

Blair moved again to ratify the motion taken at the emergency meeting of December 15, 2011. Hunt seconded. By roll call vote of all aye, the motion passed unanimously.

Public Dog Hearing: Yatko, 236 Front St. Apt.1 – O’Keefe opened the Public Hearing at 6:05 p.m. and read the Public Hearing notice sent to Mrs. Yatko. The Animal Control Officer, Sarah Fearing, came before the Board to be sworn in. She updated the Board with what has happened since the emergency meeting stating that Sean Mcgee, the brother-in-law who was going to be responsible for the dog during the quarantine period, notified here after the meeting when he arrived at 256 Front St. the dog was gone. Notice of this Public Hearing was still served at the address and given to Kathy Yatko’s sister. Fearing stated she spoke with Derek Yatko, Kathy’s husband, on Saturday informing him of the hearing. He was upset stating Kathy had stolen the dog a few weeks ago. Fearing testified in court in October Mrs. Yatko denied being the owner of the dog any more. Mr. Yatko was upset and asked the Animal Control Officer if he found the dog, could he keep her. Fearing advised we need to find the dog, a new quarantine should be written where this dog would reside and he should appear tonight. He said he would call her if he found the dog. Fearing said she had not heard from him by Monday and she left messages to remind him of the meeting explaining that he should appear this evening. He is not present tonight, she said. In the meantime, she inquired with the courthouse, MSPCA and Town Counsel about enforcing the order if the dog would appear. She was advised she could seize the dog on public property if seen but would need a warrant to enter private property. She informed the Board that the ten days is up tomorrow and if the dog is seen alive and well, it is not rabid. It was advised if the ACO found out where either Kathy or Derek Yatko were living, that she contact the Animal Control Dept. of that town/city to make them aware of this vicious dog.

O’Keefe asked if any of the complainants were in attendance. There was no response. O’Keefe asked the ACO why she deemed this dog to be vicious and dangerous mentioning her letter to them dated December 16, 2011. Fearing stated the dog has bitten its owner and someone close to the owner. Stress, verbal and physical situations can trigger the dog to be protective. Although the dog has only struck its own owners and a friend, in the wrong hands, it could be a threat to the public. If the owner was talking to someone on the street and it got heated, the dog could snap and cause harm. In the right hands, this dog could be fine; but she was concerned if the dog continues to be in the hands of this particular person, it could be a problem. The dog originally attacked Mr. Yatko back in July 28, 2010. She had issued a quarantine notice at that time due to rough housing with the dog. These other two incidents have also been provoked. Fearing stated Kathy Yatko is not here to make clear her statements and fill in the details that are missing. We believe, because of what she told the driver bringing her to Winchendon was that it was her dog that bit her and we feel there are three bite incidences that have occurred and have been documented. I don’t feel there is an immediate threat to the public, but she felt it’s only a matter of time that something like this could occur to an innocent victim.

Blair said in the absence of any witnesses to the contrary, he feels it is prudent and proper for the Board to accept this as it has been presented. It is not our responsibility to go beyond in an investigation. We have three dog bites. If any of the circumstances are different then presented here, every person involved has had the opportunity to come forward and present it. In the absence of any effort on their part to present a different case, I think we accept this as being accurate as being presented to us at the previous meeting and presented to us again here tonight. The individuals involved have been devious and dishonest. They have not licensed or inoculated their dog and the dog has bitten three people, regardless of what prompted her. Blair said we have no

idea where this dog is and we should be satisfied that if the dog is found in Winchendon, it is seized. There is a separate issue in the way these people have acted to the letters and your calls and our meetings and recommends any action be taken on that front. O'Keefe said typically we would like to hear from the complainant but consider the people who have been bit are owners or related to the owners. It's understandable why they are not here but that doesn't mean the dog isn't vicious still and the public needs to be protected still. Three people were harmed that the dog knew. It is much easier to bite someone you don't know.

Fearing wanted to add that Friday, Kathy had left her a message for her on the shelter voicemail from the hospital. She was upset saying she had no right getting in her business. It wasn't her dog that bit her, the dog was not in her jurisdiction and she didn't need to go further with this. She should have nothing to do with this dog. Blair said Mrs. Yatko affirmed in a legal environment that she doesn't own this dog and he is not moved by anything she says but we have a responsibility beyond that if the dog is in Winchendon.

Barrows stated he viewed it a clear case of a pet owner failing to demonstrate a minimal level of care and responsibility for owning a pet, snubbing their noses at our bylaws and the seriousness of this hearing tonight on the matter and failing to vaccinate the animal and putting the public safety at risk but also the health and wellbeing of the dog. It's been 2 ½ years that the vaccine is due. The safety of the public is of paramount importance and we need to reaffirm our position. He moved if the dog is seen on sight on public property, that the dog will be immediately seized and the Board will reconvene to determine disposition. Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Blair stated the Board would like to give her permission to inform the other towns about this issue. O'Keefe said this is a Public Hearing and public record and you have encouragement to share this. We have police reports that this dog is a potential vicious animal and other communities should be advised. Blair said all of us are dog lovers and this is not a pleasant task of the Board of Selectmen and finds that dogs are not responsible for their own behavior. Their behavior reflects the life that they live and the life they have had. He doesn't blame this dog or pit bulls but it's hard for us to take a dog from someone and it's hard for us to euthanize an animal. It is our responsibility to make sure no one else is bit. There are serious repercussions for us and the dog owners.

Blair moved to close the public hearing; Hunt seconded. By roll call vote of all aye, the motion passed unanimously.

Barrows moved to adjourn; Blair seconded. By roll call vote of all aye, the meeting adjourned at 6:26 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant