

TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
SELECTMEN MEETING ROOM

September 27, 2016

7:00 pm

Selectmen Present: Selectman Francis B. King, Sandy Cristo; Mary Krumsiek, and Scott Despres, Jon Adams
Interim Town Manager, E. Bernard Plante, Jayne Davolio, Peter Sannicandro, David Roach, Greg Myers, Tom Reilly, Susan Spencer, T&G, and other concerned citizens

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TOWN CLERK
16 OCT 13 AM 9:10
MILLBURY, MASS.

Per the **Council on Aging** request, the Selectmen are appointing Kevin Higginbottom to the Council on Aging

Motion to appoint Kevin Higginbottom to the Council on aging made by Selectman Cristo, seconded by Selectman Krumsiek.

Motion carried unanimously.

Fire Prevention Week – October 9 – 15, 2016 Don't Wait Check the Date

Selectman Krumsiek read the Fire Prevention Week Proclamation

Motion to endorse Fire Prevention Week made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Uno's Restaurant Transfer of Stock and New Officer/Director

This is a State wide transfer that has been approved by the ABCC- a formality for us to sign and send in the LLA Summary Form (formerly Form 43)

Motion to reissue the Form 43 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

West Side Vintage 6 Sutton Road- Junk Dealer's License- - Mallory Callahan will have it open to other dealers who repurpose and upcycle antiques. Chairman King made sure there was enough parking for this business.

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

Motion carried unanimously.

Drainlayer's License-Keystone Development-Marlborough MA – Carl he has been in business for ten years and is licensed in many ties. They will be doing Stratford Village on Burbank Street.

MK SC

Previous Minutes

Motion to approve the minutes of the Selectmen meeting of September 13, 2016 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Chairman King read Dates to Remember:

Friday September 30th at 7 PM; Doors Open at 6 PM Relay For Life Tribute Concert
with "Elvis Presley" and "Neil Diamond" -- at the VFW Post

Saturday October 1st from 10 AM to 4 PM Second Annual Central MA Energy
Fair at Auburn High School

Saturday October 15th - CMMCP Tire Collection at Recycling Center

Dog Hearing Continued: Peter Sannicandro- 55 Sycamore Street-Barking Dogs

Chairman King began the continuation of the public hearing by asking the selectmen to rescind this vote because more information has been found. Chairman King said that once this was done, he would speak a little after which he would ask Sannicandro to tell the Board where he was on the kennel licensing process.

Selectman Adams made the motion to rescind motion of September 13, 2016 meeting pertaining to the dog issue at 55 Sycamore St, saying that the Board should not have discussed the matter outside of the continued public hearing, seconded by Selectman Krumsiek.

Motion carried unanimously.

Chairman King said that it had been a long three weeks and that he had spent more time in the Sycamore Street/ Sullivan Place neighborhood during that time than he has on his own. He said that he has spoken with some of the residents and that he has even gone door to door. He said that he and interim Town Manager Bernie Plante and Town Planner Kevin Flynn have also met with people. What he did find out is that this issue is more than meets the eye and this board is not getting into domestic issues. This board will only deal with the barking and number of dogs. He did see that the kennel is adjacent to the Sullivan Place neighbors' homes and in their backyards. He would like to know what process Mr. Sannicandro is at right now.

Mr. Sannicandro's attorney, Tom Sannicandro spoke saying that this is the 4th meeting on this issue; Peter has met with the Planning Board twice now regarding site plan review. He trains these dogs that are a special breed and he is very passionate about it. These dogs do not leave his home for about 1 year and a half. He will be scheduled for the public hearing with the Planning Board on October 17th;

Mr. King suggested putting up a barrier between the houses; he thinks it would reduce the issue quite a bit as he feels that the dogs are so close to the property line. Peter is working on these ideas and he has been looking into it. Atty Sannicandro said that Peter will be putting something up to block the site view and the noise.

Selectman Adams said that Peter mentioned that he holds the dogs for 2 years and then giving the dogs away; are you breeding these dogs? Mr. Sannicandro explained that the dogs take a full

2 years to train and he is breeding them. He is not a certified selling business; it is very small. These dogs are not human aggressive, they are working dogs.

Selectman Krumsiek said that we do have a bylaw in town regarding having more than 3 dogs on his property.

Selectman Despres said that these dogs did not appear all at once. Why have the bylaws been ignored for 4 years. Why has he not received any citations?

Selectman Cristo mentioned that one of the dogs, "happy" vaccination has expired. Peter said that that dog is his mother-in-law's and not his.

ACO Dan Chauvin explained that no citations had been issued because there is no legal definition of "excessive" barking. An ACO has to physically see the violation in order to give a citation. He has been to that residence only once before this issue came up; a few years ago on a completely different matter and he only had 2 dogs at that time. A few months ago he was called for the barking issue, he went to 55 Sycamore St., saw that there were 10 dogs, came to Mr. Spain's office and the hearing was scheduled; protocol was followed. He usually does not cite people who are willing to work with him and the town. The hearings have taken longer than expected because there is not definition for barking.

Selectman Cristo said that we are working on a barking by-law. She has researched this type of dog and it is these dogs "job" to bark; how is a kennel going to help this situation?

Mr. Chauvin said that this area is zoned for a kennel and it comes down to tolerance level and that is a slippery slope.

Chairman King said that our job is the unlicensed dogs and the barking.

Selectman Despres said that we cannot do anything about the barking because it is not enforceable. We cannot do anything about the kennel license as we are not the granting board. We can only do something about the number of dogs on the property. He then asked Peter if he would move the pen closer down to his house to alleviate the neighborhood sound. Mr. Sannicandro is willing to spread them out into different pens and put up barriers to reduce the barking.

Lori Iwaniuk-32 Sullivan Place- asked the Selectmen to just make a decision.

Katherine Dixon-71 Sycamore St- said that kids are in school and go to bed before 8:00 pm now.

Motion to close the public hearing made by Selectman Krumsiek, seconded by Selectman Cristo. Motion carried unanimously.

Motion to rehome all but 3 of the registered dogs until he is granted a kennel license made by Selectman Krumsiek, seconded by Selectman Adams.

Motion carried 4-1 (Selectman King opposed)

Town Manager Report-

We have received the Town Manager Profile from The Collins Center and you all have a copy of it. Selectman Adams said that the qualifications are not spelled out; having the Charter online is not helpful as there are more qualifications in the by-laws as well.

David Roach, Chairman of the Search Committee, said that the profile needs to be approved and if you want something changed then you should suggest this. Selectman Adams wants the Charter highlighted as to the town manager duties and to direct them to the by-laws, specifically the 2-47 that changed the Charter regarding qualifications of the manager.

Selectman Krumsiek made a motion to accept the profile with the change of highlighting the Charter and by-law 2-47 for the qualifications of the town manager, seconded by Selectman Despres.

Motion carried unanimously.

David Roach mentioned that their next meeting will be October 24th at 7:00 pm to develop interview questions. Thank you for your support and for supporting us going with a search firm, you will find that it is worth the expense.

Chairman King said that with all of the new building in town, the board was wondering what the expectations for students in the next 5 years. Grey Meyers, Superintendent spoke regarding the numbers of the students in school – NESDC updates the numbers annually. We have netted an extra 100 students this year. Compared to 10 years ago, we are still down on enrollment numbers.

On October 11, 2016 we will be having a site visit from the State at the Shaw School regarding a new building.

28 Hayward Lane-Mr. Plante has had several meetings regarding the condemned house; he wanted to make sure that things were done properly and that the town could recoup the money that has been put out. Supposedly the house will be sold in the next couple of weeks; the tax lien is on the house, and our costs will be on tomorrow.

Mr. Plante found out from town council that he cannot appoint people to boards or committee's unless it is an emergency.

The Ramshorn Dam project is still moving along as expected.

The toll plazas on the MA Pike will be removed by Thanksgiving; he thinks for the first two months or so the people will be very confused.

Motion to cancel the meeting on November 8, 2016 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to hold the October 25th meeting at the library, seconded by Selectman Despres.

Motion carried unanimously.

Selectman Krumsiek would like the final costs for the fuel tanks and the town hall HVAC.

Selectman Cristo asked for the list of the streets that will be done with crack sealing and she has not received that yet.

On a Good Note:

On Wednesday the 28th will be the last antique car show at Scales- it is a good time. This will benefit the Veterans.

On Saturday, the Historical Society unveiled a sign at Old Common and a history of the Old Common. It was a great day, take a look at the sign, it looks great.

Motion to adjourn by Selectman Krumsiek at 8:40 pm, seconded by Selectman Cristo.
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon Adams









