

**SELECT BOARD MEETING MINUTES
JUNE 6, 2022 AT 6:00PM
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chair Antanavica called the meeting to order at 6:00pm. Chair Rick Antanavica, Vice-Chair John Shocik, Second Vice-Chair Herb Duggan Jr., Selectman Dianna Provencher, Selectman Allen Phillips, Town Administrator David Genereux and Assistant Town Administrator Kristen Rubin were in attendance.

1. SCHEDULED ITEMS

a. 6:00pm – In Person Resignations & Appointments

i. Resignations – EMS Training Coordinator – Joseph Avellino

Motion 060622-1a1: A motion was made by Mr. Phillips and seconded by Mr. Shocik to accept the resignation of Joseph Avellino from the position of EMS Training Coordinator. Motion carries 5:0:0

ii. Appointment - EMS Training Coordinator – Ashley Belanger

Motion 060622-1a2: A motion was made by Mr. Phillips and seconded by Ms. Provencher to appoint Ashley Belanger to the position of EMS Training Coordinator. Motion carries 5:0:0.

iii. Appointment - Supervisor-Lieutenant & Permanent Full Time Paramedic – Colleen Plante

Motion 060622-1a3: A motion was made by Ms. Provencher and seconded by Mr. Shocik to appoint Colleen Plante to the positions of EMS Supervisor-Lieutenant and Permanent Full Time Paramedic. Motion carries 5:0:0

iv. Appointment - Supervisor-Lieutenant – Ryan Murphy

Motion 060622-1a4: A motion was made Ms. Provencher and seconded by Mr. Duggan to appoint Ryan Murphy to the position of EMS Supervisor-Lieutenant. Motion carries 5:0:0.

v. Appointment – Commission on Disabilities – Chris Clark

Motion 060622-1av: A motion was made by Ms. Provencher and seconded by Mr. Duggan to promote Chris Clark to the Commission on Disabilities. Motion carries 5:0:0.

b. 6:00pm - One Day Liquor License Request – Eagle’s Club – 850 Main Street

John Ritchie with the Eagles Club discussed their ten-year anniversary celebration on June 11th from 1-9pm. Anywhere from 35-100 attendees are expected. There will be seating accommodations inside for 50 and outside for 50. Mr. Ritchie will serve as bar manager and is TIPS certified. The Eagles have permission from the landlord to park behind the pizza place and the liquor store and there will be no parking on route 9 or the side streets. There will be a tent set up in the upper parking lot with parking in the lower lot

Motion 060622-1b: A motion was made by Ms. Provencher and seconded by Mr. Shocik to approve the one-day liquor license request for the Eagles Club for June 11th from 1-9pm with John Richie as bar manager. Motion carries 5:0:0.

c. 6:00pm - Dog Hearing – 75 Tobin Road

Ms. Rubin stated that this is a public hearing initiated by receipt of a written complaint and held pursuant to MGL Chapter 140, Section 157 and swore in all persons who intended to testify. Ms. Rubin read the written complaint from Animal Control Officer (ACO) Pat Dykas on behalf of complainant Michael Donovan of 100 Tobin Road against Kelly Ross and Michael Dursa of 75 Tobin Road.

Pat Dykas noted that there have been complaints on and off for a few years regarding dogs at 75 Tobin Road. Ms. Dykas noted that the two dogs to be addressed this evening are relatively new, having only lived at the property for approximately a year and a half. There is an ongoing issue with these dogs going up to the one-hundred-acre farm at the end of the road and there have been several calls.

The Board asked if the ACO found the dogs to be vicious. Ms. Dykas said no, not at all. The Board asked if there were any complaints from other neighbors and Ms. Dykas responded that she has received calls that the dogs have shown up in neighbor's yards but that they are friendly.

Michael Donovan of 100 Tobin Road stated that every police officer in Leicester has been up at this house regarding this matter and there have been over 50 calls to police. He has videos and Facebook posts regarding incidents with these dogs. Mr. Donovan asked the ACO if she investigated when the dog bit him. Ms. Dykas responded that she has no record of the dog biting him as it was not reported to her.

Attorney Ernest Biando representing Kelly Ross and Michael Dursa stated that the dogs are not vicious, are pretty friendly, and there are no reports of anyone else saying the dogs are vicious outside of Mr. Donovan per the ACO.

Mr. Donovan stated he has 20-30 pictures of the dogs in his yard growling and barking at him and he has been harassed by these unleashed dogs for five years. Mr. Donovan added that his son does not want to go to his home because "the crazy lady sic's her dogs on us". He stated the dogs attack them and a few weeks ago an officer saw him covered in dirt with a shovel defending himself against one of the dogs.

Andie Winward Donovan stated it is not fair that her and her husband have to live in fear of these dogs. She said the dogs will come up and bite your car tires as you drive by and she would feel so horrible if she accidentally hit and killed their dogs. Ms. Donovan stated that she just wants Ms. Ross and Mr. Dursa to keep the dogs on their property as there is no reason they should be running wild in the neighborhood. Ms. Donovan noted that the white dog is outside 24/7 regardless of weather. She would like to see the dogs on a leash, out of the road, and to have them stop chasing, barking and biting them. She added that one time she drove by and saw the owners unleash the black dog and let it run free.

Mr. Genereux noted that in accordance with Chapter 9, Section 23, 4a, of the Town's animal control bylaw, no owner or keeper shall permit any dog to become a nuisance dog or run at large within the town at any time. Mr. Genereux added the bylaw states that dogs must be confined within the owner or keeper's property and must be effectively restrained within the public way or on private property.

Mr. Donovan requested the opportunity to show several videos of the dogs running loose and they were shown.

Attorney Biando noted the dog officer said the dogs have only been there a year and a half and that the video shows the dog wagging its tail and barking, not growling. His clients admit the dogs have gotten out, so they have brought a wire kennel, wire runners and wire chains instead of cloth leads that the dogs were able to chew through. Ms. Ross is moving into Leicester Housing and will be taking at least one of the dogs with her.

Mr. Phillips asked if the ACO has been called back to the property since the new restraints were purchased. Ms. Dykas responded that she hasn't been there since April 28th, so she hasn't seen the new items. Ms. Dykas added that Mr. Donovan did not give a statement that he was bit at this time, there was no medical report given and he did not tell the officers who were on site. The dogs were impounded for a few days and the owners were

fined and there have not been any issues since. Mr. Phillips asked how many times the police have been called regarding the dogs being loose this year and Ms. Dykas responded more than half a dozen.

Mr. Genereux noted that under Mass General Laws, dogs can't be leashed outside 24/7. There must be fencing or a kennel or something to confine them to the property if they are not kept inside.

Motion 060622-1c1: A motion was made by Mr. Phillips and seconded by Ms. Provencher to close the public hearing at 7:05pm. Roll call: All Ayes

Mr. Phillips noted that the police have been called at least five times this year regarding this matter which is more than the four-time limit.

Motion 060622-1c2: A motion was made by Mr. Phillips and seconded by Mr. Shocik to fine the responsible parties \$100 per dog, payable within 30 days, to order the dogs to be confined to the premises unless they are being walked on a leash, to ban the dogs from being leashed in the yard and to bring any further violations back before the Board. Motion carries 5:0:0.

d. 6:30pm - Introduction to New Business - The WorcShop

Representatives from the WorcShop provided an overview of their business.

e. 6:45pm - Discuss Becker Turf Field

John Chaffin with R.A.D. sports took a look at the Becker turf field and noted there is a lot of misinformation going on regarding the field. Mr. Chaffin said that line marking should be done this year at a cost of approximately \$4,500, an 8-inch deep sinkhole needs to be repaired at the 50 yard line off the field of play and about 320 feet of new nets are needed behind the goalpost. Mr. Chaffin stated that the field is in really good shape. The other issue is removing the Becker logo. It would cost over \$30,000 to cut out that logo and have a new one put in. Removing the logo and putting in a new section without a logo is cheaper but will look like a patch that will not match in color because everything else is faded. It may be possible to make this work by painting on an LHS logo. Finally, Mr. Chaffin noted that softball and baseball can be practiced on the field without hurting it and it can be plowed without issue.

2. PUBLIC COMMENT PERIOD

Margaret Darling of 17 Brown Street sought clarification on the motion made January 11, 2022 to take the town-wide water and sewer study under advisement. There is still ongoing conversation regarding this matter and a grant was recently submitted for Moose Hill.

3. REPORTS & ANNOUNCEMENTS

a. Student Liaison Reports

The Student Liaisons provided updates from the Leicester Public Schools.

b. Report of the Town Administrator's Office

The Town Administrator presented highlights from the written report of the office.

c. Select Board Reports

The Select Board discussed various topics including the Memorial Day parade, EDC meetings, congratulations to graduating seniors, Bark Park is doing great and the committee is very engaged, the upcoming police lieutenant promotion, the grand reopening of the Senior Center on May 17th, issues with catch basins along Route 9 in Cherry Valley, ambulance purchases and opening the Town's time capsule.

4. RESIGNATIONS & APPOINTMENTS

a. Retirement – Police Lieutenant – Paul Doray (effective July 10, 2022)

This item was passed over.

b. Appointment – Special Police Officer – Paul Doray (effective July 11, 2022)

This item was passed over.

c. Appointment – Assistant Treasurer/Collector – Alisa Ayers

Motion 060622-4c: A motion was made by Ms. Provencher and seconded by Mr. Shocik to appoint Alisa Ayres to the position of Assistant Treasurer/Collector. Motion carries 5:0:0.

5. OTHER BUSINESS

a. 2022 License Renewal – EcoATM – Leicester Walmart, 20 Soojian Drive

Motion 060622-5a: A motion was made by Mr. Shocik and seconded by Ms. Provencher to approve the junk dealer license renewal for EcoATM at the Leicester Walmart, 20 Soojian Drive. Motion carries 5:0:0.

b. FY23 Reappointments to Boards and Committees

Motion 060622-5b: A motion was made by Ms. Provencher and seconded by Mr. Duggan to approve the FY23 reappointments as listed. Motion carries 5:0:0.

c. Accept Police Department Donations

Motion 060622-5c: A motion was made by Mr. Phillips and seconded by Mr. Shocik to accept two donations to the police department totaling \$45. Motion carries 5:0:0.

d. Request to Surplus Becker Items – Highway Department

This item was passed over.

e. Discuss/Vote on Police Lieutenant Promotion Process and Timeline

Mr. Genereux stated this item was put back on the agenda at the request of Selectman Duggan. The Board took a vote at the last meeting to wait to appoint a lieutenant until the Town had exited civil service due to the Town Meeting vote. Mr. Phillips stated the Town needs to review the structure of the police department hierarchy, take a look at other towns and have a larger discussion with the Police Chief. Mr. Duggan felt that the current list should be used for the promotion.

A motion was made by Mr. Duggan and seconded by Mr. Shocik to promote the lieutenant off of the civil service list. Under discussion, it was noted that the recent vote to promote two sergeants off of the civil service list occurred at the recommendation of the police department and prior to the Town Meeting vote to exit civil service. Mr. Duggan and Mr. Shocik rescinded his motion. The Board discussed reviewing this matter further in executive session.

f. Town Administrator Evaluation Process

Mr. Genereux noted that various processes for evaluating the performance of the Town Administrator have been used over the years. Some have been very simple and some have been more complex and technical. This process determines whether or not the Town Administrator receives a 2% COLA. This item will be discussed further at the next Select Board meeting.

6. MINUTES

a. May 16, 2022

b. **May 31, 2022**

Motion 060622-6: A motion was made by Ms. Provencher and seconded by Mr. Shocik to approve the minutes of May 16, 2022 and May 31, 2022. Motion carries 5:0:0.

Motion 060622-7: A motion to adjourn was made by Mr. Phillips and seconded by Mr. Shocik at 8:50pm. Motion carries 5:0:0.