karen Wonschel	13 Fink Rd	<i>Karen Wonschel</i>	6-14-2016
19. Catherine Dixon	71 Sycamore St	<i>Catherine Dixon</i>	6-14-2016
20. Kevin Dixon	71 Sycamore St.	<i>Kevin Dixon</i>	6/14/2016
21. Eric Iwaniuk	32 Sullivan	<i>Eric Iwaniuk</i>	6/14/2016
22. Lori Iwaniuk	32 Sullivan Pl	<i>Lori Iwaniuk</i>	6-14-16
23. Donald Boettger	20 Sullivan Pl	<i>Donald Boettger</i>	6-18-16
24.			

SIGN-IN SHEET

Date/Time _____

NAME	ADDRESS
1 Denise Glinoski	28 Sullivan Place
2 Charles Glinoski	28 Sullivan Place
3 Maurice Haran	30 Sullivan Place
4 RICHARD PARRISH	7 MITCHELL RD
5 Gary White	73 Sycamore St
6 Joe White	73 Sycamore St
7 Ansa Demere	26 Sullivan Place
8 Cassanka Demere	26 Sullivan Place
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2 KATIE SLIWSKI	28 SULLIVAN PLACE	Katie Sliwski	5-2-16
3 Chacks Sliwski	28 Sullivan Place	Chack Sliwski	5-2-16
4 Jeff Sliwski	28 Sullivan Place	Jeff Sliwski	5-2-16
5 Susan Demers	26 Sullivan Pl.	Susan Demers	5-2-16
6 MICHAEL J. DEMERS	26 SULLIVAN PL.	Michael J. Demers	5-2-16
7 Cassandra Demers	26 Sullivan Pl.	Cassandra Demers	5-2-16
8 William H. DeLorey	22 SULLIVAN PL.	William H. DeLorey	5-2-16
9 CAROLYN DELOREY	22 SULLIVAN PL.	Carolyn DeLorey	5-2-16
10 Lisa Comen	24 SULLIVAN PL.	Lisa Comen	5-3-16
11 Barbara Comen	24 Sullivan Place	Barbara Comen	5/3/16
12 BARBARA ROY	75 Sycamore St	Barbara Roy	6/14/16
13 ROBERT ROY	75 SYCAMORE ST.	Robert Roy	6/14/16
14 Virginia White	73 Sycamore St	Virginia White	6/14/16
15 RICHARD H. PIRELLA	3 Mitchell Hill	Richard Pirella	
16 Theresa Parrella	3 Mitchell Rd	Theresa Parrella	

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22. Lori Iwaniuk	32 Sullivan Pl	Lori Iwaniuk	6-14-16
23. Donald Boettger	20 Sullivan Pl	Donald Boettger	6-18-16
24. Maureen E. Haran	32 Sullivan Pl.	Maureen E. Haran	6/24/16

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PRINTED NAME

ADDRESS

SIGNATURE

DATE

25 Amber Comeau 24 Sullivan Place Amber Comeau 6/25/16

26 WILLIAM Comeau 24 SULLIVAN PL William Comeau 6/25/16

27

28

29

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31



Verizon Message Center

Thursday, Jul 7 at 9:55 PM

From: Catherine Dixon <mrscaatherinedixon@gmail.com>
To: densliwoski@verizon.net
Subject: letter- sorry on cruise forgot to sign and send it....

To whom it concerns,

I, Catherine Dixon and my husband Kevin Dixon, residence of 71 Sycamore Street on the South bound side of 146 have had issues with the dogs from 55 Sycamore Street, since we moved in April 25, 2008. 55 Sycamore St. is on a hill overlooking our backyard with the highway splitting us. Since we moved in, we have not been able to go into our back yard without the dogs from 55 Sycamore Street barking down at us. We have two town licensed Italian greyhounds in which we fenced in our yard for and when we let them out, they bark nonstop due to the dogs looking down at us barking. In December 2010 we had a son, there were many nights that our newborn was awoken due to the dogs barking. Now our son, 5 years old is still awoken by these dogs barking at all hours of the night. Unfortunately it is like a chain reaction in our neighborhood, once the dogs bark at 55, ours do as well and then the dogs from 72 and 75 bark also. So at 2:00 Am, this becomes a problem. We have contacted Millbury Police before for dogs barking on Sycamore St. North bound side.

These dogs also make it hard for our son to play in our own backyard. He has a swing set in the backyard that when he plays on it, the dogs from 55 all line up and bark at him, we are unable to hear him even when we are right there with him, now what happens if there was ever an emergency? We barley utilize our patio on the backyard or grill out due to the dogs either. You cannot have a conversation with others with them barking and then our dogs in the house or outside barking.

Now, Due to all the construction on 146 the dogs have really been barking in the past 2 months. How long will this go on, construction is not due to end until 2021!

Not only do these dogs bark nonstop, we are also concerned for these dogs, because they are outside all the time. We have never seen anyone in the area with them, they are out in the snow, rain, and heat, and all day and night. We are not sure if they have adequate shelter, food or water. We are worried they are living in feces, and overcrowded, we have noticed 12 plus dogs at any time. We also do not know if they have proper fencing either, from what we see it is chicken wire fencing. Are all these dogs licensed? Do they have proper collars? Do they go to the vet regularly? Are they up to date on their shots? Chapter 140 section 173 of Mass General Laws. Are these dogs' pets or is it a breeding facility? Are they taken for walks and exercised? Why does he have so many dogs for all these years without having to get a kennel license before now? With as many complaints as there are for this house, I'm sure the animal control officer has been to this house. Why has nothing been done? If he was an upstanding citizen he would have done the right thing years ago! Do you really think that now, he is going to be upstanding!

We do not feel that these dogs are being taken care of to the best of the owner's ability. For us to be so fed up with these dogs after 8 years and the neighborhood on both sides of the highways should mean something. Do I need to call the Police every time now to have something done and waste dispatchers and officers time and energy that could be spent on other calls or issues.

Thank you for your time reading this, sorry we are unavailable to be at the meeting due to being out of the country.

Catheirne and Kevin Dixon
508-317-6271



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TOWN OF MILLBURY

2016

We, the undersigned, are petitioning to stop the barking of several dogs located at 55 Sycamore Street in Millbury. These dogs have barked 24/7 over the last 4 years. It has taken a toll on our health and quality of life due to the "EXCESSIVE" barking. This falls under MASS. GEN LAWS CH 140 SECTION 157.

PRINTED NAME ADDRESS SIGNATURE DATE

25 Amber Comeau 24 Sullivan Place Amber Comeau 6/25/16

26. William Comeau 24 SULLIVAN PL William Comeau 6/25/16

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