

Shutesbury Board of Selectmen Meeting Minutes July 15, 2014

Members present: Chairwoman Elaine Puleo and members April Stein and Mike Vinsky.

Members Absent: None.

Remote participation: None.

Staff present: Town Administrator Rebecca Torres, Administrative Secretary Leslie Bracebridge.

Press present: None.

Chairman Puleo opened the meeting at 6:33 P.M. at the Shutesbury Town Hall.

Appointments

Meet with Finance Committee regarding end of year transfers:

1. In the presence of Finance Committee Chairman F. Rus Wilson Selectmen received a schedule of proposed budget transfers for FY 14. Rus reported that the Finance Committee has reviewed the schedule and will be present later this evening to also approve the schedule. Becky reported drivers:
 - a) The balance in the FY 14 health insurance line was about \$35,000.
 - b) It was a very bad winter and diesel prices went up. We contract for diesel after the budget is approved.
 - c) There are new statutory requirements for elevator inspections: Certification has changed from a 5-year cycle to an annual cycle. The state charges a \$600 fee for each inspection. A mouse got "fried" in the elevator, and there were problems with the lift. We have added a couple of thousand dollars to that line, and hoping that future repairs won't be as high. If future repairs are also high, finance committee reserve funds could be used, if needed.

Selectmen unanimously voted to approve the schedule of proposed budget transfers as presented for Fiscal 2014.

6:55 PM - Police Chief Harding: Had no reports at this time.

7 PM Dog Hearing/Attorney Donna MacNicol, Police Chief Thomas "Tom" Harding, and Police Officers Masiuk and Sawicki, Dog Officer Long, and Fire Chief Tibbetts:

- 1) Sharon Waldman announced her understanding, from the City of Northampton, that a requirement of a dog hearing is that it be "recorded." (Sharon assumes this to mean recorded electronically.) Town Counsel responds that people who wish to speak need to raise their hands and be recognized "for the record"; there is no statutory requirement for an electronic method of recording the meeting. Town Counsel adds that people are welcome to electronically record if they would like to, but that it needs to be announced if someone will be recording the meeting. No one asks to record the meeting.
2. The official letter of complaint came from Sharon and Oliver Waldman, so they were asked to speak first and were sworn in by Chairman Puleo. Sharon Waldman:
 - a) "We believe the Faulsticks' dog is a danger to our neighborhood and the whole community."
 - b) There are 4 children in the immediate neighborhood and other children living further along the road.
 - c) Refers to the police report and her understanding of the Faulstick dog attack on her neighbors Jeffrey Quackenbush and Mary Jo Maffei – (See Mary Jo's personal description below.)
 - d) The website of the rescue organization, from which the Faulsticks got their dog has been trying to place the Faulstick dog since the event. The rescue organization's advertisement describes the dog as not aggressive, and very good with children and other dogs.
 - The dog originally came from a shelter in Georgia. Why was the dog in the Georgia shelter?
 - Sharon states that she got only a very brief statement from the Dog Officer.

- Sharon doesn't feel that it is safe to re-home this dog, which is what the agency is trying to do, because it wouldn't be fair to some other neighborhood to let this happen again.
 - Sharon states her concern that if this dog ever kills a child, and if anyone ever sees this report "they will go after every organization that they can."
- e) Sharon is fearful that her own children could be attacked.
 - f) Given how many dogs are available and in need of adoption, Sharon recommends humane euthanization as the best outcome for this particular dog.
 - g) "Jeff and Mary Jo were not on the dog's property. Anyone could be walking, biking or running by. We don't want this to happen again."
3. Chairman Puleo calls for the dog owners to speak, but the Faulsticks are not present.
 4. Chairman Puleo calls upon Chief Harding to speak and he is sworn in: Chief Harding recommends hearing first directly from the people who were attacked.
 5. Chairman Puleo calls upon Mary Jo Maffei who is sworn in. Mary Jo described her experience:
 - a) Mary Jo and her husband were walking their 12-pound dog on a leash on West Pelham Road between 7 and 7:30 PM. They had walked past the Faulstick home, toward Shutesbury center.
 - b) Mary Jo saw the Faulstick dog come out of the roadside bushes. She wasn't sure if the dog was friendly and so yelled to her husband Jeff to pick up their little dog named "Walter". Before Jeff could pick Walter up, Walter got bit, resulting in a laceration 6 inches long and 2½ inches deep.
 - c) Jeff turned his back on the Faulstick dog to protect Walter. The dog bit Jeff on the arm.
 - d) Mary Jo was about 10 feet away. The Faulstick dog looked directly at Mary Jo, and ran at Mary Jo.
 - e) The dog took a large chunk of flesh out of Mary Jo's hand between the base of her pinky and the second finger in, bit Mary Jo 4 times in the arm, biting through Mary Jo's bone and through her ulna.
 - f) "I was on the ground for a fair amount of time before Don (Faulstick) grabbed his dog."
 - g) Don helped Jeff and Mary Jo call 911.
 - h) They went to the home of another neighbor, who is a nurse practitioner. Mary Jo states that she was hyperventilating and in shock.
 - i) Chief Tibbetts was there very quickly and recommended she be taken by ambulance to the hospital.
 - j) Mary Jo and Jeff's 19 year old daughter called Walter's veterinarian, who opened up the office at 8 PM. The daughter brought Walter to the vet, and the dog then underwent surgery.
 - k) Mary Jo was treated in the hospital emergency room: IV antibiotics and they cleaned her wounds.
 - l) The physician said the dog had bitten through her bone.
 - m) They called an orthopedic doctor who said nothing needed to be done right away.
 - n) Jeff was given oral antibiotics, his wounds cleaned and they went home at 3:30 AM.
 - o) The next morning Mary Jo's hand was swollen from infection.
 - p) The orthopedic doctor could not immediately perform surgery as Mary Jo had eaten.
 - q) The next morning Mary Jo had surgery, and stayed in the hospital on antibiotics and under observation.
 - r) Mary Jo was in a "huge amount of pain." She couldn't move her arm without a lot of pain.
 - s) The family was supposed to go on vacation but they couldn't go right away.
 - t) Mary Jo couldn't dress herself. She is left-handed and she got bit in the left arm: she couldn't cut her food, couldn't eat, drive, write, or work at her small business that she had just started.
 - u) In time they talked with the Faulsticks: Mary Jo described the Faulsticks as "very nice." Don and Tracy both told Mary Jo that they were going to euthanize the dog.
 - v) Mary Jo, "I am a dog lover, so it was hard, but it seemed the safest and simplest thing to do."
 - w) Mary Jo and Jeff went on vacation and had to come back to go to the doctor.
 - x) Mary Jo hopes to get out of her cast on July 23rd. She reports getting stronger every day.
 - y) The doctor predicts that she will be in pain for 3 to 4 more months.
 - z) Jeff was more fortunate. He has healed well.

aa) Emotionally, Mary Jo:

- Did not want to be impeded to walk on her own road because of the event, though she did turn around once.
- Still considers that she could easily have invited the neighbor's children along on their walk, and the children could have been hurt. "It could have been much worse for children."
- Reports now having safety issues with roads and cars.
- The "most emotional problem" for Mary Jo was when she found out that they were trying to re-home the dog on 3 different websites. Mary Jo read the description: "Her sweetness is infectious." "She has never displayed any territorial behavior." Mary Jo states to the Select Board, "My fear is that this could be a disaster."

bb) After long hard thinking, and speaking with an expert on dog aggression, Mary Jo believes that the only way we can be certain that the dog won't hurt someone else, especially a child, is for the dog to be humanely euthanized. "That is what I am requesting."

cc) The Faulsticks told Mary Jo that if they had not found a home by today, the dog would be euthanized. As far as Mary Jo knows, the dog has not been euthanized.

dd) If the dog is placed somewhere else, it will be very difficult for Mary Jo to deal with.

ee) Mary Jo has written to the rescue agency's website, sent a copy of the police report, and asked that the information on the re-homing websites be corrected. She got a thoughtful response letter from one website and a threatening letter from another. Mary Jo states, "If the dog should live, this could happen again."

ff) One website says the dog has "a very high prey drive." Mary Jo describes herself as an adult person, not "prey" on the road, and Mary Jo was not in the Faulstick yard. Mary Jo is concerned that a small child could be even more readily seen as "prey."

6. Attorney MacNicol: Asks if the dog is still in town. No, it is being boarded out of town. Town Administrator Torres has a paper statement, without a signature, but reported to be from Tracey Faulstick stating that the dog is no longer living in the Faulstick home and that they have relinquished ownership.

7. Police Chief Harding is invited to speak:

- a) No Shutesbury Officer was on duty; the state police were involved and we were advised the next day.
- b) Officer Masiuk did an investigation with Mary Jo and Jeff.
- c) Dog psychology is outside of Chief Harding's training experience.
- d) Officer Masiuk went to the Faulstick home: They wanted to euthanize the dog. They felt terrible.
- e) They had their attorney look at the document from the rescue agency. The Faulsticks were obligated to return the dog to the agency. The Faulsticks were keeping in touch with the Dog Officer and Mary Jo.
- f) Chief Harding has looked at the website that Mary Jo reports.
- g) Chief Harding repeats that dog psychology is outside of his training and expertise.
- h) Chief Harding asks if a letter that is not signed can be used as evidence that something has happened.

8. Town Counsel indicates that it can be relied upon and the letter is read aloud with parts printed below:

a) From Tracey Faulstick: Thanks town officials, appreciates their patience and support...unfortunate event...prey drive high...we have voluntarily elected to give her back to the rescue so she may be rehabilitated and either re-homed or euthanized. She is no longer living in our home and we have relinquished ownership...We take our responsibility very seriously...Since the dog's actions are no longer a concern for this neighborhood we respectfully request that this matter be concluded post-haste and our family's privacy be respected." Becky called Tracey Faulstick to confirm that Tracey wrote the letter. Chief Harding got a copy at 6PM tonight; Becky at 4 PM today. Tracy confirmed to Becky that the dog is no longer in town and has been boarded. Tracey apologized to Becky before the meeting that she did not sign the letter.

9. Town Counsel MacNicol offered the following guidance to the Selectmen:

- Selectmen cannot order a dog living outside of the town to be euthanized.

- It is the duty of the community to inform the rescue agency that the dog did attack, did bite, and did cause serious injury.
- Selectmen should go through the statute (MGL 140§157) and make their decisions anyway, so that if the dog returns, there is an order in place and people know what will happen.
- Selectmen can order anything that is good for this community.
- You can't order it out or never to come back.
- You can:
 - Continue the hearing,
 - Have the Police Chief confirm the dog is gone,
 - Notify the rescue agency of the seriousness of the injuries.
 - Selectwoman Stein: Can we send it as a registered letter?
 - Chief Harding: It's a loose affiliation of volunteers.
 - Town Administrator: When the dog is picked up by the rescue there should be documentation that it has been done. The rescue agency has taken financial responsibility.
 - Attorney MacNicol: You all are looking to have absolutely on the record that Mary Jo's story has gone to the rescue agency. Make sure the letter is done right away and that it goes with the dog.
 - Chairman Puleo: Asks if this goes with the dog, where it is boarded also?
 - Attorney MacNicol: Cover as many bases as you can.
 - Selectwoman Stein's understanding is that this documentation goes across the state line.

10. Suzanne Palmer, 517 West Pelham Road:

- Lives next door to the Faulsticks and has two 6-year olds who play in the yard while she gardens.
- She never knew of the event until last week.
- Her cat was attacked by some animal 2 days before the event, with a quarter size bite taken out of the cat. She thought it was bit by a wild animal but now she wonders.
- The Animal Control Officer was warned that the cat had been attacked.
- Why were we not informed, and the dog not put under quarantine for safety?
 - Town Administrator Torres: The dog was put on a 10-day quarantine.
 - Attorney MacNicol: And quarantined to the house ever since.

11. Louise Levine is sworn:

- Has a concern about only sending a letter to this rescue organization. "It's not fair to assume they are responsible." She would like to see the letter at least sent to the police in the rescue organization's town.
- Chairman Puleo: We don't know where that is.
- Town Administrator Torres: We don't know where the placement will be.
- Attorney MacNicol: Asks if the Board would want to send a letter to New York City police for the rescue agency, and then asks, if the dog is currently in Amherst or Leverett.
- Town Administrator Torres: States the dog is in boarding so it's not in a yard.

12. Oliver Waldman: We were immediately concerned the moment the accident occurred. My children's safety was never prioritized. If the dog attacked 2 human beings then the other human beings in the neighborhood deserved some warning. As parents we were aware that the dog was still on the street and nothing was being done about it. Shutesbury can order that the dog is dangerous and humanely euthanized. "I am asking you to do this, so in the event that the dog comes back, the order is in place."

13. Kelly Bollen, Animal Behaviorist is sworn and asked to speak. Kelly:

- Specializes in aggression in dogs.
- After listening to this hearing Kelly feels there is no way this dog should not be declared a dangerous dog.

- The breed, pit bull is identified with aggression in this area. Mary Jo moved away from the dog, the dog attacked a person. It shows aggression to humans and other dogs. This was a brutal attack.
 - Dogs have control over their mouths. Many dogs give inhibited bites that do not apply pressure. This dog not only ripped flesh but it broke a bone. This dog is by far one of the most aggressive dog, Kelly has ever heard of.
 - Kelly's concern is that they are trying to re-home the dog. The rescue organization had a behaviorist who declared the dog is fine. There is no way, given the history, that this dog is fine. This dog has demonstrated that it is a grave danger to the community.
 - Attorney MacNicol requests a written statement from Kelly to attach to this report.
 - Kelly continues with a brief statement of her credentials: A shelter consultant with shelters all over the country. She teaches shelters their responsibility if they re-home. She refers to rescue agencies as a group of people who like a breed. "It is unconscionable that this agency wants to re-home this dog." Kelly feels that the rescue organization needs a statement from the town, so that they know that if something happens they were notified. "I do foresee this happening again. It's unfortunate that the dog wasn't euthanized before it was moved out of town."
14. Selectwoman April Stein: We don't know this hasn't happened before. April states that in her personal conversation with another behaviorist it was concurred that this is not a safe dog. You can't re-home a dog that attacks humans. April urges Selectmen to declare the dog dangerous and get the information to the rescue agency.

Town Counsel MacNicol distributed copies of the relative statute: *Massachusetts General Law Chapter 140, Section 157 Nuisance or dangerous dogs; orders for remedial action; appeals; violations of order*, and Chairman Puleo read excerpts aloud to the public: Including the distinction between a "nuisance" and a "dangerous" dog.

A motion was made and seconded that the selectmen found credible evidence that the Faulstick dog is a dangerous dog:

- Selectmen reviewed MGL 140:157 (a) in its entirety.
- Selectmen agreed to write a letter declaring the dog dangerous, and requested Animal Behaviorist Kelly Bollen to write a letter supporting their decision. The letter will further inform the Faulsticks that, if the dog comes back to Shutesbury, then what the Selectmen determine in their next vote, they will follow through on. Kelly agreed to write a support letter, and Attorney MacNicol will assist Town Administrator Torres and Chairman Puleo in drafting the letter to be signed by all 3 Selectmen.
- No one felt the Selectboard decision would be appealed. If the Faulsticks were to re-own their dog the appeal would have to be done within 10 days. Town Administrator Torres: The Faulsticks have indicated the dog will not come back.
- Selectwoman Stein: Repeats the concurrence of another behaviorist: "This is not a safe dog, this is a very dangerous dog," and recognizes Mary Jo's courage.

After reviewing MGL 140:157 (a) in its entirety, Selectmen found credible evidence to unanimously vote the Faulstick dog that attacked Mary Jo Maffei, to be a dangerous dog.

A second motion was made and seconded that the Selectmen review the 7 action items listed in MGL 140:157 (c) and vote on each item so if the Faulstick dog is ever returned to Shutesbury, the consequential actions will be in place:

- Following some clarifying conversation Selectmen agree to order the dog must be muzzled and restrained as described in MGL 140:157 (c) (iii), identifying information be turned over to the animal control officer as in MGL 140:157 (c) (v), and if ever returned to Shutesbury, be immediately and humanely euthanized as in MGL 140:157 (c)(vii).

Selectmen unanimously approved this second motion.

1. Al Springer asked if there is any way this decision can be posted on the Internet.
2. Chairman Puleo: You can post, but the site owners can take things down.
3. Matthew Andrews, 452 West Pelham Road: Has 2 young kids and a small dog. He lives within ¼ mile of the Faulsticks. Why are we having this conversation today? Could this process have been sped-up?
 - Chairman Puleo: The request for a dog hearing was made on June 24th. On July 1 we could not meet because 2 of the 3 Selectmen were out of town. We had the hearing at the first meeting following the request.
 - Matthew: “That’s not acceptable.” Matthew hopes in the future public officials will be more responsive.
4. Suzanne Palmer:
 - “Could the quarantine have been extended to the hearing? We should have been informed. I’m really concerned with my 2 small children immediately next door. My cat was attacked and my neighbor was attacked.”
 - Suzanne voices concern that she didn’t know about the attack until last week.
 - “Given the owners took the path of moving the dog out of town, is there a state agency that can be informed of where the dog is?”
 - Town Counsel MacNicol: We can notify the Department of Public Health and recommends that the Board of Health would be the appropriate town department to do this.
5. Sharon Waldman: Started contacting the Dog officer on June 9th. Sharon got nothing back. We were getting nothing. “It was a blank wall.” Sharon finally got a call on June 24th and she invited herself to the Select Board meeting. “We have emails. It was not OK that it took this long.”
 - Sharon feels officials may have helped the dog.
 - She got her notice of the dog hearing today in her mailbox.
 - Suggests it’s time to come up with Shutesbury rules: When a bite occurs, the dog has to be impounded.
 - “We called, we emailed; we called, we emailed. We got nothing.”
 - Chairman Puleo: Meetings are always posted and public.
 - Sharon repeats, “We got nothing.”
 - Oliver Waldman confirms Sharon’s concern. “It surprises me zero that dog is in Dr. Katz’ office.
 - Town Administrator Torres: Apologizes – that is my error. “You are a third party. I did not recognize your name.” I get 300 emails a day. I made that apology when I called you on the 24th and when you came to the Select Board meeting with Oliver and your 2 children. I was aware of Mary Jo.
 - Sharon: I was in town hall and it was recommended to leave a message in your mailbox. You didn’t call us until the 24th.
6. Oliver Waldman: Recommends sending letters to families when there are children in the neighborhood of a dog bite. We deserve more than that. Are our children important, or is this about the dog?
7. Chairman Puleo: “I get it, and we should provide protocol.”
 - The dog has been at that house since last November and had been restrained the whole time.
 - It was an unfortunate slip, otherwise we would have known about the dog much sooner than June.
 - I think that is part of what the struggle was about. They were trying to restrain the dog.
8. Attorney MacNicol:
 - It is important to understand that when a dog bites, it’s not always determined dangerous, until an investigation is done. There were at least 3 people who did the investigation. People were sworn tonight.

- I hear all of you saying that if a dog bites, you want a protocol notifying all people. This town cannot go seize every dog that bites under every circumstance.
9. Town Administrator Torres:
- Dog bites are regular events in town. This was not a unique event.
 - We usually assume animal bites are non-domestic.
 - This situation was extreme.
 - I didn't hear from Mary Jo until after the Select Board meeting.
10. Town Counsel MacNicol:
- Was not sure the process could have been pushed up, as dog hearings require notification.
 - Creating a protocol can happen: She recommends the Police Chief, Dog Officer and Selectmen can come up with a protocol.
 - Does not think insulting and accusing the Selectmen is fair.
11. Oliver Waldman stated, "You insulted my children and every family on the street."
12. Chairman Puleo: We have determined the dog is dangerous and ordered it be muzzled and humanely euthanized. A letter will be sent to wherever the animal is sheltered, and to the rescue agency. We will send a letter to the Board of Health so it can be sent on to the Department of Public Health, and we will consider a protocol. This ends the hearing. 8:22 PM.

At 8:25 PM Fire Chief Walter Tibbetts reviews new fire truck:

- Chief Tibbetts delivers a 3-inch binder which he describes as the complete proposal for a new fire truck, with photos. He describes it as covering everything, including warranties and the contract for Selectmen to sign so that the purchase of the fire truck can go forward.
- Walter has read through the entire specifications and re-read the whole proposal again yesterday.
- Included in the contract are 2 trips to the factory for up to 3 personnel including a preconstruction site visit with the engineers, where they will go through the proposal one last time, line-by-line with no cost to make changes. After that, changes are at cost, plus an additional change fee.
- Becky asks Walter to explain how this is done around the usual bid process for the Select Board. Walter explains that the company is part of the state bid program. The Massachusetts Fire Chiefs Association has a partnership that allows for a simplified purchase process where everything on the list of products has already gone through the Chapter 30B bid process. They have priced every option that is available in their factory. We can pick and choose and decide exactly what we want.
- Elaine: Wonders if Chief Tibbetts consulted with others and if he feels comfortable with all of these pages of options. Walter answers:
 - He has been through this process before, he did research the options, and he gave the specs to the person who built the first truck to review.
 - The process includes:
 - Sitting down with the salesman and reviewing the very basic requirements.
 - Then they go through the bid line by line and make revisions 3 or 4 times.
 - They consider what we need to get now and what might be gotten later on.
 - There was a "glitch" near the end, after the town meeting vote, when it was discovered that Walter and the salesman had different understandings that the package did not include site meetings along the way and warranties. Those required making \$6,000 in adjustments. They found ways to reduce the costs including re-using the still usable deck gun from engine #1. Walter relates the previous positive experience with the same company: They threw in extras at the end, and they held their price even after an increase to their costs. Walter's overall opinion is that they're a good company to work with.

- Mike inquires about the contract, and if there will be a loan. Walter responds:
 - We are agreeing to purchase this fire truck for this specific price.
 - Even if we went through whole 30 B process it would be the same commitment.
 - Walter has already talked with Town Treasurer Gabriel “Gasbe” Voelker: The money is due when truck is finished. The final price is under what was voted.
 - The company takes full responsibility to get the truck to our door. Once that happens, then we give them the check. We will let Gabe know the expected due date. Becky confirms Gabe is aware of and planning for the loan.
 - They have options where if you pay half at the time of the order they could take \$6,000 off. That can be done even after the contract is signed.
 - Becky explains that prepaying is not allowed in Massachusetts. You cannot pay for goods that you have not received.
- To the question, “Does this have everything that you need?” Walter answered:
 - Yes, as much as is fiscally responsible. There are a few things that could be done down the road. It fits the needs of this town now, going into the future, and the budget.
 - It’s functional for our water supply and our roads, it has safety scene lighting, and available technology.
 - Walter would have it shorter but emissions controls alone have made the trucks physically longer. The truck more than fits in the fire station. This is the best we can come up with.
- Mike: “What will bite us in the butt?”
- Walter: The emission controls. It’s all federal laws. (Walter comments on a current battle with emission controls as applied to government surplus.)
 - The length is longer. Some driveways are not the most maneuverable. Elaine recommends writing something in the *Our Town* newsletter for people to look at.
 - We could have created one exactly like the one we have but we feel we really need to be able to carry more water, while getting the most maneuverability possible.
 - We will have to train on driving a tandem axle:
 - The Massachusetts Interlocal Insurance Association (MIIA) offers a driving simulator, but there is nothing like actual driving.
 - One officer went through train the trainer. Training will be pretty much in-house.
 - We don’t let any officer drive until he/she is checked out on the apparatus.
- Mike inquires about running the pumps:
- Walter: We tried to go as manual as possible to cut costs and maintenance. Some things could not be manual. Some operations will be easier and safer:
 - There is a new feature called the “pressure governor” - we set the pressure where we want it to run. Previously this has been done manually.
 - There are a lot of interlocked safety features. It’s always a worry with added electronics, but some things are mandatory. One feature automatically takes the truck out of gear if the driver puts on the parking brake.
 - “For anyone with experience, a truck is a truck is a truck, and a pump is a pump is a pump. There will always be a learning curve unless we get exactly the same truck.”
 - This truck will give added features and added service to the town.

Selectmen unanimously voted to sign a contract with KME Kovatch to purchase a fire truck to be manufactured for a total price of \$433,907.00 from KME.

In conversation while the contract is signed, Walter reports: The contract will next be sent to the company for signatures. Truck delivery will be 330 to 360 days from when the contract is signed by the company. Walter will schedule the preconstruction factory hearing. They finish 14 trucks per week. One added

feature from the previous fire truck purchase is that in addition to 2 factory visits, they take photographs of construction all the time and send the photos back to the department on a regular basis.

Selectmen inquired of other Fire Department matters. Walter reported:

- Right now for fiscal year 15 we have done 21 responses: 6 over the weekend. A lot of responses were storm related. The Department had 7 calls on July 3 alone.
- With the advent of certain drugs making their way into our society there are more trouble calls for fire safety as well as for police.
- Elaine thanks Walter for his efforts and Walter thanks the Board for their approval of the contract.

Topics

1. **A motion was made, seconded and unanimously voted that Elaine Puleo would be the Chairman of the Board for FY 15.**
2. **Gas Leak/Fire station update:**
 - Shutesbury is still waiting for a report from O'Reilly, Talbot and Okun.
 - Becky is hopeful that we will soon secure a temporary solution at the fire station.
 - Explanation is made for Selectman Vinskey's understanding that the town is still waiting to hear if Shutesbury will be required to repay \$200,000 in LUST (Leaking Underground Storage Tank) funds loaned to Shutesbury 3½ years ago for cleaning up the contamination at the fire station.
3. **At 9:05 PM motion was made and seconded to enter into executive session to discuss salt in the Watkins' water (63 Leverett Road) and then to resume open meeting: Vinskey – Aye, Puleo – Aye, Stein – Aye. Selectmen resumed open meeting at 9:18 PM.**

Select Board Action Items

1. **Selectmen voted to approve** the business portion of the **April 29, 2014** Board of Selectmen meeting minutes. The question and answer session has not been processed. Selectmen voted to approve the **June 10th** meeting minutes, with April voting to approve even though she had not been present at the meeting because her vote was needed for approval since the previous Board member Al Springer no longer serves on the Board. Selectmen voted to approve the **June 17th** minutes as written. Selectmen unanimously approved the **June 24th meeting minutes**. As a new Selectman, Mike Vinskey abstained from all votes regarding approval of previous meeting minutes.
2. **Selectmen signed Personnel Action Forms (PAF's) for Police Chief Harding, Fire Department Secretary Marilyn Tibbetts and Temporary Highway Equipment Operator Donald Tardy.** Becky told the Board that Personnel Board member Ralph Armstrong continues his work writing a program that will contain all the personnel information and simplify processing PAF's.
3. **Selectmen unanimously voted to appoint F. Ellen McKay as Shutesbury's official representative to the Franklin Regional Council of Governments for FY 15** and signed a certifying document of their decision to be returned to FRCOG.
4. Selectmen unanimously voted to approve the year-end transfer schedule as documented in "Appointments" above.
5. **Selectmen unanimously voted to approve and sign a Chapter 90 contract in the amount of \$157,962 to overlay Lakeview Road** for a distance of 5430 feet from the Wendell line to the Leverett line. A tack coat will be followed by a leveling course, and followed by a top course 1½ inches thick.
 - Shutesbury receives about \$134,000 per year in Chapter 90 funds. Some funds were saved from last year to complete this project.
 - Shutesbury will also receive a one-time \$20,000 in "pothole money."

- The \$134,000 paves about a mile a year. We have 20 miles of paved roads. Though they say that a paved road (LCP) should last 20 years, they don't and LCP is not looking good at 5 years.
 - i. LCP was funded with about \$3.5 million of TIP money (federal funds.)
 - ii. We had hoped to get relief from that project to make up for paving other roads.
- At best, we get 10 years out of our paved roads, so we can only handle ½ the roads that need to be paved with Chapter 90 funds.
- Elaine: This is one of the reasons that we don't want to pave the existing gravel roads, because we can't maintain the ones that we already have.

Topics the Chairman Could Not Reasonably Have Anticipated

The Select Board took time at the end of the meeting to process the dog hearing:

Becky wondered if the dog was still at the Faulstick house, if the Selectmen would have come to a different decision. "No":

Mike: Kelley, the dog behaviorist, was a significant influence for Mike that the dog could do it again.

Elaine: Added, or could have done it before; the dog is 4½ years old.

April: That the dog leaped on a person in such a vicious way turned it for April. "It's unconscionable to try to rehab the dog."

Mike: Questioned when the letter showed up.

Becky: Explained that Dog Officer Long had faxed it when the dog was delivered to Dr. Katz. Becky requested documentation of where the dog was and who had ownership at the time of the dog hearing.

- It had gone back and forth so many times between euthanizing the dog, and struggling with the neighbors.
- Becky had daily emails from Mary Jo and others.
- When Officer Masiuk visited the dog at its home it was happy.
- They had it on a leash outside.
- The neighbors had never even known it was there for all of these months.
- Leslie reported that the dog had never been licensed until this event.

Mike: "It does seem odd that the night of the hearing, it's out of town."

Becky: In the beginning the owners were planning to euthanize the dog. That's when Chief Harding reported to the Select Board that the Quackenbushes were against it.

- Mary Jo called Leslie (looking to speak to Becky) and said that was wrong, that she wanted the dog euthanized.
- Becky spoke with Chief Harding who said that Jeff was against euthanizing the dog.
- The dog owner, Tracey Faulstick did light housekeeping and brought lasagna over.
- Becky thinks that the neighbors' anger against Faulsticks pushed their decision to move the dog out of town. Becky reports a relentless tenor in all of Sharon Waldman's emails:
 - The Waldmans don't have the same right to the police report as Mary Jo.
 - Mary Jo could have made the attorneys her agent but she didn't.

Elaine: Expresses her shock that the next door neighbor did not know.

Mike: What if this happens again? Elaine requests a policy be on the next Select Board agenda and wonders what level of distress would initiate action.

Becky: Adds to the question - whose distress is this?

- The dog officer gets \$2500/year who will enforce a policy and how?

Mike: Wonders why the neighborhood wasn't notified, through Nextdoor Shutesbury and Ecricet. The Waldmans sent a letter to the town, why didn't they put something on Nextdoor Shutesbury on their own?

Becky: Knows there were a lot of emails going around.

April: Why didn't they inform their neighbor?

Becky: There's a balance of how much is the town's responsibility and what is not, before you go to a policy. Becky confirms that she did not respond to the Waldmans' early emails. That can happen.

April: Has a lot of confidence in how Chief Harding handled things. He told Becky: We need to check in with the victim immediately.

Elaine: We heard him tell us at the meeting when it first happened, that everything is going to be OK.

Elaine: It changed. The Faulsticks said they were going to euthanize the dog. They made the decision not to euthanize the dog. If we write the letter and send it to Doctor Katz, what is he going to do with it? What influence will he have with the shelter when the dog is picked up?

The agency has taken financial responsibility for the animal.

Mike: The Faulsticks have given up ownership.

Elaine is concerned that they will come and pick up the dog and say, "Oh it's a nice dog."

Becky: Attorney MacNicol was here to help show the Selectmen the limits of Select Board authority. If the dog comes back tomorrow it is dead.

April: Wonders how Becky would have voted.

Becky: Felt relieved when she heard it would happen, but felt more relieved that she didn't have to make the decision. Becky briefly tells a personal story of getting bit by a dog.

April: Understood the Waldmans were enraged.

Becky: They got what they wanted, but they still went through their list. They are still upset.

List of Documents and Other Exhibits Used at the Meeting:

1. Town of Shutesbury Schedule of Proposed Budget Transfers – Fiscal 2014.
2. Letter from Sharon Waldman, police report of 5/2/14 dog bite, 5 color photos of injuries, sample Internet pages, letter from Tracy Faulstick, MGL Chapter 140 Section 157.
3. April 29, June 10, June 17 and June 24 Select Board meeting minutes.
4. Personnel Action Forms.
5. 3-inch thick binder of KME Kovatch Apparatus Proposal (housed at Fire Station with Chief Tibbetts.)
6. Copy of the Chapter 90 contract.

The Select Board **adjourned at 9:45 P.M.**

Respectfully submitted,

Leslie Bracebridge
Administrative Secretary