

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
Monday, September 25, 2017  
Veterans Memorial Building Room 229  
900 Main Street, Millis, MA 02054**

**CALL TO ORDER:** Sel. McCaffrey called the meeting to order at 7:00 pm. The following persons were present: Sel. James McCaffrey, Sel. Catherine MacInnes, Sel. Loring Barnes, Town Administrator Michael Guzinski, and Operations Support Manager Karen Bouret.

**ANNOUNCEMENTS**

Town Administrator Michael Guzinski announced that Jennifer Scannell, Town Treasurer/Collector, successfully passed her Massachusetts Municipal Collector examination and is now officially certified. The Board congratulated Ms. Scannell on her accomplishment.

**PUBLIC HEARINGS/SCHEDULED APPOINTMENTS**

**17-237 Approval of BAN**

Ms. Scannell presented a Short Term Debt Note for water systems improvement and the DPW garage for approval.

**Sel. Barnes made a motion to approve a short term Bond Anticipation Note for \$439,200.00 maturing on September 28, 2018 with an interest rate at 1.35% for the project known as the Water System's Improvement and the DPW garage. The motion was seconded by Sel. MacInnes and passed unanimously.**

**17-238 Appointment of Confidential Assistant**

Mr. Guzinski asked the Board to approve his recommendation to appoint Maureen Canesi as a Confidential Department Assistant II to the Town Administrator/Operations Support Manager for 18 hours a week. Mr. Guzinski said Ms. Canesi has been working as a temporary employee since February of this year. Sel. MacInnes noted that she does not approve the way this appointment has gone in relation to it being non-union, and feels it should've been posted prior to appointing someone. Sel. McCaffrey said he supports the management staff's judgement in regard to hiring personnel, and supports the Town Administrator's recommendation.

**Sel. McCaffrey made a motion to appoint Maureen Canesi to the position of Confidential Department Assistant II to the Town Administrator/Operations Support Manager for 18 hours a week. The motion was seconded by Sel. Barnes. Sel. MacInnes voted no. The motion passed 2 to 1.**

**17-239 Appointment of Board of Assessors Member**

Sel. McCaffrey said the Board of Assessors has recommended the appointment of Robert Veaner as a new member, noting that he is highly qualified and will be an asset to the Board.

**Sel. McCaffrey made a recommendation that Robert Veaner be appointed to the Board of Assessor's effective immediately for a term ending when the member he is replacing's term expired. Karen Bouret, Operations Support Manager, will advise as to the term. The motion was seconded by Sel. MacInnes and passed unanimously.**

17-240 Appointment of Matron

Police Chief Chris Soffayer recommended that Robin Cahill, a long time Dispatcher at the Millis Police Department, be appointed as a matron. Mr. Guzinski approved the recommendation.

**Sel. Barnes made a motion to approve the appointment of Robin Cahill as a matron for the Millis Police Department effective immediately. The motion was seconded by Sel. McCaffrey and passed unanimously.**

**SCHEDULED BUSINESS**

17-245 Extend Town Counsel Appointment

Mr. Guzinski said there are interviews scheduled on October 2<sup>nd</sup> for three law firms who responded to the RFP for legal services. Mr. Guzinski said current town counsel, K/P Law, is appointed through September 30<sup>th</sup>. Sel. McCaffrey said in light of the upcoming town meeting on November 6, he suggests extending K/P's appointment through November 7<sup>th</sup>, 2017.

**Sel. McCaffrey made a motion to extend the appointment of K/P Law as legal counsel for the Town through November 7, 2017. The motion was seconded by Sel. Barnes. Sel. MacInnes was not in favor. The motion passed two to one.**

17-248 Approval of One Day Alcohol License

**Sel. McCaffrey made a motion to approve a One-Day Special Alcohol License for wine/malt for St. Thomas Parish for the Annual Parish Picnic to be held Saturday, October 14, 2017 from 6:00-10:00pm with notification to the Police prior to the event. The motion was seconded by Sel. MacInnes and passed unanimously.**

17-249 Approval of 5k Road Race Permit

**Sel. McCaffrey made a motion to approve a general permit for a 5k road race to be held on Sunday, October 29, 2017 starting at 8:00am, with a start and finish at Tangerini's Farm as hosted by the Millis Mohawk Boosters, with coordination with Police, Fire and DPW. The motion was seconded by Sel. MacInnes and passed unanimously.**

17-250 Approval of Block Party Permit

**Sel. McCaffrey made a motion to approve a general permit for a block party and neighborhood parade to be held at 7 Lexington Lane from 2:00-9:00pm starting with the parade and in coordination with Millis Fire Department with notification to Police and DPW. The motion was seconded by Sel. MacInnes and passed unanimously.**

**PUBLIC HEARINGS/SCHEDULED APPOINTMENTS**

17-241 Village Street/Forest Road and Spring Street Improvement Plans

Chief Soffayer reviewed proposed improvement plans to the Village Street/Forest Road intersection which would add two solar flashing stop signs on Forest Road and two solar flashing yellow intersection signs on Village Street. Discussion ensued about proper sign placement. Sel. McCaffrey said that the Board supports an article to be placed on the fall town meeting warrant for funding for this traffic improvement project.

Chief Soffayer said he met with the Mr. Guzinski and Mr. McKay to discuss options for Spring Street improvements including a raised crosswalk, school zone/speed limit signs, and no parking signs. Discussion ensued. Mr. McKay stated that the engineer will be providing a quote for the crosswalk in the

upcoming week(s) and will also look at whether the sidewalk may be extended. Mr. McKay said the street signs have already been ordered and there will be no additional appropriation needed for that piece.

#### 17-242 Speed Limit Regulation Discussion

Mr. Guzinski said there are two different ways for the Board to alter speed limits in Town according to the Municipal Modernization Act (MMA). The first update in the local acceptance section allows a reduction in speed limits to 25 MPH in thickly settled or business districts for public safety. The other update allows a designation of safety zones on roads that are not state highways. Mr. Guzinski said the Town Meeting will need to adopt the two sections of the MMA as specified in an email from Town Counsel dated September 12, 2017. Mr. Guzinski suggested that the Board place warrant articles on the fall town meeting warrant for this purpose.

**Sel. McCaffrey made a motion to place an article(s) on the 2017 November Town Meeting warrant to reduce the speed limits to 25 MPH in thickly settled or business districts (M.G. L. c. 90, §17C) and designated safety zones (M.G. L. c. 90, §17B). The motion was seconded by Sel. MacInnes and passed unanimously.**

#### **SCHEDULED BUSINESS**

##### 17-247 Stormwater Flyer and Community Outreach Discussion

Mr. McKay said a flyer has been created that will be sent to residents to provide information in advance of an article that will be on the November Town Meeting warrant for stormwater management. Mr. McKay said the flyer is a work in progress and is being updated and revised currently.

Sel. McCaffrey noted that the Town is trying to give property owners as much information as possible in order for people to understand that Millis is aggressively trying to keep up with stormwater requirements. Sel. McCaffrey noted that he, Mr. Guzinski, and Betsy Frederick from Kleinfelder met with the seniors at the COA recently to discuss stormwater management plans. Sel. McCaffrey said the Board and staff will continue to reach out regarding this very important issue.

#### **SCHEDULED BUSINESS**

##### 17-246 November Town Meeting Warrant Article Review

Mr. McKay addressed the Board regarding five potential articles for town meeting:

- Gasoline and Diesel System Replacement (\$50,000)
- Front End Loader (\$182,698)
- Traffic Enforcement Upgrades for the signage discussed during the street improvement plans (\$26,400) Sewer I/I Analysis (\$218,290)
- Stormwater Management Utility Bylaw (possibly \$400,000 per year)

Fire Chief Rick Barrett presented three potential articles:

- Replacement of Air Packs (\$40,000)
- ALS Training Funding (\$20,000)
- Fire Department Assistant II (\$32,012)

Police Chief Soffayer presented one article:

- Police Vehicle Lease (4 vehicles for \$142,631.40 total)

17-243 Dog Hearing – Pernice

**Sel. MacInnes made a motion to open the dog hearing for Linda Pernice of 251 Village Street at 8:35 pm. The motion was seconded by Sel. Barnes and passed unanimously.**

**Sel. McCaffrey asked all in attendance to stand and hold their right hand up and solemnly swear to tell the truth, the whole truth, and nothing but the truth regarding the dog issue at hand. Note that the entire room full of attendees stood and replied I do.**

Ms. Brenda Hamelin, Millis/Medway Animal Control Officer, read a time line of incidents regarding the Golden Retrievers owned or kept by Linda Pernice of 251 Village Street, Millis into the record. The timeline started at 10/27/02 and ended 08/30/17. (See timeline document) The last two incidents on the report detail dog bites to a 10 year old child and forged rabies certificates, which caused the need for the hearing. Ms. Hamelin said she is currently unsure how many dogs currently reside at Ms. Pernice's home nor whether the dogs Ms. Pernice said had escaped the fence when the boy was bitten are the actual dogs that were involved. Ms. Hamelin said she cannot prove the dogs have been properly vaccinated. Ms. Hamelin then reviewed an incident report from Sunday August 28th through August 30th and continuing to September 7<sup>th</sup>, 2017. Ms. Hamelin said she has never been allowed in Ms. Pernice's home to do a kennel inspection despite repeated requests to do so.

Ms. Hamelin told the Board that in her opinion Ms. Pernice's dogs should be considered dangerous dogs, as per M. G. L. c. 140 §136A and reviewed the options available as relief in the statute if the Board agrees to the dangerous dogs designation. A discussion ensued between the Animal Control Officer and the Board. Ms. Hamelin said she would define Ms. Pernice's home/business as a puppy mill.

Linda Pernice spoke to the Board and asked for a continuance of the hearing since her attorney could not be present. Ms. Pernice said Ms. Hamelin was not entirely truthful in her report of various incidents on the timeline and said she is unprofessional. Ms. Pernice submitted two letters from veterinarians regarding two of the dogs, Willow and Disney, both stating that dogs have never shown signs of aggression towards them.

Resident Mark Chansky said he witnessed two of Ms. Pernice's dogs attack his sons. He said the dogs bit Malachi Chansky twice, once on the back and once on the thigh, and then bit his other son but didn't break the skin. Mr. Chansky asked the Board to remove the dogs and send them to a shelter for fear of this happening again. Mrs. Chansky also gave testimony about being attacked, and said the dogs live in unsanitary conditions and are neglected. Numerous neighbors spoke about incidents where Ms. Pernice's dogs were aggressive towards them, their children, or their dogs after escaping from Ms. Pernice's backyard due to a fence in disrepair. Many neighbors said the Ms. Pernice's dogs are left out in inclement weather for long stretches of time and bark at all hours of the day and night. Jim Neighbors implored the Board takes action to permanently remove the dogs, stating that there has been a fifteen year stretch of troubling incidents involving Ms. Pernice's dogs.

Ms. Pernice again asked for a continuance until her attorney could be present. Ms. Pernice submitted photos of puppies she brought to a nursery school and said she often brings puppies to nursing homes and events. Ms. Pernice said she has other photos of her dogs showing they are at a good weight

Another neighbor shared audio from a video his daughter took of Ms. Pernice's dogs after digging a hole and escaping under her fence. The audio started with the girl laughing about the dogs but then the dogs

chasing her and screams of fear as they went after her. The neighbor stated his alarm at hearing the dogs might not be properly vaccinated.

Mr. McKay spoke about the condition of Ms. Pernice's home when the DPW had to look at the water meter and said it was abhorrent and he had to get the Board of Health was involved. Mr. McKay said the dogs had chewed through the wiring on a water meter. Mr. McKay said Ms. Hamelin's testimony earlier about this incident was accurate and truthful.

Several more neighbors spoke about being fearful of Ms. Pernice's dogs and fearful of the condition in which they have been kept.

**Sel. MacInnes made a motion to close the hearing, seconded by Sel. Barnes. The motion passed unanimously.**

Ms. Hamelin addressed the Board saying that next steps include a finding of facts, determination by the Board as to whether the dogs are nuisance dogs or dangerous dogs, and then the remedy. Ms. Hamelin stated this is the first step towards addressing the issues regarding Ms. Pernice's dogs, and said the dogs cannot be just taken away without going through the prescribed procedures defined by Mass General Law.

**The Board asked that the following be entered into the record as finding of fact:**

- **The "Incident Report from Animal Control Sunday August 28, 2017, Tuesday, August 30, 2017 and Thursday, September 7, 2017" that was read by the Animal Control Officer as testimony is an accurate picture and states true facts.**
- **The "Time Line of Incidents Regarding Dogs Owned or Kept by Linda Pernice 251 Village Street, Millis, MA" outlining incidents from October 27, 2002 through August 30, 2017 that was read by the Animal Control Officer as testimony states true facts.**
- **Multiple abutters/neighbors addressed the Board and corroborated at least one incident outlined on the Time Line as presented**
- **Ms. Pernice was specifically asked if her kennel was inspected by the Animal Control Officer and stated that it hadn't been**
- **Ms. Pernice was specifically asked if she paid the fines which resulted from the incidents dating August 28, 2017 through September 7, 2017 and stated that she had not paid the fines**
- **Several residents confirmed that the two dogs that bit Malachi Chansky were owned by Ms. Pernice but Ms. Pernice stated that she was unsure if the dogs involved were her dogs**
- **No testimony was given in support of Ms. Pernice by those in attendance at the hearing**
- **Ms. Pernice acknowledged that her dogs have produced several litters of puppies over the years**
- **Ms. Pernice gave the Board two separate letters from veterinarians that were not on official letterhead**
- **Ms. Pernice has a business which generates revenue based on breeding her dogs**
- **Ms. Pernice was hand-delivered a notice of the hearing by a Police Officer on September 16, 2017 and Ms. Hamelin spoke to Ms. Pernice's attorney on the phone on September 9, 2017 and told him there would be a hearing held on September 25, 2017**

**Sel. McCaffrey made a motion that the Board, based upon the findings of fact, deems the dogs as dangerous dogs. The motion was seconded by Sel. MacInnes and passed unanimously.**

Sel. MacInnes asked that Ms. Pernice be told to bring all licenses up to date, all outstanding fines related to this hearing be paid, and the Animal Control Officer be allowed to inspect the premises/kennel within 10 days of receipt of the filing of the orders. The Board agreed.

**Based upon the findings of fact, a motion was made by Sel. McCaffrey that the Board order the following:**

**(ii) that the dogs be confined to the premises of the keeper of the dogs; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dogs within 10 days of filing of the order;**

**(iii) that when removed from the premises of the owner or the premises of the person keeping the dogs, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length within 10 days of filing of the order;**

**(iv) that the owner or keeper of the dogs provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dogs or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance within 10 days of filing of the order;**

**(v) that the owner or keeper of the dogs provide to the licensing authority or animal control officer, information providing proof of microchip implantations by which each dog may be identified, throughout its lifetime, within 10 days of filing of the order;**

**(vi) that unless an owner or keeper of the dogs provides evidence that a veterinarian is of the opinion any of the dogs is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dogs to be altered so that the dogs shall not be reproductively intact within 30 days of filing of the order;**

**The motion was seconded by Sel. MacInnes and passed unanimously.**

Sel. McCaffrey asked that the Operations Support Manager file the order with the Town Clerk in coordination with the Animal Control Officer, and that the order be hand-delivered to Ms. Pernice.

**SCHEDULED BUSINESS**

17-246 November Town Meeting Warrant Article Review (continued)

**Sel. McCaffrey made a motion to refer the Marijuana Moratorium back to the Planning Board with the Board of Selectmen's support. The motion was seconded by Sel. MacInnes, and passed unanimously.**

17-244 Review BOS Goals

Deferred to a future meeting

**ADJOURNMENT**

**Sel. McCaffrey made a motion to adjourn at 11:20pm. The motion was seconded by Sel. Barnes, and passed unanimously.**

Respectfully submitted: Karen M. Bouret