

October 4, 2016

Present was Scott Bugbee, James Lehan, Jack Hathaway, Town Administrator and Marian Harrington, Executive Assistant. Jeffrey Palumbo was not present.

The meeting was held in Room 124, Town Hall. Scott Bugbee opened the meeting at 7:06 p.m. Scott announced that the meeting was audio and video taped. All present recited the Pledge of Allegiance. Jack read the agenda contents.

**PUBLIC HEARING - CRAFT BEER CELLAR NORFOLK, 17 Pine Street**

Andrew Lippitt, Manager of Craft Beer Cellar Norfolk was present.

Scott Bugbee opened the public hearing for a new Wine & Malt Beverage Package Store license at 17 Pine Street, Unit 4. Jim Lehan read the public hearing notice.

Andrew told the Board that he does specialty beer. He will be the 12<sup>th</sup> or 13<sup>th</sup> in the State. He said all the employees will be TIPS trained, or a similar certification, and also by Sisserone, a world-wide body that makes sure they are familiar with the beer. People will really know their stuff.

Jim asked about Better than Soup. Where did that come from? Andrew said it was him. He had a previous job working with soup, and he figured anything had to be better than soup. Hence, the name!

Scott asked what his days and hours would be. Andrew said Monday through Friday, 11 a.m. to 9 p.m., Saturday 10 a.m. to 9 p.m., and Sunday, 10 a.m. to 6:00 p.m. Andrew hoped to be open before the end of the year.

Jim Lehan moved to approve the new Wine & Malt Package Store license to Andrew Lippitt, Better than Soup, d/b/a Craft Beer Cellar Norfolk at 17 Pine Street, Unit 4. Scott Bugbee seconded, and it was **so voted**.

The Board closed the hearing.

Jack briefly discussed the public safety building project. He does not feel that we are where we should be. He blames the architect because he also has another project that he is working on at the same time. There is insulation and aesthetic concerns. The color on the outside is a concern. They prefer gray to the caramel color.

Jim said it involves three projects; Police, Fire and RECC. He said he is having difficulty getting definitive financials around this project on the ambiguity on what is or isn't with RECC. Codes are changing and we need to reflect that in the specs. We are closer to resolving the shared issues.

**DANGEROUS DOG HEARING – GARY SHEEHAN, 48 NOON HILL AVENUE**

Officer James Vinson and Hilary Cohen, Animal Control Officer present.

Jack swore in Jim, Scott and Hilary Cohen and Officer Vinson with the official oath.

Hilary gave a brief report of the four attacks on dogs by Gary Sheehan's dog, Buddy, beginning in 2013. All reports are part of these minutes. Buddy was the dog of Gary Sheehan, 48 Noon Hill Avenue. Hilary also relayed what happened in this most recent incident, as this is the fourth incident. The dog attacked was owned by Ann Moran of Creek Drive, and the dog was severely injured and taken to the vet. She stated that the Board of Selectmen issued a Permanent Restraining Order on February 2015, that stated that the dog could not leave the house without being on a 6 foot leash and a muzzle. She said Mr. Sheehan did not do that. He did not abide by the Restraining Order. Hilary said he would have to gate the entire premises. She is concerned about the handling of the dog. They could leave a gate open or a door open and the dog could escape. Hilary felt that the aggression shown by the dog, and the fact that it is the fourth attack and the severity of injuries makes her recommend to the Board that Buddy be euthanized.

This attack was witnessed by Det. Kanandanian and Officer Vinson. Jim asked the officer if he had anything to add. He said no, he was there at the Day St. incident as a witness.

Robert and Gary Sheehan present. Jack swore both of them in with the official oath as well. Rob thanked the Board for the opportunity to speak with them. Rob said he owns the dog but works and lives in Boston, so he keeps the dog with his father. The dog is young and they want to keep it. Buddy is almost 7. He has had him since fall of 2011. The first incident was 2013.

They have the same goal as to not have another incident. He felt that they have taken this seriously. They have contacted Colonial Fence. Rob said he never felt he has ever hurt a human. Buddy lives with a chocolate lab now. It is their fault that the dog was able to get out. They feel that they will do a comprehensive plan to restrain the dog so that he cannot run free. 99.9% of the time the dog is sweet and has never injured a human. Rob said they will get training. They will keep all doors and windows closed/locked. It would be

impossible for the dog to get out of the enclosure – will not be able to dig his way out. They will make changes to the plan.

Jim asked if the dog could hurt a person or child. Gary said no. Rob said no. Gary said they have had opportunities to hurt a human and they walked away. They don't feel that he has. He gets along with dogs. He gets along with dogs he knows. It's a territorial thing. If he doesn't know a dog that is the problem.

Jim said we can't have residents fearful of walking by your house. The dogs were injured pretty seriously.

Hilary did not approve of chain link, because it is visual. You can see through it. They need a visual barrier. Hilary would like a solid fence. She would like a property fence. It takes 3 people to get Buddy off the dog. Hilary was concerned that if Buddy can see the dog through a chain link fence, he will get agitated. She prefers a property fence. What if Buddy sees something and dashes. She wants a solid fence. Rob would like to talk to Colonial about this. Gary would like to talk to an animal professional because he doesn't think keeping him in a solid enclosure is good for the dog mentally. He wants light and Hilary said the triggers have to be managed. She said it didn't just happen in front of your house, territorially, because it also happened in Medfield. Hilary asked what size is this fence. They said 125 and 6' high. What is the time frame on this fence, and what are the guarantees this won't happen again? Hilary said these are the questions.

Gary said the guarantees are that we went through long stretches with no incidents. Rob said the fence can be done within a week. Gary said they are investing time, effort and money here. They will keep the dog quarantined until the plan is in place. They will have him on a run. They both had a long talk with Chris Wider and he agreed that this is a good idea. Rob said the trainer will work at their home, and will work with Buddy until this works.

Jim asked if this goes from each corner of your yard. Gary said no. At the Board's question of what the pen looks like, Rob drew a picture. It would be double fenced where the old fence is, and cement bottom. It has one side by the neighbors that you can see. It would be 4 sided with 30' square. Chris Wider told them 300' chain is the norm.

Hilary said she talked with Chris at length, and he said he wasn't aware of how many attacks happened by this dog. Sheehan's argued saying they told Chris each time they spoke with him. Hilary is more confident with a solid fence instead of a chain link. There should be no runner in this dog's life because of his aggression issues. He should be on a leash.

Gary said that they did not interpret the restraining order as that effective as far as constraint. He also didn't realize the restraining order is still in place. Gary said that these incidents were his responsibility. That is why they are considering a plan. He pretty much keeps Buddy in the house most of the day. Rob said this is the normal fence that Colonial gives to people with problem dogs. Rob said they are not entirely blinded by their love of the dog, they realize they have to do whatever they need to in order to prevent this happening again.

Jack said that you said that if it attacked a person, it would be put down immediately. Jack said he is a long time dog owner and has two dogs, and his dog is like a member of the family. His dog was on a leash and attacked by a dog and it has changed the dog. It is very fearful now. So to say that it only attacked a dog, isn't a fair statement.

Gary agreed it does become a part of the family. He said that he had 5 dogs since they lived in Norfolk, and this is the only dog that attacked. They said that they put Buddy on a runner that wasn't sufficient, or tied him to a truck and he got loose. They learned their lesson.

Jack asked how you can prevent this from ever happening again? Rob said by doing a second enclosure. Gary said what is different is that they are before the Board tonight – that's never happened before.

Jim agreed that his dogs are members of the family. They are residents of Norfolk. He said that he does not want the dog injuring anyone else's pet. He said you obviously love the dog if you are willing to spend \$5,000 on a fence. Jim said he is concerned about the location. Jim said he prefers to see it come off the house. That way the dog has one less way of getting loose. He would go direct from the house into the pen. Gary said that they feel they have consulted with professionals. Jim wants to tie up any opportunity of the dog getting out. He wants to close the loopholes. He would feel awful if this happens again. It is their responsibility to the residents. He said having the fence around the house eliminates one more chance for the dog to escape. Gary said that is more money. Jim said that is your issue. Our issue is to protect the residents.

Rob asked if they come up with a plan that is nearly perfect, that would be okay in your eyes? Jim said the more security, the better for you. If a dog is wandering in your yard, your dog may go through a screen to get to that dog. He wants any mechanism to close any loophole that lets your dog get out.

Hilary said there is an access in and out of the house. If that is the access the dog uses, it should be surrounded so that there is no accident. Letting the dog out from the door into the pen is safer than taking the dog on a leash to the pen. Gary feels that is too expensive. Gary mentioned cutting a hole into the house.

Jack asked if all prior vet bills have been reimbursed to the owners. Gary said yes it has. Hilary said except for the most recent one, because they didn't have the bill yet. She has it for him tonight.

Sherry Fair asked to speak. She said she was the first person this happened to. She has been a resident of Naugatuck Avenue for 23 years, works at the H. Olive Day School, and has lived in Norfolk for 30 years. Sherry said she had her golden retriever on a leash. She said that she was walking by the Sheehan's house and Buddy came flying out and bit her dog. She said that he was bit in the face and bloody and Gary came out and kicked her dog in the face with his boots trying to separate the dogs. She was all bloody. She went home alone and was sobbing. Gary said he was so sorry and he would do anything. She said that they contacted Gary, and sent bills and he did nothing for them. Her husband said that he went and talked with Gary. Mr. Fair said he went to his house and talked to Gary. He promised everything. They heard nothing from them. Gary said he's sorry, but he doesn't remember any of it. She said that she is afraid of the dog and doesn't trust anything that he says. Sherry said that she didn't walk her dog for 10 years after this, because it was so traumatic. She stays away from this neighborhood now. This happened in 2013. Gary has no recollection of this. She works with kindergartners and tells them of Buddy and to be careful. What if something happens and he attacks a small child. She told all her neighbors to stay away from this neighborhood. They agree that their dog is a member of their family. The Fairs said they are here tonight to support Hilary.

Hilary stands by her first recommendation, but is willing to work with a fence.

Andrew Langhauser, 49 Noon Hill Avenue, said he is the person who separated the dogs on the recent attack. He lives across the street and has not witnessed any incidents other than this past one. He walked Buddy into the house, to remove him from the scene, and was bloody and calmed down. He also helped Ann Moran. Andrew said other dogs in the neighborhood get along with Buddy, and Gary is a good dog owner over the 20+ years he has known him. He takes this very seriously. Small kids ride bikes on the street and never had an incident.

Jim said he would like them to have the opportunity to make this successful, but would like it at Hilary's recommendation and it needs to be reasonable. You need to minimize the risk of this happening again. There is no second consideration.

Not happening. He told Hilary she is a pretty good judge of this, and is there something here you can work with? He said they understand they are trying – its on both sides. Jim said we cannot have people fearful of walking in front of your house. They have to feel more comfortable. People cannot be afraid to walk in their own neighborhood. Jim said he needs to find a way that is very fool proof. He says he would think it should be attached to the house. Gary said he agrees but kept saying what Chris Wider told him. Jim said that Hilary is the voice of authority and she is our dog officer and we will listen to her. She is very knowledgeable. Hilary has been on the job 22 years.

Gary said the dog is confined to the home. Gary said that he is going with a plastic muzzle that he can eat, drink and pant with. Jim asked Hilary if she can work with this. Hilary said she thinks so. Hilary said the Board has to declare the dog a dangerous dog, a nuisance dog, or dismiss the complaint. She said with respect to the fence, she can get a plot plan and put something together. Hilary wants to be sure that there is safety, but that Buddy can have exercise. She said he needs to eliminate the risk of Buddy getting loose. The restraining order stays in effect, liability policy in effect, and timeline for installing the fence needs to be before the ground freezes. Gary said in the interim, he will keep him in the house and muzzled and leashed.

Hilary said she is not comfortable with it, but is willing to work with it. Scott said he still struggles with this and is curious about the training. Maybe Hilary can monitor it to some point. She would monitor the dog's situation. Hilary said all but one dog was male. Jim said that he has heard that this dog gets along with other dogs, so how does this happen? Hilary explained triggers that set a dog off. Genetic? Not sure. Could be a sound, a sight, a smell. She isn't sure. You have to learn to manage the trigger without jeopardizing their quality of life. She is not comfortable with a fence, but will put something together.

Jim said that they would consider this dog a dangerous dog. This allows Hilary to take the action they want her to take. Jack said Mass General law

Hilary stands by her original recommendation, but working with this, she wants microchipping, the fence, and the muzzle and leash 3' in length, and insurance. Hilary will get a plan to Sheehan's by Thursday for them to take to Colonial Fence.

Hilary said we need a Plan B. Jim said there is no Plan B. Gary said they have a Plan B. Rob said the shelter they got the dog from said it would take it back, so that would be Plan B. Rob said it is Rhode Island.

Hilary said she knows of a legal case in Massachusetts, where a dog was a rescue. The dog was deemed dangerous, but the rescue took the dog back and

on the first day it bit a worker at the rescue. The Officer had disclosed why it was deemed a dangerous dog. A lawsuit against the Animal Control ensued. She doesn't think a shelter has the right to take a dangerous dog back.

Rob said he can't have a dog in his apartment. He said they will put into action everything that Hilary asks of them. The Board will be happy with what they do.

Jim said they are meeting in two weeks, on October 18. Hilary will bring back a recommendation to the Board. Jim said these steps should be taken, or at least well on their way. And you must conform to all these considerations. They said they would.

Jim stressed that all provisions mentioned have to be adhered to until then. Hilary asked what happens if something does happen. The extreme would be another attack. Jim stated that if that happens, the dog will be put down. Forget the fence.

The Board ordered that all veterinary bills will be paid as well as any past due bills.

Jack recommended that if the dog be found loose, the dog be boarded at the Sheehan's expense until we can have a second hearing.

The Board said they hoped they made the right decision, but feel that if the dog lived with the son, it would be better off.

### **Discussion Items**

Jim discussed the development at Southwood. He said they are still moving forward and have the warrant article worded. They are coming to grips with all the documents and feeling comfortable enough to go to town meeting. They are almost there, and nothing is ever going to be 100% foolproof, but we have to get it to a point where we can go after the product that we are looking for.

Jim said they had a meeting yesterday with the Zoning Working Committee. They struggled with all aspects and what-ifs and got it overcomplicated. They want to make 25% of them affordable. They spent too much time trying to figure out where to put them. In the end they said, just give us 110 – we don't care where or how.

Jim said he also has comfort with the Archdiocese that if George Valone walks, we are protected.

Jack did a brief update on the wells. We are considering Holbrook Street and that looks like what we will negotiate.

We will put the Spectra pipeline discussion on the agenda for the 18<sup>th</sup>.

We will consider a non-binding question on the ballot in May?

At 8:55 p.m., Scott Bugbee 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 October 4, 2016.

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James Lehan, Clerk