

APPROVED

BOARD OF SELECTMEN / SEWER COMMISSIONERS EXECUTIVE SESSION

Thursday October 11, 2018 ^{10:00}~~1:00~~ AM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Alan Hanson, Selectman; Mr. Roger Manzoloni, Selectman; Mr. Mark Pruhenski, Town Administrator, Ms. Donna MacNichol, Town Council, via conference call

ABSENT:

GUEST:

Mr. Pilson opened the meeting in public session. He called for a motion to close the public session and convene in Executive Session to discuss possible settlement options with respect to the Dangerous Dog hearing. Mr. Roger Manzoloni did so move and was seconded by Mr. Alan Hanson. The motion was carried by unanimous roll-call vote as follows: Mr. Pilson, aye, Mr. Hanson, aye, Mr. Manzoloni, aye.

Executive Session: Mr. Pilson noted that the response from Mr. Andrew Hochberg, the lawyer for Mr. Gardner, indicated that the two parties were very close to an agreement. There was one issue that was still in contention. Mr. Manzoloni explained that Mr. Vern Tower, one of the people attacked by the dogs in question, who has his place of business directly across the road from the Gardner property, has continued to register complaints that the solid fencing that was to have been installed to eliminate the dogs' ability to see out to the street and to activity to the West has not been done. There is solid fencing along the neighbors' property lines, but not along the West, where the highway abuts the Gardner property. As a result, the dogs continue to get excited by activity on the highway in front of the Gardner house. Mr. Tower must endure that disturbance each time he works in the front of his place of business. Mr. Manzoloni noted that he is aware that this kind of disturbance is very different from being physically attacked by the dogs, but part of the original agreement was solid fencing along the neighbors' borders. The Board did not remain firm on that issue along the Western border and Mr. Manzoloni felt that they should be firm on this issue.

Ms. MacNichol noted that Mr. Tower's property is not an abutting neighbor – his property is across the road. The lack of solid fencing along the Gardner property on the Western side, along the road is causing a nuisance situation with the dogs barking in response to any passing vehicle or pedestrian or the appearance of Mr. Tower working in his front yard. Ms. MacNichol agreed that the best way to proceed would be to settle this issue now, rather than move forward with a separate Nuisance Dog Hearing. She will raise that issue with Mr. Hochberg when she meets with him today. There being some question as to exactly where the lack of solid fencing was causing the problem, Mr. Pilson suggested that after this meeting the Board go to the property in question and photograph the situation so that it will be clear what the extent of the request for further solid fencing will be. The more modest the request, the more likely it will be agreed to and the question can be resolved quickly.

Ms. MacNichol will present the issue in the light of saving both parties the expense and the trouble of moving forward with a separate Nuisance Dog complaint and hope that he will agree to a quick

solution. She felt that Mr. Gardner would prefer to comply with installing another 100 feet or so of fencing, rather than going to court over it when everything else has been resolved. She will wait to hear from Mr. Pruhenski about the specific location and extent of the additional fencing before contacting Mr. Hochberg.

Other issues remaining to be discussed: The number of dogs that will eventually be allowed to be on the Gardner property and the elimination of the designation of "dangerous" if all other issues can be resolved. It was agreed that the number of dogs can be set at 14 rather than 12 and the "dangerous" designation can be dropped if the fencing issue is resolved.

Mr. Pilson remarked that, in the intervening six months since the original complaint, there have been no reports of further incidents or other complaints of aggressive dogs. He asked whether that satisfies the "probationary period" originally agreed upon. Ms. MacNichol agreed that the probationary period issue could be removed if all other issues, as noted above, were agreed to.

Ms. MacNichol suggested that the Board members take note of which dogs appear at the fence, and what kind of behavior is being exhibited, when they go to the property to take the photographs of the area needing solid fencing. In a discussion concerning the number of Maremma dogs still on the property, Ms. MacNichol suggested asking Mr. Hochberg to include in the final agreement a clause specifying that those dogs will not be removed from the property to be sent to other communities. That agreement would accomplish the same prohibition that the designation of "dangerous dogs" would. Ms. MacNichol will work toward obtaining that agreement.

The discussion of the dangerous dog issue having ended, Mr. Manzolini moved to close the Executive Session. The motion was seconded by Mr. Alan Hanson, and passed by unanimous roll-call vote as follows: Mr. Pilson, aye, Mr. Hanson, aye, Mr. Manzolini, aye.

The Executive Session was closed.

There being no business before the Board to be heard in Public Session, Mr. Pilson asked for a motion to adjourn the public session. Mr. Manzolini moved to adjourn the public session, which was seconded by Mr. Alan Hanson and adopted by unanimous consent.

The meeting was adjourned at 10:55 AM.

Signed:

A handwritten signature in black ink, appearing to be 'N Pilson', written over a horizontal line.

Mr. Neal Pilson, Chair

Board of Selectmen