

Select Board Meeting, Monday August 26th, 2019 in the Cavendish Town Office

Meeting Room at 6:00 pm

Present: Bob Glidden (Chairman), Mike Ripley, Sandra Russo, Brendan McNamara (Town Manager), Jen Leak (Recording Secretary) and citizens as listed on the attached sheet.

Absent: Stuart Lindberg, George Timko

1. Call the meeting to order

Bob Glidden, Chairman, called the meeting to order at 6:00.

2. Adjust Agenda

There were no adjustments to the agenda.

3. Hear Citizens

There were no citizens wishing to be heard.

4. Update/discussion regarding an ongoing dog issue.

Brendan said that this meeting was called to discuss an ongoing issue with two dogs which are kept on Cavendish Gulf Rd. He said that there have been multiple complaints about these dogs and last week the dogs killed a neighbor's cat. Brendan said that the dogs are owned by Antonio Diaz and are often loose. He said that the dogs are menacing and the neighbors are feeling threatened. Brendan said that he has spoken with the owner directly several times and asked him to keep the dogs tied or confined but he has not.

Geraldine Farrar was present. She said that these dogs have been a problem for the past several months and she has spoken with the state police and local humane shelters but no one will deal with them. Brendan said that he feels that the Select Board should decide what the next step to take should be. He added that legal advice may be needed to decide if the dogs should be removed from their owner, in which case they would probably be put down.

Brendan said that the dogs have reportedly bitten someone who was on an inn to inn walking tour but that person refused to file a complaint. He added that he sent a certified letter to Antonio after the death of the cat which stated that the dogs need to be chained all the time. Brendan said that the dogs have been loose multiple times since then, and that he himself picked up the large dog over the weekend and would have taken it to the humane society but they were not open.

Brendan handed out copies of the Town's Animal Ordinance to the Board. Geraldine said that Antonio asked her to take in the smaller dog, which she was willing to do, but Antonio then took it back. Norma Randall suggested bringing papers to the owner and asking him to sign them over. Brendan said that he would like to discuss legal ramifications with the Town Attorney before removing someone's pet.

Sandra asked about the living situation of the owner. Brendan said that was a complicated story and he preferred not to discuss it. Chris Leonard was present said that the dog owner is the problem.

Mike said it sounded like the dogs in question have violated at least three elements of the animal ordinance. He said that the owner has been notified in writing so the next step would be to levy a fine although he doubted that it would be effective. Mike said that the dogs could be impounded and after 35 days of impoundment the dogs would become property of the Town if not redeemed by the owner. Mike thought that the Town would have to pay the costs for boarding them.

Geraldine said that she has been feeding and watering the dogs since the owner is often not there and they are left tied out in the hot sun. She said that they often bark. Chris said that he lives about a mile away and can hear them barking. Geraldine said that she did not wish the dogs to be put down.

Mike said that the owner can be fined without impounding the dogs and the owner can submit a written request for a hearing within 21 days from the date of notice. If the owner has not contacted the Town after 35 days then the fine is not negotiable and the dogs can be taken away. Those residents who were present were not sure that the dogs should be left in the owner's care for another month. Mike said that he would recommend fining and notifying the owner which would start the 35 day period and the dogs could be impounded sooner if necessary.

Sandra asked if any different action could be taken if animal cruelty was involved. Brendan thought that then the police would respond.

Those in attendance agreed that the Board should seek legal advice but they also wanted to protect people walking or biking on the road, living nearby, and other pets in area. They were concerned that the Town could be held liable if someone is hurt by the dogs if the Town knew of this situation and did nothing.

Mike Ripley moved/Bob Glidden seconded a motion that Brendan should give the owner of the dogs a written notice of violation of the Town's Animal Control ordinance, with a penalty of \$500, and that Brendan should contact the Town Attorney for legal advice on this matter. All voted in favor.

Mike also asked Brendan to contact the animal shelters nearby for information on boarding if the animals should need to be impounded.

Chris Leonard asked if the Board would put pressure on other State agencies regarding the owner's living situation, namely that he is squatting on someone else's property and violating Act 250. Brendan said that he could not comment in detail but felt that things might be moving on those other areas of concern.

Brendan added that anyone should feel free to call him with their concerns and if something arises outside of Town office hours they should call him at home.

5. **Other business**

Brendan McNamara – none.

Bob Glidden – none.

Mike Ripley – none.

Sandra Russo – none.

6. **Adjourn**

Mike Ripley moved/Bob Glidden seconded a motion to adjourn at 6:25 p.m. All voted in favor.

Minutes Approved: _____

Date: _____