

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
TUESDAY, August 1, 2011**

#20

*Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Patricia Allen, Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz; Chris Curtis, Greenfield Recorder, Jeff Tirrell, WHAI, Matt Small, Montague Reporter*

Fairbrother opens the meeting and announces the meeting is being taped

**Approve Minutes of July 18, 2011**

*Allen makes the motion to approve the minutes of Tuesday, July 18, 2011. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Mik Muller, Soap Box Derby**

**Request Use of Public Property: First St. on September 17, 2011**

*Allen makes the motion to grant the use of public property for Mik Muller for the Soap Box Derby on Saturday, September 17, 2011 from 8:00 AM to 8:00 PM which will include all of First Street, going up Avenue A up to Kostanski's, it has been signed off by the Chief and pending receipt of a copy of the insurance. Muller will coordinate with the Chief before the event. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Mark Wisnewski, The Rendezvous**

**Request Use of Public Property: 3<sup>rd</sup> St. Parking Lot on August 27, 2011**

*Allen makes the motion to approve use of public property for the Rendezvous, which would be the Third Street lot for Saturday, August 27, 2011 from 3:00 PM to 7:00 PM for the Soap Box Derby presentation with food and beverage and has been signed off by the Police Chief and we have proof of insurance. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

*Chris Boutwell Recuses himself from the meeting*

**Special 1- Day Alcohol License, August 27, 2011**

*Allen makes the motion to approve the special one day alcohol license for the Rendezvous for the Third Street parking lot and has been signed off by the Chief of police. Seconded by Fairbrother, approved. Allen – Aye, Fairbrother – Aye, Boutwell – recused from meeting*

**Special 1- Day Alcohol License, September 17, 2011**

*Allen makes the motion to approve the request for a special one day alcohol license for the Rendezvous for September 17, 2011 at the Soap box derby site, provided they have the insurance coverage, it is signed off by the Chief of Police. Seconded by Fairbrother, approved. Allen – Aye, Fairbrother – Aye, Boutwell – recused from meeting*

**Liquor License Hearing, Transfer of Turners Falls Pizza House Wine and Malt Beverage Liquor License (Restaurant), David Argy, Buyer of TF Pizza, David Singer, Attorney for Buyer**

Allen reads hearing notice into the record

Argy: Buying Pizza House and hoping to take over liquor license. Floor plan and everything else will stay the same.

Singer: David Argy will be buying the real estate as an LLC, he will be leasing the pizza place to Argy Pizza, that is the relationship between the parties which is necessary for the application. He's borrowing money from Freedom Credit Union and money from the sellers to purchase it, and the Freedom Credit Union has asked as part of their security to have a pledge of the license/stock. For the applications intention I am going to say pledge of the liquor license.

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*Allen makes the motion to approve to be sent on to the Alcoholic Beverages Control Commission the transfer of license, Argy Pizza, Inc. dba Turners Falls Pizza House, with the manager David M. Argy with the pledge of license to be to Freedom Credit Union. Seconded by Fairbrother, approved. Allen – Aye, Fairbrother – Aye, Boutwell recused from meeting.*

*Boutwell returns to meeting*

**John Keating, Burrito Rojo**

**Request Use of Public Property: 3<sup>rd</sup> Street Parking Lot on 8/13/11, 9/17/11, 10/29/11**

*Allen makes the motion to approve the use of public property which would be the Third St. parking lot, west side, next to Burrito Rojo for August 13 (block party), September 17 (Soap Box Derby), and October 29, 2011 (Pumpkinfest) to be held from 3:00 PM to 9:00 PM, and approved by Police Chief and proof of insurance provided. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye (Note: Pumpkinfest is on 10/22/11 – corrected motion is below)*

*Boutwell recuses himself from the meeting*

**Special 1- Day Alcohol License, August 13, Sept. 17 and October 29, 2011**

*Allen makes the motion to approve the special one day Alcohol License for Burrito Rojo on August 13 (block party), September 17 (Soap Box Derby), and October 29, 2011 (Pumpkinfest) to be held from 3:00 PM to 9:00 PM, on the west side of the Third Street parking lot and approved by Police Chief and proof of insurance provided. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye (Note: Pumpkinfest is on 10/22/11 – corrected motion is below)*

*Boutwell returns to the meeting*

**Robert Trombley, WPCF Superintendent  
Surplus Equipment**

*Allen makes the motion to declare the GMC Sierra 1991, Model K2500 with snow plow and frame. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Sewer Rate Discussion- 2012**

Trombley: For two fiscal years we've kept the sewer rates flat as a result of budget reductions we're hoping to do the same this year. The operations budget at the plant had a 7% decrease and the Town Accountant is reporting that we have \$191,891.76 in retained earning that is not state certified at this point but should be by mid – late August or later. In the meantime, I'd like to go ahead and prepare for a sewer rate hearing on August 15. I still have work to do; I have not finished the industrial non contract surcharges for the three industries it affects, which is Conagra, Australis and a third company. The Town Accountants recommendation is roughly \$150,000 of the \$191,000 for retained earnings to keep the sewer rate flat this year. She has been looking at FY11 actual receipts for revenues and looking at the budget for this coming year and I have to sit down with her and go through a few things because she has concerns on the revenue side of the house, so we have to discuss that. I want to do that before I make any changes on the sewer rate calculations.

Fairbrother asks if any of the \$191,891.76 is encumbered or if it is all free? Trombley believes it is all free.

Abbondanzio: Basically, the \$140,000 came up short and was offset because your operating expenses are a lot lower than you thought they were going to be, otherwise you wouldn't have that kind of balance in retained earnings. Why was there \$140,000 in reductions?

Trombley: Collections basically, some residential, some industrial, I don't know the exact detail, I'd have to go through it with Carolyn. Not sure if we will be able to do this again after this year.

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**Fournier Press/Roof**

Trombley: Fournier press is up and running, they will be back next week to do actual production tests and make sure it is to the specifications as designed. They ran it the week before last with our technicians to try and optimize it and doing some training with the staff. Our staff is now operating it themselves and learning about it. The roof is moving along, the larger part of the operations building roof is completed and we are looking at doing the old part of the operations building. A couple questions from the building inspector have to be resolved then we'll get things completed.

**Michael Nelson, Franklin County Pumpkinfest  
Update**

Nelson: We are on for Saturday October 22, we have spots for 78 vendors, I would say we are about half full with that right now, and there are many more that we are expecting from last year's event. We have Entertainment lined up, and the power issues are worked out the best that they are going to be. We are encouraging people to bring generators where possible. It's the best it's going to be until we have extra money to build electrical boxes like what is in front of the pizza house now. We've also requested a toll booth out in the road for September 17<sup>th</sup> to raise money for the event. Now that people know what is coming, I expect a greater turn out money wise and people wise at the event. Parks and Rec is going to hold their fall festival at Unity Park that morning building scarecrows and carving pumpkins; then we'll take over in the afternoon with our event.

Abbondanzio: There's a potential problem on the 17<sup>th</sup>, we won't know for sure until Wednesday. MassDOT is having a meeting here on Wednesday regarding the Fifth St. bridge. The only time they can work on the bridge is when the canal is drawn down, this year it happens to be between September 12 and 17, so you may not have any traffic coming in from that end of town.

Nelson is completely flexible with the date and has requested it be changed to September 24, 2011. Also will be working with Kuzmeskus again for shuttling people to the Pumpkinfest and debating the idea of a third location (Tech School, Farren Hospital are possible locations he will look into). Will be back near the end of September with an update.

**Use of Public Property: Avenue A and 7<sup>th</sup> Street Intersection on September 24, 2011**

*Allen makes the motion to approve the request for use of public property, Avenue A and Seventh Street intersection for September 24, 2011 from 9:00 AM to 1:00 PM for the Franklin County Pumpkinfest by Michael Nelson, covered under the Towns Insurance and the Police Chief has signed off on the event. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Burrito Rojo - Correct vote from earlier in the meeting**

*Allen makes the motion to change the date of John Keating, Burrito Rojo's request for both the use of public property and the one day alcohol license to October 22, 2011 instead of October 29, 2011. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Kathryn Greenwood Swanson, Turners Falls Lantern Parade**

Swanson: As finally to block party will have a lantern parade, Will be having workshops next weekend for people to make lanterns and the theme of the event is "River of Lights" to celebrate the Connecticut and what it means to us and the Town and have some education on the natural species that live in the Connecticut. We are encouraging people to make their lanterns themed around the river. At 8:00 PM we'll assemble and march on the route as shown on the map

*Allen makes the motion to approve use of public property for the Turners Falls Lantern Parade at the RiverCulture Event, known as the block party on August 13, 2011 from 8:00 PM to 8:45 PM and Kathryn Greenwood Swanson is the coordinator, the route for the parade procession is from the Discovery Center, Avenue A, right onto Fourth Street, left on J Street, right on Fifth Street, to the bike path continuing under the bridge to Unity Park. (Swanson has been given permission to use bike path and Unity Park) Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye (This is covered under the Towns insurance policy as it is a RiverCulture event)*

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**Other**

There will be a meeting on Wednesday at 11:00 to discuss work on the Fifth Street bridge work. I was contacted by MassDOT about this and when draw down of the canal occurs they will close it entirely and work on it the entire time. Hoped to have longer time to work on it, but it would be too costly. Southworth and the Housing Authority will have representatives present at the meeting.

**Town Administrators Report**

**Turnpike Road Energy Master Plan and Preliminary Engineering: Consultant Selection Committee**

We have a number of people recommended by Walter Ramsey for the Turnpike Road Energy Master Plan and Preliminary Engineering Consultant Selection Committee

*Allen makes the motion to create a Request for Proposal Selection Committee for the Turnpike Road Energy Master Plan and Preliminary Engineering Consultant Selection Committee, to include Frank Abbondanzio, Town Administrator; Walter Ramsey, Town Planner; DPW Superintendent, Tom Bergeron; a Selectboard Representative to be nominated by Board of Selectmen; MEDIC representative to be nominated by MEDIC, an Energy Committee Representative nominated by the Energy Committee and a Planning Board Member nominated by the Planning Board and one at large seat for a resident or abutter. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye*

Abbondanzio: There are issues on timing for the solar component. Walters been in touch with a lot of the national vendors and December 31 is the deadline for when some of the things that would make people interested in doing the solar component here expire. We are thinking of putting out a separate solar RFP for the burn dump and the existing capped landfill.

Fairbrother expresses his concern over the stability of the capped landfill and we can't have a lot of people and equipment mucking around up there or we could do serious damage to the cap.

**Dog Complaint Hearing, William Hunting, 301 E. Chestnut Hill Road, Millers Falls**

Fairbrother reads letter to William Hunting into the record at 8:00 PM and opens the hearing and announces the meeting is being taped and the press is present.

Introductions Made: Board of Selectmen, Staff Sgt. Chris Williams, Gina McNeely, Board of Health Director; Lisa Lingren, Tony Diamond, neighbor, Jody Stafford Wolfram, neighbor.

Mr. Hunting is not present for the meeting

Fairbrother swears Chris Williams, Gina McNeely, Lisa Lingren, Tony Diamond, Jody Stafford Wolfram into the record

McNeely has only seen three dogs on the property, was there today at 10:30 and dogs were contained but were not last week when she went to quarantine them. Three of the dogs came into the road to check me out.

- Fairbrother swears Raymond Coppinger, Elise McMahon, Mike Nappari into the record.
- McMahon gives letters to the Selectmen from people who are not able to be at the hearing, letters are briefly discussed

Fairbrother swears Susan McQuaid, Linda Enerson, Pat Beck into the record.

More letters were handed in for the record

McNeely: State law requires a quarantine of 10 days for any dog/cat or animal that bites a human regardless of any rabies vaccination status. If an animal bites a human and it has rabies, that animal will be dead within 8 – 10 days. It's a safe guard that can hopefully alleviate a victim from having to go through post exposure provolastics rabies. The problem with this case is when Ms. Lingren was out riding her bike she saw 4 dogs, when I went out twice now,

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I've only seen 3, so that means we cannot confirm that all of those dogs don't have rabies. All the dogs look very similar and even the sex is hard to tell because they are very furry.

Enerson: I've known the dogs since they were puppies. The first dog that came onto the property was Buddy, I believe about 3 – 4 years ago. Then next on the property was Bella. Buddy was a Maremma and Bella was a Great Pyrenees from what the owner told me; Then those two bred and came out with two daughters Pinky and Blacky. They were both females and none of these animals were spayed or neutered. They then innerbred the daughters with the father, Buddy and Bella with Buddy so there were enough crosses that eventually on the property I thought I heard at there were 18 dogs; Then most of the dogs were sold. I think Mr. Hunting told someone that if he sold the dogs, he could keep the money. Most of the dogs were sold, but I think what remained was Buddy, Bella and the two original dogs.

Williams: I went up there one time and there was the 4 dogs and 12 – 15 puppies, approximately a year ago

Lisa Lingren: I used to live on Chestnut Hill and am now relocating back to the area. I like to mountain bike and know this area very well so I tend to mountain bike in this area. I knew there was what I knew or believed to be a Maremma up there that had kind of harassed me before. I had actually forgotten about it when I went out and was just plowing along at the top of East Chestnut Hill Road. As I approached the property, I was remembered these dogs were up there. There were two smaller white dogs who were fenced in and they ran to the fence, then beyond them as I got closer, 2 much larger dogs started running out to the road. Not that I'm afraid of dogs, so I just kept biking. The smaller of the two came up and bit my left thigh and tore my bikers short. My main focus at that point was to keep moving and to get away from them. The one that bit me sort of backed off and the other one which was larger started coming up so I had these two dogs right at my left thigh and they weren't letting up. I started really yelling at them and I increased my speed and I hauled ass out of there as fast as I could, but I was absolutely terrified. (Lisa was in the road the whole time) As I got beyond them, I just got off my bike and I couldn't stop crying for like the next 45 minutes, I was so scared. I've lived with a Maremma on a farm and I thought these were all Maremmas, I know how they operate they are bred to protect sheep and they are really good at their job. In a pact, they are really scary, they operate viscously. I filed a police report the next day, and I called around trying to get Willie's number because I know him. I ended up talking to Elise Coppinger who has lived in the area a long time and she gave me some information. There were too many stories to NOT file a police report. I was not able to talk to Willie.

Williams: That was reported to our department at 10:49 on Sunday July 24. Sgt. Dodge went up and attempted to talk to Willie at 12:24 in the afternoon, Sgt. Dodge who was there observed 4 large white dogs, one was fenced and three were loose. They essentially surrounded his car and one jumped on it. At that time he was unable to contact Willie and he advised that the dog who appears to have been responsible for this incident appears to be Buddy who was named specifically in numerous previous calls. At this point, Sgt. Dodge had the dispatcher go through calls over the last couple of years.

Lingren: Physically I am all right, but because they are not up to date with the rabies vaccination, I'm not particularly concerned with that and the Board of Health alerted me to it.

Fairbrother comments how Buddy is one of the ones who is not licensed or up to date on his rabies shot.

McNeely: Again, a rabies vaccination is insignificant in a case where someone is bitten, because vaccinations are not 100% effective, we quarantine a dog for 10 days regardless of their vaccination status. What concerns me most is there were 4 dogs and now I can only see 3. That is reason for concern in regards to rabies. It is very unlikely, but you can't take a chance with rabies, it is recommended that a victim of a bite from a dog that you can't find be prophylaxes with vaccinations.

McQuaid expressed concerns about policy regarding aggressive dogs in town, appears Police have not been empowered to move this case forward and address an aggressive dog that is not being contained by its owner, they go out, they talk to the owner and they only seem to do the part where they go to the owner tell him he needs to

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fence or tie the dog up, he does that for a little while he gets back out again. What happens is going to happen again, where someone is going to go by, they are not going to know what is going on and these dogs are going to come out and Buddy is going to bite.

McNeely: When I went out to quarantine the dogs last week, 3 of them came right out of the yard to the truck. I opened the door to the truck and Buddy the biggest one was barking. The other two I did not find to be aggressive. When I pulled into the yard to post the property with the quarantine, all these goats came running and one of them ran up the hood of my truck. I stood outside the truck and started yelling at the goat to get off my truck; and then I thought, these guard dogs are here and I'm screaming at their product of their guarding, and not one of those dogs moved. The dogs ran the length of the fence today, but they didn't try to jump over it, but again I wasn't on a bike.

Diamond: When dogs witness other dogs doing this action, they learn that behavior unless it is reprimanded. If Buddy was encouraged to wear a muzzle for a year after he bit someone, his behavior would probably change, but we don't have that type of discipline. I walked past that house the day Lisa was bitten and the large dog did come up and leave teeth marks. I was on the road.

McMann: I live about a mile down the road from Mr. Diamond and for the last 3 years at least, Buddy has been roaming all over the place and comes to my place regularly and I've called the police numerous times and tried to talk to Willie and left messages in his mail box. He's never done anything to me, but I have dogs and now I don't walk in that area at all, and I used to utilize all the paths and trails, and I won't go there anymore. I'm a little resentful for having my rights in that area infringed upon and concerned for other people. I don't know how aggressive Buddy is, but I do know that Buddy was encouraged at a young age to move all over our neighborhood. Part of his roaming was encouraged by neighbors, and it is now a problem. Whether we deem him an aggressive dog or just in an inappropriate situation, I think it's really important for us to keep in mind, and well as for those other dogs. Personally, I don't think the person that owns those dogs should have dogs. Previous dogs were rescued from his care before he got this set of dogs. I would prefer that he didn't have any animals.

Ray Coppinger: I've been friends with Willie Hunting since he was a baby and he is a lovely guy and I think he is totally incapable of taking care of that kind of dog and it's got away from him. I think the questions here are what do we do with the dogs. The response of the people in the room are overwhelmingly that in the neighborhood the dogs are threatening people and doing damage, end of story. It doesn't have anything to do with the kind of dogs that they are or anything else, any kind of dogs that are that kind of a problem in a neighborhood, have to be removed. The concern that a number of us have is we don't think it's the dogs fault, thinks its mismanagement of those dogs. I'm really interested in your meeting because the question of rabies, by the way I work on rabies worldwide. 70 people a year die of rabies from dog bites. I work in South Africa where 46,000 people a year are taken by ambulance to the hospital and treated for rabies because they were bitten by a dog in an area that has rabies. I think you are too late, if you wait 10 days to find out if a dog has rabies, the person that's been bitten, it's too late to save them; you should be doing it on day one. I'm not the world's expert so check that out, but in the United States we have very few people dying of rabies, so we get away with it all the time. If I got bitten by a dog, it's day 0, go down and get treated unless you know that dog is free of rabies. I think the dogs have to leave the area and I think not all the dogs are as guilty as another dog. It needs to be sorted out and some of the dogs ought to be saved, re-homed with flocks of sheep or whatever else they are good for.

Enerson: agrees with every word he just said. My experience is that some of those dogs are very sweet. Buddy was always the aggressor. I've spoken to Willie several times, but no action has been taken or a small action is taken. He did put up a fence, but they got over that; he did try to chain them up, but after a week or so, that was too difficult and he lets them go again. I agree with Ray, I think some of those dogs could have a very nice home, they could be in a situation where they could do what they are bred to do. What I've learned from this incident and hearing Lisa got bit, it made me feel like I completely failed to stop this problem earlier. I talked to the police, they came out numerous times, and something went wrong in the process. Lisa should never have been bit, Tony never should have been bit, the 5 year old should never have been bit; we all know this has been a problem and somehow, we haven't been able to move the process forward as a community to come together and say Willie, this just isn't working, the dogs on your property...

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Allen: I see this as kind of an issue of making sure which dogs we're talking about. Everyone seems to agree Buddy went after Lisa

Discussion about dogs running in a pack

Susan McQuade and Pat Beck: We used to use that road a lot, we never go there anymore, we're terrified to go by that farm. We were attacked on our bikes last summer by all of the dogs and it was very terrifying. This summer we went by car to see if we could use the road and they all came out again and surrounded our car barking and snarling; we were terrified even in our car.

Allen: I find that interesting because at first it was sounding to me as though most people felt Buddy was the problem, so it was the issue of figuring out what the other dogs did, but the two of you back there definitely feel that all four dogs, when given the opportunity do the same thing.

Beck: In a mob, maybe if they were separate they might be perfectly sweet, but I know they were all in on it, no one was sitting it out.

Jody Stafford Wolfram: I've actually stopped bikers on the road headed in that direction and told them what awaits them at the end of the road for them. Some have turned around. I always feel that if I see people going by, I tell them, but then I always think about, what about the people that I miss, and you could have been that person that I missed (to Lisa Enerson) that day. I feel like the system has failed because I also haven't had any direct incidences with Buddy, but as he has aged, he has become more aggressive. I called multiple times and twice I was told I would get a call back, and no one ever called me.

Mike Nappari, runs Great Pyrenees rescues and I do home visits to establish whether it is a good home for Great Pyrenees, and if they do not have a properly fenced yard, they won't even be considered, because Great Pyrenees should not be left to just roam as they will roam forever. They are very dominant dogs and even if they are not viscous they can be scary dogs. These dogs are not necessarily viscous dogs, they are just not being properly cared for. If the dogs turn out not be aggressive, then Great Pyrenees Rescue will try to find them a new home.

McNeely: I was going to suggest we contact some rescue to have them temperament tested and I will say, when I was close to these dogs, their nails are very overgrown, they're matted, they're not in good shape. I know they are out door dogs, but they do not look well cared for.

Enerson: I went on Maremma web site and there is also Maremma rescue so between two rescues there might be opportunities. I totally agree with Ray, I think all the dogs need to be removed from the property, possibly temperament tested and possible rescues.

Nappari: I contacted the Great Pyrenees rescue and they indicated that they can't take them initially, they recommended that they be put into observation and assessed to see whether they are viscous or its just situational. After that is when they would consider taking them in and finding a home. The other problem is, ones a Maremma, ones a Great Pyrenees and the others a mixed, I'd have to check.

McMann: I contacted Monadnock Animal Shelter in New Hampshire and was hoping someone could come tonight because they have a facility where they could have the dogs and they have behaviorists, so they could do the evaluations and then rescues often work with shelters. There are options with what could happen with the dogs, if you remove them, there are places they can go.

Enerson: I want to somehow address the issue of how the police can respond in a swifter way and I think it has something to do with our policies so that we can empower and support the police to respond to these cases in the future.

Allen thinks this is interesting because we've had an awful lot of dog hearings and I'm wondering why this one hasn't come forward, because other's have come way before dogs have bitten anyone.

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Enerson: I've called multiple times and finally the Sergeant said you're going to have to call the Selectboard, I called the Selectboard and they told me to call the police. I called the Chief and after all these calls, the chief said what he could do is send an officer out and tell Willie to lock the dogs up and then if there are any more problems, then we'll have a hearing. It just seems like it took a long time to get to that.

Fairbrother closes hearing at 8:47 PM

Allen makes the motion based on the evidence heard and collected, that Buddy be euthanized and other three dogs Bella, Lucy and Snowy be removed from 301 E. Chestnut Hill Road, if there is the possibility that one of these rescue organizations will take these dogs, that would be good, if not I would recommend that all of them be euthanized. Seconded by Boutwell for discussion

Boutwell thinks Buddy should be evaluated first before being euthanized.

Allen: I've talked to a veterinarian about several of the dogs in the last 12 years and he said once a dog bites, he will continue to bite.

Fairbrother: Most importantly, all dogs need to be removed from the property and get them somewhere where they will be secure. The owner is not here tonight and it sounds like he is either unwilling or incapable of properly caring for the dogs, then if someone can take them for evaluation, great.

Discussion about placement, evaluations, who handles. Anyone with information on placement, organizations for these dogs, should contact Chris Williams at the Montague Police Department.

Fairbrother: If dogs are able to be evaluated, we would need to come back and decide their ultimate fate.

Coppinger I testify in court a lot and my overall philosophy is that once a dog bites, he's more likely to bite again. If you take a dog to a trainer, he will say I cannot teach the dog not to bite, what I can do is teach you how to manage the dog so that he doesn't bit anybody. Personally, in this particular case I don't think Willie is capable of taking care of dog the way he should.

Allen rescinds her previous motion. Seconded by Boutwell

Fairbrother wants dogs taken off property

*Allen makes the motion that in relationship to the dog Buddy that he will be euthanized at the appropriate time, held pending appeal, based on all the information we've heard. Seconded by Fairbrother, approved. Allen – Aye, Fairbrother – Aye, Boutwell – Nay*

*Allen makes that the other three dogs, Lucy, Bella, and Snowy be picked up and be held for the requisite 10 days, and if evaluations and/or rescues can be found for those dogs then that be undertaken, If it is found to be negative, then those dogs would be euthanized. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye*

Willie will be contacted to find out where fourth dog is, if four dogs are not present when they are picked up.

**Draft letter supporting MESA Legislation Qualifications**

Abbondanzio: This deals with the invasive species act, and the legislation that is before the joint committee on Environment and Natural Resources and Agriculture that would basically change that legislation and limit the authority of the Natural Heritage Program. I was asked if the Town would be willing to support this legislation because we had a personal experience with our Industrial Park and where the new regulations that came out in 2005 basically resulted in our proposed Industrial Park on the Montague Plains not happening and my feeling is it is a direct connection with the decision that was made by NU staff not to continue their declaration of surplus in that

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property. There was a 100 acre Industrial Park proposed and what the Natural Heritage Regulations were asking us to do, was we'd be allowed to develop 30 acres, but we would have to voluntarily give over 70 acres and that has pretty much been the way the regulations have been interpreted over the last 5 – 6 years and as a result the Industrial Park became unfeasible because a 30 acre Industrial Park in this area just doesn't work economically. We were working with the FRCOG Planning Dept. on this and for a while it looked very, very promising. WMECO had been working with the WMass Development Corporation they had developed a preliminary bid design for the proposed Industrial Park back in 2002 they had done extensive invasive species evaluations and as a result they felt that they had a good case they could put before the Natural Heritage program. They even came to the conclusion based on the scientific evidence that only 5% of the site was a rare and endangered species habitat. One of the aspects of the letter is that this is an unconstitutional taking without just compensation, and it is something that is being done across the state. The people reviewing this legislation are the Chair people of the Committee, held a hearing last week and they were surprised by the testimony that was given because the people who had actually participated and adopted the original legislation back in 1993 didn't think the legislation was meant to be interpreted in the way that it being interpreted with the revised priority habitat map that was put out in 2005 and the policy of doing this 70% taking forcing you to put 70 out of 100 acres into permanent conservation. One of the points we make is we're asking for 100 acres of the Montague Plains, we understand it is a rare eco-system, a pine barren, but we also tried to make a point that 1,600 acres of that Montague Plains was given over to the Fish and Wildlife back in 1999 to become the Montague Plains Wildlife Management area. We already lost 80 % of that, which was put into permanent preservation. They didn't even want to hear about that. Also in this letter we tried to point to the record of the Town in terms of Conservation and Environmental Protection in general, both in terms of preserving agriculture, agricultural land under the Agricultural Preservation Program and in all of the other lands that are permanently protected open space. The percentages we pointed to was our acquisitions have accounted for 35% of the entire town land area being in some form of permanently protected open space. The point we are making is we are doing our job to try to protect and conserve the environment and we don't think it is fair the way the regulations have been implemented. They have basically resulted in losing a project that would have helped not only Montague, but would have helped the whole region because the region is running short of available industrial land and this was identified as one of the primary industrial park development sites for the region as well as the Town. I wanted you to know that if we send this letter there is always the possibility we might ruffle a few feathers, but I think that is the same point.

Allen: My own opinion is I would be happy to sign onto this letter, but suggests a few minor changes.

Fairbrother thinks Frank might want to look at this letter and change some of the phrasing because we don't own the Plains. You might want to change some of the phrasing in here that we support NU who does own the Plains. Suggestions made and brief discussion held.

*Allen makes the motion that the Board of Selectmen send this letter to Rep. Anne N. Gobi, Chairwoman of the Joint Committee on Environment, Natural Resources and Agriculture concerning the committees legislation and the entire Natural Heritage Program. Letter is to also be sent to the corresponding co-chair of the committee who is in senate. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Other**

**Rev. Charles DiMascola: Use of Peskeompskut Park and Use of Public Property on October 2, 2011**

More information required. To be put on next agenda

*Allen makes the motion to adjourn the meeting at 9:29 PM. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye.*