

Select Board
Meeting Minutes
Town Hall - Select Board's Conference Room
Monday May 22, 2023 @ 6:00 p.m.
All meetings of the Select Board are recorded

Roll Call Attendance:

ATTENDANCE: Acting Chairman, Doug Moglin - Remote
 Acting Vice-Chairman, Jason Peron – In person
 Acting Clerk, Diane Gale – In person
 Chief Administrative Officer, Karl J. Stinehart – In person
 Chief Administrative Officer Assistant, Nadine Cignoni – In person
 Select Board Secretary, Lisa A. Anderson- In person

- The Board acknowledged Payables Warrant #2330B, dated 5/16/2023, in the amount of \$999,029.56
- **A MOTION** was made by Jason Perron. **Seconded by** Doug Moglin (Vote-Unanimous) to accept the Consent Agenda Minutes from 5/16/2023.
Roll Call Vote: Doug Moglin – Yes, Jason Perron – Yes, Diane Gale – Abstained
- The Board acknowledged the write in election winner Kevin Lafrance at 18 Congamond Road who has accepted the position on the Southwick Housing Authority, to serve out Karen Reed's 2 year balance of term.
- The Board reviewed the Cannibas Control Commission letter to the Town for the application from the Southwick Greenhouses Inc. Marijuana Cultivator License. This is a notice from Triple C that an application has been placed to operate in a Municipality. We have 60 days of the notification which was May 5, 2023 that the Municipality confirms the applicants proposed establishments in compliance with bylaws or ordinances. Mr. Stinehart mentions that we have already executed A Host Agreement with this facility a number of months ago.
- **A MOTION** was made by Jason Perron, **Seconded by** Diane Gale (Vote-Unanimous) to table this letter for the Cannibas Control Commission until the June 5th, 2023 meeting.
- **Roll Call Vote:** Doug Moglin – Yes, Jason Perron – Yes, Diane Gale – Yes
- **A MOTION** was made by Jason Perron, **Seconded by** Diane Gale (Vote-Unanimous) to accept the resignation of Brian Drennan from the Conservation Commission.
Roll Call Vote: Doug Moglin – Yes, Jason Perron – Yes, Diane Gale – Yes.
- **A MOTION** was made by Doug Moglin, **Seconded by** Jason Perron (Vote Unanimous) to table the Select Board Summer Schedule at the June 5th meeting.
Roll Call Vote: Doug Moglin – Yes, Jason Perron – Yes, Diane Gale – Yes.
- Doug Moglin stated that we will put the Select Board's Summer schedule onto Old Business for the June 5th, 2023 meeting.

DOG HEARING

- **A MOTION** was made by Jason Perron, **Seconded** by Diane Gale (Vote Unanimous) to open the Dog Hearing at 6:28 pm.

Roll Call Vote: Doug Moglin – Yes, Jason Perron – Yes, Diane Gale – Yes

Jason Perron read the Dog Hearing Notice related to Kathleen & Bruce Dziura dogs and housed at 39 Lakeview Street, Southwick, MA. 01077. The nature of the complaint is an alleged violation of Mass General Law, Chapter 140. Section 157 Concerning a Nuisance or dangerous dogs. Orders for Remedial action, Appeal, violation of order, and town of Southwick, Chapter 69 Sections including 9,11,12 and 16. The animal control bylaws concerning dangerous and potentially dangerous dogs to attach laws. The co-complainants are Miss Marjorie Arnold & Liz Bennett, ACO from the Town of Southwick at 454 College Highway, Southwick, MA.

Mr. Moglin and Mr. Karl Stinehart swore in different people at points of the hearing. Participants for the hearing that will be giving testimony, ACO, Liz Bennett, Kathleen & Bruce Dziura and Miss Marjorie Arnold, friends Mr. & Mrs. Palmer & neighbor Dominique Nooney.

The Board recognized ACO, Liz Bennett. Liz read the entire complaint report from Marjorie Arnold of the day her dog was attacked by the Dziura's dog. (See zoom video for entire recorded proceedings). ACO Liz Bennett advised Mr. Dziura that the dogs were under quarantine for the next 10 days and issued the quarantine notice, along with a copy of the quarantine conditions. Bruce Dziura stated that one of the dogs Larry a pitbull mix does not like other dogs. The Dziura's were issued Bylaw violation number Chapter 69, Sec 14 to 19 for 2 counts dogs at large, a violation of bylaw Chapter 69.

Miss Marjorie Arnold made an emotional statement of the day her dog was attacked by one of Dziura's dogs, while walking the neighborhood with her daughter and granddaughter in a stroller. The dogs came out of the Dziura's yard barking and one of the dogs went after her dog. Marjorie said she made the mistake of getting in between the dogs but was finally able to get her dog and go home. Marjorie brought her dog to a veterinary emergency hospital, where it received treatment for several bite wounds that cost her \$1000 from surgery and stitches. Marjorie continue to state that the Dziura's offered to pay the vet bill, and any medical bills that she has received. The Dziura's have also apologized tremendously numerous times. (See zoom video for entire statement)

Bruce Dziura from 39 Lakeview Street, talked about his dogs Luna and Larry. Luna barks when she see's people but she has never gone after any person. Larry was attacked at a dog park so now he is skittish and tends to run across the lawn barking and chasing, but doesn't usually go out of the yard. The Dziura's have a underground fence that keeps Larry in the yard. He too has never gone after a person. Mr. Dziura handed the board members a written letter from the breeder on the breed Bernice Mountain Dogs. Mr. Dziura stated that they have kept the dogs in the back yard only since the incident. The dogs like to be under the car port but the fence pieces are not adequate to hold them in there. (See the Zoom video for entire statement). Mr. Dziura stated that they are truly sorry for any inconvenience this has caused and wasting the Boards time. Mr. Dziura's stated they would like to propose the following solutions. Number 1, they want to continue Larrys therapy to overcome his aggression to certain dogs. We are going to obtain a full behavioral assessment to make sure our observations and other peoples agree. Number 2, while at home, Larry and Luna will be allowed only in the house and the backyard. With the fenced in yard along with the underground fencing should keep them from escaping. Until Larry's therapy is fully successful, we will not walk the dogs in the neighborhood or other neighborhoods in Southwick. We will still bring them to large fields and pastures to get their exercise because they still need their exercise.

Mr. Dziura is truly sorry for the fourth incident that he was responsible for, if I had just done the underground collar none of this would have occurred. Mr. Dziura thanked the Board for their time and apologized for having to bring this issue to them.

Dominique Nooney of 42 Lakeview Street spoke in favor of the Dziura's dogs, and how her girls take care of their dogs at times, and the owners are responsible homeowners and a wonderful part of our community. Paula and Dennis Palmer of 342 N. Loomis Street also stated that they bring their little pug with them. Larry loves our cattle, they will lay down for belly rubs, and are full of love. They too have never had a problem with the dogs.

Select Board member Diane Gale had a few final questions for the Dziura's. Are you still using the bark collar on the dogs? Mr. Dziura stated we use them only when necessary. I can usually get them to stop. How did they get out before, through the garage? They go into the carport where they have a box to keep cool in the summer, but we won't do that anymore. A half made fence that didn't work to keep them from getting out into the front yard, but that is all gone now.

ACO, Liz Bennett stated that she is ok with letting the Dziura's keep the dogs as long as they promise to keep them out of the carport and only to the back yard. That the training for Larry continues.

Mr. Moglin asked the Dziura's if they promised to keep the dogs in the back yard until the Board deliberates at our next meeting where they will hear ACO Bennett's recommendations. The Dziura's agreed that they would.

A MOTION was made by Jason Perron, **Seconded by** Diane Gale (Vote Unanimous) to close the hearing at 7:06pm and have the ACO get back to the Select Board with her recommendations before the June 5th meeting.

Roll Call Vote: Doug Moglin – Yes, Jason Perron – Yes, Diane Gale – Yes

A MOTION was made by Jason Perron, **Seconded by** Diane Gale (Vote Unanimous) to adjourn at 07:09 pm.
All in favor: Yes.

Respectfully submitted,

Lisa A. Anderson
Select Board Secretary