

Foxborough Advisory Committee

Wednesday, September 18th 2019

In attendance:

Bernard Dumont, Seth Ferguson, Thom Freeman, Jr., Brian Guild, Sharon Weiskerger, Stephanie McGowan

MINUTES

7:03PM - Meeting called to order by Seth Ferguson

Presenting for Articles 10, 11, 12 for the Special Town Meeting were Bill Keegan Michael Johns and new Animal Control Officer – Kaycee Bailey. Current by-laws regarding kennels only allow for commercial use in business zoned areas. The town would like to add new definitions for personal and veterinarian uses. These will also be added to the Zoning by-laws for appeals and allowances.

Brian G – Are there any kennels currently in residential zones?

Kaycee B – The town can't license such a scenario. State statute defines a kennels as 5 or more animals (dogs) on the property.

Seth F – Is the town unable to regulate such an ordinance?

Kaycee B – There is no kennel licensing protocol – a fee has never been created for that.

Stephanie M – You mean there is NOTHING in the by-laws?

Kaycee B – Only that you have to license your pet each year. Thus far, it is up to the Town Clerk to monitor if the 5-pet limit is reached. Kennels are only allowed in commercial zones.

Brian G – What about dog walking/dog-sitting?

Kaycee B – That would be considered a commercial enterprise.

Seth F – What about Dog grooming?

Kaycee B – That is not under Animal Control jurisdiction; only as it pertains to housing/neighborhoods.

Sharon W – Can you dog sit?

Bill K – Only for a certain number of dogs and hours.

Seth F – What brought this up for consideration? Do we know what other towns do?

Bill K – A resident has several dogs and wanted to start breeding. Mansfield has a special permit, fees and inspections. Wrentham and Millis have created special zoning. Foxborough has decided to disallow personal kennels.

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Thom F – Under current rules, if a dog has a litter – how long does the resident have to ‘unload’ the pups? Additionally, does this Article pertain to cats as well?

Stephanie M – Currently, how many kennels are in town?

Bill K – There are 2; the Article seeks to change the wording of ‘dogs’ to ‘animals.’

Stephanie M – Is there something on the books now to deal with cats or other animals?

Seth F – It appears that Article 11 provides a strict definition of a kennel.

Brian G – So Article 12 appears to be changing the Zoning Table?

Bill K explained that the new Zoning Table for kennels will define ‘personal kennels’ – not allowed in Residential Zones; Veterinarian kennels – allowed in C1 and S1. There is a Veterinarian Hospital on Mechanic Street, but it does not board – only for medical observation and treatment.

Stephanie M – I don’t believe that they staff overnight.

Seth F – So, there are 2 residents who will be affected by this new by-law?

Bill K – The town is already working with both families. One has old dogs (so that may take care of itself). The other is in negotiations with the Administration.

Bill K – Article 13 seeks to replace ‘at large’ with ‘leash of 10 feet or less’ off the animal owner’s property. Only 2 towns in MA have no ‘leash law’ – Foxborough had been #3.

Stephanie M – Once the town adopts this by-law. Facilities like Summerfield must abide, correct?

Bill K – Yes, they all do. Remember, we are also replacing ‘dog’ with ‘animal’.

Seth F – Are there designated levels of enforcement? The Animal Control Officer is now under the Police Dept.

Bernard D – Communication will be key for a smooth transition. Animal Control could use a Facebook page. Will the town notify all registered owners?

Seth F – The 1st Offense is stated to carry a \$50 fine ... that comes with some jurisprudence?

Bill K – The town will allow Animal Control to step in.

Seth F – How will the town administer to any escalation?

Bill K – It will become a Public Safety matter; a hearing with the owners will be held with Town Mgr.

Stephanie M – I respectfully disagree; as a dog owner myself, I have a concern about one person making an intervention (or even death sentence) decision.

Bill K – My decision is still appealable.

Stephanie M – I believe those in an elected position should be making those decisions.

Kaycee B – It takes a lot to make those life/death decisions; this is a case of 1 vs 5 persons.

Bill K – It happens so rarely, but when it did happen, after repeat offenses and injuries, the decision was easy. The BOS are not in the habit of making adjudication decisions such as this. Having the Town Mgr handle these plays to the town's advantage and does not interfere with any open Town Meeting laws. Also, it's not a specific number of incidents that have to occur – recently, restrictions were handed down to owners after their dogs hurt both a child and another dog.

Brian G – So no '3 Bites' rules?

Bill K – Not at all. As of now, appeals to the BOS can get the entire board subpoenaed to appear in court. It just happened. There have been cases in the past when troublesome dogs would be moved with little consequence, only to be a potential threat in a new town. That doesn't happen now.

Kaycee B – Euthanasia is not the primary 'sentence' in most cases. A hearing can determine if the dog is a nuisance – where kenneling/training may be required OR if the dog is deemed dangerous – where restraints, including muzzling, may be required. Dangerousness, i.e. a severe bite will require a written report, handling by Police/Dog Officer and on to the Town Mgr.

Seth F – What about the hearing process?

Bill K – Both sides present evidence, even sworn testimony including lawyers.

Mike J – Kaycee, are you making a recommendation to the Town Meeting?

Kaycee B – Yes, I can. In the end, a determination is made: if euthanasia is the verdict, it can be appealed to the State. If it goes to court, cases have taken up to 1-2 years to be settled.

Seth F – So, the ultimate decision rests in a higher court's hands.

Stephanie M – If you went to court, you can have a jury decide; different interpretations will create a discussion and not one person deciding. What do other towns do?

Kaycee B – Other towns have varied systems.

Thom F – Don't forget, the presiding court officer maybe a Clerk Magistrate and not a jury. Who holds the dog in quarantine?

Bill K – The town contracts boarding, and the owner pays.

Sharon W – There should be no rash decisions, after deliberations – the goal is to protect citizens (humans).

Bernard D – I have no animals, but where I live in Summerfield, there have been 2 issues. There should be a balance of cruelty and humans; in one case, kids were involved. By the town not having rules in place, it is a more dangerous environment. One person may lose everything to help repair their kids. But I also worry that more people involved could create a more political decision.

Seth F – What are the implications of this Article?

Bernard D – If the BOS are the arbiters, there are kids, media – it can become disruptive. We have to look at the function, not the person. Kaycee is doing her part. I've seen the outcome.

Bill K – The BOS did not enjoy being personally involve with the last situation.

Brian G – Can the owners sue the Town Mgr or the BOS or the town at large?

Bill K – The town legally defends its officials' decisions.

Seth F – What controls are involved with the recommendation; any mitigation controls in decisions?

Bill K - The hearing is held in a closed session, not open to the public. If run by the BOS, some neighbors may not be willing to come forward if cameras are watching.

Stephanie M – Who requested the Article?

Bill K – The BOS did. The BOS take the case and send a recommendation to the Town Mgr. This hopefully result in fewer cases and a better chance of resolution before it gets to the Town Mgr and thus, less burden on the town.

This was followed by several minutes of anecdotal conversations around the room.

Thom F – Does this Article impose any financial, budgetary consequences (stipends, etc.)?

Stephanie M – Does the town have to go and take custody of the dog? Are there Warrants and property considerations (chain of custody) concerns?

8:30PM – Discussion for new budget season

Bill Keegan introduced George Samia as the new Finance Director to the ADCOMM. The Administration is ready to hit the reset button and is planning a Financial Summit for October 17th from 6:30-8:00PM.

Brian G – At the summit, will you address how budget goals are defined; there is a town-wide perception that spending is out of control.

George S – In E Bridgewater where I live, there is no business, the tax rate is normal, yet citizens will say to tax them to the highest levels in the state. Now I come to Foxborough where it is completely different. I was fiscally conservative while the town (E Bridge) wanted to spend. I'm not the guy looking for ways to spend money. E Bridgewater has a Bond rating of AA3 and has twice the debt of Foxborough – while that is exorbitant, the town has the cash reserves to back it up. Foxborough has a AAA Bond rating, the highest, and its OPEB balance is 'light-years' ahead of most towns.

Brian G – Please address how the town's tax system works to the residents.

Bernard D – Perception is reality. GE 4 years ago was a 'darling' – now it is @ \$100B in debt. As long as debt can be serviced, it is manageable.

George S – I am working under the premise of not overriding Prop 2 ½. We aim to use cash for 1-time Capital Expenses. Would rather deal with yearly fluctuations that always playing catch-up.

Seth F – There is a sentiment in town that we should pay off obligations faster or reduce taxes. What else is coming off the books?

Bernard D – When we look at 100% of the budget pie, 50% comes off the top to the schools.

George S – It has been my observation at Town Meetings that people accept multi-million-dollar expenses but will then fight over a desk.

Brian G – People tend to argue when lacking immediate financial problems.

9:15PM - Adjournment

Thom F – made the motion for Adjournment


Seth F - 2nd

Vote: 6 – 0 – 0

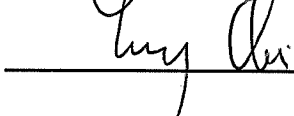
Minutes approved by Vote of the Advisory Committee.

Date of Meeting: 18 September 2019

Vote:



Signature of Chairperson



Signature of Vice Chairperson