

**TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM**

**August 28, 2018**

RECEIVED  
TOWN CLERK  
6:30 pm  
2018 SEP 11 PM 4:11  
MILLBURY MASS

Present: Chairman Jon Adams, Vice-Chairman Mary Krumsiek, Scott Despres, Katie McKenna, Chris Naff, Town Manager David Marciello, Brian Falk, Frank Viladi, Dan Chauvin, All Sewer Commissioners, Rosemary Nelson, Jonathan Mansino, Anita Cashman, Lori and Rick Stockhouse, Sean Bien, Jonathan Magsino, Jennifer Felicetti-Magsino, Attorney Gerry Cohen (for dog owner, Mark Tetreault and Christine Newman), Steve Balistreri-Millbury *Sutton Chronicle*, and other concerned citizens

*\* Some of the agenda items and discussions may have been called out of order  
~ as noted in these minutes ~*

**6:30 PM Opening of the Meeting.** Chairman Adams called the regular session of the Board of Selectmen to order at 6:30 PM.

**6:30 PM. Executive Session:**

Chairman Adams called for a roll call vote to enter into Executive session in accordance with M.G.L. c. 30A, Section 21(a), Purpose 6, to consider the purchase, exchange, lease or value of real property, 8 Ward Avenue, if the Chair of the Board of Selectmen and the Chair of the Board of Sewer Commissioners declare that an open meeting may have a detrimental effect on the negotiating position of each Board. Motioned Krumsiek, seconded Naff, roll call all aye, announcing that the Board would reconvene in open session thereafter.

**7:00 PM Resume Regular Session:** Chairman Adams called the meeting back into open session at 7:00 PM and led those in attendance in the Pledge of Allegiance to the Flag.

**Public Hearings:**

**7:18 P.M. Transfer of Liquor License – Belfont Hotel 11 South Main St.**

Chairman Adams called for a roll call vote to open the Public Hearing: Motioned Krumsiek, seconded Naff: roll call all aye. Brief discussion ensued indicating that all paperwork had been turned in and was in order. The Chair called for any public comment. Hearing none, he called for a roll call to close the public comment portion: Motioned Krumsiek, seconded Naff, roll call all aye. Motioned Krumsiek, seconded Naff, roll call all aye to transfer the license.

**7:28 PM Dog Hearing: Dog Paisley – Mark Tetreault, owner: 25 Linda Ave**

Chairman Adams called for a roll call vote to open the Public Hearing: Motioned Krumsiek, seconded Naff: roll call all aye. All persons to give testimony rose and were sworn in.

The Chair began the Public Hearing by stating that he realizes that no one wants to be here and that this was a difficult conversation. However, the Board has a very serious situation to address and it was going to be handled with decorum and parliamentary procedure. He asked for everyone's cooperation in the matter. Chairman Adams then called for a roll call vote to open the public participation portion of the Hearing Motioned Krumsiek, seconded Naff: roll call all aye.

Attorney Cohen for dog Owner, Mark Tetreault and his girlfriend, Christine Newman, addressed the Board. Discussion ensued and Attorney Cohen addressed various points outlining the evaluation made by Clarks Training which was included into the record and is hereby included in these minutes by reference and are in the Tetreault – Dog Paisley - file located in the Selectmen’s Office.

Selectman Despres referenced the alleged picture of Paisley and Mr. Tetreault which was included into evidence and is likewise included here by reference – and kept in the aforementioned file. Various discussion ensued. The attorney assured the Board that his client and his client’s girlfriend would attend training courses at Clark’s for dog obedience and owner training. He further outlined what he hoped the outcome would be indicating that his client sees the errors of his ways and promises to abide by BOS orders completely. He further requested the dog be released to his client.

Various neighborhood residents addressed the Board and questioned how Mr. Tetreault’s statements / assurances could be relied on if the Board’s prior orders were not adhered to in the past. Mr. Tetreault again addressed the Board and stated that he was deeply remorseful and he had learned from this experience. He indicated to the Board that he dearly misses his dog and he assured the Board that if given another chance, he would abide 100% with all orders if Paisley was returned back to him. Mr. Tetreault’s girlfriend, Ms. Christine Newman, addressed the Board. She stated that she and her two kids loved the dog and they miss her. They have never had any issues and she has always abided by every rule the Board has given.

Various residents addressed the Board and outlined why they wanted the BOS to not release the dog back into the custody of Mr. Tetreault. They all had a similar comment that the neighborhood is much better without the dog in it.

After various conversation and comments on a roll call vote by Selectman Krumsiek 2<sup>nd</sup> by Selectman Naff and voted all aye: the Board gave the following Order which is on file and incorporated here by reference.

It is hereby Ordered that the dog Paisley is a dangerous dog.

It is further Ordered:

1. Mark Tetreault, as Paisley’s owner, must pay all boarding charges and expenses of the Animal Control Officer associated with the care and custody of Paisley in accordance with Section 6.10.090 of the Millbury Municipal Code within 7 days of this Order. Paisley shall not be released from impoundment until all charges and expenses are paid.
2. An adequate fence, as defined in G.L. c. 140, § 157(c)(ii), must be installed at Paisley’s place of residence and Paisley must be kept confined (confinement as defined per said statute) behind said fence at all times when not in the house.
3. Paisley is not to be left outside at its place of residence until such time as said fence is installed and approved by the Animal Control Officer.

4. When outside its place of residence or fence area, Paisley must be muzzled and leashed at all times, as provided in G.L. c. 140, § 157(c)(iii). Paisley must be supervised and under control at all times, including while in a car.
5. Paisley, Mark Tetreault, as Paisley's owner, and Christine Newman must complete obedience training from a professional dog trainer, with the cost of such training paid up front, and proof of payment and completion of the training submitted to the Town.

Mark Tetreault, as Paisley's owner, have the right, within ten days pursuant to G.L. c. 140, §157 of this Order, to bring a petition in the district court within the judicial district of which the dog is kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deems necessary. The magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. You or any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties.

**8:25 PM Joint Petition Verizon and NGrid to position a pole:**

Chairman Adams called for a roll call vote to open the Public Hearing. Motioned Krumsiek, seconded Naff: roll call all aye. Chairman Adams called for a roll call vote to open the Public participation portion of the Hearing: Motioned Krumsiek, seconded Naff: roll call all aye.

The Chair called for any public comment. Mr. Lucifer from National Grid addressed the Board and referenced the pole petition documentation which had been placed in the record and on file. He explained that the purpose of the pole was to replace a guy wire that was in a tree which had to be cut down. The new pole was going to be a stub-pole and would not impact any ingress/egress nor would the wire. On a roll call to close the public comment portion: Motioned Krumsiek, seconded Naff, roll call all aye. Motioned Krumsiek, seconded Naff, roll call all aye grant the petition.

**Guest Presentation:**

**8:40 PM Melanson & Heath, Town Auditors.**

The Auditors addressed the Board and went over the results of the FY 2017 audit. There was no management letter in this year's 129 page audit. The auditors indicated that the Town was in stable and good financial position. A recommendation of paying down the debt by 10% was made. In so reaching this goal, it is believed that the Town's bond rating could be raised to AA+.

**New Business:**

**7:02 PM Vote to and signature of the 1.65M BAN: \$550,000 for the school feasibility study and \$1.1M for roadway projects.**

Motioned Krumsiek, 2<sup>nd</sup> Despres, voted all aye.



**7:20 PM Medmen Marijuana Grow/ Manufacture Facility @ Latti Farm old Globe Building:**

Atty. Falk addressed the Board and brief discussion ensued. A special permit to reuse the old Globe building is before the Planning Board and MedMen was looking to open negotiations with the Town regarding a Host Agreement. It was decided to authorize a committee comprised of: the Chair, the Town Manager and Town Counsel, to negotiate this agreement and report back to the board with their recommendation. So moved Krumsiek, 2<sup>nd</sup> Naff and voted all aye.

**7:06 PM Vote to Approve Drainlayer’s License: Longwood Development- Ken Pero:**

Moved Krumsiek, 2<sup>nd</sup> Naff voted all aye.

**Town Manager Report**

Very brief discussion, nothing noteworthy mentioned, no motions, no votes.

**Previous Minutes: August 14, 2018**

Motioned Krumsiek, 2<sup>nd</sup> Despres and voted all aye.

**Mail: 7:10 P.M.**

A donation of \$2,500 from Wheelabrator to the Police Department, a second letter regarding a \$2,500 donation from Wheelabrator to the Fire Department and a third letter regarding a \$5.00 donation from Ms. Phyllis Boats to the Fire Department were read. On a motion by Selectman Despres, 2<sup>nd</sup>ed by Selectman Krumsiek it was voted all aye to accept the donations with the Board’s thanks.

**Adjournment: 9:06 PM**


Motion to adjourn by Selectman Krumsiek at 9:06 pm, seconded by Selectman Naff  
Motion carried unanimously.

Respectfully Submitted:

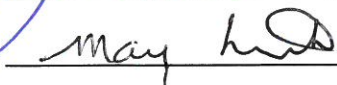
David J. Marciello, Esq., MPA  
*ICMA-CM*  
Town Manager

**Millbury Board of Selectmen:**

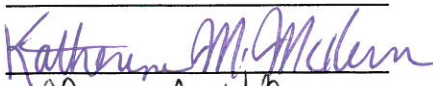
Jon A. Adams

  
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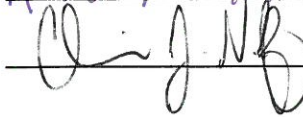
Mary Krumsiek

  
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Scot Despres

  
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Katie McKenna

  
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Chris Naff