

Town of Dudley

Board of Selectmen
Highway Commissioners
Cemetery Commissioners

January 23, 2017 @ 6:30pm.
Dudley Municipal Complex
71 West Main Street, Dudley, MA 01571
Veterans Memorial Hall – Room 321A

Approved 2/6/2017

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

1. Call to Order, Pledge of Allegiance

Jonathan Ruda opened the meeting at 6:36pm. In attendance were Peter Fox, John Marsi, Paul Joseph and Steven Sullivan, who arrived at 6:43pm. Also in attendance were Greg Balukonis, Town Administrator and Michelle Jervis, Administrative Secretary.

2. Acceptance of Minutes:

John Marsi motioned to approve the minutes of 1/9/17 as printed. Peter Fox seconded. Unanimous 4-0.

Paul Joseph motioned to approve but not release the Executive Session minutes of 1/9/2016. Peter Fox seconded. Unanimous 4-0.

3. Appointments/Resignations:

4. Public Comments/Citizens Comments:

5. "Around Town" – Focus on Local Businesses:

6. Licenses and Permits:

Steven Sullivan recused himself at 6:43pm. Lynn Looby, Assistant to the President and Dave Hebert, Food and Beverage Manager of Sodexo, caterer for Nichols College, came before the Board. They informed members that Sodexo has recently obtained a Caterer's License from the ABCC. The State is the sole agency to issue these licenses. Police Chief stated that the license is subject to conditions of which one is that prior to 48 hours before the start of a catered event where alcoholic beverages shall be served the caterer must provide written notice of the event to the police chief and local licensing authority of the town. After discussion **Paul Joseph motioned to acknowledge that Nichols College will be serving alcohol on the campus for Pub Night located in the Fels Student Center on Friday, January 27, 2017 from 8:00pm to 12:00am under the state Caterer's License (CR-LIC-000085-CR-REN) issued to Sodexo. John Marsi seconded. Vote 4-0-1 with Steven Sullivan abstaining.** Mr. Sullivan returned at 6:45PM.

7. Public Hearings:

Dangerous Dog Hearing – Brian and Catherine Ceccarelli, 20 Ash Lane, Dudley, MA. The Public Hearing opened at 6:47pm. Mr. Balukonis stated that anyone who wishes to speak at this Hearing must be sworn in. He proceeded to explain the procedure and asked if anyone had any questions .

1. Jennifer Fitzgerald, Animal Control Officer (ACO) came before the Board and was sworn in. Ms. Fitzgerald stated that there were two incidences between the complainants, James and Kathlene Davies of 29 Ash Lane dog (s) and the Ceccarelli's dog(s). On February 10, 2016 Kaitlin Davies, daughter, was walking their 13 year old Golden Retriever named Patton in front of 20 Ash Lane. Avery Ceccarelli, daughter, was at the door of 20 Ash Lane when their two dogs, Chance, a boxer and their other dog came running out of the house heading towards Patton, who was attacked. There were no injuries reported. On 1/3/17 Mrs. Davies was walking their other dog, Brody, a two year old Golden Retriever. Mr. Ceccarelli was letting his dogs out the side door and Chance ran out to go after Brody. Mr. Ceccarelli fell on the ice and by the time he got to the dog there was an altercation. This happened in front of 19 Ash Lane. Other incident involved a Domino's Pizza delivery man. She stated he was not attacked but jumped on. In the police report is states that he kicked the dog and threw a bottle of soda on the front lawn. She cited Mr. Ceccarelli for Run at Large on 2/10/17 of which the bylaw stated that an owner of a dog must have full control of their dog by command, fencing or other appropriate barriers and placed all the dogs in the confrontation in Quarantine for 10 days.
2. Mr. James Davies of 29 Ash Lane, Kathlene Davies of 29 Ash Lane and Kaitlin Davies of 29 Ash Lane were sworn in. Mr. Davies read from a prepared statement of which he stated that there were multiple attacks reported to the police as well as several attacks where other dogs have been attacked by these same dogs but were not reported. He provided the Board with a petition signed by residents of the neighborhood as well as letters from various residents claiming their dogs was attacked by Mr. Ceccarelli's dogs ans something has to be done.

Ms. Kathlene Davies of 29 Ash Lane stated that she was walking her 2 year old dog Brody on a leash when Mr. Ceccarelli's dogs came out and attacked her dog on 1/3/17. He suffered extensive injuries to his leg and had to have surgery. She presented the Board with the vet bills totaling over \$1000. She also was concerned about the reason why the citation was not issued to Mr. Ceccarelli until 1/10/17. Jenn Fitzgerald, ACO, was asked of which she stated that Mr. Ceccarelli was having a medical issue and was not available until 1/10/17. Mrs. Davies stated that she is in fear of her life walking her dog. Her neighbors as well. All of these attacks took place either on the street or sidewalk and not on anyone's personal property.
3. Kaitlin Davies of 29 Ash Lane stated that on 2/10/16 she was walking her 13 year old Golden Retriever down Ash Lane. Due to his old age and difficulty mobilizing the vet instructed exercise. She crossed the street in front of 20 Ash Lane to avoid being in front of the house. The sidewalk is on the side of 20 Ash Lane. Needless to say the white dog came out and attacked Patton. Avery, daughter of Mr. Ceccarelli, came running after the dog. At that time the second white dog came running out. Patton was on his back and one of the dogs was whipping his head back and forth. The other dog was biting and clawing as well. Avery put her had in a fist and bashed her dogs head but no success. Another neighbor ran out and tried to get the dogs off Patton. She was able to get Patton back home and was terrified by the ordeal.
4. Brian Ceccerelli of 20 Ash Lane, Catherine Ceccerelli of 20 Ash Lane and Avery Ceccerelli of 20 Ash Lane were sworn in. Mr. Ceccerelli stated the facts that yes, his dogs left the property and that they have had confrontations with the Davies dogs but in two instances the Davies dog has sent two of his family members to the hospital. He stated that he had an electric fence installed awhile ago and was not aware that it was not working. He did get it fixed. Regarding his dog Chance, he has an electric collar on as well as a shock collar that is remotely controlled. The electric fence signal is maxed out. Regarding the incident on 1/3/17 Chance did not have his collar on. The Board asked Jenn Fitzgerald what she did regarding violations. She stated that she gave Mr. Ceccerelli a verbal warning, then a written warning and finally a citation. She did everything by the book. On 1/5/17 Mr. Davies called her about the altercation and was screaming at her. She told him to stop screaming or she'll hang up. He was upset about the quarantine citation issued to the Davies.
5. Sandra Boucher, owner of Precious Furs Pet Resort, came before the Board. She said that she has been in the business for over 40 years and knows Chance well. Since the issue is focused on the attacks of 2/10/17, Domino's Pizza man on 8/19/17 and the recent incident of 1/3/17 they thanked for the information.

6. Tracy Christianson – 19 Ash Lane was sworn in. She is a neighbor of the Ceccerellis'. She stated that on 2/10/16 she was pulling up into her driveway when she saw Avery Ceccerelli at the door in the midst of getting the dogs leashes. All of a sudden the two dogs pushed her aside as they see Patton, the Davies' 13 year old dog, approach the house. Her younger son ran over trying to get the dogs off of him.

Concluding Remarks

Mr. Davies wants the dogs removed. Mrs. Davies stated that there are so many people in the neighborhood that are afraid to walk the street. She simply wants to walk her dog.

Mr. Ceccerelli stated that the Davies dog urinates and defecates on his front lawn and would like that to stop. He will put a electric collar on the dogs, no dogs out when the Davies are walking their dog and will do his best. Mrs. Davies would feel better if the dogs were fenced in. Peter Fox, who is an animal lover, stated he is willing to see any reasonable way for these parties to agree. John Marsi agreed.

Paul Joseph motioned to close the Public Hearing at 8:49pm. Peter Fox seconded. Vote 4-1-0 with Steven Sullivan voting nay.

Motion:

After much discussion, Paul Joseph motioned that the Board of Selectmen

- 1). Do not declare Chance to be a dangerous dog;
- 2). Mr. Ceccerelli fence in completely his rear yard with the advice and guidance of the Animal Control officer;
- 3). Any further action with the Board of Selectmen will be serious consequences
- 4). The Davies are required to keep their dog off of people's property.

Jonathan Ruda stated that per the MGL the Board needs to declare if the dog is a Nuisance Dog or a Dangerous Dog. Need to amend the motion. After discussion motion withdrawn.

Paul Joseph motioned to declare Mr. Ceccerelli's dog Chance a Nuisance Dog. Steven Sullivan seconded. Unanimous 5-0.

Paul Joseph motioned that the Board of Selectmen

- 1). Do not declare Chance to be a dangerous dog;
- 2). Mr. Ceccerelli must erect a 360 degree fence to the satisfaction of the building inspector and the advice and guidance of the Animal Control Officer;
- 3). Any incident of any unprovoked attack by Chance the Board of Selectmen will take action;
- 4) and that the Davies' do not allow their dog to go on Mr. Ceccerelli's property. John Marsi motioned for discussion. Mr. Ceccerelli requested to be heard. He stated that he has been out of work for 8 months and the fence will be a major investment, he will need financing and not sure if a fence can be erected in the winter. He stated that he would put a manually controlled training collar on Chance as well. Paul Joseph withdrew his motion.

Paul Joseph motioned that the Board of Selectmen

- 1). Do not declare Chance to be a dangerous dog;**
- 2). Mr. Ceccerelli will not permit his dog Chance to run free without an electric collar and a manually controlled training collar and that Mr. Ceccerelli install a humanly arial run in his backyard**
- 4) and that the Davies will not be permitted for any dog they own to be on the Ceccerelli's property. John Marsi motioned for discussion.** Mr. Davies asked to be heard. He is frustrated beyond belief and does not believe Mr. Ceccerelli will do this. He feels he has no creditability. **Unanimous 5-0.**

7. Public Business:

- a. **John Briare – RFP for Real Estate Agency Web Site Partnership with Town of Dudley** – tabled for future meeting.
- b) **Chris Eidem – Solar on Earth, Inc. – Permission to lease the capped public landfill located on Indian Road, Dudley, MA for use of a solar power farm facility** – Nathan McCathy, Chief Executive Officer of Solar on Earth, Inc. as well as Chris Eidem, Paul Green and Chris Angelo, came before the Board. He stated that they are interested in preparing a 25 year agreement with the town to lease the landfill property on Indian Road and install a 2.9 megawatt solar farm. This would be a cost of \$64,000 year. Mr. McCarthy stated that Massachusetts is the #1 solar state in the US. He company would be able to install special mounts , no holes or screws. They install tubes filled with sand. At this time the landfill does not generate any revenue so this is an important project. Mr. Balukonis stated that a PILOT could be create when the panels are installed and the next step would be to put an RFP out with this company entertaining it as well as other companies. After **discussion John Marsi motioned to authorize the Town Administrator to enter into an RFP and to gather bids for a solar array farm at 7 Indian Road, Dudley, MA . Paul Joseph seconded. Unanimous 5-0.**
- c. **Dudley Little League** – Don Sousa, member of the Board of Directors for the Dudley Little League requested a toll booth as well as permission to hold the Little League Parade. **John Marsi motioned to approve the request from the Dudley Little League to hold a toll booth on Saturday, April 29, 2017 from 9am to 12:00pm at the town line. Paul Joseph seconded. Unanimous 5-0.**

John Marsi motioned to approve the request from the Dudley Little League to hold their annual parade on Saturday, May 13, 2017 with a rain date of Sunday, May 14, 2017. Peter Fox seconded. Unanimous 5-0.

d. **FY 18 Budget Kick-off** - Mr. Balukonis presented the FY18 budget process which is beginning tonight. He reviewed the budget process, key dates for the budget (budgets are due to the Selectmen' office on January 31, 2017) and his understanding of the State Aid amounts. Dudley is one of the lowest tax rates in the area yet our values are higher than Leicester, Oxford, Spencer and Southbridge. The solar farms projects will be generating \$103,000 but they have not hit the books yet. He would like to have the Board develop a plan for the money. The FY17 revenue was applied to fixed costs such as insurance, utilities, wages, state assessments and gas. The largest percentage of our revenue goes to the schools. A total of \$144,858 was spent on out of district vocational students. The costs for this education equals college tuition with \$40,000 spent for tuition and transportation for one student attending Norfolk Agricultural High School yet the annual cost for a student to attend Bay Path is \$6,605. He thanked the Board, department heads, staff, FAA and the residents for supporting the municipal operations in the town.

e. **Designation of a Board Member for Approval of Warrants** – **Paul Joseph motioned to appoint the Chairman, Jon Ruda and an alternate member, Peter Fox, to sign and approve the warrants. John Marsi seconded. Unanimous 5-0.**

f. **Board of Health** – **Steven Sullivan motioned to approve the request from the Board of Health to use the Clarinda Wood Fund in the amount of \$78.00 for Harrington Memorial Hospital for Health Services in December, 2016. Paul Joseph seconded. Unanimous 5-0.**

g. **Highway Department** – **Award of bid for Item 2A of the Construction Materials and Services for 2017. Steven Sullivan motioned to award Mass Broken Stone the bid for Item 2A, Bituminous Concrete, in place with respect to the Construction Materials and Services for 2017. Peter Fox seconded. Unanimous 5-0.**

8. **Board of Selectmen Comments/Department Head Comments:**

9. **Town Administrator's Report:**

10. **Adjournment/Executive Session:**

Paul Joseph motioned to adjourn at 10:20pm. Steven Sullivan seconded. Unanimous 5-0.

Respectfully submitted, Michelle Jervis, Administrative Secretary

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f. **Board of Health** – Steven Sullivan motioned to approve the request from the Board of Health to use the Clarinda Wood Fund in the amount of \$78.00 for Harrington Memorial Hospital for Health Services in December, 2016. Paul Joseph seconded. Unanimous 5-0.

g. **Highway Department** – Award of bid for Item 2A of the Construction Materials and Services for 2017. Steven Sullivan motioned to award Mass Broken Stone the bid for Item 2A, Bituminous Concrete, in place with respect to the Construction Materials and Services for 2017. Peter Fox seconded. Unanimous 5-0.

8. **Board of Selectmen Comments/Department Head Comments:**

9. **Town Administrator's Report:**

10. **Adjournment/Executive Session:**

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Respectfully submitted, Michelle Jervis, Administrative Secretary