



TOWN OF SHREWSBURY

Board of Selectmen Meeting
Board of Selectmen's Meeting Room
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5398

Tuesday, April 12, 2022 - 6:00 PM

Minutes

Present: Mr. John Samia, Chair, Mr. John Lebeaux, Vice-Chair, Mr. Maurice DePalo, Clerk, Ms. Beth Casavant, Selectmen, Ms. Theresa Flynn, Selectmen

Also Present: Mr. Kevin Mizikar, Town Manager, Ms. Taylor Galusha, Principal Department Assistant (Board of Selectman and Town Manager)

Mr. Samia called the meeting to order at 6:00 PM

Preliminaries:

1. **Approve bills, payrolls and warrants**

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve bills, payrolls, and warrants 2237, 2278ME, 2278, 2280, and 2282.

2. **Approve Minutes of March 22, 2022**

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve the minutes of March 22, 2022 as written.

3. **Announcements/Reports**

Mr. Lebeaux, Mr. Mizikar, and Mr. Jeff Howland, Director of Department of Public Works, attended an event at the Rawson Hill Dam for the rehabilitation groundbreaking ceremony. It is a flood control dam that has served the Town residents since 1963 and is being funded by the USDA, DCR, and Congressman McGovern was also in attendance as well. Mr. Lebeaux noted that the ceremony was enlightening on how much Flood Control savings the Town sees - \$172,000 a year and these dams do a lot to play an important role in protecting those communities. He noted that he does work with NRCS every week and did not know that this was something under their pervue and he is grateful for everything that they do.

4. **Town Manager's Report**

Expanded Management team will be meeting with Raftelis tomorrow April 13, 2022 for Strategic Plan.

Annual Town Meeting planning and financial plan for next year, personnel board classified all of those titles. Planning way through final stages for town meeting.

Special Reports/Actions/Updates:

5. **COVID-19 Updates on Positive Case Counts, Vaccination Data and Town Operating Status**

Mr. Mizikar shared a COVID-19 update presentation, adding that Town Hall has been open to the public without the need for an appointment.

There have been 7,441 positive cases in Town to date, an increase of 143 cases since last reported on March 22, 2022 as of this past Friday (April 8, 2022). There have been 87 COVID-19 deaths, an increase of 0 since last reported on March 22, 2022.

91% of all eligible residents, have received at least one dose of a COVID-19 Vaccine. 80% of all eligible residents, are fully vaccinated. 50% of all eligible residents, have received a COVID-19 Booster shot. Effective Friday, March 18, 2022, the Town will only report vaccination data as a percentage of the population.

All residents 5 and older who live, work, or study in Massachusetts are now eligible. Ages 5 to 17 can only get the Pfizer vaccine. Pfizer and Moderna booster COVID-19 vaccinations are available for all individuals 18+ who received a 2nd dose of the Pfizer or Moderna vaccine at least six months ago. Johnson & Johnson COVID-19 booster shots are available to all individuals 18+ who received a single dose of the J&J COVID-19 vaccine at least 2 months ago.

Financial Business:

6. Review Fiscal Projection 2 for Fiscal Year 2023

Mr. Mizikar noted that there are no changes to the operating budget from fiscal projection 1 to fiscal projection 2. There is an increase in spending. They reassessed their availability funding for capital improvement projects on the utility side and there was an increase in overall spending.

New Business:

7. Review and discuss the May 21, 2022 Annual Town Meeting Warrant

Mr. Mizikar noted that this agenda item is for the purpose of discussion of the Warrant for the May 21, 2022 Annual Town Meeting.

Mr. DePalo noted that he thinks the Board should recommend against the selling of Tax Title properties until the fall so a clear strategy of what to do with the properties can be formed.

Ms. Casavant asked what does that do for the individuals that are expecting to have the opportunity to purchase.

Mr. DePalo noted that they have to wait for the fall and does not understand any urgency on the resident's behalf, besides maybe the Cedar Avenue property as they want to add an addition on their house. Mr. Mizikar noted that there is no specific urgency and is comfortable taking action if the Board is, but there is no urgency on the Town's side.

Mr. Samia asked if there are any adverse possession claims here at this time. Mr Mizikar noted there are no claims at this time.

Mr. Lebeaux asked if there is a relationship between articles 43 and 44. Mr. Mizikar noted that we would be transferring those in Article 44 are from tax title but for disposition not for study.

Ms. Casavant highlighted Article 27 and noted that the Board should provide more background on the article as she has gotten some questions on it. She noted that her and Chairman Samia met with a residential group regarding their concerns with climate change and this was a great opportunity for the Board to work with a group of residents to get this discussed and on a Town Meeting warrant for approval. She noted that she is really proud of the Board for collaborating with a group of residents and finding a mutual path forward to address the concerns and this will benefit the entire community. She added that Mr. Mizikar also met with this group of residents to discuss what they are doing right now as a Town and plans for the future. She added that this is not a demanding document just guidelines for a path forward future to be more climate conscious.

Mr. DePalo added that the Board realized that the Climate Action Plan is something that needed to be addressed and now is the time to do it.

8. Review and act to layout Commerce Road and a portion of Lake Street based upon the layout plan, and sign the reports

Mr. Samia summarized the agenda item.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve to layout Commerce Road and a portion of Lake Street based upon the layout plan, and sign the reports

9. Review and act on the 2022 Water Restrictions in accordance with the current Water Management Act Permit requirements and pursuant to Article 18 of the Town Bylaws

Mr. Samia and Mr. Mizikar summarized the agenda item.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve the 2022 Water Restrictions in accordance with the current Water Management Act Permit requirements and pursuant to Article 18 of the Town Bylaws

10. Review and act to approve the minutes of the Diversity, Equity, and Inclusion Task Force Storytelling Subcommittee of October 6, 2021

Mr. Samia summarized the agenda item.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve the minutes of the Diversity, Equity, and Inclusion Task Force Storytelling Subcommittee of October 6, 2021.

11. Review and act on the Donation Bin permit application from CMRK Inc. for three donation bins located at 277 Boston Turnpike pursuant to Article 25 of the General Bylaws

Mr. Samia summarized the agenda item.

Mr. DePalo noted that they should add a condition on the license for the placement of the donation bins close to the building and not near the road.

Mr. Samia noted that he and Mr. Mizikar met with the property owner and the owner noted that they have cameras on the property, there will be staff onsite as well, and they are hoping to have chutes where the garage doors are instead of separate bins on the exterior of the building.

On a motion by Mr. DePalo, seconded by Mr. Lebeaux the Board unanimously approved the Donation Bin permit application from CMRK Inc. for three donation bins located at 277 Boston Turnpike pursuant to Article 25 of the General Bylaws with the condition that any donation bins need to be located as close to the building adjacent to the garage door as the Fire Code and Fire Department allows.

12. Review and act to disband the Master Plan Implementation Committee

Mr. Samia summarized the agenda item.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to disband the Master Plan Implementation Committee

13. Review and act to approve the March 21, 2018 minutes of the Master Plan Implementation Committee

Mr. Samia summarized the agenda item.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve the March 21, 2018 minutes of the Master Plan Implementation Committee.

14. Review and act to disband the Open Space and Recreation Plan Committee

Mr. Samia summarized the agenda item.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to disband the Open Space and Recreation Plan Committee.

15. Review and act to approve the Town Manager's appointment of Brian Costello, 398 Walnut Street, to a vacant seat on the Historical Commission with a term set to expire on June 30, 2024 pursuant to M.G.L. Chapter 40, Section 8(d)

Mr. Samia summarized the agenda item and Mr. Mizikar noted that there is one additional vacancy still after this one is filled.

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to approve the Town Manager's appointment of Brian Costello, 398 Walnut Street, to a vacant seat on the Historical Commission with a term set to expire on June 30, 2024 pursuant to M.G.L. Chapter 40, Section 8(d).

Correspondence: The Board of Selectmen will review and possibly act on the following:

- 16. Email, dated March 30, 2022, from Anne Marie and David Cohen, 2 Flintlock Drive, re: Request for Proclamation – So noted**
- 17. Letter, received March 31, 2022, from Nick Repekta, Highway Division Manager, re: Street Sweeping Report– So noted**
- 18. Email, dated April 2, 2022, from Kevin Byrne, Associate Member of the Zoning Board of Appeals, re: reappointment – So noted**
- 19. Email, dated April 4, 2022, from John Scibelli, 38 Knowlton Avenue, re: request & Suggestion Regarding Town Cleanup Day – So noted**
- 20. Email, dated April 5, 2022, from Chief Jim Vuona, Fire Chief, re: Follow-up – So noted**
- 21. Email, dated April 6, 2022, from Keith Elmes, Animal Control Officer, re: Quarterly Warrant Return to the Board of Selectmen – So noted**
- 22. Email, dated April 7, 2022, from Christine Williams, 67 Holman Street, re: INQUIRY – So noted**
- 23. Letter, received April 7, 2022, from Nick Repekta, Highway Division Manager, re: Street Sweeping report – So noted**
- 24. Letter received April 7, 2022, from Catherine Racer, Director of the Department of Housing and Community Development, re: Album Shrewsbury, Shrewsbury, Massachusetts Determination of Project Eligibility under the Local Initiative Program (LIP) – So noted**

25. **ZBA Decision, from March 28, 2022, for Greg Margagnoni for special permit for property located at 92 Harrington Avenue – So noted**
26. **ZBA Decision, from March 28, 2022, for Dean Sokos for special permit for property located at 749 Main Street – So noted**
27. **ZBA Decision, from March 28, 2022, for Terry Martin, for special permit for property located at 18 Merriam Avenue – So noted**

Meetings/Hearings:

The Board took a recess at 6:34 PM.

Mr. Samia called the meeting back to order at 7:00 PM.

28. **7:00 pm – Public Hearing— George and Alane Stalcup, 88 Old Faith Road, pursuant to M.G.L. Chapter 140, Section 157; Dog Hearing.**

Present: Attorney Cohen, Luke and Alane Stalcup, Kathleen and Ray Brassard, Stephanie Powers, Keith Elmes (ACO), Linda Acciaro, and Wendy Mulcahy

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, the Board unanimously voted to open the public hearing at 7:00 PM.

John Samia: The Board of Selectmen has scheduled this dog hearing to take testimony and consider evidence to determine whether there is a dogs owned or controlled by George and Alane Stalcup, residing at 88 Old Faith Road Shrewsbury, MA 01545, which may be found to be nuisance dogs or a dangerous dogs pursuant to General Laws Chapter 140, Section 157. The dogs in question are Copper (#1589) and California (#1589), residing at 88 Old Faith Road Shrewsbury, MA 01545. The law requires that the Board of Selectmen investigate complaints of this nature and also requires us to conduct “an examination of oath of the complainant.” As such, I will ask that all those who will testify be sworn in first. This includes those on all sides of this issue. I ask that all that wish to be heard on this matter to stand up. I will ask that you remain standing so that I may swear you in as a group.

Please raise your right hand: Do you swear to tell the truth, the whole truth and nothing but the truth. If so, please state, “I do”.

Luke and Alane Stalcup, Stephanie Powers, Keith Elmes (ACO), Linda Acciaro, and Wendy Mulcahy sworn in.

Samia: This is the order in which we will proceed. I will ask that the complainant testify first. That will be Animal Control Officer Keith Elmes. I will then ask that to hear the comments of the other witnesses. I will then allow the Stalcups or their attorney the opportunity to question the witnesses. I will then hear from the dog owners: The Stalcups and/or your attorney if you wish. In all cases any questions should be directed through me. I ask that you be courteous. Once the questioning is concluded, I then will ask the Stalcups if they have any witnesses and if so, we will hear their testimony. At the conclusion of that testimony I will ask the Board for a motion to close the hearing and then the Board will go into a deliberation phase to make a finding. This will be done in open session and a motion will be made by a member of the Board of Selectmen as to our findings. Those findings can be any of the following: There is no finding that the dog is either a nuisance or dangerous and the complaint is dismissed, the dog is deemed to be a nuisance, or the dog is deemed to be dangerous. If the dog is found to be an nuisance then I will ask the opinion of Dog Officer Keith Elmes to make a recommendation to the Board to mitigate the dogs behavior. If the dog is found to be dangerous then there are a number of actions

that may be taken, but I will reserve the right to discuss those options only should we get to that point. I will start with the testimony of Animal Control Officer Keith Elmes.

Officer Keith Elmes: Good evening everyone my name is Keith Elmes, I am the Animal Control Officer and Animal Health Inspector for the Town of Shrewsbury, I am also the individual who brought this complaint forward tonight regarding the two dogs Copper and California owned by George and Alane Stalcup of 88 Old Faith Road in Shrewsbury, Mass. For the benefit of any individual in the room who hasn't had the opportunity to see or hear my report, I plan to read my report that I submitted to the Board of Selectmen and make my recommendations as well, so as follows: Since April 20, 2021 there have been twenty six logged complaints regarding George and Alane Stalcup's of 88 Old Faith Rd. two dogs, Copper (a brown Labrador retriever mix) and California (a black Labrador retriever mix) being loose off of their owners property. The complaints have all come from the residents at 86, 84, and 80 Old Faith Rd.

I have spoken at length to both George and Alane regarding the town's public nuisance by-law, mailed a formal warning letters on 6/10/2021, and again on 3/1/2022, however, complaints of the dog's being loose off the property continued to be reported to Animal Control. In speaking with Alane, she has claimed one of the dogs in particular, Copper, suffers from anxiety issues which they have had difficulty managing. Alane at one point expressed a desire to rehome Copper but so far has not taken any action to do so. Alane has also said they are unable to make any physical improvements to the home, such as a fence, because they do not own the property.

The most recent, and egregious, incident occurred on Wednesday March 15, 2022 where at 3:14 PM I, along with Shrewsbury Police Department Officers Brian Sklut, Andrew Vanwagoner, and Thomas Kelley, was dispatched to 84 Old Faith Rd, for a report by Stefanie Powers of 84 Old Faith Rd., that one of the Stalcup's dogs had just bitten her daughter Skyla Griffin at the end of her driveway. Upon my arrival at 84 Old Faith Rd when exiting my vehicle I was immediately confronted by one of the Stalcup's dogs "Copper" who approached me coming out of the driveway of 86 Old Faith Rd. "Copper" acted extremely aggressive towards me in the form of approaching me showing teeth, growling, barking, and snapping at me which caused me to deploy pepper spray to keep him away after which he retreated to the driveway at 88 Old Faith Rd. At this time "Copper" was brought inside by Alane Stalcup's 17 year old son James Kasrawi. Alane and George Stalcup were not home at the time of the incident

I viewed and photographed Skyla Griffin's wound on her left thigh which appeared to be a dog bite. Unable to trust that the dog could be safely quarantined at home I went over to 88 Old Faith Rd asked James Kasrawi to bring "Copper" outside. I explained that "Copper" must be quarantined for 10 days (per 330 CMR 10.05 "Requirements for Any Domestic Animal which Bites a Human or Another Domestic Animal"). I asked James to load "Copper" in the back of my truck and I proceeded to transport "Copper" to the Worcester Animal Rescue League to serve its 10 day quarantine.

In my opinion, the repeated complaints of "Copper" and "California" being loose, along with the above mentioned incident on March 15, show a clear failure by the Stalcup's to remediate this issue which has posed a nuisance and is now a danger to the public.

My recommendation should "Copper" be ruled a dangerous dog is the following; that the dog be humanely euthanized OR that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; that when removed from the premises of

the owner or the premises of the person keeping the dog, 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; that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance; While "California" has never to my knowledge bitten a person, it has on multiple occasions, been loose off the property of its owners. Should the board rule that "California" is a nuisance or dangerous dog. I also recommend that "California" be confined to the premises of the keepers of the dog. At this point I am happy to answer any questions from the Board or yield the floor to the next speaker.

Samia: Any witnesses and then at that point once the case has been presented we will provide; let's see if we have any questions at that point after counsel should they elect to ask questions we could ask clarification so are there any witnesses Officer Elmes that will be coming up.

Elmes: Very well –

Samia: Are there any witnesses as well? So the next step would be any witnesses

Elmes: Yes, we have – one, two, three, or all four? – or all three? Yes we'll have three

Samia: Okay

Elmes: Three witnesses from the neighborhood

Samia: And then at that point after they presented, Counsel or the Stalcups could ask questions

Elmes: Alright

Samia: Go ahead, if you could come up and feel free to come on up to the desk here if you could introduce yourself for the record

Stephanie Powers: My name is Stephanie Powers, this is my daughter Skyla; this is the child that was bit. We reside at 84 Old Faith Road. She's actually been bit twice, the first time I didn't call it in because it wasn't broken skin and she was playing at the home at the time with their children; there were no issues at that time, she was nipped in the elbow, didn't make a big deal out of it, just figured the dog was excited, not a big deal. Copper has came at me, quite a few times, I have submitted emails to Animal Control of evidence of the dog coming at me in my own driveway, at one point I was trapped in my vehicle, I couldn't do anything, I couldn't get out of my car, while he stood there in my driveway, barking at me aggressively, snapping. The day that she was bit, I think it was the 15th I actually picked up a piece of her pants off of the ground. This dog is a nuisance – it's dangerous, their negligence has led to this I don't know how the dog keeps ending back up on the property, it should have been handled a long time ago and if it was handled properly she wouldn't have been bit. We have people that can't move as quick as Skyla and I to run for safety – in the comfort of our own homes from this dog, that could be severely injured – my sister was bit as well, unfortunately she couldn't make it here today. The dog went after my father, there is just so many complaints – I don't know how this is still going on we can't even go

outside our home and enjoy the nice weather. It's scary she is having nightmares, it's just – it's not okay if they were in my shoes they would live – they would live in fear as well.

Samia: Okay

Powers: Do you have anything you want to say little lady? You can tell them your name and you can say anything you want. You don't want to talk? You don't have to talk, I spoke for you.

Samia: Okay, thank you. I think to keep this easier, to see – we'll go each individual witness and then ask if Counsel has any questions rather than go through four at once I think it's going to be harder to do that. Do you have any questions for this witness and then I'll come back to any questions for Mr. Elmes and then I'll go back; it is just going to be easier rather than ask you to ask for people at once

Attorney Jeremy Cohen: Okay, just trying to keep track of what I want to ask. A question I have Mr. Chair is with all of the complaints that Ms. Powers has made why is there no record of these suddenly other two bites we are just hearing about for the first time?

Powers: My sister bit and it got her pants so there was no major injury, she did call in, I believe, I already explained myself as far as the first nip, my daughter was playing with their children, we didn't that our life was in danger at that time so I figured the dog was just excited maybe nipped her a little bit that's common behavior of a dog typically I didn't think that the dog had major aggressive issues and was a danger to society at that time.

Samia: So to clarify, Mr. Elmes, anything on the record about any other bites that we are aware of?

Elmes: Her sister did call and report that the dog had bit her at her pant leg, when I responded the dogs were already in the home and her sister was not on scene, so there was nothing further I could take with that.

Samia: Okay, that's just in furtherance of council's question any other questions for this witness?

Cohen: Prior, it looks like the complaints as far as I have started in April of 2021. Prior to that, how often was Sky at the house?

Powers: After that incident where she was bit I didn't allow her to go there anymore.

Cohen: And my question to that would be prior to that how often was Sky at the house with the dogs?

Powers: Maybe two or three times

Cohen: And was Sky ever brought there on a regular basis to be babysat by the dogs and the nanny who lived

Powers: I was home it wasn't necessarily babysitting, we talked about if I ever needed a babysitter that I could have her go there but it was never necessarily a babysitting contract, I have text messages that could prove that

Cohen: But at some point, my question Mr. Chair—

Powers: That's irrelevant

Samia: Please

Cohen: At some point in the spring of 2021 was the witness asked to not bring Sky over anymore for babysitting purposes?

Samia: But okay, to be to that point, so is that a question or is that a comment

Cohen: That's a question, was she asked by my clients not to bring Sky over anymore

Samia: Not exactly sure how that

Cohen: Oh I am asking the question of her through you

Samia: No I understand—

Powers: I made that—

Samia: I am trying to understand though where that is in the complaint I guess

Cohen: Well, it's not because there's a lot that's been left out, but I'll leave that for my clients so my last question—

Powers: The babysitter witnessed my child being bit—Hannah

Samia: Excuse me

Powers: I'm sorry

Samia: Thank you, no problem, thank you

Cohen: The last question for this witness, Mr. Chair, is where did her daughter go to any type of get any type of medical care for the incident?

Powers: I'm a licensed Phlebotomist, I'm very familiar with skin and punctures and wounds, I've been drawing blood for 12 years, I looked at the would I cleaned it myself personally, I didn't think that she needed to go to the hospital they're probably going to tell her to take an ibuprofen. So I didn't take her. I have pictures of the would it's not that pretty, later on in the day the swelling did go down, there appeared to be like a sense of like a hematoma blood under the skin bruising and that was pretty much it.

Samia: Thank you, any other questions?

Cohen: No

Samia: Thank you very much, thank you for your testimony. Before we go to the next witness do you have any questions for Officer Elmes at all?

Cohen: I do

Samia: It's just easier this way sorry, one at a time instead of all four—thank you. Would you mind going to the microphone actually it's tough to pick up—thank you.

Cohen: ACO Elmes, Mr. Chair, for the ACO, you said that there were 26 logged complaints

Elmes: That's correct

Cohen: Okay, I have a packet of 23 incident reports

Elmes: Okay

Cohen: So there incident reports, but are those the same as complaints?

Elmes: Yes

Cohen: Okay—

Elmes: So it may have been miscounted by three, but regardless—

Cohen: Okay—

Elmes: —23 to 26.

Cohen: Okay so, and you say these are log complaints of people contacting you or the police department in Shrewsbury about the dogs belonging to my clients

Elmes: That is correct

Cohen: Okay, well if it's all right since I have all of these, I think it's important to go through then because these are not complaints. Very few of them are complaints, in fact there's no reports in here, in fact nowhere in these 23 pages is anything referencing the dog's names. So the complaints as we have heard through April, April through December, the letter to the Board said there were 15. Then December through March 15th the letter said 18, and then somehow from March 15th to April 1st, two weeks, there was eight more. So that would have been more than one every other day. So in looking at what's been submitted, this is important because when I first saw this and saw 23 complaints how can I even be representing these people but when you actually look at this, these are not complaints at all and I believe the Board has these and they start on 4/14/21. 4/14/21 – reporting of a barking dog in their yard units return the dog to the owner, okay that's a complaint, that's one. Can you track the number of complaints? Next one that I was given 4/20/21, I'm sorry ACO Elmes, would you say that's a complaint of a barking dog in someone else's yard?

Elmes: Yes

Cohen: On 4/20/21, what's called a complaint is ACO to speak with owners, no one home and there's no caller ID there was no call to the dispatch or anything like that do you recall what that would have meant?

Elmes: I was down there because someone called about the dogs being loose.

Cohen: Okay, but it doesn't say that

Elmes: Correct

Cohen: Okay

Elmes: It's not it's a log entry, it's not a full report, maybe I had gotten down there and nobody was home that would be my guess

Cohen: So that's a log entry, not a complaint?

Elmes: Someone made a complaint, I went down—

Cohen: Does that mean they made the complaint on April 20th?

Elmes: They made the complaint on that day

Cohen: Okay, but it doesn't say the name of anybody who made the complaint

Elmes; no

Cohen: Okay, then the next day 4/21/21, ACO on follow-up on loose dog complaint, again no caller ID. So that's not a complaint, that's a follow-up right?

Elmes: Correct

Cohen: That doesn't mean somebody called again on the 21st to say "hey you got to go down there?"

Elmes: Correct

Cohen: Okay, so we can strike one complaint so far because it is not a complaint. The next one on June 16, 2021 ACO follow-up. So what was the complaint there?

Elmes: I don't know it was over a year ago. I assume it was related to loose dogs, that's why I've been down there every single time—

Cohen: Okay, but there's no caller ID and it doesn't say why you would follow-up so again—

Elmes: I understand—

Cohen: What you call a complaint there's nothing in there so again I don't think that meets the definition of a complaint

Elmes: Okay

Cohen: Two. June, no July 9, 2021, call reporting a loose pitbull in the area, unfounded.

Elmes: Correct

Cohen: So, we didn't hear that earlier that there's three unfounded in here so 3 of the 23 or 26 are unfounded

Elmes; yeah, there's often been times I've gone down and the dogs have been back on the property or they've been back in the house by the time I've gotten there

Cohen: Okay, July 20, 2021, female reporting her neighbor's dog is loose again ACO spoke with dog owner secured dog inside the house, okay that's a complaint.

Samia: So counsel if I may clarify though, are you just trying to, just so I understand, as you're going down there so you're just saying you're acknowledging that there is some sort of report, it's a question of differentiating between a complaint or some sort of document acknowledging a trip or just rather than go through all 23 or 26.

Cohen: So there's, the letters keep the, you can't hide from the numbers that you get, that the Board is given. But these are not complaints, these are "I called," these are "I followed up," three are unfounded, a complaint is this dog is outside right now and you got to do something, that's not what these say. There's certainly some of them that say that we're not disputing the dogs get loose and we're not disputing what happened to Sky, but the point is it hasn't been 23 times and I think if the Board is going to take information and testimony, I'm disappointed to see the letter of April 1st suddenly go from 15 to 23 calls in two weeks. 23 complaints these are not actual complaints and they keep coming from the same source when they are complained so I just would like a clarification from the animal control officer that these are times where he had to—I don't know what he had to do, but it was obviously in relation to my clients but he didn't have to go down there, these were these were not 23 separate complaints about separate incidents, correct?

Elmes: We'd have to go through them all

Samia: I guess a clarification point you don't—

Elmes: They're all in response to someone calling about the dogs being loose or myself going down to follow up

Samia: So a matter of course, you don't just drive around and print out things, there's a destination that someone has—

Elmes: Correct

Samia: It's a matter of practice—

Elmes: Correct, a call comes into the police department, I tell the police department where I'm going, they log the call, there's not always a report, a full incident report, if there's you know if the dogs are back or if they're—there's not a full incident report for every time I go out

Samia: But as a standard operating procedure, just to go to what Counsel, I'm just trying to wrangle this in a little bit, that this is standard operating procedure, someone calls, you go there, whether it's a complaint or report you memorialize what happened basically

Elmes: Correct I log that I went down there

Samia: Okay, so it's either report or however we technically call it, it's documented as part—

Elmes: Right

Samia: Okay

Elmes: There's 23 log entries that I went down there for various reasons the majority of the dogs being of them being loose

Samia: Mr. DePalo go ahead.

Maurice DePalo: Maybe for brevity, perhaps we could ask the attorney how many complaints, actual complaints are you saying there are out of the 23 or 20 or whatever

Cohen: I would say that numbers should be reduced by about 15, so I think 8 to 10 complaints of loose dogs, 23 log entries, some of which say. I made a phone call they weren't there.

Samia: So for the record, that the suggestion is 8 to 10 from dog owner's counsel, up to 23 reports based on standard operating procedure, just two factual elements, okay. Any other questions?

Cohen: Yes, as part of standard operating procedure, do you keep your own report, your own animal control officer report?

Elmes: I keep a call log, yes.

Cohen: But when you actually visit the site or have notes to make do you make notes anywhere?

Elmes: No, not technically, not usually no. If I make notes it would be put into a report.

Cohen: Okay, are there, related to these 23 log entries, are there any reports of notes?

Elmes: No

Cohen: Okay

Samia: Any other questions?

Cohen: Thank you

Samia: Okay, thank you. Go to the next two witnesses and then we'll have the dog owners make their case and then we can ask questions. Let's just get all the facts out there and then we can ask questions. We'll start with the complainant side and then that—so next witness please if you could, for the record please, introduce yourself and your address as well.

Linda Acciardo: My name is Linda Acciardo, I live at 86 Old Faith Road. I have on my sheet, which I kept track of during all this time that this has gone on, 22 offenses, 22 complaints, 22 calls, 22 chats with Keith or the police, about what has gone on next door for a year now, a little bit over a year. I have descriptions, brief descriptions of what happened at each time and who was called and most of them have a time associated with them exactly what happened and when I called. Just to go back to when this all started. I didn't realize that we had two dogs next to us until on Saturday the 27th of February, 2021. The two dogs were racing through my yard all over and I mean racing, up and down, down the road finally to a point where myself and the neighbors didn't know where they'd gone. It was winter and one of the neighbors was concerned that the dogs was going to—were going to get out and go on the ice and go through. So they were out there also. Finally the dogs came back running back again to the house and at that point we all talked with Alane who was out at the time she introduced herself we introduce ourselves and I was concerned with the fact that when the dogs were in my yard and I faced

them. The back of my house is on the lake. They had gotten down to the water and I have a three foot high plastic fence down there to keep the geese off and the brown—I call him the brown dog—stood right by the fence and jumped immediately over it and was out on the dock and I thought that's a pretty athletic dog, and after that he was charging all over here and I have 22 calls, and they are calls and they are reports and it did happen. After that, the dogs were out at 10:30 at night howling and barking in my yard. The most defensive one obviously was when they were out in my yard barking, howling, and carrying on at 1:45 in the morning on the 14th of April, a year ago. From 1:45 until 2:00 am the dogs carried on and I kept waiting for someone in that house to put some lights on, get outside, get the dogs in, but they didn't. So right after 2:00 I called the police, business phone, and told them what was going on and the girl that talked to me on the phone wanted to know where the dogs were at that point. I said well I had a flood light on in the front so I saw the dogs, but now they're coming around to the other end of the house which is the one that faces my driveway and toward the road, and they're right out in front of my door and I've got the lights on out there so you'll see the lights when you drive in. So, they came over, this was the beginning of me finding out what was going on with these dogs. Since then, these dogs have confronted me in my yard. They're aggressive, they pin you down, you can't move, they threaten you, bark, show their teeth, do the things that have already been said—spoken here and all just terrorize me. So any time the dogs were out I had called Keith and he said just keep track of everything and call me every time the dogs are out. So this is every time the dogs were out, I just counted this again and I have 22 entries and there are explanations, brief though they may be, for what happened each time. Now I was surprised and very unhappy that in all this time and all these phone calls and all these complaints and everything that happened with the dogs out all the time running being in my yard coming up to my front door, I can't open my front door, I have a glass front door and open the heavy door the glass door and that's as far as I can go because they stand right in front of my door three feet away, barking and growling and carrying on and this is the way they act when they get out. So, it's no surprise and I always thought I would be the one that would be attacked by one of these dogs. I always like to go out and work in my yard in a garden or just be outside but this past year in the good weather I have been afraid to do this and this is not an exaggeration when I go out in my yard, I make sure that I have something with me to protect myself if the dog comes running at me like a rake or something like that if I'm out in the garden. Make sure I have something. This is serious this isn't a joke. So this is what we've been doing and this is what I've been putting up with and talking to Keith and like I said I thought it would be me that would be attacked, but in fact it was Skyla. I saw that I was looking out the window I talked to Keith called the police and they were already on their way down. I saw the whole thing and I saw the dog go after Keith and there was no way that he was not going to get bitten until he sprayed that dog. So this is the kind of dog you're dealing with its not a nuisance, it's not complaints by neighbors who have nothing better to do than complain. This is the rundown of everything if you'd like to see it you can, but I don't understand why an animal like that should be allowed to reside in any neighborhood in Shrewsbury because barring any unforeseen circumstances, someone is really going to get hurt. We're probably a little bit lucky in that Skyler wasn't major—a major—injury, but it's going to happen. So if the dog is back there, this is what you're going to get because this is the kind of dog that's in our neighborhood and it's not just me, it's a lot of people have seen and gone through the same thing. Thank you.

Samia; Thank you. Would you like to provide a copy of the—

Acciardo: I don't have extra copies, but you can copy this

Samia: Yes, you will for the record, you mentioned that, Counsel if you may –yeah no I understand that so that admitted and if you could just, excuse me, the Counsel can ask, if you could just stay up there at the table for Counsel. Counsel do you have questions?

Cohen: Just a couple, thank you. I have a question, each time that she's called the police station or animal control has she said her name, has she identified herself as the caller?

Acciardo: I always did

Cohen: And are you aware that of the 23 log entries that we've been—that we have, there is only one time that your name is listed as being a caller?

Acciardo: Well, I don't know anything about that, I know that every time I call, I say who I am and where my address is and I leave my phone number.

Cohen: Okay. And the last thing you said that the dogs or the dog, pins you down, you didn't say you about you you, just said, your quote was these dogs pin you down, have—do you literally, have the dogs have you seen the dogs pin somebody down to the ground, the question is has she seen anybody be pinned on the ground by the dogs.

Acciardo: No—

Cohen: Okay—

Acciardo: I'm talking about being backed into a corner where you can't move because the dog is standing in front of you growling, barking, showing his teeth, and being aggressive. I'd call that being pinned

Cohen: Okay.

Samia: Just on clarifying point, dogs—is it both dogs in that situation

Acciardo: No

Samia: Okay, which dog?

Acciardo: The brown dog

Samia: Okay and for the brown dog is that Copper

Acciardo: Copper

Samia: Okay, thank you just so we understand. Thank you very much, we'll have questions, what I'm going to do is have the complaint side be able to go through and then dog owners—Sorry, yes thank you. And then I'll have the Stalcup's and then we'll ask questions after that, I want to have everyone have the opportunity. If you could come up state your name as well please for the record. Thank you for coming.

Wendy Mulcahy: My name is Wendy Mulcahy, I live at 76 Old Faith Road. I have a letter from another neighbor who couldn't make it here tonight and I also have a thing for my son. So I'll read the one from my son first. So my son was driving towards 58 Old Faith Road where my sister-in-law lives, slowly around the ticket office when the dogs came in front of his car and aggressively chased the car all the way to 58 Old Faith Road. He had a six month old in the car at the time. He could not, he felt unsafe to get out of the car the way the dogs were barking, growling, circling the car, biting at his tires, so he stayed in the car until they went away. So he said they were very aggressive and very—mostly the brown dog he said was the aggressive one and he said that was very unsettling for him and you know he was not going to take his child out of the car in that situation. The other one is a letter from a neighbor further down the road who lives at 28a Old Faith Road. He says that he's encountered these dogs he lives, he has

property on the swamp side and on the lakeside. He's encountered the dogs in the swamp many times. They usually start barking at him when they see him. Most of the time they start going back home after he approaches them, yelling at them, telling them to go home. Sometimes they continue proceeding away from home towards South Quinsigamond, and then he has other dogs barking as they approach other properties. So my point there is the dog is not—the dogs are not just in this tiny little out cove of our neighborhood, that sunset beach where the Shrewsbury Park and Rec's kids go every summer is in between those two places, and that's why we're concerned of the dangerousness of the brown dog and I just wanted to you know say that.

Samia: Now your observations, do you have firsthand observations of these dogs?

Mulcahy: I don't have any first hand observations of the dogs I was watching my infant granddaughter most of the winter time, I would see them run by, but I wasn't outside.

Samia: Okay. Counsel questions?

Cohen: Why couldn't these people be here tonight to testify?

Mulcahy: He's working till seven (motions to the letter) and my son is watching his child

Cohen: Okay, but you've never seen the dogs loose

Mulcahy: I've seen the dogs loose, I've never been up—I've never you know been pinned so to speak, but I've never seen them when I'm outside, but I have seen them when looking outside. I've seen him run past our property.

Cohen: And with all your concern about—legitimate concern—about the kids and campers and stuff, to your knowledge, other than what we saw tonight or heard about tonight, have any of these campers or people been bit by the dogs?

Mulcahy: No, they haven't.

Cohen: Okay, thank you.

Samia: Thank you. So thank you for that. The Stalcup's or through Counsel, to present.

Cohen: Thank you.

Samia: Your case, what we'll go from here, have the opportunity to present your case and then if the complainant would ask any questions, and at that point, I'll open it up to questions to the Board. We'll start with complainant side, then we will go to dog owner. So if you could introduce yourself, please.

Cohen: Sure, Jeremy Cohen, attorney representing Alane and Luke Stalcup. And opening from me, and then they'll be available to answer any questions.

Samia: We will answer questions while they're up we'll ask questions and then come back, okay go ahead.

Cohen: As I said earlier, when I see 23 pieces of paper and was going through it, whether it is 9 or 23 it is too many and if these folks were my neighbors, I would be doing the same thing in my town and I've had some long discussions with my clients as to how this can keep happening, and I now understand on how it's happening but I also understand how it can stop happening. And what they've taken steps, they've certainly taken steps to improve,

ameliorate the situations that have come up when these dogs are known to have escaped. If I can just, just hand a few of these in. It's just two pages.

Samia: If you could when you get back to your desk, describe for the record what you've presented. Thank you.

Cohen: An early problem, what I've just presented to the Board, is a two-page packet with pictures of a—of the front door to the house, and with several kids at home, certainly the dogs were escaping through the front door and what you have a picture of on the first page is the levered latch which they actually can paw down and open and go out the door. So to stop that they've put, they've done two things. One of which is to put this lever, this protective piece there that bars the lever from being able to be knocked down unless somebody can actually use both hands and process and undo it. And the second is make sure that when these dogs do go outside, they have a collar on and we'll get to that collar in a second and the second page is just a close-up of the security. The dogs have certainly been outside and escaped as well off the property and so the—what my clients have done so far is they've purchased these halo collars and a halo collar is like an electric fence but it operates—it uses GPS coordinates so you set the coordinates for what your enclosed area is and they have these collars on and they get zapped if they try to go outside the area, but they only work if they are on and charged up. So, in one of the incidents with Skye that their 17 year old son let the dog out without the collar so now we have reminders on the doors, dogs need collars. We're here tonight, to ask for another chance under these circumstances. They understand that they're not recognized as good neighbors right now and I certainly in my time with them, especially yesterday, went through all the lectures that are needed because they need to recognize they have not been good managers of their dogs or at least one dog and that they can be better tomorrow than they are today and what we've discussed because where they live they cannot have a fence because they rent, so they're looking to buy that property, but they're also looking to buy a different property in Shrewsbury that will have a fence, a dig proof fence, but we're not there yet. So, I think that it's reasonable for the Board to consider that Copper meets the definition of a dangerous dog, a dog who when not provoked bit somebody, now fortunately these were this was a superficial no medical care needed, but by labeling the dog dangerous that obviously gives the Board the power to implement some remedies one of which is euthanasia and it's just my opinion that this is not a euthanasia case, given the one bite, the one incident that we know of. So I think that Copper has displayed—certainly, he certainly has not been vicious or in an attacking—he hasn't had an attitude of attack or he would have attacked whether its eight times or twenty-three times that he got out, we're not hearing we're hearing that he barks and but we're not hearing that he bites, so—but the best way to keep a dog from biting is a muzzle. So, one thing that my clients would like to propose is that when the dogs are outside when on their property, there will only be one dog outside at a time. California, the other dog, she follows Copper and she certainly sees Copper do something and she goes with Copper, but as you as you heard and as you haven't heard anything really negative about California, she's just another dog at the house. But these—this muzzle order would be they're outside, in this yard with a—individually, one dog at a time—with a muzzle and the Halo Collar, even for California right now because the neighborhood has to get some comfort and some security and some trust in my clients and this would be a way to try to get that. The dogs are never—neither of them are outside ever when no one's home or when there's no adult home, seventeen-year-old or parents.

DePalo: Just for a second, just to be clear, they're—right now they're not outside if there's no adult home or that's what you're proposing?

Cohen: Oh, no they've always—they've never been outside without anybody home.

DePalo: Without—

Cohen: Okay, I'm proposing that since they've that, regardless of what's happened in the past, they will never be outside without a parent or their 17 year old son home

Luke Stalcup: Since we installed the lock, the lever thing, they don't get out anymore unless they're let out and then they get off because they're not in collar, they're not wearing the collar, or something like that, but I think you'll see—

John Lebeaux: Mr. Chairman?

Samia: Yeah, Mr. Lebeaux?

Lebeaux: I don't believe Mr. Stalcup stood and swore in

Beth Casavant: Correct

Samia: Oh Okay

L. Stalcup: Oh I am happy to swear in again

Samia: Yeah

Lebeaux: Did you stand and swear?

L. Stalcup: Yes, sir.

Lebeaux: Oh I'm sorry wait a minute I confused you with someone else—my apologies

L. Stalcup: Well, he's a handsome gentleman so I really take no offense.

Samia: Great, thank you.

Cohen: All right, in addition Copper is being evaluated for to have some medication, trazodone, because he's certainly an anxious and fearful dog for Copper. We can see what happened with Skye, there was no tearing, thrashing, he didn't knock her to the ground, he didn't overpower her. He has a relationship with Skye they've played before. What isn't right and what's disappointing is the amount of times that the Animal Control Officer has had to address this and certainly the sense in the community and I would think with ACO Elmes is that—I keep telling you and nothing's changed—that's not right and so that's why I think tonight would be giving this one more chance type thing because you'd have an order in place that if you violate an order under the statute, under little h, that says somebody's violated an order here's all the things that the hearing authority can do as you know, it's seizing the dog, it's a criminal complaint, its fines, its jail time, and it's also taking away the right or the privilege of having a dog for five years, being able to license a dog in your house for five years, so those are all options that the Board would have so it's pretty significant whether you label a dog dangerous or nuisance that's that power is available to the Board my clients understand that in in terms of as I've learned from them they didn't necessarily not listen to the Animal Control Officer, they just didn't do the things that were needed, they couldn't put up a fence so the alternative is—this Halo works as long as like I said the collar is on, but I think the backup is a muzzle just to give the security to the to the community, and then to hopefully revisit this when and if they move to a house with a fence that the ACO approves, revisit whether or not they would actually need a muzzle inside of a fenced-in yard, but until that time, that both dogs would be muzzled. In terms of insurance they will present to the Town the insurance coverage they have for the dogs which meets the statutory requirement. My clients are engaged in this. They're both physicians and Alane went over and treated Skye. She's a pediatrician, she went over and looked at the—at what happened and evaluated it and what the family did with that information I'm not certain, but and they're here tonight to take accountability. I'm here tonight to team

up with them to take accountability. I think—I don't know that there's anything else because the Board—I know the Animal Officer has suggested a fence and at times he suggested a fence in his letters to them, but they've made it clear they don't have the ability to put up a fence because of their the fact that they're renting so we're trying to find a way to bring security separate from that and they can't put up a run right now because it's not their property they've talked to the landlord about that but that's why they're willing to have one dog—everything that I've already mentioned, and to speak to you about the accountability they're taking and that this is no who they intended to be in the neighborhood.

Samia: Thank you—

Cohen: Okay, so if you have any questions for me or for my clients

Samia: So Counsel, if I may, what I propose rather, for simplicity, for your approval, is that at this point I'll ask the complainant if they have any questions, and at that point I'll open it up to the Board and then I'll come back to the complainant if that's okay, just now that the both sides have been heard after an opportunity for questions just for simplicity, if that's okay, rather does that work for you

Cohen: Sure, can I just inquire because this was also their time to speak—

Samia: Yeah

Cohen: If they—so the complainant not ask questions of me of them

Samia: Correct

Cohen: Okay

Samia: Counsel

Cohen: Can I just see if there's anything they want to say before

Samia: Oh yeah sorry, yes please absolutely

L. Stalcup: Look, I think it's a lot of to do and it's very upsetting to me to hear that people are afraid to leave their houses, that's certainly not the neighbor that we want to be. We have a different impression of Copper obviously, but that's not right, I mean people shouldn't be afraid to leave their houses. I think we're gonna do what we have to do to address Copper's behavior. I feel frustrated because I feel like we've continually tried to address things with Copper, we're certainly not perfect people and this doesn't you know this hasn't gone the way that we had wanted it to go we certainly don't want anyone to get hurt and we don't people to be afraid and we're going to do whatever we have to do to address the issues that people feel need to be addressed so that they can feel safe in the neighborhood I think that's a minimum standard it's not something that we're opposed to it's not something that we're not trying to do I think that in general what I'd say is you know some of the things that we're hearing it's the first time I've heard some of these complaints. I think most of our interactions have been with Ms. Powers and it's not the neighbor we like to be with her it's not how we'd like Copper to you know interact with them and certainly we don't want people to be afraid in the neighborhood so we're going to do what we have to do to make sure Copper is contained and make sure people don't feel afraid. I will say you know there are other children here you know we have four children they're very fond of Copper and we have young children so we're surprised because they handle Copper all the time, he's just, no I mean I have what, we were reviewing vet records you know for Copper because he actually has craniomandibular dysplasia, it's a growth of

the bone in the jaw, prevents him from opening his jaw very wide he has to eat wet food, that's why we're very surprised by the dog bite reports, but that aside I looked at those reports and one of them was when he was a younger dog the kids were opening his jaw up, they would climb on him and they would open him up and we had to stop doing that because you know he was having pain in his jaw, but this is the kind of dog he is like he's a dog that our kids handle over and over and all the time and so I would hate to certainly see him euthanized because they love him too and I don't feel like this is how they want to interact with the neighborhood either. I think we want for everyone to feel safe and at home in their homes and again we're going to do what we have to do to make that happen.

Cohen: I also believe, if you're finished, Alane just has a separate point to make.

Samia: Sure, please go ahead.

Alane Stalcup: I want to first of all reiterate what my husband said about not wanting our neighbors to be fearful, to enjoy their homes, not wanting our neighbors in general to be fearful of us or our dogs. Very distressed to hear some of it for some of these folks I have never met before but other than Miss Power's complaints, I haven't discussed things I've tried to talk to my neighbor Linda once time, but was not able to so it is helpful to hear I guess their experience of it as a pediatrician I would like to speak one piece of it. So on the day that this happened in March, I was at work and I only found out about it from my son and so I called the Town and tried to talk to somebody who could tell me what had happened and ended up talking to one of the police officers, Officer Kelly, who I believe had been there and in discussing it trying to get a first-hand report obviously it's very distressing to hear that your dog has bit somebody I don't want people being bit by a dog and I wanted to understand fully what had happened and in talking to him it became clear he told me that Ms. Powers was going to take her daughter to the pediatrician the following day and as a pediatrician—I literally came from the PCD today—I have stitched up many dog bites, the standard of care is that you have to begin antibiotics treatment immediately because dogs mouths carry a lot of germs and they can become infected very quickly and people don't always appreciate that every dog bite needs to be treated with antibiotics immediately and so I went over to Miss Power's house to let her know this obviously I didn't think she understood that from what Officer Kelley had told me. I asked to see the injury and the injury was four parallel lines with a small abrasion at the end and there was a little bit of bruising around the abrasion the equation was probably the size of a dime at that point and I've seen the pictures that she presented I can appreciate that earlier in the day it looked very traumatic by that point it was maybe four hours later and it was very clearly like four straight lines, which is not an injury that teeth marks can make there was no puncture wounds for instance but I did tell Miss Powers very clearly that if she believed that this was a dog bite that she needed to take her child to care immediately so she could be put on antibiotics and then after that she and her sister came over to our house, they were very upset and I reiterated in that conversation, if you truly believe that your daughter was bit by a dog you have to go to get antibiotics right now you can't wait till the morning you need to pursue that so I'm concerned, well I will say in that conversation her sister admitted to us that her report of a bite the previous month had actually been Copper pawing her, which would be consistent with that I saw on Sky, I'm sorry Skyla, that he knows her and I think would—she played in our house all the time and played with her that he was with all the kids so I think he would jump up on her and obviously it's not okay for him to jump on her it's not okay for him to leave scratch marks on the child. I can say with my experience as a pediatrician having treated many dog bites that this looked like a scratch injury not a bite and I have that advice to Miss Powers and I gave her the advice to go and seek medical care if she thought otherwise.

Samia: Okay

Cohen: I think that's everything.

Samia: Okay, thank you at this point if Counsel, I'll ask the complainant if there are any questions that ACO Elmes has at all any questions

Elmes: I don't have any direct questions for them, I'd like to make a statement and if they care to respond

Samia: Do you have any comments?

Elmes: I do have comments, I just feel like you know the Stalcups, they've had a year to take care of this issue and it's still going on, so my faith that they can keep the dogs contained to the yard is at this point non-existent so I don't think they would be taking accountability and anything would have changed unless they got called to the hearing tonight and that's all I'd like to add.

Samia: Thank you and so Counsel with your consent while the Stalcups are at the table with you I'd ask that we open up questions for the Board that they have and then I can go back to the complainant side, this is more for questions at the Board now that we've heard from both sides, if that's okay with you.

Cohen: Sure, just one quick response to that statement. I've already acknowledged that I understand that the ACO's feelings would be hurt and he would feel that he's not been respected because of the number of times this happened, but we're here now, we have implemented some of the things he said he kept suggesting a fence, that's an impossibility so we recognize he doesn't feel listened to, that's not right.

Samia: Okay, thank you. Open it up to questions, any questions? Ms. Casavant

Beth Casavant, Selectman: I know there is someone with a hand up, but I know she wasn't sworn in how do you want to handle that?

Samia: She can be sworn in – are you a witness or—sure if you can, let me swear you in, if you could please raise your right hand do you swear to tell the truth, the whole truth, and nothing, but the truth if so please state I do.

Kathy and Ray Brassard: I do

R. Brassard: I'm her husband.

Samia: Okay, thank you. Do you want to—could you come up to a microphone if you could so for the record.

K. Brassard: Owner of the property, Kathleen Brassard and Ray Brassard of 88 Old Faith Road, the Stalcups moved into our house over a year ago with the intentions of purchasing it. We have a signed building permit a signed occupancy permit with Patricia Sheehan's signature on it and whenever anyone goes to the Town Hall she denies that it is acceptable. Everything was done correctly, everything was inspected, everything was signed, and she is giving out negative information—

Samia: Excuse me—

K. Brassard: So that they can't buy the house and they can't put a fence up

Samia: Okay so is that just so I understand without getting into personal issues or any questions about the facts of the case so is the testimony that as property owner you're saying that you're—they're currently would desire to sell the house, but right now there's some procedural issues working through

K. Brassard: For a year and a half we've been trying to straighten this out with Ms. Sheehan

Samia: Okay—

K. Brassard: They want to purchase the house, but she is giving out false—

Samia: Excuse me—no, okay so again—

K. Brassard: I have her signature on the paperwork

Samia: I think what's important here is again—

K. Brassard: Their life can't move on and our life can't move on because of one person—

Samia: So, I will stop you right there, I appreciate the testimony saying that you have, would like to, see the house without getting into any issues or comments about any town personnel. I think just to clarify what you're saying is as property owner you'd like to sell the house, there's some permitting issues, and—

R. Brassard: She thinks there are permitting issues

Samia: Is that the gist of your testimony?

K. Brassard: Even though her signatures are on the paperwork

Samia: Okay, thank you.

R. Brassard: If I may?

Samia: Go ahead, please

R. Brassard: The problem we have brought to you people about a month ago, nothing got resolved, nothing happened, okay—

Samia: So—

R. Brassard: So you went to the Manager and he gave you an explanation, everything was all done, you already looked into it, that's not good—

Samia: I understand, but right now this is for a dog hearing—

K. Brassard: They can't put up a fence if they don't own the house

Samia: Okay, so thank you I appreciate the testimony relating to the ownership of the house and the desire to sell it, but it is not currently sold is that correct—okay, thank you.

R. Brassard: Should we put in another application to have another hearing

Samia: That's for the dog hearing that's not—

R. Brassard: Not for the dog, for us. Our problem.

Samia: Happy to talk to you offline, but let's stay to the dog hearing here okay, thank you. Any questions from the Board?

DePalo: I have, but I will wait.

Samia: Yeah, Ms. Flynn?

Theresa Flynn, Selectman: When did you install these preventative measures in your home?

A. Stalcup: I can speak to that because I was the one who interacted the most with—I always called you Keith, I'm sorry and I'm sad and disappointed to hear that he has a different impression, I thought we were working together very closely in the fall so I would say that it become more clear that there was a problem in the fall and the first thing we did so the dogs were—we have four children 19, 17, now 6 and 4, but at the time 5 and 3, and the children would open the door and the dogs would rush around them out the door they really enjoyed going to the marsh

Cohen: Answer her question

A. Stalcup: I'm trying to, I'm trying to—so the first thing we did, I'm so sorry, the first thing we did was try to address it we thought it was a problem with the children so we worked with the children to try to address that and then it that was mostly successful, but then mysteriously the dogs were getting out and it took us a while to figure out that Copper knew how to open—could push the lever handle and pull the door towards him, I have video if you'd like to see it because it's the most surprising thing I had ever seen so when we found that we couldn't change out the handles he was getting out of the door to the garage so we changed out the one handle thee and he stopped going out that door and then it was fine for a bit and then we realized he was getting out the front door and so at that point we couldn't change the whole front door so we put on the child lock is what it is that just prevents him from being able to push it so that and then there was still a bit of a problem and so at Christmas time we bought the Halo Collars, they have worked very well since that time, I know of the dogs getting off the property only twice, one was during February break, when my four-year-old opened the door because the kids were home and I was at work and the four-year-old with the seventeen-year-old—I'm sorry, and then the dog ran past him and the other time was this time in March when my 17 year-old son let the dog out thinking that the Collar was on and it was not.

L. Stalcup: When did we install the child locks, I think in the fall, that's my recollection. I think there's a sharp drop off in the dogs getting out around the time we installed the locks and then it became more—and I think for a time when we couldn't figure out what how they're getting out we walked—we only took them out on the leash and then we got the Halo Collars. I'm also a little disappointed to hear that Keith doesn't feel like we've been working with him because I feel like we've tried to respond to everything obviously it hasn't worked we haven't been able to be successful, but I don't—I guess from our perspective it's not because we don't want to we certainly want to and we want people to feel safe, we want to address this issue

A. Stalcup: I want to say I tried everything that Keith suggested to me, I was to beside like I don't know how to solve this that I did say like the only thing I can think of is for us to surrender the dog and he looked into some places and said that there was not any room for the dog Copper to go there I called an animal rescue volunteer group and they never got back to me and in that time frame we were able to find I think that was when we got

the handle for the door that it suddenly we had a solution that was working better for a while and we've been progressively like—

L. Stalcup: trying to address

Flynn: So you're saying that you're only aware of the dog getting out twice since—

AStalcup: Christmas, Christmas time

Flynn: --and one of those times was when the neighbor's child was bitten.

Samia: Mr. Lebeaux

Lebeaux: How long have the dogs lived there?

L. Stalcup: Since February of 2021. I think that's—the pandemic has skewed my time I think that's about a year and a half a little but over a year.

Lebeaux: Okay and I just note in Ms. Acciardo's document to us, the first incident she reports are in late February of 2021. I believe Counsel you said that the dogs have never been outside without someone home, I believe you said that

Cohen: I said they won't be outside, I clarified it

Lebeaux: Okay

Cohen: I clarified that pre they won't be outside with no one home

Lebeaux: Okay, I guess I don't have any other questions right at this moment I may have some more

Samia: Okay, sure Mr. DePalo

DePalo: I have a few, do your doors have storm doors on them

L. Stalcup: No

DePalo: So when you open the door there's no secondary

L. Stalcup: Yes, sir that's correct

DePalo: I just want to clarify this who are the children, the children must be home with an adult during the day right?

L. Stalcup: The children go to school and to daycare during the day

DePalo: When the kids are home, there's an adult with them right

L. Stalcup: Yes, we always have an adult, our 17 year old who's with them now,

AStalcup: we have either one of the teenage siblings or a hire babysitter with them, we've never left

L. Stalcup: we've never left—

DePalo: I know I'm just wondering why the adults can't keep these dogs in the house, I didn't think you left them there alone. Are these dogs rescues?

L. Stalcup: Yes sir

DePalo: How old are they?

L. Stalcup: Copper is six I think California is seven or eight, she's in that range—2014 yeah 2014 so she's going to be eight

DePalo: Did you own the dogs before they moved there—before you moved there

L. Stalcup: Oh yeah we got them in North Carolina—we got them in North Carolina,

AStalcup: We got them as puppies

DePalo: So you've owned them prior to living here

L. Stalcup: Yes sir

DePalo: What kind of problems did you have with them somewhere else?

AStalcup: We had a fenced in backyard in North Caroline and we—they played in the backyard and we had a dog run attached to the house that we were renting prior to this and our intention when we moved in we thought we were going to buy this house within about a four month time frame and our intention was to immediately put up a fence partially for the dogs, partially for our young children as well, but certainly to keep the dogs in the yard.

DePalo: So, knowing that you can't put up a fence, can you put up one of the modular pens that are not permanent

L. Stalcup: So our concern with that has been that if we do that then the dogs are like, they get out of that, then we will have too much confidence my concern is that there will be too much confidence in that they need to run like a permanently installed run, but

AStalcup: If you think that might be helpful we would be willing to do that if you have ideas for

L. Stalcup: Happy to do that

DePalo: No, a big modular pen you can buy that at Tractor Supply

L. Stalcup: Sure I mean we'd certainly consider that

DePalo: I mean that's between you and the owner

L. Stalcup: We don't want to do anything that's going to permanently alter the property, but if it will if you guys feel like that would be helpful.

DePalo: Why aren't the Halos on all the time are these big collars?

L. Stalcup: They have to be charged so they're off at night and that day the collar didn't get put back on the dog in the morning

DePalo: Is it a big collar or is it like the collar that they use for dogs on an electric fence

L. Stalcup: It's a little bigger than that, but it's a collar they can wear during the day

AStalcup: They were wearing them most days

DePalo: And they aren't rechargeable batteries so you could have the thing active all the time?

L. Stalcup: It has to be plugged in so that's the only limitation we've been charging them at night and we put them on during the day and they just didn't get put back on in the morning so the dog was in the house without ut on and then the teenager thought oh it's always on the dog so I'll just let him out.

DePalo: I'm listening to what you're saying you propose to do and that that might work if you could do it saying you can do it and having three little kids and one teenager, how are you going to guarantee that you're gonna be able to do that

L. Stalcup: Well we can certainly mitigate the dog, and we can muzzle the dog I think that in the past when we can

DePalo: Excuse me, but you can muzzle the dog but, you're not going to have the dog wearing a muzzle in the house

AStalcup: No no

DePalo: So how are you going to guarantee that they have the muzzle on when they go outside and there's another issue besides that I mean you got you got the barking right it was in the complaints I read they were complaining about barking

AStalcup: That was early on when we first moved in, I don't think our dogs have been an issue frequent barkers, there are other dogs barking in the neighborhood as well and actually other dogs that just roam the neighborhood but our dogs I don't think are barking a lot outside of this. They're frankly not spending much time outside at this point

L. Stalcup: I think it's a fair question we will just keep on doing the best that we can and I really feel like hearing from the neighbors makes me feel like this is a problem that I really don't want to continue to have I really don't want people to feel like they can't come out of their house

A.Stalcup: If I can speak to this for anybody who has raised teenagers, they don't always understand the gravity of things right away, we have now addressed the 17 year old not taking enough care in this regard and so that piece of it is a more difficult problem, but I think one that as a parent I think it is very important to instill in him and so we have put direct effort into –we only have two young children, we have a 19 and a 17 year old and the 17 year old was,

L. Stalcup: the 19 year olds at college right now—

Cohen: Well when you get home you should force them when this meeting is online see this is what happens when you fon't follow the rules they should be here this is this is what happens

A.Stalcup: James is actually watching out two young children at the moment,

Cohen: Okay, but they should have to see this

A.Stalcup: I do appreciate him seeing the consequences

DePalo: The dogs when they're out of—they get off the property do you see how they're behaving?

L. Stalcup: Typically they beeline the times that we've seen them they beeline for the marsh when we see them we chase after them run into the marsh they go chase ducks they bark at ducks and they come back covered in mud and

DePalo: Are you saying that you're not seeing this aggressive behavior that's being

L. Stalcup: I hear what everybody's saying and I acknowledge that that's their experience and I certainly don't want it to be their experience it's not my experience of the dog it's not something that I've seen it's not something I want them to go through or live through that's you know certainly not right

A.Stalcup: we have not seen him behave that way certainly within our own family or to visitors to our house or when we've had him out in the community with us

DePalo: I'm just gonna say I'm just trying to bring my other questions

Flynn: May I ask a question – can you just—when did you become aware that there were issues with your dogs?

AStalcup: I think that we heard about the formal complaint in April and then the two follow-up things were actually it was if you look at the report it was a police officer who came and responded to our neighbor Linda and two follow-ups that Officer Elmes recorded were times he tried to come and speak to me so that was a time when we talked to him—I personally talked to him and then there wasn't I don't remember there being another time where it was a complaint until Miss Powers brought it to my attention

L. Stalcup: I feel like our experience of this is that you know the dogs are barking and then we feel like we try to make an adjustment to address it and then there's not more barking complaints and Linda is not coming to us and saying whether she's at her window or doing whatever we feel like we've addressed it and someone brings it to us and we try our best to address it I think that's been our experience obviously that hasn't that hasn't worked and I hear that I want to try to address it I can always speak to our experience

AStalcup: I have not heard the other complaints from I'm sorry Linda I don't know your last name I had not heard the other complaints from her I knew of the one from last April, sorry ma'am I'm sorry I've never met you and I had not heard of those complaints before I'd really only heard from Miss Powers about it and then the times that Officer Elmes had directly come to talk to me he actually we actually had several conversations I think a number of the reports here are him coming to the house saying how's it going are you able—is this new thing you you're doing working, we would discuss it and he would give me suggestions and I would try things so I

Flynn: Mr. Chairman, tell me if I am not following the process very well, so I think we've seen the documentation you were given, formal warning letters in mid-2021 where you became pretty well aware of what some of these complaints were, I understand you took some preventive measures but those preventive measures were not enough to prevent your dog from harming a child and I understand everything that you're saying what I'm not hearing is what reassurances you can give that won't happen again and there's sort of the muzzle maybe, but I think I would like to hear a little bit more about how you're going to control your dog from leaving your property

AStalcup: I very much appreciate what you're saying I mean I told you I was a pediatrician obviously I care very much about children's well-being and I would not want a dog that I thought was going to harm children. The Halo Collars for their part have done a good job it's dramatically reduced any problem it obviously was not enough to prevent the incident, addressing it with my son is an important piece of it again not not fully reassuring, one of the things well we've talked about several things one of them was talking to his veterinarian at his last appointment about things we could do to address any level of anxiety he has and I have planned to take him to dog training because I think that—I'm sorry—to dog training because I think that's an important piece that we haven't tried yet but that I think

LStalcup: We did a little bit of obedience training with him when he was a puppy in North Carolina I think taking him and certainly having the 17 year old take him to obedience training and having the family involved in working with the dog to address some of his anxiety I think we're going to try a lot of things because it's not acceptable for the dog to get out we're going to keep on trying things until this works and I feel like I can give you my assurance that I very much don't want this dog to hurt anybody that's what I can do I can do everything I can we're going to take to obedience training, muzzle him, I'll medicate him you know if a pen is what's needed we're happy to do that we don't want the dog to hurt anybody and probably the

AStalcup: We haven't voiced this because I think it's just so obviously in our mind we need to buy a home and we need to put a fence and it needs to be a fence the dogs can't get out of so from our perspective we are still living in this stopgap time where we're trying to address things as renters which is yeah

L. Stalcup: As soon as we own the house we're going to put up a fence

AStalcup: and we need to either own this house or a different house in the very near future because it just does not work for us to continue renting and so that is the I think we we get to that point that I feel very confident if we have a fence the dogs cannot get over if it's a tall enough fence they don't have a history of going over our fence in North Carolina so if it's a fence they can't get over I feel very confident to say they won't get out at that point between now and then we're telling you the things we can do I certainly expect this is a matter of months in terms of finding a house, making an offer, moving, installing a fence so the definitive answer is to have an appropriate place a dog run out the house that the dogs can go out to that is again not something they can out of in any way and a house a yard that they can play with the family, where they can't get out of that

Cohen: and there's one other thing you can do to Mr. DePalo's point is you can get interior gates since you don't have storm door it's not your house you can get interior gates that could act as a secondary door inside and a lot of people do that that way no one can just run to the front door even the kids can't

AStalcup: We did consider that we weren't and I would take your ideas absolutely the reason we hadn't done that so far was we thought that had to be somehow permanently installed in order to not be something that could be pushed over some of our toddlers had pushed them over so we thought the dogs might be able to but if you have ideas for how to do that we are fully open to all the ideas.

Samia: Ms. Flynn, any further questions?—Thank you, Ms. Casavant?

Casavant: Can you buy another set of collars so that one's charging and one's on the dog and that way there's never the dog without the collar

L. Stalcup: We certainly can, the collars run about a grand a piece, if that's what it takes then that's what we'll do it's that has been daunting for us for financial reasons

Casavant: No I can understand that it's just it seems like from what I'm hearing I think your intentions are very good and you clearly care for your dogs and your neighbors, my concern is that everything is dependent upon people remembering to do certain things and sometimes that just doesn't happen and I hear the fear of your neighbors and that's very concerning to me you know and I'm also concerned because a dog that's muzzled can still knock someone over, injuries don't necessarily only come from dog bites, it can be scratches or being pinned down and not just physical injury but mental injury and you know I think about this girl who was bit and her fear of dogs could last her life and that's difficult for a child to have to grow up being afraid of other dogs and your neighbors are obviously afraid to come out of their homes and I'm just not convinced that these measures unless it's an enclosure in the backyard or some sort of run are going to prevent another incident from happening because I'm only able to look at you know what the dog officer has—the animal control officer has presented and also you know what was coming from your neighbor's log and I still see incidents you know after you're telling me you got the collars and you put the handles on the doors so

Cohen: If I can respond to that, but would you say that the two incidents that we're talking about in 22 now one of them we know that the dog got out of the house and that was the bite to Skyla, when you look at this sheet that this that was handed in we see I mean she has four or five incidents every month three to five instances a month so yeah you would have to recognize right that in 2022 we're not seeing four or five incidents a month right there's some improvement—

Casavant: There is some improvement, but unfortunately—

Cohen: --I mean you have to if you're going to make a statement that collars are doing nothing you have to recognize they're doing something and the other point is we've heard no testimony tonight about anybody being knocked down but I feel that you're preparing for somebody to be knocked down we we know this dog's behavior he doesn't knock anybody down he didn't knock Skyla down we've heard no testimony that this dog has ever knocked anybody down as much as we want to prepare for all the what ifs that's not a what if that's ever become a what is so we're trying all these remedies but we can't suddenly start attributing behavior to the dog that's never been seen because that we can't guard against

Casavant: May I respond?

Samia: Please

Casavant: I understand what you're saying, however, I did hear of incidences of people unable to leave their house because the dogs were the dog was at the front door, someone being backed up against a wall, someone not being able to get out of the car, someone not being able to go into their yard without some sort of protection,

Cohen: Serious, those are serious, but the point is nobody's been he hasn't with all these times that the dogs have been loose allegedly loose allegedly these dogs no one has said the dog knocked me down

Casavant: I hear you, but it's my responsibility to make sure that the worst doesn't happen

L. Stalcup: Okay I sincerely hope that Skyla is not afraid of dogs they have a dog that have an American bully it's a pit bull

Powers: It's not a pit bull – classified in 1994 as their own breed it's an American bully

L. Stalcup: But so I hope that she's not afraid of dogs they literally have a dog, but I hear the concern and I think what we can do is do our best to address it, I think I can only be responsible for the dog and I want to be and that's what I'm going to do I hope that doing that will give people more confidence and make them feel not afraid

Casavant: I am all set thank you

Samia: I have a few questions I just want to confirm a few things too, how old are the dogs again? How old's California, how old's Copper?

L. Stalcup: California is going to be eight this year so she's seven now and Copper is six in 2016 yes 6

Samia: And just to confirm neither has had obedience training?

L. Stalcup: Copper did a little bit of obedience training in North Carolina

Samia: How long ago was that?

L. Stalcup: It's like five years ago

Samia: For how long?

L. Stalcup: Oh I think like a month, he did it with James,

AStaclup: he did it with our son

Samia: So when you take the dogs out for a walk if you do – I should ask do you take the dogs out for a walk?

L. Stalcup: We sometimes – we'll take them out on the leash

Samia: Okay so when you take them out

L. Stalcup: We don't walk them off the property

Samia: Not at all?

L. Stalcup: No

Samia: Okay so any instances when the dog's been on the leash of the dog getting unruly or seeing anybody come by getting overly excited any tough – any difficulties being able to hold the dog back at all on the leash?

L. Stalcup: No

AStalcup: They were excited to see Pluto another dog in the neighborhood that is often kind of outside and around the neighborhood and Pluto had come into the yard and I think they hadn't had much experience together the dogs and so there was a like excitement and a sniffing each other, but it was not aggressive it was like dogs meeting each other trying to smell each other

L. Stalcup: Yeah I mean Pluto chases my car I mean he's in our yard all the time

Samia: Okay so and then to Counsel I just want to have clarity on a few things for the record you've talked about you acknowledged there was a bite I just want to

Cohen: I acknowledged there was an incident there was the dog interacted with Skyla now I have people on my team who have looked at it and made assessments of what it could be and obviously but the most knowledgeable person right now would be the Animal Control Officer or my client being a pediatrician that dog the marks on her body are from Copper if it's a scratch or a bite that's not for me I'm not an expert on a scratch or a bite certainly we see the scratches what the punctures are at the base of the scratches

AStalcup: There were not any punctures I'm sorry

Cohen: Well there is a picture

AStalcup: I can definitively say that having seen it four hours after the injury there were not puncture wounds there was an abrasion that I'm sure probably

Samia: So candidly I'm a little confused about that one because we were given as part of the record they look like punctures and broken skin to me I'm not a doctor, but it does look like punctures

AStalcup: I can draw what I saw four hours later

Samia: Okay just so – it's fine we have this in the record just getting clarification so another clarification point just so I understood for proposed remedies you're talking about you've talked about you have the Halo Collars so we've heard about the lack of right now there hasn't been the consistent recharging you talked about the ability to do a muzzle, you had one dog outside at a time, you talked about potential medicine for Copper, although that doesn't get me very far, what else are you proposing just so I have clarity

Cohen: These interior gates or storm door or interior gates I just want to get to the point about whether it was a bite or not I think if we're with all these things we can say whether it was a bite or a scratch let's just assume that I have no reason to assume this but let's just go to the worst possible let's say it was a scratch and a bite these are still the remedies we would suggest because if it was a bite it didn't require medical attention so

A.Stalcup: All bites require medical attention

Samia: So okay

A.Stalcup: I'm so sorry

Samia: And just related to that when you were testifying earlier you also talked about just un terms of you seem to draw a conclusion I just want to make sure I understood it with respect to Copper as a dangerous dog is something that was that were you were concluding or presenting or just wanted

Cohen: It's what I was presenting it wasn't testimony it was just part of a statement

Samia: Okay

Cohen: but as we unfold these items the training, the things like that the 140, 157 if you deem the dog dangerous it handcuffs you whereas if you deem a dog the dog nuisance that opens up it just it's a catch-all category – ameliorate the situation all these things could be done under a nuisance label too which still has the same weight under 140 157h that and orders an order and it carries throughout this state, but if you were but I think all of that could possibly be overwritten by my clients if they say well you deem the dog dangerous and you're ordering things that don't fall under the statute under dangerous, but I just think if there's an agreement or they understand that and then they won't appeal it

Samia: And then well appealing that's a right they have, but wherever we come out depending where we come out and then insurance something that also

Cohen: Yes

Samia: Okay the minimum statutory okay any other questions? You have any—okay I think okay so that's it for questions from you thank you so at this point we'll call up any questions for complainants so you may be seated and then we'll thank you so we'll go in order—not ideal, but we'll go back in order through complainants, any questions based on testimony from the dog owners Counsel who presented the statement questions and answers that we just heard, let's start with ACO Elmes, any question for ACO Elmes? Mr. DePalo—one second sorry, if you could come up back to the microphone, thank you.

DePalo: I just want to clarify, what does unfounded mean when you write that down does that mean it isn't valid or you are is it a is it that you didn't see the dog

Elmes: Basically that I didn't see the dog so if I got a call the dog was loose I went down there—

DePalo: And you didn't see the dog—

Elmes: It was either already in the house or I didn't see it I have no evidence it was actually loose so I would call it unfounded

DePalo: Okay I do have another question on the logs because I don't understand—I guess I don't understand what they represent and I maybe its conjecture on your part but we have multiple logs that were called into the we have the person made the calls right, kept their own log at this time

Elmes: I understand you know

DePalo: What I'm saying is I'm wondering I don't doubt she made the calls

Elmes: Right

DePalo: So if a call goes in and somebody's not dispatched does a log—an incident log get triggered

Elmes: No, no so if she were I would assume many of those calls were after hours or on a weekend when I'm not on duty so if I don't get the if I'm not working and I don't get the message until Monday, I'm obviously not going to respond to a loose dog complaint from two days ago so I will just log that she called

DePalo: No, I understand that

Elmes: but it doesn't get recorded in the in the

DePalo: If somebody calls I'm just trying to understand what the procedure is if somebody calls and said the dog is running loose in the neighborhood

Elmes: Right

DePalo: I know you don't have control over it, does an officer get dispatched, summon to availability

Elmes: Just if they call the police department

DePalo: That's what I mean

Elmes: Correct, if they call it if they call the animal control department and I'm not on duty it will go to my voicemail

DePalo: Oh

Elmes: So nobody would get dispatched unless they call the police department

DePalo: I don't know that's I guess

Elmes: No that's what I'm saying is nobody would get dispatched if I'm off duty and someone calls my phone in the office and gets my voicemail nobody will get dispatched unless they you know they follow that up with a call to the police department.

DePalo: Sorry Kevin – which one

Samia: Ms. Acciardo is that right

DePalo: When you called these calls did you call the Animal Control Officer or did you call and talk to the dispatcher

Acciardo: I always called the Animal Control Officer first and if I got my message recorded I assume that at some point when Keith came in he would get my message and he would follow up and sometimes it wasn't until the next day if it was on a weekend and I thought it was serious enough I would be calling the police and I've got that documented for the times that I have to call on a weekend

DePalo: Okay

Acciardo: Other than that the ones that say dogs were out in the yard whatever and it was it had a date like a Saturday or Sunday that's probably what he was talking about he wouldn't get the message until Monday and

then he would call and find out what happened because he always told me anytime they're out let me know what they're doing let me know what it is and that's why I started this log

DePalo: Okay I just okay so that explains part of the discrepancy on the incident reports. So if somebody I'm just going to pick one up, on 11/30, I see things where there are multiple entries for the same day or I see something a day after so but an officer apparently is dispatched from the incident log right

Elmes: If someone calls the police department, if they have an officer available they will send someone, but again what I'm trying to say is if Linda would ever had to call me on hypothetically a Saturday and leave me a voicemail I wouldn't get that voicemail until Monday

DePalo: No, no I understand that, but so we have the incident reports are generated through a call that goes through the dispatcher

Elmes: Not necessarily, when I go to a call I'll have dispatch log that I go to a call so if I'm going down to 88 Old Faith Road whether it's to talk to the homeowners or for a complaint of a loose dog I will have dispatch log that call.

DePalo: If the officer goes if they dispatch an officer the same thing happens?

Elmes: That's correct

DePalo: Okay but is it when an incident happens if there's multiple visits as a result like trying to follow up it happens an officer gets dispatched just say for the sake of the argument, an officer gets dispatched there's an incident log and you go to follow up on it that's you go down there that's a new incident right

Elmes: Correct

DePalo: But it could be related back to the original incident

Elmes: Correct,

DePalo: Okay

Elmes: If someone called me on a Saturday with a complaint and I didn't get it until Monday I would go to the complaint on Monday and it would be logged for Monday not Saturday

DePalo: So I guess my question is I'm trying to sort through all of this, is it fair to say that of the 23 incident reports we have that's I happen to have a higher number than the attorney has, but that some of these could be not a separate incident as far as responding to the immediate complaint, it could be a follow-up to the complaint,

Elmes: Correct

DePalo: So some of it could be

Elmes: Correct

DePalo: Okay, I'll comeback if somebody else has questions

Samia: Any other questions? No,, I have one question so if a dog is six or seven years old and has had very little obedience what's the likelihood that obedience going forward would be successful?

Elmes: I wouldn't feel qualified to speak to that just because I'm not a certified behaviorist or a dog trainer

Samia: Okay just from experiences that—I guess let me ask a more general question or I assume that results are more effective when a dog is younger is it

Elmes: I would assume, but again I don't feel

Samia: Fair enough

Elmes: Legally not legally but professionally qualified to give that give that advice as someone who's a professional trainer or behaviorist.

Samia: Okay and just to confirm as a practical matter standard operating procedure you know whether it's 8 to 10 or 23, you're showing up for a reason on any of these

Elmes: Correct

Samia: There's always something that has brought you to attention of that whether it's neighbors calling you directly, you're getting it on a Monday, that day someone calls the police department, you're going out because there's been a there's something that started that

Elmes: Correct, correct

Samia: Okay, Mr. Lebeaux, thank you

Lebeaux: ACO Elmes, I mean a minor point, but I just would like to have it clarified on June 10th a letter was either sent or hand delivered to the Stalcups indicating that they hadn't licensed their dogs did they license their dogs subsequently to that

Elmes: What year was that?

Lebeaux: 6-10-21

Elmes: They did

Lebeaux: Okay thank you, Mr. Chairman are we going to have similar opportunities to speak to ask questions to others

Samia: We're going to go one at a time yeah

Lebeaux: No that's fine

Samia: I'm going to go the exact same way

Lebeaux: Okay thank you

Samia: moving as we go here with

Lebeaux: That was my only question

Samia: We will go with Miss Powers next and the remaining focus on the complainant side, any other comments for ACO Elmes while we're here – thank you, thank you, Miss Powers? Any questions for Miss Powers— actually before no I was just seeing if any other follow-up questions for you yeah okay I guess if you just come up to the microphone for questions, Mr. DePalo

DePalo: I saw the video of the dogs barking outside I believe that you could be intimidated by that but did the in your experience did either of the dogs every corner you ever jump on you anything like that or were they aggressively barking trying to understand exactly what they did I understand the bite yeah but when they were out there did they stand away and bark at you and

Powers: No there was a time where I was trapped inside of my car and Copper was like directly next to my car the other dog I don't even have any interactions with that other dog it was always Copper Copper stood outside of my vehicle I couldn't get out and there was one time the first time that I've ever had any interactions with Copper I went out to my vehicle because we were scared of Copper so I have to pick up my daughter every single day from school she used to walk home from school we're petrified to have her so I went out to my vehicle and Copper's in my driveway coming at me aggressively showing his teeth growling at me like just aggressive so I was trying to keep my cool and I'm like it's okay it's okay and I'm backing up slowly praying I don't trip and fall and I kind of went over to the other side of my vehicle and the door was locked so I'm talking to the dog backing up slowly it's okay it's okay and I managed to make it in safely at that time she you know I was like stuck in my home so that was one time I was stuck in my house then another time I was stuck in my vehicle both times when she was getting off of her bus and couldn't be walking home Copper was in my yard with no parent like no one

DePalo: but the dogs I understand that I saw it and I would be concerned

Powers: I was not contacted out anything but I mean I'm not physically hurt I'm mentally hurt I'm like scared

DePalo: No I understand that I understand why but I'm just trying to clarify and not you in particular but I'm trying to understand if these dogs either one of them actually jumped up on people physically jumped up getting up you said they were they had threatening behavior which like we saw in the picture but to your knowledge did any of the dogs do you ever see except for your daughter being attacked

Powers: I didn't see that Linda witnessed my daughter being bit

DePalo: Okay we know something happened right, did you ever see anybody else get

Powers: My dad yeah my dad the dog went after my dad my dad threw a shovel at him and ran into his house so the dog was going after my dad I've seen the dogs go after Keith a couple actually there was a couple police officers too one day and no one answered the door probably like 45 minutes and they held down the horn to try to get them awake or home or whatever when the dogs were running free they couldn't they literally had to go around the house to spray the dogs or something along those lines but for a while I could see what was going on and then they the dogs migrated to the back and there were several police officers that couldn't do anything about it I witnessed that and then not too long ago somebody had then the dog copper on a leash and as soon as I was pulling into the driveway it was displaying the same aggressive behavior barking and then they immediately

brought the dog away—can I ask a question? SO was it said that no one is home with the dogs during the day is that what I heard because the son is 17 so I believe he's in school so the dogs are left unattended during the day.

L. Stalcup: We were talking about outside

Powers: Okay, sorry just wanted to ask that

Samia: Mr. Lebeaux

Lebeaux: So you've heard a variety of remedy potential remedial actions that the Stalcups can take tonight what do you think about them

Powers: I think that for the past year all of us have had to live under these circumstances and they've had many opportunities to handle the situations accordingly, they're pediatricians they're very educated people and the fact that they can't manage the safety and well-being of other people physically and mentally and due to negligence of the circumstances I don't feel safe I don't feel safe I don't think that the dog should stand another chance I think that sunset beach is at the bottom of our hill and there are so many kids there it's not just this little nook of people that have complaints and children and other dogs like I've been going to this property for 36 years now and I've never once had any fear, not of snakes and I have never had fear and in the past year myself and other people are in constant state of fear and I understand they want to take I've I understand they want their dog their children love their dog but at one point they were willing to surrender the dog I's just up and down an no finalization has no extreme measures have been taken to protect us due to their negligence

Samia: Thank you, any other questions? Okay thank you, any quick questions for Miss Acciaro?

Cohen: Mr. Chair, one quick thing

Samia: Sure

Cohen: Because I purposefully did not have my clients mention this because I didn't think it was relevant, but when I hear statements that they don't care about the welfare of any kids or any people you know why because they were front line workers in during covid working 80 hours a week each who each got covid while trying to help the rest of the community survive covid so they do have a care for the well-being of their fellow people

Samia: Okay, thank you, any questions for the reaming two witnesses, I can okat so we've heard from both sides if there aren't any other questions I'd entertain a motion that we close the hearing

Lebeaux: So moved

DePalo: Seconded

Samia: And having been moved and seconded and all those in favor of closing the hearing say aye

Casavant: Aye

DePalo: Aye

Flynn: Aye

Lebeaux: Aye

Samia: Aye. Motion passes unanimously.

The Board voted to close the public hearing at 8:48 PM.

Samia: So now that we've heard from the complainant, the dog owners in their statement from Counsel we have the following options, no finding, we can find that the dog is not a nuisance or the dog's not dangerous, we have two dogs actually we could find out the dog is deemed to be a nuisance either one or the dog is deemed to be dangerous and the definitions of the nuisance dog and a dangerous dog are under Section 136a, the definitions applicable to this so what is the view of the Board.

Lebeaux: Mr. Chairman, could I please point out there

Samia: Please Mr. Lebeaux

Lebeaux: I think we have two dogs here and I think the conversation is going to be dominate about one. I don't find any evidence of that dog California is a nuisance I mean I get a sense of it and I get a sense of it it's been suggested it's following in the with what the other dog is doing, but I just don't see enough evidence her to establish California as a nuisance and I don't know how the rest of the Board feels about that, but I think I would suggest we focus our energy on Copper about prior to making a motion I just wanted to see if others feel similarly.

Samia: I agree other than following the other dog around I haven't heard testimony indicating any behavior of that magnitude, Mr. DePalo

DePalo: No I hope we're not going to jump into a motion without having some discussion first

Lebeaux: Well I haven't made one

DePalo: No I know you I know you're not but just California like I know what everybody's thinking

Casavant: I have no evidence to make a decision on California it would be like if you had two kids and you punished them both for one transgression like I just don't have any evidence I can't make a decision on a dog that I'm not hearing complaints on

Samia: I mean going to the language of the definition excessive barking other disturbance causing damage or other interferences threaten to attack livestock or a domestic animal or person – that's I haven't heard anything under that definition for a nuisance dog I haven't but just under the words of the statute okay any other comments on California or

DePalo: Are we going to discuss both of them and then make—what are we

Lebeaux: I mean

Samia: we're going to take one at a time that's -- Mr. Lebeaux's

Lebeaux: Mr. Chairman I just wanted to possibly get California off the table whether or not we make a motion at this time or not

DePalo: Well okay alright

Samia: Okay on the Board is that one dog doesn't seem to be within the definitions under this stuff so I just could make I think we could make a motion given what we've heard from

DePalo: That's fine I just wanted to understand what we were doing

Samia: Right, now wer're going to split the dogs out given what we've heard from testimony and what I'm hearing now at least with respect to California so I would we could entertain a motion for California

Lebeaux: I've lost my guidance documents here but I believe a proper motion would be that the Board find that the dog California is not a nuisance

DePalo: Second

Samia: Having been moved and seconded all those in favor say aye

Casavant: Aye

DePalo: Aye

Flynn: Aye

Lebeaux: Aye

Samia: Aye. Motion passes unanimously. Now we're on to Copper, so again the standard it's a nuisance dog or a dangerous dog so I'm trying to just to know this stuff and then

DePalo: I'm trying to see what the implications are, what we're allowed to do with a dangerous dog as opposed to a nuisance I'm trying to refresh myself

Samia: Its under C there's

DePalo: No

Samia: Okay gotcha

DePalo: I found it and I just want to look it over again

Samia: Some of which were proposed by ACO Elmes as well and if it's deemed a dangerous—look not all seven

DePalo: I guess well I'm looking for I'm trying to find you know if

Samia: Anybody else has anything so any other comments on Copper?

Casavant: So I guess you know I think it's important to remind the public and people that are watching because obviously Copper sounds dangerous, but the law when a dog is dangerous really doesn't give us very many options other than to euthanize the dog and that when you find a dog a nuisance even though that seems

contradictory to the evidence that we've heard it actually gives us more opportunities to implement ways you know to change the behavior that's happening so I think that's what we have to decide is whether the dog is dangerous or a nuisance and from what I read from Officer Elmes we have some opportunities here to put some things in place if we decide that the dog is a nuisance and that he would recommend these steps be taken and so that's what we have to decide right which way nuisance or dangerous.

Samia: Well if we just one thing if we deem a dangerous dog it doesn't follow that the dog has to be euthanized there are three of the separate items under c

Casavant: Correct

Samia: That the ACO has recommended that the dog be that's the thing, but what I heard from the testimony is that's not what's being recommended but the three that are recommended that I see just drawing parallels under the statute it's C, ruminant 2, 3, and 4, so 2, 3, and 4 under Chapter 140, Section 157c is what ACO Elmes had recommended that's the option but your and then nuisance would be more flexible

DePalo: But that's what he's recommending I'm reading the law,

Casavant: Because I

Samia: Correct, but that tracks the law

Casavant: Right I don't want to send the dog to another community which is another option right

DePalo: You can't

Casavant: You can't do that like send it someplace else

DePalo: We might have been the cause of that at one point

Casavant: You can't banish the dog

Samia: Correct

DePalo: Okay I have a comment and

Samia: Sure

DePalo: There is no doubt in my mind that people were afraid of these dogs, this dog the other ones I think the other ones following it, you can see it in the video I listened to what people say I believe that is true and I believe the young lady was attacked by the dog I'm gonna say it its not going to be popular I'm not 100% sure that that's a bite I when I look at that first look at that picture I thought it was a claw ripping down the side it doesn't it doesn't make any difference in the fact that the dog was I mean that the dog attacked her I believe that I'm not sure it's a bite and that might mitigate what I think should be done with the dog. I've had my run-ins with dogs so I I'm not sure it's a bite but I think it was a traumatic injury and I think it traumatized her but I just want to say I am I'm not sure it's a bite s having said that I think part of this situation is we don't have any remedies that this point that we're confident are going to work because the remedy that would work if the was to stay on the property is that the yard was fenced in and they can't do that it's not through any fault of their own at this point, but that's just the fact so it causes a it causes a dilemma I'm part of this as every one of these dog hearings we've

had a big part of this is a people problem the dogs are not being kept under control in the house so I'm not I'm not saying that the dog wouldn't have done anything to get out it just seems like it might be aggressive for whatever reason I just think a lot that I don't know what the real solution is here so I just wanted to give my thoughts on

Flynn: Mr. Chairman may I ask question

Samia: Please

Flynn: I think that so ACO Elmes outlined recommendations which I believe three of the recommendations are in line with both a nuisance and a dangerous dog

Samia: they track the statute of a dangerous dog in the remedies if it's a dangerous dog you're limited to the seven remedies if I understand that correct, sorry?

Flynn: So if I'm looking at

Samia: --limited under the statute

Kevin Mizikar, Town Manager: Yes

Samia: Yes

Flynn: Can we just review quickly what the options are for a nuisance dog because I thought reading this that we could apply and I just want to make sure that we're tracking this correctly.

Casavant: I think I understand what you're asking are you asking like are these three things are in line with the dangerous these three remedies

Flynn: I know the letter says that if he is ruled to be a dangerous dog recommendations are the following but I think that confined to the premises of the keeper of the dog provided aren't those options under a nuisance dog as well right it's not just a dangerous dog

Samia: Mr. Elmes—ACO Elmes, just advising on that point

Elmes: So if you rule the dog a nuisance it's open-ended there's I don't see why you couldn't just use one of those you know provisions from the dangerous maybe Mr. Cohen can elaborate

Cohen: I agree with him, there's nothing enumerated under nuisance which is why it's kind of a batter category because it's more you can kind of fill it in as you want

Samia: So ACO Elmes, if we went the nuisance route, what else so we have what's recommended from a dangerous dog what else could we do given, when Mr. DePalo mentioned it's not an ideal fit so what else could be as part of the prescribed remedy that would cover that

Elmes: I think that's the question everybody's been asking the entire night I mean that's why I suggested you know the measures from that dangerous part of the statute having the dogs outside in a physical a physical kennel would prevent them from leaving the yard how to prevent them from leaving the house they haven't been successful at it so far it has reduced over you know over this time, but there's always a chance of an accident so

you know as I said when I went down there on the day of the incident where there was the bite, dogs weren't wearing the collars so I mean I don't know if we can depend on something electronic like that as a primary method to contain them whereas you know a kennel which is a which is a you know non-permanent physical structure it will at least provide security while they're outside

Samia: Okay thank you so we could just to clarify so and it's a good point we could track two, three, and four under the dangerous dog, but add additional conditions if we thought they were warranted

Mizikar: yes

Samia: Okay so that's fair so we could add

Mizikar: If deemed a nuisance

Samia: Right yeah so if we deem the dog a nuisance dog then we could still have a prescribed remedy with the and we've gone through this before by determining dangerous you have the seven remedies and that's all you have, if it's a nuisance dog you have open-ended remedies but there's nothing to preclude us from tracking some of those remedies under the definition of a dangerous dog.

Casavant: I would favor that approach –

Samia: Nuisance dog

Casavant: With these remedies as outlined by the ACO

Samia: it's so we have that the dog be confined to the premises of the keeper of the dog and track that one removed from the premises of the owner the person keeping the dog, the dog shall be securely and humanely muzzled and then the insurance requirement so those are the three anything else though so I mean the determination of nuisance versus danger but it doesn't mean we have to determine it to be a dangerous dog to get the remedy that we think will address the situation.

DePalo: Well I think one thing that we have to we have to be sure that whatever it is we say needs to be done

Samia: Yep

DePalo: Can be done, you know because they don't control the property so I just whatever we do we have it has to be what it it could affect our decision is we've got to be realistic of what can be done it's one thing to order it it's another thing if it can be done then if it can't be done we're going to end up in court and it's just going to escalate so I think we need to be realistic of what it is we can do What is realistically going to happen if we do it if we if we put conditions on but I guess the

Samia: To your point on the first one though and ACO Elmes I ask you this that wouldn't require that's not a fence that's something that if the dog is outside in a dog run area that's not something that's permanent and that's something that could be put together

Elmes: Correct yeah right does not necessarily need to be a permanent structure

Samia: So that is an option and then just one other thing to consider that I've heard a willingness to do is also obedience classes so that's not one, two, and three and determining a nuisance would allow the flexibility to require that within a period of time if that's something that we would want to consider

DePalo: Yeah I think whatever we do is going to be pretty intense

Samia: Mr. Lebeaux

Lebeaux: If we want to require the dog by order to have the collar can we do that on the dangerous dog

Samia: I'm not sure

Lebeaux: No Okat so I'd rather do it this way you know which well I may not have to ask more questions, I think the collar, Halo Collar, is a good idea among others and if the only way the collar can be contained in an order is by declaring the dogs a nuisance and I know some folks you know they many feel that when the law changed in the not too decent distant past it it really hamstrung boards about the dangerous designation particularly if the Board is not thinking of humanely ordering euthanization, so I know someone walking in and not familiar with our practices and procedures could be disappointed about a failure to designate a dog as dangerous unfortunately I think Shrewsbury isn't the only Town that has encountered this to put maximum controls by order would require us to designate the dog as a nuisance and if the Board feels that having the collars is important then I think we need to designate the dog as a nuisance with some reluctance perhaps by some of us but that's sort of what the statute backs us unto

Flynn: Mr. Chairman I have some questions – what are the repercussions if whatever we recommend is not followed so just hypothetically the dog is on another person's property and you get a call from a neighbor saying the dog is on my property and clearly the dog has not been confined as we are potentially instructing what is the course of action at that time

Lebeaux: You go to court

Samia: Yeah

Elmes: No necessarily if it's within the statute it can be obviously if they were found in violation it could be right you know as low as a fine, it's up to you know impoundment of the dog

Flynn: And are we able to instruct what should happen in that situation or is it subject to the bylaw

Samia: It'd be subject to the order whatever the order we prescribe if there's a violation of that order then it would go to the statute for the remedy

Flynn: Okay

DePalo: It escalates right

Samia: Yeah

DePalo: It's an escalation thing isn't it

Mizikar: It's subsection H

Samia: If an owner or – yep if an owner or keeper of a dog is found in violation of an order issued under this section the dog should be subject to seizure and impoundment by law enforcement or animal officer if the keep of the dog is in violation all reasonable efforts will be made by the seizing authority to notify the owner of the dog if such seizure and if it continues after that in terms of hearings and all of that so just to add to so we've talked about this before the way the statutes it's funky where it's a little counter-intuitive in addition to the Halo Collar I think with a Halo Collar and the requirement that there be a backup charging is one thing and then the obedience class I'd like to see for Copper of an intensive obedience class within understanding that people are busy but within 30 days of this order, ACO Elmes any recommendations I know we've had this before question in terms of the type of obedience class any recommendations for that

Elmes: I would say I mean as long as the trainer is vetted and accredited it should be you know an acceptable course, I don't know if

Samia: Attorney Cohen your thoughts on that, for it sounds like that's a willingness that I've heard from your clients as well in obedience class is there any recommendation on that?

Cohen: I think that it's important to alter the behavior, I think it should be by an APDT Trainer so an APDT trainer the association of professional dog trainers it's a national organization and they have pretty strict guidelines on the methods you use and to be accredited under APDT it's what it's one of the closest things we jabe to a certified trainer and I found those people to be good trainers

Samia: Within 30 days is that something that's

Cohen: Yes there's several around here

Samia: Within 30 days from this is that acceptable or shorter period

Casavant: No I think 30 days is ok

Lebeaux: Mr. Chairman what about I mean there's an appeal after we render our order isn't there an appeal period

Samia: Within 10 days after an order is issued under subsections they have 10 days yep

Lebeaux: I mean I think we've found in the past there's been some difficulty acquiring the training services

Samia: so 30 or 45 days

Lebeaux: yeah I would push it out to 45 days I mean it's

Samia: We've had that before that the experience we'd put x days in it, I wouldn't want to go any more than 45 ideally 30. If Counsel's comfortable at 30, are you comfortable at 30, I know you said there's enough around

Cohen: I think to establish a training plan with an identified trainer within 30 days, if that's what you're asking, that can happen

Samia: Ok, and you're comfortable with that

Lebeaux: Sure

Casavant: When we talked about the backup collars I know that they are expensive however, we've often required fencing which is a greater expense and I really do think there needs to be a backup collar and if we're only talking about Copper and not California isn't that just one collar they need to buy so it's half the price of having to buy two so that way that dog is wearing a collar all the time

DePalo: I think that's a good idea

Flynn: To your point I think if we're going to come up with a list of you know what we're I think accepting what the owners had proposed which is not allowing both dogs out at the same time, requiring the muzzle and always restrained, I think that

Samia: and the insurance too

Flynn: and insurance and the collar and I think I just want to know make sure that there's sort of a zero tolerance so it's sort of we we're requiring all of these steps but I do think that from where I sit I think that you know there's one neighbor who is clearly you know fearful and there's another neighbor who has been injured and our animal control officer felt the need to pepper spray your dog because he felt threatened and I understand goof intentions but to me those are very serious things so I just want to say that I do want to see you have the opportunity to use all of these tactics to keep your dog restrained but I would think that if that dog were to get out again that dog should be taken into custody and that's where I'm just a little unclear on whether or not that would be the first course of action or when you talk about escalation whether or not we would have a situation where the dog would have multiple chances to potentially get out again so with that said

Elmes: If you were found in violation there's nothing in the statute that you know there's no warning provision in the statute you know to the full extent of the of the statute

Flynn: Meaning you would impound the dog at that time

Elmes: You could yes

Samia: So just to, thank you, and then just in a good point so what I'm hearing is the Halo Collar, the only technical question I have is can you have the Halo Collar and the muzzle at the same time

L. Stalcup: Yes

Samia: Okay so Halo Collar with backup, obedience training with APDT within 30 days, both not both dogs out at the same time and then possibly then the recommendations that ACO Elmes had about being confined to the premises, the how the dogs with the leash securely and humanely muzzled and restrained with the chair or other tethering device with a minimum strength of 300 pounds so that's under dangerous dog definition the three that ACO Elmes had recommended

DePalo: That tethering device is really it's like a leash right, you can't tie a dog up to a tree right

Samia: No this is when you're taking it out off the premises though

DePalo: Right

Samia: Removing them from the premises by the owner, so just again back from to an advisory standpoint that if we the three we're talking about plus tracking the dangerous dog language which I'm hearing from Counsel generally they agree with at least the insurance and the muzzle, I guess the only question just what I've heard from the Board is the ability if there's a runner in the backyard or some sort of cage in the backyard that can be put together if they put it together

Lebeaux: I would prefer the kennel option to the run option

Samia: Okay

Lebeaux: I would also like I mean we've heard that there would be some type of egress control devices at all exterior doors inside the house, but I'd also like that meet the satisfaction of the ACO, but I would like the ACO to consult with the Fire Department to make sure there's no fire safety issues on whatever controls are put on those egress doors I'm also curious if can we build into the order that if the owners acquired the property that we require them to fence it within x number of days of the closing I don't know if we can do that, but I would think about that and I would also like to ask if the family relocated within the Town of Shrewsbury, does this order stand or I mean just what is the status of this order if they relocate within the Town

DePalo: Doesn't the order stand no matter where they go?

Lebeaux: I don't know I mean I don't remember

Elmes: It's statewide,

DePalo: Yes yeah no matter

Elmes: Correct

DePalo: Whatever is ordered here is going to follow the dog

Elmes: Correct within the state

DePalo: Within the state

Samia: On the fence, I don't see why we couldn't make the order conditional on a fence if they acquire the property or another property within the Town as an option right or a requirement it's that's the question that we're going to require that

Lebeaux: I would be leaning in that direction

Cohen: May I know this is your deliberation, but I'm hoping we can get everything resolved un this one what if you put the Board could revisit it because if they get if only because if they get a fence do they really need to have Halo Collars and muzzles and all the other stuff so how about with if they buy a house with a

Samia: How much flexibility do we have on that to revisit the order

Cohen: 100%

Mizikar: Yeah

Samia: So we can build in flexibility that in the event that they move and put in a fence that we'll revisit the remedy – move or put in a fence that with the collar and muzzle now we're getting complicated

Flynn: Well we said the muzzle was only if they were removed from premises

Samia: Correct, but if they were removed from the premises in a fenced in backyard then they wouldn't have to wear the muzzle, but may have to be tied up

Flynn: Right I'm sorry I thought of the premises as the is that like is the premises not include the yard is it just the actual indoor, I thought the premises would be any sort of secure area outside

DePalo: Yeah I agree with you all of it

Samia: So then it should be house

DePalo: So all right where are we because I'm losing track yeah this what

Samia: So we need to craft an order

DePalo: Well what do we will you review again what are we talking about

Samia: So right now we have the Halo with backup, obedience training 30 days an APDT training within 30 days after the order, both dogs not out at the same time, a muzzle or it could track now anytime the dog's out of the house a muzzle's required because the statute says premises to be clear and that's a good point that a muzzle would be required any time out of the house right okay, yeah and then the tethering device which is in the we could track the language in the dangerous definition right requirements and insurance

Cohen: And that's the one that's the impossibility that I just I don't see how they can comply with that

Samia: the leash it's a leash right it's not if they're in the runner it's if under the

Cohen: This runner thing

DePalo: We're not talking about that

Samia: No, no, no

Cohen: Number one of ACO Elmes

Samia: Yeah we're not

Cohen: You're not there

Samia: No

Cohen: Okay

Samia: Not yet I understand what you're saying because under this if that when the dog is removed from the premises so it should say when it's removed from the house the person keeping the dog the dog should be securely and humanely muzzled and restrained with the chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding three feet in length that we could track that's ruminant three except it should say house yeah we don't want the halo collar and for the dog to have to be he said they could do it both i guess

Mizikar: Yeah but that defeats the purpose of the collar the collar is supposed to come in the dog so you drop

Samia: Yeah so I would drop that well the dog shouldn't be outside unless it's that's the question

Flynn: as long as the dog does not leave their yard whether it's through tethering whether it's through the collar whether it's through basically confine the dog to their

Samia: That's to the premises

Flynn: Yes, so how they do that not sure

Mizikar: Correct

Flynn: Do we really need to dictate that

Samia: Right okay

Mizikar: But if it's with the Halo Collar then that's the backup

Samia: Yes Halo Collar has to have a backup and the insurance now the only question, Attorney Cohen talk to

DePalo: What about revisiting

Samia: Yep, and then there are two other things to talk about one if they purchase this property or buy a property they're required to put in a fence within I don't know how many days

Lebeaux: 90

Samia: 90 days after closing and in the event

Lebeaux: Yeah and you've got to say something about winter conditions

Samia: Subject to yes now, discretion of the Animal Control Officer on timing

Elmes: I'm not a fence

Samia: No –

Mizikar: Mine

Samia: Yeah Town Manager's discretion on the fence, so it's 90 days after closing you can say unless longer time is reasonably determined by the town manager sorry guys this is a scorecard and then and then in that

instance we will we may revisit because if they put in a fence then we can revisit whether or not the dog would need a muzzle for example but it could be a combination that the dog has to be on a runner but not attached i know to a tree or anything stationary so I think wouldn't that be the condition that if they put the fence in with 90 days the board may revisit the terms of this order is that right

Cohen: Can we get a shall?

Samia: Shall as soon as reasonably possible and now let's try this let's try this one more time to make sure we have it all together, so we have the halo with just one more time sorry halo with backup, training apdt within 30 days after the order, both dogs can't be out at the same time, it has leaving the house it has to have a muzzle right at all times then that has to also have any time leaving the house that has to be under the language of the dangers in terms of humanely muzzled and restrained with the chain or other tethering device right right and that can track the language of romanet-3 of the dangerous, insurance requirement of meeting the statute of under the dangerousness of yep 100,000, and then within 90 days they've if they purchase a home they're required to put a fence the 90 days of closing sure right the board shall as soon as is reasonably possible revisit the order so if they put in a fence and they eventually

DePalo: No no after they put the fence in at the request of the owner

Samia: Fair enough and put at the request of the owner and remember the language sorry 90 days or such longer period as upon the discretion of the town manager do we have everything

DePalo: Did you have something in there about the fence

Samia: If they do the fence

DePalo: no the manager and the

Samia: Correct 90-day period or an if unless in the event the town manager subject to the discretion of the manager extending such period okay and then shall upon once they put in the fence shall upon the request of the dog owner meet and revisit the order as soon as reasonably possible after such request do i have everything I hope... I believe we do. Does that work Counsel, does that work with everything we just talked about from

Cohen: It does just one clarification when you say with the leash now that I understand where you're going is that the leash is when off premises

Samia: Yeps so the collar as long as they have the I guess the just from clarity the halo collar doesn't does that prevent the dog from leaving the yard

DePalo: I think you're getting shocked pretty good

Samia: Okay

Flynn: Yeah again I think it's it's that provision of

Samia: either or

Flynn: Well it has to be on a leash when it's off your property

Samia: Yes

Flynn: When it's on your property whatever's going to keep the dog on your property great but I think what we're saying is that even when outside of your home the muzzle which we're really hoping that this doesn't allow the dog to get off your property but god forbid your dog gets off your property that it can't harm another person and then i agree if there's a fence where that chance of getting off the property is completely mitigated then we would revisit but i feel like that's a compromise for the neighbors and their and their safety

Samia: So wear the muzzle at all times even outside in the yard even with the collar is that what I'm hearing

Flynn: I think that's what we agreed to

Samia: Okay okay so both okay

Cohen: So if somebody sees the dog off the property the dog has a muzzle and the leash obviously the Halo Collar off the property away from the house isn't affected because it's the gps okay and we keep shocking them until they come back the only other thing is if there is because now everybody's been deputized to watch over this can we have just a credible verified complaint so everybody has a cell phone if you see this dog off property or or without the stuff whoever sees it can they just be have it be verified it can't because it can't just be that a complaint or an allegation says oh the dog violated the order. Yeah I don't know how you protect against that but

Mizikar: We can add that in the write-up I understand what you're saying yeah right yep

Samia: Yep it can't just be someone making a willy-nilly like okay you can't be someone just yeah the

Mizikar: first time you're in violation

Samia: fair enough. We'll include that in the order.

Flynn: Mr. Chair are we allowed to answer questions outside of the hearing. Are we allowed to answer questions outside of hearing

Samia: Well the hearing's closed but that's right thank you thank you

Accirado: I just want to make a comment about the phone. The reason that I don't have any pictures taken of all the times that the dog came over and was aggressive with me or my friend is because I'm probably the last person in the world who does not own a cell phone that takes pictures like the smartphone I have a little flip top track phone so i was never able to get any pictures I know that Stephanie did a couple of times I'm glad of that if I had had a lot of pictures we could have clarified that a lot of this a lot earlier so that's why I had to keep the log

Samia: Sure and now and we appreciate that it was very helpful thank you so do we have the order with that

Mizikar: I would just suggest ma'am if the dog is at your front door regardless of the time of the day that you call the business line to the police department to get a dispatcher not you know don't with all due respect don't try to get ACO Elmes in his office call two five two five to get the dispatcher

Samia: Okay

Lebeaux: Mr. Chairman

Samia: Mr. Lebeaux

Lebeaux: Are you ready for any motion

Samia: I believe we are

Lebeaux: Mr. Chairman I move the Board determine that the dog copper to be deemed to be a nuisance

Samia: Is there a second

DePalo: Oh seconded

Samia: Having been moved and seconded all those in favor of deeming Copper a nuisance say aye

Casavant: Aye

DePalo: Aye

Flynn: Aye

Lebeaux: Aye

Samia: Aye. Motion passes unanimously. So now we're on to the remedies

Lebeaux: Do we have to say them again?

Samia: No I think we I think I've said them a few times are we comfortable that they're clear

Lebeaux: Mr. Chairman

Samia: Yes Mr. Lebeaux

Lebeaux: Mr. Chairman I move the Board issue an order to issue an order to see us somewhere oh here it is to George (Luke) and Alane Stalcup 88 Old Faith Road pursuant to mass general law chapter 140 section 157 incorporating the provisions in the order that have been discussed and are part of the recorded proceedings of this meeting

DePalo: Seconded

Samia: Having been moved and seconded all those in favor say aye

Casavant: Aye

DePalo: Aye

Flynn: Aye

Lebeaux: Aye

Samia: Aye. Motion passes unanimously

Executive Session:

**29. Executive session to conduct strategy sessions in preparation for negotiations with nonunion personnel
(G.L. c. 30A, S 21 (a)(2), Town Manager)**

On a motion by Mr. Lebeaux, seconded by Mr. DePalo, on a roll call vote—Ms. Casavant – yes, Mr. DePalo – yes, Ms. Flynn – yes, Mr. Lebeaux – yes, Mr. Samia – yes, the Board unanimously voted to enter into Executive session to conduct strategy sessions in preparation for negotiations with nonunion personnel (G.L. c. 30A, S 21 (a)(2), Town Manager) at 9:30 PM.

Respectfully Submitted,



Taylor M. Galusha

Referenced Materials:

- 2022 Annual Town Meeting Warrant
- Commerce Road and Portion of Lake Street Layout Report
- 2022 Water Restrictions

RECEIVED
TOWN CLERK'S OFFICE

COMMONWEALTH OF MASSACHUSETTS

2022 APR -6 AM 8:26

Worcester, ss.

To a Constable of the Town of Shrewsbury in the County of Worcester

SHREWSBURY, MASS

GREETINGS:

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the inhabitants of Shrewsbury qualified to vote in elections and town affairs, to meet at the several designated polling places in their respective precincts in said Shrewsbury, to wit:

Precinct 1	Richard D. Carney Municipal Office Building 100 Maple Avenue – Selectmen’s Meeting Room
Precinct 2	Shrewsbury Senior Center 98 Maple Avenue
Precinct 3	Calvin Coolidge School 1 Florence Street
Precinct 4	Scandinavian Athletic Club 438 Lake Street
Precincts 5 and 10	Sewer and Water Department 209 South Street
Precinct 6	Shrewsbury Senior Center 98 Maple Avenue
Precincts 7 and 8	Spring Street School 123 Spring Street
Precinct 9	Fire Station #3 20 CenTech Boulevard

on Tuesday, the third day of May A.D., 2022, then and there to act upon the following:

To vote by ballot for the election of the following named Town Officers, to wit:

- | | |
|-------|---|
| TWO | Selectmen to be elected for three years |
| TWO | School Committee members to be elected for three years |
| THREE | Trustees of Public Library to be elected for three years |
| ONE | Shrewsbury Housing Authority to be elected for five years |

Representative Town Meeting Members for each precinct as follows:

- | | |
|-------------|--|
| PRECINCT 1 | TWENTY FOUR to be elected for 3, 2, 1 years |
| PRECINCT 2 | TWENTY FIVE to be elected for 3, 2, 1 years |
| PRECINCT 3 | TEN to be elected for 3 years |
| PRECINCT 4 | TWENTY THREE to be elected for 3, 2, 1 years |
| PRECINCT 5 | TWENTY FIVE to be elected for 3, 2, 1 years |
| PRECINCT 6 | TWENTY FOUR to be elected for 3, 2, 1 years |
| PRECINCT 7 | TWENTY FOUR to be elected for 3, 2, 1 years |
| PRECINCT 8 | TWENTY FOUR to be elected for 3,2, 1 years |
| PRECINCT 9 | TWENTY FOUR to be elected for 3, 2, 1 years |
| PRECINCT 10 | TWENTY THREE to be elected for 3, 2, 1 years |

The polls will open at seven o'clock ante meridian and close at eight o'clock post meridian, at each and all said precincts, and all of the above officers are to be voted for on one ballot.

GREETINGS:

You are further hereby directed to notify and warn the said inhabitants of the Town of Shrewsbury to meet in the Oak Middle School Auditorium, 45 Oak Street, in said Shrewsbury on Saturday, the twenty first day of May, A.D., 2022, at eight thirty o'clock ante meridian, (8:30 A.M.), at which time and place the following articles will be acted upon and determined exclusively by Town Meeting members, in accordance with the provisions of Chapter 553 of the Acts of 1953 and subject to the referendum provided for by section sixteen of said Act.

ARTICLE 1

To see if the Town will vote to receive the reports of Town officers and committees and to act thereon, or take any other action in relation thereto.

ARTICLE 2

To see if the Town will vote to amend the General Bylaws, in Article 2, "Town Meetings and the Procedure Thereat" Section 11, by replacing the reference to *Cushing's Manual* with a reference to *Town Meeting Time*, or take any other action in relation thereto.

ARTICLE 3

To see if the Town will vote to transfer a sum of money from available funds in the Treasury and appropriate said sum to various departmental appropriations for a prior fiscal year, or take any other action in relation thereto.

ARTICLE 4

To see if the Town will vote to transfer a sum of money from available funds in the Treasury and appropriate said sum to various departments for Fiscal Year 2022, or take any other action in relation thereto.

ARTICLE 5

To see if the Town will vote to raise such sums of money by tax or any other source available to the Town as may be deemed necessary to pay Town debts and charges and appropriate the same as they may see fit for the fiscal year beginning July 1, 2022, or take any other action in relation thereto.

ARTICLE 6

To see if the Town will accept a sum of money from the Municipal Light Department CATV division and appropriate said sum for use of the Board of Assessors in offsetting the tax rate for the fiscal year beginning July 1, 2022, or take any other action in relation thereto.

ARTICLE 7

To see if the Town will accept a sum of money received from the Municipal Light Department in lieu of taxes, and appropriate said sum for use of the Board of Assessors in offsetting the tax rate for the fiscal year beginning July 1, 2022, or take any other action in relation thereto.

ARTICLE 8

To see if the Town will transfer from available funds in the Treasury a sum of money for use of the Board of Assessors in offsetting the tax rate for the fiscal year beginning July 1, 2022, or take any other action in relation thereto.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury, a sum of money to the Special Purpose Override Stabilization Account, or take any other action in relation thereto.

ARTICLE 10

To see if the Town will vote to borrow, raise and appropriate or transfer from available funds in the Treasury such sums of money as may be deemed necessary to fund the costs associated with the General Capital Budget for the fiscal period beginning July 1, 2022, or take any other action in relation thereto.

ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to operate the Municipal and Residential Solid Waste Collection, Processing and Disposal Services Enterprise, or take any other action in relation thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to fund the operation of the Sewer system, or take any other action in relation thereto.

ARTICLE 13

To see if the Town will vote to borrow, raise and appropriate or transfer from available funds in the Treasury such sums of money as may be deemed necessary to fund the costs associated with the Sewer Capital Budget to provide for the inspection, testing, permitting, maintenance, repairs, construction, reconstruction, replacement and other improvements of the municipal sewer system, including engineering and all other related professional fees and expenses associated with the design of these improvements or repairs and any costs associated with the acquisition of land or easements and further to authorize the application, acceptance and expenditure of a grant or grants from the Commonwealth and/or Federal Government for this purpose and to authorize the Board of Sewer Commissioners, acting for and on behalf of the Town, to layout and construct, reconstruct or make other improvements to main drains, surface drains, common sewers, sub-drains, pump stations, control systems, connections and related

appurtenances, and to acquire land or easements in connection therewith, which may be authorized by Chapter 502 of the Acts of 1954, as amended, or take any other action in relation thereto.

ARTICLE 14

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to operate the Water Services Enterprise, or take any other action in relation thereto.

ARTICLE 15

To see if the Town will vote to borrow, raise and appropriate or transfer from available funds in the Treasury such sums of money as may be deemed necessary to fund the costs associated with the Water Capital Budget to provide for the inspection, testing, permitting, maintenance, repairs, construction, reconstruction, replacement and other improvements of the municipal water system, including engineering and all other related professional fees and expenses associated with the design of these improvements or repairs and any costs associated with the acquisition of land or easements and further to authorize the application, acceptance and expenditure of a grant or grants from the Commonwealth and/or Federal Government for this purpose and authorize the Board of Selectmen to acquire land or easements in connection therewith, or to take any other action in relation thereto.

ARTICLE 16

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to operate the Stormwater Services Enterprise, or take any other action in relation thereto.

ARTICLE 17

To see if the Town will vote to borrow, raise and appropriate or transfer from available funds in the Treasury such sums of money as may be deemed necessary to fund the costs associated with the Stormwater Capital Budget to provide for the inspection, testing, permitting, maintenance, repairs, construction, reconstruction, replacement and other improvements of the municipal stormwater system, including engineering and all other related professional fees and expenses associated with the design of such improvements or repairs and any costs associated with the acquisition of land or easements, and to further authorize the application, acceptance and expenditure of a grant or grants from the Commonwealth and/or Federal Government for this purpose and to authorize the Board of Sewer Commissioners, acting for and on behalf of the Town, to layout and construct, reconstruct or make other improvements to said storm drains, connections and related appurtenances, acquire land or easements in connection therewith, which may be authorized by Chapter 502 of the Acts of 1954 and the General Laws as amended, or take any other action in relation thereto.

ARTICLE 18

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Town Manager for the potential windows and doors replacement project at Oak Middle School, 45 Oak Street, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.26 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

ARTICLE 19

To see if the Town will vote to raise and appropriate a sum of money to pay the medical expenses of retired disabled police officers and firefighters, or take any other action in relation thereto.

ARTICLE 20

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury, a sum of money to the Insurance Trust Fund, or take any other action in relation thereto.

ARTICLE 21

To see if the Town will transfer from available funds in the Treasury a sum of money to the General Stabilization Account, or take any other action in relation thereto.

ARTICLE 22

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to operate the Cable Television Public, Educational and Governmental Access Services Enterprise, or take any other action in relation thereto.

ARTICLE 23

To see if the Town will vote to set the annual spending limits for the revolving accounts established and set forth in Article 22 of the General Bylaws, or take any other action in relation thereto.

ARTICLE 24

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts in accordance with the provisions of the Chapter 90 local transportation aid funding program and transfer said funds to the Highway Department for the purposes of

maintaining, repairing, improving and constructing town ways, sidewalks and drains and related eligible expenses, or take any other action in relation thereto.

ARTICLE 25

To see if the Town will vote to transfer a sum of money from the Sale of Cemetery Lots account to the Cemetery Department for the care, improvement, embellishment or enlargement of the Cemetery, or to take any other action in relation thereto.

ARTICLE 26

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money for the purposes of funding water quality improvement projects and other initiatives for lakes, ponds, and waterways within the Town of Shrewsbury, or take any other action in relation thereto.

ARTICLE 27

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money for the purposes of funding the development of a Climate Action and Resiliency Plan, or take any action in relation thereto.

ARTICLE 28

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money for the purposes of funding the development of a Town Center Comprehensive Transportation and Multimodal Study, or take any action in relation thereto.

ARTICLE 29

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues from Fiscal Year 2022 and Fiscal Year 2023 in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community

preservation projects and other expenses in Fiscal Year 2023, with each item to be considered a separate appropriation:

Revenues

Local CPA tax surcharge receipts (projected FY22)	\$789,000
Local CPA Tax surcharge receipts (Projected FY23)	\$804,780
State matching funds (projected at 30% FY22)	\$236,700
State matching funds (projected at 30% FY23)	\$241,434
Total Projected Revenues (FY22)	\$1,025,700
Total Projected Revenues (FY23)	\$1,046,214

Appropriations:

FY 2022 estimated revenues (5%) for Committee Administrative Expenses	\$51,285
FY 2023 estimated revenues (5%) for Committee Administrative Expenses	\$52,310

Reserves:

FY 2022 estimated revenues (10%) for Historic Resources Reserve	\$102,570
FY 2022 estimated revenues (10%) for Community Housing Reserve	\$102,570
FY 2022 estimated revenues (10%) for Open Space & Recreation Reserve	\$102,570
FY 2022 estimated revenues for Budgeted Reserve	\$666,705
FY 2023 estimated revenues (10%) for Historic Resources Reserve	\$104,621
FY 2023 estimated revenues (10%) for Community Housing Reserve	\$104,621
FY 2023 estimated revenues (10%) for Open Space & Recreation Reserve	\$104,621
FY 2023 estimated revenues for Budgeted Reserve	\$680,041

or take any action in relation thereto.

ARTICLE 30

To see if the Town will vote to amend the Zoning Bylaw of the Town of Shrewsbury, Section IV – Continuance of Existing Uses, relative to pre-existing, nonconforming single and two-family residential structures or take any other action in relation thereto.

ARTICLE 31

To see if the Town will vote to amend the Zoning Bylaw of the Town of Shrewsbury, Section VII.F.3.a – For Site Plan Approval by the Planning Board, to require proposed slopes of a certain height and grade to be subject to Site Plan Approval by the Planning Board, or take any other action in relation thereto.

ARTICLE 32

To see if the Town will vote to amend the Zoning Bylaw of the Town of Shrewsbury, Section II – Definitions, by inserting a provision to authorize the Town Clerk to make non-substantive changes to the numbering and lettering in the Zoning Bylaw, or take any other action in relation thereto.

ARTICLE 33

To see if the Town will vote to amend the Zoning Bylaw of the Town of Shrewsbury, Section VII.L – Common Driveways, by modifying the dimensional requirements and use restrictions for common driveways, or take any other action in relation thereto.

ARTICLE 34

To see if the Town will vote to amend the Zoning Bylaw of the Town of Shrewsbury, Section VII.D.3.d – Parking Lot Landscaping, relative to screening requirements for parking lots in the Limited Industrial Zoning District, or take any other action in relation thereto.

ARTICLE 35

To see if the Town will vote to amend the Zoning Bylaw of the Town of Shrewsbury, Section VII - Table II, and Section VI - Table 1, Use Regulation Schedule, Footnote 12, by inserting text to allow a building height greater than 50' to 75' by special permit in the Limited Industrial Zoning District and to allow for loading and unloading at the front of a building by special permit in the Limited Industrial District, or take any other action in relation thereto.

ARTICLE 36

To see if the Town will vote to amend the General Bylaws to add a section entitled "Town of Shrewsbury Tree Bylaw" to regulate tree care and maintenance, or take any other action in relation thereto.

ARTICLE 37

To see if the Town will vote to accept the provisions of Chapter 60, Section 3D of the General Laws, to establish a special elderly and disabled tax relief fund account in the general treasury, to be in the custody of the Treasurer, with all monies and any interest earned thereon to be used for the purpose of defraying the real estate taxes of elderly and disabled persons of low income. In concert with the creation of said tax relief fund, there shall be a taxation aid committee to consist of the chair of the Board of Assessors, the Town Treasurer and three residents of Shrewsbury to be appointed by the Board of Selectmen. The Treasurer shall design and designate a place on the municipal tax bills, or the motor vehicle excise tax bills, or include a separate form to be mailed with such tax bills, whereby the taxpayers of Shrewsbury may voluntarily check off, donate and pledge an amount not less than \$1.00 or such other designated amount which shall increase the amount otherwise due, or take any other action in relation thereto.

ARTICLE 38

To see if the Town will vote to accept the provisions of Chapter 59, Section 5C ½ of the General Laws, to increase the exemption amount to any taxpayer who qualifies for an exemption pursuant to any clause specifically listed in the first paragraph of Section 5 of Chapter 59 by an amount not to exceed 100 percent of the exemption for which the taxpayer qualifies, or take any other action in relation thereto.

ARTICLE 39

To see if the Town will vote to accept the provisions of Chapter 59, Section 5, Clause 41D of the General Laws to increase the amounts of allowable gross receipts and whole estate, real and personal, as set forth in clauses 41, 41B and 41C, by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year, to be communicated each year by the Department of Revenue, or take any other action in relation thereto.

ARTICLE 40

To see if the Town will vote to accept the provisions of Chapter 59, Section 5, Clause 17E of the General Laws to increase the amount of allowable whole estate, real and personal, as set forth in Clauses 17, 17C, 17C ½ and 17D in Section 5, by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year, to be communicated each year by the Department of Revenue, or take any other action in relation thereto.

ARTICLE 41

To see if the Town will vote to accept the provisions of subsection (j) of Section 103 of Chapter 32 of the General Laws as inserted by Section 19 of Chapter 188 of the Acts of 2010 to

increase the maximum base on which the Cost of Living Adjustment is calculated by \$2,000 to \$14,000 or take any other action in relation thereto.

ARTICLE 42

To see if the Town will vote to increase the retirement allowance of retirees retired for accidental disability and raise and appropriate a sum of money to pay the cost of such increase in accordance with Chapter 32, Sec. 90A of the General Laws as adopted by the Town on May 18, 1988, or take any other action in relation thereto.

ARTICLE 43

To see if the Town will vote to transfer the 105 parcels of land listed on *Exhibit A: Parcels to be Transferred from Tax Title Custodian to Town Manager's Office* distributed to Town Meeting members, all of said parcels having been acquired by tax title foreclosure, from the care, custody and control of the Tax Title Custodian, to the care, custody, management and control of the Town Manager's office, to be held for general municipal purposes and for the purpose of conducting a planning study of each parcel to determine the appropriate current use and preparing recommendations for any future use or disposition of such parcels, or take any other action in relation thereto.

ARTICLE 44

To see if the Town will vote to transfer land located at 33 Eaton Avenue, 12 Cedar Road, 25 Harvard Avenue, and 210 North Quinsigamond Avenue, all of said parcels having been acquired by tax title foreclosure, from the care, custody, and control of the Tax Title Custodian, to the care, custody, and control of the Board of Selectmen, and to further authorize the Board of Selectmen to enter into any agreements and to do all things necessary to dispose of said properties by sale, upon such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town, or take any other action in relation thereto.

ARTICLE 45

To hear and act upon the reports of the Board of Selectmen regarding:

i. the alteration of the layout of Lake Street, a public way, as altered by vote of the Board of Selectmen and as shown on a plan on file in the office of the Town Clerk entitled “ROAD LAYOUT PLAN OF LAKE STREET REALIGNMENT SHOWING LOCATIONS OF PROPOSED PERMANENT EASEMENTS & DISCONTINUANCE SHREWSBURY, MASSACHUSETTS”; and

ii. the layout of a new way, to be called Commerce Road, as shown on a plan on file in the office of the Town Clerk entitled “ACCEPTANCE PLAN OF COMMERCE ROAD SHREWSBURY MASSACHUSETTS”,

and to consider accepting as public ways the altered layout of Lake Street and layout of Commerce Road, in whole, or in part, and to authorize the Board of Selectmen to acquire by gift, purchase, or taking by eminent domain easements therein for public street purposes, to acquire any ancillary easements associated therewith, and to take any actions and execute any documents necessary to effect the purposes of this Article, or take any other action in relation thereto.

ARTICLE 46

To see if the Town will vote to

- (i) amend the General By-Laws by changing all references to the Board of Selectmen and Selectmen therein to “Select Board”; and
- (ii) authorize the Board of Selectmen to petition the General Court for a special act to read:

AN ACT CHANGING THE BOARD OF SELECTMEN OF THE TOWN OF SHREWSBURY TO A SELECT BOARD

SECTION 1. Notwithstanding any general or special act to the contrary, including Chapters 553 and 559 of the Acts of 1953, the executive body of the town of

Shrewsbury, previously known as the board of selectmen, shall be known as the select board and shall have the powers and authority of a board of selectmen under any general or special law.

SECTION 2. This act shall take effect upon its passage.

And that the General Court to make clerical and editorial changes of form only to the bills, unless the Board of Selectmen approve amendments to the bills before enactment by the General Court, and the Board of Selectmen shall be authorized to approve amendments which shall be within the scope of the general public objectives of the petitions;

Or take any other action in relation thereto.

ARTICLE 47

To see if the Town will vote to choose the trustees of the Wright and Harlow Charitable Fund or take any other action in relation thereto.

ARTICLE 48

To see if the Town will vote to authorize the Board of Selectmen to enter into an amendment to a certain intermunicipal agreement entered into by the Town and the Town of Westborough, dated September 11, 1979, entitled "Agreement for the Construction and Operation of the Westborough Treatment Plant", to revise Article XII of the agreement as follows (deletions shown with ~~strike through~~ and new text underlined):

Article XII Amendment

These articles may be amended by the Towns by mutual agreement. Action to adopt an amendment shall be ~~in the same manner as action to place these articles in full force and effect.~~ in accordance with the provisions of Chapter 40, Section 4A of the General Laws.

or take any other action in relation thereto.

Given under our hands this 5th day of April, 2022

Beth Casavant_____
Theresa Pyle_____

BOARD OF SELECTMEN

Worcester, ss

Shrewsbury, Massachusetts

This is to certify that I have served the foregoing Warrant by posting an attested copy thereof at the Municipal Office Building on Maple Avenue and upon the official website of the Town, in said Shrewsbury, as therein directed, fourteen days before the time of holding said meeting.

Constable of Shrewsbury

Date

Time



TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5398

Report of the Board of Selectmen On The Matter Of The Laying Out and Making Public Commerce Road

The Shrewsbury Board of Selectmen (the "Board") held a public meeting on March 22, 2022 at which the Board voted its intention to layout Commerce Road as a town way.

At a public meeting held on April 12, 2022, the Board voted to layout Commerce Road as a town way and ordered that the layout plan for such roadway, entitled "Acceptance Plan of Commerce Road Shrewsbury, Massachusetts" and dated January 24, 2020 (the "Plan"), be filed with the office of the Town Clerk.

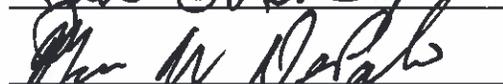
The Board hereby recommends that Commerce Road, as laid out and shown on the Plan be accepted by the Town at the 2022 Annual Town Meeting under warrant Article 45 and that Town Meeting authorize the Board to acquire all interests in real estate necessary to effectuate the acceptance of said way as public way in Shrewsbury.

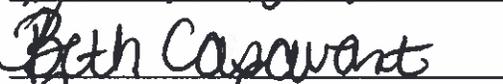
The descriptions of the roadway layout are attached.

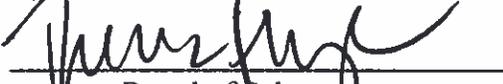
This recommendation and report adopted this 12th day of April, 2022.











Board of Selectmen



TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5398

Report of the Board of Selectmen On The Matter Of The Laying Out and Making Public The Alteration of Lake Street

The Shrewsbury Board of Selectmen (the "Board") held a public meeting on March 22, 2022 at which the Board voted its intention to layout an Alteration of Lake Street as a town way.

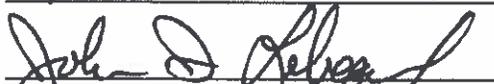
At a public meeting held on April 12, 2022, the Board voted to layout an Alteration of Lake Street as a town way and ordered that the layout plan for such roadway, entitled "*Road Layout Plan of Lake Street Realignment Showing Locations of Proposed Permanents & Discontinuance, Shrewsbury, Massachusetts*" and dated April 11, 2022 (the "Plan"), be filed with the office of the Town Clerk.

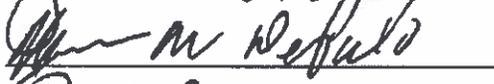
The Board hereby recommends that the Alteration of Lake Street, as laid out and shown on the Plan be accepted by the Town at the 2022 Annual Town Meeting under warrant Article 45 and that Town Meeting authorize the Board to acquire all interests in real estate necessary to effectuate the acceptance of said way as public way in Shrewsbury.

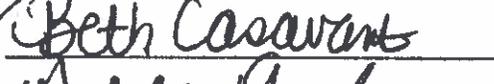
The descriptions of the roadway layout are attached.

This recommendation and report adopted this 12th day of April, 2022.











Board of Selectmen

RESOLUTION WATER USE RESTRICTION

Whereas The Board of Selectmen has determined that a shortage of water exists and conservation measures are necessary to ensure an adequate supply of water to all water consumers, and

Whereas The conditions set forth in the Water Management Act Permit #9P4-2-12-271.01 require seasonal limits on nonessential outdoor water use, and

Whereas The Board of Selectmen is empowered under Article 18 of the General By-Laws of the Town of Shrewsbury to take action to ensure an adequate supply of water to all water consumers, therefore be it resolved:

1. Pursuant to Article 18, Section 4 of the General By-Laws of the Town of Shrewsbury the following water conservation measures are hereby implemented:

Outdoor Watering Hours

Nonessential outdoor watering hours are restricted to before 9:00 AM and after 5:00 PM.

Outdoor Use of Water Restrictions

Based upon the street address number nonessential outdoor water use is allowed:

Even numbered addresses may engage in nonessential outdoor water use on Wednesdays and Saturdays only.

Odd numbered addresses may engage in nonessential outdoor water use on Thursdays and Sundays only.

There is no nonessential outdoor use of water on Monday, Tuesday and Friday

Nonessential outdoor water uses that are subject to mandatory restrictions include:

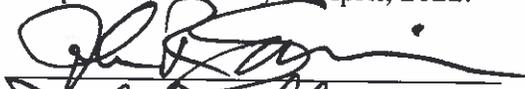
- Irrigation of lawns via sprinklers or automatic irrigation systems;
- Washing of vehicles, except in a commercial car wash or as necessary for operator safety; and
- Washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

The following uses may be allowed when these mandatory restrictions are in place before 9:00 AM and after 5:00 PM:

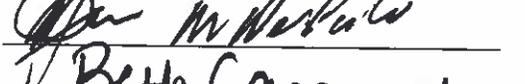
- Irrigation to establish a new lawn and new plantings during the months of May and September;
- Irrigation of public parks and recreational fields by means of automatic sprinklers outside the hours; and
- Irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose.

2. The Board of Selectmen calls upon all water users to conserve water whenever possible and to observe the above listed water restrictions. Further restrictions may be implemented based on streamflow data from the Quinsigamond River in North Grafton, MA.
3. The Board of Selectmen determines that for the period of time that this State of a Water Supply Conservation is in effect that enforcement of the provisions of Article 18 of the General By-Laws of the Town of Shrewsbury shall be pursuant to General Laws Chapter 40, Section 21D which provides for non-criminal disposition.
4. These restrictions are effective May 1, 2022, and will end on September 30, 2022.

Adopted this 12th day of April, 2022.









Board of Selectmen