

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, JUNE 23, 2014 6:15 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon**

Present: C. Jackson Blair, Chairman
Elizabeth R. Hunt, Vice-Chair
Fedor Berndt
Keith Barrows (arrived 6:30 p.m.)

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

Absent: Robert O'Keefe

List of Documents Presented at Meeting:

- Proclamation – Lisa Beauvais Day (attached)
- Special Election June 28, 2014 Sample Ballot (attached)
- Ray Rader Letter of Resignation dated June 23, 2014 (filed)
- Historic Commission / Historic District Appointment – David Plummer Note of Interest (filed)
- FY15 Appointment Renewals – Part 2 (filed)
- Application - Hawker/Peddler Solicitation Permit (Educational Books) – Andrew Hammes (filed)
- Road Race Application, Kid's Triathlon July 12, 2014 – Clark Memorial/YMCA (filed)
- Special One Day Liquor License Application - Snowbound Club, Inc. 9th Annual "Music Rocks" Benefit July 19, 2014 (filed)
- Liquor License Hearing – Zoe's Restaurant & Pizzeria, LLC, Todd Antoniac Change of Location Application to 435 Spring St. (filed)
- Class II, Class III New License Application – John's Air-Cooled, 202 School St.(filed)
- Dog Hearing Notice to Corey Goodwin, 15 Cedar St. dated June 12, 2014 (filed)
- 2015 Authorized Signatories Memo from Asst. Accountant (filed)
- Town Manager's Report (attached)
 - Chief Livingston's Memo requesting Officer Wolski be appointed Acting Sergeant (filed)
 - Linda Daigle's Letter of Recommendation to appoint Don O'Neil to part-time IT Specialist (filed)
 - Don O'Neil's Application/Resume (filed)

Chairman Blair called the meeting to order at 6:15 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:

PROCLAMATION – Lisa Beauvais, a volunteer at Beals Memorial Library for the past thirty years, was presented a proclamation by the Board in humble gratitude for her many years of dedicated to the Town and to the Library. Saturday, June 28, 2014 was named "Lisa Beauvais Day" in the Town of Winchendon. Ms. Beauvais was present

along with her Mother, Theresa Beauvais, family members, Librarian Julia White and members of the Library Board of Trustees. She was also presented with flowers and gifts. A brief recess was taken at 6:19 p.m.

The Board reconvened at 6:22 p.m.

Special Election – June 28th, 2014 - Blair announced the Special Election to be held at Old Murdock Senior Center on June 28th with the polls being open from 9:00 a.m. to 1:00 p.m. A sample ballot is available for people. Hunt asked for signs to be put out.

PUBLIC COMMENTS AND ANNOUNCEMENTS:

Mr. Rick Lucier came forward to urge everyone to vote against the Proposition 2 ½ override mainly because it’s just for operating costs for the School Department and they haven’t made any clear itinerary on how they want to spend the money and understood that after the first year the money would then go into the general fund. Kreidler confirmed that it becomes general fund revenue and that a commitment has been made that each year thereafter it would be dedicated to the School. Mr. Lucier would like to see the money be split up between the School and the Town feeling that both could use the money.

Mr. Lucier then asked why there are no money amounts on the questions being asked on the ballot when there were dollar amounts at Town Meeting. Kreidler explained when the Proposition 2 ½ override was created it was specifically mandated that the operating override be included but the debt exclusion articles no dollar figure can be included at all.

Kreidler pointed out that there is an avenue to be heard in a tax reduction in a subsequent year by petitioning to have a warrant article before Town Meeting with a subsequent ballot question for an under-ride in that amount.

Mr. Corey Bohan approached the Board and asked why the hours of operation for the ballot questions were so short being 9:00 a.m. to 1:00 p.m. on Saturday. Kreidler stated this has been the custom and the recommendation of the Town Clerk. Blair pointed out that absentee ballots can be cast as well. He asked the Board if they would consider a motion to extend the time. Blair mentioned when the hours were all day in the past, there were complaints from the workers who sat there all day with few people coming in. Kreidler pointed out that this ballot has been set, voted by the Board and cannot be changed but in the future your comments are on record.

250th Anniversary Celebration – Mr. Don O’Neil came before the Board and thanked everyone that was involved and who helped out in making Saturday’s 250th Celebration the best day Winchendon has seen in many years. The Board thanked him and the Committee. Hunt said how impressed she was with the Town and the Committee with everyone pulling together and being involved.

Mr. O’Neil reported the prize floats in the parade: 1st place went to the Winchendon CAC, 2nd place to the Murdock Alumni and 3rd place to The Better Tomorrow Cat Shelter. Barrows said judging was a difficult task and felt it more appropriate to recognize everyone. They had some fun with this and read the awards given:

1. American Legion Float Most Patriotic
2. Toys Past and Present Most Fun
3. Athol Savings Bank.....Happiest Place on Earth (Toy Story theme)
4. Winchendon Health Center..... Most Caring
5. Murdock H.S. Most Spirited
6. Brooks Automotive..... Most Sole (get it....Tow/Toe)
7. Winchendon Historical SocietyBest in Show (horses 😊)

8. Winchendon Little LeagueMost Athletic
9. Winchendon Pop Warner Best team Huddle
10. Joanne East Dance Education Center Best Rhythm
11. Eastern Propane Best British Invasion in Winchendon
12. Wood Family Best 'All in the Family' theme
13. Winchendon Lions Most Sightful
14. Winchendon CAC Most Helpful
15. Winchendon School Most studious
16. Belletete's..... Best Lumber
17. United ParishMost Heavenly
18. Winchendon Housing AuthorityMost Accommodating
19. Immaculate Heart of Mary Most Heart of course!
20. Bethany Bible ChapelMost Faithful
21. A Better Tomorrow Most Purrrrrfect!
22. Snowbound ClubMost Chilly
23. Cornerstone ChurchMost Gifted
24. Winchendon Garden Club Most Fragrant
25. Winchendon FurnitureBest Furnished
26. Mylec Best Hat trick
27. Lucky DragonMost Fortunate!

The winners were applauded.

APPOINTMENTS/RESIGNATIONS:

Mr. Ray Rader came before the Board and presented a letter of resignation as an alternate on the Zoning Board of Appeals. Berndt moved to accept the resignation; Barrows seconded. By a vote of all aye, the motion carried unanimously. He was thanked for his service.

Historic Commission / Historic District Appointment – David Plummer – Mr. Plummer spoke about his history and the positive experiences he has had at Town Hall and his interest in serving on this Commission. Mr. Bohan, Chairman of the Commission said the Commission fully supports this appointment. Barrows moved the appointment; Hunt seconded. By a vote of all aye, the motion carried unanimously. Mr. Plummer spoke briefly about the stones that have been found on 19th Hill property of the Town believing it to be monumental. Mr. Bohan said Mr. Plummer and his associates have discovered what they know to be a pre-colonial Native American burial ground on the 19th Hill property as well as other spiritual sights. They are working with local Native Americans on an application to the U.S. Dept. of the Interior for official recognition. Mr. Plummer was thanked.

FY15 Appointment Renewals – Part 2 – Hunt moved to appoint O’Keefe to the Capital Planning Committee; Barrows seconded. By a vote of all aye, the motion carried unanimously.

Blair announced vacancies under FY15 renewals:

- Montachusett Regional Transit Authority (MART)
 - Montachusett Joint Transportation Committee (MJTC)
- Kreidler explained the above are advisory positions and do not necessarily require a technical background but are for someone having an interest in transportation or roadway project development.
- Cultural Council
 - Constable – See Town Manager’s office for application

Anyone interested in filling those appointments was asked to contact the Town Manager’s office.

BOARDS/COMMITTEES: N/A

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Hawker/Peddler Solicitation Permit – Andrew Hammes – Educational Books – Mr. Hammes came before the Board and said he apologized about his absence from the last meeting. He just completely forgot. He is a college student from the University of Kansas. The company, Southwestern Advantage, is based out of Nashville Tennessee. They help college students earn some money going door to door showing families educational material. He doesn’t pressure people to buy; he is just looking for families that might be interested in educational supplies. Mr. Hammes showed the flyer about the types of books he is promoting. Berndt asked if this involves a CORI check. Mr. Hammes said he already had a background check done. He said he would be willing to do a background check again but has one by the state and in Orange. Hunt was concerned with the times he requested 8:00 a.m. to 9:00 p.m. six days a week. Mr. Hammes explained he likes to set up times with families with younger kids who would be up that early. He explained he picks out a street and just goes cold calling or see play things in the yard. He maps out streets. He wears his badge. He currently is soliciting in Athol and Orange with permission from their Boards. He was asked what the typical reaction is nowadays. Orange was very warm and receptive and Athol was quite easy. The time in Orange is 9:00 a.m. to 8:00 p.m. Mr. Hammes said after 5:00 p.m. is the best time to talk to prospects. The only issue from Dept. Heads was from the Fire Dept. with the hours being too expansive. When asked if there was any legal reason to not allow this, Kreidler said we have a bylaw that does provide for door to door solicitation. Berndt moved the hours to be 10:00 a.m. to 7:00 p.m.; Hunt seconded for discussion. Barrows agrees with the 10:00 a.m. start time but thinks we should give him until 8:00 p.m. in the evening. Berndt amended his motion to 8:00 p.m. with Hunt seconding the amendment. Kreidler said these are the hours Mr. Hammes can knock on the door unsolicited and asked the Board if they have a problem, with the approval of the parties agreeing, for an after 8:00 p.m. appointment. It was agreed. By a vote of all aye, the motion carried unanimously.

Road Race, Kid’s Triathlon July 12, 2014 – Clark Memorial/YMCA – Julie Whittemore came before the Board representing this application. She said this is the 8th year the race has been put on in conjunction with the Mass. State Triathlon that takes place on Lake Dennison on Sunday. Age ranges are from 7-8, 9-10, 11-12. The races are based on their age. The participants will swim in the Clark pool, bike up the bike path and run around the Clark track. Hunt loved this and moved to accept the race without a fee; Barrows seconded. By a vote of all aye, the motion carried unanimously.

Special One Day Liquor License - Snowbound Club, Inc. 130 Baldwinville Rd.- 9th Annual “Local Music Rocks” Benefit July 19, 2014 - Mr. Rick Moulton came before the Board and wanted to first comment on the parade. The Club had a float in the parade and he was involved riding a motorcycle in the parade and said he couldn’t believe the crowd present saying it was quite a turnout for the town and very nice. He was before them tonight hoping to get permitted for the 9th annual “Local Music Rocks” benefit to raise money to split up between the Winchendon CAC and the Templeton Food Pantry. A dollar is taken off the fee with every can of food you bring in. Last year \$7,533.55 was raised last year and the funds were split between the two food pantries. Also hundreds of pounds of non-perishable cans of food are sorted through and brought to the two food pantries. The event is held outside of the club. He has talked with Chief Smith who is fine with this. Police detail has been secured. They never have had a problem but feels it is good to have a Police Detail the last four hours of the event. Hunt

moved to approve the license without a fee; Berndt seconded. By a vote of all aye, the motion carried unanimously.

PUBLIC HEARINGS:

Liquor License Hearing – Zoe’s Restaurant & Pizzeria, LLC – Change of Location to 435 Spring St. - Mr. Antoniac came before the Board. The Chairman opened the hearing at 7:00 p.m. by reading the notice into the record. The Winchendon School will have to turn their current liquor license in once the ABCC approves this. Mr. Antoniac replied to Hunt’s question about TIPS certification stating they are all certified. He will be responsible also for the golf cart that offers alcohol beverages on the course. Berndt moved to accept the application; Hunt seconded. Hunt asked if he needed additional insurance. Mr. Antoniac said he is taking out a full liquor license liability insurance policy as well as an umbrella policy for the School. Barrows asked about the beverage cart not crossing on a public way. Mr. Antoniac said the cart would not be crossing the road. By a vote of all aye, the motion carried unanimously.

Berndt moved to approve the Common Victualler license Change of Location; Barrows seconded. By a vote of all aye, the motion carried unanimously.

Class II, Class III New License – John’s Air-Cooled, 202 School St. – Mr. John Allmond and his wife Deb Adams came before the Board. The Chairman opened the hearing at 7:09 p.m. by reading the notice into record. There were no abutters or public comments on the license. Berndt stated he visited the site for the Planning Board and said it is pretty unique what he is going to be doing there. It will be a lot cleaner and some of the parts are electronically interchangeable. Mr. Allmond plans to repair and restore Vintage VW. Barrows moved to approve; Hunt seconded. By a vote of all aye, the motion carried unanimously. Daigle asked to prorate the fee per their policy. Berndt moved to prorate the fees to \$50 each license; Hunt seconded. By a vote of all aye, the motion carried unanimously.

DOG HEARING RE-OPENED: Corey Goodwin, 15 Cedar St. – The Chairman opened the hearing at 7:12 p.m. and read the notice into record. Blair asked those to be witnesses to come forward and identify themselves and be sworn in. Corey Goodwin, his son Tyler Goodwin, his Mother Tammy, his Grandmother Nancy Goodwin, Animal Control Officers Monica Kleber and Charlene Thompson, Sgt. Gerald Gagne, Sara Stuart-Plamondon, Cynthia Granit, Town Manager Jim Kreidler and Executive Assistant Linda Daigle were sworn in.

Kreidler asked to frame one issue brought forth from Town Counsel. They recommend this re-opening of the June 9, 2014 Public Hearing to continue as planned this evening with the Board taking into the record any new evidence that is offered. If the dog owner is there, they recommend he be informed that you will leave the record opened until the next meeting in order to give him the opportunity for any submission of a rebuttal and then make a decision at your next meeting. The Town Manager said it’s a little bit unusual to have a hearing, close it and then reopen it. In order to not prejudice Mr. Goodwin leaving the record open at the conclusion of the meeting tonight and then coming back and closing at your next meeting would be the most appropriate thing to afford Mr. Goodwin the best protection of his rights. Blair asked if the determination is it’s a dangerous dog, you are saying we let the dog continue for a few weeks without any restrictions. Kreidler replied, no he was not. He suggested while the dog is still in quarantine and that if it is a vote of the Board this evening after you hear additional information that you would direct that we would proceed in District Court first possible opportunity and before the quarantine period runs informing the court that there is a hearing pending on the dangerousness of the dog with a request that we be allowed to continue to hold the dog during the dependency of the hearing and ultimate disposition.

Berndt addressing Mr. Goodwin said at the prior hearing he asked him if there was any involvement with a child and he said there wasn't. Mr. Goodwin replied that he didn't, that he watched the video tape himself and said there was no question directed towards him. The Chair asked for the minutes of that meeting be read. Berndt read from the minutes of that meeting that were included in their packets: "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." Berndt said I did ask you. Mr. Goodwin replied that was when the meeting was closed and the Board was talking amongst themselves. Berndt read from the minutes an early part of that hearing: "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 said you testified right there that the dog wouldn't bite anybody. Mr. Goodwin replied, "if he wasn't protecting himself, yes. He wouldn't just bite for no reason." Chairman Blair stated with the transcription and video of the meeting the Chair accepts the fact that there was miss-information or lack of information, willfully or not willfully, and that the dog did, in fact, bite somebody. Hunt said she interjected not giving him a chance to respond but what it comes down to coming back to words in the minutes: "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" (emphasis added). Hunt said you didn't tell us about this issue. "You pulled the wool over my eyes. You stood right here and I believed every word you said. I had no reason not to. Here is a kid that got his face bit by this dog. I don't care if he started it, I don't care if he spit in the dogs face, that's not the point. The point is something did occur and you intentionally forgot to tell us that your dog bit a kid in the face." She didn't appreciate it. Mr. Goodwin replied that he thought the Board knew about this incident. Blair stated for the audience that we have a hospital report and a police report. Mr. Goodwin stated he didn't get the police report until Friday. Kreidler said "it doesn't matter if you have the report or not, you saw Sargent the dog, bite the boy, true?" Mr. Goodwin responded, "True." Kreidler then asked "it happened after the fence was installed but before the issue with Ginger, true?" Mr. Goodwin replied, "True." Kreidler then said, "You said to the Board the dog Sargent has never bitten anyone, true?" Mr. Goodwin replied, "for protecting himself, yes." Kreidler said the tape speaks for itself. He asked Mr. Goodwin that he also said there has been no incidences with Sargent since the fence went up until the incident with Ginger. Mr. Goodwin responded, "I believe so, I don't remember." Kreidler said those are all untruthful responses on your part before the Board that's charged with protecting the public. This Board went beyond what some people on the street thought they should have, and were lenient with you, at his recommendation in fact. You said to me there have been no other incidences and you knew that wasn't true as you sat there. Mr. Goodwin said he guessed he didn't understand what he was trying to say. Kreidler asked how he didn't understand "has the dog bitten anyone." Mr. Goodwin said he was not asked that at all. Kreidler reframed the question and asked how he could say under oath that "the dog has not bitten anyone?" "How can you say there were no other incidences since the fence up to and including what happened with Ginger when you are under oath? Those are material lies." Goodwin didn't respond. Blair said there is a general understanding that people want to protect their pets however when it gets to the place where individuals are hurt to the point they go to the emergency room and police reports are filed and there are more than three or four incidences that come before us, you have to also give us the benefit of the doubt. We are responsible for all the people in town who live near you or may run into you accidentally on the street. If we sit her continually and condone you having dogs that are aggressive enough to actually injure other people, bite other people, it would not be appropriate. He was the only person that voted against giving the dog back to him at the last hearing. He has had a dog that did this and he and his wife had to make the decision to put the dog down. It broke their hearts, one of the nicest dogs they have had. But he couldn't have a pet that was a danger to other people no matter how wonderful the pet was. Corey interrupted and said he's not. If he was a danger to other people, he would put him down today. Blair asked him what he calls the pictures of the boy's face and the emergency room reports. Mr. Goodwin replied his dog was tortured every day by the kid. Blair asked, "the boy lived in your house, correct."

He replied, "Yes." Blair wondered who was in charge of the kid if he's in his house. Mr. Goodwin replied, "His mother" and he asked where she was this evening.

Kreidler said to keep this in order, we are not here for a hearing on this dog bite, we are not here to debate the issues surrounding this dog bite. He said the record will have it but he showed the pictures on the police report of the boy's face with the puncture wound through his cheek. Also there is the report from the emergency room. Mr. Goodwin said, "no he saw him the next day and he was like nothing on his face. He was snapped at and that was it." Corey's mother said, "that was fake." The mark on his forehead was. Kreidler asked if she had a conscious.

Blair asked for a report from the Police Dept. Officer Gagne reported he received a call from dispatch regarding Diane Sevigny who reported a dog bite that had happened three days before. She told him that she went to the Fire Department with her son and was instructed to go to the hospital that treated the child with a dog bite to the face and was advised to contact the police. She was calling wondering why nothing had been done. He reviewed the police log and saw that an officer had not been assigned yet so he followed up on it. He took pictures of her sons face from her cell phone and she took a written statement from her. She indicated to him on the previous Wednesday evening that while at home with her boyfriend Corey Goodwin that dog Sargent was present. Her four year old son ran into the living room to show Corey a picture of a monster truck and said the dog snapped at her son but didn't bite him. Corey picked up her son and set him on the couch. He left the room at that time and the dog attacked her son by biting him in the face. He did receive a puncture wound to his check and an injury to his forehead.

Blair asked the Board if they felt they were misled and if they wanted to make a recommendation for the future. Kreidler wanted to make it clear for the record that this isn't a hearing in which witnesses are being called and testimony is being offered as to whether or not this was a puncture through the check or a scratch on the head. This is about whether Mr. Goodwin was under oath before you in a hearing to determine whether or not you believe the public is in danger with this dog continuing to live. He wasn't truthful, multiple times. The information he wasn't truthful about was very germane to this. If you had had this information, would you have had a different outcome from doing nothing, which you chose not to do without knowing the full truth to up to including having the dog euthanized. You came down squarely in the middle. It's back before you with those grounds and that information that he lied, not once, at least twice. He was untruthful by omission on a multitude of other times. Blair asked why would we wait per Town Counsel's opinion, two weeks if we have the evidence clearly before us, on tape, on video and in testimony. Kreidler replied he can't get into Town Counsel's head but they are cautious. Blair said they can advise; but we are not required to take it. It's a simple question of if we believe we were lied to when called upon to make a decision about this dog. Hunt asked if the dog would continue to stay in our possession if we waited the two weeks. It wasn't guaranteed. Kreidler informed the Board that Mr. Goodwin has appeal rights within a defined period of time in which the dog would not be able to have action taken against it. The dog would be held at the pound depending the results of the appeal that he would take. Blair was not in favor of waiting two weeks. Hunt asked about the advice of the Animal Control Officer now knowing the dog has bit a child if they would have changed their recommendation. Ms. Kleber stated, "No, the recommendation would have stayed the same" which was the dog could be returned to the owner with the conditions of a muzzle off property with a 3' leash, the liability insurance, the 10 x 10 kennel with a cement floor and top with a padlock. Blair informed the Board that that was a recommendation and that it could be increased or decreased.

Kreidler asked the ACO in light of this new information about the bite of the child and the veracity of the owner along with your recommendation this dog be deemed a dangerous dog, is it the understanding that your recommendation still holds true to those three things. Ms. Kleber stated those are the guidelines she has from the state and didn't think it was necessary to euthanize the dog. She gets a dog bite report every week and doesn't feel that every dog should be euthanized because of it. Blair asked how many times does this have to happen before she recommends the dog be euthanized. She replied two. She weighs the severity of the situation. It looks like to her that the dog snapped at the child, he wasn't mauled, it wasn't a vicious attack. It concerns her but it looks like the

dog was acting out. It happened because it was a reaction to something. She has suggested to Mr. Goodwin to get professional training. Blair was concerned and asked Kleber when it becomes enough to say that it's a pet through its genetics, its training, its supervision or whatever, is aggressive. You called this dog a threat, a dangerous dog and based on that we still allowed the dog returned with a refusal of all the other suggestions which I thought frankly was pretty blatant other than a muzzle. Then we find out that we have a kid that went to the hospital for treatment, we have police that knew of the incident and we were lied to at this hearing and you still contend that this dog be returned to that environment. Ms. Kleber replied under the guidelines. Kreidler asked what if the dog is in the house and someone does something to provoke the dog, you as Animal Control Officer in the Town of Winchendon are okay if the result is this showing the picture of the boy's face that was injured by the dog?

Mr. Goodwin asked his son Tyler to tell the Board how Jonathan was towards the dog. Tyler said "Jonathan was really mean to Sargent and hit him a lot" and at the whispering of Ms. Goodwin, said "he smacked him in the face a lot. He saw him hit him a lot." His grandmother asked him if Sargent growled at him or acted mean to him. He replied, "No, Sargent never growled at me." Mr. Goodwin said at the last meeting when he agreed to all this dangerous stuff he thought was pretty good because he didn't have to agree to it. By state law none of those incidences were dangerous. None, maybe this one because he is under seven years old. State law says even if he was provoked they can't do anything about that, but growling, whatever, barking at someone is not dangerous, maybe a nuisance, but not dangerous. He agreed to a dangerous dog and put him on a muzzle. He wanted to say that for the record.

Barrows said due to procedural matter he cannot participate or render a vote at this meeting because he wasn't present at the hearing from the last meeting. However, he would state for the record, based on his review of the written notes from the hearing along with the police report that was provided, along with the discussion he has heard around with what was said, not said, omitted either intentionally or inadvertently, his decision would be to remove the dog and have it euthanized. He has sat in this seat a number of years, have had these issues come forward, he's a dog owner himself and loves animals; but 100% of the times, 100 out of 100, he will protect the people. There is a dangerous dog that was agreed upon prior to this additional information coming further, what came out of this additional information only cemented the fact that not only is it dangerous but there is a vicious disposition here.

Mrs. Goodwin testified that the child smacked the dog in the face constantly and that he was a brat. Kreidler called for a point of order and said the people aren't here to defend themselves because this is not about that; it's about the fact that Mr. Goodwin lied. Mr. Goodwin said my dog is going to be euthanized because I lied. Kreidler replied no. Blair said had you not lied, would we have decided to euthanize the dog knowing that information. Mr. Goodwin stated he didn't believe he lied and would have to review the tape again.

Berndt moved the dog be removed and euthanized; Hunt seconded for discussion. Before closing the hearing Blair asked if anyone that was sworn would like to make a final statement. Ms. Cynthia Grant told the Board what a great dog Sargent is, an amazing dog. She said she went through a bad time, going through a divorce having anxiety issues. She took Sargent for many walks, took him up the mountain past people and said he didn't have any issues. She couldn't speak to how Jonathan was. A dog will only take so much. He snapped at him. The police report is not the exact truth of what happened. It's Diane's version. She is not condoning that Sargent snapped at him; but a dog can only take so much and Diane didn't help. It's not Corey's position to discipline the child. Diane didn't help the situation to get Jonathan to not torment the dog. There is more to this than what is being presented. Ms. Sarah Stuart-Plamondon said she has a two year old that is in the house ninety percent of the time. She has never had an issue with Sargent. They play and her son is active. He's a typical boy. He plays, he would never harm Sargent and Sargent would never harm him. Blair asked at the last hearing they were told Sargent killed another dog. Ms. Stuart-Plamondon said that is not true. He did not kill her. Blair replied well he did such damage that the dog died, correct. No, she said that was a decision that was made by them. Corey decided to euthanize the dog. That happened because Sargent was defending himself. He was defending himself when he was continually being harmed by the child.

Sgt. Gagne came forward with his own personal observation. He had testified at that first hearing that he had gone to the Goodwin residence with a complaint that the dog had acted in an aggressive behavior and asked Mr. Goodwin to let him out of the cage. The dog came out at me and in an aggressive manner growling and showing his teeth. Mr. Goodwin had to hold the dog back. He testified at that hearing that it didn't happen. As a personal witness, and a secondary witness that is not here, that is my testimony of what happened. He said he wasn't posing as any threat to the dog.

Kreidler said to be on record that, and Corey cited the statute about under age 7 and the specific relevance to the statute in terms of the threshold that age seven means. This child is clearly under age 7. His position is this dog could be slathered in chuck wagon and have a baseball bat; there is no excuse for the dog snapping and doing damage. ACO Kleber said under the age of seven in Mass. General Law, it doesn't matter the situation, it is considered a dangerous dog no matter what the situation was. If the dog was provoked or not, it is still considered a dangerous dog. What she said previously when asked if her recommendation would change, she said no because every dog that bites in this Town we would have to look at it and say what happened, are we going to euthanize this dog because it bit. Blair wondered with three, four, five occasions with this dog, how long to you go? Blair was concerned with a dog that has done this that it is in its nature. He said we could argue this all night about this specific dog, the question before us today is, having accepted all of the testimony presented today, all of the testimony presented before and having it shown some of it to be false, intentionally or act of omission or commission of a lie, would we have made a different decision two weeks ago than we did. The burden falls on to the Board to determine this to be a dangerous dog. The ACO has deemed it to be a dangerous dog. We agreed by majority vote that this dog wasn't sufficiently dangerous enough to be euthanized. Now additional evidence has come up that there were lies told at this hearing. So now if all that truth had been out there what would the decision have been? Blair asked can Corey prove that he didn't misrepresent the situation to them when they voted. With his final say, Mr. Goodwin for the record testified with all the other incidences that was talked about, in the hearing before, none of those incidences were considered dangerous per state law. This was a one-time thing; he snapped at him, didn't attack him, snapped once at him to get him off of him. Barrows moved to close the hearing; Hunt seconded. By vote of all aye, the hearing was closed.

Kreidler cautioned under procedures, Roberts Rules of Order, there was a vote taken by the Board in this matter in which two people in attendance voted in the affirmative. It would be appropriate to be most conservative to have a motion offered by one that made the affirmative vote to reconsider the prior vote of the Board to determine it dangerous and to have it muzzled. If that passes, under Roberts Rules of Order, it is appropriately back before you to entertain a motion moving forward. Berndt moved reconsideration of the vote regarding Sargent from the hearing two weeks ago this evening; Hunt seconded. By a vote of Berndt aye, Hunt aye, Blair aye and Keith abstain, the motion carried by majority vote.

Hunt said she had concerns with Town Counsel's recommendation. It was explained that Corey would have the right to appeal if he disagrees. The dog is not released until that appeal. Berndt was one of the original people who voted for him to keep the dog at home. He asked the questions for a reason, gave him the opportunity to say something, like I forgot about it, but he didn't. For whatever reason, he didn't bring it up, forgot about it, whatever, it's an important decision maker. He loves dogs, has dogs and he has grandsons that are from two to four years old and they can do pretty much anything to the dog and the dog just licks him in the face and walks away. He's never had his dog get aggressive. Why he is feeling differently is because he didn't reveal. He feels that's a problem as a dog owner because you have a responsibility to let people know this happened and you didn't. He felt misled. Even when the decision went in your favor to the point where our officers made a suggestion and you said you weren't going to do it. So we took it into consideration and didn't see a reason for it. We gave you the benefit of the doubt and then this happens. That is where he is standing.

Blair said his decision was clear at the last meeting. He clarified with the Town Manager no matter what we decide if it is negative, the dog owner has the right to appeal the decision and all we have is assurance the dog will be still in the care of the Town one way or the other until the appeal is decided. Kreidler confirmed his statement.

Hunt stated she has a hard time with him lying. She has no confidence that he would put on a muzzle and 3' leash on the dog, no confidence now that he would do what he said he would. She has no confidence that the dog won't come up missing at the pound and no confidence that the pound would secure the dog, no confidence that he would let the dog follow the process. She is disappointed he did not disclose the incident that took place. He had the responsibility. She regrets cutting Mr. Berndt off on his two questions at the last hearing because it would have forced him to respond. This has made a big difference in her eyes.

Kreidler offered his last comment saying under oath Mr. Goodwin testified that he thought you all knew about this incident in response to why he didn't bring it up. He pointed out if Mr. Goodwin would have you believe under oath that he thought you knew, how could he under oath then say there were no other incidences.

Berndt said due to the circumstances he has no other option then to continue with his motion to remove the dog and euthanize; Hunt seconded for discussion. She asked if there was any other shelter or other agency that would accept the dog. ACO Kleber said it is extremely hard with a history of dog bite and even more so with a dog deemed dangerous. It could take years to find a shelter or someone willing to take the dog and that wouldn't be fair for a dog to be in a kennel that long.

Berndt said this decision is hard for him. There are no kill shelters out there but is that a way for a dog to live his life and doesn't see how he could pursue any other way. Unfortunately he wished there was. Hunt asked if Mr. Goodwin or a person is ever not allowed to have a dog again due to not managing. Kleber said the only way it would happen is if he didn't follow the guidelines the Board set forth, the dog would be taken away and then he would have five years without ownership. With a vote of Hunt aye, Berndt aye, Blair aye, Barrows abstain, the motion carried. Blair noted they would await the appeal process from Mr. Goodwin.

NEW BUSINESS:

Fiscal Year 2015 Authorized Signatories – Kreidler informed the Board that every year the Town Accountant's office requires individual departments provide authorization in writing who is authorized to sign payments. Barrows moved for FY2015 authorization to sign on behalf of the Select Board in order of the Chair of the Board, the Vice Chair, and the Town Manager in their absences. Berndt seconded. By a vote of all aye, the motion carried unanimously.

OLD BUSINESS: There is none.

TOWN MANAGER'S REPORT:

1. Personnel Updates-

- a. Acting Sergeant- Kreidler announced recent retirement of Sgt. Jim Spofford. The Chief and the Lieutenant have recommended that he appoint an "acting" Sergeant pending the upcoming civil service test and the results therefrom. With their joint recommendation, he is appointing Patrol Officer Dan Wolski to the position of Acting Sergeant.

Berndt moved to affirm the appointment; Barrows seconded. By a vote of all aye, the motion carried unanimously.

- b. Part-time IT position- Kreidler reminded the Board that Town Meeting agreed to fund a part-time ten hours per week Information Technology position. Linda Daigle, in his office, the current default and de facto IT staffer, conducted the candidate review process and has made a

recommendation to him to appoint Mr. Donald J. O’Neil. Based upon that recommendation, I am hereby making that appointment.

Hunt moved to affirm the appointment; Barrows seconded. By a vote of all aye, the motion carried unanimously.

- c. **Library Director-** Kreidler announced our exceptional and long term Library Director, Julia White-Cardinal has provided him notice of her upcoming retirement in October. He has met with a representative from the Board of Trustees to discuss the hiring process for a replacement. The Trustees will conduct the initial round of interviews of candidates that they deem appropriate and will recommend three candidates for him to interview for consideration. The job description is under review and an advertisement will be placed shortly. Julia will be greatly missed and her replacement will have very big shoes to fill.

2. Financial Updates-

- a. **Election-** The Town Manager also reminded everyone to come on out and vote on Saturday June 28th. Several Town Meeting approved debt exclusion and general operating override questions will be on the ballot.

3. Project Updates- None

4. Miscellaneous Updates- None

Blair informed the Board that he had received a phone call from The Gardner News reporter asking what the Selectmen have done for encouragement of the override vote. His response was that the Board has asked Dr. Khelfaoui and the Town Manager to work together. They voted by majority vote to support the override; the Finance Committee and the Board of Selectmen so stated at Town Meeting and he thought that was all that was needed. That may or may not be sufficient. He is not aware of anything the School has done specifically other than a letter that was sent out to their employees and/or maybe to the parents encouraging the override. He asked the Town Manager of what he knew. Kreidler replied that the Finance Committee members that he has spoken with has shared with him that they have been talking to people individually in support of the override. He is aware of the Friends of the Winchendon School Facebook page has had a number of positive proactive statements being offered about the vote coming up and the School’s Dept. prospective that it needs to pass. He is aware that Dr. Khelfaoui did send out a letter that appears to have been written to staff encouraging them to be aware of the significance of this issue. He was careful in not advocating within the text to say the article needs to be voted yes or no. He just advocated for them to come out and exercise their right to vote. Kreidler has spoken to folks in support of the override articulating different reasons then may have been articulated from the School Committee but without harping on the differences in how we get to the decision, he’s always ended with his decision that a structural deficit requires a structural solution and to the extent that we have a School Committee that’s elected and they judge that there is a structural deficit that this is the way to handle it.

Blair announced the School Committee has received the resignation of Chris MacDonald who is moving to Vietnam to pursue another career and wanted to know the procedure to fill the position. Kreidler stated in the past the School Board and Select Board have met jointly to consider candidates interested to fill the vacancy. It is a majority vote of the collective bodies to fill the vacancy. Blair said we have an opening on the School Committee and anyone interested can express that to Chairman Niles or Chairman Blair.

Blair confirmed that long standing Chairman of the Finance Committee, Ulysse Maillet, is no longer Chair and that Mr. Kane is the new Chairman. Blair expressed his thanks to Mr. Maillet for his many hard years of work as the Chairman. Mr. Maillet would remain on the Finance Committee as a member. Kreidler said he has been a steady hand on the wheel and that it isn’t an easy position.

MINUTES:

Monday, May 12, 2014 , Regular Meeting prior to STM/ATM - These minutes were not presented this evening.

Monday, June 9, 2014, Regular Meeting - Berndt moved to accept as written; Hunt seconded. By vote of Berndt aye, Hunt aye, Blair aye and Barrows abstain as he was not present, the minutes were approved.

COMMUNICATIONS: N/A

AGENDA ITEMS: N/A

ADJOURNMENT: With no need for Executive Session this evening, Berndt moved to adjourn; Hunt seconded. By a vote of all aye, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant