

## Town of Adams Massachusetts 01220-2087

### BOARD OF SELECTMEN

TOWN HALL BUILDING  
8 PARK STREET

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**Tuesday, August 25, 2020, 6:00 p.m.**  
**Meeting Minutes**

**CALL TO ORDER:** On the above date the Board of Selectmen held a meeting on the first floor of Adams Town Hall. The meeting was called to order at 6:00 p.m. by Board of Selectmen Chairman Hoyt. Present were, Members Duval, Blanchard and Nowak. Present in the room were Town Counsel St. John III, Chief Bacon, Parking-Animal Control Officer Witek, Justin Dupee, Ron Dupee, Zachary Dupee, and William Martischnig. On the call were: Vice Chairman Bush, Susan Foster, Anita Gutman, Nancy Hopkins, Annie Morin, Myra Wilk, Lora Peck and Michael Dolan.

*Chairman Hoyt* advised that "pursuant to Governor Baker's March 12, 2020 *Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18*, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Adams Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

### JOIN ZOOM MEETING

**Join Zoom Meeting:** <https://zoom.us/j/98046706769?pwd=eUFFMzFEZ1R1UVgvRGIOQitSVnQ0dz09>  
Meeting ID: 980 4670 6769; Passcode: BOS0825

**Dial In:** 1 (929) 436-2866; Meeting ID: 980 4670 6769; Passcode: 4861549

### PUBLIC HEARING

*A public hearing to determine whether the alleged vicious dog located at 32 Greylock Avenue in Adams and owned by Mr. Justin Dupee should be destroyed due to several attacks and biting incidents resulting in physical harm pursuant to MGL C. 140 §. 136A, MGL C. 140 § 157-174 and Chapter 14 of the Adams Town Code, or whether other remedial action should be ordered, or whether no action should be taken at all; 6:00 p.m.*

***Motion made by Member Nowak to take this item off the table, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed.***

***Motion made by Member Blanchard to go into Public Hearing, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed.***

*Chairman Hoyt* explained that at the August 11<sup>th</sup> public hearing, the Board was requested by Mr. Justin Dupee to continue the hearing until August 25, 2020 at 6:00 p.m. to allow for proper notice to

Justin Dupee, Ron Dupee and Zachary Dupee to get the information they needed to provide. She stated that a letter was sent to each party indicating the continued hearing date, and she read the letter contents aloud. The documentation requested to be provided prior to the hearing date was outlined. She identified that the Letters are *Town Exhibit 1*, and Certified Mail Receipts are *Town Exhibit 2*. She pointed out that all parties that were sent letters are present in the room, and they verbally indicated they are not represented by legal counsel. *Mr. Ron Dupee* advised that the soonest veterinary appointment is November 15<sup>th</sup>, and in order to get shots the insurance company needs proof of veterinary documents. He also advised he was not aware he had to provide neutering records, stated he had turned them in prior, but they were not on file. *Town Counsel St. John III* advised Justin Dupee, Ron Dupee and Zachary Dupee of their rights in the process and reiterated that he had advised them two weeks ago that they have the right to not incriminate themselves. He explained to them that by reason of pre-existing events there may be criminal exposure on this.

*Chairman Hoyt* read the following statement *"This is a hearing concerning whether the alleged vicious dog located at 32 Greylock Ave in Adams and owned by or in the custody of Mr. Justin Dupee, Mr. Ron Dupee and Mr. Zachary Dupee should be destroyed due to several attacks and biting incidents resulting in physical harm pursuant to MGL C. 140 §136A, MGL C. 140 § 157-174 and Chapter 14 of the Adams Town Code, or whether other remedial action should be ordered, or whether no action should be taken at all."* It was explained how the meeting would run, who would testify in which order, and how documents and evidence may be presented and logged in as part of the process. It was explained how the conclusion of the hearing and deliberation by the Board of Selectmen would take place. Parties on the call and Justin Dupee, Ron Dupee and Zachary Dupee, and all other parties giving testimony were sworn in to tell the truth. There were no questions on the procedure by anyone attending the meeting.

*Police Chief Bacon* explained the reason for the hearing was to review the order established by the Board of Selectmen October 16, 2018 and also the incident that happened in July 23, 2020. He advised that on July 24, 2020 he was approached by the Adams Animal Control Officer (ACO) about an incident that occurred at 32 Greylock Avenue. He advised that the ACO reported that the complainant, William Martischnig was walking his one-and-a-half-year-old Collie/Labrador dog mix down the street and along came a Pitbull that attacked and bit the dog until the owner of the Pitbull came over and subdued the animal. He stated that according to the witness the Pitbull was not muzzled. The Animal Control Officer followed up and identified the Pitbull as "Lucky" that the Board of Selectmen had already deemed dangerous. He noted that after discussion with the Animal Control Officer and reviewing the information determined in the October 16, 2018 hearing that the case and the parameters set forth by the board needed to be revisited to see if they had been achieved and to review the incident that had occurred on July 23, 2020. He explained that as a result of the attack, the owner of "Lucky" was ordered to quarantine dog for ten days, was issued an unlicensed dog citation, was issued an unvaccinated dog citation, and issued a leash law violation. He advised that there are two witnesses to bring forth testimony.

*Town Counsel St. John III* advised Chief Bacon on the procedures for logging in the Town Exhibits. The Police Report of the July 23, 2020 Incident was logged in as **Town Exhibit #3** and the October 16, 2018 decision and order by the Board of Selectmen to Justin Dupee of the requirements to be complied with was logged in as **Town Exhibit #4**.

*Chief Bacon* called William Martischnig as the first witness. Mr. Martischnig stated he took his dog out for a walk early afternoon onto Greylock Avenue (unintelligible) and noticed his dog stop in tracks and looked to see what his dog was looking at and saw Lucky running at them with his owner behind him yelling at him the whole way. He stated that Lucky ran at least 100 feet across the street, onto the grass at the other side, sniffed (his dog) bit onto tail and then inside of his back leg and on his thigh and got him onto his back so he couldn't move while his dog was squirming under him. He said he didn't know how to get him off of his dog, knowing that this dog ("Lucky") has prior issues as a dangerous animal. He explained that the owner came running over and pulled him off his dog. He stated he did a quick check of his dog and then called vet who told him to take his dog in immediately. He noted that thankfully his dog is a medium to large dog so the other animal was unable to get his teeth fully around his leg and cause any real damage as the injuries were superficial. He stated that he was able to bring his dog home that evening and didn't have to do anything or give him anything special except for measures in case he got something from the other dog. He stated the dog that attacked his dog looked like it was on a wire lead, which looked like it had snapped off and he took off after them. He stated that "Lucky" had no muzzle on at all. *Town Counsel St. John III* advised the Dupees that they have the right to ask questions of the witness as well as the Board. Board Members asked questions and it was clarified that Mr. Martischnig did not have to pay the veterinary bills from the incident, and that the owner checked on his dog and asked for the receipt so he could cover it. He also stated that he felt the wire lead should have been heavier. He explained that he walks his dog regularly on this street and has not had any problems with this dog "Lucky" in the past. He was asked for a copy of his veterinary records and he advised he would provide them. Justin Dupee inquired how come in the police report it said dog was bitten several times but there were only two superficial bites and why it was made to sound like the dog got viciously attacked. He inquired how it could be put in the police report because it makes it seem like he was vicious. *Town Counsel St. John III* advised Justin Dupee it was the appropriate time to question Mr. Martischnig and that he would be able to ask this question later to make that argument. Mr. Martischnig clarified the number and locations of the bite and attack wounds. Justin Dupee did not have any questions for Mr. Martischnig and stated he did not like the wording in the report and felt it was not the truth. There were no further questions of Mr. Martischnig.

*Chief Bacon* called forth Animal Control Officer Witek as witness. ACO Witek provided several items to be entered as exhibits. ***Town Exhibit #5*** was identified as a 2015 report from the City of Pittsfield. ***Town Exhibit #6*** was identified as a 2017 dog bite report. ***Town Exhibit #7*** was identified as police log entries of visits to the residence and residence concerns. ***Town Exhibit #8*** was identified as Tickets issued from 2017, 2018 and 2020. ACO Witek reported that none of the citations have been paid. She advised that she had spoken with the Dupees several times and had never had an interaction with the dog. She reported that when she had gone there he was in the house or on his run and when he was on the lead he growled and barked. She confirmed with Mr. Dupee that he did not have the training but he did have "Lucky" neutered. ACO Witek was asked to go through and explain the Exhibits. ***Town Exhibit #5*** was described as a 2015 report from a City of Pittsfield Police Officer regarding an incident 5 Baldwin Ave, and upon arrival he spoke with a man who had been chased and bitten by the dog next door and stated the dog was owned by Ron Dupee. She advised the report noted that the reporting party's left eye was scratched and had puncture wounds and that he had stated this was not the first time the dog had gotten loose and had gone after him. She stated the man's wife confirmed that the dog was out of control and very aggressive. It was stated that the dog had broken free from collar and unaware that had bitten anyone. It was stated that the dog was a Pitbull/Rottweiler mix, and there was a part of the collar that had been pulled apart. It was noted in

the report that due to aggressiveness the officer unable to check the collar. **Town Exhibit #6:** 2017 Adams Officer Dabrowski was dispatched for 32 Greylock Ave for reported dog bite to CTR Van Driver. Upon arrival he found Van Driver Richard Andrews who had suffered multiple dog bites to both hands and legs, and significant blood loss and deep lacerations as a result of the dog bite. Mr. Andrews had reported that he walked to the side door of the residence and began to knock on the door for the patient, Mrs. Dupee, he was about to transport. Mrs. Dupee opened the door and the dog, known as "Lucky", pushed through and began to attack him. "Lucky" was a Pitbull/Rottweiler mix. Mr. Andrews transported to BMC South due to the severity of dog bite. Upon speaking with Mr. Dupee who stated the dog is very protective and Mr. Andrews knocking on the door may have been a factor. He assured the officer that the dog was up to date on his shots and he was aware of Adams policy and procedure regarding dog bites. It was pointed out that this is the same dog that had bitten Officer Dean in August 2018. It was noted that this incident was reviewed by the Board of Selectmen at the hearing in 2018. **Town Exhibit #7:** Officer Dean investigation of a report of a Pitbull dog biting a mail worker. The officer noted a Pitbull type dog in the back yard and knocked on the side breezeway door where a Ron Dupee was standing. When talking to Mr. Ron Dupee, the dog jumped through the screen door and bit Officer Dean in the right forearm several times before Mr. Dupee restrained the dog, leaving puncture wounds and abrasions to the arm. The dog owner was identified as Justin Dupee. The rabies vaccinations were reviewed and it was noted that there are pictures attached. **Town Exhibit #8:** ACO Witek summarize the log entries which started in 2016, and she read them off. The log entries included communication with officers about dog a dog bite; follow ups; issuance of citations; a follow up after dog bite for quarantine contact with employee of the Adams Post Office regarding the dog and decision on what to do about the mail route; hand delivering statements; a caller voicing concerns about a Pitbull off Hathaway street, walking past residence with dog; warning signs at the residence and the dog chained but reported concerns; Mr. Dupee called to speak with the ACO; a dog outside barking; a dog barking through an open window and the reporting party afraid it would jump out the window; another bite incident of a CRT Driver; Officer Cunningham response to a dog bite at 32 Greylock Ave; **Town Exhibit #9:** Officer Hicks and ACO responded with Adams Ambulance and administered aid with Ralph Baker who went to pick up Mrs. Dupee in which Diane Dupee stated she was not certain if the dog was up to date on its shots, the dog was not wearing a collar and not sure if it was registered. It was noted that Mrs. Dupee advised the dog was a very protective Pitbull/Rottweiler, the dog got out and she was unsure if Mr. Baker had opened the door or if the dog got out. Mr. Baker was advised to contact a doctor as the rabies vaccine had expired. **Town Exhibit #10** ACO Witek issued seven citations, which were reviewed individually, total of 7 citations including unvaccinated dog and unlicensed dog citations. **Town Exhibit #11:** ACO Witek issued orders of restraint on August 30, 2016/8/30/16 and revised the order on April 29, 2017. The orders were reviewed in addition to the previous order that the property be posted. *Chief Bacon* asked ACO Witek why she issued the citation in July 2020 and it was clarified that the dog did not have an up to date vaccine. It was clarified by the owner that due to Covid-19 the dog was unable to get a vaccination. *Member Duval* asked if anything else occurred since the hearing on October 16, 2018. *ACO Witek* advised there have been no reports since then except in July 2020. *Member Duval* requested verification on how the requirements of the order is seen through as several have not been completed. It was noted that Justin Dupee was to report back to the Board of Selectmen regarding compliance of the order in six months and to provide the appropriate verification, which has not taken place. *Member Blanchard* inquired if since there are now four dog bites if there are any other known bites. *ACO Witek* advised of dog bites known in Pittsfield, two Cabulance Drivers, and Officer Dean. *Chief Bacon* advised the police logs were very

helpful as were other communities and Pittsfield's report that were not available to the Board of Selectmen in the 2018 hearing and ACO Witek was able to get them and bring them forward. He concluded that it was clear that on July 23, 2020 the dog violated Town Code and the order enacted by the Board of Selectmen on October 16, 2018, allowing the Board of Selectmen the opportunity to revisit what has happened since that order. Justin Dupee, Ron Dupee and Zachary Dupee were asked if they had any questions of Chief Bacon and they declined. Chief Bacon concluded the presentation by the Police Department.

*Chairman Hoyt* opened the testimony to Justin Dupee, Zachary Dupee and Ron Dupee to provide witnesses, information and documentation and to ask questions. *Zachary Dupee* stated the last incident was human error and a complete accident, as the muzzle was removed for the dog to get water and he snapped the lead which was dragging behind him. *Justin Dupee* explained that in 2018 there was a lot going on and his mother had been sick for years and the family was trying to take care of her. He stated he got the dog neutered, had him on a three-foot lead and muzzled and have been unable to get his rabies shot due to Covid-19 so they cannot get the insurance document but everything was followed as best as they could. He advised he felt unprepared and contacted a lawyer who told them to come in to the hearing. He stated there have been no incidents in two years but the past couple months their heads are not in the game because his mother passed away a few months ago. He explained it has been hard to get this stuff done with so much on his mind. *Ron Dupee* expressed difficulty in finding ways to pay the fines and bills as he is on Social Security. He expressed that he is doing his best to pay them. *Justin Dupee* reported that after this incident the dog is now on Prozac. *Ron Dupee* explained that the dog is great with the family, and stayed with his wife and helped protect her. He stated that the last guy came to door and opened the door, but there are "No Trespassing" signs up but he opened door to return something. He stated the individual could have been at anyone else's house and gotten bitten there too. He noted that his wife passed away in February and he is trying to get past all of this. *Chairman Hoyt* asked if the Dupees had any evidence or documents they wanted to provide, and the Dupees advised they were not prepared. *Member Nowak* asked if the dog was owned as a puppy, which was confirmed. *Member Blanchard* noted that on the original order there were a lot of steps to prevent aggression, and he reviewed them. He asked if the training or any of the steps were done. *Ron Dupee* reported that the training was a \$1,200 cost, and he was trying to take care of his ill wife who had cancer and all of his money and energy went into that. *Justin Dupee* advised he thought the Board of Selectmen had the neutering information. *Member Blanchard* inquired why the medications were not given to the dog until after the last incident. *Justin Dupee* reported that the medication was not offered by the vet until then because it is used for aggressive dogs, which seems to have calmed him down a lot. *Member Duval* noted that Justin Dupee does not live in Adams, and inquired who is responsible for the dog. Justin Dupee explained that it is a family dog, but is in his name. A review was made about the order from the October 2018 and the Dupees were asked if there were questions related to the order. It was explained that the dog was neutered immediately afterward but training couldn't be done due to financial constraints. It was noted that the Dupees were to provide evidence to the Board of Selectmen, Animal Control Officer and Police Department on current shots to vets since 2018. It was noted in 2019 they had provided a rabies certificate in order to get the dog license but in 2020 the dog was unlicensed because they were unable to get the rabies shot. *Town Counsel St. John III* asked if on July 23, 2020 the dog was muzzled and restrained on a three-foot leash. *Zachary Dupee* advised he was on a three-foot wire lead and he broke it and was unmuzzled to get water. *Town Counsel St. John III* asked if the Dupees had provided insurance, and it was stated that they had not yet done so for 2018, 2019 or 2020. The Police Department was allowed to ask questions and ACO Witek advised she did not have



any that had not already been answered. It was noted that it was a financial barrier to get insurance. *William Martischnig* asked if he is walking dog how the Dupees can assure him that his seven-year-old daughter is not going to be attacked by their dog. It was explained that it was a random incident, and he is normally muzzled with a collar. *Michael Dolan joined the Zoom call.* *Member Blanchard* inquired if a dog can drink through a basket muzzle and it was clarified that there is no way for the dog to drink through it. *Member Blanchard* noted that the dog is on Prozac now, and inquired what the cost would be to keep the dog on Prozac indefinitely. It was explained as \$35 for a month. *Ron Dupee* advised that something happened to the dog's leg and he called the vet who put him on antibiotics, pain pills and Prozac but the dog could not get a rabies shot at that time. It was noted that the dog has a veterinary appointment on September 15<sup>th</sup> to update his rabies and get a copy of the insurance policy. *Vice Chairman Bush* asked how often Lucky is taken for a ride or a walk to socialize him and it was clarified that this is done daily. It was noted that he is taken to New Ashford to the river there because he loves to play in the water. *Chairman Hoyt* opened it up for questions from the public on Zoom typed by chat for her to ask. It was inquired via Zoom that if the dog couldn't get into the vet due to Covid-19 but had an emergency visit why he could not get a rabies shot. *ACO Witek* advised that if a dog has an illness or injury the vet will commonly not administer a rabies shot at that time. A statement by Zoom was outlined that if the order stated the dog was to be muzzled at all times and no exceptions to the order the dog should have been brought indoors to remove the basket muzzle to drink water. There were no further questions from the public on Zoom. *Member Nowak* inquired how old the dog currently is and it was noted that he is eight years old. *Chairman Hoyt* asked the Dupees if they had any additional documentation or presentations, and they advised that they did not. The Dupees advised they are willing to do what is needed to make it safe for everyone and the dog is a family member. *Justin Dupee* advised they want to get a fence and he had been working all the time when this happened before. It was stated that excuses were not being made and there is no reliance on everyone else but he was making sure he was on top of this himself. He noted that "Lucky" will have his rabies shot on September 15<sup>th</sup> and get the information needed to the Board. *Member Blanchard* asked if anyone who was unable to use the video chat had any questions and there was no response. The option to speak was left open for ten minutes for the public and for questions about the process. *Chairman Hoyt* concluded the hearing.

***Motion made by Member Blanchard to close the public hearing, second by Member Nowak. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed.***

The Board commenced to deliberate and it was noted that a vote and action would need to be taken this evening on two items; a determination of whether "Lucky" is deemed a "dangerous dog" as defined by Massachusetts General Law; whether to take remedial action or declaration to destroy the animal. *Member Nowak* noted that when he looked at this case, a lot of things were well documented and what was told by the Dupees were innuendoes, but sincere. He expressed concern about the saying that "you can't teach an old dog new tricks". He noted that the Dupees got the dog at five weeks old as a rescue dog, and he is now eight years old so at this point it is not likely he can be taught new habits after being really aggressive. He pointed out that Pitbulls and Rottweilers have the tendency to be protective-type dogs to protect property and personal wellbeing. He explained that as dog owners the Dupees are responsible for that dog and he had seen and heard many cases of negligence on their part. He agreed that if a person opens the door without permission it is not right, but the dog needs to be away from the door since the dog charged out when this happened. He noted that a dog will give their master as much love as is given to them and he feared that this dog, as a

family pet, is living a tormented lifestyle. He expressed that the dog's aggressive mindset is set that way and he is not sure about antidepressants and whether they will work. He explained that as an individual he didn't feel he had the right to give permission to kill anything as his religious stance, but under the Board of Selectmen it is under their purview. He noted he understood that the Dupees are financially strapped and wondered if they thought of a way to get away from this burden and have the dog brought to a rescue for aggressive dogs. He pointed out that the incidents were well documented and what was being heard from the Dupees were false promises as they did not come through with what was asked prior to Covid-19 when they could have. He stated he loves animals and will vote to have the dog taken away from their possession. *Member Blanchard* noted that the hearing is for the determination of "Dangerous Dog", which has been very evident as the dog had bitten four people and another dog that were reported, and there may be others. He noted that "Lucky", in his opinion, is a dangerous animal. He pointed out that at the last hearing the Board knew of two dog bites. He gave a list of demands and advised that maybe if two of the items were met it would make a difference. *Justin Dupee* responded that "Lucky" was muzzled, on the three-foot lead, and neutered. It was noted that Mr. Dupee was supposed to submit the paperwork and he stated that he didn't know he was supposed to do that and doesn't keep it around. Training and medication were discussed. It was noted in a Point of Order that the Board of Selectmen deliberation is without challenge from the audience. *Member Blanchard* advised that "Lucky" is a dangerous dog and if there were more restrictions or rules he was not sure they will be followed. *Member Duval* reiterated that the 2018 Hearing was a serious case as individuals were bitten by this dog and had reason to go to the house to offer services. He noted that with the case presented in 2018 it is on the table for the Board of Selectmen to potentially euthanize the dog. He pointed out that the Board of Selectmen provided an opportunity for the Dupee family to follow the restrictions that the board had placed on the dog and there were a few that were not done. The Board of Selectmen did not hear back or receive documentation from the Dupee family and there was an opportunity to make this right. He expressed concern that a younger child could wander into the lawn or back yard of the house and Town officials and another dog have been bitten and the Board of Selectmen has some liability. He noted that the \$100,000 Homeowners Insurance policy was not provided. *Justin Dupee* advised that the insurance company asked for the license. *Member Duval* advised that what was asked for in 2018 was not seen through. *Vice Chairman Bush* advised Mr. Dupee stated that he would do anything in his power to prevent anything from happening and at the last hearing it ended the same way. He noted that the Board of Selectmen needs to prevent something from happening and expressed concern about a child or another person being at risk. He noted if the dog is being restrained he shouldn't be out there like that. *Chairman Hoyt* advised that none of the Board Members have entered into this hearing lightly and the hearing is to talk about what needs to be done and to provide time to prepare and to get documentation. She noted that she is disappointed that documentation has not been provided in two years and expressed concern about Mr. Martischnig talking about a seven-year-old and others who may not be able to defend themselves. She acknowledged that the Board has to determine this evening as to whether "Lucky" is determined as a "Dangerous Dog". She reminded the Board Members that on October 16, 2018 Lucky was deemed a "Dangerous Dog", and that it must be determined again by the Board of Selectmen at this hearing. ***Motion made by Member Blanchard that the Board deem the dog "Lucky" that resides at 32 Greylock Ave as a "Dangerous Dog", second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak.***

*Chairman Hoyt* asked for action to be taken by the Board of Selectmen, which could be remedial action, no action, or the action of euthanizing the dog. *Member Duval* asked for Town Counsel to

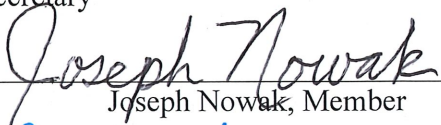
clarify the options open to the Board of Selectmen based on Massachusetts General Laws. He noted that it was mentioned earlier to have the dog taken away and if that is an option who takes the dog away from the owner and if it is by someone else. *Town Counsel St. John III* advised that Criminal Statute states the dog, once deemed “dangerous” cannot be given to anyone else. He advised that the Town could seize and impound the animal. He noted that seven options are that the dog could be humanely restrained, not chained or tethered to a tree; confined to the premises of the keeper of the dog securely confined indoors or confined outdoors in a securely closed and locked pen; if the dog is removed from the premises the dog should be humanely muzzled and securely tethered remain in a pen and on a lead with a tensile strength of 300 lbs. on a lead that does not exceed three feet; proof of insurance of not less than \$100,000; provide evidence to the Board of ways the dog can be identified through photos or tattooed etc.; evidence from the vet that dog is unfit for neutering or neuter it; or the dog being humanely euthanized. He noted that the first six items were the subject of the October 2018 Hearing. Town Counsel confirmed these items were from the Massachusetts General Law deeming the dog a “Dangerous Dog”. A request was made for a five-minute recess.

*At 7:54 p.m. recess took place. Back in session at 7:59 p.m.*

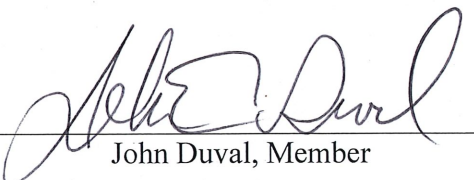
***Motion made by Member Blanchard for the Board of Selectmen to order “Lucky” to be humanely euthanized, second by Member Duval.*** Member Nowak asked if the Dupee family has any recourse. Town Counsel St. John III advised the Dupees can file within ten days to petition the North Adams District Court to overturn the Board of Selectmen’s order. He noted that it would go to a magistrate hearing, and if denied it can be appealed and heard by a District Court Judge. He noted that there is a cost to the petition and there is a filing fee which could be waived if there is an impediment to filing the application because of the filing fee. ***Roll Call Vote: Voted in favor were Chairman Hoyt, Vice Chairman Bush, Member Blanchard, Member Duval. Voted against was Member Nowak. Motion passed.*** Chairman Hoyt advised that the Board of Selectmen ordered that “Lucky” be humanely euthanized. Justin Dupee yelled “see you in court” and was asked to refrain from his outbursts. Chairman Hoyt reiterated that Justin Dupee has the right to appeal the decision, and all three Dupees will receive letters in writing so they will know the next steps. She reviewed how they could file an appeal with the North Adams District Court at 111 Holden Street, North Adams, MA. ***Town Counsel St. John III*** advised the Dupees that they will have ten days to file the appeal from receipt of the letter, and show proof of ten days from that date. He advised that if the letters are not signed for the Town will have service made by alternative means.

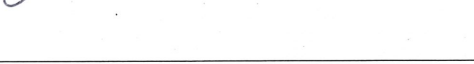
***ADJOURNMENT: Motion made by Member Blanchard to adjourn the meeting, second by Member Duval. Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed. Meeting adjourned at 8:07 pm***

Respectfully Submitted by Deborah J. Dunlap,  
Recording Secretary

  
Joseph Nowak, Member

  
Christine Hoyt, Chairman

  
John Duval, Member

  
Richard Blanchard, Member