

**Select Board
Meeting Minutes
November 13, 2018
Tuesday, 6:50 p.m.**

Select Board Conference Room, Town Hall
All meetings of the Select Board are recorded

ATTENDANCE: Chairman, Joseph J. Deedy
Vice-Chairman, Russell S. Fox
Clerk, Doug Moglin
Chief Administrative Officer, Karl J. Stinehart
Administrative Assistant, Sondra S. Pendleton

OTHERS IN ATTENDANCE: See Attachment "A" – 1 Page(s)

6:50 p.m. Convene in Open Session

The Public Body convened in Open Session according to M.G.L. c.30A, S21 (b) (1). The scheduled meeting of the Select Board was called to order by Chairman Joseph J. Deedy at 6:50 p.m.

Public Comments: None.

Payables, Payroll and Minutes:

- The Board acknowledged Payroll Warrant #1911, dated 10/31/18, in the amount of \$316.52.
- The Board acknowledged Payables Warrant #1912B, dated 11/5/18, in the amount of \$71,492.94.
- The Board acknowledged Payroll Warrant #1912, dated 11/13/18, in the amount of \$216,319.95.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to accept the Regular Session Minutes of 10/30/18.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to accept the Executive Session Minutes of 10/30/18.

**6:55 p.m. Ann Gustafson (represented by David Gustafson) n
RE: 58 Berkshire Avenue Easement**

Ms. Gustafson has a buyer for her house at 58 Berkshire Avenue but the sale is being held up due to a small corner of her driveway encroaching town property. The buyers have requested a written easement from the town. **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to authorize Town Counsel to proceed with drafting a 1 year License Agreement from the Town to the Seller (seller will pay legal fees) for temporary use of the property.

Action Items, Bills, Mail, Correspondence, Vendor and/or Personnel Contracts, Personnel Decisions, Policy Adoptions, Payroll Actions, Old Business, New Business, Etc.-Possible Motions/Votes:

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to reaffirm signing of a Discharge of Lien on Real Estate in the amount of \$15,000.00 for David C. and Linda Jensen, 80 South Lane, Granville, MA.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to sign
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to reaffirm the hiring of Clerical Floater Kathleen Carlson & as Secretary for the Cemetery Commission.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to reaffirm hiring of Custodial/Maintenance Floater Carmine Manning.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve the Municipal Feasibility Study Award and Vendor Contract sign off by Chariman to Tighe and Bond in the amount of \$85,000.00 subject to Town Counsel approval.

7:00 p.m. PVPC Erica Johnson

RE: CDF CDBG Hearing for the FY16 Federal Grant Amendment

Mr. Deedy read the hearing notice and presented a proposed program amendment regarding the FY2016 Massachusetts Department of Housing and Community Development Block Grant Program. The proposed amendment will transfer \$85,000 in uncommitted and available grant funds from the Veteran Street Infrastructure Improvement Project and Housing Rehabilitation Program to create a line item for the purpose of purchasing a new accessible passenger van for the Southwick Senior Center. Infrastructure and housing program objectives have been met resulting in a surplus of funds available for other eligible projects.

Council on Aging Director, Cindy Sullivan, gave statistics on the heavy usage of the existing van which is 13 years old. Attendance of seniors using the Senior Center and transportation from the van has increased dramatically so the opportunity to purchase a new van for the Center is a great opportunity.

Paula LeBlanc – 124 South Longyard Road, spoke in support of the purchase.

A MOTION was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to close the hearing at 7:14 p.m.

A MOTION was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to sign the grant amendment request to purchase the van for the Senior Center.

7:15 p.m. WG&E

RE: Whip City Fiber Overview

Richard Carnall and John Leary of Westfield G & E met with the Select Board to discuss formation of a Municipal Light Plant Committee and looking into the designing, constructing and operation of our own high speed fiber optic plant. The possibility of partnering with Westfield G & E for the whip city fiber service is also a possibility. They explained the process for getting poles ready which would need to have enough space for the fiber to be on the utility poles. They also stated a lot of small towns in the area are without current cable TV providers installing their own networks.

**7:30 p.m. Dog Hearing continuance:
MGL Chap. 140 Sec. 17 Ms. Alyssa Mcguire and David and Kaitlin Massai**

New Date: Tuesday, November 13, 2018, @ 7:30 p.m.

Select Board's Conference Room

454 College Highway

Southwick, MA 01077

IN RE: Dog Complaint

Concerning dog owned by David and Kaitlin Massai, and housed at 10 Klaus Anderson, Southwick, MA 01077.

Nature of complaint: Alleged violation of: ***MGL Chapter 140, Section 157 concerning vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; dogs at large; attacks on other dogs and Southwick Town Code Ch. 69, Sections 11, 12 and 16 included.*** Complainant is Ms. Alyssa Mcguire, 2 Klaus Anderson Road, Southwick, MA 01077. *No statements are verbatim.*

- Chairman Deedy swore everyone in that was to or wanted to speak at the hearing.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to open the hearing.
- Mr. Deedy read the notification letter in its entirety.
- The Complainant, Alyssa Mcguire, explained to the Board the chain of events that happen regarding the alleged violations.
- Officer Arduini read into the record the statement from Sergeant Krutka, See Attachment "B" – Page(s) 12 of 28.
- ACO Officer, Tracy Root, read the letter submitted to the Board regarding her recommendation See Attachment "B" - Page(s) 6, which states: the dogs should be in an enclosed pen at least 12 X 12 per dog with suitable shelter. The pen should have a top and bottom to prevent the dogs from climbing or digging out. When off the property the dogs must be leashed with no more than a 6 foot lead and managed by an adult able to handle the dogs. Each dog should be wearing a muzzle when off the property.
- Mr. Cannon, Ms. Mcguire's boyfriend, stated he was sleeping at the time however woke shortly thereafter and is concerned about his girlfriends emotional state from the aftermath.
- Mrs. Massai was then asked to give a series of events. She stated that the dogs were being playful. She stated she had superficial wounds from Alyssa's dog when she tried to help, however did not received medical attention. She did go over the next day to check on Alyssa and her boyfriend was confrontational.
- Mr. Massai then submitted (See Attachment "C" – 31 Page(s) and discussed photos of his dogs stating they were not vicious, and their rabies shots were up to date, he offered his condolences to Aylssa, and had many times already, and stated he also paid \$5,000.00 worth of veterinary bills.
- Malin Cannon, 5 Hillcrest, stated she was the one to take the dog to the vet and the dog did nothing to provoke the attack.
- Lizanne Bennett, Assistant Animal Control Officer, gave the Board some of the characterists of that type of dog and claimed that once that type of breed crosses the line from playing to attacking it will continue to attack.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote-Unanimous) to close the hearing, however get a legal clarification on whether the Board, being Police Commissioners, and a Police Officer being involved if they should make the final determination or not. This subject will be dealt with at the 11/27/18 Select Board meeting.

Action Items, Bills, Mail, Correspondence, Vendor and/or Personnel Contracts, Personnel Decisions, Policy Adoptions, Payroll Actions, Old Business, New Business, Etc.-Possible Motions/Votes continued:

- The Board received a Small Business Saturday coffee and desert tasting Invitation to The Hood Café on 11/24/18 from 3:30 – 5:30.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to approve winter plow vendors as follows:

Name	General Routes/Locations*
Cain's Mechanical	Town-owned parking lots; Side streets around the Congamond Lakes
Great Brook Lumber	Side streets in the southwest corner bounded by College Highway and Granville Road
James Grannells	Lead plow for Truck 6 along main roads in the northwest end of Town
Mark's Property Service	Side streets in the northern end bounded to the south by Route 57
Solek Masonry	Side streets in the east end bounded by Feeding Hills Road, College Highway, and South Longyard Road

- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to accept a donation for the Select Board Gift Account in the amount of \$9,329.00 from Western Mass Rendering Co, Inc. Mr. Fox stated the respect he had for the family and always has they have done many things for the Town for many years.
- The Board received an Alum Treatment Update from Lake Management and they are requesting help funding \$850,000.00 for the 2019 spring treatment of North, Middle and South Ponds. They are putting it in the 2019 Budget Requests but hopes that the Commonwealth will come forth with something. Mr. Fox will look into.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to authorize the Chair to sign the Memorandum of Understanding with Local IBPO Unit for the Southwick Police Department to utilize Kelly Parks as Provisional Officer to alleviate the staffing shortage due to an employee's medical leave and another's military leave.
- The Board received a request for support from the Southwick Police Department Taser Upgrade Plan. **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to table.
- The Board received notification of a Roundtable Meeting with STGRHS Thursday, 11/29/18 at 5:30, all Board Members and Mr. Stinehart will attend.
- **A MOTION** was made by Mr. Fox, seconded by Mr. Moglin (Vote-Unanimous) to appoint Angelina Avondo as a call/volunteer Southwick Fire Department Firefighter pending passage of a HRD pre-employment physical and all other qualifications set forth by the Fire Chief.

Old Business & Dates to Remember:

- Update on 250th Anniversary Meeting scheduled for 11/19/18 @ 6:30.
- Mr. Fox and Mr. Brown will review aquifer issues and the forming of a regional committee in surrounding towns.
- The Old Library has been advertised for sale or lease. There will be an Open House on 11/29/18.

New Business:

- Discussion on use of Flaggers for infrastructure Projects (i.e. Aux. Police) – Police Chief is looking into this.
- Tablet Discussion – Mr. Moglin will be looking into a grant to possibly help with the purchase of tablets for the Board Members.

The following is a listing of all documents viewed or discussed during the Open Session part of the meeting:

Copy of an email from Ann Gustfson RE: 58 Berkshire Avenue Easement
PVPC Correspondence for the FY16 Federal Grant Amendment
WG&E email RE: Whip City Fiber Overview
Dog Hearing continuance paperwork/pictures RE: MGL Chap. 140 Sec. 17 Ms. Alyssa McGuire and David and Kaitlin Massai
Regular Session Minutes of 10/30/18
Executive Session Minutes of 10/30/18
A Discharge of Lien on Real Estate for 80 South Lane, Granville
PVPC Financial Warrant #23 in the amount of \$2,263.83
Paperwork for the hiring of Clerical Floater Kathleen Carlson/Secretary for Cemetery Commission
Paperwork for the hiring of Custodial/Maintenance Floater Carmine Manning
Small Business Saturday Invitation to The Hood Café
Listing of winter plow vendors
Donation paperwork to the Select Board from WMRC, Inc.
Alum Treatment memorandum
Memorandum of Understanding for Southwick Police Department Provisional Officer
Southwick Police Department Taser Upgrade letter
Memorandum Roundtable Meeting with STGRHS Thursday, 11/29/18 at 5:30
Request for appointment of Southwick Fire Department Firefighter

The Administrative Assistant was asked to leave the meeting.

A MOTION was made to go into Executive Session RE: M.G.L. Chap. 30A, S20 (b), S21 (3) & (4) Ch. 214, Section 1B and; CMR 29.03 (1) (b) at 8:40 p.m. not re reconvene in Open Session.

RE: Litigation and strategy for Collective Bargaining with Clerical Unit and Non-Unit Personnel

Exception #3: X Move to go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an open meeting may have a detrimental effect on the litigating position of the body, and to:
Move to go into Executive Session to discuss strategy with respect to collective bargaining, and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and not to reconvene to Open Session.

Exception #4: X Move to go into Executive session to discuss the deployment of security personnel or devices or strategies with respect thereto, and to not reconvene into Open Session

RE: Ch. 214, Section 1B

A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

Respectfully submitted,

Sondra S. Pendleton
Administrative Assistant

Cc: Town Clerk