

Scituate Animal Control Board Hearing
Thursday, July 29, 2021
Select Board Hearing Room

In attendance: Jim Boudreau, Kevin Cafferty, Carol Sullivan-Hanley, Craig Keefe (ACO), Cindy Amara, Town Counsel, Michele Seghezzi (Recorder)

Hearing Attendees: Kevin Bowker, Attorney Jeremy Cohen, Boston Dog Lawyers, witness Jayme Miller (cousin of Bowker), and Mike Liberty (trainer)

Witnesses: Laura Joseph Dwyer, Christina Jernberg

Meeting Called to Order at 4:00 PM.

Reorganization of the Board

Mr. Cafferty made a motion to nominate Mr. Boudreau to serve as Chair of the Board, Second by Ms. Sullivan-Hanley

Unanimous (3-0)

Mr. Boudreau made a motion to nominate Ms. Sullivan-Hanley as Secretary to the Board, Second by Mr. Cafferty

Unanimous (3-0)

Dangerous Dog Hearing: Kevin Bowker and Attorney Jeremy Cohen

Mr. Boudreau said notice was given to Mr. Bowker by Animal Control Officer, Craig Keefe. Mr. Boudreau read the hearing notice from July 15, 2021, which was continued to July 29, 2021 and explained the hearing process.

Mr. Boudreau read through the investigative materials provided which included police logs, report from Officer Keefe, emails from victims, and photos of dog bites.

Attorney Cohen brought forth a picture of a dog muzzle and brochures from the trainer working with the owner and dog.

Mr. Boudreau swore in the witnesses.

Officer Keefe was called forward to recount the history surrounding the animal. Mr. Keefe ordered the dog muzzled, and it continues to bite people for a total of 3. The first bite was in 2017 prior to his joining as Scituate ACO. Then in January 18, 2021 there was a biting incident involving a child at the Scituate Harbor Yacht Club. A muzzle order was issued on January 18, 2021 to be on the dog whenever off property. Muzzle order was provided to the Board. The second incident occurred on April 23, 2021 with a report of the dog out of muzzle and off leash

who lunged at another dog. Final incident occurred on May 13, 2021 where a mail carrier was bit by the dog, on their property.

Mr. Boudreau asked if the board had any questions – None

Attorney Cohen asked a question to Officer Keefe regarding the incident with mail carrier and how he was made aware of it. Officer Keefe heard a mailman was bit and went to the Post Office to inquire. Mr. Cohen asked if he spoke with the mail carrier, or received documentation from a Doctor regarding the incident which he hadn't.

Mr. Cohen noted that the dog was on a leash at the Yacht Club incident. Officer Keefe said the leash was out of the owner's hands.

Mr. Cohen asked about muzzle order and showed a picture of a muzzle to see if acceptable. He wants to know the terms and conditions of the order and felt it was vague. Keefe said it was given to him from previous ACO. Mr. Cohen indicated the language in the report from 5/14 that states the order "does not grant any property rights or any exclusive privileges or private property rights". He feels it doesn't make any sense.

Mr. Cohen agrees the dog needs to be better managed. He noted that the mail carrier came over to the dog, on his property, to pet him. Mr. Cohen offered the following: the dog should be muzzled with a 3 -foot max leash (former leash was 20 feet). He should be allowed to be on a secure run on his property, with Mr. Bowker present without a muzzle. He feels there's no violation at this time, but there needs to be a clearer order. He said Mr. Bowker has made a commitment to doing better and is working with a trainer. The dog has not been neutered but Mr. Bowker said he would be willing to neuter him which should help with the dog's anxiety.

Mr. Boudreau called Mr. Bowker to testify. Mr. Bowker explained that he wasn't around for the 2017 event and the dog was with his parents. There was no issue until January 2021. He had a companion dog that had been put down the month before the January incident. He explained the January incident where the dog pulled and the leash dropped. In the April incident, the dog was tangled in brush on country way. He had to unhook him to help him, although he was muzzled. In the May incident, the mailman was on his property and approached the dog to pet him, and the dog bit him. Mr. Bowker treated the mailman at the time.

Mr. Bowker said he's working with a trainer, and using CBD treats to help the dog with his anxiety. He too has some PTSD from time served in Afghanistan and feels the dog picked up on this. Mr. Bowker keeps the muzzle with him at all times. He feels his dog does not need to be muzzled on his private property and is not in violation from the May incident.

Mr. Cohen asked Mr. Bowker if he's willing to neuter the dog which he agreed to. Mr. Bowker explained the cable run, how it's installed and secured. He's on the run for training and playing and shouldn't be muzzled.

Officer Keefe was informed that in April the dog was not muzzled, despite what he said.

Attorney Cohen brought forth Mike Liberty, dog trainer and psychic medium reiki master. He stated that Bowker called him in May 2021 to work with him. He noticed the dog was tense and asked Mr. Bowker to put him in the house. Mr. Liberty performed reiki work with Kevin and worked on his anxiety issues. When the dog came back out he was a happy and easy going dog. On one occasion he brought his own dog to socialize with Ranger.

Atty Cohen asked Mr. Liberty if he can teach Kevin calming techniques. They are working on basic obedience. Mr. Cohen asked about the dog's behavior and why he thought he bit the victims? Mr. Liberty feels the dog wasn't relaxed because his owner wasn't relaxed.

Mr. Boudreau asked if the dog has been observed since starting training in May. Officer Keefe has not.

Attorney Cohen brought forth Jayme Miller, Westford Mass, who is the second cousin of Mr. Bowker. She spends time with him and brings her 4- year old niece and her 8- month daughter. She stated they haven't had any issues with Ranger with the children. Attorney Cohen asked her to describe her cousin. She explained that he just wants to follow the rules, fairly. Mr. Boudreau asked if she noticed any change in the dog's behavior. She hasn't seen him since last March.

Mr. Boudreau called witness Laura Dwyer, 11 Pinebrook Ln. to testify. Her incident occurred last April when the dog came running at her while she was out walking her dog with a friend. She thanked Mr. Bowker for his service. The dog was not muzzled, was off leash, and he came after her, but he did not bite her that time. She was, however, bit in the August 2017 incident while walking her puggle. The dog ran out, bit her, and then ran back home. They went to the Bowker residence to let them know. She went to urgent care for treatment and contacted the Bowker's to see if Ranger was up to date with vaccinations.

Mr. Cohen asked when she found out about the mailman incident which she heard about from a neighbor.

Ms. Christina Jernberg, 33 Whittier Dr, came to testify. She was with Laura in the April 2017 incident. She noted the dog bolted past her and her small dog. She mentioned that she saw the dog unmuzzled recently on July 11th in his yard and Mr. Bowker then started walking down Country Way, leashed but unmuzzled. She noted that while the dog's bark is scary, she feels comfortable when the dog is secured on the run.

To summarize, Attorney Cohen said the dog's anxiety needs to be treated by a behavior therapist and specific orders should be in place for the dog.

Mr. Boudreau closed the public hearing at 5:04 PM for deliberation. He feels it should not be dismissed and the dog should be considered a dangerous dog.

A motion was made for the Animal Control Officer to find that the dog is considered a dangerous dog, Motion by Mr. Cafferty, Second by Ms. Carol Sullivan-Hanley

Unanimous (3-0)

The Board asked for a recommendation from Officer Keefe. He feels the dog needs to be muzzled and wants to make sure he can't continue to harm anyone. They do not feel the dog needs to be euthanized. Mr. Bowker is taking steps to help the dog and himself.

The following conditions were identified:

The dog would be on a 3 - foot leash when off property, and when not on a run on the property. If he's not on a run, he must be muzzled. When the dog is transported to/from car he must be muzzled.

Neuter the dog within 60 days, with ability to request extension if needed.

Provide insurance for the dog, within 30 days

Mr. Boudreau made the following Motion:

1. Muzzle and restrain dog at all times when outside of the residence, and not on the run at the home.
2. The dog will be on a 3-foot lead when outside and not on the run
3. The owner will provide proof of insurance within 30 days.
4. The dog will be neutered within 60 days.

**Moved by Mr. Cafferty, Second by Ms. Sullivan – Hanley
Unanimous (3-0)**

Mr. Cafferty noted that he should take good care not to have to come before the Board again.

Motion to adjourn at 5:14 PM.

Adjournment

Respectfully submitted,

Michele Seghezzi, Recorder