

Animal Advisory Committee Minutes August 31, 2015

The Animal Advisory Committee met on Monday, August 31 2015 at 6:30pm in the Small Meeting Room at Eastham Town Hall.

Attending: Vice chair Kerry Reid, Joanne Baldauf, Chair Martin Haspel participated remotely via Facetime

Vice Chair Reid called the meeting to order at 6:35 pm.

Old Business:

A motion by Joanne Baldauf and seconded by Kerry Reid to approve the minutes of the December 3, 2014 meeting was approved unanimously. (2 - 0)

Incident #15 - 11258

Purpose: finalization of recommendations to the Board of Selectmen re: incident.

PDF of recommendations, Appendices A, B, and C were reviewed, discussed and edited prior to finalization.

A motion by Joanne Baldauf and seconded by Kerry Red to accept the Home Visit report was approved unanimously (2-0).

A motion by Kerry Reid to approve appendix A(attached), B(attached), and C(attached) was approved unanimously. (2-0).

It was agreed that the recommendations sheet be signed by Martin Haspel as chair of the committee. Agreement was also reached on the need for a layer of security for the neighbors, the designation of "nuisance" for the dog, Mia, and the addition of a minimum tensile strength for Mia's leash with its length not to exceed 3 feet. The finalization of this Recommendations packet will be sent to Town Hall for use in the Board of Selectmen's meeting scheduled for September 8, 2015 at 5:00pm in the Earle Mountain Room. AAC members will be present at this meeting

A motion by Kerry Reid and seconded by Joanne Baldauf to

adjourn the meeting at 7:25pm passed unanimously. (2-0).

Administrative matters:

The next meeting will be scheduled for December 2015 unless otherwise required.

Respectfully submitted,

Joanne M. Baldauf

JMB

*app.
12/10/15 -*

**Joanne M. Baldauf
Clerk**

Incident #15-11258: Recommendations of the Animal Advisory Committee

As detailed in the accompanying reports (Appendices A and B), members of the Animal Advisory Committee performed a home inspection on August 15, 2015 and met with the complainants at Town Hall on August 20, 2015. A copy of the relevant Massachusetts regulations is presented as Appendix C.

Mia is a spayed female "pit bull", approximately 2 ½ years old, owned by John Daversa, Jr. residing at 50 Surrey Drive in Eastham. The dog is well cared for and is a beloved member of the family. Mr. Daversa's mother described Mia as her "granddaughter". Our observations, both outside and inside the house, were that of a friendly dog that showed no signs of shyness or aggressiveness. It should be noted that we approached the dog in a confident, friendly manner. We were not walking small dogs, which can release predatory behaviors in otherwise friendly dogs of many "non-aggressive" breeds. Nor, were we dressed in a uniform that can elicit negative reactions by some dogs. Since the yard is only partially fenced, we did not inspect its condition. One of the incidents (Ms. Botcharova's complaint) occurred when Mia ran away from Mr. Daversa, Jr. when they were playing ball in the (unfenced) front yard. When Mr. Daversa Jr. is at work, his father walks the dog. We did not meet Mr. Daversa, Sr. The complainants have asserted that he is too frail to control the dog when it is on lead. The screen doors, which were being used to ventilate the home, would not prevent most dogs from escaping from the house and certainly not a dog as strong as a "pit-bull".

Hyperbolic language has been used to describe the interactions between Mia and the complainants. There was never an "attack"; no contact had ever been made. The dog was at least 6 feet away during any one of interactions. The dog's behavior has been described as menacing. The complainants are extremely fearful for their safety. They are hesitant to walk the streets, both with and without their dogs, and are reluctant to have grandchildren visit them. No one should have to live under these conditions under any circumstances!

It is our opinion that this dog should not be declared dangerous at this time. The dog is clearly a nuisance and the Board of Selectmen should take appropriate action including instituting modifications of some restrictions normally reserved for dogs that are deemed to be dangerous.

No dog is permitted to be off lead in public unless it is under the immediate and effective voice control of its handler. This is both the problem and its solution. Conditions need to be established so that this dog cannot escape from the property and is properly restrained on lead by a capable individual when in the public space. Proper containment is an absolute necessity. Accordingly, we recommend that the following be required:

1. A securely enclosed area should be established in the backyard. This area will be used the dog's elimination and playtime with her owners. At no time should the dog be left in this area unattended.
2. The storm doors should close and latch automatically. All screens should be reinforced with metal lattice or grillwork.
3. The dog should be leashed when walking in public and remain under the control of a capable person. The leash shall have a minimum tensile strength of 300 pounds and not exceed three (3) feet in length. If circumstances should arise that an individual not physically able to fully control the dog must walk the dog, the dog shall be muzzled under those conditions.
4. The carrier of the homeowner's policy should be informed that a "pit-bull" is in residence. Any special riders should be obtained. This is not to be viewed as punitive. If there were an incident in the future, the carrier could cancel the insurance retroactively for non-disclosure of the residency of the dog. This would leave the Daversa family without any liability protection. If there is no mortgage and the Daversa's are "self-insured", the BOS should consider requiring some liability insurance.

The Animal Advisory Committee adopted these recommendations on August 31, 2015

Respectfully submitted for the Committee,

Martin V. Haspel

Martin V Haspel, PhD, Chair
Animal Advisory Committee

Appendix A. Home visit

Incident # 15 -11258

On August/5, 2015, at approximately 10:00 am, Chair Martin Haspel and Joanne Baldauf made a home visit to 50 Surrey Drive, Eastham, to discuss complaints concerning Mr. John Daversa, Jr.'s dog, Mia.

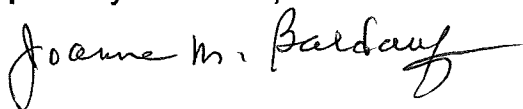
Mia is a 2½ year old spayed "pitbull" licensed in Eastham and is current on her rabies vaccine. We were told that she has resided with Mr. Daversa for three months and has no past history of aggression.

After speaking with Mr. Daversa Jr. 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 part 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 homeowner'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,



Joanne Baldauf
Clerk, pro-tem

Appendix B. Meeting with Complainants

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 and complainants: 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 Regulations 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 a 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 23rd incident relating an alleged dog bite. 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 6th 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 a 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 the 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 and fear. 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,
Clerk

DRAFT