

## HOLLISTON BOARD OF SELECTMEN

November 28, 2012  
7:30 P.M.

Selectmen's Meeting Room  
Town Hall

Present; Jay Marsden, Chairman; Jay Leary, Vice Chairman; Kevin Conley, Clerk; Paul D. Le Beau, Town Administrator and Andrea Minihan, Administrative Assistant.

### MR. CONLEY MOVED TO APPROVE THE FOLLOWING WARRANTS

13-23	GENERAL WARRANT	\$ 66,083.39
	VOIDS	\$ (165.00)
	DEBT SERVICE TOWN (001)	\$2,514,225.00
	COMMUNITY PRESERVATION (265)	\$ 108.77
	EXPENDABLE TRUST (722) HOUSING	\$ 2,722.70
	EXPENDABLE TRUST (722) CONSERVATION TRUST	\$ 132.00
	AGENCY (890) VETERANS DISTRICT PAYROLL	\$ 1,021.08
	GENERAL PAYROLL WARRANT	\$ 104,186.48
	TOTAL PAYROLL	\$ 105,207.56
	TOTAL PAID WARRANT	\$ 2,688,314.72

#### ACCOUNTANT'S NOTE:

ACCRUED DEDUCTION LIABILITIES NOT PAID  
\$ 27,644.14

#### SPECIAL ITEM – SICK LEAVE RESERVE – JOAN MACGRAY

\$ 1,395.90

#### TREASURER'S NOTE:

WIRE TO HEALTH INSURANCE TRUST  
\$ 15,805.35

**THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

### COMMENTS FROM THE BOARD

Mr. Conley said that the Holiday Stroll last Saturday was well attended. He said that there were a lot of people who enjoyed the stroll and there was a lot going on.

Mr. Leary said he will be holding office hours at Coffee Haven on Saturday December 1, 2012, from at 8:00 a.m. to 9:00 a.m.

Mr. Marsden said that the stroll was a great time. He said that the HBA did a great job and the stroll gets bigger every year.

Mr. Marsden expressed the sympathy of the Board in the passing of Paul Liss. Mr. Marsden said that Mr. Liss was an Auxiliary Police Officer in Town for 30 years.

#### Comments from the public

Bill Dowd, 95 Shaw Farm Road, said that he attended a Selectmen's meeting eight weeks ago with his concerns about the West Suburban Health Group financing. Mr. Dowd is looking for an update.

Mr. Marsden said that Ms. Bousquet, Treasurer/Collector met with the WSHG yesterday and asked the questions that the Board wanted answers to. Mr. Marsden said that he had nothing to add to it. Mr. Leary said that Ms. Bousquet is one member of a 15 member Board. Mr. Leary said that some of the questions that Mr. Dowd had, a few other Towns had the same questions. Mr. Leary said that he expects to get those questions answered soon.

Peter Barbieri said that the Lions' Club is sponsoring Breakfast with Santa on Saturday morning December 1, 2012, at the Placentino School.

Chief Cassidy said that Mr. Liss also served for 27 years as an on-call fire firefighter.

### **ECONOMIC DEVELOPMENT COMMITTEE – HOPPING BROOK PARK**

Present: Fran Colantonio, Peter Barbieri and Greg Carey. Mr. Colantonio said that the Town has the opportunity for a large company to come to Hopping Brook Park. Mr. Colantonio said that they are calling this project Kayak. Mr. Colantonio said that they do not know the name of the company. He said that this company had someone come to look at the property in Hopping Brook Park and they thought that they would be a good fit in Town. Mr. Colantonio said that the EDC sent a letter of support to Mass Ecom and they were hoping that the Selectmen would do the same. Mr. Barbieri said that this company could have as many as 300 to 500 jobs. Mr. Barbieri said that this would be a good investment for them and the Town. Mr. Barbieri said that this company wants to get into Town as soon as possible and start construction.

Mr. Marsden said that they will respond and send a letter of support. Mr. Colantonio said in the letter you should say that the Town will work in any way possible for a quick turn around. Mr. Conley said that Hopping Brook Park was designed for a lot of traffic. Mr. Conley said that there is a lot of room in Hopping Brook Park.

### **BOARD BUSINESS**

**MR. LEARY MOVED TO APPROVE A ONE DAY ALCOHOL PERMIT FOR A SURPRISE PARTY IN THE UPPER TOWN HALL ON DECEMBER 29, 2012, WITH A SNOW DATE OF DECEMBER 30, 2012, FROM 5:00 P.M. 10:30 P.M. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

### **CHAPTER 90 REIMBURSEMENT REQUEST**

Mr. Marsden said Mr. Smith, Highway Superintendent, is requesting Chapter 90 reimbursement in the amount of \$153,656.19. Mr. Marsden said that this is for paving work that was done on Adams Street, Hanlon Road, Birch Street, Cedar Road, Cabot Road, Lakeshore Drive and Cottage Street.

**MR. LEARY MOVED TO APPROVE THE CHAPTER 90 REQUEST FOR THE HIGHWAY SUPERINTENDENT IN THE AMOUNT OF \$153,656.19 FOR PAVING. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

### **TAX CLASSIFICATION HEARING**

At 7:45 P.M. Mr. Conley read the Tax Classification hearing notice.

Present; Peter Barbieri and Katherine Peirce.

Mr. Marsden said that hand outs have been provided by the Assessors Department. Mr. Barbieri said that the State has not issued final approval of the Town's valuation. Mr. Barbieri said that they can't present a final tax figure. Mr. Barbieri said that the tax rate now is \$18.32 and they would like to increase it to \$18.59. Mr. Barbieri said that there is some adjustment in values. Mr. Barbieri said that the Board of Assessors will be available to discuss the value of homes he asked residents for appointment call the office. Mr. Leary asked when we will get final approval from the State. Ms. Peirce said that all paperwork was submitted a number of weeks ago. She said that she is reviewing all the values. She said that the values are on the Town's Web-site. Ms. Peirce said that they are seeing some changes in value. Mr. Leary said we will have to continue the hearing because the State has not gotten back to us. Mr. Marsden said that the Tax Classification Hearing will be continued until December 5, 2012, at 7:30 p.m., in the Selectmen's Meeting Room at Town Hall.

#### **CURVE STREET EASEMENT**

Mr. Marsden said that the paperwork was reviewed by Town Counsel. The easement was authorized by Town Meeting vote on November 1.

**MR. LEARY MOVED TO APPROVE THE SIGNING OF THE CURVE STREET EASEMENT. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

#### **COMMUNITY CENTER COMMITTEE**

Mr. Leary said that there could be two groups, one for funding and the other for the location. Mr. Marsden said that seven members would be the most workable number. Mr. Conley said that a lot of people are interested in working on this Committee. Mr. Conley said that this is a multi-step process. Do we need a new facility or should the Senior Center be updated? He said that he would be afraid that work would be duplicated. He thinks we should do one step at a time. He said that there should be associate members that are more than welcome to come to the meetings and add comments. Mr. Leary said that there may be a group of more than seven that could work well together.

Mr. Leary said that with all the people who have applied, he hated to turn anyone away. Mr. Conley said that they have letters from 11 or 12 applicants. Mr. Marsden said that we will do this at the next meeting.

#### **AT 8:00, P.M. DOG COMPLAINT HEARING**

Deede Underwood, 38 Franklin Street, said that she and her family have lived in Holliston For over 17 years. She said that she was attacked by a dog in October and is asking the Selectmen to make sure that this dog will not hurt anyone. Ms. Underwood said that she would like the dog to be put down. Ms. Underwood said that on Tuesday October 30, 2012, she had just left Dr. Pizzi's dental office. She left the office and was driving down Smith Row heading south and Nancy Farrell was walking across the street with two dogs on leashes. She said that she stopped the car and went to say hi to her

because she had not seen her since the spring time. Ms. Underwood got out of her car and went to greet Ms. Farrell. Ms. Underwood said that Ms. Farrell said to her that I don't think the dog is going to let you get close to me. Ms. Underwood said that she had already walked around the back of her car, Ms. Underwood said ok I will not come any closer. Ms. Underwood said that all she wanted to do was give Ms. Farrell a hug. Ms. Underwood said that it was at that point that the larger dog lunged out at her. Ms. Underwood said that she was not on the Farrell property, she was on the street. Ms. Underwood said that she did not provoke the dog in any way. Ms. Underwood said that when the dog went after her with its teeth showing, she turned around thinking that the dog was on a retractable leash and that Ms. Farrell was going to yank it back. Ms. Underwood said that she was more than 12 feet away from the dog. Ms. Underwood said that the dog was not on a retractable leash, it was not on any leash at all. The dog had broken free of Ms. Farrell's control. Ms. Underwood said that because she turned around the dog bit her twice in the back of the leg and took a big chunk out of her right leg. Ms. Underwood said that she can remember screaming that the dog was biting her. Ms. Underwood said that the dog backed off but then came back at her three more times circling her. The dog bit her right elbow and her right ankle then it bit her left ankle. Ms. Underwood said that Ms. Farrell was just watching and not getting any closer. Ms. Underwood thought that she was going to die. She said that the dog then bit her back. She thought that the dog was going to go after her face while she was on the ground. She put her face in her elbow so that the dog would not get it. While she was protecting her face the dog bit her left hip. Ms. Underwood said that she remembers a man coming out of a house and he pulled the leash and got the dog off of her. Ms. Underwood said that the secretary from Dr. Pizzi's office and a patient came out of the office and led her into the safety of the building. Ms. Underwood said that Carol, the secretary, called Ms. Underwood's husband. Then, Ms. Underwood asked Ms. Farrell if the dog had all its shots. Ms. Farrell said yes the dog had all its shots. Ms. Underwood said that the EMT's arrived and thought that her wounds were bad enough to be transported by ambulance to the hospital. Ms. Underwood was transported to Framingham Union Hospital and she was there for 2 hours. She was given a tetanus shot and an antibiotic. Ms. Underwood said that she was bed ridden for nine days. The only time that she was out of bed was to go and vote. She said that fourteen days later, she went to the Police Department to give her statement and she was told to go to the Fire Department. Ms. Underwood said that at the Fire Department she was told to give her statement to the Board of Health. When she went to the Board of Health, they checked with the Town Clerk's office and discovered that the dog did not have its shots and it was not registered. Ms. Underwood was very concerned about rabies. Ms. Underwood said that on November 13, she sent an e-mail to the Board of Health asking for this dangerous dog be put down and its remains to be tested for rabies. Ms. Underwood said that on November 15, she met with the Board of Health and presented her case. She said that she was not interested in suing anyone, she just wanted to dog not to hurt anyone else. She said that she was told that the entire Board of Selectmen had to agree. Ms. Underwood said that at this time she is not looking for damages or suing anyone, but she feels that this dog is very dangerous and it is a public health safety issue for our small Town. Ms. Underwood said that she survived this

attack the next person may not. She said that a patient going into Dr. Pizzi's office could be attacked or a child. Ms. Underwood asked to have the dog put down.

Mr. Conley said that he is sorry for the pain that this has caused Ms. Underwood. Mr. Conley said that Ms. Underwood is courageous for speaking out. Mr. Conley asked if she was on Ms. Farrell's property. Ms. Underwood said no she was on the street. Mr. Conley asked if the owner tried to restrain the dog during the attack. Ms. Underwood said no she did not.

Nancy Farrell, 14 Exchange Street, said that her son is the owner of the dog, and the dog was living with her while he was selling the property at 88 Dorset Road. Ms. Farrell said that the dog has been living with her for about one month. Ms. Farrell said that she remembers it differently, not that it makes a difference. Ms. Farrell said that she was standing on her back step and she thinks that Ms. Underwood came into her yard and the lot is very small. Ms. Farrell said that the dog reacted to protect her from Ms.

Underwood. Ms. Farrell said that Ms. Underwood had her hands up and she was excited to see her, she said that that the dog misread it and then protected her. Ms. Farrell said that she did voice commands first then she tried to recover the dog, but the leash got away from her. Ms. Farrell said that it was a brutal attack. Ms. Farrell said that she has never seen this dog act that way. She said that it was not her usual behavior. Ms. Farrell said that she made every attempt that she could to get control of the dog. Ms. Farrell said that a neighbor came out of his house by the time she got control of the dog and she handed the leash to him. He put the dogs into her house. Then, Ms. Farrell went to help Ms. Underwood at Dr. Pizzi's Office. Ms. Farrell said that she can't figure out what set the dog off like that. Ms. Farrell said that she can't allow this to happen again, she said that she has been trying to figure out how to deal with this. Ms. Farrell said that yes she told Ms. Underwood that the dog has its shots. Ms. Farrell said that she recommended that Ms. Underwood have the series of rabies shots because she did not have documentation to be absolutely certain that the dog had its shots. Ms. Farrell said that this is all her fault. Ms. Farrell said that she is so sorry that this happened.

Mr. Leary asked in between the attack and today, the dog is still not licensed? Ms. Farrell said no the dog is not licensed. Mr. Leary asked if the dog had been to a vet? Ms. Farrell said no she has not been to a vet. Mr. Leary asked why?

Donald Kramer, Animal Inspector, said that he quarantined the dog and has not released it. There is still quarantine on this property. Mr. Kramer said that after the hearing finishes tonight and the decision has been made on what to do, then she can bring it to a vet. Mr. Kramer said that the dog needs to go to the vet for shots.

Mr. Leary asked if the dog has had any vet care? Ms. Farrell said yes, three years ago.

Mr. Leary said that the dog has had a lapse in shots.

Cheryl Rudolph, Animal Control Officer, said that shots need to be done properly.

Mr. Leary asked how old is the dog? Ms. Farrell said four.

Luca Montforte, owner of the dog, said that if the dog is not put down he is going to take her to a less populated area. He said that he thinks that she acted this way because she is being kept in a small area. Mr. Montforte said that he will be moving and taking the dog with him and the dog will not be staying with his Mom. Mr. Leary asked when will that happen. Mr. Montforte said that he is not sure when it will happen. Mr.

Montforte said in the early part of 2013. Ms. Farrell said that the dog was staying with her because they are trying to sell 88 Dorset Road and it would be easier not to have the dog there for showings. Mr. Conley asked where were you when this happened. Mr. Montforte said he was at 88 Dorset Road. Mr. Conley said that this was a vicious attack. Mr. Conley asked how would you feel if you were in Ms. Underwood's shoes.

Ms. Farrell said that she feels bad that this happened.

Mr. Conley asked Mr. Kramer if the dog had rabies? Mr. Kramer said that no the dog does not have rabies. Mr. Kramer said that it is a healthy dog.

Mr. Leary said that he spoke with someone from the State about rabies and if the animal was healthy after a ten day quarantine then the victim will not be at risk for rabies.

Sergeant Glenn Dalrymple said that Ms. Underwood filled in some of the details that he had not heard the day of the attack. He did not know that the dog broke free of the leash.

Sergeant Dalrymple said that Ms. Farrell said that she was trying to control the dog. Ms. Farrell said that the dog is usually good with voice command. Ms. Farrell said that the dog is wearing a choke collar because she walks slowly and the dog walks faster.

Mr. Marsden asked if the dog had the choke collar on the day of the attack? Ms. Farrell said yes she did.

Jennifer Blois said that she was in the dentist office the day of the attack and she saw it from the window. She said that Ms. Underwood was in the street when the attack happened. Ms. Blois said from what she could see, it did not look like the owner could get control of the dog as the attack was occurring. She said that it was not until the neighbor across the street came out and was helping to get the dog free of Ms.

Underwood. Ms. Blois said that it looked like the owner was afraid and not able to get control of the dog as the attack was going on.

Ms. Farrell said that she was able to get control of the dog and then handed her off to the neighbor to put in her house.

Anna Montforte, 14 Exchange Street said that in a million years she had never seen the dog act that way. Ms. Montforte said that her Mom is not afraid of the dog, and she always has control over her. Ms. Montforte said that the dog is protective but a gentle dog. Ms. Montforte said that the dog must have felt threatened by Ms. Underwood.

Ms. Farrell said that Ms. Underwood was not threatening her.

Jeffrey Underwood, 38 Franklin Street, said that the Farrell's are our friends this is not an attempt to say anything bad about them. They know that they love the dog, but this happened in the middle of Town. He said that it could happen again. He said that they want to make sure that this does not happen again. Mr. Underwood said that this was an unprovoked attack in the middle of the day and the dog was off its property. Mr.

Underwood said how do we prevent this from happening again and if it does happen how do we protect the people if the dog is not up-to-date with shots? He said that there is a health issue. Mr. Underwood said that is has been confusion on their side to make sure that the right thing is done.

Mr. Montforte said that the dog will not be in the downtown area at this point. Mr. Montforte said that he will take her to a rural area. Mr. Marsden said at a time to be determined.

Nancy Fried-Tanzer, 108 Rolling Meadow Drive, said that this dog sounds unpredictable.

She said that she is horrified to think that the owner is going to bring this dog to an isolated area rather than try and train it. She said that taking the dog to another area is not a responsible thing. The dog needs to be trained because it can still hurt other people. Mr. Montforte said he is not going to take the dog to an isolated area and ignore it, he will take precautions to make sure that this does not happen again. He said training and update with shots is his main concern as well as moving her to a rural location.

Celeste Salley, 21 Hillside Drive, said that she was bit by a dog in June while she was running in her neighborhood. Ms. Salley said that the dog that bit her was a dog she knew and she is friends with the owner. She said that she had a dog now and you never know what will set the dog off. She said that an animal can't rationalize what will happen. Ms. Salley said that the dog that bit her was put down. it had bit someone else earlier in the year.

Ms. Salley said that the dog attacked someone and there is no guarantee that it will not happen again.

Anna Hanstad, 8 Cassandra Lane, said that there are a couple of concerns. She said that every child that walks downtown, walks home from school is at risk. A child that is exposed to something like a dog bite like what Ms. Underwood received, a child would not survive. Ms. Hanstad said that the animal did not go out with the intent that it was going to attack but it happened. Ms. Hanstad said that by allowing this animal to move to another Town is irresponsible. Ms. Hanstad said that it is just wrong. She said that it is like having a criminal move in without all the information on file. She said that if the Town forgives this attack and it happens again then it is our liability. Ms. Hanstad said that needs to be considered.

Annie Underwood, 38 Franklin Street, said that if the dog is moved to a different area it does not mean that he will be there all the time looking after it. He could be at work or just out. She said that you can't ensure that the dog will not get out.

Josie Underwood, 38 Franklin Street, said that even rural area there will still be people around. She said that they may not as close as downtown Holliston, but there will still be people around and it could happen again.

Susan Jacobs, 146 Cedar Street, said that she has a German Sheppard and that if her dog did the damage that was done to Ms. Underwood she would not trust the dog and she would put it down. She said that if they bite once they will bite again.

Sophie Cannon, a Sherborn resident said that she is a friend of Ms. Underwood's and they walk every week and since the dog attack Ms. Underwood has not been able to walk. Ms. Cannon said that it is not the intention of getting something out of this it is so that no one will be attacked by this dog again. Ms. Cannon said that Ms. Underwood was deeply injured in this attack.

Nancy Sellick, a Millis resident said that she is a friend of Ms. Underwood's and she is a horse person and she runs a barn. She said that the other victim is the dog. She said that the dog was not licensed nor had its shots. She also said that the dog was not trained. She said that her horses are all very kind but they have the ability to hurt people. Ms. Sellick said that she can see that this family loves the dog. But she thinks that with out shots and training this dog was put at risk. Ms. Sellick said that this will be a difficult decision to make.

Cheryl Rudolph, Animal Control Officer, said that this was a tragic event that happened. She said that there will not be a winner in this case. Ms. Rudolph said that Chapter 140 was revised in August 2012, and went in affect on November 1, 2012. She said that managing dangerous dogs is listed in Chapter 140. She said that it is a simple outline on how we are going to handle dangerous dogs. Ms. Rudolph said that this was not just a dog bite it was an attack. The dog did not just bite and retreat, the dog bit Ms. Underwood seven times. Ms. Rudolph said that the dog is going stir crazy because it is always in the house. Ms. Rudolph said that she was surprised that the neighbor who took custody of the dog did not get bit.

Mr. Marsden said that we have options one is to dismiss the complaint, second is to deem the dog dangerous, Mr. Marsden said that the Board can make a decision about what to do about the dog. Mr. Marsden said that they can recommend that the dog be muzzled at all times as well. He said that they can also ask for additional insurance above and beyond \$100,000. Mr. Marsden said that his concern is that the dog did not just bite, it attacked. Mr. Marsden said that the dog has not been taken care of, is not up-to-date on shots and is not licensed. Mr. Marsden said that the environment that the dog is in is not a good one. The dog is going from house to house because they are trying to sell the 88 Dorset Road property. Mr. Montforte said that it was only temporary. Mr. Marsden asked if Mr. Montforte would voluntary put the dog down. Mr. Montforte said no. Mr. Leary said what steps are you going to do to make sure that this will never happen again? Mr. Montforte said that he is prepared to take any measures. He said that he would chain her outside. Mr. Leary said that responsibility is big for a dog owner. Mr. Leary said that he has 3 dogs and he takes care of them. They are up-to-date on shots and they are licensed. What was Mr. Montforte going to do to prevent this dog from attacking again? Mr. Montforte said strict training. Mr. Leary said that trained dogs attack. Mr. Montforte said that he has never had a problem with the dog attacking. He said that people go in and out of his house all the time. He said that she is great with people and other dogs. Mr. Montforte apologized to Ms. Underwood again for the attack.

Mr. Leary said that first thing that you need to do is take your dog to a vet. Mr. Leary said that that dog needs its shots and it also needs to be registered with the Town. Mr. Leary said that before he can be comfortable with the dog staying in Holliston, he would like to see a very large fence around the property. Mr. Leary also said that if the dog was on a leash, it would have to be muzzled all the time until it was back in the house. Mr. Leary asked if it was feasible for Mr. Montforte to do those things. Mr. Montforte said yes. Mr. Leary said that a fence around your property is a requirement.

Ms. Farrell said that the dog is on an underground fence on Dorset Road.

Someone from the audience said that since they got the dog, it has always respected the underground fence. The dog has never broken free of it.

Annie Underwood said that even with the dog muzzled she would not feel comfortable. The dog could knock her down

Celeste Salley said that the suggestions are wonderful. She would like to know who would enforce the fence around the property, the dog going to the vet for shots and that the dog has a muzzle on while out of the house. Ms. Salley said that it would take time to



get a fence up. Ms. Salley said that this process could jeopardize someone tomorrow. Ms. Salley would like to know who is going to enforce this and how fast will the fence get done? Mr. Conley said that this is a subject that they dread talking about. Mr. Conley said that he is not a dog owner. He said that he is allergic to them. He said that his wife brought one home and then he could not breath. They had to make a decision on what to do. Mr. Conley said that he is not impressed with Mr. Montforte and his past experience with taking care of the dog. Mr. Conley said that he does not see it getting better.

Tara Quinn, 54 Concord Street, said this was not a dog attack, this dog mauled her. She said that if this dog attacked her son who is only 40 lbs, he would not have survived it. Nancy Sellick, a Millis resident, said that Ms. Underwood was violated.

Lisa Krasnoff ,80 Greenview Drive, said that if this family loves this dog, they would not want to muzzle it and it can't go out unless it was leashed. She asked how bad an attack has to be before you can understand that this dog is a danger to the community? Ms. Krasnoff said to have this dog in Town is a risk.

Cheryl Rudolph, Animal Control Officer, said that she wanted to talk about moving the dog from town to town. She said that if that were to happen, she would have to be notified and then she would notify the Animal Control Officer in the Town that the dog moved to. She said that the dog and the owner would need permission to move to that town from the Animal Control Officer. Mr. Leary said because the dog has been deemed dangerous. Animal Control Officer Rudolph said the dog just can't move from town to town without notifying her. She also said that you would have to get written permission from the new town.

Ms. Krasnoff asked if there had been a problem with other dogs in the past? Mr. Leary said that we have had problems in the past with a few dogs. The owner had to put up a large fence around his property. Mr. Leary said that the owner is responsible for installing and paying for it and the Selectmen are responsible to make sure that it is done. Mr. Leary said that when the Animal Inspector releases the dog from quarantine, where will it go? Mr. Montforte said that dog will go to 88 Dorset Road. Mr. Montforte said that if he goes to another town and Animal Control tells him he can't have the dog, he does not know what he will do next.

Josie Underwood, 38 Franklin Street, asked is it safer for the dog to be in a house that is up for sale with people coming and going or in a cage?

Kathy Chisholm, 72 Kim Place, said that she has a friend whose dog bit someone and the dog has been becoming more aggressive. They made the decision to put the dog down.

Ms. Chisholm asked Animal Control Officer Rudolph, do you think that this could happen again? Ms. Chisholm said that this just happened. Animal Control Officer Rudolph said that you just never know what will happen.

Sheila Datz, 44 Charles Street, said that she lived downtown and she goes to the Veterinarian on Exchange Street, and she walks by there a lot. She said that her kids walk downtown and to have a dog like that living in an area that has a lot of kids and a lot of walkers an attack could happen again Ms. Datz asked if you could ever be relaxed about this dog in your home. She said that she would be nervous that the dog would bite.

Someone from the audience said that when he was 12, a dog bit him in the face. If the owner did not put that dog down, he would have been living in fear.

Ellen Piontek, 45 Garrett Way, said that we are talking like this is a child molester. And if this were a child molester, no one would want them in Town. She said that we would not have a choice.

Mr. Leary said that he does not think that Mr. Montforte will take the steps to correct this problem. Mr. Leary said that you have not done anything to help this situation. You have not taken the dog to the vet, you have not muzzled the dog and you still have not registered the dog.

Ms. Farrell said that the dog has been on a muzzle and has not left the yard. She said that she is taking this seriously. She said that the dog will have training from an experienced trainer.

Sergeant Dalrymple said it sounds like Ms. Farrell and her son Mr. Montforte do not have the same plan for the dog.

Animal Control Officer Rudolph said that Ms. Farrell is taking the punishment for her son's dog. Animal Control Officer Rudolph said that the dog is Mr. Montforte's responsibility, not his Mom's. Ms. Farrell has a plan and Mr. Montforte does not.

Mr. Montforte said that he takes full responsibility for what happened. He said that he will do anything to keep the dog.

Mr. Leary asked where he was the day the dog attacked Ms. Underwood. Mr. Montforte said that he was at 88 Dorset Road. Mr. Leary asked why wasn't the dog with you? Mr. Montforte said because they are trying to sell the house on Dorset Road, and they did not want the dog in the house while there was a showing.

Ms. Underwood announced that she was leaving the hearing.

Mr. Marsden said that this was not a dog bite this was an attack. Mr. Marsden said that it does not look like this is going to be a workable solution. Mr. Marsden said that he does not see any other option than to ask that the dog be put down. Mr. Marsden said that there is no good side of this. Ms. Marsden said that Ms. Farrell did not have control of the dog. Ms. Farrell said yes she did and when she gained control she gave the leash to someone to bring the dog back to her house.

Animal Control Officer Rudolph said that we are passionate about our pets. She said that with her position she gets the good side of things and the bad side of things. She said that sometimes she will get a good dog that comes to the kennel then she will get the broken dogs. She said that a normal dog bite is a bite to the hand, this dog bit seven times and knocked down Ms. Underwood and did not stop biting until she was pulled off.

**AT 9:25 P.M., MR. LEARY MOVED TO CLOSE THE HEARING. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**MR. LEARY MOVED TO DEEM THE DOG DANGEROUS AND TO BE PUT DOWN ON DECEMBER 10, 2012. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

Mr. Le Beau said that if the Board deems the dog dangerous, the family has 10 days to appeal the decision.

Rich Maccagnano, Board of Health, said the dog was quarantined as much as it can. Animal Inspector Donald Kramer can only hold the dog for 10 days. Animal Inspector Kramer said that he has to release the dog tomorrow.

Animal Control Officer Rudolph, said that the dog needs to be muzzled and restrained and remain on the property at all times. If this is not done, then Animal Control has the right to take the dog.

Mr. Leary also said that when the dog is euthanized to let the Animal Control Officer know and then she will let the Selectmen know.

**AT 9:45 P.M., MR. LEARY MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

Respectfully submitted,

Donna A. Muzzy

approved\_\_\_\_\_