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TOWN OF AYER

M. J. Opland

Town of Ayer
Board of Selectmen
Ayer Town Hall - 1st Floor Meeting Room
Ayer, MA 01432



Broadcast and Recorded by APAC

Wednesday April 10, 2019
Open Session Meeting Minutes

BOS Present: Jannice L. Livingston, Chair; Christopher R. Hillman, Vice – Chair; Scott A. Houde, Clerk

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager
Attorney Gregg Corbo, KP Law, Town Counsel

Call to Order: J. Livingston called the meeting to order at 6:00 PM.

S. Houde opened the Public Hearing by reading the Public Hearing Notice as follows: The Board of Selectmen will hold a public hearing in accordance with Massachusetts General Laws, Chapter 140, Section 157, to determine whether the dog known as "Tiger" is Nuisance Dog or Dangerous Dog as those terms are defined in said statute.

Attorney Gregg Corbo stated that the BOS is holding the hearing pursuant to MGL c.140, section 157. The BOS must first make a determination, based on the evidence, if the dog is a nuisance and/or dangerous. Second, if the BOS finds that the dog is a nuisance and/or dangerous, what orders of restraint should be issued. The hearing will proceed in 3 parts. The BOS will first hear complaints against the dog; then will hear from people who are in favor of the dog and then will deliberate and decide, based on the evidence, if the dog is a nuisance or dangerous. If the dog is deemed dangerous, the BOS must then issue orders accordingly.

G. Corbo asked all those wishing to speak to stand and be sworn in.

Ms. Brenda Alcott, 43A Longview Circle, the complainant, addressed the BOS. She stated that she walks her 45 pound dog named Gunner both morning and night and she has seen Conor LaHiff's dog "Tiger" off leash numerous times and has reported it to the property management company. She stated that there were two instances where she had to pick her dog up because Tiger was "on the attack". She then stated there were two additional times in which the dogs made contact. After the first of these instances, her dog Gunner had to be placed on anti-inflammatory medicine due to minor injuries he sustained from Tiger. The second time Tiger was off leash and attacked both Gunner and Ms. Alcott and were bitten. After this instance, Ms. Alcott went to the Police Department to file a complaint. Ms. Alcott's Attorney has tried to get Mr. LaHiff's homeowners insurance information, because of the cost of the vet and medical bills, but he has refused to provide it. Ms. Alcott said she doesn't want Mr. LaHiff to lose the dog, but she wants him to follow the rules. Ms. Alcott then played an audio tape of Tiger off leash and attacking another dog. Ms. Alcott then showed pictures of her bite wound to the BOS.

Mr. Kevin Callan, President of the Board of Trustees for the Willow Condo Association has issued violations 3 different times to Mr. LaHiff for his dog being off-leash. He stated that on March 8, 2019 the dog was given a quarantine order by the Animal Control Officer and that if it was outside the home, the dog has to be muzzled. He reported instances in which he saw Tiger with no leash or muzzle after the quarantine order. He also reported that Tiger attacked two pugs belonging to Ms. Nancy Tonelli, but it was not reported to the Police Department.

Ms. Kathy Werst, 31 Longview Circle stated that she lives directly across the street from Mr. LaHiff and she has been woken up on two occasions by the sound of Tiger attacking other dogs.

Ms. Theresa Ruisi, 36A Longview Circle heard Tiger attack Ms. Alcott and has observed him many times off-leash.

Mr. Paul Werst, 31 Longview Circle stated he has similar experiences seeing Tiger off-leash and he witnessed the attack on Ms. Alcott and her dog Gunner.

The Ayer Animal Control Officer, Julie Thomas reported she met Ms. Alcott at the Police Station on March 8, 2019, the day Ms. Alcott and her dog were attacked. Ms. Alcott reported to Ms. Thomas that she was trying to break up the fight between Tiger and Gunner and was bitten on the calf. Ms. Thomas stated that Mr. LaHiff reported to her that the dog escaped from the house that morning. Ms. Thomas stated she informed Mr. LaHiff of the bites sustained by Ms. Alcott and Gunner and he stated to her he didn't believe it. Ms. Thomas informed Mr. LaHiff that the dog would need to be quarantined, and issued him a citation for not having the dog on the leash. Ms. Thomas stated that when she went to lift the quarantine order on Tiger, she did not observe Tiger as aggressive.

Mr. Conor LaHiff, 34A Longview Circle, stated that on the morning of the incident he went to leave and bring Tiger to daycare and that she got out without her leash. He stated the event involving Tiger and Gunner lasted about 60 seconds. He said that Tiger was tender around the ribs after the incident and attributed it to being kicked. Mr. LaHiff reported that he brings Tiger to Stand By Me Daycare in Salisbury where she is for 10 hours a day, 5 days a week. Mr. LaHiff read a statement from the owner of the daycare stating that Tiger is one of the best-behaved dogs and has never had any issues with any dogs or humans while at daycare.

The General Manager at Stand By Me Daycare also sent a statement saying that Tiger is her favorite dog at the daycare and looks forward to when Tiger stays overnight.

J. Livingston stated that she is glad that Tiger attends daycare so she is not left inside alone during the day. She then asked Mr. LaHiff if he asked if anyone was hurt due to the incident. And he stated that he just picked up his dog and left and was fearful to ask if Ms. Alcott was ok because she was screaming at him.

S. Houde asked the age of Tiger. Mr. LaHiff responded that the dog is three and that she is a mix of Chinese Sharpei and Bassett Hound.

Mr. LaHiff stated that he tried to follow the quarantine order as best as he could and that the previously reported incident involving the two pugs never happened.

C. Hillman asked Mr. LaHiff if he understood the severity of the complaint. Mr. LaHiff responded that he did. C. Hillman then explained that the leash law was for the protection of other dogs, people and for the protection of Tiger.

S. Houde stated that there seems to be a pattern of irresponsible dog ownership.

Ms. Michele Allen of Gemini Dogs in Littleton spoke in favor of the dog. Tiger used to attend Gemini Dogs and Ms. Allen stated she never had one incident with Tiger. She asked the Board not to euthanize Tiger.

Ms. Michelle Doucette did the initial intake of Tiger at Gemini in 2016. She stated that Tiger has always been a well-behaved dog and the issue sounds like a "handling" issue. She also asked the BOS to avoid euthanizing Tiger and to consider placing restrictions.

Mr. Duncan Brown, 47B Longview Circle asked while under the quarantine order did Tiger still attend daycare in Salisbury. Mr. LaHiff replied yes.

Ms. Joycelyn Gallego-Hekkala, 37 Longview Circle said she was offended that Mr. LaHiff referred to the neighbors as liars.

Mr. Callan stated that Alpine Property Management sent six letters to Mr. LaHiff regarding Tiger and he has never responded to him.

G. Corbo stated that the BOS should now discuss and deliberate to first make the determination if the dog is a nuisance dog or a dangerous dog and then if it is deemed as such what orders can be issued.

C. Hillman said he is still concerned that Mr. LaHiff did not understand the severity or the issue.

S. Houde stated that it appears to be irresponsible dog ownership and ignorance of law. He also added that there appeared to be a pattern and that residents are fearful of the dog, given its aggressive nature.

J. Livingston stated that she has been a dog owner nearly all her life and that dogs aren't always dangerous but they can become dangerous due to a negligent owner. She asked Counsel to provide the list of options for the BOS if the dog was declared dangerous. G. Corbo referenced MGL Chapter 140, Section 157.

C. Hillman asked what would happen if the dog owner didn't comply. G. Corbo again referenced MGL Chapter 140, Section 157 and said that the BOS can seize and impound the dog.

Motion: A motion was made by C. Hillman and seconded by S. Houde that based on the facts introduced at this public hearing, including but not limited to sworn witness testimony of Brenda Alcott and the facts set forth in the Ayer Police Incident Report dated March 8, 2019, that the dog owned by Conor LaHiff and known as Tiger is a dangerous dog. **Motion approved 3-0.**

Motion: A motion was made by S. Houde and seconded by C. Hillman that based on the Board's finding that the dog owned by Conor LaHiff and known as Tiger is a dangerous dog, that the Board issue the following order, that the dog known as Tiger shall be on a leash and muzzled at all times while outside. **Motion passed 3-0.**

J. Livingston asked Mr. LaHiff to come forward and she explained the leash and muzzle order to him. The order goes into effect right now and it applies to public and private property. Mr. LaHiff said he understood. Mr. LaHiff stated he would also give his homeowner's insurance information to Ms. Alcott.

Adjournment:

Motion: A motion was made by S. Houde and seconded by C. Hillman to adjourn at 7:53 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: May 7 2019

Signature Indicating Approval: Scott Alcott