TOWN OF WEST BROOKFIELD

BOARD OF SELECTMEN

Tuesday, April 15th, 2025 – 6:00 PM

West Brookfield Town Hall, 2 East Main Street, Conf. Room (1st floor).

MINUTES

PRESENT: Eric von Bleicken, Chair; Brad Merkel, Clerk (virtual/Teams); Theresa Cofske, Town Administrator; Beth Gobeille, Exec. Asst. to TA/BOS; Jim Daley, Highway Superintendent; Gary Simeone, former ZBA; Matt Letendre, Police Sergeant; Craig Charron, Patrolman; Cassidy Culver, Police Officer; Leah Shattuck, Animal Control Officer, Nick Thomo, ZBA; Jillian Patch, Treasurer/Collector.

GUEST: Mr. Chobot, resident; Ms. Madrzo, resident; Mr. Muto, resident.

ABSENT: Roland Sickenberger, Vice Chair

CALL MEETING TO ORDER IN OPEN SESSION

6:00pm: Motion to open the meeting

Minutes for March 18th, April 1st BOS meetings (Open Session) and April 1st BOS Execution for approval.
Motion to approve March 18, April 1st BOS meetings (Open Session) and April 1st BOS Executive minutes Made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

KENNETH CHOBOT/JUNKYARD, CLASS III LICENSE RENEWAL – Mr. Thomo explained that a junkyard license cannot be issued because business use is not allowed in the area Mr. Chobot lives. Mr. Chobot had appealed his decision to the ZBA and that was denied. Mr. Simeone added that Mr. Chobot operated his business on his own and this was not approved by Zoning and ZBA.

The Selectmen did not want to overrule a ZBA denial. Mr. Thomo added that he ordered Mr. Chobot to cease and desist his business, explained that the fee would be $50/day for operating a business when a denial was put in place. Mr. Chobot took down his sign. Mr. Von Bleicken added that we have enough information for a vote. Mr. Merkel further added that it seemed pretty cut and dry.

Motion to not approve issuing a Class III Junkyard License to Mr. Chobot made by Mr. Merkel. Second by Mr. von Bleicken. - 2 yes.

BYLAWS FOR DISTRICT 7 WEST 1 REGIONAL EMERGENCY PLANNING COMMITTEE -
Ms.Gobeille explained that all of the Towns in the Regional Emergency Committee have to accept and adhere to the bylaws. Ms. Cofske added that these are not submitted to the AG's office and that the committee consists of representatives from Warren, Spencer, Brookfield, West Brookfield, East Brookfield and North Brookfield.

Motion to approve the bylaws set forth by the District 7 West 1 Regional Emergency Planning Committee made by Mr. Merkel. Second by Mr.von Bleicken – 2 yes.

REVIEW DRAFT 2025 ATM and STM Warrant Articles and LOCAL ELECTION WARRANT -

FIRST – STM:

Article 1: SUPPLEMENTAL APPROPRIATIONS. Ms. Cofske read the article.

Motion to approve Article 1 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #2: UNPAID BILLS. Ms. Cofske explained that they are end of previous fiscal year. Will be in a hand-out. Around $3000 approved by 9/10ths vote.

Motion to approve Article 2 as written made by Mr.Merkel. Second by Mr. Von BLeicken – 2 yes.

ARTICLE #3: OTHER POST EMPLOYMENT BENEFITS. Ms. Cofske explained that this was to build up OPEB, recognizing the obligation of the Town. The highlighted # is the current #. This is unfunded pension.

Motion to approve Article 3 as written made by Mr. Merkel. Second by Mr. Von Bleicken – 2 yes

Article #4: ACCRUED UNPAID LIABILITIES AND COMPENSATED ABSENCES. Ms. Cofske explained that these are related to employee benefits like absences, leave for all employees who are benefitted.

Motion to approve Article 4 as written for FY26 operating budgets made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

Article #5: TRANSFER TO GENERAL STABILIZATION FUND. Ms. Cofske explained that it is related to stabilization benefits.

Motion to approve Article 5 as written made by Mr. Merkel. Second by Mr. von BLeicken – 2 yes.

Article #6: TRANSFER TO CAPITAL EXPENDITURE STABILIZATION FUND.

Ms. Cofske explained that this was to finish the restructure of the office 0 Motion to approve Article #6

LOCAL ELECTION WARRANT -

Ms. Cofske explained that it was approaching 6:15pm, and because Brad is on the line, I'd suggest that you accept and vote on the Local Election Warrant. Mr. Merkel asked if it was the ATM Articles. Ms. Cofske explained that no, this is the Local Election Warrant, which needs to be posted by April 22nd because your

local elections are held on May 6th, so in order to make the time frame and posting requirements we need to have the Board accept and sign/execute the back Warrant. Mr. Merkel indicated that he will come in and sign.

Motion to approve the Election Warrant as written made by Mr. Merkel. Second by Mr. Von Bleicken – 2 yes. All in favor, aye.

6:15PM - PUBLIC HEARING. Mr. Von Bleicken told the room that this will be recorded. *See transcription attached.

6:48pm – Dog Hearing closed.

RESTRUCTURING OF THE TREASURER COLECTOR DEPT. -

Ms. Cofske explained that this is to finish restructuring of the office – into a combined position. Ms. Patch explained that not restructuring left a significant gap, leaving the Treasurer Collector as the only person to sign documents. Ms. Cofske added that they are not proposing this position to be an increase in wage, only to combine both lines items (Assistant Treasurer and Clerical) to one position, which is already funded. She asked the Board to first authorize to create the position and emphasized that this wouldn't take effect until FY26. Ms. Patch explained that the Clerical Asst. Could do Jillian Patch's work if needed (a back-up). She added that this will foster the "moving up" and will help them to grow. She further added that this position will align with a Grade E (the position would fall in the middle of the Collins Center levels presented in their compensation report for the Town).

Motion to unfund the current clerical and assistant positions as of FY26 and to create the position of Assistant Treasurer Collector, effective FY26 made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

Ms. Cofske added that we will have to advertise the new position internally and if no one applies, it will be posted out.

Mr. Chobot had come to the meeting late (after his agenda item was discussed). Ms. Gobeille indicated this to Mr. von BLeicken, so he may let Mr. Chobot know of the Select Board's decision. Mr. Von Bleicken told Mr. Chobot that we will not be approving a Class III Junkyard license for him as he has not been allowed to run that type of business at his address, as it is not zoned for it. Mr. Chobot asked who said he's not allowed. Mr. von Bleicken answered that the Town says it is not allowed.

Mr. Merkel added that we are not going above heads – over legal's recommendation and the Zoning Dept. Mr. von Bleicken added that the permit should not have been into effect for many years. You cannot have the business if it is not zoned for that area.

ATM:

ARTICLE#1: LOCAL ELECTION and ARTICLE #2: ANNUAL TOWN REPORTS. Coordinating with Assistant Town Clerk.

Motion to accept Article 1, Article 2 as written made by Mr. Merkel. Second by Mr. Von Bleicken – 2 yes.

ARTICLE #3: FY2026 ELECTED TOWN OFFICERS COMPENSATION.

Motion to keep the numbers the same for FY2026 made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

Ms. Cofske to look at the numbers with the Town Clerk.

ARTICLE #4: FISCAL YEAR 2026 OPERATING BUDGETS.

Motion to accept to raise and appropriate or transfer from available funds, including the Water Enterprises Fund in accordance with M.G.L. Chapter 44, Section 53F ½ in Article 4 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

Motion to accept to raise and appropriate or transfer from available funds, including the PEG Access and Cable Related Fund in accordance with M.G.L. Chapter 44, Section 53F ¾ in Article 4 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

Ms. Cofske explained that Advisory will put together the Omnibus. she indicated that there are currently no $ amounts and that they will be in the hand-outs.

ARTICLE #5: ESTABLISH AND AUTHORIZE PFAS SPECIAL REVENUE FUND. Ms. Cofske explained that this is to create the Account to set up PFAS accounts. Monies will be used to upgrade to treat contamination. She has reached out to DLS Legal team for guidance. This Article needs to the correct MGL noted.

Motion to open up PFAS line item as indicated made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #6: ESTABLISH AND AUTHORIZE REVOLVING FUND – RECREATION PROGRAMS. Ms. Cofske explained that the Revolving Fund is to be set up by request from the Pickleball group. The chart lists that any fees received by Recreational Programs under the Recreation Committee can be used by that that committee to pay for materials necessary to facilitate any of the programs.

Motion to approve Article #6 as written and discussed made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #7: SPENDING LIMIT ON REVOLVING FUNDS. Ms.Cofske explained that the capital is the same each year.

Motion to approve ARTICLE 7 as written made by Mr. Merkel. Second by Mr.von Bleicken – 2 yes.

ARTICLE #8: TOWN ROAD MAINTENANCE ACCOUNT

Motion to approve Article #8 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #9: TOWNWIDE BUILDING MAINTENANCE ACCOUNT.

Mr. Merkel asked if the Building Maintenance should be a Capital Improvement item? Ms. Cofske will ask and has placed this Article on HOLD.

ARTICLE #10: VARIOUS CAPITAL IMPROVEMENT PROJECTS.

Motion to approve Article #10 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #11: PURCHASE OF LARGE CAPITAL ITEMS.

Motion to approve Article #11 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #12: IN-KIND FUNDS "MASTER PLAN UPDATE GRANT." Ms. Cofske explained that this is contingent on a $14,000 town contribution.

Motion to approve Article #12 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #13: LELAND ROAD PUMP STATIO UPGRADE PROJECT. Ms. Cofske explained that the Water dept. Is looking to get a grant and loan funding with USDA. Language for this Article was provided by the USDA.

Motion to approve Article #13 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #14: IN-KIND MATCH FOR MASSWORKS GRANT FOR ENGINEERING SERVICES. Ms. Cofske explained that this will pay for the design to get this out to bid.

Motion to approve Article #14 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #15: DROP OFF CENTER CLEANUP PROJECT. Ms. Cofske explained that this is part of the Massworks grant. The area used by the museum will be made a safe parking area to be used by the residents who utilize the Senior Center.

Motion to approve Article #15 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #16: REPAIRS TO PRIVATE WAYS ACCOUNT.

Motion to approve Article #16 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #17: ENGINEERING SERVICES ASSOCIATED WITH ROUTE 9 RECONSTRUCTION. Jim Daley explained that MassDOT is requiring more oversight over design on the project. Was over $200K. Pleaded no money. Got it down to 35K.

Motion to approve Article #17 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #18: LOCAL EXISE ADOPTIOMM. ROOM OCCUPANCY.

Motion to approve Article #18 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #19: ADOPTION OF M.G.L. C.32B§ AND §21-23 – MUNICIPAL HEALTH INSURANCE CHANGES. Ms. Patch explained that this would let you move from a 0 deduction and this would bring it forward to have a discussion with other companies. Currently, if you wanted to offer a different plan and it was cheaper, you couldn't be able to change them. Ms. Patch further explained that we have 19% plus increases. We need to look at other types of plans. This allows us to look.

Motion to approve Article #19 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

ARTICLE #20: ZONING BYLAW AMENDMENT – SECTION 3.23 COMMERCIAL USE. Ms. Cofske explained that this allows for indoor storage for indoor structures (vehicles/equipment), etc. This will still require special permits through ZBA.

Motion to approve Article #20 as written made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

TREASURY WARRANTS.

Motion to approve the Treasury Warrants as presented made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.

OTHER BUSINESS:

Mr. von Bleicken explained that the Rural Farmers Forum went well. It was a very good event and there were many good questions.

NEXT BOS MEETING SCHEDULED FOR APRIL 29TH AT 6PM. Ms. Cofske mentioned that at the 4/29 meeting, there will be several Executive Sessions (Union negotiations, etc.). Attorney Chris Petrini from Petrini Law will be in attendance.

8:05pm. ***Motion to adjourn made by made by Mr. Merkel. Second by Mr. von Bleicken – 2 yes.***

4/29/25 @ 6:05pm — 4/29/25

Authorized Party for the BOS Date/Time ~~BOS Clerk~~ Date/Time

TOWN OF WEST BROOKFIELD

BOARD OF SELECTMEN

Tuesday, April 15th, 2025 – 6:00 PM

West Brookfield Town Hall, 2 East Main Street, Conf. Room (1st floor).

DOG Hearing transcription

PRESENT: Eric von Bleicken, Chair (EVB); Brad Merkel (BM), Clerk (virtual/Teams); Theresa Cofske, Town Administrator (TC); Beth Gobeille, Exec. Asst. to TA/BOS (BG); Matt Letendre, Police Sergeant (ML); Craig Charron, Patrolman (CCh); Cassidy Culver, Police Officer (CCu); Leah Shattuck, Animal Control Officer (LS).

GUEST: Ms. Madrzo, resident (MA); Mr. Muto, resident (MU).

ABSENT: Roland Sickenberger, Vice Chair

6:15pm.

EVB: Without further ado we need to go to the Public Hearing/Dog Hearing with Ms. Madrzo and Mr. Muto.

BG: You guys can come in.

BM: Just so people know that I am here and it's not just a voice (live video of Mr. Merkel)

BG: Can you announce that we are recording this public hearing.

EVB: Oh yes, just for all of your knowledge, we are recording this. OK.

So we'll open the dog hearing now. It starts at 6:15.

These are the ground rules and process for this nuisance slash dangerous dog hearing. All individuals involved are participating in this hearing will be sworn in under oath complainants and their witnesses, defendants and their with witnesses.

I'm going I'm going to first ask that the animal control officer and former animal control officer for the town of West Brookfield, speak and provide any facts they have on the events that have led up to this hearing.

Now don't, do we not have to have them under oath prior?

At this point, you'll just ask. I will ask each individual to state their name and then I will, you know, read the. We already read the oath, so that's not necessary, all right.

So, Animal control officer, if you could speak to the, would you mind standing?

LS: It really happened prior to my coming back.

It was all on Kat's watch.

Oh, I spoke to the dog owner and I spoke to the complainant, but that's really all the involvement I had. So I'm not the best person for the facts of this.

I think when I talked to her, she said her dog was young.

He kind of said, well, yes, he does go out in the road, but I don't want to tie him up.

And she had a shock collar. But of course, that's one of those things you have to see him to stop him.

I did kinda explain that when he's out in the road he is a dog at large. And I know that he's really concerned that he's gonna fall off his bike and hurt himself.

So, I guess it doesn't matter if the dog is dangerous or not. The fact is he's on the road, though, but all the facts are going to be the police, because I think they might have taken some of the calls. I didn't think any actual calls were after.

EVB: Did you hear all of that, Brad?

BM: I did.

EVB: OK. All right, I will ask then the Police Department to provide any relevant police reports.

ML: So, the one I got, Officer Hartung, got a call from the reported party to hear the I would say the victim here. Said that he had gone up to New Braintree Dispatch Center, complained about the dog coming after him while riding his bike. It happened on July 24th, 2024, this one. obviously officer Hartung isn't here anymore. She doesn't work with us anymore.

So, she put in her log that she notified the ACO left a message. Unknown if the ACL responded to that or not, I don't know.

The victim came into the station two days after that to check in for an update.

At that point I went up and spoke to them up on New Braintree Road and advised them of what had happened 2 days prior. That's the call I have. So, they were advised by me.

CCh: Mine, she said she had put a electric leash on it so that way she could she could ZAP and keep it from going in the road when she knew Rob, when she knows the dog has been doing that behavior now to try to correct that behavior.

BM: Mm hmm.

CCh: She made sure to do that at times when she lets the dog loose outside and she sees Robert ride his bike by around 2:00 most days.

She was respectful, but she's been respectful of it, in my opinion.

BM: She's been respectful, pretty receptive, then? Ok. Thank you.

CCh: Yes.

EVB: All right. The complainant and any of the complainants with witnesses would you please stand if you don't mind standing and stating your name, please.

Mu: Robert Muto

EVB: Could you give us your of the events, can you give us your side?

Mu: The focus are of the detailed moments, so I probably don't have to repeat those, but I'm going to try to play an elder card here.

It's tough to be a Guinea pig on that street. We've been riding that road for 32 years. It's part of our time trial route. We usually go South.

EVB: I'm sorry. Who's we?

Mu: My youngest son and I. OK, well he trains for triathlons. I draft him.

We are approaching speeds of 20 to 25 mph and when the dogs come out we have, well, I have no evasive action.

On the first instance.

The dog came out right to the center of the road and assumed a standing position. When you're doing 20 mph, it's very tough to break or take evasive action. Thankfully, I moved left quickly, felt I had pulled a muscle in my chest and got by the dog.

On the second instance, the dog came out on a sprint and I had to go into the opposite lane with oncoming traffic at me and the dog chased me kind of like. I just viewed her in the back.

We don't have any neighbors around us. We never had any issues. If my husband's out chopping wood. We do have a runner. So if my husband's outside chopping wood he will stay with the beeper. He is on a leash and a beeper. Not just a shock caller, but a beeper. He is by the sound. Beaver. He's alerted by the sound.

So he is, you know, if we have a cyclist. But we live on a very busy road. There's no speed limit sign in our road. We have young children so it's our huge concern especially with the state troopers, the barracks right there. So we don't leave our dogs outside all day long. It's a very dangerous road.

We do have children right there, so, I mean that's another topic.

But again, it's if we're letting outside for what ten minutes to do spurts, my golden retriever will maybe go after someone for a quick second and we reprimand him but we try try our best and I will take in consideration of everything you said with all due respect, but I don't know if it's going to happen again. He, I mean, he's a dog. I mean it happens.

It's part of. It's part. You know what I mean? I walk him twice a day.

I go to the Common after dropping my off at school.

I'll walk Foster Hill with the dogs and stuff, so they're being, but they're very active.

I take them to the Common and stuff. So it they're just not roaming outside.

Just you know, to let them out, I am very active with my dogs and I'm sorry that happened to you and we are correcting it.

As for my other dog, she's gonna be six. She stays near. She's older. She's, you know, sometimes. But, it's Bentley.

You want to come meet him, you know.

But that's all I can say.

EVB: I'm gonna ask a question, if you if you don't mind.

So. What is the feasibility of having some sort of communication? As in. When so that so that you know when, I'm sorry. Your name again sir?

Mu: Robert.

EVB: When Robert is planning to do his ride with your son. If he were to have communication with you, if possible to let her know when that happens. That you can make sure. First of all, is this the only time this has happened? Has it happened with any other person?

Md: Yeah. Oh, swings it. Yes, swing set.

BM: Oh, swing set. OK. Sorry, sorry, I'm not trying to creep you out.

I'm looking at Google Maps. While this is going on, so I'm just trying to get a grasp of the area.

EVB: He's a police officer, so.

BM: Ok, perfect. Thank you. So sorry for the interruption.

EVB: So, what you will do is...

Md: Gonna continue what I'm doing. And he's, you know, going to continue what he's doing. We're gonna throw the ball to him outside and we're training again. Again, he's a puppy. We're training him.

EVB: OK so. We have to make a decision about what to do. I mean the obviously as was stated. This is not working, so you can't go with what you've been doing before because you've, you.

Md: Would you consider going by my house at all?

EVB: No, that's not an option. No. And yeah, keep it through the chair.

BM: Has everyone spoke on this matter, Eric? All the witnesses?

EVB: I believe everyone who knows has spoken on this matter.

BM: So the the biggest thing to both parties, the petitioner and defendant, as we did with our last hearing, it's kind of limited on what we're deemed to do. And I'm gonna read it per Mass. General Law. So everyone gets the same as it as the last time.

So the hearing authority shall investigate or caused the investigation of the complaint, OK.

Including an examination under oath of the complaint at the public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog based on credible evidence and testimony presented at public hearing, the hearing authority shall.

1) If the dog is complained as a nuisance doggie that dismissed the complaint or deemed the dog a nuisance dog. Dangerous dog doesn't seem to be on the hearing and then the definition of a nuisance dog defines a dog as one that, through excessive barking or other disturbances as a source of annoyance to a sick person, or would be considered disruptive to a reasonable person's peaceful enjoyment of their property, or a dog that threatens or attacks livestock at domestic animal person is considered a nuisance. But this is a subject to a proportionality test. The threat or attack must not be grossly disproportionate. Reaction under the circumstances to be considered a nuisance.

140, section 157 of the mass general law that you want to look up if you want that for your records.

EVB: She has the law up.

BM: All right, perfect. I just wanted to let her know.

TC: So, you will have to deliberate, right?

EVB: Right.

TC: And you'll have to vote.

EVB: Well, if we it's an open deliberation so.

So, Brad, you you have to at this point, I think we've already deliberated. Am I correct?

BM: I would say so. I would say, I Brad Merkel deem that the dog be a nuisance dog based off the numerous complaints that have been presented before the board and hearing authority.

EVB: And I'm going to 2nd that all in favor, aye.

Aye, but the second thing we have to determine is the is the course of action. The course of action is that the dog is kept either behind an electric fence or some other type of fence and or on a leash.

BM: So I would make. I would make the recommendation to the Animal Control Officer or the ACO on the remedial action to appropriate. They might have a little bit more expertise or knowledge in pertaining to that, would I stand corrected or?

EVB: No, I think that's point could you put in your two cents about this?

LS: Yeah, I think electric fences can be effective. Shock collars are definitely less expensive.

You have to kind of watch the collars, batteries die. Stuff like that. I'm not opposed to a good electric fence. Or you know, so, maybe just some kind of a barrier, you know, a high garden fence. If the dog's not a digger, you know if it's a long property.

EVB: I think the main thing is that this not happen again. Because that would be. That would be a whole can of worms.

Md: I can't say it's not gonna happen again. There are accidents with kids. But yeah, I'll try my best.

BM: Yeah, absolutely.

BM: And we're only human.

Thank you for this time.

Mu: Thank you very much.

EVB: Take care and good luck. By the way. I know this so well. It's under control.

For, you know, in terms of leash laws, under control. I know because I have a golden retriever that is absolutely perfect.