

11/22/10 (5)

TOWN OF ACTON

Memo

To: Board of Selectmen
From: Steven L. Ledoux, Town Manager
Date: November 18, 2010
Re: Continuation of Dog Hearing, Henry

On September 23, 2010, the Selectmen conducted a hearing concerning a complaint of a dog attack on Henry, owned by Amy Barnett of Strawberry Hill Road.

At the conclusion of the hearing, the vote voted to continue the hearing and the Henry be evaluated by an Animal behaviorist, with a report to be forwarded to the Town. In addition, the Board voted the following:

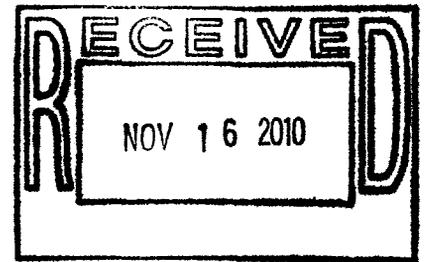
- Henry to leashed and muzzled when out of the home
- Henry to be caged when individuals enter the home.

Henry was evaluated by Tufts School of veterinary medicine, and the report is in the packet. Interestingly, Dr. Dodman had similar recommendations to the Board's actions, but added that the dog should be boarded in a licensed kennel when she is away on vacation. I would recommend that this item be added to any final order the Board may consider.



CUMMINGS SCHOOL OF
VETERINARY MEDICINE

Department of Clinical Sciences



REPORT: CASE SUMMARY

Case No. S197969

Owner: Ms. Amy Barnett

Patient: Henry

Species: Canine

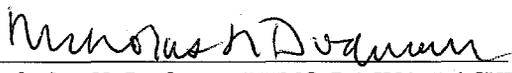
Date of Service: 2010-11-09 T09:39:37:890

Final Diagnosis: Fear/Territorial Aggression

Ms. Barnett brought Henry, an 8-year old castrated male Boston terrier to Tufts behavior clinic. She obtained him from a rescue organization about four years ago. Henry reportedly had been abused in his original home. Perhaps as a result of this adverse experience he is nervous and shakes when approached by unfamiliar people, particularly women. Because of this nervousness, his owner introduces him to strangers gradually, using food treats to make him more comfortable in this presence. Using this technique she is able to manage Henry's nervousness and he quickly settles down. Henry has no history of having bitten anyone prior to the current incident in his 8 or 9 years of life. He has no problems with other dogs or meeting strangers on the street. When Henry is taken to a vet or groomer he is muzzled and behaves well. On August 1, 2010, when Ms. Barnett was on vacation, she asked her boyfriend's parents to look after him. The boyfriend's parents often took care of him in the past when Ms. Barnett was out of town. On that day, the boyfriend's aunt visited the parent's house unannounced and Henry happened to be free ranging in the garage through which she entered. According to the aunt, Henry bit her foot causing deep punctures and laceration (because she must have pulled away). The wound required medical attention. Ms. Barnett was asked to come to a hearing and was advised by the town to come here for an evaluation.

Considering the behavioral history and careful observation in our clinic, we formed the opinion that Henry is a relatively confident and independent dog. His Achilles heel is that he becomes nervous around unknown people, especially when approached by women, however, he has no other notable fears. We think his confidence level is about 4-5 out of 1-10 score. His overall fear score is 2-3 on 1-10 scale (1 is low and 10 is high). His owner has managed his fearful behavior very well in the past and he had no aggression problems in the four years that she has owned him. However, on the day in question he was in a familiar area (the boyfriend's parents' house) and was startled by the woman unknown to him. The aggressive event was likely triggered by fear fueled by a territorial component. The concern we have about his behavior is that it seems that he does not have sufficient bite inhibition. Bite inhibition is a feature of a dog's biting style that is relatively permanent. Based on this evaluation we advise the following: 1. Due to Henry's lack of bite inhibition, he should no longer be allowed to be in a situation in which his biting may be triggered. We advised his owner that when she is away, Henry should be boarded in a professionally run

kennel. 2. Henry should always be on leash when out on walks (as the owner has been doing) and a leash should be employed to control him when, under the owner's supervision, he is meeting people visiting the home. Under no circumstances should he be allowed to run free when guests arrive. 3. Strangers should be advised about his behavior before they come (or the moment they arrive) and should be advised to completely ignore him (except that they can slide food treats in his direction). His eating of these treats will indicate a level of comfort that helps assure his fear has subsided. 4. Isolating Henry or having him wear a basket muzzle can be good strategies if the owner thinks she will not be able to give Henry's management her 100% attention. If these management strategies are put in place there will be no opportunity for Henry to bite again.


Dr. Nicholas H. Dodman, BVMS, DACVA, DACVB

DATE: 11-12-10

Dr. Nicholas H. Dodman
Director, Animal Behavior Clinic
Cummings School of Veterinary Medicine
@ Tufts University

If you have any questions/updates you can reach Dr. Dodman at 508-887-4640.



**Town of Acton
472 Main Street
Acton, Massachusetts
01720**

Telephone (978) 264-9612
Fax (978) 264-9630

**Steven L. Ledoux
Town Manager**

October 1, 2010

Ms. Amy A Barnett
18 Strawberry Hill Rd Apt. 22 – E
Acton, MA 01720

Dear Ms. Barnett:

As you are aware, the Board of Selectmen conducted a hearing on September 23, 2010 regarding a complaint received by the Board that a male Boston Terrier named Henry, owned and housed by you, attacked Linda Medeiros of Swansea Massachusetts on August 1, 2010 at 18 Robert Hill Road, North Attleboro, Massachusetts.

At the conclusion of the hearing, the Board voted that Henry be leashed and muzzled when out of your home and he be caged when individuals enter your home. The Board further requested that an Animal Behaviorist, at your expense, be engaged, the evaluated whether this attack was a onetime occurrence or whether the dog has a tendency to attack.

I have taken the liberty to find an Animal behaviorist @ Tufts School of Veterinary Medicine (Please see attached email) I would advise that this is an approach that the Town recommends.

Please forward any report on Henry's evaluation to my office.

Sincerely,

Steven L Ledoux
Town Manager

Cc: Board of Selectmen
Animal Control
Police Department
Linda Medeiros

Christine Joyce

From: Steve Ledoux
Sent: Wednesday, September 29, 2010 5:23 PM
To: Board of Selectmen
Subject: FW:

FYI

I found this woman @ Tufts Veterinary school who can look @ "Henry" for \$156. I will forward to the dog owner.

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

-----Original Message-----

From: Nicole Cottam [mailto:Nicole.Cottam@tufts.edu]
Sent: Wednesday, September 29, 2010 5:18 PM
To: Steve Ledoux
Subject: Re:

Hi Steven

Sure, I can assess this dog and give you my opinion as to whether it might be a one time occurrence. Can the owners bring the dog to Tufts Animal Behavior Clinic for an assessment? The cost is \$156.

Nicole

Nicole Cottam, MS, ACAAB
Behavior Service Coordinator
Tufts Cummings School of Veterinary Medicine
200 Westboro Road
North Grafton, Ma 01536
phone: (508) 887-4802
fax: (508) 839-8734
www.tufts.edu/vet/behavior

Steve Ledoux wrote:

>
> Dear Ms. Cottom
>
> Last evening, the Acton Board of Selectmen conducted a hearing
> concerning complaints filed against a nuisance dog licensed in the
> Town. The dog in question severely bit an individual. While the
> selectmen voted to have the dog leashed and muzzled in public, and
> placed in a cage when someone is going to enter the owners home, the
> Board is requiring that the dog be evaluated by an animal behavior
> specialist to determine if this attack was a onetime occurrence or not.
>
> Is this something that you do or can you refer me to others who may do
> this type of analysis?
>
> I'd appreciate any help that you could give,

Christine Joyce

From: Amy Barnett [amy.a.barnett@gmail.com]
Sent: Tuesday, October 12, 2010 6:58 PM
To: Steve Ledoux
Cc: Board of Selectmen; Stephen Anderson; Nina Pickering Cook
Subject: Evaluation Requested for Henry - After Nuisance Dog hearing

Hello Mr. Ledoux,

I just received your mailed letter regarding the recommendation of the Board of Selectmen to have Henry evaluated. During the board's hearing on September 27th, we stated that he would be recommended to a certified veterinary behaviorist for evaluation. However, in your supplied letter and email copy, you indicated a visit to Nicole Cottam at Tufts School of Veterinary Medicine, but she is NOT a veterinary behaviorist, she is a NON-veterinary behaviorist. Based on our discussions and the Board's final statement for a veterinary behaviorist, I would prefer to take Henry to an actual veterinary doctor behaviorist at the same Tufts Veterinary Behavior clinic. The cost is much more at \$421, but I would prefer a completely certified, experienced, trained, veterinary DOCTOR to complete the evaluation instead of "non-veterinary behavior consultation" conducted by Ms. Cottam.

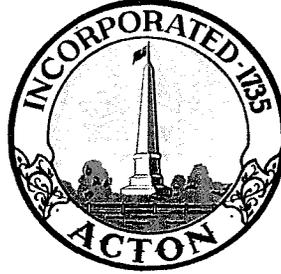
I have attached a screen capture from the Tufts website indicating the difference in evaluations and the costs highlighted. I will also provide the links below to the actual webpages from their site. I also have left a voicemail for the clinic to call me back to schedule an appointment already.

Please respond at your earliest convenience once you have reviewed this information.

Services Link: <http://www.tufts.edu/vet/behavior/clinical.shtml>

Thank you very much,
~Amy

--
Amy Barnett
(315) 868-5987 cell
amy.a.barnett@gmail.com



FILE COPY

ORDER TO SHOW CAUSE

TO: Ms. Amy A. Barnett
18 Strawberry Hill Road, Apartment 22-E
Acton, MA 01720

FROM: Acton Board of Selectmen

RE: Nuisance Dog Hearing Under General Laws, Chapter 140, s. 157

DATE: September 1, 2010

Pursuant to the provisions of Massachusetts General Laws, Chapter 140, § 157, the Acton Board of Selectmen (the "Board") orders that Ms. Amy A. Barnett of 18 Strawberry Hill Road, Apartment 22-E, Acton, MA 01720 ("Ms. Barnett" or "you") **appear** at a hearing before the Board at 7:35 p.m. on September 27, 2010, in the Francis Faulkner Hearing Room on the third level (Floor #2) of the Acton Town Hall, 472 Main Street, Acton MA 01720, **and show cause** as to why the Board should not order that a Boston Terrier which you own and house at 18 Strawberry Hill Road, Apartment 22-E, Acton, shall be permanently banned from the Town of Acton or disposed of as the Board may be deemed necessary. The dog is further identified in the records of the Town of Acton as follows:

- Male Boston Terrier named Henry, Tag #1838, License Date 8/10/10.

The hearing will be recorded by a notary public authorized by law to administer oaths.

You have the right to be present at the hearing, to have a counsel or a representative of your own choosing present for the purpose of advising you, and to speak in your own behalf.

You and other witnesses may be called by the Board and/or its representative to testify at the hearing. You are invited to cross-examine these witnesses and to call witnesses of your own, who shall then be subject to cross-examination by the Board and/or its representative. All testimony by witnesses shall be given under oath.

The Board's investigation into the question of whether Henry shall be permanently banned from the Town of Acton or disposed of as the Board may be

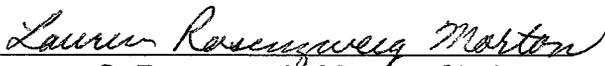
deemed necessary shall inquire into facts relating to an incident occurring on or about August 1, 2010 at 18 Robert Hill Road, North Attleboro, MA. According to a complaint received by the Board from Linda Medeiros of Swansea, Massachusetts, Ms. Barnett's dog attacked Ms. Medeiros and also bit the owner of the property, Brian Donley. An Incident Report filed by the North Attleboro Police Department (NAPD) states that the North Attleboro Fire Department (NAFD) treated Ms. Medeiros for deep lacerations. Ms. Medeiros was also transported to Rhode Island Hospital for further treatment and alleges that she spent eight days at that hospital. Ms. Barnett's dog was taken to the North Attleboro Animal Shelter where it was to reportedly quarantined for 10 days.

Ms. Medeiros sent a letter to the Board dated August 11, 2010, advising the Board of the August 1 incident and requesting that the Selectmen hold a vicious dog hearing regarding Ms. Barnett's dog. Ms. Medeiros' letter attached a copy of the Incident Report filed by the NAPD on 8/1/2010.

The Board will investigate whether this incident (including without limitation information provided by Ms. Medeiros and the NAPD Police Department concerning Henry), warrants (a) a finding that Henry is a nuisance by reason of vicious disposition and (b) an order that your dog shall be permanently banned from the Town of Acton or disposed of as the Board may deem necessary.

Copies of the letter from Ms. Medeiros, the NAPD incident report and a copy of Massachusetts General Laws, Chapter 140, s. 157, are attached for your information.

THE TOWN OF ACTON,
By and through the
Acton Board of Selectmen,



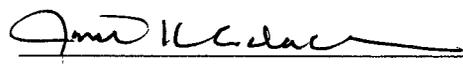
Lauren S. Rosenzweig Morton, Chair



Michael J. Gowing



Terra Friedrichs



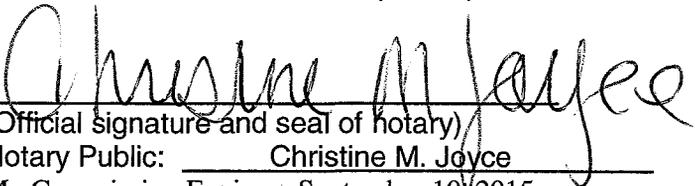
Janet K. Adachi

Pamela A. Harting-Barrat

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

On this 13th day of September, 2010, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton, proved to me through satisfactory evidence of identification, which was: they are known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton, a municipal corporation.


(Official signature and seal of notary)
Notary Public: Christine M. Joyce
My Commission Expires: September 10, 2015_

192 Walker Street
Swansea, MA 02777
(508)379-1123

August 21, 2010

Town of Acton
Steve Ledoux, Town Manager
472 Main Street
Acton, MA 01720

Dear Mr. Ledoux:

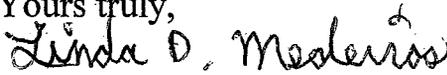
I am requesting a vicious dog hearing on a dog that resides in your town. I was brutally attacked in the town of North Attleboro on August 1, 2010, by this dog whose owner, Amy Barnett, resides at 18 Strawberry Hill Road, Apt. 22E in the town of Acton, MA.

I was brought by ambulance to Rhode Island Hospital Trauma Center and admitted to the hospital for eight (8) days due to the severity of my wounds and serious infection.

Due to the fact that this attack was unprovoked and finding out where this dog resides, I am **scared** for the residents of this complex because they are not aware of the danger that they could be subject to (young parents with children, elderly people).

I request a hearing before your Board of Selectmen as soon as possible.

Thank you for your time and I look forward to hearing from you.

Yours truly,

Linda D. Medeiros

CC: Police Chief Frank Widmayer

Can come 9/15/10

North Attleboro PD
102 South Washington St
North Attleboro, MA
508) 695-1212
Incident Report

Incident Number: 2010000021143
 File No: N/A
 Dispatch Incident Number: 2010000021075
 Print Date: August 3, 2010
 Printed By: rmcquade

Incident Information

Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sun	08/01/2010	7:00:25PM		Sun	08/01/2010	7:00:25PM	→	8/1/2010	7:00:25PM	
Reported As Animal Bite P:021143				Incident Type - Primary Animal Bite				Arresting Officer			
Incident Address 18 ROBERT HILL RD, NORTH ATTLEBORO, MA 02760								Reporting Officer Richard McQuade			
Sector BEAT 1		Stat. Area RD 04		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A						Incident Types - Other					

Associated Persons Summary

Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Victim	DONLEY, BRIAN	8/4/1949	M	(508) 699-7092	N/A	N/A
Address: 18 ROBERT HILL RD, NORTH ATTLEBORO, MA 02760						
Other	DONLEY, LUCILLE	9/30/1950	F	(508) 699-7092	(508) 212-3501	N/A
Address: 18 ROBERT HILL RD, NORTH ATTLEB, MA 02760						
Owner	Barnett, Amy A	8/9/1984	F	N/A	(315) 868-5987	N/A
Address: 18 Strawberry Hill Rd, Acton, MA 01720						
Victim	Medeiros, Linda D	1/4/1954	F	(508) 379-1123	N/A	N/A
Address: 192 Walker St, Swansea, MA 02777						

Associated Businesses Summary

Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2010000021143			

Involved Officers

Officer Title	Officer Name	Officer Type	Division
N/A	Richard McQuade	Reporting Officer	Patrol
N/A	Richard McQuade	Responding Officer	Patrol
N/A	Ryan Mooney	Responding Officer	Patrol
N/A	Joseph Turner	Responding Officer	Patrol

IBR/UCR Offenses

Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2010000021143				

Complaint Charges

Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2010000021143				

Victims

Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
Individual	Medeiros, Linda D	Female	Caucasian	N/A	N/A	N/A
Individual	DONLEY, BRIAN	Male	Caucasian	Not Hispanic	N/A	N/A

Vehicle Info

Vehicle No.	Vehicle Make	Vehicle Model	Vehicle Year	VIN	Primary Color	Secondary Color	Plate No.	State
No Vehicle Info Recorded for Incident #: 2010000021143								

North Attleboro PD
2 South Washington St
North Attleboro, MA
(508) 695-1212
Incident Report

Incident Number: 2010000021143

File No: N/A

Dispatch Incident Number: 2010000021075

Print Date: August 3, 2010

Printed By: rmcquade

Property
No Property Info reported for Incident #: 2010000021143

Citations

Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2010000021143					

Narratives for Incident Number 2010000021143 ? **Yes**

Other Narratives not authorized for print? **None**

Narratives this user authorized to print:

Narrative by: Richard McQuade Division: Patrol

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
08/01/2010 20:54	narrative	Richard McQuade	Open		08/01/2010

On Sunday 8-1-10, I (Ofc McQuade) was dispatched to 18 Robert Hill Dr. to assist NAFD with a dog bite. I arrived and saw the victim, Linda Medeiros (56 yrs old) sitting in the front seat of a large white SUV. She was being treated by NAFD. Both of her hands and feet were heavily bandaged. I spoke to a second victim, Brian Donley (60 yrs old), who was standing in the driveway with his wife. (Lucille Donley) Brian told me he and Lucille were dogsitting for their son's girlfriend, Amy Barnett (25 yrs old), while they were both away together in Atlantic City, NJ. The dog is a Boston Terrier named Henry. He is approximately 7-8 yrs old. (Henry is a rescued dog and has suffered physical abuse.) Linda and her husband came over to visit today. As Linda was walking in the side door to the house, Brian was just getting back from walking Henry. Henry was let off his harness as Linda was walking in the door. Brian yelled for Linda to shut the door, but it was too late. Henry ran across the house and began to attack Linda in the front yard. Linda's husband pulled Henry off of her. Henry then bit Brian on the left foot. Brian was able to secure Henry in his cage which was in the house. Linda suffered several lacerations on both her hands and feet. According to NAFD personnel, the lacerations were very deep. Linda was transported to Rhode Island Hospital.

NAPD contacted Animal Control Officer, Karen Fontneau, and she responded to the residence. The dog was taken to the NA Animal Shelter where it will be quarantined for 10 days. A copy of this report will be picked up on Monday morning.

I spoke to Amy on the phone and advised her of the situation. I told her she will be hearing from Karen Fontneau on Monday morning. (Amy will be back in town on Monday night at approximately 7:00pm.)

Brian will be driving himself to Sturdy Hospital tonight to have his left foot treated.

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Notes:

Create User ID:

Date & Time
No Incident Notes Listed

PART I. ADMINISTRATION OF THE GOVERNMENT**TITLE XX. PUBLIC SAFETY AND GOOD ORDER****CHAPTER 140. LICENSES****EMPLOYMENT AGENCIES****DOGS**

Go To:
Next Section
Previous Section
Chapter Table of Contents
MGL Search Page
General Court Home
Mass.gov

Chapter 140: Section 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

Section 157. If any person shall make complaint in writing to the selectmen of a town, the officer in charge of the animal commission or person charged with the responsibility of handling dog complaints of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.