

**Leyden Select Board Minutes**  
**Leyden Town Office Building**  
**Regular Session**  
**August 29, 2022**  
**6:00pm**

**Select Board Members Present:** Bill Glabach, Katherine DiMatteo, Glenn Caffery remote via GoToMeeting

**Others Present:** Michele Giarusso, Michele Higgins, John Higgins, Erica Jensen, Mary Glabach, Liz Kidder, Beth Kuzdeba, Margaret Brown, Robert Anson, Pamela Brown, Anne Garvey, Neil Ainsworth, Karen Smith, Emily Yazwinski, Kyle Dragon- Animal Control officer, Chris Larrabee -Greenfield Recorder

Bill called the meeting to order at 6:00 pm. Select Board read correspondence file.

**Motion:** Katherine moved to accept the meeting minutes of August 15 with minor corrections. Bill moved the minutes as amended. Glenn seconded. Roll Call Vote: Bill-yes, Katherine-yes, Glenn-yes.

**Motion:** Katherine moved to have Michele fill out the Worker's Compensation application through MIIA. Glenn seconded. Roll Call: Bill-yes. Katherine-yes, Glenn-yes.

**Motion:** Katherine moved the August 23 and August 25 meeting minutes as written. Glenn questioned the August 23 meeting minutes as the motion did not have a second nor vote typed in the minutes. Katherine moved to pass over the August 23 minutes but approve the August 25 meeting minutes with one minor correction. Glenn seconded. Roll Call: Bill-yes, Katherine-yes, Glenn-yes.

## **DISCUSSION**

### **Dog Hearing**

**Nuisance /Dangerous Dog Hearing in accordance with MGL c.140 sec.157.** Kyle Dragon, Dog officer started the hearing by stating this hearing is held at the request of the victim. On August 3, 2022, the victim was attacked by Neil Ainsworth's dog "Athena". The victim was treated at Franklin Medical Center Emergency department. There were no known prior bites from this dog. We are here to listen under oath the dog owner's testimony.

Bill asked Neil what has been done to take care of the situation.

**Neil:** Athena goes out in a cage, is muzzled and on a cable. I am with her at all times. The dog will always be muzzled from now on whenever it goes out in a cage. I will start working on a pen now if that is what you want. I have all the fence posts.

**Kyle:** State law does not allow the Select Board to remove the dog from the town. I went to the Ainsworth home to check out the situation. The dog should go out the side door from now on so there is no transition required. The cage could come up to the side door and you should put up a stockade fence so the dog cannot see anyone on the street.

**Glenn:** A strong enclosure is certainly recommended and also a body leash attached. The dog seems very strong.

**Kyle:** If the Select Board finds the dog dangerous then every time the dog goes out she should be muzzled, you will have to erect a strong enclosure, strong chain link fence with a roof. I would recommend stockade fence on the outside, you could require at least \$100,000 liability insurance. All the requirements are in Chapter 140 section 157.

**Glenn:** I wonder if the owners can build such an enclosure for such a strong dog.

**Kyle answered:** Yes, as long as there is no transition. They would need that visual block also. I would recommend a 5-foot fence. This is a 100 lb. dog.

**Karen:** We could also put a up coyote roller.

**Emily:** So, we are talking a 5 ft chain link enclosure with a roof and a stockade fence on the outside of that. I feel that dog will also dig, what prevents that?

**Bob:** We are talking solutions not testimony. Chapter 140 section 157, you need to decide if this is a dangerous dog or a nuisance dog. There are 5 dogs in this home. 4 have been aggressive in the past. Section 4 and section 7 provide for proof of insurance and humanely euthanize. Due to the incompetence of Mr. Ainsworth to tackle the dog we could be attending a funeral. We can no longer walk to our mailbox each day. We no longer have the freedom of movement; we love to walk to receive exercise. We deserve to not be aggressively barked at or displayed as some nuisance. Mr. Ainsworth has been seen hurling feces onto 11 Coates Road. I called Mr. Ainsworth several years ago and this practice has changed. Mr. Ainsworth has no ability to control these dogs.

**Katherine:** I would like to hear testimony.

**Beth:** Are all these dogs spayed and neutered?

**Kyle:** Athena is up to date on her shots but not licensed.

**Pamela:** We understand the Ainsworth love their animals but fearful of Athena. She has broken away from Karen and Karen herself stated Athena is out of control. She is like a wild animal. Will the pen truly contain her, and can she dig and get out?

**Kyle:** The fence would have to be put 2 feet into the ground also. My recommendation is this dog is a dangerous dog and the Select Board should find as a dangerous dog and pick all the options provided under MGL Ch.140 section 157 all remedies unless you find a euthanasia option. It is entirely the Select Board's decision.

**Neil:** I can contain her with a body leash. She will not be able to pull me too far I am a 300lb man.

**Karen:** There are only 4 dogs in our home they are all elderly. They do not have teeth. One died just a couple of weeks ago.

**Glenn:** Do you feel your neighbors should feel comfortable walking down the road?

**Karen:** Other dogs in the neighborhood have attacked me repeatedly. I have a scar on my face to show for it. I made repeated phone calls to our town police and Select Board. We do not want to kill Athena to make our neighbors safe.

**Glenn:** Any path forward for me does not require Neil to be home to restrain the dog. This just seems absurd.

**Neil:** Athena does not go out unless I am home. I know Karen can't handle her. She goes out at night only. No one is walking at that time of night when I take her out.

**Emily:** What will be containing the dog before you build this pen?

**Neil:** The leash is not in my hand it is wrapped around my body, and she will be muzzled. I will have to put her on a cable outdoors.

**Bill:** I hate to put a dog down due to the owners not caring for them properly. If you can muzzle and build a proper pen, then I am tending to let them keep the dog. If this does not contain the dog it will not be a big leap to put the dog down. I m also looking at requiring them to obtain liability insurance.

**Kyle:** I will also recommend there be a time limit to build this pen. If they do not do this Athena will be put down. I would suggest 3 weeks.

**Katherine:** This is very serious. I think we should vote the dog is a dangerous dog and be specific on requirements. Wire chain link fence, stockade fence, muzzle, containment area with roof, liability insurance of not less than \$100,000, subterrain fence down 2 ft. and it must be constructed within two weeks. As for the other dogs being a nuisance, I'm not leaning towards the other 3 dogs as being a nuisance.

**Motion:** Katherine moved the dog "Athena" is a dangerous dog. Glenn seconded. Roll Call: Glenn-yes, Katherine-yes, Bill-yes.

**Motion:** Glenn moved the dog is not to be outside as well as Chapter 140 section 157 number 1-5. Glenn wanted to reiterate the dog will be confined indoors, if outdoors it will be in a secure pen, the fence will be embedded in the ground 2 ft., the dog will be muzzled and restrained, and proper identity of the dog be maintained throughout its lifetime. The dog shall be always in control of its owner and must have a visual barrier maintained around the fence in the front of the house and around the side and the pen must be completed in two weeks from August 30<sup>th</sup> or completed by September 13, 2022. Roll Call: Bill-yes, Katherine-yes, Glenn-yes.

Glenn asked who will check the pen. Kyle stated he would make sure he looks at the pen and makes sure the specs are all met as requested.

### **Appointments**

**Motion:** Katherine moved the Pamela Brown as Voter Registrar. Glenn seconded. Roll Call: Glenn-yes, Bill, yes, Katherine-yes.

**Motion:** Katherine moved John Higgins, Michele Higgins, Joyce Muka, Marie Lovely and Kathleen Fritz as Poll Workers. Glenn seconded. Roll Call: Bill-yes, Katherine-yes, Glenn-yes.

### **Water Issues**

There was discussion on what the town could and could not do to help people with springs gone dry. If we know people are taking water from the outside water spigot of town owned buildings is this ok? Is this potable? Are we concerned about the town's well? All were good concerns and Michele mentioned the new committee being formed to look at the town owned building's needs could look at the well capacity and make recommendations. Beth mentioned maybe we could just tell residents to conserve water in general.

### **Solar Grant**

Glenn gave an update on the solar grant. He has had a conversation with the Professor at UMass. We need to have a Solar Advisory Committee. Glenn will volunteer to head up the committee with other volunteers also. He stated this committee could also help with our solar bylaw for our Green Communities status.

**Motion:** Glenn moved to go with the UMass Solar grant and appoint a Solar Advisory committee comprised of 3-5 people. Katherine seconded. Roll Call: Glenn-yes, Bill-yes, Katherine-yes.

### **Municipal Assistant Update**

Michele said Amanda will be here next week and will be ready for the state primary. She has gotten into the state computer and will be processing early registrations and have

early voting hours. Michele will be working with her on the days and times she will be here for residents. Locksmith will be coming next week to change locks; she will send out an email to all department heads and committee chairs. Police vehicles have gone to be looked over for road worthiness. She had expected to report on the status this evening, but it will have to wait until the next meeting. There is a telephone pole that needs to be moved on East Hill Road for the retainer wall to be put in. Does the Select Board want a pole hearing for moving the pole? The abutter has agreed to move it 30 ft. south of where it currently stands. In looking at MGL it does not look like we must have a pole hearing if the town is moving a utility. It is only when a utility company wants to move poles do you need a hearing. Michele handed out the MGL law for Select Board to read. No one thought a hearing is required but everyone thought the abutter should send in writing they have agreed to the pole move.

**Other Business**

**Motion:** Katherine moved to set Amanda Lynch's temporary town clerk hourly rate at \$27.50 per hour and prorate it for hours worked in August or when she started. Glenn seconded. Roll Call: Glenn-yes, Bill-yes, Katherine-yes.

**Motion:** Katherine moved to have Michele contact all 3 Constables to work the State Primary polls on Monday, September 6, 2022. Glenn seconded. Roll Call: Glenn-yes, Katherine-yes, Bill-yes.

**Motion:** Katherine moved to adjourn at 9:25pm. Glenn seconded. Roll Call: Glenn-yes, Katherine-yes, Bill-yes.

Respectively submitted,  
Michele Giarusso  
Municipal Assistant