

MEETING MINUTES
Town of Heath
SELECT BOARD
Jacobs Road Municipal Center
Tuesday, February 25, 2025

Called to Order at 5:06 p.m. With Robyn Provost-Carlson, Elissa Viarengo, Will Emmet and Hilma Sumner, Town Coordinator.

This meeting was recorded.

Others in Attendance: See attendance list.

Review of Minutes: *On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to approve the minutes of February 11, 2025, as amended.*

Public Comment: Barbara Gordon expressed her thanks to the Colrain Fire Department and the Heath Fire Department for the wellness checks completed to each resident during the extended power outage.

Bill Fontes expressed concern that there should be someone designated to check all town buildings when there is an emergency.

Bob McGahan stated that he was concerned about the steep drop-off next to the edge of the road on West Main Street. He said there is no longer any shoulder to the road.

5:18 p.m. Nuisance Dog Hearing-Kurowski & Wecker: Robyn swore in Andrew Kurowski, owner, Kyle Dragon, Animal Control Officer (ACO), and Michelle Cutter, resident.

Since it was the ACO's office that had requested the hearing, Kyle Dragon summarized the occasions that they have had to deal with the dog, Shamus, since 2023. There have been eleven reports filed with the office, seven of which were substantiated. On February 9, 2025, the dog gave a level one bite to a person trying to load him in their car to bring him home. Shamus is licensed until April 1 but does not have a current rabies vaccination.

Michelle Cutter stated that, besides herself, she was also representing two other residents of Royer Road where she lives. They have seen the dog five to six times lately. These times include cold, windy days and nights. She is concerned about the level of care that the animal is receiving.

Andrew Kurowski explained that Shamus is a livestock guardian dog, and the breed tends to wander. He said about one year ago he and his family became more diligent in keeping the dog at home. He takes the dog for walks in the woods, and, at times, the dog will run off. Andrew did admit that the dog frequently growls at people. The dog is now two and they are planning to have him neutered soon. Kyle said the animal's behavior seems to be escalating in aggressiveness, which is a concern, especially since he runs freely so often.

Robyn read section 9.1.3 of the Town's General Bylaws which states that dog owners are responsible to always have the dog in their care. She also stated that, despite what any of the Board members may be feeling, their job is to uphold the bylaws of the Town. Andrew replied that the dog cannot be kept on a leash nor was a 10-foot high fence possible to install.

Kyle stated that the ACO's office cannot recommend only a nuisance hearing because the dog needs some type of physical restraint, a fence, or a runner trolley when outside. He also stated that this matter could be a liability to the Town if they, knowing the behavior of the dog, took no action.

6:11 p.m. *On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to close the public hearing.*

Dog Hearing Discussion: After discussion of the information gathered during the hearing, the Select Board took the following action: ***On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to continue deliberation at their March 4th meeting and Shamus, the dog, is to be confined by a physical restraint until that time.***

6:39 p.m. Nuisance Dog Hearing—C. Clark: Although Ms. Clark owns more than one dog, this hearing is in reference only to Moby. Robyn swore in Casey Clark, owner, Briel Gibson and Rowan Jones, complainants, Faith B. Jones, Wanda and John Mooney, witnesses, and Kyle Dragon, ACO.

This was a resident requested hearing. Briel explained that on December 16, 2024, Faith was walking the dog, Murphy, on the road and was passing by Casey's home. Moby, who was outside, ran out of his yard, across the road, picked up Murphy and shook him. A passerby stopped and helped separate the two dogs. When Murphy was taken to the veterinary clinic, he was treated for several puncture wounds. His skin had been separated from muscle in the same area. The dog had to take 10 days of antibiotics. Faith was walking the dog that day and received a cut on her finger from Moby when trying to separate the two dogs.

There was a second incident on February 1st when Rowan was walking Murphy and Moby again ran through his yard, across the road and attacked Murphy. Rowan was able to get the two dogs separated before Murphy was injured. Casey had been outside and tried to call Moby, but he did not respond. After each incident, Briel and Rowan called the ACO office to file a report.

Casey stated that, in both cases, the dog had gotten out without his collar that works with the invisible fence. When he has his collar on, he will stay in the yard. Moby is three years old, has a current rabies vaccination, but is not licensed. There have been no other complaints about this dog. Casey stated again that there is only a problem when Moby does not have his collar on. She is reluctant to construct a fence or try a trolley runner.

7:16 p.m. *On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to close the public hearing.*

Dog Hearing Discussion: During the discussion, Kyle reminded the Board that this was an unjustified attack on another dog. It is addressed in MGL Ch. 140, s. 157c which outlines the situations under which a dog is deemed as a dangerous dog and the options for corrective action. ***On a motion by Elissa***

Viarengo and seconded by Will Emmet, the Select Board unanimously voted to deem the dog Moby, owned by Casey Clark, as a dangerous dog under MGL c. 140, s. 157c (i) with remedial action to be restraint of the dog by leash, runner trolley or fence, and to be up-to-date with vaccination and licensing, effective immediately.

Salt Shed Project: Hilma has compiled an expense report of the costs to date. Tyson had spoken to two of the three references given by Iron Horse Associates. Both gave positive feedback. ***On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to accept the bid of \$147,000 for supply and construction of a new salt shed to Iron Horse Associates.*** The company will also be asked if they have any cost-saving options to offer that would not dramatically change the design.

Community Hall Windows Project: There is no time deadline yet for completion of the project. When a quote is received for the storm windows, then an updated report will be filed with Mass Cultural Council giving the expected completion date.

Rental Space RFP/Appraisal Update: Hilma is drafting an RFP document but was delayed because of the storm last week.

Sawyer Hall Storm Damages: It is unknown to what extent the heating system in Sawyer Hall has been damaged. Hartnett Plumbing will come do a complete assessment and prepare a quote for the repair. Depending on the quote, the Town may file an insurance claim.

Mail:

- J. Frenette re: opinion on school sustainability—forward to Budge Litchfield
- G. Garland re: support for PVMC membership funding-- ***On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to send a letter encouraging support for PVMCD membership funding, to be send jointly with the Board of Health.***
- Gov. Healey re: \$10,470 Fired Department grant
- MMA re: Massachusetts 250 celebration
- FCRHRA re: 2024 report of activity
- FCSWMD re: Directors' reports
- G. Garland re: revised letter for support of PVMC membership funding
- HAS re: Updated Salt Shed Project timeline
- C. Coryat re: request for emergency contacts
- FCSWMD re: 2024 tonnage date
- Documents for Wecker/Kurowski and C. Clark nuisance dog hearings

Next Meetings: March 4—budget hearings with Finance Committee

8:49 p.m. ***On a motion by Elissa Viarengo and seconded by Will Emmet, the Select Board unanimously voted to adjourn the meeting.***

Respectfully submitted,
Hilma A. Sumner
Town Coordinator