

**Animal Advisory Committee**

**August 20, 2015**

**4:30 pm**

**Earle Mountain Room**

**Eastham Town Hall**

**Chair Martin Haspel called the meeting pursuant to Incident #15 - 11258 regarding a potentially dangerous dog under the definition section of the Eastham by-law #17-4 to order at 4:30 pm.**

**Attending: Chair Martin Haspel, Vice chair Kerry Ann Reid, Clerk Joanne Baldauf  
Peter Bouyea, Olga Botcharova and James Smith, Thomas and Kathe Shea**

**Prior to hearing from those attending this special meeting of the Animal Advisory Committee, Chair Haspel distributed copies of the Massachusetts State Regulation that address complaints against dogs. He noted that labeling a dog "dangerous" because of breed is not legal and that growling does not constitute dangerous behavior. In addition, he noted that banishing a dangerous dog to different jurisdiction is no longer permissible under these regulations that took effect on October 31, 2012. The adoption of these regulations was supported by a wide coalition of organizations including the Massachusetts Veterinary Medical Association, the Animal Control Officers Association of Massachusetts, the Animal Rescue League, the MSPCA, and the Massachusetts Federation of Dog Clubs and Responsible Dog Owners. Chair Haspel also reviewed the options available to the Board of Selectmen who may declare a dog either a nuisance or dangerous. The Board of Selectmen also may set requirements or recommend euthanasia.**

**Before Mr. Peter Bouyea related his several experiences with Mr. Daversa's dog Mia, Chair Haspel asked for a clarification of a July 23<sup>rd</sup> incident relating an alleged dog bite. There had been no bite and no doctor's report. Said encounter occurred when Mr. Bouyea's wife had been walking one of their four dogs on leash with their granddaughter, Juliana. Mr. Daversa, Sr. was walking the dog on lead and the dog was at a distance from the child. No contact was ever made. Mr. Bouyea went on to detail an incident on August 6<sup>th</sup> when the dog was in his driveway and within 10 feet of his truck. Mr. Bouyea was fearful to exit his vehicle since the dog was off lead, unaccompanied, and was behaving in what he described as a threatening manner. Mr. Bouyea summarized his feelings that there were too many incidents in too short a time and that something needed to be done before things escalated and so that people in the neighborhood could once again feel safe and secure as they went about their daily activities.**

Ms. Olga Botcharova, a new resident to the area, related her experience with Mr. Daversa's dog, Mia, as she was walking her three miniature poodles on retractable leashes. She had no knowledge of or experience with Mia. She was shaken when Mia, alone and not leashed, attempted to charge her poodles whom she had moved behind her, thereby placing herself between Mia and her dogs. Mr. Daversa arrived on the scene and attempted to gain control of his dog who then turned away and returned home, negating any contact with Ms. Botcharova's dogs. Mr. Bouyea related that he had witnessed the incident. Ms. Botcharova expressed her fear of walking in the area around her home and that another "attack" might take place. She also noted her concern for the safety of small children.

Chair Haspel expressed his empathy for her situation. He explained Eastham's leash law and the fact that an off-leash dog must be under reliable voice control of the owner or responsible person. No dog, regardless of temperament, should be allowed off of the owner's property unless these conditions are met.

Mr. Thomas Shea stated that although he did not witness any of the other incidents or have any interactions with Mia, he witnessed the fear that Mr. Bouyea and his wife expressed and felt that no one should feel that way. He stated that his wife barricades the doors at night because of her fear. Mr. Shea revealed that due to cardiac disease, he is being treated with anti-clotting drugs; he is very concerned that he would be at high risk if he were the victim of a dog attack. He is concerned that the elder Mr. Daversa is not capable of controlling the dog. He is concerned about the owner's ability to handle the dog physically and/or financially. Mr. Shea went on to explain that he had spoken with the other involved persons involved and that his focus was on solving the problem rather than escalating it. In an attempt to do so, he had spoken with Mr. Daversa, Sr., but felt that there was no evidence of his wanting to become involved as he avoided continuing the topic. Mr. Shea stated that living in fear in your own home is no way for anyone to live and felt that he could not, for safety reasons, invite his grandchildren to visit. He hoped for some sort of resolution to the distress that all of the parties present felt.

Chair Haspel then turned the discussion to considerations of actions to mitigate this common feeling of helplessness. Discussion followed and the following options were explored:

- containment area accessible from Mr. Daversa, Jr's section of the house for potty, exercise, and play
- requiring the dog to be on leash outside of the house even on own property except when it is in a secure area
- obtaining liability insurance and informing the homeowner's insurance company of the presence of the dog Mia
- requiring that no one unable to physically control the dog be allowed to walk her

**The meeting adjourned at 6:05 pm.**

**Respectfully submitted,**

*Joanne M. Baldauf*  
9-2-15

**Joanne M. Baldauf,  
Clerk**



## **Incident # 15 -11258**

**On August 5, 2015, at approximately 10:00 am, Chair Martin Haspel and Joanne Baldauf made a home visit to 20 Surrey Drive, Eastham, to discuss complaints concerning Mr. John Daversa, Jr.'s dog, Mia.**

**Mia is a 2 ½ year old spayed "pitbull" licensed in Eastham and is current on her rabies vaccine. We were told that she has resided with Mr. Daversa for three months and has no past history of aggression.**

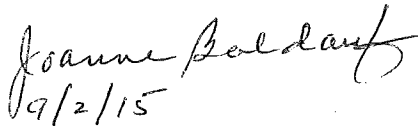
**After speaking with Mr. Daversa and his mother concerning the incidents, Mr. Daversa brought Mia out of the house on a chain leash to meet both of us. Dr. Haspel advised them that, while it is very strong, it is very difficult to control a dog on a chain leash because it cannot easily be grabbed and shortened. Mia had her favorite ball in her mouth and was wagging her tail. She sniffed Martin Haspel and Joanne Baldauf and flopped down on the ground with both rear legs out behind her. Both Mr. Daversa and his mother stated that Mia is not allowed out of the house without being on leash and that Mr. Daversa, Sr. walks her when her owner is at work. They asserted that she is never alone in the house. Soon after, she approached and initiated play with her orange ball. She willingly accepted pats and at no time did she growl or act in a threatening manner. She was affectionate and licked both Dr. Haspel and myself.**

**As it was a very hot, humid morning, we then went in to the house and Mia was taken off leash. Her owner's significant other was also in attendance and his mother returned to her art of the residence. Mia again allowed petting and scratching, ball play, and a second ball was introduced to the scenario. She alternated playing with each ball and was not possessive of either. She readily exchanged balls and retrieved whichever one was rolled or thrown for her. Food and water were available in the room and fresh water was supplied while we were there.**

**Again there was no threatening behavior. There is a partially fenced area accessible from sliding doors to the rear of the yard; consequently, we did not inspect the condition of the fence. Dr. Haspel inquired whether or not the carrier of his father's insurance is aware that they own a "pit-bull"; the answer was he didn't know.**

**Home visit ended about 11:15 am.**

**Respectfully submitted,**

A handwritten signature in cursive script that reads "Joanne Baldauf". Below the signature, the date "8/2/15" is written in a similar cursive style.

**Joanne Baldauf  
Clerk, pro tem**

**Animal Advisory Committee  
Home Visit  
August 5, 2015  
Chair Martin Haspel and Joanne Baldauf attending**