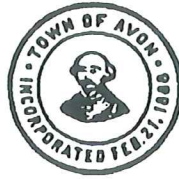


BOARD OF SELECTMEN
Steven P. Rose, Chairman
Eric S. Beckerman, Clerk
Jason L. Suzor, Associate

Gregory S. Enos
TOWN ADMINISTRATOR

Town of Avon Massachusetts



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TOWN OF AVON
2021 FEB -5 A 8:59
TOWN CLERK

BOARD OF SELECTMEN WORKSHOP MEETING JANUARY 28, 2021 at 6:30 p.m.

Members present: Steven P. Rose, Chairman (via teleconference)
Eric S. Beckerman, Clerk (via teleconference)
Jason L. Suzor, Associate (via teleconference)

Others present: Gregory S. Enos, Town Administrator (via teleconference)
Shanna M. Faro, Executive Assistant (via teleconference)
Joseph S. Lalli, Esq., Town Counsel (via teleconference)
Kathleen Waldron, Health Agent (via teleconference)
Laurice Hedges, Animal Control Officer (via teleconference)
Patricia Bessette, Town Clerk (via teleconference)
Frank Staffier, Town Moderator (via teleconference)
Jessica Flynn, Dog Owner (via teleconference)

Chairman Rose announced that pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings as provided for in the Order. Chairman Rose reminded the viewing audience that persons who would like to view this meeting while in progress may do so by joining the Zoom link for the videoconference in session.

Chairman Rose called the meeting to order at 6:00 p.m. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call. In addition, all anticipated speakers acknowledged their presence by responding in the affirmative when Chairman Rose called their names.

Special Town Meeting

Mr. Enos read the six articles on the Warrant for the Special Town Meeting scheduled for February 20, 2021 at 10:00 a.m. Mr. Enos stated that due to the ongoing coronavirus pandemic and pursuant with Governor Baker's Order of March 15, 2020, he suggested limiting the quorum minimum for the Special Town Meeting, as was done for the Annual Town Meeting last June. Mr. Enos stated that the Governor's Order allows for a minimum of 10% of the normal quorum capacity. However, since the normal quorum for a Town Meeting in Avon is 50, he suggested a minimum quorum capacity of 25. Mr. Staffier suggested that the Town Meeting be set up using the same COVID-19 protocols as used last June

including the restriction of the hand-held voting remotes and the elimination of the lottery system. All articles will be taken in the order of the warrant. Mr. Enos stated that he will work with Chief Spurr and Health Agent Kathleen Waldron to ensure that all social distancing protocols are in place as well. Chairman Rose requested a motion from the Board to limit the Special Town Meeting quorum. Mr. Beckerman made a motion to reduce the minimum quorum for the Special Town Meeting from 50 to 25 registered voters. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried. The Town Moderator approved of Special Town Meeting quorum reduction as well.

7:00 p.m. – Hearing Pursuant to M.G.L. c. 140 Sec. 157 Nuisance or Dangerous Dogs

With all parties present, Chairman Rose opened the hearing at 7:07 p.m. Mr. Beckerman, Clerk of the Selectmen, read the hearing notice into the record. Chairman Rose asked for Proof of Service to the respondents to which Mr. Beckerman replied that James Flynn and Jessica Flynn were served notice of the hearing by Avon Police Officer Owen Carrel on January 25, 2021 at 4:24 p.m. Town Clerk Patricia Bessette swore in all parties planning to speak and provide testimony at the hearing, which included the Board of Selectmen, the Animal Control Officer, the Health Agent, and the respondent, Ms. Jessica Flynn.

Chairman Rose requested testimony from the Animal Control Officer. Ms. Hedges read her report of January 25, 2021 in which she requested a hearing for a dog that resides at 35 Oak Street. Ms. Hedges reminded the Board that a previous hearing was held for this dog in which the owners were instructed to build a kennel for the dog and walk the dog to and from the kennel on a leash due to a prior attack on another dog. Ms. Hedges informed the Board that on January 15, 2021, the dog owned by Jessica Flynn at 35 Oak Street, was loose on the street and attacked a dog being walked by its owner. The dog as well as its owner were bitten by Ms. Flynn's dog. Ms. Hedges stated that she was concerned that the dog is dangerous as it has now attacked two dogs as well as its owner. Ms. Hedges stated that the safety measures and instructions put in place in February 2020 are not being followed and suggested that the dog needs to be removed from the home.

Ms. Flynn stated that she was not home at the time of the dog attack, however, she was aware that it had happened. Ms. Flynn stated that although the dog can be aggressive towards other dogs, the dog has never shown hostility towards humans. Ms. Flynn stated that she has two small children at home that the dog is amazingly gentle with. Ms. Flynn stated that it was her belief that her dog did not intend to bite the owner of the other dog. Ms. Flynn pleaded with the Board for leniency and stated that she was willing to get the dog spayed and/or send to behavioral school.

Chairman Rose stated that he reviewed the February 20, 2020 Order of Disposition, as well as the follow-up letter from March 5, 2020 in which the dog owner was to build a kennel, keep the dog always leashed, and obtain homeowner's insurance for the dog. Chairman Rose stated that the February 20, 2020 Order of Disposition was due to a similar attack on another dog. Chairman Rose stated that Ms. Flynn was not in full compliance of the Order of Disposition from 2020 and as a result, a second dog has been attacked. Chairman Rose requested comments from the Board. Mr. Beckerman stated that he agreed that dog seems to be aggressive and the Order of Disposition was not followed in its entirety. Mr. Suzor stated that he is concerned that an aggressive dog could be potentially dangerous to not only other dogs but humans, especially children. Ms. Flynn stated that the puppy as noted in last year's Order of Disposition has been removed from the house. Ms. Flynn stated that last year, they owned three dogs and one was given away. Mr. Lalli called for a Point of Order to note to clarify that the February 20, 2020 Order of Disposition states that the owner voluntarily offered to remove two dogs from the premises.

Chairman Rose requested a statement from the Health Agent. Ms. Waldron stated that in her capacity as Animal Inspector for the town, the dog was quarantined for ten days and showed no signs of rabies.

Chairman Rose reviewed the options with the Board as to a hearing ruling. Chairman Rose stated that the three options were to 1) dismiss the complaint; 2) deem the dog a nuisance dog; or 3) deem the dog a dangerous dog. Chairman Rose requested a motion regarding the same. Mr. Beckerman made a motion to declare the dog residing at 35 Oak Street who has now attacked two dogs be deemed a dangerous dog and be removed from the house. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Mr. Lalli stated that under Massachusetts General Law, Chapter 140B, once the dog is deemed dangerous, it cannot be removed from the Town of Avon and placed in another community. Ms. Hedges stated that the dog needs to be removed and humanely euthanized. Mr. Beckerman made an amended motion to declare the dog residing at 35 Oak Street who has now attacked two dogs be deemed a dangerous dog and be removed from the house and humanely euthanized. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried. The Board expressed their regrets to Ms. Flynn.

Mr. Lalli advised Ms. Flynn that under Section F of the law, she may appeal this decision in Stoughton District Court. Mr. Lalli stated that Ms. Flynn will have ten days to file an appeal from this Ms. Flynn stated that she did not intend to appeal this decision. Ms. Hedges informed Ms. Flynn that should she decide not to appeal, she can sign a Surrender Form and release the dog to the Animal Control Officer to be placed at the shelter prior to it being euthanized. Ms. Flynn requested she take the dog to her veterinarian to be euthanized. Ms. Hedges stated that she will need proof from her veterinarian that the dog was euthanized. The Board consented to Ms. Flynn's request. Mr. Lalli will draft an Order of Disposition with the hearing results to be served to Ms. Flynn.

Adjournment

At 7:42 p.m., Mr. Beckerman made a motion to adjourn the Workshop Meeting and Dog Hearing for the Selectmen. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Suzor voted aye. Mr. Beckerman voted aye. The motion carried.

Respectfully submitted,



Shanna M. Faro

Executive Assistant to the Town Administrator