

PRESENT: Select Board Members Mark Mathews and Chuck Walkovich; Town Administrator, Andrew MacLean; Executive Assistant, Tracie Looney

The meeting was called to order at 6:00 PM.

Pledge of Allegiance was said. Mr. Mathews announced that the remote meeting is being recorded for re-broadcast by Pepperell Community Media and being remotely attended by audience members via GoTo Meeting.

1. AGENDA PACKET (Please see the following link to documents related to agenda items below.)
<https://town.pepperell.ma.us/806/Select-Board-Meeting-Packets>

2. DISCUSSION / ACTION ITEMS

2.1 Select Board Public Hearing – Determination of Dog Dangerousness

The Mr. Mathews motioned to open the public hearing and Mr. Walkovich seconded. Mr. Mathews read into record the purpose of the public hearing is to determine whether a dog is a dangerous dog pursuant to Massachusetts General Law, Chapter 140, Section 157. The Town Administration received a written complain from the Town of Pepperell Animal Control Officer, Mary Letourneau, regarding an incident which occurred on June 24, 2022 at 28-Wheeler Street.

Town of Pepperell Town Clerk, Brynn Durno, was in attendance to swear in all parties who may speak on the complaint that all information provided is true.

The Town Administrator gave the following report.

Late afternoon on June 24th, a dog named Blu, owned by Tim Hubbard, of Wheeler Street, came onto Bantry Bay Farm, also on Wheeler Street, and approached the horse and dog of Laura Fitzpatrick. Laura was about to enter a paddock to ride the horse. Laura had been warned by Bantry Bay Farm owner, Candy Verhulst, that an unfriendly dog had been on the property previously and if a rider encounters an unfamiliar dog, they should dismount. Laura did this and began walking her horse toward an indoor paddock. About the same time, Tim Hubbard came along trying to retrieve his dog, which would not respond to his commands. At this point, the dog began aggressively barking and nipping at Laura's horse, Fia, and chased her around the farm. Laura was attempting to protect her horse and stop the dog. With the assistance of another neighbor, Roland Nutter, she ultimately was able to restrain Blu. Tim Hubbard took Blu and left the farm. Fia had scratches on her legs and open wounds on her face from the dog bites. Police and EMS responded, the Inspector of Animals and Animal Control Officer also followed up with this incident. The Animal Control Officer requested a determination of dog dangerousness hearing be held.

The Chair heard testimony from the following town officials, complainants and others with knowledge of the complaint.

- Town of Pepperell Police Officer, Daniel D'Eon
- Town of Pepperell Inspector of Animals, Lisa Forbes
- Town of Pepperell Animal Control Officer, Mary Letourneau
- Roland Nutter, neighbor and witness
- Candy Verhulst, owner 28-Wheeler Street
- Laura Fitzpatrick, owner of Fia, horse involved in incident
- Tim Hubbard, owner of Blu, dog involved in incident
- Kim Hubbard, owner of Blu, dog involved in incident

At the conclusion of the testimony the Select Board deliberated and rendered the following decision to deem Blu a dangerous dog.

On a motion made by Mr. Mathews and seconded by Mr. Walkovich, it was unanimously voted to deem Blu a dangerous dog.

Under Massachusetts General Laws 140, Section 157, the Select Board is required to impose one or more sanctions on a dog deemed dangerous. The Board discussed these sanctions and decided to continue the hearing to a date certain.

On a motion made by Mr. Walkovich and seconded by Mr. Mathews, it was unanimously voted to continue the public hearing to August 22, 2022 at 5:00 PM at Town Hall, Conference Room A to allow time to confer with Town council on how much latitude the Board has on MGL Chapter 140, Section 157. There will no be no more testimony at that upcoming meeting.

The dog will need to be restrained on the owner's property until a decision is made by the Board.

Respectfully submitted,

Tracie Looney, Executive Assistant

APPROVED:

Mark Mathews, Chair

Tony Beattie, Clerk

Chuck Walkovich, Member

Approved: September 26, 2022