

MEETING MINUTES
Town of Heath
BOARD OF SELECTMEN
DANGEROUS DOG HEARING
Community Hall
March 21, 2013

Called to order at 7:07 p.m. by Sheila Litchfield, with Tom Lively and Brian DeVriese present. Also present: Kara Leistyna, Town Coordinator, Greg Corbo, Town Counsel, Margo Newton, Police Chief and Animal Inspector, Lee Lively, Heath Police Officer, and Heath residents Sue and Bob Gruen, Ron and Linda Woodard, Margaret Hobbie, and Jayme Gay.

Reviewed Agenda: No changes.

Dangerous Dog Hearing: Board of Selectmen and Attorney Gregg Corbo from Kopelman & Paige presiding.

Complaint: To determine if dogs owned by Ronnie Woodard are dangerous and/or nuisance. Everyone will have their say and we will follow a strict protocol. The first phase of the hearing is the evidentiary phase and the Board of Selectmen will act as ‘judges’ of the matter. The second phase is the deliberation phase. Based on testimony, the Board will deliberate and determine if the dogs are nuisance and/or dangerous. And what remedy is ordered. Those in favor of a dangerous/nuisance finding will speak first and then the dog owner will speak and then anyone who is against a finding. All will be sworn in and provide name and address for the record. The Sheila Litchfield, Chair of Select Board stated for the record “We take this very seriously, and going forward, there absolutely will be no more non-compliance with dog issues in the Town of Heath.”

Swearing In: Tom Lively conducted the swearing in by asking all those offering testimony to raise their right hand and answer: “Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?”

Reports from Dog Officer and Police Officer and Animal Inspector

Hearing Exhibit #1: Police Report. Attorney read the police report prepared by Officer Lee Lively.

Questions for Officer Lively: Is everything in this report true? Yes.

Attorney Corbo: How many dogs were involved?

Officer Lively: Mr. Foskett reported 5-6 dogs and Mr. Woodard report only two were involved. No description was offered. On a previous date, 2/16/13, I observed dogs loose. I corralled them to 3 Ledges Road (prior residence of Mr. Woodard). No one was home. Ronnie came over with his vehicle and picked up dogs. I gave him verbal instruction to secured his dogs. They were running around town and seemed to want to go back home. There were two dogs, black and tan Rottweilers. I do not know if they were licensed.

Board: Need clarity on number of dogs involved in this incident. Mr. Foskett via his wife, Rebecca, report 5-6 and Mr. Woodard reports 2. Referred to written complaint submitted by Rebecca Foskett. Attorney Corbo read complaint out loud.

Hearing Exhibit #2: Official written complaint from Rebecca Foskett

Chief Margo Newton: Dogs have not been licensed since 2009, confirmed with Town Clerk. Attorney read out loud the letter from Town Clerk. Order of Quarantine due to dog biting and subsequent inspection was conducted. As ordered each dog was in an individual cage inside the house. It’s a small house.

Hearing Exhibit #3: Official Certified Letter from Town Clerk dated February 25, 2013 verifying dogs were not licensed since 2009 nor any proof of rabies vaccination for any dog since that time. Chief Newton was not at the incident but has records of other complaints and the letter was sent to Mr. Woodard from the Board of Selectmen on November 28, 2012. Mr. Woodard has been given fair warning. Attorney read letter out loud.

Hearing Exhibit #4: Letter to Mr. Woodard from Board of Selectmen dated November 28, 2012.

Discussed inspection of Quarantine Order to determine suitability of quarantine. It is a small house and the cages make it even tighter. There is no fence on the exterior and the land is about ½ acre cleared with close proximity to other houses and the road. There are around five houses nearby with children residing in them.

Hearing Exhibit #5: Order of Quarantine issued by Board of Selectmen to Mr. Woodard, sent February 27, 2013.

Hearing Exhibit #6: Various complaints issued to Mr. Woodard dating from 2005 – 2012. Attorney read the various complaints out loud.

Testimony from Complainants

Testimony from Bob Gruen, 3 East Main St., Heath: Not recorded due to technical difficulty; testimony taken from minutes.

“There have been a lot of dogs, cannot count, free and roaming. Although each time Mr. Woodard has made attempts to contain the dogs, and failed, he has tried again. They are consistently out and have at times been running on our property. I am concerned with small children. We had children in the yard and the dogs were loose and the kids were scared to go outside in the yard. I have never seen them attack but some big dogs are intimidating and scary especially when loose, which is a lot. The small fence, about 3 feet in height (a guess) is wire and wooden, more than a garden fence but not enclosing the entire way around the yard. The dogs know how to get out. I have sent my concerns to both the Dog Officer and Select Board.”

Sue Gruen, 3 East Main St., Heath: Not recorded due to technical difficulty; testimony taken from minutes.

“The dogs run all over town. At one point the school bus was picking up children and the dogs prevented them from entering the bus. I am concerned whether the dogs are current with immunization/licenses. Up to five dogs have been in my yard at one point blocked my door preventing my freedom of movement. They can be scary. We’ve added landscaping to our yard; we no longer walk down the road. We’ve sent letters and complaints to the Select Board, the Board of Health. If the dogs are not licensed, are they immunized? I am concerned of the possibility of rabies. If they are running wild, they are open to rabies infection.”

Testimony from Owner and/or others speaking on his/her behalf: Both sworn to tell the truth.

Ronnie and Linda Woodard, 146 Colrain Stage Road, Heath:

Linda Woodard began by saying, “Ron lived with his sister who is extremely lazy, lazy person; she has several, several dogs. When Ron wasn’t home, at school or whatever, she would let the dogs out and they would get loose. And she wouldn’t make any attempt to get them back and Ron wasn’t even aware of it. Now we have moved from this residence so these people do not ever have to see us again. They never have to walk by us or see us again, if they walked out to 3 Ledge Road, it would be his sister’s dogs that they have to contend with. We have taken extreme measures; to say that our house is tight - How can you do this to someone? You can’t judge people by the room that they live in; there are two of us that live there we have one room that has dog cages in it. We are quite comfortable in our home; and our dogs are quite comfortable in our home. We have since gone to extreme measures – we have put up two runners; we haven’t even seen our yard yet. We have no idea what our yard looks like; since we have moved up here there has been inches of snow on the ground. We have a brand new cage in the back yard and another cage that we are going to pick up and there are going two kennels set up with dogs in the back yard once we can see the yard and where we can set them up. We are going to every extent possible to keep; we have already lost one dog died since we were there. And this police report is just unbelievable; I can’t believe he said the things that he did because, you read the police report, it doesn’t indicate anywhere on here that Ron said that his dogs got out of hand and attacked anybody. They were out back at the wood shed and the dogs went running out front; Ron was right behind the dogs. Ron scooped that beagle up right off the ground because the lady was running up the road screaming her head off. That dog was biting Ron extensively; Ron was bleeding extensively. We’ve been to five eye doctors; he almost lost his eye because of that dog; because of that beagle. The beagle was the only dog that was doing the biting. When the police officer went out to these people’s house; he came back to our house; he told us all was okay. The dog was traumatized, the beagle was traumatized, it would take some time. But never

said any indication of any bites; the first time we ever heard anything is when Officer Lively, is that your name? Tom and Margo came to our house nine days after the incident, okay? And said we had to quarantine our dogs for ten days. It already had been nine days; if the dogs had rabies there already would have been a problem. So, nine days after the incident we quarantined our dogs for ten days. As Margo came to the house to see this back room; five of them were crated out in the back room; one of them was crated in the front room. Ron individually took them out one at a time to go to the bathroom. We got the leash that lets the dog run and he could lock it down or let them go to go to the bathroom. If they are outside at all now they are on the run that we've put up for them that they can't get off of. But we don't really want to use the runs because we want them to have the enclosures where they can more freely without something around their neck running and stuff but the runs will be left up in case we have to use them. A lot of the talking you are doing is about when we lived in this house and it wasn't all of his dogs. It was his sister's dogs, too. He doesn't have eleven dogs. We have six dogs; our seventh dog died. We have two dogs that are just about at their ya know, Max and Sofie are old. They are not doing well. As a matter of fact, Sofie last night had a problem that we don't really know what is going on. She was coughing but it wasn't a normal cough. Cooper is having a really hard time with his hip getting up and down and Max is just really old anyway. We have no intentions of buying any other dogs or having any other dogs. We would like to keep the Rottweilers and Tessa and Demon do breed and we do have puppies and we sell them. And then Mia is with us, too. She was ...from the first litter. But when the other dogs are gone we have no intentions of getting new dogs. For whatever has happened, we are terribly, terribly sorry that our dogs were a nuisance to anybody. And if we had known so...well Ron, I guess, got letters and stuff but I guess he didn't realize; neither one of us realized to the extent that people were, that they were so traumatized and terrified from our dogs that they never bit anyone; they never went after anyone; they never did anything. They, ya know, yeah, kids getting on the bus whatever. I have been down the street, I have talked to both people that have kids down the street. Neither one of these people have a problem with us having our dogs. Matter of fact we've talked to those families and we want, they are going to on neutral ground introduce our dogs to each other because their dog runs freely too. The lady across the house from them has several times been at her house looking for her dog – so their dogs run freely. And ya know we're not calling everybody, we're not taking reports about stuff and other people's dogs are running around. So it seems to be a problem down there, dogs running around and it's not our dogs at this point. The only incident was our dogs went out when that beagle was there and the only reason that they surrounded that beagle is because the lady dropped the leash and started screaming. If the lady had just went up the hill with the leash, Ron was right there and he could stop the dogs, that would have been it. They were contained within 1 minute – the dogs were contained. And if the dog was all bad, he specifically told us that dog was traumatized, it's right here, there is no indication in this police report of any bites or anything of any kind. We complied with everything they asked us to do. And as far as licensing our dogs, how the heck do you license dogs in this Town? We've tried licensing them like 4 or 5 times, we can't find anybody to license them. We are trying to, yeah, okay, fine, we'll own up to the fact that the dogs haven't been licensed; they should be licensed. We are wrong; we are in the wrong and we're trying to make it right. We have the money; we have the paperwork, we want to license the dogs we just can't seem to find anybody to license them to.”

Ronnie and Linda spoke at same time and it caused confusion. The Select Board and Attorney asked that only one person speaks at a time for the record. Select Board has questions for Linda Woodard.

“The other thing I wanted to add was, the gentleman, the wife's, the lady that was involved, her husband came to our yard, came tearing into our yard in his pick-up truck screaming and yelling and threatening and I had to go outside and Ron was excessively bleeding all over the place. I said you need to go inside right now and I talked to the gentleman and told him how sorry I was that our dogs had done anything. Was there any injury or harm? He said, no but my wife is terrified and my dog is terrified, you can't get near it. He wasn't happy when he left and that's why I called the cops because I was afraid he was going to come back to our house because when he left our house he made a threat that this damn well will never happen again. So I didn't know if was going to come back with a gun or what he was going to come back with so I in turn called the police for our safety. Because he was threatening us and he wanted to fist fight

with Ron. Our dogs had already been contained at that point and I don't see any report saying that our dogs haven't been contained since or before that since we've moved. I can't explain what the situation that went on over here because like I said his sister, it had a lot to do with her too and we moved out there we're not living in that situation. We are not going to have this little barbed wire fence in the yard to keep the dogs in, they will be sufficiently contained where they will not be able to get out to anyone unless we are walking them on a leash. I had DSS call on me somebody called DSS told them that I had a 1 and 1/2 year old grand-child. She's 7 months old for God's sakes! And the safety of my grand-child...this is just absurd. This whole thing, ya know. I thought I was gonna love living up in this small town and you people are just cruel; you have no consideration for anybody or their feelings or anything. I was always taught that you go up and you talk to people and you reason with people and I don't see that's happened in anyway whatsoever. We've been lied to since this whole thing has happened. The report does not indicate what he just said right now. He was so polite that night; he was so nice to us that night and now he makes it sound like we have these vicious dogs everywhere. And it doesn't make any sense to me but I can promise you that my dogs will never, never be running loose ever, ever again. And I'm sorry for any, ya know, harm or whatever they have caused but they have not hurt anybody and they will not hurt anybody and I assure you of that and as soon as we can get them licensed, they will be."

Attorney: You said the dogs will be sufficiently contained, how are you going to accomplish that if there's no fence?

"There is going to be. I have a big, huge(Ronnie and Linda speaking together) ...we have one run that is 100 feet and another that is ...feet long and we have another kennel (12x6) coming we can't put it up because we have snow..." (difficult to hear tape recording)

Linda: Right now they are going crazy, they are in the house going absolutely crazy because they can't be outside. We're the ones suffering; we're the ones going crazy and we're the ones suffering. As soon we put up the kennels theywe'll probably padlock them so no kid can come up and open it and let the dogs out.

Attorney: Dimensions of kennels? Questioned specifics?
Difficult to hear...several people talking at once.

All the time they are in the house, laying next to the fire, laying next to us. They have a couple chairs they sit in.

Attorney: How long have you been in that house?

Ronnie: Three months but lived in the center for longer – 12 years.

Sheila: When did you come to Town?

Linda: It was a year ago. I started staying at his sister's residence.

Sheila: "So you have been in Heath for one year, about? So you really don't know what has happened with neighbors prior to your coming to Town? So you really don't know the extent of what has gone on with neighbors and all the history. You did have a chance to hear some of the testimony that was read and the documents from the reports that were submitted and that is just a smidgen of some of the things that has happened. The process that we follow in Town is to notify Ronnie, we call him, we speak with him, I myself have been to his house to inform him, to try to get him to comply with the leash laws and the licensing. We have been working for years to be as civil as possible to help people be good neighbors and you need to know that. This is how this Town works. Second, I understand you are selling puppies? That is a business that is going to require a license in Town. In addition to that, there is a new State Law that you will hear about later when we get to the disposition part of this hearing because the kind of license that you are going to need to request from the Clerk is not a regular dog license; we'll cover that shortly. You will also hear about some very specific ways your kennel needs to be installed. So don't install it yet because you will need to follow very specific guidelines, I understand there's snow on the ground. We'll get to that. I have another question, and I'm going to ask the same of Ron when, after his testimony. Why did Ron have to pick up the beagle?"

Linda: Ya know what? Have you ever been in an incident where you didn't quite know what to do?

Sheila: Why did Ron pick up the beagle?

Linda: The woman was screaming....

Sheila: Did you observe what was happening? Were you right there?

Linda: Yeah, I did. I came out and Ron got all the dogs in the back of the vehicle because they were arguing and the woman was running and screaming....

Sheila: And he was holding the beagle at this time?

Linda: He was holding...and the beagle turned around and bit him right in the arm. And it bit him several times in the fingers and not once did Ron drop the dog. He held on to the dog and walked up to the woman and the woman said, oh my dog bites.

Sheila: I have one more statement for you. You mentioned that the quarantine was nine days after the incident. You need to know that the Town of Heath went to court to be sure we were doing it properly with Ron because we have had such non-compliance with his behavior in the past. The Town of Heath learned we have been too lenient with Ron. And I'm going to tell you now, we will never be lenient again. I have no more questions.

Attorney: Mr. Woodard, would you like to speak?

Ronnie: Mr. Lively said that I said two of my dogs were biting. Absolutely not. I said I didn't see nothing; I didn't, I picked up the dog because she ran up the road and I didn't want nothing to happen to the dog. I don't know what would have happened, I picked up the dog, ya know there's 5 dogs and 1 dog; you pick up the dog and make sure it's okay. So I walked back to the car and got 'em in to the back of the car and the dogand not once did I say I saw my dogs bit anybody. I did not see anything; I seen them around him and that's all I seen.

Attorney: So could you start from the beginning and what happened that day?

Ronnie: I was with my dogs; I let them out.

Attorney: So where were you?

Ronnie: Outside with them. The side of the house... we were walking out back... and I seen the dogs running. I ran out there; I seen the dogs surround that dog; she was running up the road, so I picked up the dog. I went back to my car; opened up the door, told the dogs to jump in the car; ...not once did I threaten the lady...not once did I throw the dog; I set the dog gently down...There was no blood on me from the dog; there was no blood on the ground from the dog. She said the dog was fine. (inaudible)

Attorney: Okay, so you then called the police?

Linda: After he showed up and threatened me.

Ronnie: He told me...and all these other things he said. And that's when she told me to get in the house and stay out of this. She dealt with him; I think she calmed him down. Then she came in and called the cops to make sure everything was ...she said Mr. Lively came back over the house and he said he had seen the dog; no blood on the dog; he would come through. And, I feel sorry for the dog; I feel bad for the people that happened to. I'll do anything to make it right with them. I didn't see the dog bite; Mr. Lively said he didn't see no blood on the dog. All of a sudden I find out the dog is dead. I really sorry for these people. I'll do what I can to make it, if I have to replace the dog, I'm not saying my dog did anything wrong, I didn't see it. I'm here to...I'm an animal lover. I love all animals. You guys made me get rid of my birds, I got rid of my birds. I'm just trying to...ya know...I didn't license the dogs because you guys don't have kennel license and say you now have to individually license and I think that's a crock. Before you could license 'em and all of a sudden kennel licenses disappeared. So I just, why you doing this and now your charging me this much to outrageous amount of money. What happened to the kennel license, why can't we have them?

Sheila: We still have the kennel license.

Ronnie: Why is everyone telling me you don't have kennel licenses?

Sheila: That's the one you have to have, you have to have a kennel license.

Ronnie: But you guys told me you cannot register with kennel license anymore...

Sheila: I could talk about that in a minute; should I explain the kennel licenses to him?

Ronnie: The kennel licenses was 5 dogs or more for \$50; now you have to individually license and register them and, before it was always register as kennel license; certain amount of dogs for a certain price. Now you guys dropped that and have individual dogs...

Sheila: We didn't drop anything.

Ronnie: Why did everybody tell me that?

Margo: He wasn't allowed to have a kennel license. And then, I don't know why, but for some reason the Town Clerk said no more kennel licenses, he has to license them individually.

Select Board: There's a misunderstanding that we need to clear up. This is Mr. Woodard's testimony right now, do you have anything else you have to offer?

Ronnie: I want to hear what you have to say to me.

Tom: Was there a 911 Call?

Linda: I called 911 – to ask if there was an officer in the vicinity.

Tom: Was there a medical response as well?

Linda: Yes, there was. And they looked at him and said that he looked fine and it didn't look like the eye had been bitten. But over the next couple of days, the eye got worse and worse and it was secreting yellow stuff out of it so we went to the regular doctors who totally freaked out and called the eye doctor that was home sick and asked him what to do. He ordered us to go to the emergency room immediately. We went to the emergency room and he was given ear drops because the emergency room is just so famous for giving out right things. And he was given just ear drops. And the next day he had an appt. with a specialist who did some testing and stuff and she wasn't comfortable with the whole situation and she sent us to another specialist in Springfield....

Tom: I thought I was talking to Ronnie, doesn't matter at this point. Is she speaking for you?

Ronnie: Yes.

Tom: You refused to be transported in the ambulance?

Linda: The EMT felt that everything was okay...

Tom: No that wasn't my question. The question was, was there a refusal by Ronnie to take medical treatment?

Linda: Yes. And I just want to add to this that I haven't been part of this for twelve years and I don't know what's been going on. But I know his sister was a big problem with the dogs and letting them out and them not being secure. I just know that I live with Ron now and the dogs live with me and I am very vigilant about the dogs where they are and what they are doing. There are gates all over my house and we took them down to move the crates; there are only three crates up now but there are still gates. The crate is in a room where they have their two chairs and crate where they can lay in. If need be, that fence can be put up and they can't get out. Before we put up the fences we will try to find out what the law; how we're supposed to put them up. I know in Greenfield when I lived there, I used to walk around to be sure they weren't digging or trying to get out of it...

Tom: I have a couple of other questions. I think there was a vet report. Did you get a report from the vet? (Margo said no, she just has the bill and estimate).

Linda: We are very sorry about that. We weren't told about it till 9 days later. Ron was right there; I was right there. The dogs were in a minute put in the back of the truck so that Ron could control the situation and go talk to the lady and the lady admitted, she said there doesn't seem anything there's not bleeding anywhere, there's no blood on his clothes from holding the dog....

Tom: All that aside, I just wanted to know. There is a report from the vet that does identify the number of bites, do we have any information from the vet? I understand there is a dog that died because it was bitten. If you ran out there, Ronnie, I don't understand why you would run out there....(interrupted by Ronnie) So your dogs were out there already, surrounding the beagle, so you went out to pick up the beagle?

Ronnie: I went out there, the lady ran away from the beagle. I just picked up the dog to make sure it was okay...cause it's five dogs against one dog. I just wanted to protect the smaller dog which I always learned. For the tickets for my dogs being loose, the post office lady said it right in front of Margo they call the dog officer on me even if it's not my dogs and she said it in right in front of Margo in her office. So it's not just my dogs...you give me tickets in the center of town and it's not even my dogs. And you can call the post office lady anytime and ask her and she'll agree with me. She said it right in front of Margo when we were in Margo's office.

Tom: Are you saying your dogs have never been out?

Ronnie: I'm not saying that. I'm saying all these people saying, they are not all mine.

Tom: You were saying five dogs were out and attacking the beagle?

Ronnie: I never said "attack." I never said once the dogs were attacking anything. I seen the dogs were out and I picked up the beagle.

Tom: Why do you suppose the beagle is dead?

Linda: Because the lady dropped the leash and ran off on him.

Ronnie: I don't know, maybe the dog was bit somewhere's else. Officer Lively said there was no blood on the dog. I don't know why the dog is dead, maybe they killed it. Maybe they punctured it with an ice pick for all I know and say it was my dogs.

Tom: I don't have any more questions.

Brian: Now are you telling us that your dogs did not bite the beagle?

Ronnie: I did not see my dogs bit the beagle at all. And I specifically said here today – I seen my dogs out there and I picked up the beagle. You don't know what's going to happen....

Linda: I can promise you this will never happen again.

[Tape shut off and Town Coordinator took written minutes.]

Deliberation by the Board of Selectmen

Closed evidentiary hearing – no new evidence or statements may be made at this point. The Board will deliberate with no interruptions/interaction. Attorney Corbo read statutes and definitions of nuisance and dangerous dog. Deliberated on whether to deem the dogs dangerous or nuisance. Discussed the issue of multiple dogs and if evidence supports it, are dogs collectively a nuisance/danger? The pre-requisite for deeming a dog dangerous is an unjustified attack, threats or behavior likely to result in attack. There is a long history of these dogs loose and unsupervised resulting in complaints from residents. The dogs have been described as threatening but no reports of bites/attacks until Feb. 2013. Tonight there is conflicting testimony and it is regrettable that the Fosketts are not present.

Brian: We don't have conclusive evidence but seems one or more dogs caused a death and the dogs have for many years been unsupervised and caused discomfort to residents. And it is known that among the nuisance dogs, there is at least one dangerous dog.

Tom: At least five dogs surrounded the beagle and the beagle is dead; not from fright. This is a group of dangerous dogs. Maybe individually they would not pose a danger but as a group together they act as a pack of dangerous dogs. I am concerned for the safety and welfare of walkers. There could be another collective, aggressive situation.

Brian concurs but not sure which dog would attack.

Sheila: The walker felt threatened and the dog or dogs attacked, this fits the definition of a dangerous dog. Deliberated whether nuisance or dangerous or both. Reviewed optional motions and definitions.

Determination and Remedies

On a motion by Brian DeVriese and seconded by Tom Lively, the Select Board voted unanimously that the dogs owned by Mr. Woodard are deemed dangerous based on evidence induced at this hearing whereby the dogs attacked a domestic animal without justification and caused injury/death.

Attorney read seven remedies within the law for restraint/disposal of dogs deemed dangerous.

Select Board discussed all seven. Discussed appropriate enclosure for all dogs.

Attorney Carbo: Dogs shall kept indoors unless on leash or in six enclosed pens with secure roofs and sides 2 ft imbedded in ground if no floor and sized humanely for size and number of dogs.

Need to consider movement of animals from house to pen space and back. It's important because of collective nature of animals. They must be transported on leash when not in enclosed area. According to the law, dogs need to be humanely restrained, but not chained, tethered or otherwise tied to an inanimate object including a tree, post or building and when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. Tom agrees with language. Discussed use of muzzle.

Sheila: For safety when the dogs are moved from house to kennel, the dogs should be moved one at a time on proper leash and that is the minimum what we require when dogs on property. Discussed when dogs are off property.

Tom: When off property, dogs shall be walked individually, one at a time on leash with one person per dog.

Sheila: Muzzle will be ordered, if necessary. This could be part of the progressive disciplinary process. Perhaps if not compliant, then this order could be issued. The hope is that these dogs are only a danger when collective. If an individual dog is determined later to be dangerous when acting alone, then muzzling could be imposed. Will hold muzzling order for now. Dogs need to be either inside house; in enclosures (car, kennel, etc.) or on leash;

And discussed specific definition of kennel for dogs.

Ronnie: What about a run?

Sheila: Will need to research. I recall restrictions on use of run.

Attorney re-read definition and Tom feels a run is not adequate control.

Atty. to Ronnie: Is there a fence around run?

Ronnie: I can't put up a fence. The runs are not near anyone right now or the road.

BOS: We don't feel a run is secure enough. Too hard to define and ensure that dogs are under control.

Remedy iv: That the owner or keeper provide documented proof of no less than \$100,000 insurance for claims resulting from intentional or unintentional acts of the dog, or of reasonable efforts to obtain such insurance if a policy has not been issued.

Remedy v: Owner to provide the licensing authority, animal control officer or other entity identified in the order, information by which a dog may be identified, including , for example, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of information.

BOS: Not knowing which dog is which, this may be reasonable requirement in conjunction with licensing - at least photographic evidence tied to name and license.

Tom: Micro chipping a good idea.

Linda: We have no money to micro chip.....

Tom: I have been talking to Ed Grinnell in Shelburne/Buckland and he recommended micro chip. He feels it eliminates issues around dog identification and makes identification clear. There are times when two dogs look alike; it's something we ought to consider. Not sure of cost.

Discussed progressive discipline - this could be something that could be ordered if non-compliance and another hearing is held.

Sheila: Hold insurance requirement for future order if needed. Rather, we can ask Ronnie to find out what that insurance would cost - perhaps this cost would be an incentive to comply.

Discussed remedy vi and vii.

Tom: One of reasons for altering that I find we ought to discuss is that altered dogs are less aggressive and for that reason alone I like that option. We have to consider this as something we maybe should once again look at and think about.

Tom to Ronnie: Are your dogs neutered?

Ronnie: Two are spayed/neutered and four are capable of reproducing.

BOS: Two already are altered. This could be another item we could hold for future consideration if need arises.

Sheila: I'd like to discuss the business of raising and selling puppies. This is a livelihood and income. We have town laws where you must register as a business. Need to determine if the residence is zoned for that kind of business. These are questions to hold for a future meeting.

Linda: We are not having puppies for many months so it's not something you have to worry about at this point.

Sheila: We will hold this issue for future. We need to determine disciplinary action at this point.

We may want to make inquiry with Town Clerk and Building Inspector and (Zoning) Planning Board to find out what is needed. We also believe residence is in Mohawk Estates which has different bylaws which are not in BOS purview. Hold for future. Need to emphasize that this hearing board can order dogs to be euthanized. And this will be final determination if non-compliance continues.

If conducting a business, the Woodard's will need to comply with state and local laws.

Discussed necessary requirements for a kennel. Under current bylaw and M.L. Chap 140, kennel license is required.

Ronnie: First you say you do and then you say you don't...

Sheila explained new bylaws in MA

New law about kennel read out loud. Town has to comply with that so will apply state law since until we make a change at Town Meeting, we have no choice to comply with state law.

Orders Proposed

- Dogs shall either be kept indoors, on a leash, or in a locked kennel with a secure roof and sides not less than 2 ft imbedded in ground sized to humanely enclose dogs (detail of leash strength and length, etc.)
- Obtain a kennel license which includes proof of vaccination for each dog and identification whether it's fixed and photographic identification of dog and this shall be done by Monday April 1, 2013.
- Contact a homeowner's insurance carrier to obtain cost of obtaining \$100k worth of insurance for claims resulting from intended or unintended damage caused by dogs by April 1, 2013.
- April 1 provide ACO with a plan or sketch showing size, material, locking mechanism, where on property, roof structure, &c.
- Pre-installation inspection by April 1
- Final construction of enclosure installed and approved by May 15th.

It would be helpful to find out if building permit is required. Even though it is not a building.... it is a structure. It is up to Building Inspector.

Tom concerned that pens should be inspected during and upon completion of construction. Discussed inspection and deadline for enclosures.

Read applicable reference in law.

Linda: We are amenable to inspection at any time.

Tom and Margo will conduct a preliminary inspection. Details need to be agreed upon prior to final construction. April 1 is deadline for a pre-installation inspection by ACO including plans.

Discussed outstanding fines owed by Ronnie Woodard

Read from Letter indicating fines due in the amount of \$1,150.

Ronnie disagrees.

Sheila: My feeling is this. Fines were supposed to alert dog owner to get with the program and get dogs under control and licensed. I am feeling right now that if Ronnie can comply with current orders that we start fresh. But there will be no leniency going forward. Brian concurs.

Licensing happens with Town Clerk and Ronnie was told Town Clerk hours.

On a motion by Brian DeVriese and seconded by Tom Lively, the Select Board voted unanimously to waive the previous fines in the amount of \$1,150 up through March 21, 2013.

On a motion by Brian DeVriese and seconded by Tom Lively, the Select Board voted unanimously to issue an order as discussed here tonight to be set forth in writing by Town Counsel and Town Coordinator and to be signed outside of any meeting.

Attorney will write up letter and send to Town Coordinator. BOS will review.

On a motion by Brian DeVriese and seconded by Tom Lively, the Board voted unanimously to close Dog Hearing at 9:29 p.m. and resume scheduled Board of Selectmen's meeting.

Board of Selectmen meeting resumed at 9:35 with Sheila Litchfield, Tom Lively, Brian DeVriese, Kara Leistyna, Atty. Gregg Corbo present.

If there is no compliance to this current order, the Select Board can ask Superior court to enforce the order. That usually works but is costly.

Sheila mentioned a new way to recoup fines by real estate lien or excise tax. Gregg will find out if there is a reference in the law and how to carry this out if needed.

Bylaw change: Discussed proposed changes at ATM. Discussed how to tell Town Meeting voters what is different. Attorney suggested use of K&P materials. In terms of minutia, better to refer back to statute because then can hold a hearing in accordance with procedures set forth in state law.

Gregg will put the bylaw revisions together. Discussed what needs to be changed. What was done tonight at the hearing was in accordance with the state law.

There is some outdated language and confusion in the current dog bylaws so it needs to be cleaned up to eliminate confusion. Sheila stated that changing bylaw and cleaning it up to be more specific will help ensure enforcement. This is a priority.

9:50 p.m. Gregg Carbo left meeting.

FY12 Audit:

Discussed auditor recommendations. Some are costly and not affordable to implement right away.

Pointed out various areas needing revision in the draft audit report. Kara will forward needed changes to Auditors.

Town will follow up with audit recommendations.

Signed items. Motion to adjourn at 10:13.

Next meeting scheduled for 3/26/13 at 7:00 p.m.

Respectfully submitted,

Kara Leistyna, Town Coordinator