



# TOWN OF SHREWSBURY

Board of Selectmen Meeting  
Board of Selectmen's Meeting Room  
Richard D. Carney Municipal Office Building  
100 Maple Avenue  
Shrewsbury, Massachusetts 01545-5398

Tuesday, July 14, 2020 - 6:30 PM  
MINUTES

**Important Notice:** Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the **Shrewsbury Board of Selectmen** will be conducted via remote participation to the greatest extent possible. All meetings and hearings listed in the agenda will also be done so through remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at [www.shrewsburyma.gov/coronavirus](http://www.shrewsburyma.gov/coronavirus). For this meeting, members of the public who wish to listen or watch the meeting may do so by visiting <https://www.shrewsburymediaconnection.org/>. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. To participate in the public comment portion of this meeting, dial [1 747-248-7354] and enter the following pin: [153 991 490#]. Please mute your device until the Chair of the Board of Selectmen addresses your agenda item or opens the meeting to public comment.

**Present:** Ms. Beth Casavant, Chair, Mr. John Lebeaux, Vice-chairman, Mr. John Samia, Clerk, Mr. Maurice DePalo, Selectman, Mr. James Kane, Selectman

**Also Present:** Mr. Kevin Mizikar, Town Manager, Ms. Kristen Las, Assistant Town Manager, Mr. Stephen Madaus, Town Counsel

Ms. Casavant called the meeting to order at 6:30 pm and read the remote script verbatim.

## Preliminaries:

### 1. Approve bills, payrolls and warrants

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to approve warrants 2051, 2057S, 20106, 20106ME, 2059S, 2053, 20108, and 20110 as presented.

### 2. Approve Minutes of June 23, 2020 and June 30, 2020

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to approve the minutes as written.

### 3. Announcements/Reports

Ms. Casavant announced that FEMA announced the allocation of the AFG – Supplemental Program Awards. The Shrewsbury Fire Department will receive a grant in the amount of \$46,563.64 for emergency medical Personal Protective Equipment (PPE) and disinfection/decontamination supplies and equipment used in their responses to COVID-19 incidents.

Ms. Casavant also announced some recent retirements. Michael Hale, SELCO General Manager with 32 Years of service. The Board and Mr. Mizikar discussed his retirement and history of employment and their appreciation of his service. Ms. Casavant also noted the retirement of Sargent Alfred Pratt with 27 years of service and Sharon Horne, Admin Assistant in Water Department with 27 years of service.

#### **4. Town Manager's Report**

Mr. Mizikar gave an overview of the new Police Chief Kevin Anderson who began with the Shrewsbury Police Department in August 1994. He has served as Patrol Officer, Detective, Sergeant, Dt. Sgt, Services Lt.; Ops Lt.; Dt. Lt. Mr. Mizikar discussed the Town Meeting presentation approach of pre-recording presentations on all articles in order to reduce the time at the Town Meeting. Town Meeting Members will still be able to answer questions and the Town will ensure that Town Meeting Members have all the information required to vote. The Police Station Building Committee has also met and a lot of work has been done, and Mr. Mizikar looks forward to working further with the committee.

#### **Financial Business:**

##### **5. Budget Report**

Mr. Mizikar stated that he is working diligently in finalizing fiscal projection 1 and will send it to the Board this week. Mr. Mizikar provided an update on local receipts and stated that the Town has collected 98.2% of property tax revenue.

##### **6. Review and act on the Monthly expenditure plan for August 2020 for the General Fund, Water Services Fund, Sewer Fund, PAYT Fund, Stormwater Fund and PEG Access Fund and authorize the electronic submission of the plan in accordance with the Division of Local Services Bulletin-2020-6**

This request is for \$14,177,335. Once town meeting occurs, the town will move on to the full budget and the monthly budget appropriation will not be active. On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to approve the Monthly expenditure plan for August 2020 for the General Fund, Water Services Fund, Sewer Fund, PAYT Fund, Stormwater Fund and PEG Access Fund in the Amount of \$14,177,335 and authorize the electronic submission of the plan in accordance with the Division of Local Services Bulletin-2020-6.

#### **Special Reports/Actions/Updates:**

##### **7. Coronavirus/COVID-19 from Town Manager**

Mr. Mizikar stated that there have been 13 Cases Since the Boards last meeting of June 23<sup>rd</sup> at an average of 0.93 new cases per day, a total of 329 Positive Cases Since March 19. This pushes the average number of cases per day to 2.99 which is a continuation in the favorable trend. The highest daily trend was 7 cases per day over the seven days of April 29 to May 5. The Town Hall is open to the public by appointment only. Appointments can be made by contacting the department(s) that you would like to do business with.

#### **Meetings/Hearings:**

##### **8. 7:10 pm: Meeting with Christopher Mehne, Town Moderator, to Discuss the Time, Date and Location Annual Town Meeting**

Mr. Mehne stated that there has been discussion following the last meeting after the first continuance was made. The current announced date is Wednesday July 29<sup>th</sup> a 7pm at Shrewsbury High School. Public health advisories are strongly discouraging indoor gatherings. The Town will take all steps to make sure the meeting is held as quickly and efficiently as possible. There has been discussion on holding the meeting at the middle school campus outdoors on Saturday August 8<sup>th</sup>. The Board expressed their support for postponing the meeting to August 8<sup>th</sup> morning at the Oak-Sherwood Middle School campus and discussed the logistics. The sense of the Board was to proceed with the rescheduling of the Annual Town Meeting. Mr. Mehne will issue another declaration of continuance.

**9. 7:15 pm: Public hearing with Christopher Mehne, Town Moderator, to consider and possibly act a quorum level adjustment of Town Meeting quorum requirements for the 2020 Annual Town Meeting pursuant to Section 7 of Chapter 92 of the Acts of 2020**

Mr. Mizikar reviewed the provisions of Section 7 of Chapter 92 of the Acts of 2020.

Jason Molina, 31 Wachusett Ave– spoke on the matter and stated that a fair way to approach it could be reduce the quorum relative to the number of Town Meeting Members aged 60 or over.

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to close the hearing.

The Board discussed their preference on reducing the quorum. Mr. Samia suggested decreasing the quorum to 80 people, or 1/3. Mr. Kane suggested that no adjustment be made to the quorum. Mr. Mehne stated that he would consent to a 1/3 reduction but would feel more comfortable to decrease the quorum to 50, or 61 people.

Mr. Lebeaux moved that given that the rescheduled Annual Town Meeting will occur during the State of Emergency declared by Governor Charles Baker on March 10, 2020; and in accordance with Chapter 92 of the Acts of 2020; and in order to ensure the mandatory business of the Town be completed at the rescheduled meeting, that the Board vote to reduce the number of voters necessary to constitute a quorum to 61 voters, which is 50% of the normal quorum. Seconded by Mr. Kane, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-no, Mr. DePalo-yes, Mr. Kane-no, Ms. Casavant-yes, the Board voted in support 3-2.

**10. 7:30 pm: Continued Public Hearing with Keith Lindem, Proposed Manager, 81 Clinton Pub, LLC, d/b/a Billy's Pub, 81 Clinton Street, for an All Alcoholic Beverages Pouring License and Entertainment License. Hours of Operation Sunday through Saturday 11:00am-2:00am. Hours of Entertainment Friday and Saturday 7:00pm-11:00pm**

Keith Lindem and Joe Duggan appeared before the Board. Ms. Casavant asked for an update on the outstanding items, the payment of delinquent taxes, the balance on water & sewer bill, and the outstanding permit & inspections. Mr. Duggan stated that there are issues to deal with and he is preparing to deal with everything and still needs to reach out to the tax department and insurance companies. Within the next week, everything will be in place. Mr. Duggan requested another continuance. There has not been any payments made on taxes, and there is still a balance on water & sewer and taxes. Mr. Duggan said everything is in place for inspection and ready for inspection and claimed the gas was turned off for non-payment.

Ms. Casavant stated that the Town Manager office and the Board was accommodating to the continuance since February and the Board was not inclined to continue the hearing again. Mr. Duggan claimed he would get an attorney and sue the building inspector and has expressed a lot of hostility. Mr. Kane stated that months ago, Board members expressed concern on lack of progress, and believes the application should be denied until the application is complete and the issues are rectified. Mr. Mizikar stated that the license fee from calendar year 2020 would be refunded and the application fee is non-refundable. On a motion by Mr. DePalo, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to close the hearing. On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to deny the application.

**11. 7:45 pm: Public Hearing with Melinda Springer of 47 Memorial Drive to consider violations of nuisance dog orders relative to tag no. 2196 and tag no. 2197 pursuant to M.G.L. Chapter 140, Section 157**

Ms. Casavant: The Board of Selectmen has scheduled this dog hearing to take testimony and consider evidence to determine whether owner Ms. Melinda Springer, residing at 47 Memorial Drive, has violated the nuisance dog order from March 13, 2019 in which Bruno, tag # 2196, and Poppy, tag #2197 were found to be nuisance dogs pursuant to General Laws Chapter 140, Section 157.

1. The law requires that the Board of Selectmen investigate complaints of this nature and also requires us to conduct “an examination of oath of the complainant.”
2. As such, I will ask that all those who will testify be sworn in before testifying. This includes those on all sides of this issue. I ask that all that wish to be heard on this matter state your name and address when I open the matter up for discussion. I will ask that you raise your right hand and say “I do”
3. This is the order in which we will proceed.
  - a. I will ask that the complainants testify first. That will be Ms. Jane and Mr. Edward Headberg of 34 Patriot Lane.
  - b. I will then ask that to hear the comments of the other witnesses that wish to speak.
  - c. I will then hear from our Animal Control Officer: Keith Elmes
  - d. I will then hear from the dog owner: Ms. Melinda Springer and/or your attorney if you wish
  - e. I will then allow Ms. Springer or her attorney the opportunity to question the witnesses.
  - f. In all cases any questions should be directed through me. I ask that you be courteous
  - g. Once the questioning is concluded, I then will ask Ms. Springer if she has any witnesses and if so, we will hear their testimony.
  - h. At the conclusion of that testimony I will ask the Board for a motion to close the hearing and then the Board will go into a deliberation phase to make a finding. This will be done in open session and a motion will be made by a member of the Board of Selectmen as to our findings. Those findings can be any of the following:
    - i. There is no finding since the dogs were already deemed a nuisance
    - ii. The Board may, if it deems necessary, alter the existing order by modifying the existing requirements
    - iii. The Board may, if it deems necessary, add additional requirements to the order in order to reduce the barking
    - iv. The Board may, if it deems necessary, determine there is nothing further for the Board to order

4. I will start with the testimony of Mr. & Ms. Headberg

The owner may bring petition in the district court within 10 days of this hearing to have it reviewed by the court or a magistrate of the court. Mr. Headberg, if you are present...

Mr. Cohen- Good evening, this is Jeremy Cohen, Attorney with Boston Dog Lawyers, I am representing the complainants, the Headbergs. I have a few opening comments before we get to the Headbergs testimony.

Ms. Casavant- I need to swear you in first.

Mr. Cohen- I'm not providing testimony just some comments and roadmap for what you'll hear, but I am not a witness. You're here tonight, because for the last 490 days, the nuisance order that was put in place hasn't been adhered to. I've watched the hearing from March 13<sup>th</sup> and the hearing tonight is not about the dogs at all, it's about the owners and the power that the Board has to enforce the order that it put in over a year ago. The Board has a duty to the residents who live with my clients and are neighbors to them to solve the problem and take immediate action here. I've read the letters and so have you, it's a miserable existence for these people because the dog owners don't take accountability. It's simple to see that they don't take accountability because their defenses at the last hearing, that “we're high-paying taxpayers” is not a defense to whether or not they're harboring nuisance dogs. Today I received comments from Ms.

Springer in defense of her position saying that my clients are harassing her, she refers to them as being old, and she suggested if they didn't want to have this happen they should have purchased the property themselves. She posted on Facebook that the dogs are wearing these bark collars because they have evil neighbors, which isn't true, it's because the Board imposed that, and then they also posted something that says you shouldn't live next to a farm if you don't want to deal with the livestock and the issues that come with it. There's also a provision where they're trying to be defended by the USDA right to farm, that's a dangerous area because the Massachusetts Department of Agriculture particularly carves out nuisance violation for dogs in this instance. The Board is well aware that the nuisance barking has continued for the last 16 months. I've submitted a packet of about 27 pages, I've tried to limit it to mostly the complaints just in 2020, and I've also provided you with the relevant laws that are in your hand about what you can do to enforce the very order that you voted on. The consequences for what these neighbors are doing by not adhering to the order, should be severe. If you read the law I proved you with under 141:57, they can be jailed, they can be fined, and their dogs can be seized. At any time an animal control officer or member of law enforcement can go to the property and insist that the dogs be restrained or impounded. This is within your rights to do it, this shouldn't have been going on for the last year but were here tonight to fix it. First we'll hear from the Headbergs I believe it will be Jane Headberg, we're not going to walk through the last 490 days but she will at least walk you through the issues that have come up since the last hearing, and we certainly appreciate the investigation done by this Board. Unlike many Boards, I know many of you have gone out and done your own investigation and that is greatly appreciated.

Mr. DePalo- Typically we swear in all the people that are going to testify at one of these hearing before they start their testimony. It would be a good idea if we took a pause and do it now because remote meetings may make it difficult to keep track of who is or who is not sworn in.

Ms. Casavant- That was my thought as well. Thank you Mr. DePalo. Mr. Headberg, please raise your right hand, do you swear to tell the truth the whole truth and nothing but the truth, is so then please state I do.

Ed Headberg – I do.

Ms. Casavant - Ms. Headberg, please raise your right hand, do you swear to tell the truth the whole truth and nothing but the truth, is so then please state I do.

Jane Headberg – I do.

Ms. Casavant – Please proceed with your testimony.

Mr. Cohen – Jane can you please identify yourself?

Jane Headberg – This is Jane Headberg, from 34 Patriot Lane.

Mr. Cohen- How long have you lived here?

Ms. Headberg- Since June 2013, just over 7 years

Mr. Cohen – Since the hearing, have you kept track of the barking of the Springers dogs?

Ms. Headberg – I kept track of it randomly, and then in September 2019, specifically on the 26<sup>th</sup>, My husband and I and several of our neighbors had requested a meeting at which time we had a meeting with Mr. DePalo and Mizikar and several other residents of Patriot Lane and they had asked us at that meeting if we could keep a more detailed report of the barking. Beginning the following day, September 27<sup>th</sup> I have been keeping a running report of that barking log on a day to day basis, every day, from September 27<sup>th</sup> until today. I now have 20 pages.

Mr. Cohen- You have supplied, which I now have shared with the Board, the months of April, May and June correct?

Ms. Headberg – correct.

Mr. Cohen – for the Board that’s pages 21, 22, 23 of our packet. Where do you keep this log?

Ms. Headberg- I keep a large pad of 9 ½ by 11 lined paper with a pen on top of it on my kitchen counter and it never moves from there.

Mr. Cohen – Just looking at the 3 months you supplied, it appears there is notations on every day. Without explaining every day, how often do you write in this log and how often do you write in it and why?

Ms. Headberg- There are days that there are 5,6 or 7 different entries, there are a couple of days where I may make 1 or 2 entries, Specifically I do it when we first hear the barking in the morning, the very first entry on every single day regardless of what time they come out, until the last bark at night and whatever occurs during the day.

Mr. Cohen - What qualifies as an entry? I mean if the dogs are just, you can’t log every single time they bark, certainly the dogs are allowed to bark, what qualifies as an entry?

Ms. Headberg – I would say if the barking continues more than a half hour at a time, I will log that down. Sometimes it will continue and I will just keep noting, an hour later the barking is still going on, an hour and a half later the barking is still going on.

Mr. Cohen- Ok so you are still under oath, and under oath will you confirm that the submissions that we did for April, May & June are accurate records of the barking with essentially 30 minutes or more required to be an entry?

Ms. Headberg – Absolutely.

Mr. Cohen, Ok, why don’t you tell us about a few of them and how they have impacted you since the nuisance order has been put in place?

Ms. Headberg – So I didn’t want to go back to 2019 from after the hearing because like I said I started keeping the detailed logs after the meeting in September 2019.

Mr. Cohen- Ok so bring us to a few of them right now.

Ms. Headberg - So the beginning of the year in January, January of this year was a particularly bad month, and I made note particularly on Thursday January 30<sup>th</sup>, the dogs actually didn’t go out that morning until 9:30, but I had noted that it was non-stop, and when I say non-stop I mean that these dogs bark without taking a breath, that continued until 10:15 that morning. At 10:15 I called Animal Control and left a message. I didn’t hear back from him. They were still barking at 11:20 that day, they were still barking at 11:45, at 11:50 I called Animal Control back and left another message. They were still barking at 1:10 in the afternoon, I left, I had to some errands, I came back at 3:15, they were still barking, Animal Control actually did call me back before they left that day at about 4:15, I had discussed this with him and he happened to mention to me that because this happened to be the last day in the month of January, that he had received over 50 calls for January 2020.

Mr. Cohen – Ok, and when this barking occurs, in your home. how does this impact you ?

Ms. Headberg – It affects our total quality of life. I have been working from home for a couple of years, and as I mentioned at the hearing in March 2019, there were times when it was so bad within my house, in my office, in the back of my house furthest from the property where the dogs are on, that I actually had to pack up my things in my car and go to my off-site business office. I can't do that right now, and haven't been able to do that since March.

Mr. Cohen – Does it impact things you do for pleasure around the house? Can you watch TV, sit outside, can you get some fresh air?

Ms. Headberg – We can no longer go and sit outside, we try and go sometimes and sit on the front porch because not my husband is working from home also, we don't want to eat on our back deck outside because we're afraid if we go out there and the dogs aren't barking when we go out there, that they will start barking when we're in the middle of eating. When we're in the house with the television on in our family room, we can still hear the dogs barking.

Mr. Cohen – ok, tell us, I want to bring you to July 3<sup>rd</sup> of this year, over the Holiday, the 3<sup>rd</sup> and 4<sup>th</sup>, tell everyone about that day.

Ms. Headberg – So, we're pretty sure that the Springers are, have not been, present at their property for the last couple of weeks...

Mr. Cohen – Tell us about the dogs...

Ms. Headberg – So that Friday, July 3<sup>rd</sup>, the dog went out at 8:25 in the morning and they barked non-stop until 9:55. They were still barking continuously at 12, noon. I called the Animal Control at 1:35, assuming that he might be there but I wasn't sure because that was a holiday for a lot of people. I left a message, and at 3:00 the dogs were still barking. At 3:15 I had to call the Shrewsbury Police Department and ask them to send somebody up there. The dogs were still barking at 5:00 that evening and I told my husband that I could not stay home any longer, If he wanted to stay home he could but I could no longer take it in the house. I packed up some things in my car, at 5:00 on Friday July 3<sup>rd</sup> I said I am going to go buy a newspaper and I am going to go sit in a parking lot somewhere, read the newspaper, and please send me a text, this is what I told my husband, send me a text when you are absolutely sure that the dogs have been out in for the evening. At 6:15 when I wasn't home, my husband called the police department because they were still barking and at 8:15 my husband sent me a text, I was in a parking lot at a Westborough Shopping Center, and said, I am pretty sure that the dogs have stopped barking you can come home.

Mr. Cohen – In 2020, how many times do you think you've called Animal Control of the Police Department? About the barking dogs...

Ms. Headberg – In the last 6 months, I don't know, 60, 70 times.

Mr. Cohen – Do you call them every time the dogs are barking?

Ms. Headberg – no, no, no, not at all.

Mr. Cohen – So, if the measures that were put in place last year, the bark collar in particular, based on what you're witnessing, hearing and seeing, has the bark collar been effective?

Ms. Headberg – not at all.

Mr. Cohen – Where you live, it's an adult community. Correct?

Ms. Headberg – correct, yes.

Mr. Cohen – How do you respond to the defense that you’ve been deceptive in your timeline and you don’t have credibility when it comes to this and you’re just harassing the farm owners? How do you respond to that?

Ms. Headberg – Well, if I’m being un-credible and embellishing anything then there are numerous other people in this neighborhood that are also doing the same thing.

Mr. Cohen – Is there anything else you want the Board to know about your existence with these dogs?

Ms. Headberg – The only other comment I have to make is that at the last public hearing I know that the Melinda Springer had noted that the dogs were put into the barn every evening at 6pm, and since my detailed barking log in September 2019, there has never been, my last entry on the log every day is the last time I hear them bark, and there has never been a day that those dogs have been in the barn at 6 o’clock.

Mr. Cohen – Ok, the order that was issued requires them to be in the barn from 9pm to 7 am.

Ms. Headberg – That’s correct.

Mr. Cohen – So, does any of your logging show that that has not been the case?

Ms. Headberg – I have heard them, only a few times after 9 o’clock because I understand that that’s the time they have to be in according to the orders, but the only reason that I wanted to point that out was because the Board has been told that the dogs were in the barn every night at 6 and I had to clarify that to say that the dogs are never in the barn at 6 o’clock at night.

Mr. Cohen – Ok, at the last hearing you testified that your biggest fear leading up to that hearing, how many months has it gone on with how many calls you had to make, how many letters you had to write, but that you hadn’t seen any change to the behavior. Is that fear still in existence?

Ms. Headberg – Absolutely.

Mr. Headberg – yes.

Mr. Cohen – Mr. Headberg, anything you want to add?

Mr. Headberg – Just whatever help the Board could give us to keep the dogs quiet would be much appreciated.

Mr. Cohen – I think we have one or two other witnesses that want to testify, based on your procedural...

Ms. Casavant – I would need to swear them in Mr. Cohen

Mr. Cohen – Thank you. It’s Deb and Rob Luke.

Ms. Casavant – Mr. and Ms. Luke, if you’re present...

Ms. Luke – Yes we are.

Ms. Casavant – Ok, very good, I'll start with Mr. Luke please, if you could raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth, if so then please state , I do.

Mr. Luke – I do.

Ms. Casavant - and Ms. Luke, if you could raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth, if so then please state , I do.

Ms. Luke – I do.

Ms. Casavant – Very good, please proceed,

Mr. Cohen – Thank you. Deb Luke, can you just identify yourself and where you live?

Ms. Luke – Yes, Debra Luke, 28 Patriot Lane in Shrewsbury.

Mr. Cohen – And how long have you lived there?

Ms. Luke – August 23, 2011 my husband and I purchased and moved into our home.

Mr. Cohen- Do you have a dog?

Ms. Luke – Oh no, no.

Mr. Cohen – So, you were present at the hearing in March of 2019?

Ms. Luke – I was not, I was home recovering from shoulder surgery but my husband was.

Mr. Cohen – Ok, since the hearing in March of 2019, have you been able to see a difference in the nuisance barking by the springer dogs?

Ms. Luke – Not at all.

Mr. Cohen – So what is a typical day like for you?

Ms. Luke – A typical day they start sometime early in the morning, we do not keep a log like Jane does because she has been diligent in this and I must give her credit, but we simply just don't do it. We call when they bark a lot, we don't call every day, but if they are particularly bothersome, we call. And when they are particularly bothersome, we write letters to the Board of Selectmen. And we have notes on the days that have been particularly bad. I can give you an example.

Mr. Cohen – Please do.

Ms. Luke – Ok, the Board had indicated that the dogs are supposed to be in the barn from 9pm until 7 am. On May 17<sup>th</sup>, they started barking at 5am, and they continued barking for most of the day. I know we're not the only neighbors that noticed this because other neighbors commented to us on that.

Mr. Cohen – So, I just want to understand, some people may not be bothered by the barking. Is this barking for a couple of minutes, or how long does this go on? More importantly, how does this impact your life at the house?

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Ms. Luke – Well it impacts us in that, we can't keep our front door open because the barking is so loud, and it disturbs our peace, I have numerous hobbies, we're both retirees, so is my husband, it affects our quality of the work that we do on our different hobbies, it also affects our peace of mind, and it also affects my husband's blood pressure. He's under doctor's treatment for high blood pressure and the barking really exasperates it because it goes on for hours sometimes. We had one day, June 8<sup>th</sup>, where they barked all day. I can check my phone log and tell you. July 3<sup>rd</sup> I have to go this one because I know Jane already spoke about it, I called police dispatch at 9:59 in the morning they had been barking since 8:30 as far as I know. I called police dispatch again at 11:21. They said they would do something about it. I called police dispatch again at 3:21, nothing had been done as far as I know and the response I got from the police dispatcher was, what do you want us to do? I said, I want you to do something about it, please go up there or something and have the dogs stop. At 6:14, they still had not stopped and I called police dispatch for the 4<sup>th</sup> time. I did not call the animal control officer because it was July 3<sup>rd</sup> and it was my understanding right or wrong, that it was the holiday so I didn't think the Animal Control Officer would be around. That was followed by July 4<sup>th</sup>, in which they barked all day again. We don't call every day. We get really tired of this, it is so tiresome. We also cannot sit on our back porch to have dinner, or enjoy the quiet and the green trees all around us because the dogs bark so loudly sometimes. Now, our front of the house faces the Springers property, you have to walk through our whole house to go on our back deck, we could be sitting on our back deck at times and they're so loud it just disturbs us, we can't stay out there. But then we come in the house sometimes and even with the air conditioning on and the house closed up and the TV on, we can still hear them.

Mr. Cohen – I saw a letter from you and your husband that said you have the TV on, the washing machine on, the dryer on, and you can still...

Ms. Luke- Oh yeah, absolutely, you can still hear them, yes.

Mr. Cohen – Speaking about, you've been asked, well what do you want to have done, I know that you and I have discussed some remedied here. Has what's been in place, has the bark collar, in your experience, has the bark collar been effective?

Ms. Luke – No not at all, to be an effective bark collar means the dogs don't bark. Not that the dogs have it on, and they continue to bark. I think that with the Board out the original order in place that they were to wear bark collars, there was a little bit of a flaw in that and they should have said that they had bark collars that worked and stopped them from barking. Not that they just wear bark collars, because I think the Springers defense has been, and the Board has also gone long with this, that they are in compliance, they're wearing bark collars, but if the bark collars don't work what good are they?

Mr. Cohen – One of the components of the order was that Poppy & Bruno were to be placed in the barn any time there is workers on the property. Has that been the case?

Ms. Luke – That I wouldn't be able to speak to. I really don't know.

Mr. Cohen – How about that they're to be kept in the bark from 9pm to 7am? I think you spoke to that a little bit already, was that just a 1 or 2 time thing?

Ms. Luke – See, the early morning has been an odd occurrence, we were just so surprised by that. And my husband is an early riser, and he gets up and he cleans, he does paintings, and he hears the dogs barking, it's very disturbing at 5o'clock in the morning you don't expect that.

Mr. Cohen – What else do you want to share with the Board?

Ms. Luke – Well we'd like to say, you know we moved here and there were people who owned, I don't know horses or something up there, we didn't even know who the neighbors were, there were never any issues/ The dogs moved in and it has been one day after another of barking and its really gotten old. I think my husband would like to say something also.

Mr. Cohen – Before he does, part of the submissions from the defense here are that while you've been living there, you named imparticular with Jane. Not only are you fabricating this, but that there's a hundred pages of police reports of you complaining about the previous owners at the farm. Is that true?

Ms. Luke – No, (laughing) as a matter of fact, its laughable because it's my understanding from speaking to Charlie Kasperson who is a neighbor on the street and who has lived here as long as Adams farm has been in existence. He's one of the first residents, there were some issues with a dog that the previous owners has that was running wild through the streets, that was before we moved here, I have nothing to do with that. And I think if you look at the names of the complainants, if they're recorded, my name will never show up there. I have never called anyone about anything before we started calling about these dogs.

Mr. Cohen – Has there been any time since the Springers moved in that they have apologized or accepted accountability for any of the disturbances that you've described?

Ms. Luke – Oh no, never

Mr. Cohen – Are you aware that Ms. Springer has said that if you wanted to make sure that this noise would never happen or that the place would never be occupied that you should have purchased the property when it was for sale?

Ms. Luke - No I was not aware of that, and that's a little silly if you ask me, but so be it.

Mr. Cohen – Tell me about the no trespassing signs or keep out signs.

Ms. Luke – Oh, It's my understanding that you know, the fence went up, and then there were a few time there and it's my understating that there are 84 or 85 signs that are posted along the perimeter of their property. And highly offensive, I don't know if they're expecting you know an onslaught of senior citizens to come barricading, you know, marauding senior citizens on their property, or what they're expecting. All we want is peace and quiet, which is what we had before they moved in. No barking dogs please. I don't care what they do on their property, that's their business. But please, make the dogs be quiet.

Mr. Cohen – But you understand that dogs, they can bark. There are times when the dogs should be able to bark.

Ms. Luke – We understand that, we have no problem with that. If the dogs bark once or twice a day that's fine. It's the continuous barking that goes on for hours that is really bothersome.

Mr. Cohen – Ok, the Board will hear from Mr. Luke now.

Mr. Luke – I think my wife covers most everything you need, I'm just asking the Board, this has gone on for over 8 months, it's made our life miserable and we loved living here before the dogs showed up and we're asking please, would the Board take some action and get this done? No more monitoring the situation, really do something to help us. Thank you.

Mr. Cohen – Thank you, as far as I know Madam Chair, I don't know anyone else that is wanting to testify but they may have shown up to the hearing.

Ms. Casavant – Ok, Is there anyone else?

David Roy – This is David Roy.

Ms. Casavant – Are you a neighbor sir?

Mr. Roy – Yes, I'm at 26 Patriot Lane.

Ms. Casavant – Ok and you would wish to testify?

Mr. Roy – yes.

Ms. Casavant – ok then I will need to swear you in. If you could raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth, if so then please state, I do.

Mr. Roy – I do.

Ms. Casavant – And I have to say, I apologize but I didn't catch your name.

Mr. Roy – It's David Roy, R-O-Y.

Ms. Casavant – Ok thank you, go ahead Mr. Roy.

Mr. Roy – So, I've lived here since November of 2011. And I was the one at the March meeting that had the extensive record of the barking. I keep thinking that, what's the difference between a disturbance and a nuisance? A disturbance is if a dog is threatened or something and it barks periodically, that just a disturbance, but when they keep barking, forever, that's a nuisance and that's what we're living with here. I know that for instance yesterday, I stepped outside at 3:15 and the dogs were barking for over an hour when I came back in. They started barking at 8:16 this morning and I listened for 45 minutes and then just stopped listening. I don't even think that they have dog collars on and if they do have dog collars only, they're not effective. You know, I would like an effective dog collar on these dogs or they should be trained to only bark when they're threatened not when a butterfly comes through or a rooster crows or a duck waddles because that's what seems to be going on there. Now I just want to support my other neighbor's observations that I suffer the same observations. That's what I wish to say.

Ms. Casavant- Ok, anyone else wishing to speak at this time in support of what the Headbergs were saying, neighbors from the Patriot Lane? Ok, remember if you're on a cell phone you will need to press \*6 to unmute yourself. Alright then we're going to move on. Is Animal Control Officer present?

Attorney Penelope Kathiwala- This is Attorney Kathiwala, I am representing Melinda Springer, is it the Board's intention to hear all of the witnesses first and then have questioning from Melinda Springers side or are we proceeding with first the complainants and go that way I'm just trying to get a procedure.

Ms. Casavant- Nope that's fine it as my intention to have the witnesses for the complainants then move on to the Animal Control Officer then move to the Springers and you as their attorney and then those witnesses and then we would close the hearing.

Ms. Kathiwala – Ok, thank you I just wanted to get the procedure down.

Ms. Casavant- That's fine, no problem at all. Ok let's go back to Animal Control Officer Keith Elmes , I will swear you in next. Please raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth, if so then please state, I do.

Mr. Elmes – I do.

Ms. Casavant – Ok, you are all set to provide your testimony.

Mr. Elmes – As we know, as we've heard from the Headbergs and the Lukes and their attorney and the other resident on Patriot Lane, this is been an ongoing issue for quite some time. In my observation they have called pretty frequently with their complaints regarding the dogs barking, when I have responded up there which has been numerous times, I will hear the dogs bark occasionally. Often I get up there, it could be a result of, sometimes I'm not always able to get up there within you know a half hour or so, but generally when I go up I hear pretty quiet, which to me kind of days that the barking is, while its frequent, it seems to be intermittent. Back in march 2019, the Board did deem the gods a nuisance. They did order the dogs to wear bark collars, be in my 9pm, receive training, and to be put in the barn once outside contractors came in to the property. As far as where to go from here, I mean, with everything that's gone on over the past year we know the bark collars are not effective. I have suggested to the Springers in the past to try a different collar or mode of action or a different delivery system to get the dogs to reduce the barking, so far they've never really been accepting of trying something else. The collars that are in place now were approved by the former Animal Control Officer and they want to stick with those. I do also notice when the Springers do go on vacation there does seem to be a large spike in the complaints from the residents on Patriot lane, those weeks there has been a lot more calls. They usually leave them in the care of the tenants that live on their property and I'm not sure what the cause is, I believe the dogs are left to their own devices for most of the day I'm not sure if those tenants go off to work but we tend to get a lot more complaints during those weeks. As far as I can see from here there needs to be something put in place where they have a more effective system to control the barking. The dogs generally are in compliance, almost always, where the dog are to be inside by 9pm not out before 7, so these complaints are coming during the day during business-like hours but I do think we need to order a different type of collar, at least explore that option, to get control of the barking because what's in place now just hasn't been effective. That's what I have, I'm happy to answer any questions from the Board.

Ms. Casavant – Ok, before we entertain questions from the Board I would just like to continue on with the testimony and then when the testimony is complete we will circle back for Board member questions. Thank you Mr. Elmes.

Mr. Elmes –You're welcome.

Ms. Casavant -Ok that brings us to the Springers and their attorney. I apologize in a virtual setting like this it's a little bit difficult to know exactly who is he on, agsin I know the attorney is present, is it both Mr. & Ms. Springer or just Ms. Springer?

Melinda Springer – Hi, me and my husband are both here thank you.

Ms. Casavant – Ok, I will need to swear you both in then one at a time. We will start with Ms. Springer. Please raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth, if so then please state, I do.

Ms. Springer – I do.

Ms. Casavant – Now Mr. Springer, please raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth, if so then please state, I do.

Mr. Springer – I do.

Ms. Casavant – Alright then we can proceed. If your attorney is going to be speaking, it's \*6 to unmute.

Ms. Kathiwala – (unmuting) Just reiterating what I already said and nobody heard was that any openings are certainly just an opening and I understand that (**my brother said a lot of extraneous- {inaudible}**) things which I think we should just focus on what's going forward. So with that, Melinda Springer, you will go first, Can you tell the individuals where you live and the address of your property just for the record. Melinda?

Ms. Springer – We live at 47 Memorial Drive in Shrewsbury, Massachusetts.

Ms. Kathiwala – Can you tell the board what kind of dogs you have, what is their breed?

Ms. Springer – So, we have two livestock guardian dogs, they are Great Pyrenees, named Poppy & Bruno.

Ms. Kathiwala – And sometime last March of 2019, you recall a hearing with the Board with respect to the two dogs, do you not?

Ms. Springer – Yes, I was there.

Ms. Kathiwala – And as a result of that decision, you spoke to the then commissioned Animal Control Officer, do you recall that?

Ms. Springer – Yes.

Ms. Kathiwala – And what was that individuals name?

Ms. Springer – It was Ms. Pease.

Ms. Kathiwala – And did you receive some information from her about bark collars?

Ms. Springer – Yes we did, and we did purchase them.

Ms. Kathiwala – And she was the Animal Control Officer for the Town for a number of years, isn't that true?

Ms. Springer – That's correct.

Ms. Kathiwala – Now at some point she gave you the information about the current bark collars that are on your dogs, isn't that so?

Ms. Springer – Correct.

Ms. Kathiwala – Did you buy those?

Ms. Springer – We did.

Ms. Kathiwala – And did Ms. Pease have an opportunity to see them?

Ms. Springer – She did.

Ms. Kathiwala – And tell us what else did you do in way of compliance with the boards outline of their decision, just quickly tell us.

Ms. Springer – They were enrolled in obedience classes, which they completed, they were put in the barn any time workers were around and we also installed fence around our almost 10 acre property.

Ms. Kathiwala – And what type of fence did you install?

Ms. Springer – a 6 foot cedar picket fence.

Ms. Kathiwala – You were not rewuored to put the fence up, were you, by the Board?

Ms. Springer – We were not.

Ms. Kathiwala – You did so at your own cost in an effort to make sure that you were in compliance with the dog barking, correct?

Ms. Springer – That is correct.

Ms. Kathiwala – And that was at a substantial cost to you, isn't that so?

Ms. Springer – That is so.

Ms. Kathiwala – Now, drawing your attention to Ms. Headberg (muffled...) and Mr. Headberg that have asserted that your dogs continuously bark like a half hour, and an hour, and twenty minutes, do your dogs bark that way?

Ms. Springer – To my acknowledgment, no dog barks (muffled...)

Ms. Kathiwala – can they bark for a half hour running or 45 minutes running, can dogs do that?

Ms. Springer – They can do it for about 6 minutes.

Ms. Kathiwala – Ok, and by the way, do you live on a main drag, do you not, one of the main drag up in that area?

Ms. Springer – Yes we do.

Ms. Kathiwala – Ok, do individuals with dogs come near your property?

Ms. Springer – We hear other dogs near our property yes, we don't see them through the fence.

Ms. Kathiwala – ok do individuals from the neighborhood, the Adams street area, so they walk their dogs in front of your house?

Ms. Springer – Yes.

Ms. Kathiwala – And over the time period since 2019 when all of this started, did you have occasion to call the dog officer about individuals coming on or near their property with their dogs?

Ms. Springer – I have never called the dog officer about other dogs in or near our property or barking.

Ms. Kathiwala – ok, did you take pictures of dogs?

Ms. Springer – I have taken pictures and videos of other dogs.

Ms. Kathiwala – Ok, and what if anything did you do with those pictures or videos? Did you show them to Ms. Pease?

Ms. Springer – Yes. I emailed them to Mr. Elmes or Ms. Pease, whoever it was, the current dog officer at the time.

Ms. Kathiwala – And when you emailed them or sent them, were the pictures of individual dogs at or near your property?

Ms. Springer – Yes.

Ms. Kathiwala – And moving on from there mam, you were able to get and, you were able, you undoubtedly got them from Mr. Elmes, the record from at least 3/29/19 to date of complaints from the Headbergs and Mr. Roy and basically Mr. and Ms. Luke right?

Ms. Springer – That is correct

Ms. Kathiwala – Now, you certainly were on the line here when Mr. Elmes testified, isn't that so?

Ms. Springer – That is correct.

Ms. Kathiwala – And did you have occasion, when you received, how did you receive the Animal Control Officer's record? Did you ask for them?

Ms. Springer – There was a public records request put in, and they were emailed to me by the Selectmen's secretary.

Ms. Kathiwala – Ok and those you've submitted to the Board or to Mr. Elmes?

Ms. Springer – Yes.

Ms. Kathiwala – Now, you do know mam, isn't it true, that Mr. Elmes has gone and surveilled your property after complaints were received, isn't that so?

Ms. Springer – That is so.

Ms. Kathiwala – And did you have occasion to read, on the number of occasions, that he was parked in various other individuals driveways or areas in an attempt to see if in fact your dogs were consistently barking?

Ms. Springer – Yes.

Ms. Kathiwala – Did you know he did that?

Ms. Springer – Yes, I did.

Ms. Kathiwala – And did you know that Ms. Pease did that?

Ms. Springer – I did.

Ms. Kathiwala – And in fact, there are notations in those records and they are before the Board, that when Mr. Elmes was there, that he did not hear what been described as long, consistent, constant crazy barking, isn't that so?

Ms. Springer – That is so.

Ms. Kathiwala – And I suggest and I think you're suggesting that the records will speak for themselves and Mr. Elmes surveillances on random times and random dates at some random places did not comport with what Ms. Headberg or Mr. Headberg or Ms. Luke had to say, is that a fair statement?

Ms. Springer – That is correct.

Ms. Kathiwala – Now, are you open to getting a different kind of dog collar?

Ms. Springer – Absolutely.

Ms. Kathiwala – Now again I'm going to ask you, are your dogs constantly barking and are they just barkers for no reason, they just bark hour after hour?

Ms. Springer – No, absolutely not.

Ms. Kathiwala – And, will you tell us mam have you had occasion to see and have neighbors, people form the area, coming up to you or near your property and surveilling the dogs or photo'ing the dogs?

Ms. Springer – Yes there has been numerous occasions that the neighbors have come right up on our fence and have instigated our dogs.

Ms. Kathiwala – So, with respect to I believe you sent in some videos that you procured of the dogs in the yard, did you not?

Ms. Springer – Yes.

Ms. Kathiwala – ...to the Board, did you send them to the Board or Mr. Elmes?

Ms. Springer – Mr. Elmes has had them in the past they were sent to the Board today.

Ms. Kathiwala – Ok, so you wish to have those submitted as some evidence to the type of dog and how the dogs are, is that correct?

Ms. Springer – Correct.

Ms. Kathiwala – Do you wish to tell the Board anything?

Ms. Springer – Well I've sent the Board emails in the past and I've actually spent a whole 14 hour period of my time tracking the data of the barking throughout the day because I wanted to know the exact data collection of this, and while the dogs do bark here and there throughout the day, actually 91.6% of the day is non-barking during the 10 hours that they're allowed outside.

Ms. Kathiwala – And are there other dogs barking when they come near your dogs?

Ms. Springer – There are, and those videos have been submitted to the Board as well

Ms. Kathiwala – And they're different dogs, isn't that so?

Ms. Springer – It is, you can see my dogs in the video just sitting being quiet. Dogs don't, In that particular video, the dogs weren't stimulated by anything.

Ms. Kathiwala – And with respect to, by the way, did you also put up any dog fencing around your property? To contain the dogs?

Ms. Springer – Yes, the dogs are not only within an underground fence but they're also within one of the pens when they stay with the livestock to keep them safe. They don't have full range of the property, only the pens.

Ms. Kathiwala – When you say an underground pen, are you talking about an electric fence type of thing?

Ms. Springer – Yeah, they're on an electric collar as well as fencing.

Ms. Kathiwala – So, and that electric collar relates to keeping them in the area as well as the bark collar, correct?

Ms. Springer – Correct, they wear two collars at all times.

Ms. Kathiwala – Anything else you want to say to the Board or to the individuals?

Ms. Springer – Actually for Jane, I would like to address the 6pm when I said the dogs were going away in March, in March at the time it was dark at 6pm and I stated the dogs do go away before dark, that is correct, it was about 6pm in the middle of winter, that was the only, oh and I would like to apologize for the one time the dogs went out at 5am, our child was reprimanded for that and that was a one-time incident and we take full accountability for that, it was a singular incident and the child has been corrected.

Ms. Kathiwala – Ok, I think that's all we have. Running out of battery too.

Ms. Casavant – Are there any other witnesses here wishing to speak on the Springer's behalf?

Ms. Kathiwala – I think that's it I think we would also just rely on or would have relied on Mr. Elmes that he testified on the complainants side and again we would just rely on those records and some of the descriptions he had to say on those random dates, thank you. Mr. Springer would certainly just reiterate what Ms. Springer said.

Ms. Casavant – Mr. Elmes was not testifying on behalf of the Headbergs it was just the order in which he was called, his testimony could have included whatever it was he wanted to say and of course if he has more to say that completely appropriate as well.

Ms. Kathiwala – I just said he testified on the complainants, I just meant on their side of the case.

Ms. Casavant – Ok I understand. Ok thank you. If everyone has had their chance to speak, I will ask for any Board members that have questions that they would like to ask of either party.

Mr. DePalo – I guess first, could I ask a point of clarification, is the purpose of this hearing this evening because I'm a little bit confused, it's for us to hear that the dogs are not or the Springer's are not in compliance with the orders that that we put in place in 2019, or is it is it supposed to be a new complaint and we need to make new findings because to me it's a different set of questions and I just want to be sure for Mr. Cohen's letter it looks like we're being asked to have a hearing of non-compliance with the order, I just want to be clear because I think that I would ask different questions given what this hearing actually is.

Ms. Casavant – Mr. Madaus, would you be able to clarify for us?

Mr. Madaus – Sure, through the Chair, I am Stephen Madaus, Town Counsel, we did receive a letter dated June 10th requested a hearing for a hearing of non-compliance for the March 2019 order. And the Town published notice of this hearing which reads to consider violations of nuisance dog order relating to the two dogs in question, so you know what's before you is whether there has been compliance with the March 2019 order, as the Board is aware, you know we've had a few dog hearings, at the March hearing found the dogs to be nuisance dogs and under the statute if the hearing authority, which is Shrewsbury is the Board of Selectmen, deems the dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance or behavior, so obviously this is an unfortunate circumstance but the Board doesn't have a cure-all authority here, ameliorate means to of course make better or more tolerable and your March order sought to do that so as to Selectman DePalo's specific question I think the March order is before you as to whether there are violations of that but you may also consider the testimony certainly of our Animal Control Officer with a suggestion that you could consider modifying that order if it is deemed not effective particularly to the bark collars otherwise we'll just probably receive a complaint in the future but it sounded like the owner was willing to consider a more effective bark collar. A little bit beyond my role...

Ms. Casavant – Thank you Mr. Madaus.

Mr. DePalo – Madam Chair...

Ms. Casavant – Continue Mr. DePalo

Mr. DePalo – So, I am certainly not suggesting at all that there hasn't been consistent barking by the Springer's dogs, I have heard it myself on several occasions when I went up there just to make myself aware of what was happening so I'm not questioning that for a minute. People might argue about how long the dogs might have been barking but I believe they bark on a fairly consistent basis at the very least, but I just want to be clear and I guess well we had, our order was the dogs and had to have bark collars, dogs had to be evaluated for barking if they had a problem with uncontrollable barking, that the dogs went in the barn when there were workers on the property and that the dogs had to be in between 7am and 9pm, again I just want to be clear I am not suggesting the dogs weren't barking but I would like to know which one of these orders was violated and before we let anyone answer my understanding from Animal Control Officer Elmes is that that he had none, he had no complaints between 9 p.m. and 7 p.m. of the dogs barking that that was a report that he sent to us, I also I would like to ask Animal Control Officer Elmes if I could, a couple of questions about circumstances involving the order, is he here?

Mr. Elmes – I'm here

Mr. DePalo – Mr. Elmes, I just want to be clear, back on May 15<sup>th</sup>, you said you had, on the report that we got, you had no complaints of barking between 9pm and 7, is that correct?

Mr. Elmes – At that time I did, my latest report is June 9<sup>th</sup>, I did, since that date on the 15<sup>th</sup> I believe it was June 4<sup>th</sup> there was that one incident where I got several voicemails on Monday morning that the dogs were let out sometime

between 5 and 7am. I was not working at that time, while I don't doubt it may have happened I did not personally verify it at that time, I suggested to the residents in the future if that were to happen, the afterhours barking, call the Shrewsbury Police Department, have it logged, that way we can have a record of it occurring.

Mr. DePalo – Ok, but I think what we heard from both parties tonight is that there was that one incident.

Mr. Elmes – Correct.

Mr. DePalo - But the bark collars, whenever you went to the property, did the dogs not have the bark collars, or did they have them on and they weren't effective?

Mr. Elmes – They've always had them on. Any time I've ever been up there and have asked the Springers to check if the dogs were wearing the collars, they were on, Melinda even showed me where she trimmed the fur down to get better contact with the collars to the dog.

Mr. DePalo – Ok, and as far as the issue with uncontrolled barking, did you get a report or Ms. Pease may have gotten the report that the dogs were evaluated and the trainer said, what did the trainer say I guess, I'm not going to put words in your mouth,.

Mr. Elmes – Actually, I have the letter here, it was from a Joyce Manning, and she said she worked with them for 8 weeks and found no troublesome behaviors. And that was dated June 12, 2019

Mr. DePalo – Ok, and I guess the last question is have you been on the property when workers were on site and not the gentleman who lives there and does work around there, contractors on the site and the dogs are left out and barking?

Mr. Elmes – I've never personally been up there where there's been anyone but landscapers or other outdoor contactors working, I've never been up there in response to a complaint and observed that on the property. I would say no.

Mr. DePalo – Thank you, so I guess, Madam Chair, my point is although our orders obviously do not appear to have been affected particularly with the bark collars, perhaps we could have written orders that were more specific, but we do not have evidence except it looks like one time between 7 and 9 that the Springers did not comply with the order, again, I've been up there I've heard the dogs barking I know it, I see Mr. Cohen shaking his head and I would like to hear from him, I don't see where or what we put in the order that the Springers didn't do. Again, the dogs bark and I think they bark on a fairly regular basis, I certainly don't dispute that, I don't see where we could have cited the springer for non-compliance based on what we wrote, perhaps we could have written it better or stronger, I don't see that they did noncompliance, not cooperative and dogs quiet, certainly they did what we asked them to do or what we ordered them to do. I would like to hear from Mr. Cohen because I'd like to hear or understand where these statements in his letter come from.

Ms. Casavant – Mr. Cohen?

Mr. Cohen– Thank you. So a couple of things, as you'll see in the letter I sent today, I have told the Board that these people would suspend the action of imposing penalties and fines if the Board would impose better, different and more sophisticated orders, but in the meantime, the trainer, you know you ordered this training and we get this letter, its unsigned, not on letterhead, I can't find a Joyce Manning within 100 miles that's a registered trainer. I can't find her California, I can't find a phone number, a name, she's not on the internet, and her email didn't work. I would like to know who verified this and who verified that this training actually took place, I also don't see a receipt for this.

Mr. DePalo – Mr. Cohen, this is the first that we've heard that this person doesn't exist.

Mr. Cohen – Well today, this is the first time I got it, now I actually asked for these records two months ago and I just got the records today regarding Joyce manning so that's why you're hearing it for the first time but if you want to find a way not to fix this, that's fine, then don't fix it.

Mr. DePalo – Mr. Cohen, do not misrepresent what I said. What I said was, I don't doubt the dogs were barking. But you made accusations in your letter that the Board did not enforce an order and the order that was written, whether it's been written well or not has been followed. We do need to try and address the situation, but don't say that we have not been enforcing our order because the order has not been violated except for once that can be documented. Thank you Madam Chair.

Ms. Casavant – Yes, let's keep in mind that we need to keep our comments respectful and that everyone is here with the best intentions to help solve an issue between the two parties. Are there any other questions from the Board? Please remember that if you are on a cellphone you are going to have to press \*6 as we needed to mute some of the lines that were causing some background interference.

Mr. Lebeaux – Madam Chair, I have a process item that I really don't want to disrupt the flow of the content but I don't want to lose my opportunity so I will simply ask that before you ask for a vote to close the hearing, you then allow me to ask a question but I don't think it's, its important, but I don't think that its germane to the main content. So I just ask that, I don't know if there are other things to talk about.

Ms. Casavant – I think we're pretty close, In mean that was my next, if I don't hear from any other members of the Board with questions, it would be to close the hearing, so why don't you go ahead Mr. Lebeaux.

Mr. Lebeaux – So, forgive me to all parties, Counselor Cohen, I need to ask you a couple of questions. In your very introductory remarks, you made reference to both the United States Department of Agriculture and the Massachusetts Department of Agricultural Resources, and why I feel like I'm kind of biting into everybody's time, I'm employed by the Massachusetts Department of agricultural resources and if indeed we do have authority here I need to recuse myself. I am totally unaware of any kind of authority the Mass Department of Agricultural Resources has a relative to Mass General Law Chapter 140 section 157 relative to a nuisance dogs or dangerous rides so could you kindly enlighten me, you know if I'm failing to take something into account, I would appreciate your guidance so I don't potentially find myself in an ethics issue.

Ms. Casavant – Mr. Cohen, could you respond please?

Mr. Cohen – Ok, thank you Mr. Lebeaux, so the reason that I brought up the MDAR and the, well mostly the MDAR is because part of the paperwork that was submitted to me today from Ms. Springer was that she's protected by this right-to-farm, so when I go to the MDAR website under farming, agriculture farming, and nuisance becasue she said she's protected by any type of nuisance, and go to nuisance, you click that link, right to farm, generally accepted practices, you click on that link it brings you to Mass General Law Chapter 243, the tort of nuisance, and it speaks to people who are engaged in the farmer who still somehow are committing the tort of a nuisance so I don't know if the MDAR itself would investigate this but this is what the MDAR shared with anybody online who goes to the website.

Mr. Lebeaux – Well I would like to say for the record we have no authority relative to nuisance or cruelty dogs, I don't believe I have a conflict, and also that a Town must adopt the right-to-farm bylaw through legislative action and I'm unaware that the Town of Shrewsbury has taken that action.

Ms. Kathiwala – I believe sir, you are correct. The closest place is West Boylston.

Mr. Lebeaux – So thank you, I very much needed to get that on the record, I did not want to have any appearance of a conflict or a statement that lead to a conflict, thank you very much for your clarification sir.

Ms. Casavant – I agree, we are not a right-to-farm community, and we do not have that bylaw here in Shrewsbury.

Mr. Samia – Madam Chair can I ask one question?

Ms. Casavant – Yes, Mr. Samia

Mr. Samia – This is to the Springers, through you, also to their counsel, it's just a conceptual question so I have heard your testimony, how to you explain or reconcile the difference of opinions where there logs of daily barking for multiple hours versus you don't have them. Why is there such a discrepancy?

Ms. Springer – What is my perception of the discrepancy?

Mr. Samia – Yeah because we've heard testimony from both sides so just so I understand that there is such a difference of opinion.

Ms. Springer – I believe it to be just that it's an opinion, they, according to their own testimony, they have zero tolerance for any noise. They want a neighborhood that has zero dog barking which isn't really feasible when you have neighbors and live in society with other people. So I believe that every time my dogs bark it drives them insane. So it might be 2 times or 3 times a day and it just resonates with them. So do I think my dogs bark, yeah, I've provided the data because I know that data collection would be great with this and I know that they bark sporadically throughout the day and I just think that when you're so intolerant that it just hits you harder.

Mr. Samia – Ok thank you, one follow up question, a related question to that though understanding intermittent barks, but what I've heard from several people of multiple households of long periods of barking so I understand if there were a couple barks and a belief of intolerance, but how is it recorded over multiple hours, on multiple days, by multiple people, how is that different?

Ms. Springer – So this is really funny because once you sent out all the abutter letters, realtors and neighbors of Adams Farm reached out to me to let me know what an intolerant community it is and they will gang up on anyone that doesn't fit their..., so their own residents reached out to me to let me know that they've bullied people within their community as well so I'm not part of the mold that they want as a neighbor and I apologize for that but I mean you lie to your friends I guess to gain your own agenda, it really doesn't...(inaudible)

Ms. Casavant – Ms. Springer? I don't know if you were able to hear the rest over her comment I was not, but I think that she's now muted. Mr. Samia, was your question answered sufficiently or did you want me to try and get Ms. Springer back?

Mr. Samia – I got the jest of it, so thank you.

Ms. Casavant – Alright, very good.

Mr. DePalo – Madam Chair

Ms. Casavant – Mr. DePalo

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Mr. DePalo – If Ms. Springer is still part of this discussion I would, first I'd like to make a comment, no I guess my question is, Ms. Springer what do you consider to be a reasonable amount of time either total hours of the day or in terms of consistent barking that you think should be considered acceptable to people who are your neighbors?

Ms. Springer – I believe this was addressed in the March hearing that 30 minutes of consecutive barking was an acceptable amount of time. If you're (inaudible) bark log, where I actually spent 14 hours watching the surveillance tape they have 91.6% of the day with no (inaudible) and that doesn't (inaudible) I believe that would be an acceptable amount of time.

Mr. DePalo – I'm sorry Ms. Springer, I don't know if anyone else heard, but I heard part of it about the log that she kept, I didn't hear what, I'm sorry I just didn't hear what you said about what you think is a reasonable amount of time.

Ms. Springer – So if you refer to the bark log which I spent 14 hours of my day making, the longest time that they barked consecutively...

Mr. DePalo – Sure, whatever

Ms. Springer – Um, was like 5 minutes. But it was like 60, 70 barks in 5 minutes.

Mr. DePalo – ok so, I did actually, I spent some time looking at that and I actually plotted it out and I agree with you on that day, there were some periods of time where they barked a little bit longer than that, unfortunately I would have liked to see maybe a week and I know its tremendous amount of work to get that information but I have been down there and I was down there I think last week, it may have been the week before, and I heard those dogs barking consistently for a half hour and I'm a dog owner and I can tolerate dogs barking but I know that the dogs were barking for a good half hour. Both dogs, and (inaudible) do you consider that to be reasonable?

Ms. Springer – You're telling me that every single minute of 30 minutes that dogs were barking without (inaudible)

Mr. DePalo – Of course they couldn't have every single minute but it was consistent they didn't stop, they would take a breath and they would start again. Let's not try to parse words, those dogs were consistently barking...

Ms. Springer – (inaudible)

Mr. DePalo - ... and I was down there this morning and I can tell you I only heard them bark for 2 or 3 minutes and they stopped and I was down there for a half an hour. So I understand that they're not always barking from sun-up to sun-down but in my mind if dogs are barking pretty consistently for 5, 10 minute then a break for 5 or 10 minute then barking again for 5 or 10 minutes consistently throughout the day, in my opinion, that would be fairly consistent and I think that would be unreasonable, are you suggesting that that's not?

Ms. Springer – We actually have our audio and video surveillance at all times so I can go back and track, I've also shared by username and password not only with the Selectmen Board but with the Animal Control Officer... (Inaudible)

Ms. Casavant – Ms. Springer, you're breaking up...

Ms. Springer – Why, why...

Ms. Casavant – It's a little challenging to hear you.

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Ms. Springer – So, not only have I shared my username and password of all my surveillance systems, if the dogs are barking for more than 10 minutes there is an issue, either the livestock are in harm's way, there's a hawk, there's a coyote, we have all sorts of wildlife running through. We have the neighbors at our fence all the time riling them up. This is not a good (inaudible) for anybody at this point.

Mr. DePalo – Ok, I guess I don't have any other questions at this point. Thank you.

Ms. Casavant – If the Board is set, I will take a motion to close the hearing.

Mr. Lebeaux – So moved.

Mr. Samia – Second.

Ms. Casavant asked for a roll call vote to close the hearing: Mr. DePalo-yes, Mr. Lebeaux-yes, Mr. Kane-yes, Mr. Samia-yes. Ms. Casavant-yes, voted unanimous.

Ms. Casavant – We will now move into an opportunity to allow the Board to have some deliberations. I will ask that if you're not speaking right now could you please mute your device because you making noise triggers your camera feed and it's sometimes a little challenging to hear, thank you. Ok Board members, lets this take time to answer ir discuss among ourselves any comments or questions related to what we just heard.

Mr. Depalo – Madam Chair, I would like to again ask Attorney Madaus if he can, in regards to the way that this hearing was set up, is our first action to decide whether or not the Springer's were in violation of the orders from last spring?

Mr. Madaus - Yes I think you should dispose of that issue because that was the topic of the publication of the hearing and would be pursuant to the letter you received, to consider violations of the nuisance dog order relative to these two dogs. So yes you should dispose of that claim and allegation in whichever way the Board finds having heard the testimony.

Mr. DePalo - Within the confines of the structure of the hearing, are we allied if we desire to impose additional orders based on what we heard this evening?

Madaus - So the statute is rather uncertain as to appeals by the complainant of an order, the dog owner has a right under the statute to appeal the order to the district court. The only avenue left for the complainants is to come back before this Board because the district court doesn;t have jurisdiction on that. I would say yes, you may modify your existing order if you find it necessary based on the hearing we had tonight. As the chair read the potential actions that you may impose. I think those were appropriate. You may find that your order was insufficient, again knowing the standard, you may order that the owner of the dog take remedial action to ameliorate the cause of the nuisance behavior, yor you may find that your order needs to be amended pursuant to the hearing you had because you had both parties testify under a published hearing so you can modify your order if you find that necessary. Not issue a new order, but modify the existing, because the order that was before us is the March 13, 2019 order.

Mr. DePalo - In my opinion, unfortunately, because this situation does not seem to have corrected itself, I believe that the Springers did follow the order as it was written the best that they could. I think that we need to make a couple modifications, at least one modification, and I don't know if the rest of the Board wants to think about this for a week before we do anything or the other members are ready to move forward, I'm not sure how to do this I want to make sure that I don't inadvertently make a motion that will negate a follow up motion that I would make, so again, to counsel, can we find that the Springers did follow the orders as they were written in 2019 however we would like to

make modifications to the order or do we have to vote first and then make modifications to the order? I don't want to make a motion and find out that legally one negated the other.

Mr. Madaus - I think you could do that in a two-step process. I think one of Selectmen can propose a motion and make a finding that having held the hearing the Board found there are violations or no violations as issued on March 13, 2019 and a second motion could be proposed, having held a hearing and taken testimony the Board finds it necessary to modify the March 13, 2019 order as follows, and in that modification the owner would have the right to appeal that to the district court. You can do that in a 2 step process with consideration by the Board.

Mr. DePalo - I would like to hear what other Board members think

Mr. Kane - I echo the comment of my colleague of Mr. DePalo and the desire of the 2 step process. I would like to offer such motions to do so.

Ms. Casavant - We have to start by deciding whether or not there was a violation of the March 13, 2019 order. (Confirmed by counsel).

Mr. Kane asked Mr. Madaus to restate the first motion at hand.

Mr. Madaus - The motion would be, "The Board having held a hearing and taken testimony finds that there has been no violation of the order relative to nuisance dogs issued on March 13, 2019 to Melinda Springer."

Mr. Kane - That is my desired motion. I don;t think there is a violation to this order, the order simply isn't playing out as we had all hoped so I'll offer that first motion to deal with the issues at hand. seconded by Mr. Lebeaux, on a roll call vote, Mr. DePalo-yes, Mr. Samia- yes, Mr. Lebeaux- yes, Mr. Kane- yes, Ms. Casavant- yes, voted unanimously.

Ms. Casavant - That brings us to the second motion, to modify the March 13, 2019 order.

Mr. Madaus offered a follow-up motion: "The Board having held a hearing and taken testimony finds that there has been no violation of the order relative to nuisance dogs issued on March 13, 2019 to Melinda Springer for the nuisance dogs to require bark collars more effective as deemed by the Animal Control Officer", or something to that effect, that is my assumption.

Mr. Samia - The only question I have regarding another bark collar, besides another collar how many types of collars or similar devices, what optins are there that can limit a dogs ability to bark?

Mr. Elmes - There are bark collars with different modes of action, once that release a sound or small electronic stimulation, there are ones that will dispense products like citronella, there are also ultrasonic devices that can be placed within proximity of the dog to control the barking.

Mr. DePalo - Understanding that there are other more effective collars, can you make a recommendation as to what would be most effective?

Mr. Elmes - In my opinion, I have laid it out initially to put something in place for 30 days to see how it works. Maybe we could have a shorter period of 14-21 days for the Springers to get something in place and evaluate how it works and see how effective it's been in that time period.

Mr. DePalo - I understand that but what are we going to recommend because we need to give them direction. The direction that we gave the last time did not prove to be effective. Do you know if one that would be effective or would you recommend that they bring an alternative to you and you evaluate it? Are you going to prescribe it or approve it?

Mr. Elmes - Based on the fact that the ones that are currently being used aren't effective, I wouldn't feel comfortable prescribing a specific one and being back at square one, I think it would be better to take that 14 day time period, work with them and find something that may be effective in controlling that excessive barking.

Mr. DePalo - To Mr. Madaus, can we put an order to that effect that the animal control officer needs to work with the Springers and come up with a satisfactory collar or solution to the barking or does it need to be something more specific?

Mr. Madaus - Specific is always preferred because we are delegating over what the order will be byt in this instance I think we have a cooperative owner and we could hold the order until we do get a specific product, that the Animal Control Officer can investigate it and come back with the owners and the order would be issued pursuant to that. To answer your question, if we issue it with a technology to be determined, the owner could appeal that as being vague but I'm hopeful that is not going to happen because we're working with them to find a solution.

Ms. Casavant - I did hear somewhere in our conversation that we made the determination that the order is being followed but we could put off changes or amendments to a future meeting to give us an opportunity to think through the best way to ameliorate the issue?

Mr. Madaus - We have closed the public hearing...

Ms. Kathiwala – I don't mean to interrupt, but could we suspend the deliberation to 14 days for some time for Mr. Elmes to look into this for an in depth manner?

Mr. Madaus - I am not aware of a time frame for issuing the order, so you can continue the meeting to issue the decision. My preference would be that we reopen the public hearing and continue it to a date and time certain so you can get the language you need to reissue the modified order. I'm concerned if we continue it to another meeting without notice and they don't attend...

Ms. Casavant - Here is where my thinking is, we need to have an effective dog bark collar and I'm thinking as the ACO mentioned, when the Springer's are away there seems to be an increase in the barking so a pet sitter or another individual named needs to be named in the Springer's absence in any order going forward. Those are the two things I think need to be included in the next amendment. If we do that tonight I am fine with that but we are not able to provide a specific bark collar because we don't know which bark collar is the right one.

Mr. Madaus - Again the statue doesn't provide guidance on this but I think you continue this matter to your next meeting on July 28th, I don't know how much time the ACO might need to supply us with a specific product.

Mr. Elmes - I think if it's possible in my opinion a week to obtain a collar and two weeks to determine how effective it is.

Ms. Casavant - We were wondering how long it would take for you to prove the Board with a collar option?

Mr. Elmes - I could get that by next week.

Ms. Casavant - If Mr. Elmes is able to provide us a collar option by next week couldn't we go ahead and amend the order to include the collar as determined by the animal control officer? Or is that still not specific enough?

Mr. Madaus - Tonight, yes, That was along the lines of my initial motion, a product as determined by the Animal Control Officer, and Selectman DePalo asked if that was not specific enough.

Mr. DePalo - Could we do a collar prescribed by the animal control officer presented to the Board by July 28th, I think we need to get some closure to this because I wouldn't want to leave it open ended because I do think there is a problem with the barking. I think two weeks should be plenty of time and then I'm wondering if there's something in terms of followup that would be put in the hands of the ACO as far as addressing violations or if its not being worked on can we authorize the ACO to issue tickets as they would for other animal control incidents?

Mr. Madaus - I don't think so

Mr. DePalo - hear my motion and we can see if it makes sense, " I move that we amend the March 13, 2019 order of the Board of Selectmen to include a new bark collar deemed appropriate by the animal control officer and presented to the Board by July 28th" does that work?

Mr. Madaus - Do you want to just continue your deliberations to July 28th?

Mr. DePalo - sure

Mr. Madaus - On what the order will be and we'll have a report back from the Animal Control Officer? Could we ask that the owner would cooperate with the Animal Control officer to determine the appropriate (bark collar)

Ms. Kathiwala – Absolutely

Mr. DePalo - So are we continuing the deliberations?

Mr. Madaus - Yes you closed the hearing and you are going to deliberate on the issue.

Ms. Casavant - So we are continuing this hearing to July 28th.

Mr. Madaus - Yes, and everyone at this hearing is aware of the date

Mr. DePalo - Then I make a motions that we "continue deliberations on amending the March 13, 2019 order to July 28, 2020", seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. Kane-yes, Mr. DePalo-yes, Ms. Casavant-yes, voted unanimously.

**New Business:**

**12. Review and Act on the Town Manager's reappointment of John Ostrosky, 16 Colton Lane, to the Conservation Commission for a three year term to expire on June 30, 2023 pursuant to M.G.L. Ch. 40 Sec. 8c**

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to approve the reappointment.

**13. Review and Act on the Town Manager's reappointment of J. Kevin Samara, 274 South Street, to the Historical Commission for a three year term to expire on June 30, 2023 pursuant to M.G.L. Ch. 40 Sec. 8d**

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to approve the reappointment.

**14. Review and act on the appointment of one member to the Historic District Commission for a three year term to expire June 30, 2023**

- a. Melissa McKenna, 871 Main Street
- b. Kelly Barner, 17 Main Circle

Mr. Kane made a motion to appoint Ms. Barner, seconded by Mr. Lebeaux, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to appoint Kelly Barner to the Historic District Commission for a three year term to expire June 30, 2023. Mr. Kane asked that the Town Manager work with Melissa McKenna to see if there are other vacancies she may be interested in.

**15. Review and act to authorize the chair to sign a letter of authorization to extend the intermunicipal animal control agreement with Westborough and Grafton for a period of one year to expire June 30, 2021**

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to authorize the chair to sign a letter of authorization to extend the intermunicipal animal control agreement with Westborough and Grafton for a period of one year to expire June 30, 2021

**16. Review and act on the establishment of a Diversity, Discrimination and Racism Task Force and review and act on a charge**

Mr. DePalo stated that given that this will take extensive discussion, he would recommend that the Board hold this item until the 21<sup>st</sup> or 28<sup>th</sup> when the Board can give it adequate time to have a good discussion on it. Ms. Casavant agrees that this needs a robust discussion and to place on a future agenda.

**Correspondence: The Board of Selectmen will review and possibly act on the following:**

17. Letter, dated June 19, 2020, from Carol Billings, 36 North Quinsigamond Ave, re: Concern Regarding Current Situations- so noted
18. Email, dated June 22, 2020, from Jennifer Parshall, 14C Farmington Drive, re: 2020 - 2021 Shrewsbury School Proposed Budget Cuts- Ms. Casavant stated that both boards are working together to come up with a plan and this is being addressed.
19. Email, dated June 23, 2020, from Bridgette Hylton, 1 Jacobson Drive, Sanam Zaer, 8 Jamie Lane, and Elizabeth Hylton, 123 Bumblebee Circle, re: Antiracism Task Force Recommendations- Mr. Lebeaux stated that the writers did not agree with some of Mr Lebeaux's statements but clarified that he did state that census data would be important for all parties to take a look at that and would not make up the committee.
20. Letter, dated June 23, 2020, from Stephen Madaus, Town Counsel, re: Disclosure of Litigation Matter Involving Other Client of Mirick O'Connell- so noted
21. Email, dated June 25, 2020, from Bridgette Hylton, 1 Jacobson Drive, Sanam Zaer, 8 Jamie Lane, and Elizabeth Hylton, 123 Bumblebee Circle, re: Collaboration with other municipalities in Massachusetts- Ms. Casavant stated that she would not sign this letter because the Board continuously works with other municipalities and also that her name was signed by someone other than her because of the format of the document (google doc)
22. Email, dated June 29, 2020, from State Representative Hannah Kane, re: State Spending Bills Update- so noted
23. Email, dated June 29, 2020, from Naomi Halpern, 131 Stoney Hill Road, re: A Legal Way for Our Town to Protect Us from Wireless Radiation- so noted
24. Email, dated June 30, 2020, from State Representative Hannah Kane, re: Expanded voting legislation and Chapter 90 funding enacted today- so noted

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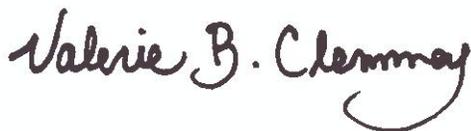
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25. Email, dated June 30, 2020, from Tanu Basu, Director, India Association of Greater Boston, P.O. Box 1345, Burlington, re: Requesting your permission: Hoist the Indian Flag to Commemorate India's Independence Day- Ms. Casavant is working with the author of this letter
26. Letter, dated June 30, 2020, from Elizabeth Hylton, 123 Bumblebee Circle and Sanam H. Zaer, 8 Jamie Lane, re: New Wayfinding Signs in Shrewsbury- Ms. Casavant stated that a committee was formed in July 2019 and numerous public meetings were held to create a template for designs and there was a budget set that was exhausted. No signs are being purchased at this time as there is no funding to move ahead.
27. Letter, dated July 1, 2020, from Christopher Mehne, Town Moderator, to Sandra Wright, Town Clerk, re: Personnel Board Reappointment of Robert Cashman- so noted
28. Email, dated July 1, 2020, from Ashok Jakati, 4 Nelson Point Road, re: Request for Street Light- Ms. Casavant asked staff to review the request
29. Email, dated July 2, 2020, from Jessica Zinger, 14-2 Point Road, re: Dangerous Intersection- Ms. Casavant asked that this be referred to MassDOT to look at signal timing
30. Email, dated July 2, 2020, from James Vuona, Fire Chief, re: 2020 Assistance to Firefighters Grants - Supplemental Program (AFG-S) Announcements- so noted
31. Letter, dated July 3, 2020, from James and Sherry Espy, 24 Patriot Lane, re: Public Hearing on July 14, 2020 – Alleged Violations of Nuisance Dog Orders- so noted
32. Letter, dated July 4, 2020, from Robert Luke, 28 Patriot Lane re: Barking Dogs at 47 Memorial Drive are Bad For My Health- so noted
33. Email, dated July 5, 2020, from Jane and Ed Headberg, 34 Patriot Lane, re: Violation of orders - Barking dogs at 47 Memorial Drive- so noted
34. Letter, dated July 6, 2020, from Christopher Mehne, Town Moderator, re: Finance Committee Appointments- so noted
35. Email, dated July 7, 2020, from Mark Rearden, 33 Spruce Street, re: The intersection of Lake Street and Route 9 is dangerous! - so noted
36. Email, dated July 9, 2020, from James Vuona, Fire Chief, re: New Engine 1 Update- so noted
37. Letter, dated July 9, 2020, from Gail Aslanian, Shrewsbury Garden Club, re: Scarecrows on the Common- Ms. Casavant asked that Mr. Mizikar ask for a public health recommendation on this to reply to Ms. Aslanian

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Lebeaux-yes, Mr. Samia-yes, Mr. DePalo-yes, Mr. Kane-yes, Ms. Casavant-yes, the Board unanimously voted to adjourn at 10:02 pm.

Respectfully Submitted,



Valerie B. Clemmey

Administrative Assistant to the Board of Selectmen

Office of the  
TOWN MANAGER  
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## TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building  
100 Maple Avenue  
Shrewsbury, Massachusetts 01545-5338

### DRAFT SCRIPT FOR REMOTELY CONDUCTED OPEN MEETINGS Effective March 23, 2020

#### Confirming Member Access:

As a preliminary matter, this is Beth Casavant, Chair. Please permit me to confirm that all members and persons anticipated on the agenda are present and can hear me.

- Members, when I call your name, please respond in the affirmative.
  - John Lebeaux
  - John Samia
  - Maurice DePalo
  - James Kane
- Staff, when I call your name, please respond in the affirmative.
  - Kevin Mizikar
  - Valerie Clemmey
- Anticipated Speakers on the Agenda, please respond in the affirmative.
  - Christopher Mehne
  - Keith Lindem
  - Joseph Duggan
  - Attorney Jeremy Cohen
  - Edward Headberg
  - Jane Headberg
  - Melinda Springer

- Noah Springer
- Attorney representing the Springers?

#### Introduction to Remote Meeting:

Good morning/afternoon/evening. This Open Meeting of the Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, the Board of Selectmen is convening by Google Meet as posted on the Town's Website identifying how the public may join.

#### For "Zoom" or "Google Hangout" Meetings

Please note that this meeting is being recorded, and that some attendees are participating by video conference.

Accordingly, please be aware that other folks may be able to see you, and that take care not to "screen share" your computer unless asked by the chairperson or the staff person. Anything that you broadcast may be captured by the recording.

#### Meeting Business Ground Rules

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- I/the Chair, will introduce each Board Member or Staff Member who has the lead role for this particulate item or guest/speaker associated with this item on the agenda. After they conclude their remarks, the Chair will go down

the line of Members first and then to staff members, inviting each by name to provide any comment or questions. I will then call upon the members to offer a motion and then for a second. Please hold until your name is called. Further,

- Please remember to mute your phone or computer when you are not speaking; remember that unless a document is being shared, your camera feed is triggered by your speaking or background noise;
- Please remember to speak clearly and in a way that helps generate accurate minutes

For others in attendance that are expected to present:

- Please hold until your name is called to present
- Please remember to mute your phone or computer when you are not speaking; remember that unless a document is being shared, your camera feed is triggered by your speaking or background noise;
- Please remember to speak clearly and in a way that helps generate accurate minutes
- After your presentation, members of the Board/Committee will be given the opportunity to ask questions

- For Items with Public Comment (Public Hearings):

After members have spoken, the Chair will afford public comment as follows:

- The Chair will first ask members of the public who wish to speak to identify their names and addresses only;
- Once the Chair has a list of all public commentators, I will call on each by name and afford 3 minutes for any comments.

- For any response, please wait until the Chair yields the floor to you, and state your name before speaking.
- If members wish to engage in colloquy with other members, please do so through the Chair, taking care to identify yourself.
- Finally, each vote taken in this meeting will be conducted by roll call vote.

[Any additional preliminary comments tailored to meetings]