



City of Amesbury
Office of the City Clerk
62 Friend St.
Amesbury, MA 01913

City Council Meeting Minutes- Dangerous Dog Hearing
April 24, 2024
7:00 PM

President Scott Mandeville called the meeting to order at 7:04 PM.

Roll call was taken, and present were Councilor Michael Hogg, Councilor Nicholas Wheeler, Councilor Owen Corcoran, Councilor Claudel Frederique, Councilor Pamela Gilday, and President Scott Mandeville.

Absent were Councilor Jessica Redfern, Councilor Anthony Rinaldi, and Councilor Steven Stanganelli.

Also present: City Clerk Jennifer Smith, Minute Recorder Jasmine Looney and Attorney Matthew Skydel of KP Law.

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**Councilor Wheeler offered a motion to take 2024-060 out of order. Councilor Hogg seconded, and the motion passed unanimously, 6-0.**

**2024-060** – 47 Macy Street

- Councilor Gilday read a letter dated April 14, 2024 from Steven Maher, Animal Control Officer, recommending that the complaint be dismissed.

President Mandeville opened the public hearing at 7:14 PM.

- City Clerk Jennifer Smith swore in ACO Steven Maher.
- City Clerk Jennifer Smith swore in Zachary Kozdra and Stephanie Symmes.
- Officer Maher spoke to his knowledge of the case and recommended dismissal as well as putting the owners on notice that the dog is on the city's radar.
- Zachary Kozdra, provided testimony about the incident, stating that he was walking down the street and felt a dog bite his leg, breaking the skin. Mr. Kozdra stated that he does not want the dog put down, but that he felt like the owner was not in control and that he does not want this to happen to anyone else.
- Advocate Stephanie Symmes, Mr. Kozdra's mother, stated that Mr. Kozdra has a traumatic brain injury. Ms. Symmes shared that the dog came off of private property onto public property.
- Ms. Symmes echoed Mr. Kozdra's lack of desire for the dog to be put down but stated that a fence could help and that the dog has bitten a delivery driver before.
- Councilor Corcoran asked ACO Maher if anyone has talked to the owner. ACO Maher replied that he has and has interacted with the dog, who he found to be very protective inside the house.
- ACO Maher stated that Bruce Hamilton, owner of the dog "Scrappie," is not at the hearing but that he did know that the hearing was scheduled for this date.
- Councilor Wheeler asked for clarification if Scrappie is the same dog who bit a delivery driver. ACO Maher confirmed that it was Scrappie.

- Asked how old the dog is. ACO said the dog is about 8 years old, is not registered this year but is up to date on vaccinations.
- Councilor Gilday asked if the dog is deemed a nuisance dog if they are allowed to require a leash. Atty Matthew Skydel of KP Law answered that they may require this.
- Councilor Hogg asked if the dog was leashed when the incident occurred. ACO replied that it was not and that it ran out the front door. Mr. Kozdra stated that he saw the owner holding a leash in his hand, but he does not know if it was connected to the dog.

**Councilor Gilday offered a motion to declare the dog a nuisance dog, and that the order to place on the dog comes from Ill of Mass General Law Chapter 140, Section 157 “that when removed from the premises of the owner or keeper, the dog shall be securely and humanely restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.” Councilor Wheeler seconded.**

- Councilor Wheeler asked if premises means the house or the property in question. Atty Skydel stated that it refers to the actual property.
- Councilor Wheeler clarified that if dog was in its own yard it would not need a leash.
- Councilor Gilday suggested making a motion to include that the dog be deemed a nuisance dog and that the dog is restrained or confined such that it may not leave the property and that when the dog is taken off the property that it be restrained with a leash or tethering device having minimum tensile strength of 300 pounds and not exceeding 3 feet in length.
- Atty Skydel stated that the issue is with the property and how the owner would interpret it.
- Councilors discussed what language should be used to prevent the dog from leaving the property.

**Councilor Wheeler offered a motion to amend to read that the dog be deemed a nuisance dog and that when removed from the home/dwelling of the owner or the home/dwelling of the person keeping the dog, the dog shall be securely and humanely restrained with a tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. Councilor Gilday seconded, and the amendment passed unanimously, 6-0.**

- Councilor Hogg reminded the Council that the dog came charging out of the house, so the idea of requiring a tethering device in the yard would not address that issue.

**After a roll call vote, the motion passed 4-1-1, Councilor Hogg opposed and Councilor Corcoran abstained.**

President Mandeville closed the public hearing at 8:12 PM.

President Mandeville called for a brief recess at 8:12 PM.

The meeting resumed at 8:19 PM.

#### **2024-059** –58 Congress Street

- Councilor Gilday read a letter dated April 14, 2024 from ACO Steven Maher, recommending that the dog, Rebel, be deemed dangerous.

President Mandeville opened the public hearing at 8:22 PM.

- ACO Maher stated that he recommends deeming the dog as dangerous due to two bite reports within the past six months, both requiring hospitalizations for the animals involved. ACO Maher also noted that since the last complaint in March he has received multiple complaints from neighbors.
- City Clerk Jennifer Smith swore in the crowd.

- President Mandeville noted that he has a report that lists Olivia Castay as the dog owner. ACO Maher stated that in October that is how the owner was listed, but in March the owner was listed as Kristine Castay.
- Kristine Castay stated that in the October incident the dog was confined in the yard on three sides, and that Rebel is triggered by the neighbor dogs. Ms. Castay further noted that both dogs involved went equally through the fence to bite and that there is a gap in a fence on a different neighbor's property where this occurred. Ms. Castay stated that in the second incident in March her daughter Olivia was bringing the unleashed dogs inside and Rebel went into the neighbors yard and scared that dog without biting it or breaking skin. Ms. Castay stated that since then Rebel has been walked on a leash, the neighbors put up a six foot fence, and the owners installed an electric fence.
- Ellen and Arthur Amirault, owners of the dog Snowball, shared an incident in which Rebel knocked Ms. Amirault down on a knee that she had surgery on.
- Richard Willging, related to the family that owns Rebel, stated that he has no knowledge of the dog having bitten a human, but that he does not know if the dog is dangerous around other dogs.
- Geri Willging, wife of Richard Willging, stated she finds no aggression or violence in the dog.
- Timothy Dwyer, partner of Olivia Castay, stated that the dog is disciplined and that the Castays have put in a fence and always have him on a leash.
- Joseph Covino, 58 Congress St, partner to Kristine Castay, described the situation in October as the two dogs engaging in a mouth battle, not a one-sided situation.
- Diane Kidd, 5 Storrow Court, stated that her yard abuts 58 Congress Street and that her dog was bitten three times and she herself was bit in the hand one time, but that she did not report each incident. Ms. Kidd stated that the incident in October was with her dog and that Rebel pulled her dog through the fence by his cheeks.
- Holly Cole, 1 Amesbury St., stated that her property abuts 58 Congress Street. Ms. Cole noted that her children are terrified to play in the yard and that their dog is penned because Rebel is not always on a lead or restrained.
- Olivia Castay, 58 Congress St., stated that her household was not aware of Rebel getting on the Ms. Cole's property after the fence was up and apologized that the actions they have taken have been reactionary.
- Councilors asked for clarification on the current fencing situation.
- ACO Maher read the most recent report from April 21, 2024, which stated that the dog was walking around off leash on its property. ACO Maher noted that it had been more than 14 days since past incident so restrictions that had been placed were expired, according to Amesbury bylaws.
- Councilor Hogg asked if in the 2023 incident both dogs sustained injuries. ACO Maher replied that both had.

- Councilors engaged in further discussion on appropriate fencing.
- ACO Maher clarified that an electric fence is not recommended.
- President Mandeville clarified that Rebel has been neutered.
- Councilor Frederique asked if Rebel is the aggressor every time. Ms. Kidd stated that Rebel is the aggressor every time. Kristine Castay stated that it is equal aggression and it is hard to say who starts it.
- Councilor Corcoran asked if the requirements are binding on the property owner since the dog owners are renting the property. Atty Skydel stated that the Council would be limited to what is in statute if dog is declared dangerous, and fencing is not in there.

**Councilor Wheeler offered a motion to find the dog Rebel as a dangerous dog and further moved to incorporate the restrictions pursuant to Massachusetts General Law Chapter 140, Section 157(c) i, ii, iii, and v. Councilor Hogg seconded.**

- President Mandeville shared his concerns with the fence as the Council is unable to require one if a dog is declared dangerous.
- Councilor Frederique stated that a fence would solve the problem.

**Councilor Frederique offered a motion to amend to make the dog a nuisance dog, incorporate Massachusetts General Law Chapter 140, Section 157(c) ) i, ii, iii, and v, and require a physical fence to enclose the fourth side of the yard. Councilor Gilday seconded, and the motion passed 5-1, Councilor Wheeler opposed.**

President Mandeville called for a brief recess at 9:58 PM.

The meeting resumed at 10:07 PM.

**Councilor Gilday offered a motion to reconsider the amendment. Councilor Corcoran seconded.**

- Councilor Wheeler noted that legal counsel advised that the amendment was not the way to proceed.

**The motion passed 4-0-2, Councilors Hogg and Frederique abstained.**

**After a roll call vote, the main motion passed 3-1-2, Councilor Hogg opposed and Councilors Corcoran and Frederique abstained.**

President Mandeville closed the public hearing at 10:12 PM.

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Adjourn

Councilor Wheeler offered a motion to adjourn at 10:12 PM. Councilor Gilday seconded, and the motion passed unanimously, 6-0.

Respectfully submitted,

Jasmine Looney