

SELECT BOARD

Minutes of the Meeting of May 8, 2019. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Jason Bridges, Matt Fee, Kristie L. Ferrantella, Rita Higgins and Dawn Hill Holdgate.

I. CALL TO ORDER

Chair Hill Holdgate called the meeting to order at 6:00 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Select Board meeting is being video/audio recorded in accordance with the Open Meeting Law.
2. Ms. Gibson announced that available seats for boards, committees and commissions for 2019 are posted on the Town website for those interested in government involvement.
3. Ms. Ferrantella read a proclamation for the Nantucket Police Department declaring May 12 - 18, 2019 as National Police Week.
4. Ms. Gibson noted that the DPW sidewalk work from Coffin Street to Salem Street has been postponed until the fall. Sewer Director David Gray reviewed upcoming road work for the Nantucket Harbor Shimmo/Plus Parcels Sewer Extension project, including paving Wamasquid Place, Meadow View Drive (from Wamasquid to Somerset Road), Friendship Lane, Tashama Lane and Maclean Lane; repairing trenches on Milestone Road and Polpis Road; completing the force main cross-connection on Monomoy Road; and beginning the decommissioning of the existing Monomoy South Pump Station.

IV. PUBLIC COMMENT

1. Andrew Lowell, chair of the Harbor and Shellfish Advisory Board, submitted a letter (attached) to the Board and encouraged them to allocate a portion of the new short-term rental tax to local water quality efforts.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Payroll Warrants for Week of May 5, 2019. Ms. Higgins moved to approve payroll warrants for the week of May 5, 2019; Mr. Fee seconded. All in favor, so voted.
2. Approval of Treasury Warrants for May 8, 2019. Ms. Higgins moved to approve treasury warrants for May 8, 2019; Mr. Fee seconded. All in favor, so voted.
3. Approval of Pending Contracts for May 8, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Bridges moved to approve pending contracts for May 8, 2019; Ms. Ferrantella seconded. All in favor, so voted.

VII. CONSENT ITEMS

1. Acceptance of Surrender of Annual Package Store/Wine and Malt Beverages License: Lucky Corporation d/b/a Lucky Express, for Premises Located at 13 West Creek Road. Ms. Higgins moved to accept the surrender of Lucky Express's annual package store wine and malt beverages license; Mr. Bridges seconded. All in favor, so voted.

VIII. TOWN MANAGER'S REPORT

1. Public Works: Update/Review of Solid Waste Stream Separation Program. Ms. Gibson explained that the Waste Services Agreement (WSA) with Waste Options Nantucket (WON) expires in 2025 and reviewed the Board's strategic plan goal regarding solid waste management. She said the Town is reviewing the components of the island's waste stream in an effort to reduce what goes into the lined landfill cells and refine the materials going into the composter so that the quality of the compost could improve. DPW Director Robert McNeil noted that the DPW undertook a waste characteristics study last year which recognized the limits of the current system and came up with ideas as to how to improve it. He said the DPW decided to focus on compost and how to improve the quality of it, noting that the price of the Town's compost is 1/10 of other on-island sellers. He noted that the haulers are licensed through the Public Health department. The Town's solid waste consultant George Aronson noted that the Town has previously engaged him to prepare cost analyses as to shipping and disposing of waste off-island. He reviewed an updated cost analysis recently prepared. He explained the technical feasibility of shipping waste off-island, noting that it could be onerous and that the cost and risk of where to take the waste once it is off-island is unfavorable and disadvantageous to the Town. Mr. Aronson said once the WSA expires in 2025 the Town faces decisions as to continuing operation of the composter, shipping more or all waste to the mainland or trying a different waste disposal technology for some or all waste if such technology is available and permissible. He added that while the licensing of the haulers who collect waste is done by the Public Health department, the DPW enforces and oversees the scale house operation and said there may be opportunities to improve those operations. Public Works Recycling Coordinator Graeme Durovich reviewed public outreach regarding the waste streams since she started with the Town last summer. P&M Reis Trucking operations manager Charlie O'Neil reviewed a Power Point presentation on the current and proposed waste stream separations, stating that there was no input from the commercial haulers in developing the new waste stream separations, and that the rollout was a "surprise." Mr. O'Neil said he feels the DPW's approach to the waste streams is not workable and will achieve low results. He noted his concern about materials such as diapers and sludge from the waste water treatment facilities. He proposed the Town export the island's solid waste off-island. Mr. O'Neil answered questions from Board members. Ms. Higgins disagreed with Mr. O'Neil on some points he made about the composter. Mr. O'Neil said Nantucket cannot accommodate multi-component trucks due to their size and the Town's many narrow streets. He reiterated that he doesn't feel the waste stream separation effort will produce the desired results regardless. Mr. Aronson corrected Mr. O'Neil on a couple of points, noting shipping bales from the composter will likely result in significant push-back from the rail companies, adding that costs are high and the prospects for facilities taking additional loads could be challenging due to a variety of global and regional issues. Mr. Aronson encouraged Mr. O'Neil to visit the Town's composting facility to gain a better understanding as to its operational challenges and why the waste stream separation is being encouraged. He added the bigger picture is that in 2025 the Town has a dilemma when the WSA expires. Mr. O'Neil said he would like to be included in discussions. Mr. Aronson answered questions from Board members. Mr. Fee said he is worried that the Town is not looking far enough in the future and said he is afraid the trash might have to be dug out of the landfill due to erosion. Chair Hill Holdgate said from a policy standpoint, the community wants a long-term solution for shipping waste off-island but unfortunately Nantucket doesn't have a true commercial dock from which to ship. Mr. McNeil said he is confident that the haulers have the

ability to work with the DPW and be environmental leaders. Patti Santos of Santos Rubbish said it will be difficult to educate the seasonal transient community about non-recyclable, non-compostable waste. She noted Nantucket has experienced huge growth, yet the hours of the landfill have not changed. Nantucket Land Council executive director Emily Molden spoke in support of the Select Board and the DPW's work. Mr. Bridges stated he would like to meet with the haulers to educate himself. Mr. Fee suggested including haulers in the waste stream separation discussions. Ms. Ferrantella said she does not support sending Nantucket's trash to other communities. Chair Hill Holdgate said the Town will continue the discussion and that the haulers should be involved.

Chair Hill Holdgate left the meeting at 7:25 PM.

2. Public Works: Update as to Downtown Sidewalk Improvement Project and Historic Preservation Review Process. Mr. McNeil noted a work group reviewing the downtown sidewalk improvements with respect to historic preservation has met twice, is making good progress and will be meeting again on May 23, 2018. He said he has gone before the Historic District Commission (HDC) twice since the Board's April 10, 2019 meeting when it discussed the HDC's oversight of Town sidewalk improvements in the Old Historic District.

Chair Hill Holdgate returned to the meeting at 7:28 PM.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval of Sidewalk Blocking Permit at 13 Union Street Starting May 21, 2019 for Estimated 10-week Construction Project. John Schoudel reviewed his request to block the sidewalk in front of his property at 13 Union Street from May 21, 2019 through early August in order to raise his house so as to demolish the existing foundation and install a new one. Operations Administrator Erika Mooney explained that due to the length of the project and the amount of vehicular and pedestrian traffic in the summer that it would impact, Town Administration denied the permit administratively and recommends that the Board deny a start date until after Labor Day. Some discussion among Board members followed. Ms. Higgins moved to deny the request; Mr. Bridges seconded. All in favor, so voted.

Chair Hill Holdgate expressed her concerns about proceeding tonight with agenda item IX. 4, hearing # 3 regarding "Kai Luna", because the dog's owner cannot be present. Charles Fisher said his family is asking for suitable confinement, not euthanasia, and said he doesn't feel it is appropriate at this hour to continue the matter. Mr. Bridges said he is fine with proceeding tonight as the owner is represented by counsel. Attorney Mike Wilson, representing Kai Luna owner Mickaela Grace, said he has requested that the hearing date be moved from tonight as his client is off-island this week. He opined that if the Board proceeds, it will be against procedural due process rights and he is not waiving those. Ms. Higgins said she feels the owner should be present but is okay if the Board proceeds. Mr. Fisher stated that the Board has a legal responsibility and he does not have faith that the dog will be contained in the interim if the hearing date is changed. Mr. Bridges and Ms. Higgins expressed support for proceeding with the hearing tonight. Chair Hill Holdgate suggested that the Board hear testimony tonight then continue the hearing to hear testimony from the owner at a future meeting. Mr. Fee expressed concern about what could happen with the dog if the hearing is postponed. Mr. Fee moved to move forward with the hearing tonight; Ms. Higgins seconded. All in favor, so voted.

Ms. Higgins recused herself from agenda items IX. 2 and 3 (hearings # 1 and 2). Police Chief William Pittman requested that the two matters be heard as one hearing. The Board consensus was to do so.

2. Hearing #1 (Shuja) Regarding Vicious Dog Complaint Pursuant to MGL Chapter 140 Section 157 and 3. Hearing #2 (Zhira) Regarding Vicious Dog Complaint Pursuant to MGL Chapter 140 Section 157. Chair Hill Holdgate opened the hearing and swore in those people offering testimony. Chief Pittman reviewed the various incident reports regarding the two dogs owned by Frank Daily, Shuja and Zhira, as well as the statutory definitions of a nuisance dog and a dangerous dog. He submitted the police incident reports for the record. Chief Pittman reviewed the Animal Control Officer's (ACO) recommended conditions regarding the Daily dogs (attached). James Briard said he was bitten by Zhira while she was in the control of Mr. Daily's partner, Rachel Powers, who he said did not intervene because she feared the dogs. Anita Stefanski said Mr. Daily's dogs attacked her two dogs on separate occasions. Elissa Allen said she also had two dogs attacked by the Daily dogs. Barry Byrne testified that his pet goat was attacked by the dogs and eventually died of its wounds; he reviewed his multiple experiences with the Daily dogs. He said he feels the dogs should be euthanized as nothing else will make a difference since Mr. Daily has been cited numerous times by the Police with no resolution.

Mr. Bridges left the meeting at 8:26 PM; he returned at 8:27 PM.

Neil Paterson, chairman of the Land Bank Commission, said the Daily dogs came on the Land Bank's radar in late March/early April 2019 and that his Commission took the matter very seriously and banned the owner and the dogs from all Land Bank properties. Frank Daily submitted letters of support from various people for the dogs and photos of the dogs with his family. He said he takes responsibility for his dogs and countered many accusations that arose from the audience at this statement. He noted that Ms. Powers was not fearful of Shuja and Zhira, but rather of Mr. Briard's dog. Mr. Daily read a prepared statement (attached). He said he accepts the ACO's recommended conditions but said he needs to walk his dogs somewhere. Chair Hill Holdgate asked Mr. Daily if his dogs have ever worn a muzzle. Mr. Daily responded no but said they will. Nicholas John Hayden commented that his young daughter lives with Mr. Daily and Ms. Powers and has never been bitten by Shuja or Zhira, but that it only takes one incident. Tamara Grenier said there have been three years of repeated incidents and she doesn't trust that anything will be resolved without specific conditions. Chair Hill Holdgate closed the hearing. Mr. Bridges moved to consider the Daily dogs, Shuja and Zhira, as dangerous dogs; Mr. Fee seconded. So voted 4-0. Mr. Bridges said he agrees with all of the ACO's recommended conditions except Condition 8. He said the Board can't ban the dogs from Land Bank property and he is not sure about banning them from bike paths. Ms. Gibson reviewed enforcement and penalties under MGL Chapter 140, section 157. Chair Hill Holdgate said she feels muzzling requires training. Chief Pittman said if Mr. Daily doesn't follow the conditions a new hearing will have to be scheduled with the Board to consider next steps, including euthanasia. Discussion followed among Board members as to whether the dogs could be surrendered and adopted out. Chief Pittman said no, as they will have a record of being dangerous dogs. Mr. Fee said if the dogs come back before the Board he would vote for euthanization, adding that the ACO's recommended conditions should be a minimum and he is very concerned. Mr. Bridges moved to accept the ACO recommended conditions but to change Condition 8 to strike reference to Land Bank properties; Chair Hill Holdgate seconded. Chair Hill Holdgate added that the Order should require that inspections will occur by the ACO and with any violation the dogs will go into holding until a new hearing is scheduled. On the motion with Chair Hill Holdgate's additional language, so voted 4-0. Mr. Byrne took issue with the fact that the dogs will be allowed on private property, such as Conservation Foundation and Mass. Audubon land, meaning the dogs will be even closer to him as his property abuts Audubon land. Chief Pittman suggested changing Condition 8 to confine the dogs to the owner's property with no exceptions except veterinary visits. Mr. Bridges asked why Condition 8 wasn't written like that initially. Chief Pittman noted that was the intent of that Condition. Numerous comments were made from the audience as to Condition 8 being made clear that the dogs are not allowed

off Mr. Daily's own property(s). Mr. Fee moved to reconsider the Board's motion to reword Condition 8. Mr. Daily asked if the dogs would be allowed to go with him to his office. Chief Pittman said that would open opportunities for issues with the dogs and recommended that the dogs be confined to the owner's home. Discussion among Board members followed. Chair Hill Holdgate seconded the motion. So voted 2-2. Mr. Bridges and Ms. Ferrantella were opposed. The motion did not carry. Mr. Daily was advised the dogs could go to his office with him in accordance with the Conditions of the Order.

4. Hearing # 3 (Kai Luna) Regarding Vicious Dog Complaint Pursuant to MGL Chapter 140 Section 157.

Chair Hill Holdgate opened the hearing and swore in those people offering testimony. Some discussion occurred as to whether Kai Luna should be considered a nuisance or dangerous dog. Chief Pittman reviewed incident reports regarding the dog, owned by Mickaela Grace, as well as the ACO recommendations (attached) regarding the dog. He submitted the police incident reports for the record. Mr. Fisher said regarding the ACO conditions, he doesn't feel confinement is adequate and said the dog should have a kennel. He asked for protection on his own property. He added that under Mass. General Law Ms. Grace could be made to make restitution, but he said a price cannot be placed on replacing his animals. Mr. Fisher said the 40+ birds that Kai Luna killed were pets and the Fisher family shared them for school field trips, the STAR Program, etc. He said he estimates his losses at approximately \$2,000 but he'd rather see Ms. Grace use that money to build a proper kennel for her dog. Cindy Fisher reviewed several incidents where she claims she and her family encountered Kai Luna and said she hopes Ms. Grace realizes that her dog has to be kept on a leash forever; and, that her dog now has a changed behavior due to the killing of the animals. Attorney Wilson requested a full reading of the 4/16/19 incident report and denied an incident with the Fisher's mini ponies. Attorney Wilson said he believes other dogs were involved in any incidents beyond the two which occurred when Kai Luna was staying with a caretaker when Ms. Grace was away. He noted that Kai Luna is a certified therapy dog and requested that the hearing be continued to allow the owner to testify. Attorney Wilson also recommended that the Board strike Condition 8. Chief Pittman explained that the reason there are no incident reports regarding additional incidents is that the Police Department doesn't think it was Kai Luna that was involved in other attacks. Mr. Fisher said he wants Kai Luna kept in a better fenced in area or kennel as huskies can climb, jump and run, and, he wants protection on his property. Mr. Fisher requested the courtesy to be at the continued hearing if the Board votes that way; he clarified that 45 birds in total were killed. Andrea Morris of Offshore Animal Hospital said that when Kai Luna was in her care she saw no signs of aggression and she doesn't feel the dog is dangerous. Lori Smith, dog adoption coordinator and trainer at Offshore Animal Hospital, suggested that maybe if the fencing at Ms. Grace's property is adequate, that someone could stay at Ms. Grace's home to watch Kai Luna instead of boarding the dog when Ms. Grace is away. Andy Buccino apologized to the Fishers saying the dog was in his family's care when the attacks happened. Mr. Fisher said the dog may be passive in the street, but it is not the same dog as when it made a kill. He requested that he be notified in the future if the dog gets loose. Attorney Wilson said he will recommend to his client that the dog should always be with her, whether she is on or off-island. Chair Hill Holdgate said the dog should be boarded at a licensed facility if it is not with Ms. Grace. Ms. Higgins said if the Board votes to continue the hearing, the conditions recommended by the ACO should be put in place until the continued hearing date. Mr. Bridges moved to continue the hearing to May 22, 2019 and the ACO's recommended conditions be in place as interim conditions until that date. Attorney Wilson granted the Board consent on behalf of his client to the interim conditions. Ms. Higgins stated that this would be with the understanding that the conditions may change; that they are only interim until May 22, 2019. Ms. Higgins seconded the motion. Mr. Fee said if the dog gets loose, the Fishers should be notified. On the motion, all in favor, so voted.

X. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. None.

XI. ADJOURNMENT

The meeting was unanimously adjourned at 9:57 PM.

Approved the 5th day of June, 2019.

SELECT BOARD
MAY 8, 2019 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 2. 2019 committee appointment timeline; committee openings information
- III. 3. National Police Week Proclamation
- VI. 3. Pending contracts for May 8, 2019
- VII. 1. Lucky Express liquor license surrender letter; 2019 liquor license
- VIII. 1. DPW packet materials re: Solid Waste Stream Separation Program: Environmental Leadership Goal #1- Update, Cost of Landfill and Mainland Disposal of Composter Residuals, Town of Nantucket Haulers Permit Application, Town of Nantucket Board of Health Regulations 76.00- Solid Waste Haulers Regulations, MassDEP's Best Practices for Municipalities Developing Private Hauler Regulations, MassDEP's Attachments for Best Practices for Municipalities Developing Private Hauler Regulations, Waste Streams and Flows, Waste Stream Guide; P&M Reis Trucking/Santos Rubbish submissions: email thread re: waste streams concerns, PowerPoint
- IX. 1. Cover sheet, re: request for sidewalk blocking permit; sidewalk blocking request for 13 Union St; GIS map
- IX. 2 - 4. Dangerous/Nuisance Dog Hearing Guidelines; MGL Ch. 140, section 157; Select Board minutes from 9/23/09; KP Law "How to Conduct a Public Hearing"; KP Law "Nuisance and Dangerous Dogs" card; KP Law eUpdate on "Local Regulation of Nuisance and Dangerous Dogs"
- IX. 2 – 3. Daily submission, re: Shuja and Zhira including letters of support and photos
- IX. 2. Police request for dangerous dog hearing for Daily/Shuja; photos; ACO recommended conditions; Police Report submissions
- IX. 3. Police request for dangerous dog hearing for Daily/Zhira; photos; ACO recommended conditions; Police Report submissions
- IX. 4. Police request for dangerous dog hearing for Grace/Kai Luna; photos; ACO recommended conditions; request to re-schedule hearing; email from Cindy Fisher; Police Report submissions

May 8, 2019

Jason Bridges
Matt Fee
Kristie L. Ferrantella
Rita Higgins
Dawn Hill-Holdgate

Ms. Hill-Holdgate,

The Harbor & Shellfish Advisory Board is aware that the Massachusetts State Legislature during the 2018 Legislative Session adopted the short-term rental tax bill, whose allocation of funds breaks down to 50 percent for year-round housing initiatives and 50 percent for water quality efforts. The Harbor & Shellfish Advisory Board voted unanimously, 6-0, at its May 7, 2019 meeting to ask that the Select Board support distribution of 50 percent of the proceeds from the short-term rental tax collected on Nantucket to Town of Nantucket water quality enhancement initiatives.

As we're sure your aware of, clean harbors, ponds, wetlands and aquifers are directly linked to healthy, thriving shellfish, fishing and tourism industries on Nantucket as well as the health and safety of our year-round citizens and seasonal visitors. With the short-term rental tax set to go into effect on July 1, the HSAB urges the Select Board to

Our board enthusiastically encourages the Select Board to direct these funds toward water quality projects including the repair and upgrading of storm drains feeding into our harbors and ponds, the maintenance of vegetative swales, water retention areas, manmade wetlands and any other projects deemed necessary for maintain high water quality.

Thank you for your time and patience.

Sincerely,

Andrew G. Lowell,
Chairman, Harbor & Shellfish Advisory Board

Daily, Frank

ACO Recommendations:

CONDITION 2 The huskies should be confined on the property (164 Hummock Pond Road) of their owner with a fence that is secured at all time with a locked gate.

CONDITION 3 If the huskies must be removed from the property of the owner, for vet care for instance, the huskies must be humanely restrained on leashes that do not exceed 3 ft. in length and must wear a muzzle when they are off their owner's property.

CONDITION 4 Mr. Daily needs to provide proof of insurance in an amount not less than \$100,000

CONDITION 5 The owner of the huskies should provide to the animal control officer, information by which the huskies may be identified, throughout their lifetime.

CONDITION 8 The huskies should be forever banned from all Land Bank Properties and Town public properties to include but not be limited too bike paths, sidewalks, roads, parks and beaches.

Town by-laws Issued in the Past:

1. 4/1/19, Allowing a Dog of Leash and Nuisance Dog violations (Case 19-5696)
2. 7/3/18, Allowing a Dog off leash, Nuisance Dog, and Failure to Provide ACO copy of rabies certificate violations (Case 18-12381)

Quarantines:

1. 4/1/19, for 10 days (19-5696)
2. 4/11/17, for 30 days due to violating the first quarantine (17-6079)

Owner's Efforts:

1. Built a fence on his property after attacking a goat at 10 Deer Run Road near the Garden Farms Property in which the goat later died months later from its injuries.
2. Paid all veterinarian and other medical bills as far as I am aware.
3. A No Trespass Notice was issued to the owner on 4/1/19 from The Garden Farm which is owned by the Land Bank. It is believed that the owner has been abiding by the notice.

Dog's Current Location: At the home with owner at 164 Hummock Pond Road.

Notification: All the appropriate parties have been notified at this time of the hearing.

Rachel Powers and Frank Daily
164 Hummock Pond Road
Nantucket, MA 02554

To the Nantucket Select Board Members ;

There have been incidents with our dogs. We are terribly sorry for the pain and suffering experienced not just with the animals, but also with the effected animals respective owners. Rachel and I have a brought in rescue dogs to our home and have had them become part of our family. It has been our mistake in training these dogs off leash. As I have worked with Huskies before rescuing my own, I knew that to leash a Husky from a young age would trigger their natural instinct which is to pull. This is why I started their training without a leash. I understand why that line of thinking was wrong. Our dogs have walked with us everyday at least once a day. We have passed by dogs, ducks, chickens and even deer without incident. Both Shuja and Zhira, like Ziah before them respond extraordinarily well with vocal commands. Perhaps in their routinely good behavior I became complacent and less vigilant in my monitoring of their actions. Both Zhira and Shuja are very jovial. They both love playing with other dogs. In fact, I have gained a number of acquaintances and indeed even a close friend from having my dogs play with others. Two years ago, I gained a new client by meeting them on the bike path with Zhira. Yes, dog play is at times rough. There have been times where this kind of playful wrestling is not wanted or reciprocated by other dogs. I have seen both Shuja and Zhira receive a warning bite by another dog that did not want to play with them. Shuja and Zhira typically understand the need to deescalate, or with the aid of vocal commands and cues by Rachel and myself, they back down. There have been times where this has not been the case. Regardless of who the instigator was, or how an individual situation played out, we understand that most, but not all of these situations would not have occurred if we simply kept our dogs on leashes.

When I first moved in with Rachel, there was a time that we did not have a fence. In that short time, our dogs did wander and because of their docile nature, we did not take the potential seriousness of what could happen until something did happen. There was a goat injured that belonged to the Brewery. We felt horrible about this and tried to make everything right, including installing a fence. We stayed in contact with the goat's owner and helped however we could. Contrary to the initial report in the Inquirer and Mirror dated 4-18-19 which was later corrected in the subsequent week's newspaper article, the goat did not die from the incident with our dog.

Our dogs are an integral part of our family. Our children have always had a dog by their side since their births. Indeed, our dogs were the first to greet our children when they came home from the hospital. Their sniffing and licking of our newborns the moment we walked in the door forged a bond for life. Our children share meals with their dogs, their nap times and literally lean on them as trusted companions. Our children can remove food from the dogs' mouths. Our youngest was pushing the dogs out of their food bowls so that she can take the kibble out and feed it to them before she could even walk. These dogs are not a danger to children. Beyond the consistent interaction our dogs have with our 4 daughters with our fifth child on the way, our home is the collection point for all of our children's friends. There is constant activity of children of all ages around our dogs.

Our dogs are well traveled. Beyond our daily walks or runs, we skateboard and bike with our dogs and our children. Our dogs come to my office where they encounter numerous people throughout the day. There are other dogs in the office who they play with for seemingly endless hours. Subcontractors, employees, vendors and clients also bring their dogs by. Our dogs are on multiple jobsites with new faces and new dogs everyday. Zhira and Shuja are known to my clients. People of immense power and wealth know them by name. They have photographed them and spent time engaging in site visits, construction meetings and have reached behind them into the bed of my truck to pet them while I provide travel service to my clients coming to and from the island. Our dogs are in the car while we run errands. They see new and unfamiliar humans and dogs along the way. In fact, members of this Select Board have been in meetings with me where my dogs have been present. They have witnessed the good nature of these dogs first hand. Even when a certain ball obsessed companion of one of the Select Board members has become possessive of a ball, never has Zhira or Shuja retaliated.

It has been widely reported in the paper and discussed around the proverbial water cooler that there have been 10 incidents involving our dogs. While I understand how one incident is one too many, we do need to clarify that there are not 10 incidents. Included in the list is an incident where a person named Churchill had one of her 4 dogs attack Mr. and Mrs. Watt's dogs. How and why this has been attributed to Rachel and I is curious. The rumor of the dog who attacked and killed various chicken and ducks across the island being tied to us is equally worrisome. Particularly when it is demonstrably false and when that dog has a history of its own. A second, and third dubious report is when I called in to report our dogs had left our property. We were told by Officer Gale to do this whenever the dogs were out of sight. Our dogs returned to us without incident, however this is being conflated with real situations to add up to something that it is not. A fourth report is when our dogs fell through ice on Hummock Pond. I was putting on my wetsuit and was bringing a finless surfboard to go across the ice to retrieve them when the fire department showed up and told me that they were going to take over. After 30 minutes of our dogs not coming to the very brave firefighter who went first across the ice, I ended up going across the ice to bring the dogs back. I understand how this action took away a vital public safety resource from the general public. However, to add this unfortunate incident to a list that says these dogs are viscous we think is misguided at best. A fifth report that does not equate a danger to the public by way of these dogs is when I called in to the police department to report a fellow dog walker who stated that she was going to her car to get her gun and shoot me and my dogs. She later trespassed on my property to stop me from speaking with the responding officer. As it states in the incident report, she said she would write up an incident report against me only if I was to press charges. A sixth incident where a mentally ill man entered our house in the middle of the night and let our dogs out is ultimately a strike against us as our dogs did end up on Barry Byrnes property and did injure one of his goats. For more context regarding this individual, may I point the board towards an article in the I&M dated August 10, 2017.

Rachel and I both take this situation seriously. We are not looking for relief from the Land Bank's decision. We are not attempting to say we have done no wrong. However, we do need to set the record straight that these are not nuisance dogs and that the public is not placed at risk by having these dogs in our care.

We thank you for your time and your consideration

Grace, Mickaela (owner)/Buccino, Elizabeth (caretaker)

ACO Recommendations:

- CONDITION 2** The animal shall be confined to the premises of the owner/keeper. Confined shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run with proper shelter.
- CONDITION 3** The animal should be leashed at all times when it is off the owner's property.
- CONDITION 8** The animal shall be boarded at a licensed pet care facility whenever the owner is unable to care for the animal at her property.

Town by-laws Issued in the Past:

1. Grace, Mickaela
 - a. 3/29/19, Nuisance Dog (Case 19-5544)
 - b. 4/16/19, No Rabies Tag, No License Tag, and Nuisance Dog (Case 19-6634)
 - c. 4/17/19, Nuisance Dog (Case 19-6670)
2. Buccino, Elizabeth
 - a. 3/29/19, No Leash on a Dog (19-5544)
 - b. 4/16/19, No Leash on a Dog and Nuisance Dog (Case 19-6670)

Quarantines:

1. 3/29/19, for 10 days (19-5544)
2. 4/16/19, Dog was impounded pursuant to the town by-law Ch. 55 s. 4E and held until proof of rabies vaccinations was produced.

Owner's Efforts:

1. 4/17/19, Offered to pay Charles Fisher for damages caused by her dog (Case 19-6634)

Dog's Current Location: Lives on the owner's property 8 Meetinghouse Lane, Siasconset.

*After viewing the video, Officer Gale is not completely convinced that Grace's dog killed the animals on 4/17/19 (case 19-6670).

Notification: All the appropriate parties have been notified at this time.