

June 8, 2005 BOS M

Present was Robert J. Garrity, Scott Bugbee, James C. Lehan, Jack Hathaway, Town Administrator and Marian Harrington, Executive Assistant.

The meeting was held in Room 124, Town Hall. Rob Garrity opened the meeting at 7:00 p.m., and announced that the meeting will be audio and video taped. Jack Hathaway read the agenda contents.

DANGEROUS DOG HEARING – PALMER, 6 SHIRLEY LANE

Present was Hilary Cohen, Animal Control Officer; Stacey and Michael Palmer, 6 Shirley Lane; and Francis Quern, 70 Grove Street.

Rob Garrity opened the dangerous dog hearing and administered oath to all parties - Hilary Cohen, Stacey and Michael Palmer, and Frank Quern.

Rob then asked Hilary Cohen to explain why we are here tonight.

Hilary read the Incident Report she submitted to the Board of Selectmen, dated August 8, 2013. This incident Report is attached and part of the minutes.

Hilary said Citation #1197 was issued for \$150 and paid at the Town Clerk's office. She said it was issued for violation of the leash law, biting and maiming another dog, and failure to restrain. Hilary explained to the Board that with new changes by the State, you can deem the dog as dangerous, nuisance or none of the above. Hilary said there is a history with this dog from 2009 – 2012. She said there is a worksheet that the Board should review after they have heard all testimony from everyone. It breaks down the law. Hilary said she will leave her recommendation until the end.

Frank Quern said he spoke with Hilary through a phone conversation. He said he was outside mowing his lawn, and his dog, Callie was outside with him on the lawn "sunbathing". He noticed Mya approach in a friendly manner to him. He recognized her as he's seen her in the past when she was younger. He said she would often be around, but the owners had always found her when she got out. Frank said he hadn't seen the dog in ages. Mya went and identified herself to his dog and then attacked. She had his dog around the neck and kept biting. Frank said Mya did not respond to voice commands. When Frank pulled on her collar, Mya responded by letting go of Callie. He said it was a pull down, not a shake or anything. He expected resistance because it's a big dog, but she responded. He said two girls came out of the woods looking for Mya, and took her home.

Frank said Callie is an older dog with arthritis. He did say he was concerned if kids were there. What might've happened? Frank said Mya is a beautiful dog. Frank did take his dog to the vet, and was concerned about rabies. He took a copy of the bill to the Palmers and they gave him the rabies information on Mya.

Hilary said that Mya targets dogs. A previous incident was also a dog attacked. Another incident was a dog walker on Grove Street. No injury there.

No further questions by the Board. Rob asked the Palmers if they had questions for Mr. Quern or Hilary. Mr. Palmer questioned if she said neither dog injured. Hilary said she did not say that.

Hilary did say that the owner at 66 Grove said the dog was injured. Mr. Palmer said that his dog and that dog play together all the time.

Jack did add to Hilary's statement that the dog was sore and sensitive to the touch.

Mr. Palmer said they weren't there and didn't see it. His daughter had a barn party and sleep over with 16 kids. The Palmers told them all to keep the dog in. One little girl didn't shut the door hard enough and Mya got out. The kids all ran after it. Frank had come over and told him what happened. His dog is skittish and fearful of dogs, too. They thought his dog might have been startled, etc. He said the neighbors dogs are out all the time and they go inside the enclosure and play with Mya. He got a kitten for the dog, and they play together. He thinks she's a good dog and isn't a problem. Michael said Chris Wider (Animal Inspector) saw the enclosure, and felt the dog was friendly and not dangerous. Chris explained the whole quarantine issue to them. Mr. Palmer said he wasn't there when it happened, and offered to cover Frank's bills and apologized. They are embarrassed to be here tonight, and don't like doing this.

Scott said you can't be there 24/7 with kids, but Scott said it sounds like you are doing everything right.

Jim said thank you for handling it so comfortably. Jim said he is a dog lover and has two himself. How old was the dog when you got it? Michael said it was a puppy. They got it from a breeder. Jim asked if you know the history of the dog. Michael said he did check out both parents and the breeder. Jim asked Hilary if they met the requirements dictated at the last hearing. She said yes, they put up a fenced enclosure and it's beautiful.

Jim asked Frank if he felt threatened. He said not to himself personally, but was threatened by the dog. Frank said the Palmer's daughters came and immediately apologized.

Rob asked for comments from the audience. No comments from the public. Rob asked for Hilary's comments.

Hilary's recommendation is from the worksheet (1) restrained; (2) She is not asking them to provide a roof. If there are gates, they should put locks on the gates. (3) not opposed to removing the muzzle. (4) She recommends insurance. This was added to the Massachusetts General Law as a safety net for the dog owner. People were losing their homes over litigation on dogs. (5) She recommends photo and micro chipping. Hilary asked if their dog was micro chipped, and Stacey said no. Hilary said this is also to help if they move and the dog is in another town, and it will identify this as a dangerous dog. Hilary said she can assist them with chipping. Euthanasia will be off the table at this point.

Jim asked if there was a declaration on your insurance that you have a dog. Michael said no. Jim said you need to do that. Hilary offered to give them a list of companies if they want.

Rob told the Palmers they can make a final statement. Michael said he wasn't there, so he doesn't have a lot to say. They again apologized, and said they did everything asked of them. Stacey said that they have a large extended family and the dog has never been aggressive.

Michael asked if the Board would want to meet Mya and see what they've done. Jim said he has met the dog by it being on his daughter's property.

Michael asked Hilary about it being a percentage thing. Sometimes the dog goes after some dogs, and other times it's fine. Hilary said there are triggers in her behavior pattern that set her off. There are so many different stimuli and when they come together, that would make the trigger. She can't say.

Hilary said she would put the dog through intensive trigger modification classes. It will identify where the weaknesses are. Hilary said they have done a good job keeping her confined, however, the first time she got out, she attacked. If you are going to have a party, you need to do something with the dog – put it in a crate, or a basement or whatever. Hilary said she brought this to the Board because it was the first time since the last hearing, and it caused injury. The Board asked if he got the obedience training that was recommended under the last order. They said they paid for training and the guy skipped with their money. They cannot afford another trainer. Hilary and the Selectmen offered to help them with contacting the former trainer.

Rob thanked them for coming and for making the hearing comfortable. Rob told the Board they can dismiss this entirely, rule it a dangerous dog, or other considerations.

Hilary said you can use some of the dangerous dog suggestions without deeming it a dangerous dog. The Board was very concerned about the insurance, etc. Jim complimented them on what they've done. You took steps to protect your dog, other dogs and people around you. Jim said a dog that attacks a dog around the neck, and can easily be pulled away is different than a dog that growls, attacks and keeps going or attacks a person.

Jim said he would like to see them confine the dog with company, get the insurance, doesn't want to deem the dog dangerous, but there is a risk. He said do your best to keep the dog contained. Micro chipping will help if the dog is lost. Hilary said with everything she does, micro chipping is a godsend. She picks up more dogs with chips than licenses.

Jim asked Frank if he is okay with where we are headed with this. He said he loves his dog as do they. He feels that the measures seem reasonable. They seem to be responsible owners. Frank was comfortable with the discussion.

Rob Garrity moved that we find Mya to be a nuisance dog and reiterate requirements that she be kept in a sufficient enclosure and walked on a leash without a muzzle at this point. He recommends micro chipping and recommends follow through with behavior modification training and help them with the previous trainer. They are to ensure proper liability insurance. The motion was seconded by Jim Lehan. Jack Hathaway said you recommended and not required. Rob said certain things like micro chipping doesn't relate to the attacking; it is just something that should be done. He stated he does not recommend obedience training – that is a must so that would be required. The other is strong suggestion. The motion was **so voted**.

TOWN ADMINISTRATOR REPORT

- Jack said Free Cash was certified. Jack explained what free cash is, and why it is certified. \$544K and Water was \$603K
- Jack said we have \$375,000 of FEMA money coming in. DPW gets all the credit for what they have done.
- Jack said we should be receiving \$228,000 in prison mitigation funding for 2013. Julie Siewko, Town Accountant, can see it online and it is scheduled to be here tomorrow, but we will see if

that happens.

- Jack gave a list of items that were identified last spring that were not brought to reality because of loss of prison funding. Bring back the Capital Outlay Committee, and have them get back into discussions. Mowing equipment close to \$100,000 may be needed by the DPW. One because of the area at Freeman-Kennedy School because of more defined areas that take longer to attend to. Also, Recreation needs more attention to fields because of all the cuts made to DPW staff. Contractors have been contracted to do this. Bob McGhee would like to get rid of contractors and bring another staff person to the Grounds Department. Bob will put this together and give us an analysis of getting rid of the contracts and hiring an employee.
- Rob would like money put back into the Stabilization Fund that we took out in the spring for KP. (not from prison monies)
- Jack said we received a noise complaint from an Everett St resident regarding Country Fest. Jack will write Foxboro a letter.
- DPW continuing exploration of Gold Street Well. Did a first test and now going to the next stage.
- Chief Bushnell thanked DPW for work on the roads as well as cleaning up the old DPW garage. Fire is using it for storage and may possibly heat it soon.
- DPW promoting Assistant Foreman for grounds.. Seekonk, Rockwood, Main and new access road to school.
- Lake Street – working but has to go through Conservation Commission and then will probably be next year.
- Jim complimented Bob and the DPW because he went on a tour with Bob and Jim is getting comments from residents on all the work that is being done.
- Metacomet Regional Communications Facility. Jack said we will see visible progress soon. Chief Bushnell sent along an analysis of staffing options. Jack shared with the Board. Chief Bushnell could possibly be in on the 24th if all goes well with the men on Thursday.

AIRPORT PROPERTY

Jack was approached by a gentleman who would like to preserve the airport property as is. The gentleman would like it for passive recreation, but has concerns about heavy passive recreation. Jack said if the Town is putting up money, the field will probably come into the equation. He would like to put a conservation restriction on it. The man would like a point person from the Selectmen to work with them – possibly this week. Jim said he would volunteer to meet with them. It's only an exploratory conversation.

ACTION ITEMS

Jim Lehan moved to close the warrant for the Fall Town Meeting. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to approve a truck exclusion for local streets North, Union, and Shears and to have the truck exclusion be entered into the town's Traffic Rules and Orders. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to appoint the following members to the Jane & Paul's Farm Working Committee: Betsy Pyne, CPC; Tom Terpstra, Recreation; John Weddleton, Conservation; Rob Garrity, Board of Selectmen; and Andrea Langhauser, Board of Selectmen appointee. Terms will expire 6/30/13. Scott Bugbee seconded, and it was **so voted**.

Scott Bugbee moved to accept Jim Lehan's disclosure notification regarding his position as KP Hockey

Coach, and authorize Rob Garrity to sign. Rob Garrity seconded, and it was **so voted**. Jim Lehan abstained from voting.

Rob Garrity moved to revise the Selectmen's Liaisons for 2013-2014 as follows: Jim Lehan will take the Norfolk Public Schools from Scott Bugbee, and Scott Bugbee will take the King Philip Schools from Jim Lehan. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to approve a block party for Day Street on September 14, 2013 from 2-9 p.m. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to approve the Norfolk Community League's Jingle Bell Run for Saturday, December 7, 2013 at 11 a.m. at the H. Olive Day School. Scott Bugbee seconded, and it was **so voted**.

The Board reviewed procedure for the year-end review for the Town Administrator. It was suggested that the Board members submit their individual reviews to Marian Harrington, who will then forward them on for group review.

Rob reminded residents at home that there will be a 12th anniversary of 9/11 tomorrow at 8:47 a.m. at the fire station. Anyone is welcome to attend. Jack said we do have the statue that was restored and is now on display in the lower foyer in Town Hall. The one on Town Hill is cast in bronze so it won't deteriorate.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of August 20, 2013, regular and executive session. Rob Garrity seconded, and it was **so voted**.

Rob Garrity asked that as we adjourn our meeting, we enter into a moment of silence in remembrance of 9/11's anniversary tomorrow.

At 8:53 p.m., Rob Garrity moved to go into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, and the chair so declares. Scott Bugbee seconded, and it was a roll call vote: Scott Bugbee **aye**; Jim Lehan **aye**; and Rob Garrity, **aye**. There will be no votes and the Board will only return to open session to adjourn the meeting.

Scott Bugbee recused himself as an abutter to the matter in executive session, and left the meeting.

At 9:45 p.m., being no further business, Rob Garrity moved to adjourn the meeting. Jim Lehan seconded and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of September 10, 2013.

James C. Lehan, Clerk