



TOWN OF ADAMS

BOARD OF SELECTMEN MEETING MINUTES

WEDNESDAY, JANUARY 18, 2017 – 7:00 PM
ADAMS TOWN HALL, 1st FLOOR, ADAMS, MA 01220

On the above date the **Board of Selectmen** and held a meeting at the **Adams Town Hall** at 7:00 p.m. **Chairman Jeffrey Snoonian** presided the meeting. Present were **Vice Chairman, Arthur Harrington, Members Joseph Nowak, Richard Blanchard** and **Member John Duval**. Also in attendance were **Town Administrator Tony Mazzucco, Chief Richard Tarsa** and **Town Counsel, Ed St. John III**.

The Select Board Meeting was called to order at 7:00 p.m. The Pledge of Allegiance was recited.

READING OF MINUTES

- December 14, 2016
- December 21, 2016
- January 4, 2017

Motion made by Member Blanchard to waive reading and approve the minutes for December 14, 2016, December 21, 2016 and January 4, 2017 as written

Second by Vice Chairman Harrington

Unanimous vote

Motion passed

PUBLIC COMMENT

Adams-Cheshire Regional School District

Jeff Lefebvre advised he attended a meeting at the school and the **UMASS Collins Center Report** was put together well. He expressed concern about the School budget, which would increase taxes. He noted funding the Commonwealth of Massachusetts isn't providing the Town is required to supply.

The Town will have better idea next week on the budget when the State Aid numbers come out.

Electrical Inspector Position

David Rhinemiller, *Adams Electrical Inspector*, advised he was informed that the Town advertised for an *Electrical Inspector* and was told it was for an *Assistant Electrical Inspector*, which has already been appointed by the Board and sworn in according to records at the Town Clerk's Office. He said he was informed the *Assistant Electrical Inspector* was not on payroll and has to apply for his own position. He made arrangements for him to be on payroll, but the position is posted as *Electrical Inspector*. He expressed frustration at receiving only third-hand communication about it. He asked why it is still advertised if the position is filled, and noted there are communication issues. He said Town Counsel told him if a person is sworn in they are covered by Town insurance.

Town Administrator Mazzucco explained there is no *Assistant Electrical Inspector* position, only *Alternate Inspector* positions which must be posted as *Electrical Inspector*. Anyone doing inspections must fill out paperwork and put verified credentials on file or they are not covered on the Town's insurance. The insurance company had a different opinion regarding insurance coverage.

RECEIVED-POSTED
17 FEB 23 AM 10:03
TOWN CLERK
ADAMS MASS.
CLERK



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He noted that this is being done to get this corrected. Several messages were left for Mr. Rhinemiller and there were no responses. All complaints will be forwarded to Mr. Rhinemiller from the Building Commissioner. A meeting is set up for Monday afternoon to go over this situation.

PUBLIC HEARING

A public hearing to determine whether the alleged vicious dog located at 5 Winter Street in Adams and owned by Mr. Sandy Spring should be destroyed due to several attacks and biting incidents resulting in physical harm pursuant to MGL C. 140 §. 136A, MGL C. 140 § 157-174 and Chapter 14 of the Adams Town Code, or whether other remedial action should be ordered, or whether no action should be taken at all; 7:20 p.m.

7:20 p.m. Chairman Snoonian announced the purpose of the Public Hearing.

Motion made by Member Duval to open the Public Hearing

Second by Vice Chairman Harrington

Unanimous vote

Motion passed

Chairman Snoonian read aloud the letter that was served *In-Hand* to Mr. Spring and a statement supplied by Town Counsel. Chairman Snoonian swore in **Police Chief Richard Tarsa, Mr. Sandy Spring and Animal Control Officer (ACO) Kimberly Witek** to tell the truth during the hearing.

Chief Tarsa testified on the documentation and series of events surrounding *Sherlock* that had been provided to the Board Members, per Massachusetts General Law. He gave a description of the dog and an outline of the events and noted a typo and updated it with the correct information. He summarized the incidents that occurred and the quarantine reports and muzzle orders of the dog, including the dog not being up to date on its shots. Injuries inflicted from *Sherlock* upon individuals, and the medical attention that was needed as a result was outlined. Specific incidents were summarized regarding a dog bitten by *Sherlock*, and a loose dog issue in which the ACO was assisted by the Police Department (PD) and the dog had to be pole-restrained. Another incident took place where *Sherlock* bit a subject while muzzled. The PD made several attempts to contact Mr. Sandy Spring and the ACO tried to work with him resulting in a restraining order being issued. Mr. Spring received violations for having an unlicensed, unrestrained dog. The incidents regarding *Sherlock* were placed before the Board, the hearing authority, to make a determination as to whether *Sherlock* is a "Dangerous Dog"; MGL C. 140 §. 136A, MGL C. 140 § 157-174 and Chapter 14 of the Adams Town Code were provided to the Hearing Authority. It was summarized that the ACO and PD had difficulty getting the dog into the home when it was loose, the dog had inflicted severe injuries, the ACO and PD were concerned for their own safety when dealing with this dog, and the dog managed to bite someone through the muzzle. Several options were given to the Board for their decision on the disposition.

Mr. Sandy Spring identified himself as the owner of the dog "Sherlock" and gave his address as 5 Winter Street, Adams. He admitted that his dog bit people, but said the reports and the Chief of Police were incorrect and contested some of the details outlined in the reports. He stated his dog was protecting his child or his home.



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A back and forth discussion took place between Chairman Snoonian and Mr. Spring regarding the dog getting out of the house and Mr. Spring stated his house door was not secured because the dog is protective. He stated one woman was picking up her daughter, walked into the enclosed porch and knocked on the door, after which the dog started barking. He said the officers came and acted like the dog is vicious and wants to attack everybody. Mr. Spring stated his dog seems vicious, barks a lot and snarls once in a while but he has people in his house all the time and the dog is not biting people every day. He said when a police officer and ACO come in with a nightstick and pole screaming at him he becomes vicious, and the dog protects his home and his family. Mr. Spring informed the Board that he never locks his porch so the Dog can make it three feet past the door to be protected from the weather. He explained that all dogs can bite someone and he has *Beware of Dog* signs posted.

Board Members noted that the ACO and police officer came because there was a complaint that the dog was loose and judging by reports the dog is a threat, however reaching into a car is not advisable. It was pointed out that the woman sustained injuries when she left the residence, and at that point the dog was no longer protecting the residence. Mr. Spring could not guarantee that a child coming for a bottle drive or a mailman or salesman would not be harmed by the dog and it is the owner's responsibility to properly restrain the dog. Mr. Spring was reminded that the dog has bitten people multiple times and had not made adequate effort to take care of his dangerous dog.

Mr. Spring asked Board how they wished he euthanize the dog, and left the proceedings at 7:53 p.m.

Motion made to close the hearing by Member Blanchard

Second by Vice Chairman Harrington

Unanimous vote

Motion passed

Board Members deliberated on the information given. It was noted that the dog has a natural instinct to protect and Mr. Spring could build a doghouse to keep the dog away from the house to protect people. Members expressed they did not want to euthanize the dog, and also could not risk someone else getting bitten. Mr. Spring has had several chances to mitigate the situation and there were options to consider.

ACO Kimberly Witek explained to the Board she had tried working with Mr. Spring numerous times. She was called because the dog was down the street and chased someone. She recommended Mr. Spring put up a kennel with a roof on it but he didn't. She explained that when Mr. Spring is not home his 14 year old daughter takes the dog out. No *Beware of Dog* signs were seen at the owner's home and the dog is currently quarantined in the home, ordered to be on leash only to come to the vet. She gave further details about the level of the injuries inflicted and the medical care required as a result of the dog.

Discussion ensued regarding the owner not taking action to reduce the dog's aggressiveness, nor responding to the ACO until fines and a muzzle order were levied. The dog is not up to date on rabies shots, and several people bitten had to have rabies vaccinations as a precaution. Proper muzzling was briefly discussed and an option was to have no person under the age of 18 around a dog deemed dangerous. Other options discussed were \$500 fine or jail time, and it was pointed out that Mr. Spring has not paid any fines issued to date. Members noted that it was unlikely anything would change and Mr. Spring was either incapable or unwilling to do what needs to be done to keep the dog safe.



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There was no plan presented by Mr. Spring to take action to make changes, and instead he blamed the ACO and PD. It was noted that there is no yard space at Mr. Spring's current residence, and it is believed he was told he was not to have a dog there.

Town Counsel St. John III explained the process and option were explained.

Motion made by Vice Chairman Harrington to deem "Sherlock" a dangerous dog

Second by Member Duval

Unanimous vote

Motion passed

More discussion took place regarding whether Mr. Spring would carry out any restrictions placed on him regarding the dog. If there is another incident, injury, or violation of the order and the police department feels there is a threat to public safety the animal can be seized and euthanized in a humane manner. Options were considered and institution of a timeline on the guidelines. It was noted the dog living life on a short leash and muzzled is also cruel. Kennel sizes were discussed, and concern was expressed about the extent of the injuries that were inflicted by the dog.

Motion made by Member Nowak to have Mr. Spring erect a kennel of adequate size and if there is another incident of the dog getting loose or biting someone the dog is to be euthanized.

Motion died for lack of a second.

Further discussion took place regarding assignment of a combination of restrictions and if not followed to have the dog euthanized. It was noted that the dog will likely inflict injuries again, as there have been several times the dog bit someone. If it happens again the Board could be held liable, and the Board does not want anyone else to get hurt. It was noted the dog is already euthanized with a decision to be leashed 3 feet in length with a muzzle on, and the owner required to have \$100K in insurance, so it is more humane to have the dog euthanized.

Motion made by Member Duval that as according to Massachusetts General Law c. 140 § 157 as outlined, the dog be humanely restrained; the dog be confined to the premises of the keeper of the dog; that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained; that the owner or keeper of the dog provide proof of insurance for the amount not less than \$100,000; that the owner or keeper of the dog provide photographs, videos veterinary examination, tattooing or microchip implantations or a combination of methods of identification; that the owner provide proof of alteration or evidence that a veterinarian is of the opinion the dog is unfit for alteration;; and further stipulation that the dog can only be with owner Mr. Spring outside the house; the dog be confined within the premises of the house or kennel, to be done forthwith, or if conditions are not met the dog will be humanely euthanized.

Second by Member Blanchard

In opposition were Chairman Snoonian and Vice Chairman Harrington

Abstention by Member Nowak

Motion failed



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Motion made by Chairman Snoonian to euthanize "Sherlock" humanely

Second by Vice Chairman Harrington

Abstention by Member Nowak

In favor were Chairman Snoonian, Vice Chairman Harrington, Members Duval and Blanchard

Motion passed

Town Counsel St. John III advised an order has to be drawn up and served on the owner. If the dog needs to be impounded pending the time of the appeal period because of the danger of the dog, Town Counsel would need to file a petition in the district court to ask for impoundment of the dog.

NEW BUSINESS

Change of Manager Application – Adams Lodge #1335, Adams Elks

The Adams Lodge #1335, Adams Elks submitted an application to change the Liquor License Manager from Joseph Catrambone to Richard Pansecchi. All paperwork submitted is completed.

Motion made by Member Duval to approve the Change of Manager for Adams Lodge #1335, Adams Elks as submitted

Second by Vice Chairman Harrington

Unanimous vote

Motion passed

Facility Use Request – Visitors Center

Heather White, of the American Foundation for Suicide Prevention submitted a facility use request for an event at the Adams Visitors Center, September 30, 2017 from 7:30 a.m. to 1:00 p.m. The Director of the Council on Aging asked for approval contingent upon the assessment of a cleaning fee of \$100 to \$150 to cover paper products and trash removal. Discussion ensued regarding having a deposit, and the applicant receiving a refund of anything not used for cleanup. The creation of a deposit policy was recommended. The Town Administrator recommended handling this on a case by case basis, and will get the Board a list of fees to create fee options for review.

Motion made by Vice Chairman Harrington to approve the event and use of town facilities as proposed by Heather White for Suicide Prevention Saturday September 30, 2017 pending a policy by the Board on fees for cleanup and damages

Second by Member Duval

Unanimous vote

Motion passed

Ratification of Council on Aging Board Member

Director Erica Girgenti of the Council on Aging emailed a request to appoint Deborah Wineberg to the Council on Aging Board of Trustees.

Motion made by Member Nowak to appoint Deborah Wineberg to the Council on Aging Board of Trustees

Second by Vice Chairman Harrington

Unanimous vote

Motion passed



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Appointment of Public Records Officers

Town Administrator Mazzucco explained the changes in the *Public Records Law* requiring *Public Records Officers*. He recommended he be appointed as the Chief Records Officer, and that each Department Head be the *Public Records Officer* for their department.

Motion made by Vice Chairman Harrington to appoint all Department Heads including Police Chief to be Public Records Officers for their department

Second by Member Blanchard

Unanimous vote

Motion passed

Ratification of DPW Maintenance Technician/Operator I

Town Administrator Mazzucco advised this ratification is not ready to go forward at this time.

Motion made by Vice Chairman Harrington to table the ratification of the DPW Maintenance Technician/Operator I position

Second by Member Duval

Unanimous vote

Motion passed

Approval of Police Chief Contract

Town Administrator Mazzucco advised the Police Chief's contract is up for renewal and in the new contract there is a change to uniform allowance and salary for the remainder of FY17 and additional annual salary changes per year comparable with other communities with the fourth and fifth year subject to negotiation.

Motion made by Vice Chairman Harrington to approve the Police Chief five- year contract as presented by the Town Administrator and reviewed by the Board

Second by Member Blanchard

Unanimous vote

Motion passed

SUBCOMMITTEE/LIAISON REPORTS

School Committee

Members Nowak and Duval attended the School Committee meeting where the UMass Collins Center findings were reviewed.

Berkshire Bike Path Council

Vice Chairman Harrington advised he attended the *Berkshire Bike Path Council* meeting in Pittsfield. He reviewed their goals, and advised the Council is informing people of the Bike Path and work being done with on/off-road biking. Work is also being done to organize a bike path to the Vermont state line.



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DEPARTMENT REPORTS

Town Administrator's Report

Health Insurance Changes

The Town is negotiating mandatory health insurance changes with the unions. The plan changes will save over \$75,000 in the budget. The school district will also see substantial savings. Appreciation was expressed for Town Accountant Mary Beverly leading Berkshire Health Group through the changes.

LED Lighting

LED light changes are forthcoming. The vendor has been slow but the project should be able to be done with local contractors. This must be a NGRID approved vendor. LED selection would be soft lighting and will have a test period. The design will be similar to what the lighting is now, as they will be provided by the manufacturer of our light poles.

Town Website

The Town's new Website design is going slowly due to the Town Administrator having been out.

State Aid

State Aid numbers will be out next week and will help determine where the Town is with the budget. At the next Board meeting an update will be given on the outlook for the fiscal year.

Union Negotiations

Dates have been set to begin negotiations with two of the Town's unions, and have been delayed due to the necessity of bargaining health insurance changes first.

Capital Improvement Plan (CIP)

The Town will be deploying a CIP for next year, and the Town Administrator will give the Board a list of anticipated capital needs and projects and will include pavement management and roads.

Shared Services

Several meetings have taken place regarding shared services. The Town is working toward a *Special Education (SPED) Collaborative* and providing a better level of services. The potential location is the Memorial School in Adams, which would reactivate the building, have a tenant cover the utility cost, and create jobs in Downtown Adams.

Commercial Street Project

There are continued problems on the section of Commercial Street as a result of the construction done by the Water District a few years ago. Town Counsel is involved because there has been no progress made with Borges Construction.

Member Nowak inquired about the damage to the *Adams Free Library* from the chimney fire a few weeks previously. The carpets, drapes and books had to be cleaned due to the smell, and the insurance is taking care of it. There was no other damage.



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Town Counsel Report

Town Counsel St. John III advised he drafted letter concerning alleged defective workmanship by a contractor, prepared for this evening's hearing regarding a vicious dog complaint, and drafted documents necessary to proceed against MJD in court.

ANNOUNCEMENTS AND GOOD OF THE ORDER

Time Warner Cable Issues

Vice Chairman Harrington and Member Nowak advised the Cable TV service has been terrible and people are not getting the service they have paid for. They requested the company appear to give an answer regarding what is going on.

ADJOURNMENT

Motion made by Member Nowak to adjourn


Second by Member Blanchard

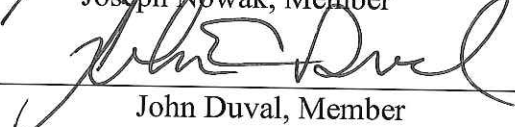
Unanimous Vote


Motion passed

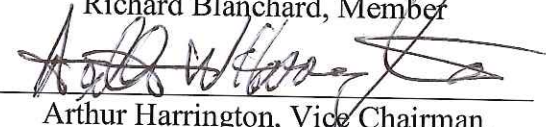
The Board of Selectmen Meeting adjourned at 9:02 p.m.

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary


Joseph Nowak, Member


John Duval, Member


Richard Blanchard, Member


Arthur Harrington, Vice Chairman

Jeffrey Snoonian, Chairman