

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – JUNE 5, 2012

Present: David J. Consolati, Acting Chairman, Gordon D. Bailey, Board of Selectmen, Robert L. Nason, Town Administer.

Absent: Patricia D. Carlino, Chairperson

Acting Chairman, David J. Consolati, called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** The Public minutes of May 15, 2012 were unanimously approved.
2. **Public Hearings:** Vicious Dog Complaint Pursuant to M.G.L.c. 140§ 157

A complaint was brought before the Board by Jeffrey T. Scrimo, an attorney and resident of 65 Via Maria, regarding an incident involving the attack on his dog by a dog named, "Cutty" while he was walking his dog on a leash in the neighborhood. He also spoke of another incident where the same dog attacked his wife while she was walking their dog in the neighborhood. The dog in question is a pit bull terrier mix owned by John Burns, son of Susan Burns, both who reside at 139 Via Maria. Mr. Scrimo asked the Board to issue an Order of Restraint and that the dog be confined to the four corners of the Burns' property. Another neighbor, Mr. Tom Hayes of 445 Fairview Street came forward and informed the Board of an incident involving his dog being brutally attacked by Cutty, causing serious injury to his small dog. Mr. Hayes said that the dog came from behind and attacked the smaller of his two dogs and "throttled" it until a neighbor came out and grabbed and pulled the dog away. Mr. Hayes took his dog to Veterinarian, Dr. Breslin for immediate medical care. Mr. Hayes submitted photos to substantiate his recitation of what happened. He recommended that the dog be put down as, "the family can't seem to restrain it".

John Burns, Cutty's owner came before the Board and apologized to Attorney Scrimo, Mr. & Mrs. Hayes and to the Board for the incident and stated that he has been extremely careful since that incident involving Mr. Hayes' dog. He stated that he and his family have taken preventative steps since this incident. More importantly he stated that he and the dog are enrolled in obedience classes with Lea Foran which include socialization with other animals and changing association patterns. He agreed wholeheartedly with erecting a fenced-in area for the dog and with the use of double restraints and muzzling anytime the dog is off premises. He stated that there have been no incidents of any kind since the April 3, 2012 incident involving Mr. Hayes' dog.

Gordon Bailey asked about the training and classes with Lea Foran. Mr. Burns stated, in response to questions by Gordon, that the dog is now a year and one-half old and that he was approximately a

month old when he got him. Gordon asked him if he was moving back to Florida or if he was staying in the area, to which Mr. Burns stated that for the time being he was staying in Lee. Gordon stated that he thought, no matter where Mr. Burns resided it would be important to resolve these issues with the dog as he didn't want to just shift the problem to another city or town.

James Leahey, D.V.M. came before the Board and spoke of his duties as Animal Inspector in this matter. When he was informed of the attack he performed the required quarantine health period, which Cutty passed quarantine on May 11, 2012. He stated that at the time of the quarantine being lifted, Cutty had no infectious diseases. Dr. Leahey stated that, in his opinion, Cutty is not a "ticking bomb".

Mr. Hayes and Mrs. Burns both spoke of an incident at the Burns' residence the night after the attack when Mr. Hayes brought the vet bill to Mrs. Burns for payment. Mr. Hayes stated that Cutty lunged at him at her house and Mrs. Burns replied that Cutty got excited as Mr. Hayes "completely freaked out" upon Cutty entering the room. She stated that Cutty was just reacting to Mr. Hayes' outburst in his territory. Mr. Hayes agreed that he got agitated.

The Board agreed that the following conditions be written into a Notice of Decision: 1) The dog shall at all times be confined to the Burns' property and not allowed to run loose off the property. 2) A stockade, fenced-in area shall be provided by the Burns' in their yard for when the dog is outside of the home. The fence shall be no less than six (6) feet high and must be installed in such a way that the dog cannot dig his way under and escape the premises. The fence shall be solid fencing with no visibility to the outside. The Burns shall have a reasonable amount of time provide such fenced-in yard area and until such time as the fence is installed, the dog shall not be allowed to be outside without being restrained and supervised. 3) Whenever the dog is off the Burn's property he must, at all times, be secured by double restraint (leash and harness) and muzzled.

Mrs. Burns spoke of putting in a door between her mudroom and kitchen which would create a barrier to the dog, preventing him from running out the door when someone enters the house. The Board agreed that this would be another good precaution.

3. **General Business:** Denise Walker – One Day Beer & Wine license for Laurel Lake Center – *The Board voted unanimously to grant a One Day Beer & Wine License to Laurel Lake Center, for the Berkshire Chamber of Commerce After Hours Event on July 18, 2012 from 5:00 – 7:00.*

Department of Public Works – Highway Garage Roof Replacement Project - Chris Pompi came before the Board to discuss the bids for DPW Garage Roof Replacement. Architectural Roof Management was the lowest bidder @ \$66,400.00. He stated that the town needs to add the two alternates to the project for gutters and ice shields. Alternate #1 Gutters at \$8,880.00 and Alt #2 Ice Shield at \$9,600.00 for a total of \$84,880.00. *The Board voted unanimously to accept Alternates 1 & 2 and thereby increase the contract price from \$66,400.00 to \$84,880.00 and to allow the Chair to sign the contract.*

Pickup Truck with Dump Body for Cemetery – Chris Pompi came before the Board to discuss the quotes for the Pickup Truck with the Dump Body for the Cemetery. The DPW recommends purchasing a new Ford F350 Pickup Truck through the Plymouth County Cooperative Contract for

the cemetery. The purchase will be from MHQ. The cost for this truck is \$33,165.00. Cost estimates were obtained by Dennis Kelly on similar pickups at various dealerships to verify that the above quote was indeed the lowest price. *Per the DPW recommendations, the Board voted unanimously to approve the purchase of the pickup truck from MHQ in the amount of \$33,165.00 and to authorize the Chair to sign the agreement.*

#### Meadow Street Bridge Over Powder Mill Brook

Chris Pompi came before the Board with the proposals for the design, permitting and construction engineering services for the replacement bridge over Powder Mill Brook. The Town received eight proposals and the committee unanimously chose the lowest proposal from Gill Engineering for the project. Their fee is \$74,775.00. *The Board voted unanimously to accept the proposal by Gill Engineering in the amount of \$74,775.00 and to allow the chair to sign the contract.*

#### Disposition of Used Waste Oil Tank

Chris Pompi came before the Board to discuss the disposal of a Used Waste Oil Tank. He stated that the Department of Environmental Protection is authorizing the transfer of the used waste oil tank from the Town of Lee to Great Barrington. The waste oil tank was originally surplus granted to the town of Lee under Mass DEP's Municipal Grant Program and under this Municipal Grand Program, Municipal Grant Agreements allow for the transfer of awarded equipment upon DEP approval. As this is a used piece of equipment, the Town of Great Barrington is accepting it in "as is" condition. To complete the transfer of the equipment, the Town of Great Barrington must acknowledge, by return e-mail, that it both wants this equipment and has all of the necessary approvals from the Mass DEP. The Town of Great Barrington is responsible for contacting mass DEP's Western Regional Office. The Town of Great Barrington is also responsible for transportation of the waste oil tank from Lee to Great Barrington. LB Corp was interested in acquiring the tank, but because it came from grant money, we can only dispose of it to another municipality. *The Board voted unanimously to approve the disposition of the used waste oil tank to the Town of Great Barrington and for the Chair to sign the contract.*

#### Demolition of Athletic Field Pavilion

The Board wanted to publicly thank LB Corp for the donation of their time and services to the town for the removal of the Pavilion at the Lee Athletic Field. Another local contractor had valued the work at \$3,500.00.

#### Berkshire Gas Company Permits

Berkshire Gas Company also requested permits for the following 4 services:

- a. Permit to install gas service – 35 William Parkway
- b. Permit to retire gas service – 143 Tamarack Avenue
- c. Permit to install gas service – 55 Margerie Street
- d. Permit to install gas service – 660 Fairview Street

*The Board voted unanimously to approve all of the Berkshire Gas Permit brought before the Board at this meeting.*

4. **Pending Business:** Sandy Beach - The Board reviewed the Lee Police Department Press Release regarding the Lee Sandy Beach Permits. For information about the parking restrictions at Sandy Beach or questions on how to obtain a beach pass for residents or guests, please contact the Lee communications Center at (413) 243-2100. The Sandy Beach opens Friday June 15<sup>th</sup> through Tuesday, September 3<sup>rd</sup> from 10:00 am to 8:00 pm. Resident season parking permits and guest day parking permits are available at the Communications Center in the basement of Memorial (Town) Hall – (413) 243-2100. There is no alcohol permitted at the Beach. They asked the beachgoers to drive slowly on the private access road to the beach. The Board thanked High Lawn Farm and Laurel Lake Water Power for the continued use of the beach and the road to the beach. Beachgoers may walk in prior to the June 15<sup>th</sup> official opening between 10:00 AM and 8:00 PM. However, until June 5<sup>th</sup> lifeguards will only be present on the weekends.

Household Hazardous Waste Spring Collection – The Spring 2012 Mini-Site Collection schedule was read at the meeting. Saturday June 9, 9am – 11:30 am at the Great Barrington Recycling Center.

5. **Town Administrator:**

Personnel Appointments - Mr. Nason announced the following appointments, subject to the Board Members' approval:

Police Dept.

- i. Miguel Santana – position of Special Officer.
- ii. Kate Bailey – part-time dispatcher

Beach Committee summer employees:

- i. Katie Barnoski – part time Senior Lifeguard

*The Board voted unanimously to approve the appointments for the police department and the beach committee.*

Mr. Nason stated that the Revenue & Expenses Reports through May 31, 2012 were available for review.

6. **Public Comments:**

Rosemary Tirrell from Hyde Place came before the Board with questions concerning the bus stops and the process of figuring out the stops. Mr. Bailey assured her that they were in communication with the Bus Company and schedules and stops were being worked out.

David Consolati congratulated the Lee Spring Sports teams and wished everyone a safe summer.


7. **Next Regular Meeting:**

June 19, 2012

8. **Motion to Adjourn:**

*The Board voted unanimously to adjourn the meeting at 8:00 PM.*

Respectfully submitted,



Cindy L. Belair, Selectmen's Secretary

**Notice of Website Posting Sent to:**

Board of Selectmen  
Town Administrator  
Town Clerk  
Town Collector  
Planning Board

Board of Assessors  
Board of Health  
Conservation Commission  
Police Chief  
Building Inspector

Dept. of Public Works  
Town Treasurer  
Town Reps. District Chairmen  
Superintendent of Schools  
Town Accountant