

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, JUNE 9, 2014  
Town Hall, 2<sup>nd</sup> Floor Auditorium  
109 Front Street, Winchendon**

Present: C. Jackson Blair, Chairman  
Elizabeth R. Hunt, Chairwoman  
Robert O'Keefe  
Fedor Berndt

James M. Kreidler, Jr., Town Manager  
Linda A. Daigle, Executive Assistant

Absent: Keith Barrows

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List of Documents Presented at Meeting:

- Master Plan Survey notice
- Winchendon 250th Anniversary Committee –Charter Day Events list; Letter out to Parade Route residents; June 21, 2014 Celebration Day activities (filed)
- Letter of Resignation – James Halloran Planning Board (filed)
- Board of Selectmen FY15 Appointment Renewals (attached)
- Entertainment Permit Application – Music and Art Show June 14, 2014, Cornestone Church/C.cada (filed)
- Entertainment Permit Application for 30th Annual Kiwanis Family Fun Day/Mass. State Chili Cook-off, August 2, 2014
- Voluntary Boot Drive Application for June 28, 2014 – Sons of the American Legion (filed)
- Voluntary Boot Drive Application for July 5, 2014 – Winchendon Veteran Fireman's Muster Association (filed)
- Hawker Peddler Solicitation Permit – Andrew Hammes – for Educational Books (filed)
- Parade Solicitation Permit Application for June 21, 2014 – S&S Novelty (filed)
- Class II License – Nick's Used Cars and Parts (filed)
  - o Notice of hearing
  - o The Gardner News Article dated April 11, 2014
  - o Board of Selectmen minutes of January 27, 2014
  - o MGL, Chapter 140, § 58
- Dog Hearing – Corey Goodwin (filed)
  - o Notice dated May 30, 2014
  - o Winchendon Police Dept. Incident Report dated 5/12/2014
  - o Narrative from ACO Charlene Thompson - Ref. #14-337-OF
  - o Narrative from Monica Kleber – Ref. #14-337-OF
  - o Recommendation of ACO Kleber dated 5/30/14
  - o MGL, Ch. 140, §157

- Election Ballot for June 28, 2014 (attached)
- Property Conveyances – 19 Vine St., Baldwinville State Rd. and Stoddard Rd. (filed)
- Town Manager’s Report (attached)
  - o Proposed Fee Changes for transfer Station FY15 (attached)
  - o Kinder Morgan Gas Pipeline material from M.J. Galat (filed)
    - Meeting notice for June 18<sup>th</sup> at the Greenfield Community College regarding “the Law” and “Municipal Rights (filed)
    - Proposed Citizen Petition to Ban the Pipeline from Town (filed)
  - o United Parish’s letter requesting to air Sunday Services over Public Access Cable Television (filed)
  - o Town of Winchendon Red Sox August Night (attached)
  - o Draft letter to Mr. Michael P. Szoc from Kopelman and Paige regarding properties located in the Town on New Boston Road (filed)
  - o Mr. Szoc’s letter to the Selectmen regarding properties located on New Boston Road (filed)
- Minutes for approval: (filed)
  - o Tuesday, April 1, 2014 Open Session Minutes prior to Executive Session
  - o Tuesday, April 1, 2014 Executive Session Minutes
  - o Monday, April 28, 2014 Regular Meeting

Chairman O’Keefe called the meeting to order at 6:22 p.m. with the Pledge of Allegiance to the Flag of the United States of America. The meeting aired live on local cable access channel 8.

*Disclosure of Audio/Video Recording:* No one announced they would be audio recording the meeting this evening when asked by the Chairman.

**SELECTMEN’S COMMENTS:**

Blair congratulated all those involved with the Vietnam Veteran’s Moving Wall that was in Town saying it was a beautiful time.

Master Plan Review Survey – O’Keefe announced that a survey was going around our Master Plan Review and people could pick it up at Town Hall or take it at [www.surveymonkey.com/s/winchendonmp](http://www.surveymonkey.com/s/winchendonmp).

**PUBLIC COMMENTS AND ANNOUNCEMENTS:** None this evening.

**BOARDS/COMMITTEES:**

Winchendon’s 250<sup>th</sup> Anniversary Committee – Mr. Dave LaDeau stepped forward and spoke about the upcoming Charter Day event on June 14, 2014. He showed the Board pictures of the time capsule that would be opened at 1:30 that day and will be resealed after the benediction. He provided them with a list of all the items that are in the time capsule now and asked the Board for any ideas on what should remain in the capsule, what should stay and if they had any suggestions what to put in the box. He informed them there was an Art Walk first at GAR Park from 12:00 p.m. – 4:00 p.m. and mentioned the Commemorative Charter Day Exercises that would begin at 4:00 p.m.

Cindy Darcy came forward to speak about the parade which she is excited about. She said it will appeal to a variety of age groups and mentioned some of the wonderful, award winning bands that will participate as well as

horse units, police/fire, and crowd pleasers like the suspenders, jugglers and Wally the Green Monster. She mentioned the variety of floats and how impressed she was with them. People have been working hard on their entries. She wanted to thank all the volunteers that have stepped forward to help. She hoped everyone would join them at 4:00 p.m. on the 21<sup>st</sup> and asked that people be lined up and ready at 3:30 p.m.

Selectwoman Hunt arrived at the meeting at 6:34 p.m.

#### **REORGANIZATION OF THE BOARD:**

O'Keefe said it is proper to reorganize after the first meeting after elections. Hunt moved to nominate Jack Blair as Chairman; Berndt seconded. Hunt moved to close nominations; Berndt seconded. By vote of all aye, the Board closed nominations. By a secondary vote of Berndt aye, Blair pass, O'Keefe aye and Hunt aye, Jack Blair was voted the Chairman of the Board of Selectmen.

Blair moved to nominate Beth Hunt to remain as the current Vice-Chair; O'Keefe seconded. O'Keefe moved to close the nominations; Berndt seconded. By roll call vote all aye, Selectwoman Hunt was voted to continue to hold the Vice-Chair seat of the Board of Selectmen. O'Keefe was thanked for his service as Chairman.

#### **APPOINTMENTS/RESIGNATIONS:**

Resignation – James Halloran Planning Board – Blair thanked him for his willingness to serve. O'Keefe moved to accept his resignation; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Board of Selectmen FY15 Appointment Renewals – Berndt moved to accept the list before them this evening as presented; O'Keefe seconded. By a vote of all aye, the motion carried unanimously.

#### **PERMIT/LICENSE APPLICATIONS, HEARINGS:**

Entertainment Permit – Music and Art Show June 14, 2014, Cornestone Church/C.cada – Janet Corbosiero spoke on behalf of the Cornerstone Church. Artist will be set up around the horseshoe at Old Murdock and bands will play at the Gazebo from 12:00 – 4:00 p.m. O'Keefe moved to approve; Hunt seconded. By a vote of all aye, the motion carried unanimously

Entertainment Permit – 30th Annual Kiwanis Family Fun Day/Mass. State Chili Cook-off, August 2, 2014 - Mr. Bruce Cloutier, President of the Kiwanis Club was present on this application. He said 100% of funds go back to the Town of Winchendon through scholarships, help with the girl/boy scouts, Key Clubs and they are all about community service. This will be an exciting event and a fun day for families. Berndt moved to accept and waive fee; O'Keefe seconded. By a vote of all aye, the motion carried unanimously. Mr. Cloutier said they are looking for judges for the chili entries that day.

Voluntary Boot Drive June 28, 2014 – Sons of the American Legion – Mr. Curt Fitzmaurice, Treasurer of the Sons of Legion, came forward on this annual boot drive going on now for about fifteen years. The funding is used to maintain the scholarship fund. They will set up on Front St., from the Historical Society to the Police Station. They have signs and cones and will wear DOT vests. The drive is from 9:00 a.m. to 1:00 p.m. O'Keefe moved to approve; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Voluntary Boot Drive July 5, 2014 – Winchendon Veteran Fireman's Muster Association - Mr. Corey Bohan came forward on this application. He said normally this is an annual event but last year they had lack of funds. This year it is in cooperation with the 250<sup>th</sup> Anniversary Committee who are helping with the Muster. The Boot Drive will be to compliment this. He stated the Musters have no employees, no benefits and no salaries are paid. All the funds go to the Muster. Berndt moved for the application and to waive the fee; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Hawker Peddler Solicitation Permit – Andrew Hammes – for Educational Books - With the applicant not present, O'Keefe moved to table; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Parade Solicitation Permit June 21, 2014 – S&S Novelty – Ms. Janet Corbosiero came to represent S&S as they are out of Providence RI. Hunt asked about reputation. Ms. Corbosiero said they have been with them for the last three Harvest Festivals and they have been very generous. Hunt moved to approve; Berndt second. By a vote of all aye, the motion carried unanimously. The fee is \$50.00.

#### CLASS II HEARING:

Class II License - Nick's Used Cars and Parts, 560 School St.- Blair opened the hearing informing the audience that the hearing is being held in public but it is not a "public hearing" giving the public license to speak. He read into the record the Hearing Notice pertaining to Class III activity being conducted at 560 School St. Mr. Ed Methe and Mr. John Harty came before the Board and were sworn in. Mr. Harty, who's Class II business is next to Nick's asked what Nick's Used Cars and Parts was doing that would require him to have a Class III license. Kreidler replied stating he hasn't been involved in the meetings to date and asked if he was a party to this. Mr. Harty said No, but he thinks we are talking to him more than Nick's as far as repairing the total wrecked cars. He said Napoleon (Methe) should come up but wanted to state that having wrecked cars does not mean you have to have a Class III license. Anyone could repair a wreck. The State Police has to inspect them when they are done and you have to have all the paperwork in order. He said a Class III is selling parts and he knows Mr. Methe is not selling parts. He said the article in the paper was talking about fifteen years ago when Mr. Methe did have a Class III license at another operation. Kreidler, understanding that Mr. Harty does not have standing, but in response to his comments, the article in the paper in just but one issue, but the article states from Mr. Methe "we sell parts," we take scrap vehicles and sell parts. Mr. Methe said they had applied for a Class III and was planning on doing this.

Ms. Jennifer Methe came before the Board and was sworn in. Kreidler said the article in the newspaper talks about her growing up in a junk yard but in the present tense the article says we will buy your car even if it's junk, we can sell the parts. The Board has been clear this cannot be conducted under a class II license. The minutes of the last meeting with them on January 27, 2014 both Mr. Methe's recognized that and said they will not conduct that type of business. It was understood if you did then you would be back in before the Board and a consideration to revoke the license was possible. Ms. Methe said they do not sell parts and she has contacted The Gardner News who has offered to do a retraction. O'Keefe asked what they did with the junk cars they buy. Mr. Methe stated we don't buy junk cars, we buy cars that can be fixed and sell them. O'Keefe said you need a Class III license to purchase vehicles, repair them and sell them. Berndt read Chapter 140, Section 58, §(d) regarding the definition of Class III being "the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts."

Mr. Harty disagreed. Blair said he was reading right from the law and asked him if he was an attorney and pointed out he doesn't have a part in this hearing. The Board has met with Mr. Methe and his son a few times, has gone through the definitions, we've recommended changes, offered to help fill out the paperwork. The fact remains, if he is doing something that is illegal under the law of the land, we have the right to consider that license. Instead of worrying about what was in the paper, let's address what's being done. Mr. Napoleon Methe came forward and was sworn in. He said he is not purchasing salvage cars but clean title cars that don't fall under a Class III. O'Keefe said a Class II license specifically allows you to purchase and sell used cars. You need a Class III if you purchase a used car, whether salvage or not, repair it and sell it. However, regular maintenance of the car was allowed under Class II. Berndt asked about a clean cut roof off a Subaru that was in the yard. Napoleon said that's salvage and Mr. Harty's, Affordable Motors, next to their business. Mr. Harty came to this hearing because of this confusion. He is at the same location and does salvage work. Affordable Motors has only a Class II license. Mr. Harty said it's what he has done his whole life. You can go to any Registry of Deeds any day of the week and State Police are inspecting thirty cars from different places just like his. If it was illegal, they wouldn't let you do that; they wouldn't let you buy the cars; they wouldn't let you go to the auctions. You have two different titles – salvage and salvage repairable. The repairable vehicles, anyone can buy them. You can take them home and repair it. You bring it to the State Police to be looked over, you show them the receipts. Mr.

Harty says he's always had a Class II and has always done this. This is what he's done all his life. Berndt was concerned that Nick's has been taken the fall for the salvageable vehicles at their location when most of them belong to Affordable Motors. Napoleon said they have only two now and stopped touching them per the direction of the Board's last meeting. They got rid of forty cars a couple weeks ago. Hunt said when she goes by there, she sees a lot of activity but can't tell who works on what cars. There is no defining line saying us and yours. Hunt commented she appreciates the honesty of them admitting they had done a Class III act and when it was realized they couldn't, they stopped. We asked you to clean up the cars and you have unloaded about forty. She said we can't use the paper as a foundation of any decisions. Blair asked if they find any merit to testimony in what they have heard this evening to disqualify them from continuing with a Class II license or as a result of their testimony here and evidence they put forward that we continue to let them have the license. Blair asked for any additional testimony. Napoleon said they are trying their best to do what the Board wants him to do. Blair asked if the Board had any more questions. Berndt asked about the other party who is admitting to doing this kind of work. Blair stated the other party was not called in tonight and they cannot address it.

Kreidler said the reason this hearing was called was because of the newspaper article. You have seen things but you cannot tell who's doing what you are seeing. Ms. Methe is saying this article is inaccurate. For the record, Kreidler read some points from The Gardner News article dated Friday, April 11, 2014 referencing Nick's Used Cars and Repairs at 560 School St. Jennifer Methe's photograph and name are in the article and she is listed as the Manager. Nick's is also photographed and in the article. Napoleon is quoted as saying, "Lots of stuff people think aren't fixable, we fix," "We can sell the parts." The article further states, "This value is why Nick's Used Cars and similar companies will pay to haul the vehicle away, rather than charge for their services." "The price is determined based on factors such as, if the car still runs, the quality of the frame and if there is rust. Yet at the end of the day, we will take just about anything, Mr. Methe said." They recommended checking other salvage yards requesting estimates. It also says that some companies will ask the seller to pay a tow fee to have the car brought to them, but at Nick's, Ms. Methe will often remove the car herself. It is helpful if the cars have tires on it, but there is no prep work the vehicle owner is required to do to have the car. Under the photo of Nicks, there is a caption that reads "Nick's Used Cars and Repairs will pay you to haul away your old car." Kreidler stated the reason he wanted to get this into the record is because it has been stated under oath that these are all not accurate and not the whole conversation. Napoleon said that it is not the whole conversation and that during the time of the interviews, they were in the process of buying Girards. The Gardner News reporter, Katie Landeck, authored the article and was sworn in. She testified that she was assigned to do an article about spring cleaning. She spoke with Napoleon primarily and told him she was doing an article with spring cleaning. He said oh there is not much that we do with that here because we are a car place, but we haul and will remove scrap metal. She said they do advertise in their paper offering to remove scrap metal. The quote that seems to be the most in question is the "we can sell parts." She said Napoleon did say that but they were talking about why a company would ever go through the process of buying a junk car. Napoleon said the reason it is done is to sell parts. He never explicitly told her he does sell the parts and she doesn't know if he does or doesn't. Blair said beyond what we have heard from the reporter and a possible misunderstanding, we also have questions from the Board that elicited several answers today. The question is what is actually going on there and do they approve it. Jennifer was asked by the Town Manager if the truck pictured in the article towing a wreck was hers. She replied that it's old and her nephews.

Blair said we are back today to see if they are operating under their Class II license or not, and if not, what is the penalty; are we willing to grant any more room for them to try and comply. If we remove the license, potentially this puts them out of business. Hunt said we knew you wanted to venture out and while in the process of making that decision, you then withdrew your application for a Class III. She asked if they were going to seek out a Class III license. Napoleon was still trying to go forward with a Class III. Blair recapped, when we thought the answer was to get a Class III, we offered to help and you came back to see us with that wasn't the road to go. You voluntarily withdrew the application for a Class III and you had to stick to the confines of a Class II. Berndt stated there is a way a Class III can be done on that sight as long as it's contained in the building with no cars or parts on the outside. It would have to be screened and not able to be seen by the public. You need a minimum of fifteen acres to have an open air salvage. With no additional information to be offered O'Keefe moved to take

administrative notice of the license holders file; Berndt seconded. By a vote of all aye, the motion carried unanimously. O'Keefe moved to close the hearing; Berndt seconded. By a vote of all aye, the motion carried unanimously.

Hunt moved to find the charges unproven; O'Keefe seconded. By a vote of all aye, the motion carried unanimously. O'Keefe said contrary to what the other gentlemen said, this Board believes with a Class II you cannot purchase vehicles, repair them and sell them. If you're buying, whether having a salvage title or not, if a car has a blown motor that doesn't need a salvage title, if you purchase that car and replace the motor, you're in violation. Napoleon asked what the Board would like him to do, if they wanted to see a big building put up. The reply was whatever he wants to do but just to comply with the law. Berndt advised him to visit the Planning Office to see about the Class III and invest in an enclosure.

Chairman Blair called for a brief recess at 7:25 p.m. and reconvened the meeting at 7:29 p.m.

DOG HEARING – Corey Goodwin -15 Cedar St.

Chairman Blair opened the hearing by reading the dog hearing notice sent to Mr. Corey Goodwin, 15 Cedar St. into the record. Animal Control Officers Monica Kleber and Charlene Thompson, Mr. Corey Goodwin, Mr. Rick Lucier, Ms. Sarah Stuart-Plamondon were sworn in to give testimony. The Animal Control Officers introduced themselves. Thompson read through the incident report detailing the events of May 12, 2014 where the dog Ginger lept over the fence at 15 Cedar St. and attacked a woman and her dog that were walking by. The victim and her dog were not seriously injured. Ginger was put in quarantine. When she returned to check on Ginger, she was told the dog was put down. The victim was notified immediately and advised to visit the hospital to receive post rabies vaccinations. Kleber explained her involvement and the narrative enclosed. She learned from Mr. Goodwin that Ginger who was in quarantine and Corey's dog Sargent had got in a fight on Wednesday, May 14 that resulted in significant wounds to Ginger's neck. His grandmother found her and took her to the vet who euthanized her. It was not stated to the vet that this dog was under quarantine so the vet did not notify Winchendon Animal Control. Kleber stated she had contacted Michael Cahill of the Dept. of Agriculture to inquire what the proper procedure would be. Since Sargent was in contact with Ginger who was in quarantine, Sargent now had to be quarantined for forty-five days due to his exposure to rabies. Due to the circumstances, Animal Control took possession of the dog Sargent, brought him for a rabies booster and put him in quarantine at the shelter. Blair asked her specifically why the dog is considered vicious and dangerous. Kleber stated there were incidents in the past with possible attacks, chasing the mailman, etc. where Mr. Goodwin was ordered to put up a fence. Since then there hasn't been any other incidences but in light of all that has happened she considers Sargent to be a liability to the Town if something isn't done and if he's allowed to run free. She stated she hasn't seen any aggressive behavior with Sargent in her possession but Charlene has seen some barking and posturing when another male has been at the center. He asked if she was in fear of the dog and has there been excessive barking. She said no, she is perfectly fine with the dog.

Mr. Goodwin testified he got Ginger six months ago from a bad situation and tried to rescue her. She was very aggressive from the time he got her. He tried to change her and obviously it didn't work out. He guaranteed Ginger was the one that started the fight and Sergeant was just protecting himself. The law states a dog can protect himself; he's not a dangerous dog. He said he wasn't home the night that happened. Blair said Mr. Goodwin had erected a fence that wasn't high enough so this sort of thing wouldn't happen. Mr. Goodwin replied that Sargent can't jump over it; it was Ginger who did. Hunt asked if both dogs were fixed. Mr. Goodwin replied yes and that rabies shots for both were confirmed.

Kreidler, testifying under Number 3 other interested Town Agent, relayed out the events: Mr. Goodwin has two dogs in his possession (Sargent and Ginger) -- Sargent is Mr. Goodwin's longer term dog for which we have had interactions with Mr. Goodwin resulting with him building the fence -- we have had no issues since with Sargent -- Ginger comes into the house and is the one who jumps the fence, picks the other lady's dog up in her mouth, punctures the skin of the woman walking her dog -- Ginger is quarantined in Mr. Goodwin's house -- Ginger is euthanized. What is missing here is what happened here. Why was Ginger euthanized and why are we talking

about Sargent? He wanted the record to be clear. What you have before you, unless there is testimony to contradict it, is that while Ginger was in quarantine, Sargent and she tangled. Mr. Goodwin suggests that it was Ginger being the aggressor. The end result Ginger was bitten in the throat by Sargent to the point she had to be put down. Mr. Goodwin agreed with the narrative of events.

Blair added that when the Animal Control Officer came back to check if Ginger had rabies, that dog was now gone and we did not have a way to determine if she had rabies. Now the second dog, Sargent, accused in this instance of attacking the first dog, Ginger, makes things convoluted. Mr. Goodwin asked if Sargent was being disciplined for Ginger's actions. Kreidler answered no. Blair said you erected a fence that wasn't tall enough and the room wasn't secure enough. Mr. Goodwin replied, right. Berndt asked Mr. Goodwin, the dog was euthanized, you knew it was under quarantine, why didn't you involve the officers that had come to your house before you euthanized the dog and where are the reports saying the dog was euthanized. Mr. Goodwin replied that the Animal Control Officer took that paperwork from him. Kleber stated she did get a copy of the paperwork and she did talk to the doctor who did the euthanasia. The damage that was done to the dog would have been over \$6,000 to fix and that was if even if she survived the surgery. For the sake of the dog it was better to euthanize her. Berndt asked Mr. Goodwin again, with the severity of what was going on why he didn't contact Ms. Kleber. We couldn't determine if the dog had rabies. Blair was concerned that he would thought the proper procedure with having a dog quarantined in the home that with an accident of this type were to happen that she would have been contacted by the owner that something had transpired. She only found out by going back to check on the quarantined dog. Another concern he has is that testimony offered so far by everybody is that Mr. Goodwin had two dogs that are sufficiently capable of inflicting serious damage on another dog or a human being. There is something in the background, or the attitude, the training that caused two dogs to have one end up dead and the other in quarantine. Kleber said that's why she is advising the "dangerous dog" protocol because she doesn't want anyone to get injured or another animal or even Mr. Goodwin. She thought it safer for everyone not knowing what could happen next. They only have the past to base it on. Hunt had concerns with Mr. Goodwin just registering and licensing the dog on the day that this all happened, after it happened, feeling he was irresponsible. He nodded acknowledging the fact. Her next concern was about the door of the quarantine room that Sargent broke through to go after the female dog causing enough sufficient wounds to her neck that she had to be put down. Mr. Goodwin said he pushed the door open and didn't break the door down.

Mr. Lucier was recognized by the Chair. He stated he reported an incident to the Police Dept. on May 4, 2014 that happened prior to this incident. He testified Sargent was running loose down the street at 7:45 the night before and he hasn't heard any testimony about this incident tonight. He knew about the other incidents in the past and wanted to report this and have it forwarded to the Animal Control Officer and the Board of Selectmen. Mr. Goodwin said that was Ginger that night that he chased after. Kleber stated she wasn't aware of the report. Berndt asked when a report is made, how does it get to the ACO's level to respond to an incident. She said usually there will be something in the logs they look through but up until about two weeks ago they weren't looking at them on a daily basis. It's a new system we are trying to use to not miss things. Pam Pellegrino, Mr. Goodwin's mother, was sworn in. She testified that she was driving away from her son's house that night. Ginger loved her and was running to try and go home with her.

The Board took a five minutes recess at 7:47 p.m. to get the Incident Report from the Police Department. They reconvened at 7:53 p.m.

Kreidler stated what we have on the Police Report is that on May 2, not May 4<sup>th</sup>, a calling party, Rick Lucier, stated a pit bull, residing at 5 Cedar St. was running loose last night at 7:45 p.m. Even though the report didn't state which pit bull, the point was that it was running out of the yard. He asked Mr. Goodwin for anything else he wanted to add before they decide how to move forward. He said nothing. Blair then asked if anyone else had anything to add. The Town Manager asked if Ms. Kleber could read her recommendation as Animal Control Officer. She read her prepared recommendation into the record seeking the Board to consider Sargent be deemed a "dangerous dog" which would mean Mr. Goodwin would have to follow strict protocol and guidelines deemed necessary by the State of Massachusetts, per MGL, Ch. 140, §157. Mr. Goodwin responded that he knows

Sargent is not a dangerous dog. Mr. Goodwin read from a prepared statement that “this current incident in which is being brought up is against my dog Ginger, not Sargent in which your own report shows that she was the aggressor in the confrontation between her and Amy’s dog and Amy. Ginger was the only dog that jumped the fence while Sargent remained behind the fence enclosure and was not involved in the incident. The incident that occurred in my home between my two dogs while Ginger was on quarantine was just one of a few times my dogs got in a fight. Ginger was always the instigator in these instances. She was an abused dog that I tried to save from a really bad home situation but ultimately I could not change some of her habits. Sargent was defending himself. I had secured Ginger in a room in my home that I was unaware the door could be pushed open as the latch on the handle was not secure. Sargent did not break down the door to get to Ginger as stated in the report and there is no damage to the door in my home.” Blair asked Mr. Goodwin if he would choose to comply with the recommendation of the ACO. Mr. Goodwin said, “No, I do not, I will appeal it.” Blair repeated the recommendation from the ACO which is muzzled when off the property, \$100,000 in liability insurance and a 10 x 10 ft. kennel with a cement floor and padlock. Kreidler brought up the state statute that the ACO cites which has a listing of things that can be included in such an order but not be limited to. The ACO is recommending the enclosure, the insurance and the muzzling off the property. He informed the Board they had the discretion to accept all, accept none or a combination of those things. He asked the Board if they could consider asking Mr. Goodwin if there was one of those things he objects to more than the other. Mr. Goodwin suggested the muzzle saying there was no need for the other. Sargent can’t jump over the fence, he hasn’t had any other incidences except protecting himself. He said he knows for a fact that he wouldn’t bite anybody. He’s had him since he’s a baby.

Berndt moved to close the hearing; Hunt seconded. By a vote of all aye, the hearing was closed.

Blair asked for the sense of the Board to table this tonight or make a decision. Berndt asked if there was any other known incidence with this dog or this dog with a child? Hunt said yes, he’s been written up; he’s been before us before. Berndt clarified asking about any incidents involving a child since he has owned the dog. Hunt said the dog has forced neighbors to run into their homes. O’Keefe stated that’s why we ordered the fence be put up a year or so ago. Kreidler stated it is the record of the Board that there have been prior issues of aggressive behavior from Sargent which is why the Board ordered, and Mr. Goodwin complied with, putting up the fence. There have been no incidences since then until this issue with Ginger. Hunt said she was frustrated because these dogs are probably more innocent than the owner. She was frustrated with Mr. Goodwin for not being responsible, not getting the dog licensed, for not doing what he should do especially since he’s a Correction’s Officer. She referenced the other hearing where they had the same issue. Kreidler, through the Chairman, recommended taking the recommendation of the ACO that Sargent be deemed a “dangerous dog” with the one proviso that when he is off property that it be humanly muzzled by Mr. Goodwin. You know the fence has by all accounts been an appropriate deterrent from keeping the dog on property when it is out of the home. If the concern is that Mr. Goodwin is going to bring somebody into his house and the dog is going to bite them, then that becomes an issue with Mr. Goodwin, his conscious, his insurance and his mortgage. If the concern is for the general public to whom you’re responsible, you know he is staying on property with the fence, you know because you’ve deemed him a dangerous dog that he will be muzzled off property.

O’Keefe moved that Sargent be considered a “dangerous dog” and the condition be that the dog be muzzled anytime he is off the property. Hunt seconded for discussion. Hunt is concerned about him bringing another dog into the house and wondered if the Board could rule he couldn’t. Kleber said its five years if he follows what the Town orders; if he violates it then and only then it would be five years that he could own a dog. There was some discussion on what type of muzzle should be used. Blair stated it wasn’t their problem to determine that and called the motion. With a vote of Hunt aye, Blair no, O’Keefe aye and Berndt aye, the motion carried by majority vote.

#### **NEW BUSINESS:**

Election Ballot – June 28, 2014 - Berndt moved to execute the ballot; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Property Conveyances: 19 Vine St., Map 5A3 0 342; Baldwinville State Rd., Map 10 0 54; and Stoddard Rd., Map 10 0 71 - Kreidler explained these property conveyance requests are pursuant to the recent Town Meeting authorizing the Selectboard to convey to the Winchendon Redevelopment Authority for putting them back out to the marketplace. Berndt so moved. Hunt seconded. By a vote of all aye, the motion carried unanimously.

**OLD BUSINESS:** N/A

**TOWN MANAGER'S REPORT:**

1. **Personnel Updates-** None.
2. **Financial Updates-**
  - a. **FY15 Transfer Station Fees-** Kreidler read through the recommended fee changes listed by Superintendent John Deline. The actual sticker fee would not be increasing. Increases were needed to supplement the enterprise fund to reflect our cost. Berndt moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.
  - b. **FY14 Budget-** Kreidler announced he has imposed a spending freeze for FY14 as we are nearing the end of the fiscal year and are trending right against the line.
3. **Project Updates-**
  - a. **Pipeline Proposal-** Kreidler referenced the correspondence they already received from Ms. M.J. Galat regarding the proposed Kinder Morgan gas pipeline:
    - i. A meeting notice for June 18<sup>th</sup> at 7:00pm at the Greenfield Community College regarding "the Law" and "Municipal Rights".
    - ii. Additionally, Ms. Galat is seeking your/our input regarding what she proposes to be a citizen petitioned for a Special Town Meeting to vote a referendum to ban the pipeline from town. Blair asked about the cost to call a Special Town Meeting. Kreidler replied that it would cost the election workers that would come and that he has heard it to be around \$2,000 but couldn't imagine it would be that much. He explained the Board has a right to call a Special Town Meeting (SMT) with a fourteen day notice and can do so at any time. If the community has a particular issue that calls for a STM that either you don't agree with or that you would rather see if there is sufficient interest in the community to incur the time and expense of such a meeting, then there is a petition right provided statutorily. That right is 10% of registered voters or two-hundred signatures at which you would have an obligation to call a STM. A warrant with a petition would only be opened for that specific article in the petition. M.J. Galat and Lucinda Elbert were recognized by the Chairman. Ms. Galat said they took this from all the other Town's along the pipeline who have already gone through this process and put a referendum in place. They felt it important they present a unified voice for the landowners and what's best for the Town of Winchendon. They want the state legislature to know there is opposition to this and also Kinder Morgan and Tennessee Gas that they do not want this. The Board felt they would rather see them come forward with their two-hundred votes than for them to call a STM. Ms. Elbert authored the petition and asked about the provisions. She said they were concerned about the cost for a STM and checked with the Town Clerk who told her it would be somewhere between \$500-\$1,000.

The Town Manager wanted to offer to the Board that he has given the opportunity for someone that is for the pipeline to be part of the review committee but no one has stepped forward. If anyone is interested, contact the Town Manager's office. The women were advised to bring the petition to their attention as soon as they have the signatures and a special meeting of the Selectmen could be called and also to make certain the language is of the petition is sufficient with the Town Clerk.

- b. **Paving-** Kreidler reported the state will begin resurfacing work on Route 12 from the Ashburnham line to just past Glenallen Street and Public Works Director, John Deline, has roadwork scheduled for Ash Street, Summer Drive and a portion of Juniper throughout the paving season. Blair is concerned with the quality of the sidewalk at the school. Kreidler said Supt. Deline would take care of it after the work on Spring and Central St. were complete.
- c. **Police Station Project-** Kreidler updated the Board on the Police Station Project. As of today the plan moving forward is listed below as long as all stays on schedule:
  - i. Review site Planning Board Site Plan Approval schedule milestones
    - 1. § June 6<sup>th</sup>: Advertisement to newspaper
    - 2. § June 16<sup>th</sup>: Plans available for viewing
    - 3. § June 17<sup>th</sup>: Advertisement published in newspaper
    - 4. § July 1<sup>st</sup>: Final Plan submission / Public Hearing / P&Z presentation

4. **Miscellaneous Updates-**

- a. **Church Services on the Cable Channel 8-** We have received a request from the United Parish to air their Sunday services midweek. Kreidler recommended to the Board, as the Cable Commissioners, that it be allowed and that each other church in town be provided the same opportunity. Mr. John Walker, representing United Parish, stated it would be a ninety minute window. Berndt moved to encourage this and explore forward; Hunt seconded. Hunt hoped this activity would help get a second line in from Comcast. By a vote of all aye, the motion carried unanimously. Mr. Walker would contact the other preachers in Town for the same opportunity
- b. **Red Sox Promotion-** Kreidler announced the Red Sox Marketing and Promotions Department is offering the Town of Winchendon block tickets at a discounted rate for a game this summer. Anyone wanting to go was asked to call the office. The date was for Tuesday, August 19, with tickets either in the right field box or in the bleachers. The price is \$52 for a field box and \$28 for the bleachers. There is no obligation, no threshold.

DOG HEARING ISSUE:

Selectman Berndt announced there was additional information regarding the Dog Hearing this evening. There is a woman in the hallway here that had reported her son was brutally attacked by this dog. She wasn't aware of this hearing tonight. Blair stated the hearing has been closed but would be happy to have another hearing with a separate charge. He said the incident occurred right around the 4<sup>th</sup> of July of last year and does involve the dog that is living. Berndt was concerned Mr. Goodwin lied during the hearing and should be brought back. Kreidler cautioned stating we have not had a hearing with this issue or heard sworn testimony. Blair stated an investigation should be conducted and the matter looked into and if accurate and deceit then the Board should bring it back up again. Kreidler stated it could be brought back up either under those grounds or if the person wanted to come forward with a complaint. Selectmen Berndt left the table to speak to her in the hallway.

- c. **Szoc Update -** Kreidler informed them of the letters/emails received, yet again, from Michael P. Szoc regarding his ongoing concerns related to land at Old Boston Road. This issue has been addressed in the past just not to Mr. Szoc's satisfaction. The matter has already been before counsel; he asked again for a recommendation from Kopleman and Paige. See enclosed letter. O'Keefe moved to authorize Town Counsel to send the letter to Mr. Szoc; Hunt seconded. By a vote of all aye, the motion carried unanimously.

MINUTES:

Tuesday, April 1, 2014, Regular Session - Daigle explained these minutes were not listed on the agenda but was the Open Session prior to the Executive Session held also on April 1<sup>st</sup>. O'Keefe moved to approve; Hunt seconded. By roll call vote of Hunt aye, Blair aye and O'Keefe aye, the minutes were approved.

Tuesday, April 1, 2014, EXECUTIVE SESSION - Hunt moved to approve, not for distribution; O'Keefe seconded. By roll call vote of Hunt aye, Blair aye and O'Keefe aye, the minutes were approved.

Monday, April 28, 2014, Regular Meeting - O'Keefe moved to approve; Hunt seconded. By roll call vote of Hunt aye, Blair aye and O'Keefe aye, the minutes were approved.

Monday, May 12, 2014, Regular Meeting prior to STM/ATM – These minutes were tabled until the next meeting with them not ready to be reviewed.

**COMMUNICATIONS:** N/A

**AGENDA ITEMS:**

Board of Selectmen Summer Meeting Schedule - The next meeting of the Board of Selectmen will be on June 23, 2014. The summer schedule for July and August is to meet the second Monday in each month only, unless the Chair calls additional meetings.

O'Keefe announced to the public the Special Election will be held on June 28, 2014. It pertains to the overrides voted at Special and Annual Town Meeting. The voting for the public will be held at the Old Murdock Senior Center from 9:00 a.m. to 1:00 p.m.

With no Executive Session being held this evening, O'Keefe moved to adjourn; Hunt seconded. By roll call vote off all aye, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant