



PO Box 274 - Eastham, MA 02642
www.easthamdog.org

EASTHAM DOG OWNERS' ASSOCIATION
MEETING HELD: DECEMBER 18, 2008
6:00 PM

LOCATION: COUNCIL ON AGING

PRESENT: Ed Daniels; Fred Fenlon; Marty Haspel; Bernie Kaplan;
Cindy Nicholson; Mary Beth O'Shea; Sarah Raposa

Cindy Nicholson called the meeting to order at 6:25 PM.

Minutes

Minutes of the November 20th, 2008 – Will be approved when available.

Treasurer's Report

Treasurer's Report as of November 30, 2008 was read by Treasurer, Mary Beth O'Shea. Cindy Nicholson made a motion to accept the Treasurer's Report. Ed Daniels seconded the motion.

Bee's River - Cindy Nicholson & Fred Fenlon

Cindy Nicholson opened the discussion on the project to gain access to a portion of Bee's River for dog owners and their dogs from June 15th through Labor Day annually. The hours under discussion are before 9:00 AM and after 4:00 PM. Currently, the Bee's River area is used by dog owners without restrictions for nine and one-half months – 24 hours a day.

The following town policies and regulations need to be addressed:

1. Park & Recreation Policy
2. Shellfish Grants
3. Access to Bee's River via the First Encounter Beach parking lot.

Marty Haspel suggested that we try to extend available hours at Rock Harbor. There are no shellfish beds, fewer ticks, area is not used by beachgoers, dogs can go off leash at low tide away from beach.

Fred Fenlon gave an overview of this project stating that the area under discussion ranges from 500 feet and extends 900 feet North West. The total area is approximately 12 acres.

A buffer zone will be established by EDOA to keep the dogs away from the Bee's River beach area and shellfish beds.

Ed Daniels mentioned Rock Harbor as an alternative area for dogs due to:

- Specific environmental concerns
- Nitrates are higher in the summer
- Fecal coli form counts

Marty Haspel suggested we request that the Eastham Health Department arrange to do a tick count by dragging a cloth over the marsh vegetation to determine how high it is.

No motion was made regarding EDOA adding this article on the 2009 Warrant.

Animal Complaint Hearing Board – Marty Haspel, Ed Daniels, Mary Beth O'Shea

Marty Haspel opened the discussion on the possibility of establishing a five person committee of professionals and residents to review vicious and nuisance dog issues as well as other serious animal related issues. The board would report to the Board of Selectmen with recommendations.

Marty mentioned Senate Bill #2450 which is in its third reading. This bill may pass the Senate and it specifically includes euthanasia as one of the penalties for a vicious dog; the current MA law specifies disposal. What the bill requires is that the method of euthanasia be performed in accordance with guidelines of the AVMA. Marty stated the purpose for including the term euthanasia in the proposed changes to the Eastham Town by-laws was to specifically limit it to "an extreme situation of an uncontrollable and non-remediable dangerous dog".

Committee Board Members would include:

- One Veterinarian
- One dog trainer
- One member with experience with problem dogs such as a representative of a humane society
- Animal Control Officer (ex officio)
- Two residents of Eastham

Marty said that Julie Sandborn from the MSPCA in Centerville has expressed an interest on being on this board.

Fred Fenlon spoke on this issue and began the discussion by saying that the group had originally formed due to the specific use of the word "euthanasia" to barking dogs in the 2006 Animal Bylaw which passed at the May, 2006 Town Meeting. He also mentioned how difficult it was to receive a positive response from Town Hall regarding the minor changes EDOA wished to make to the Bylaw. Therefore, EDOA placed an article on the 2007 Town Warrant and it passed by a majority.

Fred also expressed his concerns regarding use of the word "euthanasia" in regard to this board and questioned the establishment of this type of committee. He mentioned that the

town already has an excess of committees and felt that this board would not offer anything positive or different to the town. He personally has had three occasions to call the EPD regarding vicious dogs and each incident was handled adequately by the Animal Control Officer. Fred feels there is little to no opportunity to convene a board of this type in Eastham.

Marty Haspel did inform the board that Animal Control Officer Diana Back has expressed her enthusiasm for an advisory board of this type.

Ed Daniels questioned the definition of the word "disposal" in the 2007 Animal Bylaw. He interprets it as meaning euthanasia. Mary Beth O'Shea agreed with this impression also. Fred stated that when a word is not defined in a legal document, one must go to the Webster's Dictionary for a definition.

Fred is greatly concerned about liability in the event a dog owner or complainant sues the board and EDOA.

Marty also responded to a question raised by Fred as to who is financially responsible for all costs as a result of the board's recommendations. The dog owner is responsible for all fees.

Fred requested two changes:

- that the name of the proposed board be changed from Animal Complaint Hearing Board to Animal Advisory Hearing Board
- removal of the word "euthanasia".

The following steps need to be taken in the near future to get this board approved:

- The Board of Selectmen needs to be given an informational overview to determine their interest and support level.
- The 2007 Animal Control Bylaw will have to be updated to include reference to the board and amended in areas where they do not make sense.

Ed Daniels made a motion to pursue this project with the Town Administrator and Board of Selectmen. Prior to a vote, Bernie Kaplan made a motion to add the word "advisory" into the board's description. Fred made a motion to add change to the board title to Animal Advisory Hearing Board and delete euthanasia. Ed Daniels rescinded his original motion and made a motion to include the word "advisory" into the description. Cindy seconded the motion. The vote was 6 yes; 1 no. Cindy made a motion to call the first question again regarding proceeding with this proposal. Ed seconded. At this point, Fred abruptly got up and left the table. While he was still in the room a vote was taken. The vote was 5 yes, 1 no and 1 abstained.

Cindy Nicholson made a motion to adjourn the meeting at 8:10 PM, seconded by Mary Beth O'Shea.

Respectfully Submitted,

Mary Beth O'Shea