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JAN 30 4:32 PM
MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL: 32
732 MAIN STREET, HARWICH, MA 02645
DANGEROUS DOG HEARING – 5:30 P.M.
THURSDAY, JANUARY 30, 2025

RELEASED

APPROVED

MEMBERS PARTICIPATING: Jeff Handler, Vice Chair, Pete Piekarski, Clerk, Don Howell, Member, Michael MacAskill, Member, Julie Kavanagh, Member

ALSO PARTICIPATING: Attorney Jeffrey Blake, KP Law, Joe Powers, Town Administrator, Chief Kevin Considine, Police Chief, Jennifer Harrington, Animal Control Officer

I. CALL TO ORDER:

Mr. Handler called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE:

III. PUBLIC HEARING

- A. Public Hearing pursuant to G.L. c.140 s 157 to determine if the dogs owned by Jeffrey Wolf located at 11 Betty's Lane, Harwich, MA, 02671, are dangerous or a nuisance;
Votes may be taken

Mr. Howell stated the notice of hearing is in the form of a letter and continued to read the notice into the record.

Mr. Howell moved to open the Public Hearing, 2nd by Mr. Handler and approved 5-0-0.

Attorney Jeffrey Blake introduced himself and stated he needed a motion to take an Administrative Notice of File and proceeded to explain what was part of the file.

Mr. Howell moved to take an Administrative Notice of the File, 2nd by Mr. Piekarski and approved 5-0-0.

Attorney Blake proceeded to go over M.G.L. Chapter 147, section 157 and Chapter 140, Section 136A. He stated that anyone who would like to be a witness must stand to be sworn in. He confirmed four witnesses have been sworn in.

Attorney Blake called upon Harwich Animal Control Officer, Jennifer Harrington, to provide testimony. Officer Harrington stated for the record her name and that she has been the Animal Control Officer in Harwich for 5 years and also provided her professional background prior to joining Harwich. She outlined the training that she has had in order to be an Animal Control Officer. Officer Harrington confirmed that she had requested a dangerous dog hearing in writing to the Select Board because of an incident that occurred on January 12, 2025. Officer Harrington

explained that she was contacted by Police Officers on the scene of the incident. As she was not available to be on scene at the time of the incident, she outlined over the phone the documentation that officers would need to make. Officer Harrington made contact with the victim, Nancy Fallon, and met with her after the incident to take photos. It was confirmed that Ms. Fallon's dog had 2 punctures on its neck. Officer Harrington confirmed that Ms. Fallon was also bitten. Officer Ridenour went to the hospital and took photos of the victim's wounds and Officer Harrington followed up with Ms. Fallon on January 13th, where she took more photos. All photos were provided in the report given by the officers. Officer Harrington spoke with Ms. Fallon about the incident and asked her to explain what happened. Ms. Fallon said that she was walking her 2 dogs down Bettys Lane and when she was passing 11 Bettys Lane, she could see 2 dogs running up from the cranberry bog. One dog was familiar to her, which was Milo, the black dog. The other dog was one that was not familiar to her. The dogs ran up and the white dog, Astrid, the dog she was unfamiliar with, attached her dog, Archie. The black dog, Milo, went passed the 2 dogs, jumped on Nancy, knocked her to the ground, attached to her face and would not let go. Attorney Blake confirmed that the photos provided in the hearing packet reflect the injuries that were sustained in the attack. Ms. Fallon stated that she was on the ground and Milo would not let go of her face and was not releasing. At this time, the dog owner had come up the hill and was attempting to get the dog off her. The dog owner was laying on top of the dog trying to get him to let go and pry his mouth open. When they were finally able to get the dog to release from her face, the dog immediately went back and grabbed on to her arm. The dog released again and proceeded to grab on to her leg. All 3 injuries were documented as deep punctures. With respect to the injury on Ms. Fallon's face, the emergency room doctor informed Officer Harrington said that the puncture was about ¼ to ½ inch away from her jugular and that was very lucky to be alive.

Attorney Blake stated that he had nothing further for Officer Harrington as a witness.

Officer Harrington went on to say that her first interaction with Jeffrey Wolf was back in April 2023 when she was contacted by the Chatham Police Department for an incident that occurred in their town where Milo had attacked an 8 year old child and his mother. The 8-year-old was playing with his sibling and Milo went after the older child. Chatham Animal Control Officer Diane Byers had reached out to Officer Harrington because of quarantine requirements. Officer Harrington noted that she did not have full documentation of what happened in Chatham at the time. When the incident occurred in Harwich, she requested the full report and narrative from Chatham.

Jeffrey Wolf was present. He stated that the Chatham bite victim was present at tonight's meeting and can explain to them what happened. He went on to say that he was in the hospital recovering from surgery when the Chatham attack happened.

The Select Board stated that they had no questions for Mr. Wolf at this time.

Attorney Blake asked Nancy Fallon to come to the table. Ms. Fallon handed photos to Attorney Blake as well as placed an enlarged photo on the tripod.

Ms. Fallon stated her name for the record and that she resides at 14 Wisdom Way, Harwich. She was walking her dogs and sustained a serious injury from Mr. Wolf's dog. She went on to say that she understands that this is a dangerous dog hearing and that she is here to present information that might be of value. Attorney Blake asked Ms. Fallon to go back to January 12th and explain the events to the Select Board in a narrative fashion. Ms. Fallon read her statement into the record. She has lived in Harwich for 8 years at 14 Wisdom Way. Ms. Fallon thanked the Select Board for allowing her the opportunity to speak tonight about the attack on the afternoon of Sunday, January 12, 2025. Ms. Fallon said that she has spend a lot of time over the last 2 weeks trying to make sense of the situation and why she is before the Select Board. What she does understand is that Jeffrey Wolf, the owner of the attacking dogs, had both dogs off leash on the bog behind his property and did not have voice control over the dogs at that time. She believes that Mr. Wolf obtained Astrid 2 weeks prior to this incident and that he had no information about the dogs behavior or inoculation history, but that the dog was off leash. It was Ms. Fallon's understanding that Mr. Wolf rescued Milo on or around 2018 and that he did not properly license or inoculate the dog until 2023, following a dog biting incident in Chatham with a mother and 8-year-old child. Ms. Fallon acknowledged that this is a difficult situation for all involved, but what we are talking about tonight is public safety. Nothing about tonight will change the situation that happened on January 12th. What is now the matter at hand is the public safety of residents of this neighborhood and Harwich moving forward. Ms. Fallon said that the fact that these dogs off leash and without any provocation, attacked her and her dog Archie in a way that can only be described as primal. In trying to make sense of this brutal attach, she has learned that dogs often attack and go for the necks on humans because it is an instinctive target stemming from their wolf ancestors showing dominance in fights. Essentially signifying a threat to subdue their opponents. When Ms. Fallon saw the dogs charging towards Bettys Lane, she shouted to Mr. Wolf to call his dogs back, as she was on the street with her dogs. Ms. Fallon stated that for the record, her and her dogs have been approached by Milo in an intimidating fashion, on Bettys Lane, with Milo being off leash. During these events, Mr. Wolf was generally no where to be seen. Frightened as Milo approached her, she would tell the dog to back up and go home, using a strong voice, at which time Mr. Wolf would appear, perhaps tinkering on his car or van, and would call Milo home. Mr. Fallon felt that it should be noted that Mr. Wolf was not personally monitoring the dog movements during many of these incidents and was totally unaware of what the dog was doing. At the time of the January 12th attack, Astrid attempted to attack Ms. Fallon first, coming at her directly. Ms. Fallon shouted and flailed her arms, and Astrid backed off. Seconds later, she turned to see Milo charging towards her. Ms. Fallon said that she turned her back on him out of fear and he proceeded to knock her to the ground and aggressively bite her on the right side of her face and neck. Ms. Fallon pointed to the enlarged photo that was presented. Ms. Fallon informed the Select Board that she was screaming for help and that while she was on the ground, she took her upper arm and placed it as closely to her neck as she could and then wrapped her elbow and forearm across her face for protection. Milo then began to aggressively maul her upper arm and aggressively bite her ankle. At the time of the initial attack. Mr. Wolf had not yet arrived at the scene. Ms. Fallon described the terror that she felt in the first few minutes as beyond her imagination and that she was truly fighting for her life. All the doctors that Ms. Fallon has seen have said that the injuries that she sustained in her neck, which were in a close proximity to veins and arteries could have been fatal. While she was on the ground fighting her attacker, Mr. Wolf had no control. Ms. Fallon observed Mr. Wolf try and attempt to grab Milo by a choke collar, however either the collar broke or slipped off and the

owner was no longer able to gain control. Moments later, Ms. Fallon observed the dog owner laying full body on Milo on her left flank and the dogs head was in a choke hold with both of Mr. Wolf's hands in the dog's mouth trying to pry it open. It is her understanding that Mr. Wolf sustained injuries to his hands. At that time, Ms. Fallon's neighbor Rob Mador quickly got her to her feet and guided her to his truck for safety. She later learned that it was Mr. Mador who stood behind Milo while he was attacking her, stomping his feet and shouting, which distracted Milo at which time Mr. Wolf was able to grab him and drag him away. Ms. Fallon said that we will never know what provoked these 2 dogs to attack them and it appears that both dogs know no boundaries as have been shown on both attack occasions. What is difficult for Mr. Fallon to think about is the number of times that she has walked by this house with small children and her dogs and shuttered to think if the children had been with her. She feels that the dogs could be described as potential lethal weapons and that it is simply not safe at this time for her to walk up Bettys Lane. Following the attack, Ms. Fallon was transferred to Cape Cod Hospital and was treated and discharged later that night. Since that, she has developed 3 major infections, 2 stemming from the injury on the neck and 1 connected to the bite on the ankle. Ms. Fallon said that she has been treated at Fontaine Urgent Care 6 times since. She was given IV antibiotics at the hospital and prescribed a series of 3 oral antibiotics. She has had a follow up at Mass Eye and Ear in Harwich where she received 3 other sutures. She received 16 sutures during her visit to Cape Cod Hospital. Mr. Fallon has also had to reach out to a therapist to help her work through this traumatic ordeal. The trauma has led to nightmares. She wakes up each morning and sees Milo's menacing face by right ear every morning. At this time, Ms. Fallon thanked the first responders on the scene. The Harwich Police Department and Harwich Fire Department were so caring and helpful. Ms. Fallon also thanked her neighbors Dylan and Rob. Rob Mador was her hero that day. Ms. Fallon implored Mr. Wolf to do the right think and that if he could not come to a decision on his own, that the Select Board prioritize the safety of the residents of Harwich over the wishes of one dog owner.

Attorney Blake stated that Ms. Fallon had provided him with a number of photographs and he had her confirm what each one was a photo of. The photos of her injuries ranged from the initial attack to various clothing items as well as the injuries sustained by her dog, Archie.

Ms. Fallon reported that at the scene, she had another puppy with her who remained unharmed. Her neighbor Dylan was able to get both of her dogs and put them in his car for safety. They brought both dogs, Archie and Fraser to the Dennis Veterinary Clinic to be treated. Archie neck was shaved and treated, and he was sent home with pain medication and antibiotics.

Attorney Blake noted that when he first started this hearing, he read a couple of definitions, and one was about a dangerous dog. He asked if it would be a dangerous dog if the dog was essentially provoked. Attorney Blake asked to confirm that Ms. Fallon did not do anything to provoke the dogs. Ms. Fallon confirmed this to be true and said that she was walking on Bettys Lane between # 11 and # 8. Between the 2, there is a clearing. She was walking on the street with her dogs. When she looked over, she could see the white dog barreling across the bog. There is a small, wooded area and then Mr. Wolf's driveway. She stated that maybe 10' behind Astrid, she saw Milo, but still no sign of Mr. Wolf. Attorney Blake confirmed that Astrid did not bite her. Ms. Fallon confirmed that Astrid came at her, but did not bite her. Ms. Fallon shouted, and Astrid backed off. She added that she is not a behaviorist or a veterinarian, but the fact that

the Astrid was running ahead of the back, spoke to the dog's history. The dog was brought here to Harwich with no understanding of any bite history or inoculations. Ms. Fallon knows that Harwich has a leash law and that you can control the animal with voice commands. In her opinion, Ms. Fallon doesn't think that the owner of the dog had substantial time to observe the dog and make a determination that off leash was ok.

Attorney Blake stated that he had no more questions for Ms. Fallon. Ms. Fallon added that she did not look at her face for 3 days following the incident and that the body has an incredible ability to heal, but that it is the inside that is difficult to heal. She is sorry that she even has to sit at this meeting.

Mr. MacAskill had no questions but said that it is horrible that she and the witnesses had to go through this.

Ms. Kavanagh agreed with Mr. MacAskill and thanked Ms. Fallon for being here today and telling her story. Ms. Fallon responded that she had a wonderful support system with her at the meeting.

Mr. Howell had nothing to add and apologized that Ms. Fallon had to relive the event.

Mr. Piekarski said that he had nothing additional, and that Ms. Fallon didn't need to apologize for any of this.

Mr. Handler asked how Archie and Fraser are doing. Ms. Fallon responded that they are good. They are biological brothers, so they fight like cats and dogs. Both Officer Harrington and Ms. Fallon's groomer had both suggested that she socialize both dogs independently. Ms. Fallon has since done so with both dogs. She is very proud of her dogs. Mr. Handler added that he is sure that Archie and Fraser have helped Ms. Fallon as well.

Mr. Handler asked Ms. Fallon if Mr. Wolf has reached out to her. Ms. Fallon responded that he has not. Mr. Handler said that he assumes that this cost a lot of money to go through with the hospital and medication and not to mention the mental anguish. Mr. Handler asked to confirm that Mr. Wolf has not reached out to Ms. Fallon to find out how he might be able to help pay for some or all these bills. Ms. Fallon confirmed that he has not reached out.

Attorney Blake said that he is not sure that the Select Board needed any other witnesses, but did note a man who had stood up in the room and put his hand in the air. Attorney Blake asked the man if he was going to testify in terms of the victim. Rob Mador sat at the table and said that he lives at 12 Wisdom Way. On January 12th, Mr. Mador was coming home from work and when he turned on to his street, he thought he saw 2 people wrestling in the street and as he got closer, he realized that it was an attack. He jumped out of his truck, said terrible words, ran to where Ms. Fallon was, stomped his feet near the dogs and around that time, he thinks that Mr. Wolf was able to get his hands in Milo's mouth. At that time, Mr. Mador was made aware that one of Ms. Fallon's dogs was being bit in the neck and he ran up on that dog. The dog stared at him like it was going to charge him. Having had a little training, he knew to get Ms. Fallon out of the situation as best he could and got her in his truck. Thankfully, others were there to take her dogs

and get them to care. The ambulance and police were there in a couple of minutes and Mr. Mador seconded Ms. Fallon's comments about the Police and Fire Departments being incredible and have been incredible. He wakes up and sees this situation at night. Keith Kannally, who was on scene, has reached out to Mr. Mador a few times and has come to visit him. Mr. Mador is thankful that he was there for Ms. Fallon because if he had hit the traffic light and had been stopped, there is no question that Ms. Fallon would be dead. He added that Ms. Fallon is a wonderful person and certainly did not deserve any of this. Attorney Blake asked Mr. Mador if he say the dog owner prying open the dogs mouth. Mr. Mador responded that he did. Attorney Blake asked Mr. Mador if the dog owner was bit as well. Mr. Mador responded that he was not focused on that, as everything was happening so fast. Ms. Fallon was screaming and the dog was being bit and howling. He was only concentrating on how to get Ms. Fallon out of this situation quickly. Attorney Blake thanked Mr. Mador for stepping up.

Mr. Howell said that he certainly appreciated the fact that Mr. Mador was there. He added that the problem is that this hearing is about 2 dogs. He wanted to clarify that it was Astrid that was attacking one of Ms. Fallon's dogs at the same time that Milo was attacking her. Mr. Mador responded yes.

Mr. Piekarski asked Mr. Mador to explain in more detail as far as what Astrid was doing to the other dog, more than just attacking. Mr. Mador responded that he thinks the dogs were tethered together, or their leashes were tangled. The dog that was being bit was shaking and howling. As soon as Mr. Mador charged up on it, the dog let go, looked at him, and backed off. Mr. Piekarski said that Mr. Mador should be commended. Mr. Mador responded that he was in the right place at the right time.

Ms. Kavanagh thanked Mr. Mador for being there and having the courage to get involved.

Mr. MacAskill thanked Mr. Mador.

Attorney Blake informed Mr. Wolf that he had an opportunity to ask Mr. Mador any questions. Mr. Wolf responded that he had nothing.

Mr. Handler asked if anyone else in the public would like to add to the complainant's support. No comments were heard.

Attorney Blake stated that this portion of the hearing is closed. Mr. Wolf would now have the opportunity to present a defense for the actions and provide any explanation to the Board with respect to this dangerous dog hearing.

Mr. Wolf stated that he is very sorry that this has happened and that he is horrified for Nancy and everyone else that has been involved. He got the dog originally as an emotional support dog for the disabilities that he has had for 25 years now. He has never seen anything like this happening. Mr. Wolf stated that he has lost complete trust with his dog, and he doesn't know what to do, but he still loves him. He can't believe that he attacked his neighbor so viciously and that he was not able to get there faster and get the dog off Ms. Fallon faster. Mr. Wolf said that he got his other

dog 2 weeks before because Milo has such bad separation anxiety when he leaves and that he didn't want him to suffer, so he thought that he was doing a good thing by rescuing another dog.

Attorney Blake informed Mr. Wolf that the Select Board would get to ask him questions.

Attorney Blake asked Mr. Wolf what he has done since this incident to prevent this from happening again. Mr. Wolf responded that the dogs have been on leash when he opens the door. He takes them outside, they go to the bathroom, and he brings them right back in. Attorney Blake asked if they are confined to the house. Mr. Wolf responded that they are. Attorney Blake asked how big the dogs are. Mr. Wolf responded that they are both 58-60 pounds. Attorney Blake asked if they are getting exercise. Mr. Wolf responded that he walks them in the cranberry bog behind his house and that he does not bring them on the street anymore. They are always on a leash, tethered to him. Attorney Blake asked Mr. Wolf to outline what happened with the bite incident in Chatham. Mr. Wolf responded that he was in recovery in a hospital and that his friend had taken the dog from him. Apparently her 2 children were fighting, and the older child was the aggressor. Milo went in and protected the younger child by going after the older one, and then the mother came in. She was bitten because Milo thought that she was going to be aggressive to the younger child. Attorney Blake asked to confirm that Milo bit 2 people. Mr. Wolf confirmed this statement.

Ms. Kavanagh asked Mr. Blake if the dogs are muzzled when he takes them on the cranberry bog. Mr. Wolf responded that they are. Ms. Kavanagh asked if both dogs are muzzled when they are leaving the house. Mr. Wolf responded that they are.

Mr. Howell noted that Mr. Wolf made some attempt to intervene and that the dog did not respond to it, so the dog really was not under his control. Mr. Wolf responded that he was horrified by that and he has never done anything like that. If he had observed that before, he would have never allowed him off leash.

Mr. Piekarski asked Mr. Wolf what he thinks should happen to these dogs. Mr. Wolf responded that he doesn't know, but that he doesn't think he can have them any longer. He would like to see them not killed, but he doesn't know. Like he said earlier, the trust is broken, but he still loves them but is scared. Mr. Piekarski asked Mr. Wolf if he is scared of what they can do. Mr. Wolf responded that he is scared of what they can do and what they already did.

Attorney Blake asked Mr. Wolf if he would be willing to surrender the 2 dogs to the Animal Control Officer in town, and if they go to some kind of behavioral therapy, and if it is determined that they cannot be rehomed, that they be euthanized, is that something that he would do. Mr. Wolf responded yes. Officer Harrington said that state law does not allow the dogs to be transferred. Attorney Blake said that state law does not allow them to be banished, but that they can be voluntarily surrendered. Officer Harrington responded that they would be euthanized. We would not take them to a behaviorist. If the owner wants to take them at his own cost, he can do so. Attorney Blake asked if they could be taken to a shelter. Officer Harrington responded that a shelter would euthanize them. The shelters on Cape Cod will not evaluate a dog that has a bite history.

Mr. MacAskill asked Mr. Wolf if Astrid had any bite history prior to when he got him. Mr. Wolf responded no. Mr. MacAskill asked Officer Harrington if since the attack, was she able to obtain any history on the dog. Officer Harrington responded that the only history they were able to obtain was a vaccine history that expired in 2022.

Mr. Handler had no comments.

Attorney Blake asked Mr. Wolf if he had anyone at the hearing to testify on his behalf. Mr. Wolf responded that he did not but commented that Astrid is microchipped. He doesn't know if a bite history is on a microchip or not. Officer Harrington nodded that they do not.

Mr. Howell moved to close the public hearing and enter into Select Board deliberations including Officer Harrington, 2nd by Ms. Kavanagh and approved 5-0-0.

Officer Harrington read the following recommendation into the record:

"If in the opinion of the Select Board, either of the two dogs owned by Jeffrey Wolf of 11 Betty's Lane, Harwich, Massachusetts, known as "Milo", a 6-year-old, neutered male, black/brown, Pitbull type mixed-breed dog and "Astrid", an 8-year-old, spayed female, white and black, Pitbull type mixed-breed dog, be deemed a Dangerous Dog per G.L. c.140, s.157, My professional opinion is that these dogs both be deemed dangerous due to the significant and unprovoked injuries causing significant bodily harm to a human and another dog in the incident on January 12, 2025.

I recommend the following order be made for each such dog:

The 6-year-old, black/brown, neutered male, Pitbull mix type dog named "Milo"

- (vii) that the dog be humanely euthanized.

The 8-year-old, white and black, spayed female, Pitbull mix type dog named "Astrid"

ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled with a basket style muzzle and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

Further, in accordance with Town of Harwich Animal Control By-Laws Ch. 26-2 and 3, Jeffrey Wolf must keep the rabies vaccinations current for each dog and ensure that the dogs are licensed annually in the Town where they are kept.

I ask the Select Board to give a reasonable time frame for the owner/keeper to comply with its Order for the dog Astrid before a compliance inspection by the Animal Control Officer, Jennifer Harrington, is scheduled.

I ask the Select Board to give the owner Jeffrey Wolf no longer than 10 days to bring the dog Milo to a veterinary office or animal shelter to have the dog humanely euthanized.

It is in my professional opinion that Jeffrey Wolf lacks responsibility in dog ownership, given the history of reported dog bite incidents causing significant bodily harm to now 3 humans to date involving his dog "Milo" and this most recent incident involving his new dog "Astrid" with injuries to another dog.

It is my recommendation to Mr. Wolf that he seeks a professional dog trainer to work with the dogs, if they remain in his care to avoid any further incidents."

No motion was made on Officer Harrington's recommendation.

Mr. MacAskill said that though he sympathized with Mr. Wolf's feelings for his dogs, he is in awe and implores Mr. Wolf to do the right thing. He is in awe that we are here and that the dog has not been surrendered yet. Possibly not the 2nd dog because a dangerous clause was not recommended. Officer Harrington said that the dog should be deemed dangerous in her opinion but not euthanized. Mr. MacAskill acknowledged that Mr. Wolf seems ready, willing and able to surrender the dogs and recognizes that he cannot control them. Mr. MacAskill asked Officer Harrington that given that the new dog did not bite a human, if given the opportunity, could the dog be surrendered to a shelter for behavioral work, or if the Select Board leaves tonight and the dog is deemed dangerous, it would be euthanized as well. Officer Harrington responded that if the dog is deemed dangerous in Massachusetts, it cannot be placed up for adoption. Mr. MacAskill had no doubt that Milo is dangerous and would not leave here tonight without an

order for the dog to be euthanized. Regarding the 2nd dog, Mr. MacAskill asked for Officer Harrington's opinion, if Mr. Wolf surrenders the dog, and 10 days is too long in his opinion, does she think that the dog could be rehabilitated or put up for adoption. Officer Harrington responded that from the injuries that Archie sustained, the punctures were not as deep as they could have been. With the size difference of the dogs, Astrid could have killed both of Ms. Fallon's dogs. She does think that in the right hands, Astrid could be rehabilitated but added that she does not know the dog personally and isn't sure if there is any previous history. Just looking at this incident, she does think that the dog could be rehabilitated in the right hands. Mr. MacAskill responded that he struggles with this because he had 2 full size shepherds and one of them had to be put down due to age. He does not feel that there are bad dogs, but bad dog owners, and that somewhere along the lines, these dogs went bad. Mr. Wolf had said under his own admission that he cannot control these dogs. For the Select Board, Mr. MacAskill's consideration on Milo is that there should be no question on euthanization and he thinks that 10 days is too long. He would like to see the time shortened to give Mr. Wolf a chance to say bye. Regarding Astrid, Mr. MacAskill does sympathize as well. He would hate to put the dog down if the dog was in the hands of someone who could properly control it. It is the responsibility of the owner. Astrid would have to be deemed a nuisance, in order to give that dog away, and not dangerous. Officer Harrington responded that is correct, but that if the dog goes to a local shelter, they will not place the dog up for adoption, that it would be euthanized with its bite history. Mr. MacAskill said that the Select Board's decision today is to put strict rules on the dog and allow it to stay under Mr. Wolf's control in a muzzle, in a cage, on a leash, without exercise, or it would be euthanized as well. Officer Harrington responded that all of those things would be in play but that the dog would absolutely be able to get exercise. With a muzzle and leash, the dog could go for long walks. If Mr. Wolf is not able, he could have a dog walker come in. There are a lot of options for exercise where it is done safely. Mr. MacAskill responded that he has no confidence that Mr. Wolf could do that and feels that he would be putting the dog in jail if allowed to stay with Mr. Wolf.

Ms. Kavanagh asked if Mr. Wolf would be able to afford the cost to construct the pen, behavioral training and the insurance policy per the terms outlined by Officer Harrington. Mr. Wolf responded that it would be very difficult, noting that the house insurance would be the biggest problem. He needs to replace the roof on his house in order to get the insurance.

Mr. Howell asked even if Mr. Wolf wanted to privately let someone adopt Astrid, that the dog would be considered a nuisance across the entire Commonwealth. Officer Harrington responded that was correct. If he had someone take the dog, the Animal Control Officer would have to contact the town where the dog is going and let them know that they have a nuisance dog in their town. The nuisance dog status would follow them across the Commonwealth. Mr. Howell responded that sounds like kicking the can down the road and wouldn't solve the problem. Officer Harrington responded that the Select Board would have to make a decision as to whether or not Astrid is a nuisance and all of the conditions would follow the dog. Mr. Howell asked Officer Harrington in her experience, especially with breeds that display this certain behavior, would it even be possible to obtain the insurance requirements. Officer Harrington responded most likely not.

Mr. Piekarski had no questions.

Mr. Handler thanked Officer Harrington for being at the hearing and for all of the work that she has done with this. He commented that there are a lot of variables with Astrid and that the Select Board have a responsibility to the public when it comes to public safety, when the owner of the dog is not responsible. Mr. Handler asked the Select Board for a motion regarding Milo, and then have more discussion on Astrid.

Ms. Kavanagh moved that the Select Board adhere to G.L. c.140, s.157, item 7, to humanely euthanize the dog Milo within 48 hours and that owner Jeffrey Wolf is responsible to execute the order, 2nd by Mr. MacAskill and approved 5-0-0.

Mr. Handlers feeling on Astrid is that there are a lot of variables and does not think keeping Astrid with Mr. Wolf is a good match. That being said, he is also incredibly nervous to allow Mr. Wolf to end up figuring out what will happen with Astrid. He is not comfortable with the options of nuisance or dangerous. He does not think that he can care for the dog if the dog were deemed dangerous and he is not comfortable with a nuisance label on the dog either. Mr. Howell and Ms. Kavanagh agreed.

Ms. Kavanagh asked if the Select Board gave 48 hours to re-home him after being deemed a nuisance, if not, then he would have to be surrendered. Officer Harrington said that she would be willing to reach out to the Animal Rescue League and MSPCA to see if they would be willing to take Astrid and work on the dog because it was not a bite on a human. She asked if the Select Board could hold off on a decision and allow her 48 hours to reach out to them, if the owner is willing to go that option. Mr. Wolf responded that he heard the option and that he understood it.

Mr. Howell wanted to double back in terms of execution of the first order, and the dog owner being responsible for it. He asked Mr. Wolf if he is in a position to pay for the euthanization or would something else need to be considered. Mr. Wolf responded that he has no idea of the cost, but that he can probably afford it.

Mr. MacAskill asked Attorney Blake would it even be an option to give 48 hours for him to surrender the dog to the Animal Control Officer and hold an obedience on any decisions that are made. Attorney Blake confirmed that surrendering the dog to the Animal Control Officer is an option as well is holding an obedience. Officer Harrington stated that there are no kennels in town to place the dog. Attorney Blake added that there are cost issues there too. Officer Harrington noted that the Harwich Police facility does not hold dogs for this purpose, that it would be the Animal Rescue League. The dog would have to be held in some kind of boarding facility. Mr. MacAskill asked if the owner could give up/surrender the dog directly to the Animal Rescue League. Officer Harrington responded that it would be an option, but that she would need to have a conversation with the Animal Rescue League and that Mr. Wolf would need to be okay with the decision that they make. Mr. MacAskill said that if Mr. Wolf were to sit before the Select Board and say that he would surrender the dog to the Animal Rescue League, that the Select Board wouldn't be giving him an order. If that did not happen within 48 hours, the Select Board would be back here holding an emergency meeting in a week to make an order. Officer Harrington said that she would not have a problem with Mr. Wolf surrendering the dog to her, and she could bring it to the Animal Rescue League, if that is easier. Mr. MacAskill asked the

Chair to ask Mr. Wolf if that would be an option. Officer Harrington responded that the surrender would have to wait until Monday, as the Animal Rescue League doesn't take surrenders over the weekend. All Select Board members, except for Mr. Piekarski were agreeable to this. Mr. Handler asked Officer Harrington if tomorrow would be an option for her to pick up the dog. Officer Harrington responded that she could make that work. Mr. Handler reiterated that what is on the table at this point is a voluntary surrender from Mr. Wolf of the dog Astrid and that Officer Harrington would pick up Astrid and bring him to the Animal Rescue League. Mr. Wolf asked if Monday would be an option so that he would have time to say goodbye. Mr. MacAskill responded that if the dog is not muzzled, there is no deal. The dog needs to be kept on a leash to keep the neighbors safe.

Mr. Wolf confirmed that he would be willing to voluntarily surrender Astrid to the Animal Control Officer on Monday. Attorney Blake asked what time on Monday. Officer Harrington said 11:00 a.m. as the shelter opens at 12:00.

Mr. Howell moved that the hearing for Astrid be continued until next Thursday at 5:00 p.m., 2nd by Mr. MacAskill and approved 4-1-0 (Howell).

Ms. Kavanagh asked to go back to the original motion regarding euthanization and 48-hour timeline, asking Officer Harrington if that would be possible. Officer Harrington responded that it would depend on the animal hospital and when they could get the dog in. Most hospitals will get them in quickly for euthanization. The Animal Rescue League can also euthanize, adding that it can be expensive through a vet. Her recommendation would be to use the Animal Rescue League, if finances are tight.

Attorney Blake stated that this order will be drafted and served to Mr. Wolf. There is an appeal period of 10 days. In this case, as it is a significant issue, and the orders are for 48 hours, he would prefer to ease to say Monday or Tuesday, close of business.

Mr. Howell moved to reconsider the first motion for Milo, 2nd by Mr. MacAskill and approved 5-0-0.

Officer Harrington said that both shelters are closed on Monday. She has access to the shelter because she is the Animal Control Officer, but asked that the motion be made for Tuesday, February 4th.

Ms. Kavanagh moved that the Select Board adhere to G.L. c.140, s.157, item 7 to humanely euthanize Milo (dangerous dog) by Tuesday, February 4, 2025, by 5:00 p.m., 2nd by Mr. MacAskill and approved 5-0-0.

Mr. Piekarski feels that the Board is being quite lenient.

Mr. Howell moved to adjourn the meeting of the Select Board, 2nd by Mr. MacAskill and approved 5-0-0.

Respectfully submitted,
Jennifer Clarke