

City Council Minutes  
July 12, 2016  
City Hall Auditorium  
7:00 pm

1. **Call to Order at 7:03 pm.**
2. **Pledge of Allegiance** was led by Councilor Stanganelli.
3. **Roll Call:** Councilor Stanganelli, Councilor Bartley, Councilor Einson, Councilor Lavoie, Councilor McClure, Councilor McMilleon, Councilor Sherwood, Councilor Sickorez and Councilor Scorzoni.
4. **Minutes:** Councilor Sherwood moved to approve the minutes of July 12, 2016. Councilor McMilleon seconded and it was voted Unanimous.
5. **Correspondence**
  - a. President/Vice President Communications
  - b. Communication from Elected Officials, Boards and Commissions

**2016-058** Warrant for September 8, 2016 State Primary Election.

City Clerk, Bonnijo Kitchin explained that this warrant is for the September 8, 2016 State Primary and that this election is to be held on a Thursday from 7am to 8pm while school is in session so it will be held in the High School Gym instead of the Cafeteria and that everyone should be sure to park in the back near the handicap entrance which leads to the gym.

Councilor Sherwood read the warrant.

Councilor Lavoie moved to adopt the warrant as presented in 2016-058. Councilor Stanganelli seconded and it was voted Unanimous.

- c. Council Communications, Announcements and Committee Reports
  - Recognition and Appreciation of Amesbury Days Volunteer Committee  
Councilor Scorzoni stated that they had intended to have Michelle DiMascio present to recognize the Amesbury Days Volunteer Committee however she is feeling under the weather so he hopes to have her back at our next meeting.
  - Update from Lake Gardner Association – Bruce McBrien  
Bruce McBrien stated that he wanted to share his concerns with the beach and the lake and he shared some pictures with the Council. He stated that it is a great place for recreation year round but it has an issue. When the beach was regularly maintained there was a nice sandy area for recreation but currently there is a large incursion of weeds and invasive plants which are often home to ground wasps and the like that cause problems for bathers. It is a concern that the beach is not maintained at this time, partly to budget and partly to Conservation requirements. The town used to grade and rake the beach regularly and replenish the sand but the beach has a significant drainage problem. The situation is that we cannot address the sand quality issue until

we address the drainage issue. DPW has been great and have done what they can within their budget and manpower restraints. They did put a swale in on the other side of the walking path to try to catch the runoff coming off the hill but the water is coming up through the sand. There is a grant to put a drainage element in there. As the Association, they hope to take this opportunity to repair the beach and look at the bigger lens. Let's look at all the issues going on at this beach which was created or upgraded in the 90's and has not had a lot of attention to it since. He is concerned that if they don't do something soon the situation will worsen to the point of losing more sand and it will be less attractive and less appealing and will be more costly to restore in the long run. He is looking to the City Council to arrange a workshop to gather all parties involved to discuss this and what the options are. What he brings to the Council is a three pronged situation; the beach erosion, the weed situation in the Lake itself and to globally look at the management of the Lake.

Bruce Georgian, Chair of Lakes and Waterways stated that the water quality is very clean and is swimmable. His biggest concern is the weeds that have grown aggressively over the last 10/20 years. In the past there were regular drawdowns which does kill the weeds. He feels that if they can drawdown the lake at the beginning of the winter and freeze all of the weeds and then flood it at the end of the winter which would pull up most of the weeds and wash them away. That would be a good solution. There are lots of regulatory issues around dealing with that but it is the best solution. The weeds come from a lot of fertilizer in the water. A lot is runoff from the storm drains. Education is part of it. There is also concern with Battis and Woodsom Farms which put down thousands of pounds of fertilizer. He has done some weed studies and has provided the Council with two maps depicting the areas that they have done weed studies. (A copy is attached) There are three types of weeds; submerged, like Milfoil under the water, there is floating weeds on top like Pond Lilies, and then there are emergent ones that stand up like Phragmites. The maps show the increase in weeds over six or seven years. There are places that the weeds are closing off the river in some places. There are places that studies have not been done and have not been marked on the maps. There are also places that the weeds have changed. We need the drawdown and a plan to control the weeds. We have a situation with the possibility of endangered mussels in there. There is a study that needs to be done and DPW is trying to find funding. If we have them we will apply for state grants to save the endangered mussels and if they are not endangered we can do what we want.

Councilor Sherwood stated that Mr. McBrien mentioned a grant and asked if it was for the study or for the work.

Mr. McBrien stated that it is a grant that the DPW has and he does not have the details on how Rob obtained it but it is specifically for inserting a new kind of drainage in there. He hopes to have the workshop look at that and perhaps encompass that into a larger plan.

Councilor Scorzoni stated that he had correspondence from Rob that the city is responsible for installation of a runoff interceptor at the beach as part of a grant they received and that the work is to be finished by June 30 of next year. There is a lot of

moving pieces and it was not intended to talk about all of them tonight. He stated that there is a lot of usage at the beach and the Lake Gardner Improvement Association has a plan working with a consultant who is thinking about a retaining wall and tying the drainage into what you are doing. We talked about security and parking and life guards to make sure we take that asset to the next level. There are some positive conversations happening with the Administration. He feels a number of them are interested in taking this to the next level as we feel it is important.

Councilor Lavoie stated that the Lake is in his district and he has been to the last two Association meetings. Last Saturday the consultant was out there and he found it eye opening. He stated that as a city over the last few years they have devoted a lot of resources to very deserving natural resource and public areas in the city and he will be sure to advocate that it is time for Lake Gardner's turn.

Mr. Georgian stated that on Thursday evening there will be a physical tour with Peter Manor of all of the waterways, structures, dams and drainage just to see what is going on. Peter explains how it is working and what needs to be repaired or improved and what constraints we have. That will be Thursday at 6pm at Alliance Park for anyone who is interested.

Councilor Scorzoni stated that he will defer to Councilor Lavoie and Bill Scott and Bruce McBrien as to when they can kick off the workshop.

## **6. Appointments –**

**2016-062** Appointment of Anthony Rinaldi to the Energy Committee – Mayor Sponsor Mr. Rinaldi was not present.

Councilor Sherwood stated that he is in Electrical Engineering and submits that he would be a good appointment to the Energy Commission.

**Councilor Stanganelli moved to approved as submitted. Councilor McClure seconded. It was voted Unanimous.**

**2016-063** Appointment of Mark Obremski to the Energy Committee – Mayor Sponsor Mr. Obremski was not present.

Evan Kenney spoke on his behalf. He founded the first Robotics program in Amesbury and has been very popular there. He is an MIT Engineer and has unique resources and would be a perfect candidate.

**Councilor McClure moved to approve as submitted. Councilor Sickorez seconded and it was voted Unanimous.**

**2016-064** Appointment of Derek Kohnle to the Energy Committee as an Honorary Member – Mayor Sponsor Mr. Kohnle was not present.

Evan Kenney stated that he is a student at the Amesbury High School and was a member of the Robotics program and because of his age cannot be appointed as a voting member but we feel he would be a great honorary member.

Councilor Stanganelli stated that he would be very welcome on that committee.  
**Councilor Stanganelli moved to approve as submitted. Councilor Bartley seconded and it was voted Unanimous.**

**2016-065** Appointment of Nathan Baxter to the Healthcare Trust Commission – Mayor Sponsor

Mr. Baxter was not present.

Cathy Lucy who is a member of the Healthcare Trust Committee spoke on his behalf. She stated that they had one opening on the Committee and have been looking for someone who was not a nurse or physician and was able to give a different perspective so they approached Fr. Baxter and he was very interested. They feel by being a pastor in a church in Amesbury has the ability to serve a lot of people and help.

**Councilor Bartley moved to approve as submitted. Councilor Sickorez seconded and it was voted Unanimous.**

#### **7. Licenses & Permits – FYI-attached list**

**Councilor McClure moved to approve the list of licenses as submitted. Councilor Stanganelli seconded and it was voted Unanimous.**

#### **8. Pole Hearings –**

**2016-057** National Grid desires to excavate the public highway and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity on a plan filed herewith marked Haverhill Road and Middle Rd – Amesbury Massachusetts #19365991 – National Grid Sponsor

Councilor Sherwood read the bill.

David Boucher, Senior Designer from National Grid and Alex Groschev, TRC Consultant for National Grid were the presenters.

Mr. Groschev stated that they were hired to do a detailed design for cable replacement. The existing cable was installed in the 1970's and National Grid tested it and it was approved for replacement. He stated that they designed a conduit and manhole system so the in the future if any cable failure happens they won't have to dig up the road. They did get the comments from DPW with some requirements and they accept all of that. They will provide all information prior to the construction. It will be done in this fiscal year if it is approved so it will be done probably in the fall.

Councilor McClure asked if the abutters were notified.

Mr. Groschev stated that he had spoken with about five of the abutters.

Mr. Boucher stated that they sent a list of abutters and generally the city sends the notices and that is how the abutters contacted Mr. Groschev. It was acknowledged by the City Clerk that that had been done.

Councilor Lavoie asked if all the work would be solely on the public way and not on private property.

Mr. Groschev stated that was correct.

Councilor Lavoie asked if the existing cable would be abandoned in place or if they are pulling cable out.

Mr. Groschev stated that the existing facilities are direct buried so they cannot pull them out. They will de-energize them, cap them and ground them. We agree with Mr. Manor's requests 100%,

Councilor Scorzoni opened the public hearing.

Damian Corcoran questioned the area of digging as his parents live on Middle Rd

Thomas Chigas, 5 Middle Rd asked about traffic and if it will be passable.

Mr. Groschev stated that there will not be closed and there will be Police detail present.

Mr. Chigas stated that he is concerned with where equipment will be parked and he is concerned with the existing sewer trenches right now that are collapsing and settling and wants to know if those trenches will be corrected with all this work being done. He is also concerned with the increase in traffic at the intersection. Because he has had a history of bad experiences with construction on the road he is concerned with damage to his property and the sewer lines. He would like to see the trenches where the sewer lines are to be corrected because of the traffic impact that the road will be seeing with this project.

Councilor Scorzoni closed the public hearing.

Councilor Sherwood asked if the excavation would be a trench or more substantial.

Mr. Groschev stated that it would be a trench and a couple of man holes. He stated that whet ever they excavate will be repaved per the DPW requirements. Whatever they touch they will make sure it goes back to existing or better condition.

Councilor Sickorez asked if the gravel would be trucked out and back or left at the site.

Mr. Groschev stated at the site. They will reuse what they can.

Councilor Lavoie asked if a street opening permit will be obtained.

Mr. Groschev stated that whoever is awarded the project will obtain all the required permits from the town as well as financial insurance.

Councilor Stanganelli asked if the city has liability if a property owner's water/sewer or gas line is impacted or is National Grid responsible.

Councilor Lavoie stated that it is the city's right of way and we control who is in and out of it but we are not responsible just like if a car on the public way hits something it is up to them. In this case National Grid has comprehensive liability insurance for any damage that may occur. If they trespass on private property and damage the property then obviously the owners have civil rights under the property law to be made whole.

Councilor Stanganelli stated that he feels it would be useful to get some assurance for property owners.

Councilor Lavoie moved to approve 2016-057 as requested subject to the five conditions obtained in the City Engineer's July 7, 2016 correspondence with some narrative changes to number 1, striking the words "The DPW would request that" and it should read "National Grid shall complete..."; number 2; strike the words "The DPW would like to know if" and it should read "The existing underground electric..."; number 3, strike the words "The DPW would request that" and it should read "National Grid shall provide..." number 4, strike the word "need" in the first sentence' number 5 shall read, "Prior to the installation of any underground conduit, Dig safe, the City of Amesbury Department of Public Works and the City Water and Sewer Departments shall be informed of the proposed activities."

Councilor McMilleon seconded and it was voted IN FAVOR (8), OPPOSED (1)  
Stanganelli – Motion passes.

## **9. Public Comment**

Edith Maxwell, 19 Sanborn Terrace. She stated that the Whittier Home Museum as well as the City Library has named her historical novel "Delivering the Truth" this years all community read. The Whittier Museum has generously donated a copy of the book to each of you which we have left along with a schedule of events for the rest of the summer. She thanked Chris Bryant of the Whittier Home Association for donating those books and hopes the Council enjoys the story.

## **10. Council Response to Public Comment**

The Councilors all gave thanks.

## **11. Public Hearings:**

**2016-046** An Ordinance relative to Public Consumption of Marijuana or Tetrahydrocannabinol – Mayor Sponsor

Summary: This ordinance proposes the prohibition of public consumption or use of marijuana or tetrahydrocannabinol on or in any place within City limits which is accessible to the public

Councilor Scorzoni stated that this was continued from our last meeting and there was discussion that we wanted to work on this more. There was discussion with the Police Chief and they wanted to have three members of the Council, Councilor Sickorez, Councilor Bartley and Councilor Lavoie sit with the Chief and further work on some of the language in the ordinance and to present back on it. This will more than likely be continued to the next Councilor meeting with a recommendation from those Councilors. In the interim we do have a public hearing and we are interested in hearing what the public has to say on the current ordinance and the language that is contained in it.

Councilor Scorzoni opened the public hearing.

Anne Ferguson, 24 Oak St. stated that she has read through this and understands that the Ordinance Committee chose not to make a recommendation and sent this back to the City Council with no recommendation. She questioned the purpose of the legislation and asked if it came forward to deal with a problem or if it was a chronic problem around town or is it being brought forward in anticipation of the vote for recreational marijuana in November. She is not an advocate for recreational marijuana but is a huge advocate for medicinal marijuana. We have in Amesbury a grow site for medicinal marijuana and we have had no problems with that. She stated that she has spoken with the head of Alternative Therapy Groups who states he has not had a problem with either the grow site or the dispensary. He did say that any person that they dispense to is told that they must consume the marijuana privately and it can't be done in public. She stated that she has two concerns about the legislation as it is written. First concern is that it may be potentially harsh on people that presently use medicinal marijuana. It could cause them to have conflicts and she feels it is a bit harsh. The other concern that she has is that if this goes forward, if legislation is passed in November is this legislation adequate to cover what we don't know is coming forward and in what form it is going to be coming forward. Would it be more appropriate to delay this legislation until we know exactly in what format this recreational marijuana is coming forward? A \$300 fine would be very harsh for someone who is using it medicinally. She urges the Council to not pass the legislation until it has been properly vetted.

Councilor Lavoie moved to continue the Public Hearing to September 13, 2016 City Council meeting to give the three councilors time to sit with the Chief and go over this. Councilor McMilleon seconded and it was vote Unanimous

**2016-052** An Order to fund the deficit in the Snow & Ice budget for fiscal year 2016. – Mayor Sponsor

Summary: An order to transfer \$105,000 from Free Cash to the Snow & Ice budget, in order to cover fiscal year 2016 expenditures that were in excess of the initial City Council approved budget appropriation.

Councilor McClure read the Finance Committee recommendations.

Councilor Scorzoni opened and closed the public hearing.

**Councilor McClure moved to approve 2016-052 and transfer \$105,000 from Free Cash to the Snow & Ice budget.**

**Councilor Sickorez seconded.**

**A roll call vote was taken and it was Unanimous.**

**2016-053** An Order to authorize the Mayor to accept and expend a grant in the amount of \$125,000 from the Massachusetts Association of Councils on Aging. – Mayor Sponsor

Summary: This order seeks to authorize the Mayor to accept and expend a grant in the amount of \$125,000 from the Massachusetts Association of Councils on Aging for the purpose of creating and implementing new programs for the benefit of older adults in Amesbury.

Councilor McClure read the Finance Committee recommendations.

Councilor Scorzoni opened and closed the public hearing.

**Councilor Lavoie moved to approve 2016-053 as recommended by the Finance Committee. Councilor McClure seconded.**

**A roll call vote was taken and it was voted Unanimous.**

**2016-054** An Order to authorize a transfer between General Department Funds. – Mayor Sponsor

Summary: A transfer of \$320,000 between General Department funds to cover fiscal year 2016 expenditures as well as to appropriate \$35,000 of Water Enterprise Fund retained earnings to the fiscal year 2016 Water Enterprise Fund budget and to appropriate \$26,000 of Sewer Enterprise Fund retained earnings to the fiscal year 2016 Sewer Enterprise Fund budget.

Councilor McClure read the Finance Committee recommendations.

Evan Kenney explained that this is an annual practice that they see every year. He stated that within the budgets not all are right to the dime and they have taken surplus in some budget line items to cover deficits in other budget line items. They are not raising and appropriating in this case they are just transferring.

Councilor Scorzoni opened and closed the public hearing.

Councilor Sherwood moved to approve 2016-054 as amended by the Finance Committee.

Councilor Sickorez seconded.

A roll call vote was taken and it was voted Unanimous

**2016-055** An Order to authorize the Mayor to accept and expend a grant in the amount of \$40,000 from the Community Compact IT Grant Program. – Mayor Sponsor

Summary: This order seeks to authorize the Mayor to accept and expend a grant in the amount of \$40,000 from the Community Compact IT Grant Program for the purpose of upgrading IT Infrastructure.

Councilor McClure read the Finance Committee recommendations.

Councilor Scorzoni opened the public hearing.

Bruce McBrien, 80 High St stated that for the benefit of those in the technology world he would like to know what they mean by improving the infrastructure as that could be anything. What are they improving?

Evan Kenney stated that he is not John Dubuc but he understands that this has to do with switches which was explained to him as a backbone of our network and our IT Infrastructure. In order for us to expand to items 2 through 10 that is laid out in the grant we need to start here. This grant provides enough funding to do just that, it does not go beyond that. We can look toward future steps and future funding to find ways to do that whether through capital or through grants or other means.

Councilor Scorzoni closed the public hearing.

**Councilor Stanganelli moved to approve 2016-055 as recommended by the Finance Committee.**

**Councilor Einson seconded.**

**A roll call vote was taken and it was voted Unanimous.**

## **12. First Readings**

**2016-060** An Order to Petition the General Court for Additional Licenses to Be Granted by the City Pursuant to Section 12 of Chapter 138 of the General Laws. – Mayor Sponsor

Summary: The City has reached its quota for the issuance of licenses permitting the sale of alcohol to be drunk on premises within certain establishments throughout the City. The City is unable to issue additional such licenses unless and until special permission to do so is granted to the City by the General Court.

Councilor Scorzoni stated that a request has been made to expedite this measure. It has been recommended by the Clerk that there be a special meeting on July 26 following the Finance Committee meeting. The inclination of the administration is to get something before the legislature as this is a Home Rule petition and they will adjourn out of formal legislative session on July 31, 2016. If the Council wishes we can take it up at a Special meeting.

Evan Kenney, Mayor's Chief of Staff stated that the proposed legislation was drafted by our attorney with some edits. It is based not only on their legal advice but on legal precedent. Many Home Rule petitions for liquor licenses have gone through the legislature recently so there is a lot of precedent that has been set. That language is an

attempt to accommodate that and make it as uncontroversial and giving it the highest likelihood of passing through expeditiously.

**Councilor McMilleon moved to hold a special Council meeting on June 2, 2016 and take this matter up at that public hearing.**

Councilor Bartley asked if this will still come to Ordinance.

Councilor Scorzoni stated that this will just go directly to the Council itself as is for the meeting on July 26<sup>th</sup>.

Councilor McClure stated that if there were questions they could pick up the phone or go right up to the Mayor and ask him. She feels it is not anything unusual and that the language is taken from other pieces of legislation.

Councilor Scorzoni stated that having the history of what is the demand, who is coming to you and what are they asking for; as a couple of years ago there was a big demand and trying to compete for licenses so maybe hearing from the Chamber or others to hear who has been looking for what over the years and what has precipitated this would be helpful for this. So to the extent that the city could have that it would also help.

**A vote was taken and it was Unanimous.**

**2016-061** An Order to Authorize a Transfer of Funds from Salary Reserve to Cover FY17 AFSCME Salaries – Mayor Sponsor

Summary: The City and AFSCME have agreed to terms on a collective bargaining agreement (CBA) effective July 1, 2016 through June 30, 2019. The CBA provides for the following cost-of-living adjustments (COLA): FY17: 1%, FY18: 1%, FY19: 1.5%

**Councilor Sherwood moved to send this to the Finance Committee for a recommendation and to hold a Public Hearing on September 13, 2016 at the City Council meeting. Councilor McMilleon seconded and it was voted Unanimous.**

**\*\*Late File**

**\*\*2016-066** An Order to Leverage Economic Access for Development throughout the City – Mayor Sponsor

Summary: There are two large economic development sites that require off site improvement solutions: The Golden Triangle site off Elm Street, in excess of 50 acres, and the 49 acre Waste Management Site adjacent to Margaret Rice Park, on the top of the hill behind the Sports Park off South Hunt Road. The LEAD program with the guidance of the below policies will establish access options toward facilitating economic development at these sites.

Councilor Einson moved to accept the late file. Councilor Sickorez seconded and it was voted Unanimous.

**Councilor Einson moved to refer 2016-066 to the Finance Committee and Ordinance Committee and hold a public hearing on September 13, 2016 at the City Council meeting. Councilor McMilleon seconded and it was voted Unanimous.**

**\*\*2016-067** An Ordinance to amend Amesbury City Council Bill #2000-184 to increase the exemption on Personal Property Taxes from \$2,000 to \$10,000 as allowed under MGL Ch. 59, Section 5, Paragraph 54. – Councilor Stanganelli sponsor

Councilor Sherwood moved to accept the late file. Councilor Stanganelli seconded and it was voted Unanimous.

**Councilor Sickorez moved to refer to Ordinance Committee and Finance Committee and hold a public hearing on September 3, 2016 at the City Council meeting. Councilor Bartley seconded and it was voted Unanimous.**

A short recess was taken

**2016-059** Dangerous Dog Hearing – Dignan vs. Corcoran

Councilor Scorzoni stated this is not something that they typically deal with so he gave some background on it. According to Mass. General Laws, Chapter 140 Section 157 Mr. Dignan has requested a public hearing to determine whether a dog owned by Mr. Corcoran is to be considered “dangerous” under this statute. Both parties are here and will be sworn in by the Clerk and testify under oath given the circumstances involving this dispute. We will ask that you each come to the podium to present your case and provide any testimony you deem fit. We also have Mr. Jack Morris who is the City Health Director and Steve Maher who is the Animal Control Officer and Inspector from Amesbury who will provide us with some background information on what has transpired and the involvement from the city’s perspective, to provide us with a report and also a recommendation on a course of action.

We have in front of us a copy of the statute which lays out the Council’s responsibility in handling this matter and it also provides us with a number of options which the Council may determine upon hearing the evidences and it is also an option that this item could then move to district court beyond the decision that is made here today.

City Clerk, Bonnijo Kitchen administered the Oath to everyone that was there to testify.

Mr. Dignan of 6 Ash St. spoke regarding the incident – he referenced the letter that he sent to the City Council. He stated that within 2 minutes of his wife leaving to walk the dog he heard loud commotion; shrieking, dogs barking, and dogs yelping. He went to the scene and found his wife on the ground shielding his dog. Mr. Corcoran’s 14 year old daughter was distraught, sobbing and hysterical and had barely just gained control of the dog. He stated that he took control of Mr. Corcoran’s dog by his collar which was still snarling and baring its teeth at him. He led the dog along with Mr. Corcoran’s daughter away from the scene and back to Ash St. She called her father and told him

that his dog had just attacked Mr. Dignans dog. We met Mr. Corcoran in front of 8 Ash St. at which time I told him that being the second time this has happened he would have to report it. The first time being the night after Thanksgiving under similar circumstances. The dog is approximately a 70lb Staffordshire terrier mix and came charging out of the darkness off leash and went straight for my dog that I was walking. That time He was able to react quick enough to grab that dog by his collar while Mr. Corcoran followed up and took control of his dog. This is the second time this dog has attacked without warning without provocation on a public way not near his own territory. I don't know that Mr. Maher is aware or not but there is another report from someone else that this dog attacked another dog sometime within the last year. The person that told him said that she did report it. According to that person the dog burst out of their house, leapt the fence and attacked the dog that this woman was caring for. Clearly Mr. Corcoran's dog has some serious dog aggression if not person aggression since my wife was on the ground unable to keep Mr. Corcoran's dog from attacking my dog which is a 30 lb. Labradoodle and doesn't have problems with other dogs. Both the City ordinance and the State law track each other pretty well in what is available to the City Council as a remedy. What he would like to see happen is under Chapter 140 Section 157 that this dog be deemed dangerous. There are numerous dogs in the neighborhood as well as numerous small children and those children sometimes walk their dogs. In terms of public safety, if Mr. Corcoran's dog has dog aggression and one of those kids is walking a dog and that dog attacks and instinctively that child goes to protect their dog there is the potential for disaster here. Only by the grace of God that there was no disaster the night my wife was walking the dog even though she was knocked to the ground and suffered bruises and scratches in this attack.

Back to the state statute, I would ask the City Council to deem the dog dangerous and order that the dog be confined to the premises of Mr. Corcoran in a securely enclosed and locked pen and that when it is removed from his premises that it be in his control at all times and that the dog be muzzled and restrained with a chain or other tethering device with a minimum tensile strength of 300 lbs. and not exceeding 3 feet in length.

Mr. Corcoran of 6 Birch St., stated that last November, the first time there was an altercation, we had our dog on a leash and she snapped the ring that was attached to the leash and happened to get away. I don't dispute that. This time on the night in question, I had come home ill and my daughter offered to walk the dog. We were aware that these two had an altercation in the past and when my daughter saw this dog coming she tried to pull her away but she did end up managing to snake her way out of the harness that we had her in and did go after the Dignan dog. My daughter called me and let me know and I met with Mr. Dignan and he said that he needed to report this since it was a second incident. We did end up paying his vet bill and the dog was quarantined for 10 days as required by the ACO. We have also since acquired a muzzle, a prong collar and the assistance of Terrance Kirby of My Dogs Mind in Hampton, NH who has 20 years of experience dealing with dogs that have some aggressive tendencies. She has had one lesson and we are working with her in our yard. We have elected not to bring her out of our yard until we get her firmly under control. Walking the dog with the muzzle creates a problem with dogs as it tends to hold

the mouth shut and it makes it hard for the dog to pant and control their temperature and she is swiftly overheated so we have elected to keep her at home and work her in our yard until such time as we feel it is safe to bring her out. When she does come out she will be muzzled and have the prong collar and the required length leash on her. We are doing what we can to ensure that all the dogs and children in the neighborhood are safe. The dog has never had aggression toward a person but we are aware of her aggression to dogs and we are taking steps to remediate this problem. He asked the she not be found dangerous because this is something that will follow her for the rest of her life. She is a young energetic dog who at present does express a desire to dominate other dogs in her neighborhood. We will continue to get her lessons and work with her until we are sure that this won't be a problem.

Councilor Sickorez asked how long the Corcoran's have owned the dog.

Mr. Corcoran stated that they have had the dog since last year. They acquired her from some friends last August.

Councilor Sickorez asked if the previous owner has any history of the dog showing aggression towards other dogs.

Mr. Corcoran stated that there was not history.

Councilor Sickorez asked if there were any other dogs in the neighborhood to which this dog has shown aggression.

Mr. Corcoran stated that there was another person that Mr. Dignan had told him about an incident but I know of no other reports that were made about this dog. She has lunged at other dogs and we are working to deal with that.

Councilor Scorzoni asked if there was anyone else he would like to speak on his behalf.

Mr. Corcoran stated that the ACO has met the dog.

Councilor Stanganelli asked what environment the dog was brought up.

Mr. Corcoran stated that she was on a farm in New Jersey and there are no reports of aggression as well as being with other animals; horses, dogs and cats etc.

Councilor Stanganelli asked what kind of experiences the dog has had with children and how long has the training been going on.

Mr. Corcoran stated that she has never had aggression to people. Any people who come to our house or anyone we meet on the street, she wags her tail and puts her head down and people pat her. She had her first lesson on July 4 and she has another one scheduled for the 19<sup>th</sup> and the lessons will continue until we/they feel her behavior is sufficiently governed. There are no set number of lessons.

Councilor Stanganelli asked if there is a fence between the house and the street.

Mr. Corcoran stated that they have ¼ acre lot with a six foot stockade fence all around. There is a gate leading into the yard from the deck and a second gate has been put up to ensure additional safety.

Health Director, Jack Morris stated that while the parties have stipulated to the November 22, incident we have no record that it occurred or was investigated by the ACO. There are no other incidents with this dog in the last year or so as was stated that have been investigated. The only incident that has been investigated is the June 22 incident. Mr. Maher can tell you about the muzzle order that was issued and has been complied with. He did issue quarantine orders to both dogs as required by state law and you have the report in which he made his recommendation.

Mr. Maher, ACO, stated that he met with both parties. He has met the dog who was very friendly to him and showed no signs of aggression. She did respond to his verbal command even meeting him for the first time. She does currently reside with another dog and shows no signs of aggression to that dog. There are also 2 children in the house, one which is autistic and the dog is fine with both of the children. In his opinion, he does not feel that the dog is dangerous. The recommendations that he has made are in compliance with Chapter 140, Section 157. We are having him penalized for a dangerous dog but we are not deeming it dangerous. If we do, that will go with that dog for the rest of its life. If something should happen with Mr. Corcoran's home that dog would be hard to place with an adoption agency or a foster agency. The only other thing would probably be euthanasia because that dog is deemed dangerous and no one is going to want to have a dangerous dog. He recommends to keep the muzzle order in effect, keep working with the trainer, re-evaluate within 60 days and let the trainer come in and give us an update. If the dog is deemed dangerous tonight you cannot take that label from the dog forever. It stays with the dog for life. He recommends re-evaluating in 60 days and stated that he will continue to do random checks to make sure all orders are in compliance.

Councilor Lavoie stated that the statute states that they have three choices to make. One, to dismiss the complaint which he is not inclined at this point to do. Two, deem it a nuisance dog or three, deem it a dangerous dog. He is inclined to accept the recommendation of the Animal Control Officer and if both parties were to stipulate that if this gets continued to our September Council meeting and Mr. Corcoran agrees to abide by them and is acceptable by Mr. Dignan, then the Council can act in that fashion. Otherwise the Council will have to make a decision and either party may not be happy with it.

Councilor Scorzoni stated that a recommendation has come to the Council with 4 points. A muzzle order to remain in effect while off private property. To continue to work with the trainer to curb the behaviors. To re-evaluate in 60 days and to provide bi-weekly reports to the Animal Control Officer with updates and progress.

Mr. Dignan stated that no one is denying that this dog has aggression. He would like the city council to go further and require the 3 ft. leash with the 300 lb. tensile if it is being walked off the property as well as it being penned in in Mr. Corcoran's yard. He feels waiting until September is rolling the dice with the safety of the people and the small animals in our neighborhood. He stated that he knows that he has his own concerns and Mr. Corcoran has his concerns and the City Council has the responsibility and tighter restrictions need to be made than those of the ACO.

Councilor Scorzoni stated that that provision of the Chapter is a component of the remedy after a dog is deemed dangerous under the statute. If that type of requirement would be included as an additional remedy to the recommendation from the ACO and the Health Agent, falling short of the dangerous recommendation that would be suitable to both parties?

Mr. Dignan stated that would be acceptable to him and more importantly in the interest of public safety.

Mr. Corcoran asked for clarification of what kind of pen Mr. Dignan is speaking of.

Mr. Dignan stated it is chain link with four sides and a roof.

Mr. Corcoran asked the ACO if he has any experience with dog pens.

Mr. Maher stated that there are a couple of people in Salisbury that have them but he feels that Mr. Corcoran's fence is suitable. He stated that again he feels that this dog is not dangerous. He stated that if we deem this dog dangerous based on just the one bite incident then we will have to go back and look at all other bites we have had for single bites. The enclosure is great if you are willing to do that but he stated that he has no experience with them and he may want to talk with his trainer.

Councilor Sherwood read the part of the Chapter 140 Section 157C-II regarding the definition of "confined" and the type of pen required. He stated that this is a whole new structure and not just a stockade fence and asked Mr. Dignan if that is what he is requesting.

Mr. Dignan stated that he would withdraw his request that the dog be deemed dangerous if that provision was agreed to.

Councilor Scorzoni stated that we heard that there is a 6 ft. stockade fence already set up and there is 1 formal report that has come in. The idea of an additional leash when the dog goes out is another component that we could include with the recommendations of the ACO. That feels like something that we can build off of and he is open to feedback from the Council.

Councilor McClure understands the 3 ft. leash but thinks that it is punitive at this point to need a pen as well as a 6ft. stockade fence.

Mr. Dignan stated that this is a powerful dog.

Councilor Scorzoni asked what the weight of the dog was.

Mr. Corcoran stated that she weighs 55 lbs. and he is not completely adverse to the idea of a pen but having no experience with them he would like to consult his trainer to find out from him if this would serve to alleviate any issues or further isolate the dog and make her more aggressive.

Elise Martelli, 4 Ash St. stated that she was there the night the attack happened and it has changed the way she walks her own dog now. She does not feel comfortable waiting 60 days to see if this works. The smaller dog gets out continually and is a good dog but if the smaller dog gets out she wants assurance that the other dog is not getting out when she is walking her dog.

Councilor Scorzoni stated that the Animal Control Officer is going to be requiring Mr. Corcoran to submit bi-weekly reports of Mr. Corcoran and his dog. He assured her that this will have a heightened look over the next 60 days.

Councilor Sickorez asked how the smaller dog gets out unsupervised.

Mr. Corcoran stated that he would have to assume that his son was probably in the yard and in coming back in the dogs left the yard. He stated that he has since put up a second gate on the front of the deck leading to their kitchen door which is their primary door to ensure that the dogs won't be running out as soon as he opens the gate from the yard.

Councilor McMilleon asked if it should be stipulated that only Mr. Corcoran or an adult walks the dog.

Mr. Maher stated that it could.

Mr. Morris stated that condition could be added.

Councilor McMilleon further stated that he feels they should also add the 3 ft. leash and give them the 60 days and see what happens. There are enough restrictions to cover the safety of the public.

Councilor Stanganelli suggested the requirement of insurance be added as well.

Councilor McClure stated that as a reminder the dog is not going after people, and she feels it is impunitive to ask them to insure.

Councilor Stanganelli stated that there is comment regarding the trauma impact on Ms. Dignan. There are a number of children in that area and all you need is one dog running

off leash and bowling through kids of some sort and a kid gets injured. There is collateral damage.

Councilor Scorzoni stated that the liability insurance that Councilor Stanganelli highlighted as well as the housing that was referred to by Councilor Sherwood and the 300 lb. leash that was raised by Mr. Dignan are components once we determine a dog dangerous. He stated that he is not getting the sense that is something that they are looking to do at this point. One of those elements are on the table now with the leash as well as another item which is to include that an adult is handling the dog at all times beyond the existing four other provisions. We have one formal notice to the city on this and have heard from the Animal Control Officer and eyes are certainly on Mr. Corcoran for better for worse given what has happened here and he believes a 60 day window with some of the provisions that we have talked about make sense.

Councilor Sickorez asked about the dog getting loose by a ring letting go on the harness.

Mr. Corcoran stated that it did but they no longer use that harness as she has proven that she can get out of it. They are now using a prong collar which the trainer recommended and an additional poly choke line used in conjunction so if one fails the other is there.

Councilor Einson stated that he feels that an adult only walking the dog is a good idea. He asked where they are headed that if they don't declare it a nuisance or dangerous what is the enforcement behind it?

Councilor Scorzoni stated that he does not want to speak for the Council but he does not get the feeling at this moment that there is an interest in deeming the dog dangerous.

Councilor McMilleon asked to move the question. He feels they should go with the recommendation that the Animal Control Officer supplied and add the stipulation with the 300lb. leash and that there should always be an adult when the dog is off the property.

Councilor Scorzoni stated that is where we are. We have it resolved and we are trying to meet folks halfway without making a determination that this dog is dangerous. Then if we can't get to any solution then come 60 days we will have to re-visit it. That is where the Council is at this point.

**Councilor Sherwood moved to continue the dangerous dog hearing for another 60 days to our September 13, 2016 meeting unless there is another incident brought to our attention and that the continuation would be followed under the following conditions as stipulated by the Animal Control Officer; 1.) Muzzle order to remain in effect while off private property; 2.) Continue to work with dog trainer to curb behaviors; 3.) Re-evaluate within 60 days; 4.) Bi-weekly reports to the**

**Animal Control Officer with updates and progress and adding 5.) That when the dog is removed from the premises of the owner or premises of the person keeping the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimal tensile strength of 300lbs. not exceeding 3 ft. in length and 6.) The dog when leaving private premises will be controlled by an adult.**

**Councilor Sickorez seconded.**

**A Roll Call vote was taken and it was voted Unanimous**

### **13. Adjourn**

Councilor McMilleon moved to adjourn at 9:30 pm. Councilor McClure seconded and it was voted Unanimous.

Respectfully submitted,

Sharon Dunning  
Assistant City Clerk