Town of Dunstable Board of Selectmen
Meeting Minutes

Tuesday, August 13, 2024

In attendance: Chair Leah Basbanes, Vice Chair Kieran Meehan, Select Board Member Ron Mikol, Town Administrator Jason Silva, Executive Assistant Sue Fayne, Police Chief Hoar

The meeting was called to order at 5 PM by Chair Basbanes.

Dangerous Dog Hearing: 143 Off Pond Street*

The Dangerous Dog hearing was opened at 5:01pm by Chair Basbanes. TA Silva then read the legal notice that was sent to Mr. Muldoon and the abutters of the property.

NOTICE
TOWN OF DUNSTABLE
DANGEROUS DOG HEARING
Notice is hereby given that under General Laws Chapter 140 §157, the Town of Dunstable will hold a Dangerous Dog Hearing on Tuesday, August 13th at 5pm, at Dunstable Town Hall, 511 Main Street, to determine whether the dog that resides at 139 Off Pond Street is a nuisance or is dangerous. All interested persons are invited to attend.

Assistant Town Clerk Sue Fayne Swore in Animal Control Officer John Greenhalgh, William Muldoon, Debbie Muldoon, and Erica Flynn.

It was stated that the complainants, Sharon Demers & Shawn Pare, were not present at the hearing.

Animal Control Officer John Greenhalgh provided a summary of the incidents.

Mr. Greenhalgh stated that there were three incidents where he had to quarantine Mr. Muldoon's German Shepard, 2-year-old Max. He stated that Max is territorial and doesn't like other dogs, especially in front of his house. He testified that he's not aggressive with people, but he does have an issue with some dogs in the neighborhood that attacked him at a younger age. Mr. Greenhalgh's opinion is that he's a good dog, he just needs to be controlled. Max loves to go to Erica Flynn's house to play with her dog, however Max doesn't like other dogs.

This became a public safety issue, when a neighbor, who was pregnant at the time, was knocked over by Max and her dog was bitten. Mr. Greenhalgh asked the question of how we confine Max without putting a label on the dog as being dangerous. His opinion is he either needs to be in a kennel or on a leash.

Mr. Muldoon stated that there isn't a leash law, so he can run free legally. Ms. Debbie Muldoon, daughter to William who recently moved in with him, stated that Max slips out of the front and side doors from her Dad, because her dad is 83 years old, making it difficult.

The Muldoon's stated that they have a letter from their K9 trainer that states that Max is not an aggressive dog.

Chair Basbanes asked if the yard where they live is fenced in. Mr. Muldoon answered that there is an area that is fenced in. He said that he's lived on Off Pond Street for 27 years and he's had many dogs. Max is the most intelligent, obedient and friendly dog he's ever had. Mr. Muldoon showed a few pictures of Max to the Board. He then spoke of a handy man who works regularly at his house, who is afraid of dogs. He said that Max has never shown him aggression and showed a photo of Max interacting with him.

Mr. Muldoon has had the dog since he was 8 weeks old. He bought him as a graduation gift for his grandson Trevor. Mr. Muldoon says he did a lot to socialize Max, he took him to the mall, Larter field, Off Pond St. for walks, and there never had been an issue. He said that Max loves to play with dogs, and in his opinion, if the neighbors were asked, they would say he's a great dog.

When Max was 14 months old, he ran over to play with Sheila's dog, and the dog bit Max on the leg. A friend, Will Hayden, who sent a letter, pulled Max away from the dog and Mr. Hayden was not injured.

As for the alleged biting of Sharon Demer's dog, Mr. Muldoon says there is no proof that Max ever bit that dog. Mr. Muldoon states he was in his home cooking when Sean Pare came over and told him that he had a vet bill for his (Sean's) dog, because his dog was bitten by Max, and asked him to pay it. Mr. Muldoon said he went back and forth thinking about it for about a week, and he decided to pay him the $1200 to keep peace with a neighbor, not because Max did anything. A few weeks later, the neighbors gave him another bill because they stated the dog got an infection from the bite. Mr. Muldoon stated he was never shown any proof.

Erica Flynn, neighbor to Mr. Muldoon, testified that she was not there for the incident in which Max bit Mugsy, but she had witnessed them playing prior to that without issue.

Per the incident in question, Max ran to Erica's porch, as he normally does, to play with her dog. Erica did not see Max on the porch, but then heard barking and saw that Max had run to the fence of the neighbor with the dogs on the other side. Erica did not see any biting or physical contact between the dogs. She states that Max is not an aggressive dog and there isn't enough room in the fence slats for Max to come in contact with the Demers dogs.

Chair Basbanes then stated that she has dogs, and to ensure that they don't wander or take off chasing something, her yard is entirely fenced in. It was suggested that Mr. Muldoon do something similar so that if Max slipped out of the door, he would still be contained safely in Mr. Muldoon's yard.

It was stated that when the dog leaves your home to go somewhere else, he's not in your control.

Vice Chair Meehan suggested an invisible fence as an alternative if he's unable to install a physical fence. Mr. Muldoon stated that they had thought about it, but he didn't think he needed to do that, but that he would investigate it.

Mr. Muldoon's daughter Debbie then came forward to share her thoughts, which supported Mr. Muldoon's opinions that Max is not an aggressive dog, that he's never assaulted a person, and that she did not believe that Max bit Demer's dog. She feels that her father is being taken advantage of. She did agree that Max would benefit from being prevented from getting outside and loose.

Selectman Mikol shared that he knows that this is a close-knit neighborhood and it's unfortunate that this is happening. He wanted to caution Mr. Muldoon that he has legal liability here, and if the dog has another incident, it will not have a happy ending. Selectman Mikol shared that he appreciates everyone coming and taking the time to discuss this issue. The neighbors Demer and Pare didn't show up and that is unfortunate. You're being put on notice tonight that you need to take care to prevent Max from having any other incidents. Selectmen Mikol then suggested that the Selectboard dismiss the case. He stated that the Board is here to protect the residents of the town and address the issue based on the recommendation of the Animal Control Officer.

Mr. Muldoon said he would get an invisible fence to keep Max contained. Erica Flynn expressed her opinion that she's concerned that an e-collar or invisible fence will not work. Max used the e-collar once and then the second time he didn't respond to it.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to dismiss** the Dangerous Dog complaint. **The vote was unanimous.**

Public Comments

Public Textile Recycle Bins (the Blue Bins) have been moved from the MUD District next to the Post Office, to the Highway/Veteran's Office building on Pleasant Street.

Approval of Meeting Minutes from May 28, 2024 & July 16, 2024 BOS Meetings*

The meeting minutes were reviewed by the Selectboard prior to the meeting and did not have any changes.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to accept** the meeting minutes from May 28, 2024 and July 16, 2024 as submitted. **The vote was unanimous.**

Appointments: Memorials & Monuments Committee – Amie Stevens*

A communication was sent out in July advertising a vacancy for the Memorials & Monuments Committee. We had 2 people step forward including Amie Stevens. The other person was willing to be a backup if needed.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was VOTED to appoint Amie Stevens to the Memorials & Monuments Committee. **The vote was unanimous.**

Appointment of Elderly and Disabled Taxation Fund Committee*

In the Special Town Meeting of 2023, the adoption of an Elderly and Disabled Taxation Fund and Committee was approved. The creation of this fund allows residents to donate via a checkbox and write in a dollar amount on their real estate and excise bills. This option went out for the first time on the last tax bill. If a resident's mortgage company pays their property taxes, they can contribute by sending a check to Town Hall. This fund will provide tax relief for elderly or disabled residents who need help with their tax bill.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to appoint** the Chair of the Board of Assessors, Brett Rock and Town Treasurer, Andrew Wall to serve on the taxation aid committee and to request the Town Administrator to solicit volunteers to serve on the committee to fill the remaining three vacancies. **The vote was unanimous.**

Bandstand Railing Replacement Contract*

The town went out with an IFB to replace the railing on the band stand. The town received a state earmark for these improvements, so to be clear, it is not coming from taxpayers. With the earmark we have replaced the roof, the stairs, some floorwork, and misc. other improvements. A very generous local contractor, Vanguard Construction, submitted a bid for $100 to give back to the community of Dunstable, as his family enjoyed the bandstand for many, many years at various town events. Their references came back glowing, and because the project is coming in so low, we will still have a balance remaining from the earmark and have through FY26 to use it.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED** to approve a contract with Vanguard Construction in the amount of $100 for the purposes of replacing the railing on the Town Common Bandstand and authorize the Chair to sign the contract on behalf of the Board. **The vote was unanimous.**

Personnel Policy – waiver of provision of family working in the same department – request from the Cemetery Commission*

There is a provision in the Personnel Policy regarding relatives and family members, prohibiting them from working in the same department if hired after 2010. The current Cemetery Superintendent is related to the former superintendent. The request from the Cemetery Commission is to waive this provision so the former superintendent can train and transition the responsibilities to the new superintendent. Sue Psaladakis, member of the Cemetery Commission, supports waiving the provision in this case to allow for a smooth transition. She stated they had 5 applicants for the position, conducted 2 interviews, and this person rose to the top. She has the experience & education required for the job. TA Silva said she was quite impressive. Sue requested that they are provided 6 weeks for the transition.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, at the request of the Cemetery Commission, **VOTED to waive** the provision of the Town's Personnel Policies under the heading "Appointments" on page 10 which states:

"It is the policy of the Town to prohibit relatives from working in the same department provided that this rule shall not apply to relatives working in the same department prior to October 1, 2010"

during the transition period for the position of Cemetery Superintendent, not to exceed 6 weeks from August 26, 2024. **The vote was unanimous.**

Private Signs on Public Property Policy*

A policy was drafted and presented to the Selectboard for consideration. The policy is called the Signs on Public Property Policy, which is for property under the jurisdiction of the Selectboard. The right of way bylaw cares for private signs too close to the road. This is not a bylaw, just a policy.

The purpose of this policy is to maintain the aesthetics, safety, and order of public property within the Town of Dunstable.

Prohibitions

- *No private signs shall be placed, erected, or affixed on any public property within the Town limits.*

Exceptions

- *This prohibition does not apply to signs placed by the Town for official purposes, such as traffic signs, public notices, and event signage.*
- *Temporary signage for town-sponsored events may be permitted upon approval by the Select Board or their designee.*

Enforcement

- *Any private sign placed on public property without authorization will be subject to removal by the Town without prior notice.*

There was a brief discussion regarding what are considered "Town Sponsored Events," and it was determined that they would be events put on or sponsored by the Town of Dunstable.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** the policy to regulate sign placement on public property as presented and dated August 13, 2024. **The vote was unanimous.**

Fee Increases*

Sue Fayne reviewed the proposed fee increase for the Selectboard for Permitting, Treasurer/Collector, and Town Clerk. She mentioned that Point Software increased their fee from $10 per permit to $12 per permit in July, so that is also reflected in the proposed increases. There was a brief discussion regarding the fee amounts and it was agreed that we will review fees on an annual or bi-annual basis.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** the fee adjustments as presented and request that the Town Administrator's office post the new municipal fee schedule on the website. **The vote was unanimous.**

ARPA Fund Reallocation: Selectmen's Newsletter and Town Hall Boiler Repair*

2 Bills were presented for approval. The first was from Wilson Brothers, which is to replace the boiler pips due to condensation leaking. The boiler has been off since this started to prevent any more damage. The second was an invoice from DS Graphics for the printing of the Selectmen's Summer newsletter from July 2024.

The ARPA deadline is the end of the calendar year to fully commit the money, and the end of FY26 for the money to be spent.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** the payment of an invoice from DS Graphics in the amount of $354 for the printing of the Select Board newsletter and allocate $5,500 to repair the Town Hall boilers' condensate drainage pipe, backflow preventer, and boiler zone circuit from the ARPA MS4 Stormwater Allocation. **The vote was unanimous.**

Nashoba Valley Medical Center Emergency Declaration

The Selectboard discussed the official resolution requesting an emergency declaration regarding the proposed closure of the Nashoba Valley Medical Center. They are a large employer in the area, our EMS goes there, and our Dunstable Residents use the hospital.

On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** the Official Resolution Requesting Emergency Declaration Regarding the Proposed Closure of the Nashoba Valley Medical Center dated August 13, 2024. **The vote was unanimous.**

Warrant for State Primary Election 2024

A request by the Town Clerk to approve the posting of the State Primary Election Warrant for 2024.
On a **Motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was VOTED to approve the posting of the Warrant for the 2024 State Primary at the Post Office, Town Hall, Police Station, and Library. The vote was unanimous.

The meeting was adjourned at 7:30 PM.

Respectfully Submitted,

Sue Fayne
Executive Assistant

Approved on September 10, 2024