

**MINUTES OF THE WEEKLY SELECTMEN'S MEETING**  
**Town of Charlemont**

March 16, 2010

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The meeting was convened at 7:05 P.M. by Chairman Jean Brisson. Also attending the meeting were Paul Fantucchio and Winston Healy who arrived at 7:30 P.M.

1. The warrants were signed.
2. The minutes were approved and signed.
3. Cheryl Handsaker attended the meeting to address her concerns with tree cutting on Mountain Road. Ms Handsaker stated that last fall the Highway Department was working on a project and when the project was completed, she was told that the Town was finished cutting trees on Mountain Road. In February, Ms Handsaker stated that again trees were being cut along Mountain Road along with branches of trees on her property, without being notified. Ms Handsaker stated she is disappointed that cutting along Mountain Road was happening again, 5 months after she was told cutting was finished, and asking is it was the Town's policy to cut trees/branches without talking/notifying property owners first. It was explained that a list of trees, along with pictures, were submitted by the Highway Superintendent with his recommendation that the trees were a safety to the public. The list was forwarded to the Tree Warden, Erwin Reynolds, Sr. Mr. Reynolds stated that the trees forwarded to him by the Superintendent were deemed dangerous and cut. Mr. Reynolds also explained that he had received a few complaints concerning branches on the Handsaker property that were sticking/hanging into the roadway. The branches were cut back out of the roadway using the arborist guidelines. Ms Handsaker stated that National Grid discussed tree cutting with property owners, and naturally assumed the Tree Warden in a small community would do the same. Mr. Reynolds stated that the tree company used does not give previous notice when they will be coming.
4. Ms Handsaker stated that during the big snowstorm she lost her phone service and DSL connections through Verizon. Verizon could not repair the service right away due to the fact that they could not easily get to the phone lines because of the Tinney Road closure.
5. Shane Furlon, Assistant Fire Chief, attended the meeting to explain that the piece of equipment the Police Department gave the Fire Department is a night vision camera, not a thermal imager.
6. Ms Brisson informed Mr. Furlon for future purposes that the policy to use the Town wide telephone system for a general broadcast is to request permission from the Board of Selectmen. Using the system to notify members of the department does not require permission.
7. Mr. Furlong requested the use of grant writer Steve Ferguson to write a grant for the Fire Department for a thermal imager. The Board unanimously voted to grant permission.

8. Mr. Furlon was informed that once an imager has been purchased by the Firemen's Association, the Association will need to donate the imager to the Town, through the Board of Selectmen, in order for the equipment to be included in the Town's insurance.
9. The Selectmen decided to write a thank you letter to Ruth Cannavo for her services as the Town's representative to the Franklin County Solid Waste District once a resignation letter has been received.
10. At 7:30 P.M. the Board announced that an executive session was scheduled to discuss a complaint. As the complaint was against Erwin Reynolds, Sr., in his capacity as Board of Health Chair, he was asked if he would like the meeting held in executive session or open meeting. Mr. Reynolds, Sr. stated he wanted the meeting to be held in open meeting.
11. Mr. Healy was asked by Chairman Brisson to conduct the meeting, which he agreed. Attendees for the meeting were Erwin Reynolds, Sr., BOH Chair, Earl Bowen, BOH, Trice Hyer, BOH, Sarah Reynolds, Simon Dean, Douglas Dean, Eric Dean, and Steven Reynolds.
12. Mr. Healy read the written complaint addressed to the Board of Selectmen from Animal Inspector Erwin Reynolds, Jr. The complaint dated February 15, 2010 cites a pattern of non-cooperativeness and risk to public safety by the BOH Chair. In particular two potential rabies incidents were cited and on both occasions Animal Inspector had requested that the wild animal specimens be tested for rabies. On both occasions the requests were refused both times by the Chair. According to the Animal Inspector both incidents involved human exposure.
13. Mr. Healy asked Mr. Reynolds, Sr. if he had refused to test the specimen in the first incident stated in the letter. Mr. Reynolds, Sr. stated yes.
14. Mr. Healy asked Mr. Reynolds, Sr. if, in the second incident stated in the letter, he had stated to the Animal Inspector that the human(s) involved were not as risk and that therefore he would refuse to have the specimen tested. Mr. Reynolds, Sr. stated that this accusation was factual.
15. In explanation he stated that at the time of the incident he believed the human(s) involved were not at risk and he did refuse to test the specimen. (He explained that there are three points of entry for rabies, a human bite, open wound, and mucus.)
16. Mr. Reynolds, Sr. stated further that in his opinion the State may in the future cut costs and the Town may be charged for each specimen sent. Mr. Reynolds Sr. felt it would prudent not to run the risk of possible future charges by requesting a free rabies test at this time.
17. Mr. Healy questioned if Mr. Reynolds, Sr. determination not to test the specimens were based on cost. Mr. Reynolds, Sr. stated not on cost but on guidelines.
18. Mr. Reynolds, Sr. stated that after he spoke with the Animal Inspector on the morning of February 13, 2010, he called the State Lab who stated they would not test the specimen.

19. Mr. Healy questioned if Feb 13 was the same morning that Mr. Reynolds, Sr. denied the Animal Inspector testing of the specimen and then stood up in church at 9:30 to warn the congregation that Charlemont has a rabies epidemic. Mr. Reynolds, Sr. stated yes.
20. Jean Brisson testified that she had spoken with the Board of Health Chair on the morning of February 13<sup>th</sup> and had verbally reported the incident to him on the telephone, including the fact that she had a deep wound on her hand that was splattered, that her two dogs had visible bite marks, and that several people in her household had been exposed to the potentially rabid animal. Mr. Reynolds was unclear as to whether this information had been conveyed at this time.
21. Ms Brisson stated that when she spoke with the BOH Chair, he stated he would consult with epidemiology. Mr. Reynolds concurred that he had agreed to call the State Lab and that he did in fact call them.
22. When a return call was received from the lab, the BOH Chair stated that he was told that they would not test the animal. At this time he advised Ms Brisson that the dogs must be quarantined for 30 days. Subsequently, Ms Brisson herself called the State Lab to ask why they would not conduct the test. According to Ms Brisson, the State Lab denied the refusal and stated they do not refuse to test any specimen; all specimens they receive are tested. Because of the type of contact Ms Brisson had with the specimen, the Lab strongly urged her to seek medical advice concerning whether to get the rabies series, along with the other household members that were exposed.
23. Ms Brisson stated she also called the State Department of Agriculture-Rabies Division and spoke with Patricia Cabral who advised her that it is the duty of the Board of Health to test the specimen. Ms Cabral also offered to come to Charlemont to conduct a training seminar.
24. Mr. Reynolds, Sr. then stated that District Health Officer, Charles Kaniecki, will take any specimen to be tested as long as he has prior notification and the Animal Inspector prepares the specimen.
25. Ms Brisson stated that the specimen tested positive for rabies and that she is grateful that another Board of Health member, Bob Lingle, agreed to transport the specimen to the testing facility.
26. Upon conclusion of the review of the allegations of the Animal Inspector, the chairman permitted people not party to the complaint to speak.
  - a. Mr. Fantucchio stated that he would like clarification as to how collection and testing of specimens responsibilities are distributed. He also feels the Animal Inspector should have a different BOH contact.
  - b. Earl Bowen, BOH, stated that not all BOH members are up to speed on protocol and the Board is willing to attend a seminar.
  - c. Trice Hyer, BOH, stated that she has done some research and has found that all wild animals are to be considered rabid until they are tested. Ms Hyer also stated that the BOH assists the Animal Inspector and are not to decide to test or not. She feels that the BOH should give clear advice

about medical treatment when humans are endangered. Ms Hyer agreed to attend a seminar as well.

- d. Mr. Reynolds, Sr. again stated that the Animal Control officer should have a designated phone so that he can be reached in cases of animal emergency. The Board stated that they will take that under advisement.
  - e. Ms Brisson stated that since she has testified she will not be voting on this subject.
  - f. Mr. Healy stated that he believes miscommunication has definitely occurred which is not in the best interest of the town. Mr. Healy stated that he feels there needs to be an agreed upon protocol between the Inspector and the Board of Health before another incident happens. He believes a way can be found to do a better job in the future.
  - g. Ms Brisson stated that it is very important that the Board of Health and the Inspector clearly advise the public correctly.
  - h. Mr. Fantucchio suggested that the BOH look into find State funds to cover the rabies series shots for the public.
27. All Board of Health members agreed to schedule and attends a rabies seminar conducted by the Department of Agriculture. Mr. Bowen will be scheduling the seminar, with the Animal Inspector invited. The Executive Secretary will forward the contact information to Mr. Bowen.
  28. Mr. Healy made a motion that the Board of Health will work with the Animal Inspector on protocol. Mr. Fantucchio seconded the motion which was unanimously approved. Ms Brisson recused herself from the vote.
  29. Mr. Bowen requested permission to have Town Counsel attend the BOH meeting on March 24<sup>th</sup> to advise the BOH on the Blue Heron Farm permit. After discussion, the Selectmen unanimously voted that once Counsel has received and given an opinion on the recent inspection of Blue Heron Farm, Mr. Healy, if he feels it is necessary, will call an emergency meeting of the Selectboard to vote on the request.
  30. Steve Ferguson came to the meeting to request permission for an article to be placed on the Annual Town Meeting warrant. The article gives the Selectmen permission to enter into discussions concerning a municipally-owned fiber-optic network. The Board unanimously voted to place the article on the warrant. The Board discussed having handouts at the ATM with Mr. Ferguson being prepared to give a presentation.
  31. Mr. Ferguson was informed that the Board has given the Fire Department permission to ask him to write a grant for a thermal imager.
  32. The letter to District 1 concerning the condition of Zoar bridge was deferred until the next meeting.
  33. The Board unanimously voted to write a letter supporting the FRCOG 911 feasibility study grant funding. The Board signed the support letter.
  34. The Board reviewed a letter concerning damage to a town bridge on Oxbow Road. The Board unanimously voted to allow the Highway Superintendent to use

- his better judgment as to how to repair the bridge. Mr. Healy recused himself but will forward the vote to the Highway Super.
35. The Board unanimously voted to request the FRCOG to conduct traffic counts in July, preferably for the entire month, on Zoar Road, just before the bridge, and again on Zoar Road, just before the train underpass.
  36. The Board received a lengthy contract for the EECBG. Mr. Healy will contact Bob Dean of the FRCOG to inquire if there is anything controversial in the contract. The contract will be ready to sign at the next Selectmen's meeting.
  37. The Board received and noted a MMA action alert and notice of a Pioneer Valley Regional Economic Summit.
  38. Mr. Fantucchio stated that he will be getting estimates to drill a well on the McCloud property.
  39. The Executive Secretary was requested to provide all the Town Hall roof data to Mr. Fantucchio, who will write a report for Town meeting.
  40. Mr. Healy stated that the Little Red School House is almost ready to start their brick repair work. The Selectmen will need to approve spending the monies gifted for the project. The Board unanimously voted to release the funds in the East Charlemont School Gift account as needed.
  41. The Executive Secretary will research the cost of a new telephone line to the Animal Control/Inspector's house. The Secretary will also inquire as to whether the Animal Control/Inspector would like a dedicated line to his home or to have an extension on the Town phone line.
  42. At 10:00 P.M. the Board unanimously voted to enter into executive session to sign executive session minutes with the purpose of going into regular meeting to adjourn.
  43. The regular meeting was adjourned at 10:05 P.M.

Respectfully submitted

Approved by:  
Charlemont Board of Selectmen

Kathy A. Reynolds  
Executive Secretary

