

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 17, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Chair Andrea Wagner called the meeting to order at 7:30 p.m. The following persons were present: Chair Andrea Wagner, Clerk Charles Vecchi, Town Administrator Charles Aspinwall and Administrative Assistant Jennifer Cederberg. Vice Chair Donald Hendon was absent.

ANNOUNCEMENTS: Congratulations to Millis/Hopedale football team; No Stomach for Cancer website and brunch fundraiser on November 6th.

LIONS CLUB: Steven Campbell from the Millis Lions Club requested permission to plant two trees in front of the American Legion Hall. He noted that they have already consulted with the Tree Warden and the DPW and have assistance from a local landscape company and a Boy Scout. He stated that they would like to conduct the planting on October 29th as this is the end of the planting season.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant the Millis Lions Club permission to plant two trees on Holbrook Square adjacent to the Civil War monument. The motion passed unanimously.

Steve also mentioned the annual Trivia Night to be held on October 20th at 6:30 p.m.

PBC CHANGE ORDERS: Pat Sheehan explained the LEAD designation and why this work was not originally included in the scope of work for the architects. He stated that if the certification is reached, the Town will be reimbursed 1% of the total cost of the grant or around \$105,000 and the amount of the change order for this effort is \$49,460.00. He further went on to explain the FF&E is for the interior design for the fixtures of the Library. He stated that the change order was pre-budgeted.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve a change order to the architect's contract in the amount of \$9,930 for the FF&E portion. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve a change order to the architect's contract in the amount of \$49,460 for work done towards LEADS certification. The motion passed unanimously.

DOG HEARING: Sel. Wagner swore in the individuals who would be offering testimony. Animal Control Officer Brenda Hamelin stated that the issue at hand tonight is a border collie named Colin who was adopted late this summer. She reviewed the timeline beginning 7/13/11 where the dog bit a resident, who was present in the audience, named David Flowers. She noted that this incident was concerning as the dogs were off leash and that the dog owner would not identify herself to Mr. Flowers. Ms. Hamelin stated that she was suspect that the owner was Mrs. Mahan and so she left her a message which was not returned. At that point, Ms. Hamelin asked for assistance from the Police Department in contacting the Mahans. Sgt. Quinn was able to reach Mrs. Mahan on Sunday night and she admitted that her dog was the dog in question and produced vaccination papers.

Ms. Hamelin stated that, according to her timeline, the dog was found loose again on July 17th on Ridge Street. Then, on August 25th, she received notification from Milford Regional Hospital that a patient, Melanie Malone, was bitten in the leg at 260 Ridge Street. The dog was determined to be Colin and was placed on another 10-day quarantine and, to date, Mrs. Mahan has not paid the two citations associated with these violations. Ms. Hamelin stated that there have been issues with responsible pet ownership with this family since 2003 as outlined in the timeline provided.

Sel. Wagner reviewed the timelines provided and the conversation between Sgt. Quinn and Mrs. Mahan following the first bite on 7/13/11. Sgt. Quinn spoke with Mrs. Mahan on 7/17/11 and the dog was loose again on Ridge Street on 7/17/11. Ms. Hamelin noted that the quarantine starts at the time of the incident and not at the time she is able to make contact with the pet owner. She stated that state law is that the quarantine is for 10 days and this was imposed after the

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 17, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

second bite on 8/25/11 even though Colin had just completed a quarantine for the first bite. Sel. Vecchi clarified that there are still two dogs in the household.

Mr. David Flowers spoke concerning 7/13/11 around 5:20 a.m. when he went out jogging. He recapped the events of the morning where a border collie came around the corner at Middlesex Street and bit him on the leg. He attempted to speak with the owner who was not cooperative even after making her aware that he had been bitten. He noted that he was about 3 miles from home and could see where she was heading and later that afternoon, he reported it to the Millis Police Department and the Animal Control Officer. He further went through a series of post-exposure shots at the suggestion of his physician. He noted that he has an attorney who is working with him to recoup some of his losses in terms of outstanding hospital bills but Mrs. Mahan has not been cooperative.

Mrs. Hamelin noted that the bite that took place on 8/25/11 with Melanie Malone was particularly concerning as Mrs. Mahan stated to Ms. Malone that she was going to be forced to get rid of the dog and the dog had never bitten anyone prior to this time.

Mrs. Cheryl Mahan stated that she is very sorry about what has transpired and that she has let her dogs off leash to play in the early morning hours. She stated that she adopted Colin because no one else wanted him and she intended to have him neutered after a period of adjustment. Mrs. Mahan stated that the second time the dog was involved in a biting incident, he escaped past her when her hands were full and bit Ms. Malone. Mrs. Mahan stated that she is doing everything she can to ensure that this never happens again including having the dog neutered, having her electric fence turned on, making sure the dog is never off leash and arranging for behavioral training. She stated that she does not want to see another person go through this. She stated he was neutered approximately 2 weeks ago at Main St. Vet. Ms. Hamelin verified this information.

Mrs. Mahan stated that she was not aware that Mr. Flowers was bleeding and injured and that she contacted Ms. Hamelin as soon as she returned from her parents' house on the Sunday following the biting incident. Sel. Wagner asked her why she has not yet had her electric fence repaired since the last bite took place on 8/25. She stated that she speaks to Dog Watch weekly but that they are far behind in work due to the storm and the season being one where a lot of people choose to install electric dog fences. Sel. Wagner asked how she is going to assure that this dog is not going to get loose and bite someone again. Mrs. Mahan stated that she keeps the dog leashed and tied and that she leaves the dog in the basement when she goes out in the morning.

Sel. Wagner asked Ms. Hamelin for clarification on what benefit the neutering will do for Colin. Ms. Hamelin stated at this point, probably none as border collies are herding dogs and when they herd, they bite. She stated she does not feel that this dog being neutered is going to be the end all of his behavioral issues, that they are learned behaviors and part of the breed. Sel. Wagner asked Ms. Hamelin for recommendations going forward. Ms. Hamelin stated that putting a 6 year-old dog on an electric fence can be a difficult process and one that doesn't always work as some dogs run through it and that she would be concerned if someone were running by that the dog would break through the barrier. She stated that a lot has to do with the training and follow-up training. She stated that even with proper training, it doesn't guarantee that the dog won't have a future incident and she is concerned that the dogs have been allowed to be off leash in the early morning hours.

Ms. Hamelin stated that she would categorize the behavior of the dog as not indicative of the breed and that Mrs. Mahan was unable to give her any history on prior training the dog may have had. She noted that Colin likely behaves differently in the house than he does outside. She stated that you can "teach an old dog new tricks" but it takes a serious time commitment.

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 17, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

Mrs. Mahan stated that she has owned border collies in the past and that she needs more than 8 weeks to be able to turn the dog's behavior around. She said she does pay a lot of attention to her dogs daily. She stated that she is hopeful with the combination of neutering, training and leashing that these types of issues will never happen again.

Sel. Wagner stated that she is very concerned about the two biting incidents and that as part of the hearing process, the Board will need to make a finding about the dog in question. At 8:26 p.m.,

Motion by Sel. Vecchi, seconded by Sel. Wagner, to close the hearing. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the dog Colin does constitute a nuisance to the community and he constitutes a nuisance because he has a vicious disposition. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that Colin be banished from Millis. Sel. Vecchi withdrew his motion.

Sel. Wagner asked Sel. Vecchi if he would consider a permanent restraining order. He stated that these two incidents happened very close together and that he does not wish to risk further incident and his decision was not made lightly. Ms. Hamelin stated that if the dog is put on a permanent restraining order and that order is broken, according to state law the dog would be euthanized and court orders would be obtained to allow this to happen. Sel. Wagner stated that allowing the dog to be placed on a permanent restraining order is a huge risk as others have been placed on one, gotten loose and then a third person is injured.

Sel. Wagner asked if a temporary restraining order could be ordered until next Monday when Sel. Hendon will be present to weigh in on the decision and give time to consider all the options.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the hearing be continued for one week and that the dog Colin be placed on a temporary restraining order and that he not be allowed off the property and remain leashed. The motion passed unanimously.

PERSONNEL POLICIES: Mr. Aspinwall reviewed the process of the assembly and distribution of the Personnel Policies. He recalled that the personnel plan has not had a full review for 20 years and that there have been issues the Town has been faced with which would have benefitted from having formal policies in place. He reminded the Board that a HR consultant was brought on via a Town Meeting vote to review the current policies and position classifications as well as the potential for a Snow & Ice stipend as discussed last year.

Mr. Aspinwall stated that there have been suggested changes to the policies, some which have been incorporated and others that the Board will need to consider. He stated it is directory for elected officials and not mandatory but it does apply to appointed officials. He noted that it would also apply to all volunteers who would fall into the same category as officials as they are not compensated. Mr. Aspinwall stated there may be questions from the audience and asked the Board to consider adopting Schedules A-D tonight.

Sel. Wagner questioned whether or not the policies should be applied to all volunteers such as those under age 18. She asked if there is another way to handle the issue of having to distribute the entire policy to all volunteers. Mr. Aspinwall stated that there have been MCAD cases involving volunteers and as overbearing as it may seem, he feels it is necessary to distribute it across the board. He noted that there was a case in the Town some years ago where a definitive harassment policy would have been helpful to have in place.

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 17, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

Sel. Wagner asked about reiterating statutes within the policy and stated that in large part this is probably why the document is so lengthy. She questioned as to how changes in employment laws will be reflected. Mr. Aspinwall stated that the changes will be reviewed and the policy updated if the change warrants it. Sel. Wagner asked questions concerning the Travel and Expense Reimbursement Policy and how hotel stays are granted. She also asked about mileage reimbursement which Mr. Aspinwall stated is covered in another page.

Sel. Wagner commented on the Social Networking policy and, in particular, commenting on your personal job and what is going on at the work place. She also commented on the Drug Testing policy and asked for clarification on what a Safety Sensitive Position is. Mr. Aspinwall stated that this is an individual who holds a CDL license.

Kathy MacInnes from the Planning Board expressed concerns that only two members of the Board are present to discuss these issues. Sel. Wagner and Sel. Vecchi stated that they concur and that they would be willing to discuss the issues but defer acceptance until next week when Sel. Hendon is present.

Recreation Director Kris Fogarty expressed concerns about distributing the entire document to all Recreation volunteers, particularly those who are under age 18. She stated that by forcing this task upon her, she is being set up to fail. Sel. Wagner asked if there is a way to offer a condensed version of the policies or a way for volunteers to sign up that they have read the material.

Kathy Lannon commented on the volunteer aspect of the process and that this is a huge task to ask elected officials to undertake. She stated that her responsibility is to the people that elected her.

Kathy MacInnes questioned whether or not officials have personnel files and whether or not elected officials are allowed to write letters of recommendation. Mr. Aspinwall clarified that this policy only covers references for employees and that these policies, again, these policies are directory and not mandatory for elected officials. He also stated that there are certain legal citations in the Personnel Policies, specifically discrimination and sexual harassment, which elected officials are legally bound to adhere to.

Sel. Wagner stated that the policies are put in place so that individuals know both what they are entitled to and what is expected of them. Sel. Vecchi said that it also tells the Town what it is responsible for.

Mr. Aspinwall tried to explain the reasons behind why it is important to have these policies and particularly when you have an issue that raises to the seriousness of going to court. He stated that these policies are an attempt to insulate the Town from liability. Ms. Lannon was provided with a copy of the Table of Contents which designated which policies apply to employees vs. employees and officials.

CONSTELLATION ENERGY: Mr. Aspinwall reviewed the new rates for electricity available through a consortium called MunEnergy which are approximately .081/kwh which is a reduction by approximately 1/3. The term of the contract is for 3 years but we will be asking Town Meeting if this contract can be extended to 48 months. He noted that the Millis MS/HS is only being renewed for 9 months at a lower rate because of the shorter term of the contract.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to enter into a contract with Constellation NewEnergy, Inc. to buy electricity for \$.0818/kwh for a period of three years and enter into a contract with Constellation NewEnergy to purchase electricity for a 9-month period for \$.0776/kwh. The motion passed unanimously.

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 17, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

GLOBAL MONTELLO:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve a contract with Global Montello Group with the Norfolk County Purchasing Group at the rate of \$2.8134/gallon for 87 octane gasoline and \$3.1511 for premium diesel. The motion passed unanimously.

MPO VOTING: Mr. Aspinwall asked if any of the Selectmen would like to attend the meeting on October 26th to vote for a designee.

Motion by Sel. Wagner, seconded by Sel. Vecchi, that the voting for election for seats on the MPO be designated from the Chair of the Board of Selectmen to Sel. Charles Vecchi if he attends the meeting on October 26th and if he does not then the voting will be designated by Town Administrator Charles Aspinwall. The motion passed unanimously.

PROJECT UPDATE: Mr. Aspinwall reviewed a list of ongoing projects with updates dated 10/17/11 and noted that he may come to the Board at a future meeting regarding pulling the bond on the Ridge Street Culvert project. The official memorandum will be attached to these meeting minutes.

BUDGET REVIEW: Mr. Aspinwall pointed out the impact some items have had on our numbers since the May Town Meeting such as an increase in State Aid and our bill for Police/Fire accident coverage came in approximately \$20,000 more than budgeted. He noted that new growth was certified last week. He further pointed out that there is a change in the debt budget which reflects the borrowing for the I/I project that we are working on now. He noted that the first principle payment will be made in 2013. The official 19 page document will be attached to these meeting minutes.

FATM WARRANT:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to reopen the Warrant for the Fall Annual Town Meeting. The motion passed unanimously.

NEW WARRANT ARTICLE:

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we add an article 28 which reads "To see if the Town will vote to appropriate and raise by transfer from available funds a sum of money for special education services or tuitions; or take any action relating thereto" submitted by the School Committee. The motion passed unanimously.

Mr. Aspinwall reviewed the minor changes that have been made to the Warrant.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we amend the Fall Annual Town Meeting Warrant articles as specified. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to close the Warrant for the Fall Annual Town Meeting. The motion passed unanimously.

SIGNING WARRANT:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to sign the Warrant for the Fall Annual Town Meeting. The motion passed unanimously.

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 17, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

COMMITMENT:

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we do commit to the Collector the amount of \$712.12 for final water bills and special commitments. The motion passed unanimously.

MEETING MINUTES:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to accept the regular session meeting minutes from 10/3/11 and the Executive Session meeting minutes of 10/3/11. The motion passed unanimously.

ADJOURN: At 10:32 p.m.,

Motion by Sel. Vecchi, seconded by Sel. Wagner, to adjourn. The motion passed unanimously.

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant