

*Approved on October 10, 2017*

**Town of Rehoboth  
Animal Advisory Committee  
Minutes of Meeting on September 12, 2017  
Town Hall Meeting Room**

**Present:** Sarah Arrigo, Elizabeth Botelho, Richard Panofsky, Nancy Scott; Animal Control Officer Rob Johnson

**Absent:** Amy Hurd

**Call to Order:** 7:35 pm

**1. Approval of the minutes of May 9, 2017**

- N. Scott moved approval of the minutes. S. Arrigo seconded. No corrections. Motion carried.

**2. Housekeeping, updates, announcements**

- R. Panofsky reported that Sarah Arrigo has been appointed as a regular member. Member Richard Cohen had asked to leave the committee. There are now vacancies for two Alternate Members.
- The committee did not meet in August.

**3. BOS response to bylaw changes and other policy revisions; Action: approve new draft to present again.**

**3a. The changes that must go before town voters**

- R. Panofsky had distributed copies by email of a draft revision responding to the BOS recommendations in their May 22 meeting. He reported that it was a very thorough discussion.
- Before distributing it, Panofsky sent the draft to Attorney Kate Feodoroff, who returned it saying it seemed fine with a couple of technical changes. She didn't think she'd be needed at the meeting tonight.
- We have been planning to have this ready for the Fall Special Town Meeting if they wish to include it then. However, it may wait for the regular town meeting next spring. There is an interest in keeping the Special Town meeting a little shorter, and other lengthy matters, such as the sign policy, are to be considered.
- R. Panofsky moved that the revised by-law changes, as modified in today's discussion, will be forwarded to the Selectmen as ready to be presented in an upcoming Town Meeting warrant. E. Botelho seconded. Motion carried. Panofsky will forward the approved document to the Selectmen and Town Administrator.

**3b. Status of other animal-related legal issues**

- This concerns our recommendations regarding the animal regulations that would not require a by-law change. R. Panofsky had forwarded our document "Recommendations Regarding Rehoboth's Laws and Regulations of Companion Animals, That Do Not Require Modifications to Town By-Laws" to the Selectmen and Helen Dennen.
- Panofsky met with Dennen yesterday, and she asked if we could draft actual items, such as the fee schedule. With the Committee's consensus, Panofsky will do that after circulating versions for comment.

**4. Update on Shelter progress (R. Johnson)**

- R. Johnson reported on progress and changes.

- A new Facebook page will be used from now on. He is working with Pamela DiRienzo to take over the previous site. Hours are announced more clearly on the web site, and the ACO cell number is visible on the sign by the shelter gate. Hours are also being announced in news articles.
- The town IT committee will meet this week and should give the Shelter its long-awaited computer and printer. L. Botelho has offered to assist in setting the new PetPoint system up.
- Action is due soon on building repairs, including capping the cement block walls in the dog runs, fixing the wire tops for the cat-used runs firmly, and securing their openings between the fencing and doors (now stuffed with old towels). Concrete repairs are also scheduled.
- Johnson has met with individual police dispatchers to clarify how to handle calls. Committee members suggested more clarity in the phone answer message that now says to contact police if it is an “emergency,” to make clearer that this also includes any situation that is time-sensitive.
- The shelter and TNR program are cooperating. Kittens that the TNR program finds to be adoptable are transferred to the shelter.
- There are 8 volunteers (including two who only work in summers). At this time, Johnson reports that none are ready to work in the shelter unless he or S. Ruscetta are present. The committee urged continued training and experience so one or more can eventually work there without direct supervision.

#### **5. Open session: Audience comments**

- No audience was in attendance.

#### **6. Any other business**

- There was none.

#### **Adjournment**

- N. Scott moved to adjourn at 9:16 pm. S. Arrigo seconded.
- Motion carried.

Respectfully submitted,

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Richard Panofsky, Chair

*Attached:* Revised document as approved in item 3a, with cover memo forwarding it

#### **Agenda**

Animal Advisory Committee

September 12, 2017

Town Hall Meeting Room

1. Approval of minutes of May 9, 2017
2. Housekeeping, updates, announcements
3. BOS response to By-Law changes and other policy revisions;  
Action: approve new draft to present again.
4. Update on Shelter progress (R. Johnson)
5. Open Session: Audience Comments
6. Any other business

## **MEMORANDUM**

**From:** Richard J Panofsky

**Sent:** Wednesday, September 13, 2017 9:59 AM

**To:** Dennen, Helen; Vadnais, Skip

**Cc:** Kate Feodoroff; nancyscott10; aahurd88@gmail.com; drhurd; Cohen, Richard; Panofsky, Richard J; Botelho, Elizabeth; sarah.m.arrigo@gmail.com; rjohnsonreho@gmail.com

**Subject:** Bylaw Amendment for Town Meeting Warrant from the Animal Advisory Committee

Dear Skip and Helen,

The Board of Selectmen reviewed our proposed by-law changes at the May 22, 2017, BOS meeting and made specific requests for clarifications, tightening, and additional detail. Last night at our first regular meeting since the spring, the Animal Advisory Committee approved the attached revision that is responsive to the Board's wishes.

We forward this now for inclusion in an upcoming Town Meeting Warrant. We will leave it to you to decide if this is OK for the November Special Meeting or should wait for the spring meeting.

If it helps, here is an outline of our changes:

- Separated into sequence of different warrant items.
- Uses same format as previous warrant, in detail.
- Rewritten for clarity, especially the rationales.
- Some corrections and additions as requested.
- Selectmen agreed it will be endorsed jointly by the AAC and the BOS.

I will gladly help in final preparations and with any questions, concerns, or suggested changes. I close by acknowledging the important guidance we received from Attorney Kate Feodoroff of Mead, Talerman, and Costa. She has said she'd be happy also to help if needed.

## **Animal Advisory Committee**

### **Rehoboth Bylaw Change Warrant Items for Town Meeting**

Incorporates recommendations from Board of Selectmen on May 22, 2017, concerning the draft voted May 9, 2107, by the Animal Advisory Committee. The Animal Advisory Committee reviewed this revision on September 12, 2017, and voted to forward it to the Selectmen with our recommendation that it is ready for the Town Meeting warrant.

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#### **ARTICLE [ ]. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**

**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend Article VI, Sections 16-19 of the General Bylaws relating to nuisance and dangerous dogs, as follows:

By amending Chapter B, Article VI, Section 16, so that, as amended, the Section, in its entirety, reads as follows:

Section 16. The Animal Control Officer, or any other law enforcement officer, upon investigation, believing that a dog is dangerous or a nuisance as defined by M.G.L. c. 140, s. 136A, may order the owner or keeper of said dog temporarily to restrain said dog from running at large outside the premises of its owner or keeper for a period of thirty (30) days or until such time as a hearing pursuant to section 17 below occurs, whichever is sooner. Upon issuance of said order, the Animal Control Officer shall immediately file a complaint in writing to the Board of Selectmen alleging that a dog owned or kept in the Town is a nuisance or dangerous dog.

By amending Chapter B, Article VI, Section 17, so that, as amended, the Section, in its entirety, reads as follows:

Section 17. The Board of Selectmen shall cause a complaint issued by the Animal Control Officer as provided in section 16 herein, or any other written complaints that a dog is a dangerous or nuisance dog, to be investigated. Evidence shall be taken at a public hearing of the Board of Selectmen for a determination. Based on credible evidence and testimony, the Board of Selectmen may (a) dismiss the complaint; (b) deem the dog a nuisance dog consistent with the definition of said dog as set forth in M.G.L. c. 140, s. 136A; or (c) deem the dog a dangerous dog consistent with the definition of said dog as set forth in M.G.L. c. 140, s. 136A.

By amending Chapter B, Article VI, Section 18, so that, as amended, the Section, in its entirety, reads as follows:

Section 18. Penalties may be imposed as prescribed in M.G.L. c. 140, s. 157, up to and including euthanasia and/or issuing a fine to the owner of the dog or dog(s) in the amount of one-hundred dollars (\$100) for the first offense, two-hundred dollars (\$200) for the second offense, and three-hundred dollars (\$300) for subsequent offenses. Each day of said failure shall constitute a separate offense. No banishment orders may issue.

By amending Chapter B, Article VI, Section 19, so that, as amended, the Section, in its entirety, reads as follows:

Section 19. Within ten (10) days after an order issued under sections 16-18 inclusive, the parties may pursue appeals pursuant to M.G.L. c. 140, s. 157, as appropriate. Such appeals are to the

District Court, which will review the charges at trial; the decision of the court is final. The District Court may issue orders for the confinement and control of the dog during the appeal process. Sections 16-18 inclusive may be enforced through noncriminal disposition proceedings commenced in accordance with M.G.L. c. 40, s. 21D.

Or take any other action relative thereto.

**Comments:**

**This amendment is sought for compliance with new state law and to ensure health and safety in the community by stricter enforcement concerning nuisance and dangerous dogs. The changes establish a clearer due-process. A provision for banishing problem dogs to another town is removed; state law now prohibits this practice. Fine amounts follow those in the new state law.**

ARTICLE [ ]. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI

SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN

To see if the Town will vote to amend Chapter B, Article VI, Section 21A, relating to rabies vaccinations for dogs and cats, as follows:

By striking the following from Section 21A:

“a fine of twenty-five dollars for first offense, fifty dollars for a second offense and seventy-five dollars for a third offense.”

And replacing with the following language:

the maximum fine established pursuant to M.G.L. c. 140, s. 145B, as may be amended from time to time, for each separate offense.

Or take any other action relative thereto.

**Comments:**

**This amendment ensures public health and safety by increasing penalties for failure to vaccinate for rabies, to the maximum fine in state law, which is currently \$100.**

ARTICLE [ ]. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI

SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN

To see if the Town will vote to amend Chapter B, Article VI, Section 22 relating to the amounts charged for licensing of kennels and the categories for numbers of dogs, as follows:

By striking the following from Section 22, under Kennel License Fees:

1 to 4 dogs	\$25
5 to 10 dogs	\$45
11 to 25 dogs or more	\$75

And replacing with the following:

1 to 10 dogs on license	\$50
11 to 25 dogs on license	\$100
26 or more dogs on license	\$150

**Comments:**

**This amendment changes the categories and fees for kennel licenses, adding a category for kennels larger than 26 dogs and increasing charges as shown. The recommended fees are consistent with those of neighboring communities and serve to fund the town's costs of monitoring kennels.**

ARTICLE [ ]. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI  
SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN

To see if the Town will vote to amend Chapter B, Article VI, Section 22A relating to licensing of dog kennels, as follows:

By amending Section 22A by inserting the following language after "Section 136A" in the first sentence, "or a Kennel, as elected by owner (less than 5 dogs), as defined by M.G.L. c. 140, s. 137A,"

so that the whole will read as follows:

Section 22A. All persons seeking to maintain a Personal Kennel (more than 4 dogs), as defined by Massachusetts General Laws Part I, Title XX, c. 140, s. 136A, or a Kennel, as elected by owner (less than 5 dogs), as defined by M.G.L. c. 140, s. 137A, shall first obtain a license therefor from the Board of Selectmen.

**Comments:**

**This amendment accomplishes minor housekeeping to comply with new state law, that now allows people to apply for a kennel if they own fewer than 5 dogs.**

ARTICLE [ ]. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI  
SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN

To see if the Town will vote to amend Chapter B, Article VI, Section 22 and 22A relating to penalties associated with licensing of dogs and of dog kennels, as follows:

By adding a new paragraph 22B, as follows:

Whoever violates the provisions of Sections 22 or 22A of this bylaw shall be punished by the minimum mandatory fine established pursuant to M.G.L. c.140 s. 137A, as may be amended from time to time, and shall also pay the administrative late fee set forth in section 22 above. This fine will be imposed to the owner of the dog or dog(s) or operator of the kennel after the end of the town's announced 60-day grace period and will be imposed again every additional week that the dog(s) or kennel remains unlicensed.

**Comments:**

**By imposing the deterrent of a higher fine, this provision ensures public health and safety through both dog control and rabies vaccinations. Rehoboth is required to follow State law, which establishes a mandatory fine for violations of individual and kennel licensing requirements. This bylaw imposes the minimum fine, which is now \$50, and automatically follows changes in the amount set by the law.**

ARTICLE [ ]. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI

SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN

To see if the Town will vote to amend Chapter B, Article VI, relating to the keeping of dogs, as follows:

By adding the following new section:

Section 22C. Nothing in sections 16-22A shall deprive the Town from employing the remedies and imposing penalties as provided in Massachusetts General Laws relating to the care and treatment of animals, including but not limited to M.G.L. c. 140, s. 174E, M.G.L. c. 272, s. 77, M.G.L. c. 266, s. 112.

**Comments:**

**This amendment is sought to ensure consistency of local bylaws with state law relative to the protection and care of animals. It makes clear the ability of local officials to protect animals from mistreatment, neglect, and abuse and to use the law's legal tools to offer that protection.**