

[NORTHFIELD SELECTBOARD MEETING MINUTES]

September 28, 2020

Northfield Town Hall
69 Main St

Selectboard Present: Alexander Meisner, Chair; Heath Cummings; Barbara “Bee” Jacque

Also Present: Andrea Llamas, Town Administrator; Sandra L. Wood, Town Secretary; Tyler Bourbeau, BNCTV

Others Present: Melissa Barton, James Roberge; Jakob Davidson; Chief Leighton; Joe Marchello, Lynne Walker Mellas; Kathy Montiglio, Craig Barton; Judy Wagner, Sue Ross; Ted Penick; Marianne Wilkinson

- **Meeting called to order at 6:00 pm**

- **Read for the Record:** 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 limitation on the number of people that may gather in one place, this meeting of the town of Northfield Selectboard will be conducted via remote participation to the greatest extent possible. 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 of Northfield’s website, at northfieldma.gov. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: The meeting will be filmed and broadcast in live time by BNCTV, Channel 17 and a link will be posted on the Town’s website at northfieldma.gov. Limited in-person attendance of members of the public may 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 we are unable to do so, despite best efforts, we will post on the Town’s website an audio or video recording, or other comprehensive record of proceedings as soon as possible after the meeting
- **Dog Hearing: Marchello v. Barton; Nuisance Dogs/Barking**
 - Motion by Meisner, seconded by Cummings the board voted to enter the hearing at 6:01 pm
 - Oath administered to involved parties
 - ACO Dragon reviewed events starting March 27, 2020 when contacted by Marchello about neighbor (Barton/Roberge) barking dogs
 - ACO Dragon spoke with Barton and Roberge to resolve issue.
 - July 2, Dragon was requested to intervene again and requested Marchello file a complaint which was forwarded to the Town Administrator.
 - Mediator arranged through the police department spoke to both parties. Dragon received notice on August 19 the mediation was unsuccessful. Continued to receive dog barking notifications from Marchello
 - **Complainant Testimony**
 - Joseph Marchello, 183 Winchester Rd. Northfield
 - Marchello requested hearing so he could get some sleep
 - Testified barking occurs three times a week between 3:45am – 7:00 am causing 6-9 hours of loss sleep per week.
 - Meisner asked if Marchello needed absolute silence. Marchello responded he did not need absolute silence. Meisner said Marchello’s submitted videos to the ACO was a waste of time watching Miss Barton and Mr. Roberge where there was no dog barking on one and a few barks on the other. Marchello responded he had additional recordings of ferocious barking. Marchello explained groups of dogs of three or more trigger each other. Marchello claimed the owners under these conditions did not have control of the dogs.
 - Jacque asked how Marchello know which dogs were barking. Marchello said he had a musician’s ear and could tell which dogs were barking and no other dogs in the neighborhood bark on a regular basis.
 - Jacque asked if there were coyotes in the neighborhood. Marchello responded yes, the barking is more primal than the barking across from 183 Winchester.
 - **Complainant Witness Testimony**
 - Lynne Walker Mellas, 84 Main St. Northfield
 - Mellas piano studio was located at 183 Winchester Rd. and she lived there for 18 years.

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- Mellas lived at 183 Winchester Rd. a couple of years across from the Barton Roberge household which did not have a third dog when she was living there. There were no problems with dogs barking at that time.
- Mellas told the board she not has not heard the barking recently
- Her testimony was to support the barking should not occur that early
- Defendant's Testimony
 - Melissa Barton & James Roberge, 184 Winchester Rd.
 - Barton reported issues between themselves and Marchello have been going on since November 2019 and has become worse over time.
 - Marchello texting and emailing Barton and Roberge about dogs outside before noise bylaw restriction. Sent emails and text when dogs hadn't been outside. All houses around have dogs. In April conversed with ACO explaining when dogs go out during noise curfew they are monitored, if barking, they come in. The dogs have bark collars. Not a continuous barking, one or two barks. Not aware of incidents in July and August. Barton keeping log of dogs barking. Barton's dogs have never barked at 3:45am because household is not up at that time. Barton showed the board the training certifications for all their dogs. Jesse, canine good citizen, Boone registered therapy, certified service dog and certified good citizen dog. Bertie, the youngest dog, was living at 184 Winchester before Mellas moved from 183 Winchester, has her canine good citizen certificate. Property is audio and video recorded 24/7.
 - Barton has been involved in dog obedience training since 1997, Roberge since 2014. Roberge raised hunting dogs since he was 16. There are incidents where Marchello brings on the barking himself by aggravating the dogs. Meisner asked to clarify Barton felt some of the barking Marchello is complaining about is instigated by Marchello. Barton answered yes.
 - Third dog acquired July 2018. Barton stated she always have eyes on them would never leave them out there and not be able to see them. Dogs are outside 4:45am- 5:30am over the past few months for about 5 minutes. Dogs are out longer in the afternoon when Barton's parents arrive. Dogs are in for the day by 7:30 pm. dogs are not let out in the middle of the night.
 - Ages of dogs, Jesse 10, Boone 5, Birdie 2. Barton reviewed the dogs' training: service dog training the longest at 6months. Training is intense and dogs are well behaved. Don't require that level of behavior at home because they are dogs. Described the "beep" collar. Two of the collars beep and have citronella spray, third collar has audible only.
- Defendant's Supporting Testimony
 - Meisner re-administered the oath to Craig Barton, 126 Chapman St. Greenfield and Kathy Montiglio, Brattleboro Rd., Bernardston. Parents of Barton.
 - Montiglio testified when she is at 184 Winchester Rd to watch the dogs around noontime interacting with the dogs 30-45 minutes. Occasional barking, if extensive may be due to Marchello sitting across the road in his chair with his camera or phone pointed at the residence. If Marchello is lurking behind a tree Motiglio's own dog she brings with her will bark.
 - C. Barton is also at the residence doing yardwork lets the dogs out. Usually they are quiet, but one instance dogs were barking, and C. Barton observed Marchello standing across the street on his property with a hoodie and felt this was why dogs were barking.
 - Montiglio and C. Barton are at 184 Winchester Rd. usually Monday- Friday and the dogs are well known to them
- Complainant Response
 - Marchello presented audio cd's to the board claiming they contain ferocious barking. He invited the board to walk the area to witness the barking. He said the dogs do not bark at him; they

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disturb his sleep. Marchello offered to play the cds. Meisner declined. Marchello re-iterated his purpose was to secure unbroken sleep between 11 pm-7am.

- Additional Defendant Supporting Testimony
 - Marianne Wilkinson, 2 Myrtle St.
 - Backyard windows face 184 Winchester. Never hear dogs barking. Meisner asked Wilkinson if she swore this was the truth; Wilkinson responded yes.
- Meisner motioned to close the dog hearing for Mr. Roberge, Miss Barton versus Mr. Marchello. seconded by Cummings at 6:42 pm. Unanimous
- Deliberations
 - Barking not at nuisance level
 - Evidence provided does not sufficiently back up claims
 - Source of barking is not clear for the claim of sleeping disturbance
 - Police canvassed neighbors with no verification of excessive barking and utilized mediator
- Decision
 - Motion by Meisner seconded by Jacque the board voted unanimously to find these dogs not responsible of any nuisance at this time.
- **Review and Approval of Warrants**
 - Motion by Meisner, seconded by Jacque the board voted to approve 9/24/20 Payroll warrant of \$59,987.80 and the 9/24/20 Vendor warrant of \$91,806.86
- **Review and Approval of Minutes**
 - Motion by Meisner, seconded by Cummings the board voted to approve the 6/8/2020 Executive Session minutes and the 8/3/2020 Executive Session minutes as written
 - Motion by Meisner, seconded by Cummings the board voted to approve the minutes of 9/14/2020 as written
- **Meetings/Events attended by Selectboard members**
 - Meisner: Sewer Commission
 - Jacque: Schell Bridge Advisory
- **Business**
 - Chief Leighton: Jakob Davidson as Auxiliary Officer appointee; term expires 12/31/20
 - Davidson has completed the reserve academy course and is attending Greenfield Community College for Criminal Justice
 - Currently a security guard for Thomas Aquinas
 - Motion by Meisner, seconded by Cummings the board voted to appoint Jakob Davidson as an Auxiliary Officer of the Northfield Police Dept; term expires 12/31/20
 - Ted Penick; Fred Wells Will Trustee
 - Penick served as Trustee for 33 years and has resigned. Appointee needed to fill the position
 - Penick gave a history of the Trust and the workload associated with the position
 - The board will investigate recruits
 - Halloween
 - Llamas requested input from the Library, PTO and Board of Health
 - There will be no Rag Shag parade due to the pandemic
 - CDC recommendations reviewed
 - Selectboard guidance: door to door okay; encourage outdoor single serve including self-serve, serve them not allow participants to serve themselves; not approaching doors that have their lights off or blocked; no parade; cloth face masks as part of the costume; groups should distance
 - Llamas to write up guidelines and submit to Board of Health and Police Chief. When completed, forward to the PTO for assistance getting distributed to parents.
 - Schell Bridge Update – Letter of Support

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- Judy Wagner and Sue Ross of the Schell Bridge Advisory commented on the latest design on the bridge.
- Llamas explained, for the project to continue, up to \$15,000 is needed from the town for Right of Way and requested the board allow the funds to be used from the legal account. The Finance Committee wanted a special town meeting (STM) but after a conversation with MassDoT and the town attorney, a STM scheduled in December would be too late and may compromise the project. Llamas updated the Chair of the Finance Committee. Final row, legal descriptions title work needed. Other government entities will be involved. Residents will have opportunities during the process for input.
- Comments from Facebook feed answered on billing and legal budget
 - Motion by Meisner, seconded by Jacque the board voted to approve the spending of \$15,000 from our Town Administrator for legal fees for the Schell Bridge Project
- Possible spring STM
- \$3,700 for legal documents to be registered and \$2,500 in title work
 - Motion by Meisner, seconded by Cummings the board voted to sign the Bridge Project Management letter to Patricia Leavenworth, Chief Engineer of MassDoT
- Memorandum of Agreement: Franklin Regional Council of Governments, Franklin County Emergency Communication System Oversight Committee and the Town of Northfield for the Franklin County Emergency Communications System and Commonwealth of Massachusetts Interoperable Radio System
 - Radio communication improvement for safety personnel between counties and states
 - State run system
 - Motion by Meisner, seconded by Cummings the board voted to enter into a Memorandum of Agreement between the Franklin Regional Council of Governments, Franklin County Emergency Communication System Oversight Committee and the Users of the Franklin County Emergency Communications System and Commonwealth of Massachusetts Interoperable Radio System for the Town of Northfield
- Franklin Regional Council of Governments – Request to participate in grant for Sustainable Stormwater Plan
 - Northfield to be in the pilot project including the Green infrastructure Best Management plan to use for Complete Streets projects.
 - To save water quality of rivers
 - Motion by Meisner, seconded by Jacque the board voted to participate in the pilot program with FRCOG for sustainable water planning.
- TA request for time off
 - Motion by Meisner, seconded by Jacque the board voted to approve the time off request.
- **Town Administrator's update**
 - Town Hall Entry System
 - Use of Exit Interview Policy in existing Selectboard Policy book
- **Topics not reasonably anticipated by the chair 48 hours in advance of the meeting**
 - Cummings: resident concerns HVAC capabilities in school district. Spoke to facility director. Update at future meeting.
- **Appointments:**
 - Motion by Meisner, seconded by Jacque the board voted to appoint Melissa Foster as an Election Officer; term expires 8/15/21
 - Motion by Meisner, seconded by Jacque the board voted to appoint Joe Graveline as an Election Officers; term expires 8/15/21
 - Motion by Meisner, seconded by Cummings the board voted to appoint Robin Conley to the Conservation Commission; term expires 6/30/21
- **Announcements**
 - October Bulky Waste day sponsored by the Franklin County Solid Waste District has been canceled for 2020.

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Motion by Meisner, seconded by Jacque the board voted to adjourn at 8:34 pm

Recorded by Sandra L. Wood, Secretary

Selectboard Clerk

10/5/20
Date Approved