



**TOWN OF BLANDFORD**  
Select Board

Blandford Town Hall  
1 Russell Stage Road, Suite 1  
Blandford, MA 01008

**SELECT BOARD  
MEETING MINUTES  
DANGEROUS DOG HEARING  
July 29, 2024  
6:00 pm**

**Meeting held in the Select Board Chamber, Town Hall**

**In attendance:** C. Letendre, Chair; T. Cousineau, Member; T. Cousineau, Absent - Member

**11. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS**

***a) Examination of the Select Board Meeting Minutes of April 22, 2024***

**MOTION:** C. Letendre made a motion to table the Select Board Meeting Minutes of April 22, 2024

**T. Cousineau Seconded**

**2. \*AUDIENCE PARTICIPATION / PUBLIC COMMENT**

G. Reichert: Progress with the Post Office painting. Reichert has volunteered to organize this community event for painting the Post Office in September.

**3. DEPARTMENT REPORTS**

***a) Highway***

None

***b) Administrator-Cristina Ferrera***

FEMA reached out regarding a hazard mitigation grant that Blandford was awarded in 2023. It is an in-kind grant which means they were presented with three quotes; they would pay 75% or the cost and Blandford would pay 25%. This did not move forward. Ferrera does have a meeting with the State to sign the acknowledgement of program requirements for this grant. It is important that Blandford have a Hazard Mitigation Plan in place. Without one we cannot apply for other FEMA grants and that would be beneficial to the Town such as bridge and culvert grants. The downside is that these prices were quoted in November, 2023 and are probably not the same. However, the grant itself is not going to change. The total cost is \$32,300. The grant is \$25,200 and we need to match 25% of that, which is \$8,400. Finance is working on this.

**4. ACTION ITEMS**

***a) Appoint Nathan Kowalczyk as Electrical Inspector for the Town of Blandford for the term July 01, 2024, through June 30, 2025.***

**MOTION:** C. Letendre made a motion to appoint Nathan Kowalczyk as Electrical Inspector for the Town of Blandford for the term July 01, 2024, through June 30, 2025.

**T. Cousineau Seconded  
All in Favor**

***b) Appoint Cristina Ferrera as Town Administrator for the term July 08, 2024, through June 30, 2025***

**MOTION: C. Letendre made a motion to appoint Cristina Ferrera as Town Administrator for the term July 08, 2024, through June 30, 2025**

**T. Cousineau Seconded  
All in Favor**

***c) Approve Warrant #2 Payroll for payment***

**MOTION: C. Letendre made a motion to approve Warrant #02 Payroll for payment**

**T. Cousineau Seconded  
All in Favor**

***d) Authorize the Town Administrator, Cristina Ferrera, to approve grant contracts***

**MOTION: C. Letendre made a motion to authorize Town Administrator, Cristina Ferrera to approve grant contracts**

**T. Cousineau Seconded  
All in Favor**

## **5. NEW BUSINESS**

### ***a) Dangerous Dog Hearing***

Cara Letendre read the Hearing Notice for the record to ensure this notice was posted and served to all interested parties:

“Pursuant to General Law c140 section 157, the Town of Blandford Select Board will conduct a public hearing to determine whether two dogs owned or kept by Mr. Frappier and Ms. Thomas in the Town of Blandford are dangerous dogs as the term is defined in said statute. This notice is based upon a report concerning incidents that occurred on July 3, 2024, where your dogs attacked and injured dogs owned or kept by Richard and Eileen Gates of 39 Herrick Road, Blandford, MA 01008.”

Cara Letendre issued ground rules for the Hearing:

- Testimony is going to be limited to the issues related to the subject matter of the hearing.
- Only one person will be permitted to speak at a time,
- All discussion will go through the Chair of the Select Board,
- All parties will be expected to conduct themselves civilly,
- Arguments between parties will not be permitted,
- The proceedings shall be recorded and preserved,
- All witnesses shall be sworn in by the Select Board Chair,
- After testimony, the Select Board members will deliberate and make a deciding vote.

***Evidentiary Portion:***

***Richard Gates of 39 Herrick Road will be sworn in and give his testimony:*** Gates: “The testimony I’m about to give in this matter is the truth, the whole truth and nothing but the truth”. Gates proceeded; Gates reported he was out of town when the incident happened. He received a call from Eileen Gates explaining these dogs came onto our property and attacked our Border Collie, Rose. The Gates believe this was unprovoked by their dog and they firmly believe these dogs were trying to kill their dog since they went for her neck and ripped her neck open which required several surgeries. Eileen Gates was able to separate the dogs somewhat and call 911. Gates reports it was very traumatic; there was a lot of blood. One of the dogs then tried to get into a pen where their other dog, Lily, was. As Eileen was trying to pick Lily up to protect her, the dogs were biting at her legs trying to pull her down. Eileen was able to get Lily into a protected area. The dogs did not leave the yard. Eileen bribed them with water in her garage and closed them in. Eileen then took Rose to the veterinary hospital. The Gates report still feeling traumatized and because they have chickens and goats, they do not feel comfortable leaving their property. In speaking to others in Blandford, the Gates have discovered these dogs have a history of showing up at any given time and killing chickens. The Gates have presented bills and pictures that will be kept on record.

***Blandford Police Chief Jennifer Dubiel and Animal Control Officer will be sworn in and give her testimony:*** “The testimony I’m about to give in this matter is the truth, the whole truth and nothing but the truth.” Dubiel proceeded: She reported she was fortunate enough to be here at the Town Hall station when the call came in. She observed Rose was being held by Mrs. Gates. When investigating her injuries, she could see her injuries were significant. Dubiel calmed the dog while Mrs. Gates took steps to secure her other animals. Dubiel reported that her experience in the past with these two dogs was having them in the kennels when they were running at large. Dubiel reported that these dogs are always friendly to people but the minute they see another animal, they start growling and appear to become extremely aggressive. The animals in this community need to be protected from these dogs, their tendency being to repeatedly go to the Herrick Road area.

***Owner/Keeper of the dogs: Josh Frappier, 6 Wyman Road, Blandford will be sworn in and give his testimony:*** “The testimony I’m about to give in this matter is the truth, the whole truth and nothing but the truth”. Frappier stated he and Thomas both feel terrible about what happened. It’s a sad thing. The times they got out our neighbor was setting off fireworks and ended up getting through our screen window. They were freaking out and looking for a safe place away from the noise. The incident with the chickens was the only time Frappier saw them being aggressive. They are fine at dog parks and with his brother’s dogs although he stated he cannot justify what they did however, Frappier does not believe they are violent in nature and do not have a killer instinct. Frappier was asked about his progress on a fence, and he stated they have several quotes from fencing companies.

***William Hess, 16 Herrick Road, will be sworn in and give his testimony:*** “The testimony I’m about to give in this matter is the truth, the whole truth and nothing but the truth” Mr. Hess in reporting an incident with these dogs that happened in mid-June where they apparently escaped and showed up at the Hess home. Hess reported the dogs were friendly with him and were not in contact with his dogs. Mr. Hess called Mr. Frappier who came down and explained once one gets out, the other follows. Hess reported he did not witness them being aggressive but believes this speaks to the pattern that at least two or three weeks before this incident, they were running around. Without a resolution, he is afraid to walk his dogs on his own road at this point.

***Eileen Gates or 39 Herrick Road will be sworn in and give her testimony:*** “The testimony I’m about to give in this matter is the truth, the whole truth and nothing but the truth”. Ms. Gates is reporting she does not know why this happened. She reported that the injured dog, Rose, is an older dog and she is blind and deaf. Eileen was even more perplexed to understand why after Remy attacked Rose she tried to attach Lily next. Gates explained she and Dick are aware that they live on a country road in Blandford and are subject to wildlife, so they do

make provisions for this. She is reporting feeling nervous when leaving her house knowing in time this will fade but she would feel better knowing the dogs are secured properly. Gates reported when she asked them to stop chasing, they backed off. Mr. Gates reported they incurred several veterinary bills as Rose needed surgery and several visits to the veterinary hospital. Mr. Frappier and Ms. Thomas agreed that they would start making payments to the Gates on these bills and continue their plans to install a fence for their dogs.

**MOTION: C. Letendre made a motion to close the Dangerous Dog evidentiary portion of the hearing**

**T. Cousineau Seconded  
All in Favor**

**MOTION: C. Letendre made a motion to move into the Deliberation Portion of the Dangerous Dog Hearing**

**T. Cousineau Seconded  
All in Favor**

**Deliberation Part of this Hearing:**

Letendre noted that we will deliberate in open session. Letendre noted the Select Board has two options adding an attack is defined as an aggressive physical contact initiated by an animal.

**Nuisance Declaration:**

A dog that by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity or by excessive barking causes damage or other interference that a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment or has threatened or attacked livestock or domestic animals or a person, but such threat or attack was not a grossly disproportionate reaction under the circumstances

**Dangerous Dog Declaration:**

A dog that either without justification attacks a person or a domestic animal causing physical injury or death or behaves in a manner that a reasonable person would pose as an unjustified imminent threat of physical injury or death to a person or domestic or owned animal.

**MOTION: C. Letendre: The Blandford Select Board moves, based on the following facts deduced at this public hearing including but not limited to the facts that were stated by witnesses as well as the evidence provided that the Blandford Select Board find the dogs complained of are Dangerous Dogs by reason of 'A dog that either without justification attacks a person or a domestic animal causing physical injury or death or behaves in a manner that a reasonable person would pose as an unjustified imminent threat of physical injury or death to a person or domestic or owned animal'.**

**T. Cousineau Seconded  
All in Favor**

**Discussion:** Cousineau followed with question about their progress on a fence to contain the animals. Frappier and Thomas reported they are making progress with the fence.

**C. Letendre – Aye    T. Cousineau – Aye**

**Remedies to be Imposed:** The Select Board can order one of the following remedies:

1. The dog is humanely restrained but not chained, tethered, or otherwise tied to an inanimate object including a tree, post or building or
2. The dog is confined to the premises of its owner or keeper either indoors or outdoors properly sheltered from the elements in a securely enclosed in a locked pen or dog run area with a secure roof and if the enclosure has no floor, with sides 2 feet imbedded into the ground.

**Further:**

#1 Removing from the Property: When removed from the premises, the owner or keeper of the dog shall securely and humanely muzzle and restrain the animal with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.

#2 Insurance: The owners provide documents of proof of no less than \$100,000 insurance for claims resulting from intentional or unintentional acts of the dog or reasonable efforts to obtain such insurance if the policy has not been issued.

#3 Licensing: The owner or keeper provides the licensing authority, Animal control officer, or other entity identifying the information by which the dog may be identified including for example photographs, videos, vet exams or microchips.

#4 Dog be Altered: The dogs will be altered in order not to reproduce. The owners stated both dogs are altered.

#5 Euthanasia: The Board will not consider this option.

**MOTION: C. Letendre made a motion to order that the dogs be confined to the premises of its owner/keeper either indoors or outdoors properly sheltered from the elements in a securely enclosed and locked fenced area, a minimum of 6 feet high. A barrier will be put in place so that the dogs cannot dig under the fence.**

**T. Cousineau Seconded  
All in Favor**

**MOTION: C. Letendre made a motion to order the owners/keepers of the dogs in question shall securely and humanely muzzle and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length when removed from the premises.**

**T. Cousineau Seconded  
All in Favor**

Resident Question: A Herrick Road resident asked what would happen if the dogs got out and caused damage again. Letendre responded the Board would have to hold another Dangerous Dog hearing to re-examine the Remedies to be Imposed #1-#5.

Animal Control Officer: Police Chief Dubiel and Animal Control Officer explained to Mr. Frappier and Ms. Thomas if they don't agree with the decision that was made by the Blandford Select Board, they will have 10 days to contest by filing through the courts in writing, certified first class mail to all interested parties. Chief Dubiel requested Frappier and Thomas contact her immediately if the dogs should get out. She requested they call 911 or use her cell phone number which she made available to them. Also, the Chief reminded them that the dogs are not registered in Town. Frappier assured her they are registered. The Chief will check.

In Summary: Letendre stated any time the dogs leave their home, they must be muzzled and on a 3 foot or less leash. Letendre ordered that a fence contract be in place by August 11, 2024. Letendre asked if any resident is aware that these dogs are loose, they should call 911.

**MOTION: C. Letendre made a motion to close the Dangerous Dog Public Hearing**  
**T. Cousineau Seconded**  
**All in Favor**

***b) Sumner Robbins Revocable Will***

**MOTION: C. Letendre made a motion to accept Sumner Robbins Revocable Trust dated April 01, 2008, as amended**  
**T. Cousineau Seconded**  
**All in Favor**

Letendre thanked Sumner Robbins estate for his generous contribution to leave in a trust for the Town of Blandford. This Trust is left for the care of North Blandford Cemetery on Blair Road.

***c) Watson Park Leach Field***

Letendre asked Sarah Desilets and Ryan Bengle if they would remove stumps in the leach field in Watson Park. Desilets reported this is not something they are equipped to do. They will continue to mow, weed whack and brush cut in that area a couple times per year. Letendre requested we investigate hiring somebody to remove the stumps in Watson Park. TJ Cousineau will look into this.

**6. UNFINISHED BUSINESS**

***a) Cemetery Gates***

There was a conversation about the blocked cemetery gates #19A and #20. Cousineau noted that Gate #19A is on South Otis Road and Gate #20 is on Julius Hall Road. Letendre reported that Springfield Water & Sewer has agreed to take down these two gates if we approve. The expense will be paid by Springfield Water. Nicole Sanford stated that if the Town should vote to remove these gates, she will coordinate with Springfield Water's maintenance crew for a time frame for removal. If they are busy with another project, the locks will be removed, and the gates will be opened until they can be removed by staff.

**MOTION: C. Letendre made a motion to remove Gate #19A on South Otis Road and Gate #20 on Julius Hall Road.**  
**T. Cousineau Seconded**  
**All in Favor**

**Meeting Adjourned at 6:56 pm**

**MOTION: C. Letendre made a motion to go into Executive Session in accordance with G.L. c. 30A, §21(a)(2) to Discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such an Executive Session shall be notified in writing by the public body at least 48 hours prior to the proposed Executive Session; provided, however, that notification may be waived upon the written agreement of the parties.**

**AND**

**Executive Session in accordance with G.L. c. 30A, §21(a)(2) to discuss strategy sessions in preparation for negotiations with union personnel or to conduct collective bargaining sessions or contract negotiations with union personnel.**

**T. Cousineau Seconded**

**All in Favor**

**Roll Call in: C. Letendre – Yes**

**T. Cousineau - Yes**

**7. EXECUTIVE SESSION**

**a) Executive Session in accordance with G.L. c. 30A, §21(a)(2) to Discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such Executive Session shall be notified in writing by the public body at least 48 hours prior to the proposed Executive Session; provided, however, that notification may be waived upon the written agreement of the parties.**

**AND**

**b) Executive Session in accordance with G.L. c. 30A, §21(a)(2) to discuss strategy sessions in preparation for negotiations with union personnel or to conduct collective bargaining sessions or contract negotiations with union personnel**

Submitted by Joann Martin

Administrative Assistant to the Select Board

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Cara Letendre, Chair

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T. Cousineau, Member

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Absent

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J. Allen, Member