

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 2, 2016**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Mike Nelson, and Rich Kuklewicz. Town Administrator Frank Abbondanzio (arrived at 7:08 pm) and Executive Assistant Wendy Bogusz

Approve Selectmen minutes of April 11, 2016 and April 25, 2016

Kuklewicz makes the motion to approve the minutes of April 11, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – 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:

Singleton: Wants board to consider the frequency of events is important and should be considered, 70 decibels in an urban area is too much, consistent outdoor music is not something many towns do, ought to permit all outdoor events, gives you clout to make a decision, feels there should be 8 events split up between Hubies and Between the Uprights.

Personnel Board

Transfer of Kyle Whalley to Chicopee Police Department

Kuklewicz makes the motion to approve the transfer of Kyle Whalley to Chicopee Police Department and authorize the chair to sign the documents. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Resignation of Kyle Whalley effective April 27, 2016

Kuklewicz makes the motion to accept the resignation of Kyle Whalley effective April 27, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Appoint Jamal Holland as temporary Police Officer (9-12 months), 37.69 hr/wk, Grade: Patrol, Step: 1; \$21.51/hr + Incentive Pay, effective May 2, 2016

Dodge: To replace Kyle we had to create a civil service list and candidates came in to sign and Jamal is next on the list. Requesting Board appoint Jamal as temporary full time position and the reason for that is we basically have an extra officer in the academy right now in hopes of saving money in anticipation of a position opening up. This is an addition, so making it temporary, Jamal knows he could go back to a reserve if the position doesn't open up so we don't have too many officers full time.

Kuklewicz makes the motion to appoint Jamal Holland as temporary full time Police Officer, not to exceed 12 months \$37.69/hrs week at Grade: Patrol Step 1/hr + Incentive, \$21.51/hr effective May 2, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Nelson pins police officer badge on Jamal

Dodge asks if Jamal can continue to live outside the 10 mile civil service radius until he is appointed as a permanent full time officer. The Board is in favor of this. Dodge also states the next police academy starts in November.

Appointment of Edward P. Gregory to the Montague Historical Commission

Kuklewicz makes the motion to appoint Edward P. Gregory to the Montague Historical Commission. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirements

Kuklewicz: Last Thursday I attended the DOT hearing at the FRCOG and I was pleased in the slide show that when they got around to district 2, the General Pierce Bridge showed up on the list for \$22 million

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and I did ask when this would be happening and was given the engineering 2018 – 2019 time frame, but its going to be 2019 – 2020. There was talk what could we do to move things along, but I got there was 1 – 2 years of engineering to be done. The Fire chief from Greenfield spoke about the public safety corridor of that bridge. The DOT rep from Boston said that is something that moves your project higher on the list.. He felt sending multiple individual letters had more bearing on the decision. There was good support from several towns at this meeting.

Dangerous Dog Hearing

Jody Rattigan, formerly 41 Coolidge Ave, Turners Falls, dog: Stafford Terrier, named Diamond
Nelson calls meeting to order at 7:21 PM and reads letter into the record

Introductions made: Jody Rattigan, Chief Dodge, Calin Giurgiu, Leslie Colucci

Dodge: I believe this is the third time before the Board, concerning Ms. Rattigan and her dog Diamond. the Selectmen had ordered dog euthanized, Ms. Rattigan appealed it to the Court, and was heard by the Clerk Magistrate in Greenfield District Court and he had accepted an agreement that was made between the Town and Ms. Rattigan on 11/24/14 spelling out several conditions she had to follow if she was to keep possession of diamond. The Clerk Magistrate had at least 3 status review hearings, and at each hearing Ms. Rattigan failed to complete the tasks. At the final hearing the Clerk Magistrate told Ms. Rattigan she could not move without notifying and having permission from the police chief and chief of town where she was moving. It was brought to Calins attention that Ms. Rattigan had moved without giving any notification and then he brought this to the attention to the Clerk Magistrate who ordered dog picked up and held. I contacted the Clerk Magistrate asking what we were to do and he said this was Montague's case and we were to hold a dangerous dog hearing. It is my recommendation that the dog be euthanized due to failure of Ms. Rattigans ability to comply despite being given many chances to comply. The Greenfield police chief has no interest in allowing dog into Greenfield or going against the Board of Selectmen. We have exhausted every opportunity at this point and I believe there is no other option at this time

Discussion

Leslie: Even if dog was not a dangerous dog, there is no improvements being done in over 2 years? What do you do with a dog that has been impounded for 30 days once before and now going on 20 days and will be over 30 days. Unfortunately, I agree I do not feel there is another safe place for this animal. I'm angered by having to do this. It is disheartening because a human cannot take care of their dog. We have staff quitting because they do not want to see us keeping the dog in the pen

Rattigan: Hearing with Clerk magistrate, I brought up I was moving, Mr. Chaffee advised me I could not move unless I notified Calin. I notified Calin 2 days before I moved, but he never got back to me for about a month. He told me he would look into how to get a court order and it was 5-1/2 months before I heard back. It has been 2-1/2 years since the last issue. I pull up to my house to 4 Greenfield Police Officers and Calin with a court order. I went to see Mr. Chaffee and he said he did not issue a court order and there is no court paper work. This dog did one thing wrong, does it give you the right to kill a dog? Rattigan reads letters of support into the record and note from doctor dated 2/3/16 stating dog is important to her health and removing him from her will be detrimental to her health.

Discussion

Dodge: I spoke with the Clerk Magistrate and he told Jody she had to tell the Chiefs she was moving, and that will be an issue if she appeals to the Courts. He did not say anything about the dog officer, he told

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her himself. Dodge refreshes board's memory of the incidents leading up to today's hearing. The court, like the Board attempted to work with her and gave her numerous opportunities, and each time she did not follow the conditions. That is what is concerning for all of us. What we are asking, not to be vicious, mean or heartless, but to uphold the original condition to euthanize the dog, it is not healthy for this dog and the owner has not taken responsibility. I am afraid she will continue to do this and someone will get hurt.

Rattigan: I had to leave because owner could not get house insurance. There has not been any other incident in 2-1/2 years.

Leslie: We have to come up with a humane way to house the animal and we will not do this anymore or again. (recording of dog barking played, says goes on 24 hours a day)

Kuklewicz: When you moved to the new property you did not put up a fence? (NO) Did you do the training? (No) Do you keep dog muzzled? (Yes) Is your dog on medication? (Only rescue medicine).

Kuklewicz makes the motion to close the hearing at 7:53 PM. Seconded by Boutwell who feels this should be sent back to court for their decision. Kuklewicz feels there was a breakdown of communication when the move happened. Doesn't feel there is much choice and she will have to appeal at the Court. Police Chief in Greenfield is not taking a stand one way or another'

Kuklewicz makes the motion to order the dog diamond to be euthanized in a humane manner following the regulation of a dangerous dog hearing and failure to adhere with previous court order. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Discussion on recommendation of ATM article 33 funding amount

After the last meeting it was voted that an amount would be decided at this meeting

Kuklewicz: an appropriate amount to be able to continue if need be, in case we had to rejuvenate the case would be \$20,000 to get it going and if we needed more could talk about that in the fall. The plan is to make a motion on town meeting to reduce \$50,000 down to \$20,000

Boutwell makes the motion the board recommend that article 33 be amended down to \$20,000 at the Annual Town Meeting. Seconded by Kuklewicz, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Executive Session under G.L. c. 30A §21(a)(3) to discuss strategy with respect to collective Bargaining, IBPO, TOMEA, UE, votes may be taken

Nelson declares holding in open session will be detrimental to the public good

Kuklewicz makes the motion at 7:58 PM to go into Executive Session under G.L. c. 30A §21(a)(3) to discuss strategy with respect to collective Bargaining, IBPO, TOMEA, UE, votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Executive Session as authorized pursuant to M.G.L. c.30A §21 (a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss an employee's physical condition. Votes may be taken

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Nelson declares holding in open session will be detrimental to the public good

Kuklewicz makes the motion at 7:59 PM to go into Executive Session as authorized pursuant to M.G.L. c.30A §21 (a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss an employee's physical condition. Votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Boutwell makes the motion to adjourn the meeting at 8:30 PM. Seconded by Kuklewicz, approved unanimously. Kuklewicz – Aye, Boutwell – Aye, Nelson – Aye

List of Documents and Exhibits:

- Minutes of April 11, 2016
- Civil Service Form 9, Transfer of K. Whalley to Chicopee Police Department
- Letter of Resignation from K. Whalley effective 4/27/16
- Appointment form for Jamal Holland
- Dangerous Dog Hearing letter to Jody Rattigan
- Appointment form for Edward P. Gregory