

**Board of Health
Dangerous Dog Hearing
Minutes
May 19, 2021**

The Hopedale Board of Health held a dangerous dog hearing on Wednesday, May 19, 2021, at 6:00 p.m. Those in attendance included: Chairperson Don Howes, Jason MacDonald, and Walter Swift. The meeting was on Zoom, televised on the local cable station and videotaped.

A. CALL TO ORDER

Mr. Howes called the meeting to order at 6:00 p.m., noting that all members were present.

Mr. Howes noted that he was the Dog Hearing Officer. Mr. Howes further noted that, at its meeting on November 10, 2016, the Board of Selectmen voted *“to appoint the BOH Chair as the Dog Hearing officer. . .”* I have asked the other members of the Board of Health to join in this hearing.

Mr. Howes referenced Mass. General Laws Chapter 140, Section 136A definition of a dangerous dog, which reads:

[“Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic owned animal.]

Mr. Howes stated that on April 21, 2021 the Board of Health office received a letter from the Stewardson family requesting a dangerous dog hearing. This request was made in accordance with Mass. General Laws, Chapter 140, Section 157. This request was based upon two incidents that occurred on Monday, March 29, 2021. He stated that this hearing will address only those two incidents that occurred on March 29th. No testimony, complaints or comments on any other dogs or incidents would be addressed at this hearing.

Mr. Howes stated that he was going to ask the parties involved to give testimony and answer specific questions. After all parties have given their testimony, he will allow questions.

Mr. Howes stated that, from the reports the Board of Health has received, on Monday, March 29th, two dogs, named Trooper and Luna, residing at 216 West Street, attacked leashed dogs and bit a woman.

B. TESTIMONY

1. Lieutenant Donald Martin, Reporting Officer

Hopedale Police Lieutenant Donald Martin, the reporting officer, read the incident report. (See item #4 on the Documents List).

2. Megan Stewardson, Dog Bite Victim

Megan Stewardson resides at 17 Tammie Road and swore that the testimony she was about to give to be true. She stated that it was approximately 9:30 a.m. on Monday, March 29th, on the sidewalk in front of 19 Tammie Road when two dogs came running up to her and her leased dog, Cricket, and attacked. Both dogs got Cricket to the ground and started to aggressively tear at her and biting down on her hind legs. Megan screamed for help and tried to pull the two dogs off Cricket but was unsuccessful. When resident Suzanne Lucien pulled up and honked her car horn, it distracted the two dogs and Megan was able to pick up Cricket and run home. Megan received 18 puncture wounds to her hands and abrasions on her forearms. Megan went to Milford Regional Medical Center to seek treatment.

3. Paul Stewardson, Owner of Deceased Dog Named Cricket

Mr. Paul Stewardson resides at 17 Tammie Road was the owner of record for the dog Cricket. Paul asked if his wife, Cheryl, could speak in his place. Cheryl Stewardson resides at 17 Tammie Road and swore that the testimony she was giving was true. Cheryl stated that she was also the owner of the dog, Cricket. Cheryl stated that Cricket sustained extensive injuries primarily to her right hind quarter. Cricket was brought to Medway Animal Hospital where she was stabilized and received stitches. Since Medway Animal Hospital could not keep Cricket overnight, she was taken to Tufts Veterinary Emergency Specialties in Walpole. Cheryl read a letter from Tufts Veterinary to Medway Animal Hospital which detailed Cricket's condition and treatment at Tufts. Since Cricket's condition worsened, humane euthanasia was elected to prevent further discomfort.

4. Stephanie C. Lima, Owner of Attacked Dog Named Louis Vitton

Stephanie Lima did not appear.

5. Witnesses

Ms. Suzanne Lucien of 10 Lower Jones Road was a witness to the incident and swore that the testimony she was about to give to be true. Ms. Lucien stated that as she was driving in her car near where Megan Stewardson was and saw the dog two large dogs that appeared to be attacking the smaller dog, and Megan yelling and crying. Ms. Lucien honked her car horn, which startled the dogs and they stopped attacking long enough for Megan to pick up

her dog. Ms. Lucien then clapped her hands and yelling and the two dogs ran off.

6. Dennis C. Dmytryck, Owner of Trooper and Luna

Mr. Dennis C. Dmytryck resides at 216 West Street and swore that the testimony he was about to give to be true. Mr. Dmytryck stated the age and breed of the dogs Trooper and Luna and that his dogs were not licensed and he believed they were properly vaccinated at the time of the incident. He stated that he first learned of the incident when he got his dogs home and noticed blood on Trooper's paw. He then learned further details from the police officer who came to his house. He then put the dogs in the basement. He stated that he believed the dogs got out when he was putting the trash out and the door must not have latch properly. He extended his condolences to the Stewardson family for the loss of Cricket.

7. Animal Control Officer Kevin Sullivan Report and Recommendation

Hopedale Animal Control Officer Kevin Sullivan stated he has been an animal control officer in the state for 14 years and the Hopedale animal control officer for 3 years. Mr. Sullivan read his report. (See item #10 on the Documents List). Kevin Sullivan did not believe the dogs were a creditable danger to the community and should not be euthanized. He made the following recommendations: (1) both dogs be muzzled, and on a leash not exceeding 3 feet with a minimum tensile strength of 300 pounds when leaving Mr. Dymtryck's property; (2) when on Mr. Dymtryck's property both dogs be muzzled, and on a leash not exceeding 6 feet with a minimum tensile strength of 300 pounds or use a trolley line. (3) an agreement be made between the Town of Hopedale and Mr. Dmytryck to ensure public safety that would require him to reinforce/construct sufficient fencing and install a secondary safety door to prevent the dogs from escaping from your enclosed yard.

C. ACTION ITEMS

Board members discussed the testimony and facts presented at this hearing.

1. Vote to Deem Dogs Nuisance Dogs or Dangerous Dogs

It was moved by Mr. MacDonald, seconded by Mr. Swift, to deem Trooper a dangerous dog. All voted in favor.

It was moved by Mr. MacDonald, seconded by Mr. Swift, to deem Luna a dangerous dog. All voted in favor.

2. Vote to Set Remedial Action

Board members discussed remedial actions with Mr. Sullivan.

It was moved by Mr. Swift, seconded by Mr. MacDonald, to require that both dogs be muzzled, and on a leash not exceeding 3 feet with a minimum tensile strength of 300 pounds when leaving Mr. Dymtryck's property; to require Mr. Dymtryck to have both dogs muzzled, and on a leash not exceeding 6 feet with a minimum tensile strength of 300 pounds or use a trolley line when the dogs are on his property; to draft an agreement between the Town of Hopedale and Mr. Dymtryck to ensure public safety that would require him to reinforce/construct sufficient fencing and install a secondary safety door to prevent the dogs from escaping from the enclosed yard. All voted in favor.

Board members, the Stewardsons and Mr. Dymtryck made final comments.

D. ADJOURNMENT

At 7:40 p.m., it was moved by Mr. Swift, seconded by Mr. MacDonald, to adjourn the hearing. All voted in favor.

Respectfully submitted,

Carol A. Villa

Carol A. Villa
Recording Secretary

Approved: June 17, 2021

**Board of Health
May 19, 2021
Dangerous Dog Hearing Minutes
Documents List**

1. Board of Selectmen Regular Meeting Minutes: Dated November 10, 2016
2. M.G.L. Chapter 140, Section 136A: Definitions
3. M.G.L. Chapter 140, Section 157: Nuisance or Dangerous Dogs; Orders for Remedial Action; Appeal; Violation of Order
3. Letter from Paul Stewardson, Cheryl Stewardson, Megan Stewardson Requesting a Dangerous Dog Hearing
4. Hopedale Police Department Incident Report of March 29, 2021
5. Email from Hopedale Police Department re: Reported Events Concerning Resident or Dogs of 216 West Street
6. Copy of Letter to Megan Stewardson
7. Copy of Letter to Paul Stewardson
8. Copy of Letter to Stephanie C. Lima
9. Copy of Letter to Dennis C. Dmytryck
10. Copy of Letter to Kevin Sullivan
11. Animal Control Officer's Recommendation

Dated: May 19, 2021