

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, November 23, 2015**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Chris Boutwell, Mike Nelson, Rich Kuklewicz, Town Administrator, Frank Abbondanzio (absent), Executive Assistant, Wendy Bogusz

Approve minutes of November 23, 2015

*Boutwell makes the motion to approve the minutes of November 9, 2015. Seconded by Kuklewicz, approved.
Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye*

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment:

Matt McMillan Lego: Wants to see clear signage on Canal Street to avoid accident. Kuklewicz suggests wrong way and do not enter signs be put up.

Suzanne LoManto, Director, Turners Falls RiverCulture

Use of Public Property: It's a Wonderful Night in Turners Falls, December 11, 2015 from 4:00 PM to 9:00 PM

Use of Spinner Park, 6:30 – 7:15 PM

Kuklewicz makes the motion to approve use of Spinner Park for It's a Wonderful Night in Turners Falls on December 11, 2015 from 6:30 to 7:15 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Street Musicians on Avenue A & Third St, 6:00 PM to 7:00 PM

Kuklewicz makes the motion to authorize street musicians to play on Avenue A and Third Street from 6:00 PM to 7:00 PM on December 11, 2015 for It's a Wonderful Night in Turners Falls, Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Light 75 Luminaries on Avenue A & Third Street, 5:00 PM to 9:00 PM

Kuklewicz makes the motion to approve the request to place 75 Luminaries on Avenue A & Third Street, from 5:00 PM to 9:00 PM on December 11, 2015 for It's a Wonderful Night in Turners Falls. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Town Administrators Report

Review of Yearly License Fees in the Board of Selectmen's Office

Nelson: Last time fees were updated were in 2004, except for Brewery Winery those were created in March 2015. I'm hesitant to go very high on these licenses even though we are 40% lower than Deerfield, I would be comfortable with 10% increase rounded to nearest \$5 increase.

Kuklewicz makes the motion to approve the approximate 10% increase in fees as follows: Restaurant - All Alcohol \$1,050; Restaurant - Beer & Wine \$580; Package Store - All Alcohol \$975; Package Store - Beer & Wine \$550; Club - All Alcohol \$725; Inholder - All Alcohol \$1,000; Seasonal Club - All Alcohol \$450; Brewery/Winery Pouring Permit: Seating under 50: \$110; Seating 51 - 99: \$220; Seating over 100: \$550; Other Licenses: Common Victualler \$40; Class II & Class III \$110; Automatic Amusement \$45; Lodging House \$40; 1 Day (All Alcohol) \$40; 1 Day (Wine & Malt) \$40; Entertainment \$55; Annual Auctions \$110; Special Auctions \$20. Seconded by Nelson. Kuklewicz – Aye, Nelson – Aye, Boutwell – Abstain

Dangerous Dog Hearing

Tia Marie Albert, 100 Second St., Turners Falls, dog: Grey and White Pitbull, Petey

Nelson reads notice to Ms. Albert into the record

Notice was delivered and posted as necessary; People in audience who plan to speak are sworn into the record;

Dodge: Calin informed me of problems he has had in town by dog owned my Tia Marie Albert, has serious concerns about the dog

Calin: After first incident in the park I stopped at Ms. Albert's house, at that time I asked her to have dog wear muzzle when dog is in public.

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Dodge gives timeline of events that happened. We are concerned about the attacks, the injuries, it happened more than once, Ms. Albert does not seem to be taking this seriously. Had she followed the animal control officers advise the second attack would not have happened as the dog would have been muzzled. Our concern is we continue to allow her to take her dog out in public this dog is going to continue to attack other dogs and human beings.

Nelson: What is your recommendation to the Board?

Calin feels this is a dangerous dog, if she cannot control it. This dog can snap at any time at her house and she has a little baby and if that dog gets a hold of her baby, it will not live. I was at her house and the dog was friendly but that does not mean the dog is friendly to other people. Because of all those incidents, I think the dog should be put down. I've seen before where a dog did not have any sign of aggression where he got a hold of a baby and it had 80 stitches. I think it is our responsibility.

Dodge: Calin is very familiar and well trained with dog behaviors, I can only go by my history of handling these dogs. If the board has recommendations that they are comfortable with that thinks they can prevent this from happening again if she is given a second chance, we want to make sure there were things in place such as the muzzle required. I do stand by his request, however I do not have a problem with a second chance as long as some conditions are set and both I and Calin can leave here knowing somebody else is not going to get hurt.

Nelson: Historically the Selectmen will only resort to putting down a pet after we find there is a problem and we will work to keep the dog with its owner; so know this is not a done deal.

Dodge: I would like the Board to render the decision that the dog is a dangerous dog and I respectfully request this.

Albert: shows Animal Inspector quarantine along with note on it that states Petey was relaxed. Also has copies of medical reports that her and her brother were bitten by a dog and given antibiotics; has letters from people who wanted to be present tonight but couldn't. My dog is a service dog and produces a certificate (certificate had no markings saying which organization issued it and Ms. Albert does not remember the organizations name). Pictures shown showing Petey with many different people including her own son.

Elma Kuklewicz gives her recount of the events that happened with Mr. Fleury's dog

Fleury: I entered park with dog on leash as this was the first time being there and was talking with friends when Petey came over and latched onto my dogs head feels if there was not interference his dog would be dead today. My dog did not attack anyone. My dog did not come off the leash until Petey was long gone. I want my dog vet bills paid (Nelson informs Mr. Fleury the Board has no jurisdiction over making her pay these bills)

Thompson (brother to Ms. Albert): tells Board what happened. Mr. Fleury's dog bit me in arm when trying to separate the dogs.

Lisa Reynolds: known Petey since born, raising dogs for 30 years, a little high strung, done extensive training with him, he is voice command trained, fine with other animals, feels any dog will become aggressive if provoked, feels dog was probably anxious. I treated Petey and superglued him back together. In my opinion he is not an aggressive dog. And will pay to send dog to Tufts for evaluation

Dian Tia's mom: Dog has been bitten by other dogs, comes a time when dog is bitten to many times he has to protect himself. Don't feel dog will do harm to anyone, never had a problem with him.

Sharon Matthews: Been training dogs over 30 years, known Petey since he was small. Petey never had Alpha dog characteristics, Tia always had complete control over him; always been very well trained and watched. Would get dog certified as a good citizen dog and behaviorist, Petey cannot wear a muzzle he will self mutilate. If the need be that he needs more training I will provide training free of charge. There is a cloth muzzle that he could possibly wear

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Joan: After the incident she was hitting dog with e collar and said dog was in a lot of trouble, why would she say that?

Jennifer Albert: Has friends that's comes to house and Petey has never shown aggression to her friends kids.

Maureen McNamara: Has chiwaua takes all over town until it gets cold. When walking in area near Petey she picks up her dog

Michael St. Aman: Tia rented room from him, 16 lb. cat would back dog up to wall. Petey got along with his other dog, never seen aggression from this dog. Friendliest dog, not dangerous. Are we on a witch hunt because he;'s a pit bull

Laurie Lee Adams: Not a proponent of putting a dog down, difficulty is dog has attacked two times, response of handler is inappropriate, told handler left the park, with a sarcastic remark, she completely ignored the muzzle request. Saying she is unable to control and unwilling to control the dog. Insist remedial be made

Sarah Houghton: Present at both attacks, first attack was sudden. Not a witch hunt for a pit bull

E. Kuklewicz: When Petey first came to the park he was a good dog, he changed since May, this is not a witch hunt. I also request training be done by a neutral party.

Albert says the dog officer told her to consider Petey wearing a muzzle, he did not say he had to wear a muzzle.

Nelson closes the hearing at 8:11 PM

Boutwell makes the motion to close the hearing at 8:11 PM. Seconded by Kuklewicz, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Kuklewicz makes the motion based on the facts introduced at this public hearing, including but not limited to the testimony of various individuals including our dog officer, Chief of Police and dog owner that this board finds the dog Petey is considered a dangerous dog for the reason that he behaves in a manner that a reasonable person would believe possesses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. Seconded by Boutwell. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Kuklewicz makes the motion that the dog be humanely restrained, but not chained, tethered or otherwise tied to an inanimate object including a tree, post or building; that the dog be confined to the premises of its owner or keeper, either indoors or outdoors properly sheltered from the elements in a securely enclosed and locked pen or dog run area with a secure roof and, if the enclosure has no floor, with sides not less than 2 feet embedded into the ground; that when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled in an acceptable fashion and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; that the owner or keeper provide documented proof of no less than \$100,000 insurance for claims resulting from intentional or unintentional acts of the dog, or of reasonable efforts to obtain such insurance if a policy has not been issued (within 30 days from today); that the owner or keeper provide the licensing authority, animal control officer or Chief of Police identified in the order, information by which a dog may be identified, including, for example, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of information and that the dog possibly be reconsidered for reclassification to something other than a dangerous dog after such time as it has completed its Canine Good Citizen certification within 6 months (May 2016) and evaluation from an independent third party evaluator not known or related to the parties involved with the incident within 6 months of that (November 2016). Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Added in motion above:

Proof of insurance no less than 30 days from today. If no insurance at 30 days she needs to come back before board with explanation where she is.

Hearing ends at 8:20, letter to be sent to Ms. Albert

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Kuklewicz makes the motion to adjourn for a 5 minute break. Seconded by Boutwell, approved. Boutwell –Aye, Kuklewicz – Aye, Nelson – Aye

Owen Wormsers, Re: plantings and maintaining areas of downtown Turners Falls using FCTS students

Wormsers: I contacted the BOS after contacting teachers at the Tech School. My background is in landscape design and installation and the last year I have been working on incorporating a nonprofit that will focus on building gardens publically that are accessible to the public using volunteers from within the community that they are built in. I've been focusing on a number of different projects throughout the Pioneer Valley and I'm interested in the possibility of collaborating with the Horticulture and Landscape Program at the Tech school to install plants downtown in Turners Falls which has beautiful planters. The idea would be to put together a plan that would be reasonable starting off with one or two planters, maybe more than that and I would be working as designer to put a plan together and present this so all parties could see it. Once that is put together, the idea would be to work on fundraising in the community through the school community and possibly the business community. Knowing there is no precedence on doing this, we would want to keep the target low and reasonable. What I'm thinking in terms of costs is plant material, possibly compost and mulch. In addition I am going to charge for my time for management and design which for most of these projects ends up being about 1/3 of the project. This is all hypothetical and there is no plan of attack. I am here just to let you know this has been discussed with the Horticulture and Landscape program at the Tech School and they are eager to accept this. Idea would be to put something in place that could be maintained with a budget so students at tech school could maintain it and be paid for it.

Suggested Mr. Wormsers meet with David Jensen to discuss planter guidelines and coordinate through planter committee

Bruce Hunter, FCRHRA

Program Extension to June 30, 2016 for FY14 CDBG Grant to complete the housing rehab and infrastructure activities

Hutner: We have an extension for the 2014 grant which includes the housing rehab and Avenue A Streetscape. The reason for this is we have to request an extension one month prior to the grant end which is December 31, 2015. We still believe we are on track to finish Avenue A as scheduled; but we have to make this request because if something happens and we get a snow or ice storm, we won't be able to finish so we must request this. Housing portion we've finished 4 of the 5 units; Access to the poles is the issue. This is a preventative. Delay this week is due to not being able to get the crane

Kuklewicz makes the motion to authorize the Chair to execute letter to Mark Southard, DHCD requesting a Program Extension to June 30, 2016 for FY14 CDBG Grant to complete the housing rehab and infrastructure activities and to execute budget and program revision form. Seconded by

Authorize change to FY2015 CDBG Grant start date to July 1, 2015

Hunter: Paper work was submitted as start date of August 1, but should have stated July 1.

Kuklewicz makes the motion to change the FY2015 CDBG grant start date to July 1, 2015. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirements.

Nelson asks about starting the meetings earlier. It is decided to stay at 7:00 PM

Executive Session under M.G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding Millers Falls Road/Industrial Boulevard Sewer Replacement Project, Votes may be taken

Nelson declares having this in open session under M.G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding Millers Falls Road/Industrial Boulevard Sewer Replacement Project would be detrimental to the public good

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Kuklewicz makes the motion at 8:45 to go into executive session to discuss M.G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding Millers Falls Road/Industrial Boulevard Sewer Replacement Project, votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye