

**SELECTBOARD MEETING
WEDNESDAY, JAN. 6, 2021
VIRTUAL AGENDA
6 P.M.**

Join Zoom Webinar from your computer:

<https://us02web.zoom.us/j/83274336532?pwd=M0pkejl6UzNZaWxIRUo2YVhtdzV1QT09>

By phone: 1 646 558 8656 Webinar ID: 832 7433 6532 Passcode: 683572

Watch live on SHCTV Channel 15 or <https://shctv15.com/watch-live/>

<p>Note: Not all topics listed here may be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice. This meeting may be audio and/or visually recorded.</p>
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1. Call to Order
2. Dangerous Dog Hearing – Lawless
3. Adjourn

Jeff Cyr, Chair
Sarah Etelman, Vice-Chair
Christopher Geraghty, Clerk
Andrea Miles
Bruce Forcier

Michael J. Sullivan
Town Administrator

December 15, 2020

Delivered Via Certified and First-Class Mail

Ms. Joanna W. Lawless
8 Wright Place
South Hadley, MA 01075

RE: Notice of Hearing to Be Held Pursuant to G.L. c. 140, §157

Dear Ms. Lawless:

Please be advised that on January 6, 2021, at 6 p.m., the South Hadley Selectboard will conduct a hearing pursuant to G.L. c. 140, §157 to determine whether your dogs, identified as “Ozzie” and “Puck” are “dangerous dogs” as defined by G.L. c. 140, §136A virtually at;

<https://us02web.zoom.us/j/83274336532?pwd=M0pkEjI6UzNZaWxIRUo2YVhtdzVIQT09>
or by calling 1- 646 -558 -8656. Meeting ID: 832 7433 6532, Passcode: 683572.

In the event that the Board finds that Ozzie and Puck are dangerous dogs, it will also determine what measures are to be taken to protect the public from them, in accordance with G.L. c. 140, §157(c).

The subjects to be discussed at the hearing will include, but not be limited to, the following:

- (1) Whether, on October 29, 2020, Ozzie and Puck had attacked Christopher Conley and his dog while Mr. Conley was walking the dog on the sidewalk past your home located at 8 Wright Place.

The Board will also hear evidence of prior incidents concerning your dogs, including:

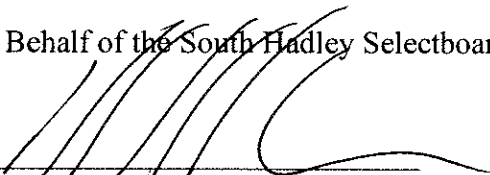
- (1) Both Ozzie’s and Puck’s attack on Jefferey Banza, on January 19, 2019, while he was delivering mail to your home. Mr. Banza was left with multiple bite wounds requiring emergency medical care. The attack took place after Animal Control advised and instructed you to keep the dogs indoors between 3:00 and 5:00 p.m. because the dogs had been very aggressive toward postal workers.
- (2) Ozzie’s attack on Anne Awad, on October 28, 2019, while she was walking by your home. Ms. Awad sustained bite wounds to her left knee requiring her to seek medical care.

The Board will also hear evidence concerning written orders that you received from McClair W. Mailhott, Jr., the Town's Animal Control Officer, in November 2019, instructing you, in pertinent part, to keep the dogs either confined indoors or within a locked pen or dog run when home. Those orders specifically stated that an invisible fence would not adequately confine the dogs to your property and keep them from attacking passers-by and, therefore, was not to be used.

The hearing will be held pursuant to the provisions of G.L. c. 140, §157. You may appear on your own behalf and/or with an attorney, call and question witnesses and present evidence.

For your information and review, we have included copies of a Report dated November 22, 2020 and entitled "Recommendation for Dangerous Dog Hearing" and a letter to the Selectboard from Animal Control Officer Mailhott dated November 16, 2020.

On Behalf of the South Hadley Selectboard



Michael Sullivan, South Hadley Town Administrator

JESSICA COLLINS, Chair
TONY JUDGE, Vice-Chair
KAREN WALSH PIO, LICSW, LADC 1, Clerk
CHRISTINA REMIE, RN
JOHANNA RAVENHURST, MSPH

MCCLAIR W. MAILHOTT JR
ANIMAL CONTROL OFFICER

Date: 11/22/2020

TO: Board of Select Persons, Town Administrator Michael Sullivan, and Board of Health
Director Sharon Hart
116 Main St.
South Hadley, MA 01075

From: McClair W. Mailhott Jr.
Animal Control Officer
116 Main St.
South Hadley, MA 01075

Received
11-24-20
ST

Recommendation for Dangerous Dog Hearing

Under the Dangerous Dog Act MGL Chapter 140 Section 157

I, McClair W. Mailhott Jr, Animal Control Officer for the Town of South Hadley, MA. is recommending that the two dogs owned by Joanna W. Lawless of 8 Wright Place South Hadley, Ma, be humanely euthanized.

The two dogs in question are as follows: dog #1 being a male, mixed breed, named "OZZIE", being black in color, who is neutered, approximate 5 years old, having a rabies number of 310 which expires on 6-18-2023 Dog # 2 being a male, mixed bread, named "PUCK", being ginger in color, who is neutered, approximate 4 years old, having a rabies number 19-107, and expires on 1/5/2022.

This recommendation is due to the multiple dog bites dating back to **January 19, 2019**, when **Jeffrey Barna** of 119 College South Hadley, MA was attacked by both dogs and was bitten by "OZZIE" while he was delivering mail to the Lawless residence. Mr. Barna was treated at an Urgent Care Center. I later spoke with Mr. Barna's supervisor John Seaver who stated Ms. Lawless was previously told to keep the dogs in the house during the hours of 3:00pm and 5:00pm daily due to the animals being aggressive towards the postal workers.

The second person bitten was **Anne Awad** of 4 Jewett Lane South Hadley, MA. on **October 28, 2019**. Ms. Awad stated the black dog "**OZZIE**" was very aggressive towards her and eventually was bitten on the upper left knee breaking the skin while she was walking in front of 8 Wright Place. Ms. Awad did seek medical attention.

The third person to have been bitten was **Christopher Conley** of 1 Burnett Ave South Hadley, MA. This incident occurred on **October 29, 2020** when Mr. Conley was walking his dog on the sidewalk in front of 8 Wright Place when Ms. Lawless's two dogs left the front yard and began to attack Mr. Conley's dog which was on a leash. Mr. Conley separated the dogs and was bitten on the right calf by the ginger colored dog "**PUCK**". Mr. Conley did seek medical attention.

In November 2019, I wrote and recommended that the following recommendations be complied with. A copy was sent via mail to Ms. Lawless's home address at 8 Wright Place. Another copy being a Certified Mail Receipt was also sent by the Board of Health to the post office where Ms. Lawless was to sign for it. To my knowledge Ms. Lawless has never signed for the letter.

1) When the dogs are being removed from the premises of the owners home, or the premises of the person keeping the dogs, the dogs shall be securely and humanely muzzled and restrained with a chain or tethering device having a minimum tensile strength of 300 pounds and not to exceed 3 feet in length;

2) That when the dogs are confined to the premises of the owner or keeper of the dogs; provided, however that "confined" shall mean securely confined indoors or confined outdoors in a securely and locked pen or dog run area upon the premises of the owner or keeper; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dogs. **(An invisible fence is not adequate and is not to be used):**

3) That the owner or keeper of the dogs provide proof of insurance in the amount of not less than one hundred thousand dollars (\$1000,000.00) insuring that owner or keeper against any claim. Loss, damage or injury to person, domestic animal or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provide, however, that if a policy of insurance has been issued, that the owner or keeper shall purchase such policy of insurance has been issued, the owner or keeper produce such policy upon request of the hearing authority or a justice of the district court; and provide further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance.

4) The owner or keeper of the dogs provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including to, photographs, videos, veterinary examinations, tattooing, microchip implantation or combination of any such methods or identification.

5) If the above points are not followed and another incident occurs, I will recommend an order for seizure of the dogs and humanely euthanized.

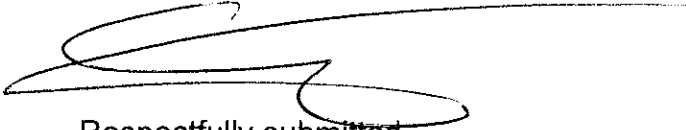
Ms. Lawless has violated all recommendations for the dangerous dog act under Mass General Law Chapter 140 Section 157 that was sent to her back in November 2019. She has been informed both verbally and in writing that the dogs were not to be out without a muzzle. That when the dogs are out, they were to be on a leash no longer that three (3) foot long. That the invisible fence was not an adequate fence and that I recommended she put up fence in the back yard where the dogs could not get out. I have never seen any documents of insurance for the dogs.

On November 8, 2020, I received a call from a concern resident informing me that Ms. Lawless was in violation of the latest quarantine order that was put in place on October 30, 2020. That she has had the dogs outside on a 15' leash that was tied up to her porch. After checking the front of the house I did not see any dogs at this time, however, I did see a leash and a rope connected together to the porch which was about 15 or so feet long. (See photos)

On November 11, 2020, I went to 8 Wright Place to remove the dogs from quarantine and I observe both dogs outside without a muzzle tied up to the leash with Ms. Lawless sitting on a chair. As I began to walk towards the property, the two dogs started to growl and walk towards me. I told Ms. Lawless the dogs best not come near me. It was at that time a young girl sitting at the top of the stairs pulled the dogs towards her. I again informed Ms. Lawless that she was in violation of the orders that have been given to her. Ms. Lawless stated as far as she was concerned the dogs were no longer quarantined. I explained they were quarantined until I have seen the dogs and until I release them. I again informed her that the dogs were not to be left out in the yard, that they were to be muzzled and that the invisible fence was not adequate. Ms. Lawless began to yell at which time I left the property and contacted Jennifer Jernigan and informed her of the situation as I was unable to contact Sharon Hart. (See photos)

With the above information, Ms. Lawless shows no signs of acting on any of the above recommendations that have been set fourth in keeping residences safe while walking on the sidewalk in front of 8 Wright Place. The dogs are not muzzled, dogs are not in a fenced in yard, no insurance documents on dogs, and as of the last incident Ms. Lawless as violated all the quarantine orders.

As the South Hadley Animal Control Officer, I, McClair W. Mailhott Jr. recommend that an order for seizure of Ms. Lawless's two dogs (OZZIE and PUCK) and be humanely euthanized be issued.



Respectfully submitted,

McClair W. Mailhott JR.

Animal Control Officer







JESSICA COLLINS, Chair
TONY JUDGE, Vice-Chair
KAREN WALSH PIO, LICSW, LADC 1, Clerk
CHRISTINA REMIE, RN
JOHANNA RAVENHURST, MSPH

McClair W. Mailhott Jr
Animal Control Officer

11/16/2020

To: Board of Select Persons, Town Administrator Michael Sullivan, and Board of Health
Director Sharon Hart
116 Main St
South Hadley, MA 01075

From: McClair W. Mailhott Jr.
Animal Control Officer
116 Main St.
South Hadley, MA 01075

On October 29, 2020, I received a call from Officer Hart informing me of a dog bit that took place at 8 Wright Pl. Officer Hart stated the victim is **Christopher Conley** who lives at 1 Burnett Ave. Officer Hart stated that Mr. Conley was walking his dog on the sidewalk in front of 8 Wright Pl. when two dogs (black and brown in color) were in the front yard and ran onto the sidewalk and attached his dog. The owner of the two dogs is Joanna Lawless.

It should be known that within the past two years there have been two other dog bits involving these dogs. On **January 19, 2019, Jeffrey Barna** was bitten by a black dog (**OZZIE**) owned by Joanna Lawless while delivering the mail. Mr. Barna informed me that there has been several issues in the past involving the dogs and Ms. Lawless has been notified in the past by the Post Office that the dogs are to be kept in the house when they are delivering the mail. On **October 28, 2019, Anna Awad** was walking in front of 8 Wright Pl. when she was attacked and bitted on the left kneecap by the black dog.

Officer Hart went on to say that Mr. Conley separated the dogs and while doing so he was bitten by the brown "**PUCK**" dog on the right calf. Mr. Conley informed Officer Hart that the dogs have been in the front yard in the past and have never left the yard as he believes they were restricted by an invisible fence. At this time, Mr. Conley refused any medical treatment. I explained to Officer Hart that he needed to contact Mr. Conley and inform him that he must seek medical treatment as there is certain protocols that must be met to quarantine the dogs. Officer Hart also stated he tried several times to contact Ms. Lawless, but she has not returned his calls and the dogs were still in the front yard.

On October 30, 2020, I contacted the station and requested they sent a supervisor to 8 Wright Pl to assist me as I have had issues with Ms. Lawless in the past when I have quarantined her dogs in the past. Sgt. Goulet arrived, and I explained that I wanted him there to witness the quarantine order.

We went to the door and Ms. Lawless answered it. I requested she come outside as the two dogs were at the door barking. I informed her that her two dogs were out in the front yard. That they crossed the invisible fence and attacked a dog that was being walked by its owner on a leash. That the owner of the dog was bitten by the brown dog in the right calf. That Officer Hart tried several times to contact. I went on to inform her that the **two dogs are quarantined** even though there is no paperwork as it is a weekend, and the Board of Health must obtain paperwork from the victim's doctor.

I went on to inform her that she was in violation of my Recommendation for the Dangerous Dog Act which I was sent to her a year ago. That the dogs were not to be left outside. That if and when they did go outside, they were to be with her on a leash no longer than a three foot and they must be wearing a muzzle at all times when outside.

I then went to speak with Mr. Conley and informed him that the dogs are up to date with their shots. Mr. Conley stated he went to the doctors and they will be sending the Board of Health all necessary paperwork to quarantine the dogs.

On November 3, 2020, I went to 8 Wright Place and issued the written quarantine order to Ms. Lawless. **I again went on to inform her that the dogs were not to be left outside. That when they did go outside, they were to be with her on a leash no longer than a three foot and they must be wearing a muzzle at all times when outside.** I went on to tell her I would be back to release the dogs from quarantine in a week.

On November 8, 2020, I received a phone call from a concern person who stated they believed that Ms. Lawless was in violation of quarantine order. That she has allowed her dogs to be out on a 15' leash which is tied up on her porch. I went to 8 Wright Pl. and noticed a dog leash that was connected to rope which was tied up to the porch. There were no dogs tied up to the leash, however, it was all of 15' which the dogs could get reach the sidewalk. I knocked on the door and no one answered nor was there a car in the driveway.

On November 10, 2020, I went to 8 Wright Pl. to remove the dogs from quarantine at 5pm, no one was home.

On November 11, 2020 at 2pm, I went to 8 Wright Pl to remove the dogs from quarantine. As I pulled up to the house Ms. Lawless was sitting on a chair with the two dogs leashed to the 15' leash that I had a complaint about. I explained that her dogs

were not to be left out on a leash and were always to be muzzled when they were outside. That she was in violations of all orders that have been given to her. Ms.

Lawless stated that as far as she was concerned the dogs 10-day quarantine was over. I explained that the dogs are not released from quarantine until I have seen the dogs and that I was there the prior day, and no one was home. I immediately contacted Jennifer Jernigan at the Board of Health while still at the property and informed her of the violation. (see attached photos)

Respectfully submitted,

McClair W. Mailhott Jr.
Animal Control Officer