

## **SELECTMEN'S MEETING**

### **FEBRUARY 26, 2024**

### **MINUTES**

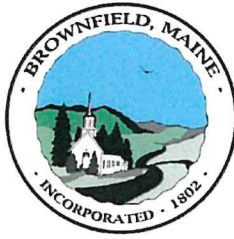
Selectmen in Attendance: Dick Norcross, John Hicks and Frank Day.

Attendees: Alice Fitzgerald; Brian Merrill; Animal Control Officer, Cindy Eaton; Chad Pine; Randy Burnell; Matt Randall; Theresa Nunan; William Nunan; Lori Brann; Kim DuBois; John Dubois; Dawne E Wentworth; Kandee Sterling; Zoom Attendees: Jim's iPhone; David Harju.

Chairman, Dick Norcross called the meeting to order at 8:30 AM.

John read the following statement from a discussion with Legal Counsel Zack Brandwein dated 9/12/2023 on the topic of "Animal Control Issue on Blueberry Lane": Zack said, the Town can spend a lot of money on this but he also suggests that the Town recommend to Brian that he file a complaint against the neighbor and the Town stay out of it. Brian could do this by filing a nuisance complaint in district court.

Matt Randall of the Department of Agriculture explained that the Animal Welfare Program has received mention of this concern and pass this off to him. He runs the Agri compliance program and explained that he has been involved for the past couple of months. There is a difference between having a farm animal and a farm. The Animal Welfare rule book has exemptions for working or guarding dogs and the consequences to having these exemptions. He said if you are giving the exemption or receiving the exemption, you would want to have files to cover yourself. In response to the question what constitutes a farm, Matt explained that generally it is \$2,000 a year and you have to have best management practices, some specific to the farm depending on the size. There are some small farms and some bigger farms, the best management practices are set by the Commission of Agriculture. He said it is important to note that just because you have farm animals it doesn't make you a farm. There are certain expectations that you have to meet with the State. In response to a question about species or breeds, Matt said generally speaking there are breeds that are thought of as a protective animal, their size, coat, whether they can tolerate the weather & instincts. He explained that guarding dog is supposed to be outside and working, if they are working, they shouldn't be barking all the time and hunting dogs, generally makes a lot of noise but a dog barking all the time is not telling you that danger is near.



Brian thanked everyone for coming out today. He asked what Randy has for animals. Turns out Randy has cattle, pigs, chicken, geese, ducks and turkeys.

John asked Matt Randall if he has checked Randy's facilities and he said, no and that he has not had any complaints regarding flies, odors, etc. Brian asked whether there had been anyone from the town to verify it and Dick said he saw two calves there this weekend. No dogs were outside. Cindy said she has been to Randy's multiple times and the dogs haven't barked at her. When she put the cameras up the dogs came right up to her and didn't make any noise.

Dawn Wentworth said that she has lived here 21 years and she knows it is these dogs because she has walked down the road, she said this town needs an ordinance to protect the center of town. Randy said he has been here 25 years and they were the first house on the road.

John said that at this point, it is not in the best interest of the town for the Selectmen to be involved. The Town Attorney has said that it is up to them to file a nuisance complaint in district court. John said there are procedures they can do. He said the Board understands the complaint but it is up to the people to decide what they want to do.

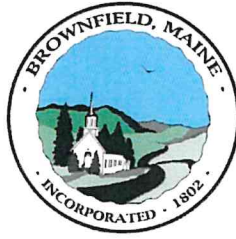
Theresa Nunan suggested that Cindy could be bias and perhaps should recuse herself.

Randy said since the 14<sup>th</sup> of February he has put shock collars on his dogs. He said it could have been resolved had Brian come directly to him.

Matt agrees that this is generally a gray area about dogs engaged in herding live stock. He said that it may come down to seeing what other people are doing. Brian discussed the subject of valuation of property caused by this.

Cindy read from her hand book the definition of a nuisance dog. She reminded everyone that there are other dogs in town. Randy said he has 14 dogs and 2 cattle.

John said it is a civil matter that if they want the Town to act, go get a petition for the Town to decide. Dick stated that if they made an ordinance right now Randy is existing so he would be exempt. Chad Pine said that because Randy has been there 25 years so he is exempt.



In the end, it was agreed with Randy Burnell to clarify that it is a working farm that Matt Randall, Dept of Agriculture; Cindy Eaton, Animal Control Officer, Frank as Selectman; Chad Pine, and Dawn Wentworth, and possibly someone from the Animal Control Office to go review the situation. Dick asked Matt to provide the town with a written report on their observations after they have the chance to go.

Frank made a motion, John second to close the meeting. Voted affirmatively by a show of hands.

The meeting adjourned at 9:33 AM.

Respectfully Submitted,  
Alvina Day, Administrative Assistant