

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

RECEIVED-POSTED
20 SEP 15 AM 11:07
TOWN CLERK
ADAMS MASS.

Tuesday, August 11, 2020, 6:00 p.m.
Meeting Minutes

CALL TO ORDER: On the above date the Board of Selectmen held a meeting on the first floor of Adams Town Hall. The meeting was called to order at 6:05 p.m. by Board of Selectmen Chairman Hoyt. Present were, Members Duval, Blanchard and Nowak. Present in the room were Town Administrator Green, Interim Police Chief Bacon, Zachary Dupee, Ron Dupee, Justin Dupee, Town Counsel St. John III. On the call were: and Vice Chairman Bush, Amy Tatro, William Martischnig, Nancy Hopkins, Maggie Briselli, Mary Kurpaska, Derek Schaffrick and Lora Peck.

Chairman Hoyt advised that "pursuant to Governor Baker's March 12, 2020 *Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18*, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Adams Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

JOIN ZOOM MEETING

<https://zoom.us/j/93964765797?pwd=cCtRUVRyQ2p1TjlOSVU5LzU1NkJJQT09>

Meeting ID: 939 6476 5797; Passcode: 757431

Dial by your location: 1-(929) 436-2866; Meeting ID: 939 6476 5797; Passcode: 757431

PUBLIC HEARING

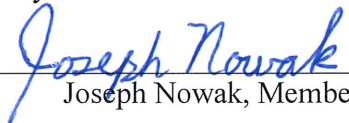
A public hearing to determine whether the alleged vicious dog located at 32 Greylock Avenue in Adams and owned by Mr. Justin Dupee should be destroyed due to several attacks and biting incidents resulting in physical harm pursuant to MGL C. 140 §. 136A, MGL C. 140 § 157-174 and Chapter 14 of the Adams Town Code, or whether other remedial action should be ordered, or whether no action should be taken at all; **6:00 p.m.**

Chair Hoyt advised the background on the public hearing. She advised Mr. Dupee was sent notice of this hearing outlining the complaints from the Adams Police Department in 2018 and also of 2020. The notice was mailed July 30th by registered and regular mail and was received yesterday at 3:50 p.m. Mr. Dupee reported he had just gotten back into town and was not able to retain legal counsel in time to represent him for this evening. Town Counsel St. John III identified himself as the Town's legal counsel, and made him aware of Chapter 140 Section 157A and read it verbatim. He advised him of the possibility of up to \$500 fine or up to 60 days imprisonment and his Rights under the Fifth Amendment to not testify against himself and if he wished to go forward anything he would say in this case may be used against him. He was advised that it may be in his best interest to speak to an attorney about what he should say and do before going forward. Chairman Hoyt asked Mr. Justin

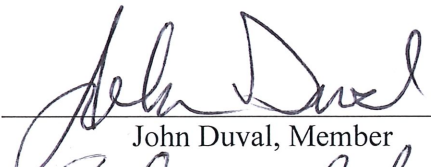
Dupee whether to continue or go forward. Mr. Justin Dupee requested a formal continuance to retain an attorney to properly represent himself. Chairman Hoyt noted that at the request of Town Counsel if there was a request for continuance to reschedule the hearing in two weeks. ***Motion made by Member Nowak to grant a continuation of the Public Hearing for two weeks, second by Member Blanchard.*** The reschedule date was identified as the 25th of August. Town Counsel St. John III asked if Mr. Justin Dupee acknowledged on record that the reschedule date is August 25th at 6:00 p.m. and advised that this serves as formal notice. A written notice will also be sent out. *Member Duval* noted there was a complaint about a dog that was attacked and wanted to know what assurance there was that nothing would happen in the next two weeks. *Chairman Hoyt* reviewed the October 2018 order parameters aloud as Lucky being neutered, receiving training, being muzzled, restrained on a three-foot leash, attended and monitored at all times even in an outdoor enclosure. She noted that the owner of the dog was to provide a certificate of insurance, proof of updated shots and medications. Mr. Justin Dupee advised that due to Covid-19 he could not get in to see a veterinarian. *Town Counsel St. John III* advised that Adams Police Department has the authority to enforce the criminal statute and issue a complaint. Any incident that triggers concern of the Board of Selectmen or the Chief may allow for an emergency petition to the court which could initiate action. *Member Duval* reviewed Item #5 from the 2018 Order and advised that if the items are done it would be fine. He noted that there is more liability if something happens in the next two weeks so he advised Mr. Dupee to adhere to Item #5 for the next two weeks. *Mr. Justin Dupee* agreed Item #5 is currently happening and will continue to take place. ***Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard, and Nowak. Motion passed.*** It was explained that the Board of Selectmen will follow up with a letter indicating the date and time of the meeting and stress the Order from 2018. It was explained to Mr. Justin Dupee that if 32 Greylock Avenue, Adams is not a good address to please provide an address after the meeting that would get to him. Mr. Justin Dupee acknowledge that he will attend the hearing on August 25, 2020 at 6:00 p.m. and confirmed 95 Miner Rd, Lanesborough MA, 01237 as the address to send it to him.

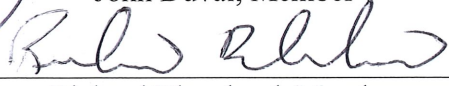
ADJOURNMENT: *Motion made by Member Nowak to adjourn the meeting, second by Member Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard, and Nowak. Motion passed. Meeting adjourned at 6:26 pm*

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary


Joseph Nowak, Member

James Bush, Vice Chairman


John Duval, Member


Richard Blanchard, Member


Christine Hoyt, Chairman