

Selectmen's Meeting
July 22, 2013
4:00 pm

A meeting of the Board was held on the above date in the Fred B. Morgan Jr. Meeting Room, Town Hall. Members present were: Margaret Serpa, Chairman; and Michael Donaroma. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 pm Chairman Serpa opened the meeting. The first item was to sign the note for the Town's portion of the new library for \$4,910,000 with an interest rate of .4%. The note will be from Unibank and deposited with the Edgartown National Bank and start August 5, 2013. Mr. Donaroma moved to sign. Ms. Serpa seconded. Unanimous. Town Clerk Wanda Williams was present to certify signing of the bond.

The Board then approved the following items:

Travel Vouchers for the Assessor's Office and the Water Department.

Commercial Marine Licenses for: Mad Max Marina, Mad Max Charters, Island Classic Charters, William Erickson, Highly Migratory Guide Service, and Clean Sweep Charters.

The Board set a Public Hearing for McWinery LLC to change it's location for August 5th at 4pm.

Ms. Dolby then gave her update. She stated that Mass Historic has approved the Town to take ownership of the lighthouse. This was a step in the right direction. She has also been working with Comcast on the Chappaquiddick addresses for eligible properties.

Ms. Serpa then reconvened the continued dangerous dog hearing from the previous week. She stated that this hearing would only be for Damon Burke's dog, Ramune, as Amy Wales had already made the decision to put her dog, Tommy, to sleep. Town Counsel Michael Goldsmith was present for the hearing.

Ms. Serpa then swore in the following group of people to testify: Barbara Prada, Jen Morgan, Damon Burke, Joseph Jims, Amy Wales, and Stephanie Burke.

Ms. Serpa stated that she had received the report on the investigation from the Animal Control Officer on the incident of July 6, 2013 and asked Ms. Prada if there was anything she would like to add.

Ms. Prada explained that her assistant Jen Morgan was on duty that day. From what she understood, there was a call from 3 Banker's Way made to the Communications Center with a request for assistance with two dogs having a fight. It was cancelled 3 minutes later. Ms. Morgan responded anyway. She stated that some statements were different from others and that she has difficulty making a recommendation to the Board.

Mr. Damon Burke stated that he only wished to discuss the Edgartown incident and didn't want to bring other incidents into the discussion.

Mr. Donaroma responded that the Board was hearing that his dog may be dangerous. All incidents would be taken into consideration.

Mr. Burke showed pictures from a fight on May 20, 2013 and the July 6, 2013 and submitted them for the record. He stated that Tommy, Ms. Wales dog, was the aggressor. He also submitted a letter from a dog behavior specialist stating that Ramune was not a dangerous dog.

Mr. Joseph Jims recapped his version of the incident in Oak Bluffs in that his Jack Russel lost his leg in a confrontation with Ramune. He stated that Ramune is dangerous against other dogs and that he is traumatized.

Ms. Morgan asked if she could read her statement.

Ms. Serpa replied that it wasn't necessary because it was part of the record already.

Mr. Donaroma stated that they were looking for testimony on whether Ramune was dangerous.

Ms. Morgan stated that she feels Ramune is an aggressive dog and is dangerous to other dogs. She then gave a brief overview of her report which is in the file.

Mr. Donaroma pointed out that the Town of Oak Bluffs has deemed Ramune a dangerous dog and ordered her muzzled whenever outside and a bond. It was appealed in court and upheld.

Mr. Burke pointed out that she is muzzled when outside. She was inside the house at the time of both fights.

Ms. Wales testified that Ramune is good with people and not a danger to them. She believes the true issue was Tommy and he is now gone.

Ms. Burke testified that she has had no problems with Ramune on muzzled walks. Ramune doesn't pay attention to other dogs when muzzled.

Mr. Burke then summarized his written statement which he submitted for the record. He gave a short history of Ramune's life and his version of the incident in Oak Bluffs. He then reviewed his accounting of what transpired on July 6, 2013. He doesn't understand why Ms. Morgan continued to respond after the call was cancelled.

Ms. Serpa asked if there was any further testimony. There being none, she closed the public input portion of the hearing.

Mr. Donaroma stated that he understood this incident was in a private residence. He had taken everything under consideration. They don't know who actually started the fight, no one does. He therefore didn't want to put the dog down.

Ms. Serpa agreed.

Mr. Donaroma moved to find Ramune a dangerous dog under M.G.L 140. and to set the following conditions for Mr. Burke and Ramune: Ramune must be restrained and muzzled outside of the household and confined when at home, Mr. Burke must pay a bond of \$200, take out a liability insurance policy of no less than \$100,000, and notify the Animal Control Officer if he relocates Ramune inside or outside of the Town of Edgartown. Ms. Serpa agreed and seconded. Unanimous.

Atty. Goldsmith stated that he would write up the order to input all the legal wording and have it for the following week's meeting. An appeal could be filed from that date.

At 5:04 Mr. Donaroma moved to adjourn. Ms. Serpa seconded. Unanimous.

Approved:

Margaret E. Serpa, Chairman

Arthur Smadbeck

Michael J. Donaroma
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant