



BOXFORD SELECT BOARD

Monday, June 26, 2023

Town Hall 7A Spofford Road

Meeting Room 1

Remote option through Zoom:

<https://us02web.zoom.us/j/8157412201?pwd=WFIUWU1PS1c2NGNuZUJ3TERNbWpRQT09>

AGENDA

This meeting is audio and video recorded

6:30 PM Call to Order

6:35 PM Announcements

6:40 PM Meeting with Boxford Fire Chief, Brian Geiger

- Discussion on funding gap for Engine 4 and possible use of ARPA funds
- Department update
- Any other business before the Fire Chief and the Board not anticipated at the time of the posting

7:00 PM Public Hearing, Nuisance or Dangerous Dog

- Hearing materials

8:00 PM Report of the Town Administrator

- Appointment of Director of Finance
- Any other business to come before the Town Administrator and the Board not anticipated at the time of this posting.

8:15 PM Meeting with 10 Elm Community Committee

- Update on community programming process at 10 Elm
- Any other business to come before the Committee and the Board not anticipated at the time of this posting.

8:30 PM Routines

- Correspondence
- Appointments
- Approval of Minutes
- School and Non-School Warrants

8:40 PM **Any other business to come before the Board**

8:45 PM **Executive Session**

- To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares
- To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements; Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- To conduct strategy sessions in preparation for negotiations with nonunion personnel, Non-union, benefits-eligible employees

Adjourn

Next Meeting – July 10, 2023

New Call to Order

I call this meeting to order and inform all that this meeting is being video and audio recorded.

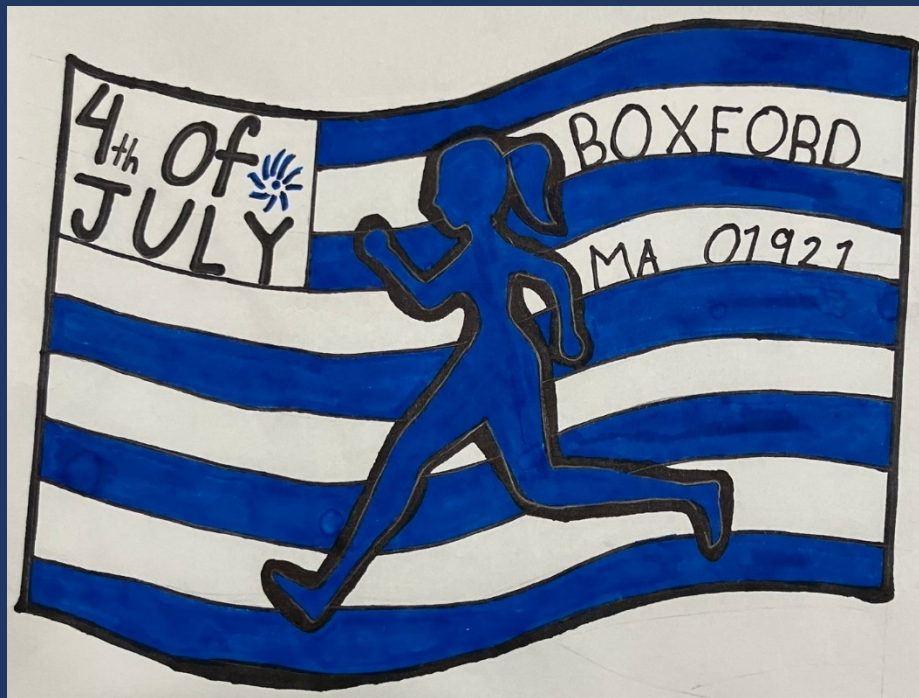
Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted via remote hybrid means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting via virtual means in addition to in person through the remote participation link provided on this meeting's posting on the Town's website calendar. The website calendar also lists the specific ID number required for virtual attendance via Zoom along with phone numbers to dial into the meeting.

Additionally, the public is able to: Listen to and/or view this meeting via BCATv on FIOS channel #39 or Comcast Channel #22 or through the BCATv website; OR Participate in the meeting virtually.

Members please be aware that, if at least one member attends the meeting remotely, all votes must be roll call votes.

Boxford Athletic Association 32nd Annual 4th of July Road Race

Join us on Tuesday July 4th at 8:00am for the 32nd Annual Boxford July 4th Road Race. Set in the historic East Boxford Village, this wonderful family event includes something for everyone including a 2.5 and 5 mile competitive event, and the Boxford mile. All runners and walkers are encouraged to join in the fun!



For additional information and registration, please visit the Boxford Athletic Association website at

www.baasports.com

Traffic Advisory Bridge Repairs/Closures



Lockwood Lane, Boxford

Bridge Closure - Lockwood Lane over I-95

MA-DOT and the prime contractor are proposing a closure of the Lockwood Lane Bridge over 95 beginning **June 26th**.

Bare Hill Road, Boxford

Bridge Closure - Bare Hill Road over I-95

MA-DOT and the prime contractor are proposing a partial closure on Bare Hill Road on or around **July 10th**.

The duration of the closure is unknown due to the fact that the deterioration of the bridge decks are currently unknown until the pavement is removed and the engineers perform their inspections.

For more detailed information on the bridge repairs including detour maps and traffic mitigation plans, please visit our website at www.boxfordma.gov/bridgerepairs



Summer BBQ's at the Council on Aging

Wednesday, June 28, 12:00PM
(And every other week beginning 7/12)

RESERVATIONS ARE REQUIRED -
WALK INS WILL BE TURNED AWAY.

We ask that you sign up ASAP.
Reservations need to be received no
later than 9am on the day before the
BBQ.

Price is \$5.00/pp. The menu consists of
hamburgers and hotdogs with at least
one type of salad.

The COA van is available at no cost for
any Boxford senior who wishes to take
advantage of this service.



Town of Boxford

**Boxford Fire Department
Chief Brian Geiger
6 Middleton Road
Boxford, Massachusetts 01921
978-887-5725**

June 7, 2023

Matthew Coogan
Town Administrator
Town of Boxford
7A Spofford Road
Boxford Ma 01921

Regarding New Engine 4

Matthew Coogan

As you are aware, the Town authorized \$700,000.00 for the purchase of a new fire engine at the 2022 Town Meeting. The goal is to replace Engine 4, which is a 2001 HME. If you recall, our original goal was to hold off on design until new Engine 1 arrived in September 2022. Our hope was to duplicate the design for Engine 1 to have identical vehicles. Unfortunately, Engine 1 has yet to arrive due to delay in component manufacturing. As a result, we decided to start seeking design and quotes for Engine 4 in January 2023.

We have worked with two companies on full designs and received a third quote from another. Below are the companies and prices for vehicles.

<u>Company</u>	<u>Price</u>
Lakes Region Fire	\$884,771
Rosenbauer	\$850,000 to \$900,000
NEFEA	\$820,000

We have found NEFEA (New England Fire Equipment & Apparatus), to be the most responsible quote as well as the lowest option. They are offering a Spartan Chassis (similar to Rosenbauer) that is similar to our current Engine 2 and Engine 3. In addition, NEFEA has requested to purchase our existing apparatus for about \$49,400.00 which brings their total to \$770,611.00.

Unfortunately, NEFEA is scheduled for a 4.5% price increase in the upcoming weeks. The increase will cost \$31,627.00. At this time, the president of NEFEA believes he can honor our pricing if we submit our order without change.

There is one final increase that is unavoidable. Our specification includes a Cummins L9 Engine. This particular engine is very popular for fire apparatus but it is no longer going to be produced so they can meet EPA regulations. The projected cost for the next model engine is \$60,000.00.

Since the engine comes from a third party, the price increase will affect us regardless of which company is chosen to build the fire engine.

We are now looking at needing an additional \$130,000 if we purchase the vehicle from NEFEA.

Sincerely,



Chief Brian Geiger

Town of Boxford's American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) Award Tracker

Boxford's total ARPA Funds: **\$2,490,492**

Item	Description	Select Board Approval	Appropriated	Spent to Date	Status	Completed Projects Balance	Notes
Pilot	Medical Response Pilot Program	Aug-21	\$ 150,000.00	\$ 118,850.00	COMPLETE	\$ 31,150.00	Pilot began Sept. 2021. Incorporated into Town operating budget beginning on July 1, 2023
Tent rental	Annual Town Meeting June 2021	Oct-21	\$ 40,000.09	\$ 40,000.09	COMPLETE	\$ -	
Nurse	Tri-Town Nurse Boxford Share	Oct-21	\$ 3,555.22	\$ 3,555.22	COMPLETE	\$ -	ARPA used until Shared Health Grant started
Tent rental	COA tent summer 2021 and 2022	Oct-21	\$ 55,000.00	\$ 22,336.38	COMPLETE	\$ 32,663.62	No tent necessary for 10 Elm
Health	Increased hours for BoH Admin	Oct-21	\$ 12,500.00	\$ 11,440.90	COMPLETE	\$ 1,059.10	10 hours week/Aug21-June 22; added to FY23 Budget
10 Elm	Generator	Oct-21	\$ 205,000.00	\$ -	COMPLETE	\$ 205,000.00	\$150 K cost paid by PBC in May from initial 10 Elm debt authorization
Audit	ARPA Audit	Oct-21	\$ 10,000.00	\$ 500.00	Ongoing		\$10K Earmarked for Compliance Support
Culverts	4 Critical Culverts - Design	Oct-21	\$ 240,000.00	\$ 200,000.00	Ongoing		
Culverts	4 Critical Culverts - Construction	Oct-21	\$ 1,225,000.00	\$ -	Ongoing		
Covid	Covid test for public	Dec-21	\$ 7,500.00	\$ 7,091.01	COMPLETE	\$ 408.99	\$7,500 Earmarked for PPE
27 Main	Demolition Additional Cost	Nov-22	\$ 26,000.00	\$ -	COMPLETE	\$ 26,000.00	
Study	Reuse Feasibility Study 188 Wash.	Dec-22	\$ 10,000.00		Jun-23		RKG Market Analysis
Vehicle	Fire Department Rescue Vehicle	Mar-23	\$ 400,000.00		Ongoing		ARPA Committee voted to hold on authorizing the vehicle for the time being in June; will revisit at a later date. Estimated cost between \$400 K - \$450 K
Vehicle	Engine 4 Cost Overruns	TBD	\$ 130,000.00				ARPA Committee voted to recommend approval on June 21st
TOTAL			\$ 2,514,555.31	\$ 403,773.60		\$ 296,281.71	
Unappropriated ARPA funds			\$ (24,063.31)				
Available ARPA Funds			\$ 272,218.40				

NUISANCE AND DANGEROUS DOGS G.L. c. 140, § 157

Important Definitions:

“Attack” - an aggressive physical contact initiated by an animal.

“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 or owned animal.

“Nuisance dog” – a “dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one’s quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under the circumstances.

Sample Motions for Hearing Authority:

Nuisance Complaint:

Not a Nuisance Dog: I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find the dog complained of is not a nuisance dog and that the complaint be dismissed; or

Is a Nuisance Dog: I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find the dog complained of is a nuisance dog by reason of [choose one or more of the three reasons listed above in the definition of “Nuisance dog”]

Dangerousness Complaint:

Not a Dangerous Dog: I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find that the dog complained of is not a dangerous or nuisance dog and that the complaint be dismissed; or

Is a Dangerous or Nuisance Dog:

Nuisance Dog: I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find that the dog complained of is a nuisance dog by reason of [choose one or more of the three reasons listed above in the definition of “Nuisance dog”]; or

Dangerous Dog: I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find that the dog complained of is a dangerous dog by reason of [choose one or both of the reasons listed above in the definition of “Dangerous dog”].

Remember that a determination that a dog is dangerous **cannot** be: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was

reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- the dog was protecting itself, its offspring, another domestic animal or a person from attack;
- the person attacked or threatened was committing a crime upon the person or property of the owner or keeper of the dog;
- the person attacked or threatened was teasing or otherwise provoking the dog; or
- at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure in which the dog was kept apart from the public.

Further, be aware that if the person attacked or threatened is under the age of 7, a rebuttable presumption exists that such person was not committing a crime, provoking the dog or trespassing.

Remedies:

Nuisance Complaint: If the hearing authority deems a dog a nuisance dog, the hearing authority may, in its discretion, order the owner or keeper of the dog to take action to ameliorate the nuisance behavior.

Dangerousness Complaint: If the hearing authority deems a dog a dangerous dog, it shall order one or more of the following remedies be imposed:

- (i) that the dog be humanely restrained, but not chained, tethered or otherwise tied to an inanimate object including a tree, post or building;
- (ii) that the dog be confined to the premises of its owner or keeper, either indoors or outdoors properly sheltered from the elements in a securely enclosed and locked pen or dog run area with a secure roof and, if the enclosure has no floor, with sides not less than 2 feet embedded into the ground;
- (iii) that when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
- (iv) that the owner or keeper provide documented proof of no less than \$100,000 insurance for claims resulting from intentional or unintentional acts of the dog, or of reasonable efforts to obtain such insurance if a policy has not been issued;
- (v) that the owner or keeper provide the licensing authority, animal control officer or other entity identified in the order, information by which a dog may be identified, including, for example, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of information;
- (vi) that the dog be altered so it is unable to reproduce, unless its owner or keeper provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition; or
- (vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous be removed from the town or city in which the owner of the dog resides.

Be reminded that the sample votes and proposed remedies set forth herein may serve as the basis for actual votes or remedial orders, but any actual votes or remedial orders must be prepared on a case-by-case basis in light of the specific facts at issue and in conformance with applicable statutory language.

Local Regulation of Nuisance and Dangerous Dogs

Effective on October 31, 2012, An Act Further Regulating Animal Control” (the “Act”) substantially revised the procedures for responding to complaints about nuisance and vicious dogs pursuant to the provisions of G.L. c. 140, §157. To simplify the detailed process, attached is a two-page summary of the new standards and process.

The Regulatory Framework

Pursuant to the prior version of G.L. c.140, §157, municipal officials responded to complaints that dogs were “nuisance[s] by reason of vicious disposition or excessive barking or other disturbance”. However, the statute failed to define these terms or otherwise establish appropriate remedial action in the event a dog was found to be a nuisance.

The Act addresses this issue in part. Specifically, the Act deletes the phrase “nuisance by reason of vicious disposition or excessive barking or other disturbance” and replaces it with, and defines, the terms “attack”, “nuisance dog” and “dangerous dog”. Additionally, the statute explicitly excludes certain factors or circumstances as bases for a finding that a dog is dangerous, including, for example, the fact that a dog is a particular breed, or a situation in which a dog was protecting its offspring or owner. Further, the Act proposes seven specific remedies for ameliorating nuisances caused by dangerous dogs. Importantly, while these amendments provide guidance as to how to resolve dog complaints, the Act continues to provide local officials with sufficient discretion to protect the public safety based upon particular facts.

Proceedings at the Local Level

Under the prior and current versions of G.L. c.140, §157, the process for determining whether a dog is a nuisance begins with a written complaint. The Act now gives municipalities greater flexibility in delegating responsibility for handling dog complaints by expanding the list of officials authorized to address complaints to include: mayors in cities; boards of selectmen in towns; or, in any city or town, the chief or commissioner of the police department, or their designee, or other person charged with the responsibility of handling dog complaints.

Upon receipt, the hearing authority is required to investigate or cause the investigation of the complaint. The investigation must include an examination of the complainant under oath. While it was common for municipalities to conduct such examination at a public hearing, the Act now requires the complaint be decided based upon “credible evidence and testimony presented at [a] public hearing in the municipality.” As with other types of adjudicatory hearings, although the formal rules of evidence

will not apply, we recommend that all witnesses be sworn and the proceedings be recorded for use in the event of an appeal.

The hearing authority should proceed in two steps. First, there must be a determination of whether the dog is a nuisance or dangerous. In making this determination, the hearing authority will be guided by the new definitions set forth in the Act. If the hearing authority decides the dog is not a nuisance or dangerous, the inquiry ends and the hearing authority must dismiss the complaint.

If the hearing authority deems the dog a nuisance, it may “further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.” As with the prior version of the statute, the Act does not establish any parameters for such remedial action, if any, but rather, it leaves the response to the complaint to the discretion of the hearing authority. In contrast, if the hearing authority deems the dog dangerous, it shall order one or more of the seven remedies ranging from restraint to euthanization. The list includes remedies commonly invoked by municipalities, and allows the hearing authority discretion to decide on an appropriate combination most suited to the facts of a particular case. However, the Act strictly prohibits the common practice of “banishment”, i.e. ordering removal of a dog from the municipality in which its owner or keeper resides. Further, the Act codifies the common law rule prohibiting the regulation of dogs in a manner that is specific to breed.

Appellate Procedure

The Act does not alter past practice relative to appeals. The owner or keeper of a dog aggrieved by a hearing authority’s decision may file an appeal in the local district court within ten days after issuance of the order. The initial hearing on the appeal is before a district court clerk magistrate who shall hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. Either party aggrieved by the decision of the clerk magistrate may then request a *de novo* hearing before a justice of the district court, who may, based upon the credible evidence and testimony presented at trial dismiss the complaint ,or deem the dog a nuisance or dangerous dog. Although the Act states that the decision of the court after a *de novo* hearing is final and conclusive upon the parties, the Appeals Court found that the same language in the prior version of the statute provides for a further appeal to Superior Court pursuant to the provisions of G.L. c. 249, §4.

The Act does, however, provide municipalities with significantly greater enforcement authority during the pendency of the appeal by authorizing a petition to the district court for an order of impoundment. The district court may issue such an order upon a finding of probable cause that the dog is dangerous. The Act requires the owner to pay the costs of impoundment if the municipality prevails in the appeal and authorizes the municipality to recover such costs through a lien on the owner’s real estate or as an additional surcharge on the owner’s motor vehicle excise tax.

Enforcement

The Act provides enhanced penalties for the failure to comply with a municipal or court order. If an owner or keeper of a dog violates an order issued under G.L. c.140, §157, the dog is subject to seizure and impoundment by a law enforcement or animal control officer and the owner or keeper may be subject to criminal penalties or prohibited from licensing a dog within the Commonwealth for up to five years. The Act also authorizes the issuance of fines for failure to comply with such orders – a fine of not more than \$500.00 or imprisonment for not more than 60 days, or both, for a first offense and a fine of not more than \$1,000.00 or imprisonment for not more than 90 days or both for a second or subsequent offense. The Act also prohibits anyone over 17 with “actual knowledge” that a dog has been deemed dangerous from allowing a child under 17 to own, possess or have the care or custody of such dog, and further requires a dog’s dangerousness be disclosed prior to transfer of possession or ownership.

In summary, the Act makes substantial revisions to the process for addressing vicious dog complaints. We recommend, therefore, that any municipal hearing authority addressing such complaints carefully review the revised definitions and procedures to ensure any action taken is consistent with the new statutory requirements.

Please contact Gregg Corbo at gcorbo@k-plaw.com or 617.556.0007 with further questions.

**THE CALLAHAN FAMILY
16 WYNDMERE DRIVE
BOXFORD, MA 01921**

May 23, 2023

Re: Request for Dangerous Dog Hearing pursuant to MA General Law Chapter 140, Section 157

Dear Boxford Select Board:

Ms. Jessel, Mr. Costello, Ms. Stickney, Mr. Perkins and Ms. Chow-Menzer,

On April 15, 2023, our 8 year old granddaughter [REDACTED] ([REDACTED]), was visiting and playing with neighborhood children on the cul-de-sac at the end of our street, Wyndmere Drive. There were 9 children in all (including 2 babies in strollers) and 6 adults supervising the playtime. At one point, one of the Judd children wanted to show our [REDACTED] something closer to her house, so the two children started advancing towards the house and into the garage. Before we knew it, the Judd's dog, Star, came running out of the house and attacked our poor [REDACTED]. There were adults nearby that had followed [REDACTED] down the driveway to supervise and were able to eventually get the dog off of [REDACTED] but not soon enough. The dog attacked the child, unprovoked, which resulted in incalculable trauma, a loss of a lot of blood and emergency medical attention at the Beverly Hospital ER. After many tests and procedures, [REDACTED] was released that evening with 5 stitches in the main wound and multiple butterfly closures on 8-10 additional wounds. Since then, [REDACTED] has had to see a Wound Specialist Doctor twice with more appointments anticipated, because the major wound was not healing as expected and is requiring further medical attention.

The Judd's dog has been known to "get out" and run through the neighborhood on multiple/countless occasions, most recently, around noon on the day of the attack, April 15, 2023. This fact adds to our concerns about the dog getting out again and attacking another child (unprovoked) in the neighborhood, and potentially not even on the Judd's property.

We were told by the dog owner, Neil Judd, on the afternoon of 4/15 while [REDACTED] was in the hospital, that the dog was "gone". He repeated it twice as he walked down our driveway, and while I was very upset about what had happened, I was relieved to know the dog was gone and would not be able to hurt [REDACTED] again, or any other children in our neighborhood. That is what Neil lead my husband and I to believe that day.

Unfortunately, since three days later on 4/18 when I (Patricia) happened to see the dog in their driveway, I realized the dog was definitely back, and was told by Neil

Judd when I called him about it, that the dog was under quarantine at the time and would be there for *at least* 10 days. Since then, we have been told that they are going to *re-home* or *re-train* the dog. The dog is **not** "gone" afterall.

As time has passed, they have become more and more difficult to communicate with "due to their kids schedules", and, refuse to give us any information about what specifically, they are doing to *re-home* or *re-train* their dangerous dog. Additionally, after **over a month since the incident**, they refuse to indicate which route they are actively pursuing – *re-homing* or *re-training* (clearly two different options).

Sadly, our life has changed after 33 years living on this quiet Boxford Street. We do not feel safe walking and playing with our grandchildren on the street, or having them play in our yard, and fear the Judd's dog may get loose and attack our grandchildren playing in our yard, unprovoked. Again, we have been trying to communicate with the dog owners about what the plan is for the dog, to no avail.

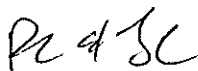
Furthermore, last week, Neil Judd closed the door on all communication regarding the status of their dog by informing our son, James, that he (we) should contact their lawyer with any additional questions. We don't understand why the burden is now on us and **they** are now considering themselves the "victims". We have not been pressuring them to do anything specific with their dangerous dog, only wanting to know the truth about what they are doing about their dog to keep the neighborhood safer.

We regret to have to bring this incident to the attention of the Boxford Select Board but are left with no other reasonable options. We remain concerned that the Judd's dog will attack again, was never well trained, and is not being *re-homed* or *re-trained*, due to lack of any substantial information from the owners, whom we used to be very friendly with, sadly. We are extremely fearful that the dog could attack another innocent child while playing outside in our neighborhood. There are many young children and babies on this street, and many others that walk down this street, in addition to our own family's children. We are concerned for all.

Please advise us of next steps and anticipated timeline for the Board's attention to this matter as we are not familiar with this process but are hopeful that you may be able to help us. Please let us know if we can provide any additional information.

Thank you in advance for your kind attention to this important matter. The police report is attached for your review.

Kind regards,



Patricia and John F. Callahan

16 Wyndmere Drive

Boxford, MA 01921

(H) 978-887-0120 (PC) 508-932-6154 (JC) 508-783-1159

Boxford Police Department

285 Ipswich Road
 Boxford, MA 01921
 (978) 887-8135

Incident Report

Incident Number: 2023000005060

File No: N/A

Dispatch Incident Number: 2023000006567

Print Date: June 1, 2023

Printed By: jriter

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Mon	05/08/2023	8:43:00AM		Mon	05/08/2023	8:43:00AM	→	5/8/2023	8:43:53AM
Reported As			Incident Type - Primary				Arresting Officer			
Animal Related Incident/89AP/DOG BIT			Animal Related Incident							
Incident Address							Reporting Officer			
20 WYNDMERE ROAD, BOXFORD, MA 01921										
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
East4		East4								
Business Name				Incident Types - Other				Action Taken		
CATALDO, EDWARD & ELAINE								Report Taken		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2023000005060			

Associated Persons Summary						
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Other	CALLAHAN, JAMES R		M	(978) 887-0120	N/A	N/A
Address: 16 WYNDMERE ROAD, BOXFORD, MA 01921						
Caller	CALLAHAN, JOHN F		M	(978) 887-0120	(508) 783-1159	N/A
Address: 16 WYNDMERE ROAD, BOXFORD, MA 01921						
Other	JUDD, NEIL JOSEPH		M	N/A	(860) 805-8447	N/A
Address: 20 WYNDMERE ROAD, BOXFORD, MA 01921						
Other	JUDD, RACHEL MARY		F	N/A	(978) 210-9665	N/A
Address: 20 WYNDMERE ROAD, BOXFORD, MA 01921						
Victim	J		U	N/A	N/A	N/A
Address: [REDACTED]						

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2023000005060			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Nathaniel Peabody	Responding Officer	Police Department

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2023000005060				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2023000005060				

Victims						
Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
N/A	J	Unknown	N/A	N/A	N/A	N/A

Boxford Police Department

**285 Ipswich Road
Boxford, MA 01921
(978) 887-8135**

Incident Report

Incident Number: 2023000005060

File No: N/A

Dispatch Incident Number: 2023000006567

Print Date: June 1, 2023

Printed By: jriter

Vehicle Info

Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 2023000005060					

Property

No Property Info reported for Incident #: 2023000005060					
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Citations

Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2023000005060					

Permits

Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2023000005060					

Incident Report

Narratives for Incident Number 2023000005060 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrolman Nathaniel Peabody (68NP) Division: Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
05/08/2023 11:19		Patrolman Nathaniel Peabody (68NP)	View		06/01/2023

On May 8, 2023, at approximately 8:30 am, I Detective Peabody, spoke with John Callahan via telephone (508-783-1159) who reported that on the morning of April 15, 2023, his granddaughter [REDACTED] who was visiting him from New York, was a victim of an unprovoked attack by their neighbor's dog.

John Callahan stated that he resides at 16 Wyndmere Road where his son James Callahan, and granddaughter Callahan were visiting. [REDACTED] DOB [REDACTED], was in the neighborhood playing with other children. [REDACTED] and Mackenzie Judd, the daughter of Neil Judd who is the Dog owner, walked up the driveway of the Judd's residence at 20 Wyndmere Road together. When they got near the garage. The Judd's dog ran out of the garage and attacked [REDACTED] in an unprovoked aggressive manner, biting her leg.

John stated that the dog owner, Neil Judd came out of the home to secure the dog.

There was a lot of blood from the bite on [REDACTED] leg. [REDACTED] father, James Callahan, took [REDACTED] to Beverly Hospital for evaluation and treatment for the bite on her leg. While at the hospital [REDACTED] was treated for the dog bite and received several stitches in her leg.

I also spoke with [REDACTED] father James Callahan prior to speaking with John, via telephone (978-729-0842) who stated that this incident occurred on April 15, 2023, at approximately 11:45 am. James also reported that [REDACTED] walked up the driveway to the Judd's home, when the dog ran out of the garage and aggressively attacked his daughter, biting her in the lower portion of her left leg.

James stated that his father John Callahan and his brother-in-law Robert Gill where both nearby, however, did not witness the attack.

James Callahan also reported that he drove his [REDACTED] to the Beverly Hospital where [REDACTED] received several stitches for a laceration and punctures to [REDACTED] left leg. James now has further concerns for his [REDACTED] health related to the bite because [REDACTED] wound is reopening and not properly healing as it should. James reported that [REDACTED] has an appointment with a specialist regarding further medical treatment that may be required.

I spoke with Neil Judd via telephone (860-805-8447) who resides at 20 Wyndmere Road and owns the dog regarding this incident.

Neil stated that their dog is a 4-year-old black lab named Star who has never attacked or bit prior to this incident.

Neil stated that there were approximately 8 children in the neighborhood including his own daughter [REDACTED] that were all playing outside. [REDACTED] and [REDACTED] had gone up the driveway to their home at 20 Wyndmere Road.

[REDACTED] opened the kitchen door and ran into the home accidentally letting Star run out of the home. The dog then bit [REDACTED] in the leg who was near the garage door.

Neil stated that he was standing in the kitchen when this incident occurred and immediately went after the dog. He advised that the entire incident happened within approximately 15 seconds and that from the time he left the kitchen to the time he got to [REDACTED] the dog had bit her and let go of [REDACTED] leg.

According to Neil, the dog was placed into a quarantine period, put in place by the animal inspector. Neil stated that Star was up to date with her vaccinations. Star completed a rabies quarantine set in place by the animal inspectors.

It should be noted that Officer Paglia also spoke with James and John Callahan who had concerns regarding the Town of Boxford's Animal control processes as well as the ongoing health issues [REDACTED] continued to have. Please see Officer

Boxford Police Department

285 Ipswich Road
Boxford, MA 01921
(978) 887-8135

Incident Report

Incident Number: 2023000005060

File No: N/A

Dispatch Incident Number: 2023000006567

Print Date: June 1, 2023

Printed By: jriter

Narrative by: Patrolman Nathaniel Peabody (68NP) Division: Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/08/2023 11:19		Patrolman Nathaniel Peabody (68NP)	View		06/01/2023

Paglia's written report incident number 2023-5000. I advised John and James that they could speak with the Town administrator regarding their concerns about the Animal control officer and inspector's procedures. John and James both expressed that they believe this dog is a danger to the neighborhood. I advised them both that they could request a dangerous dog hearing with the town. I advised that documentation from the hospital and the rabies quarantine should be filed with the animal inspector. Nothing further to report at this time.

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

05/08/2023 08:48:18

John Callahan 508-783-1159 of 16 Wyndmere Dr requesting to file a police report for a dog bite incident that happened on 04/15/23; to Det Peabody

Call Takers Remarks:

Create User ID:

Date & Time

No Caller Remarks Listed

Neil and Rachel Judd
20 Wyndmere Road
Boxford, MA 01921

June 22, 2023

RE: Response to Notice for Dangerous Dog Hearing

Dear Members of the Select Board:

This letter is in response to the complaint filed by Patricia and John F. Callahan dated May 23, 2023.

It is undisputed that our black lab dog, Star bit the Callahan's granddaughter [REDACTED] on April 15, 2023 in our garage at 20 Wyndmere Road. We are very sorry that this happened and have apologized greatly to everyone involved.

However, none of the Callahans witnessed the incident, and therefore their statement of facts are inaccurate. I was the only adult present when the incident occurred. There were ten (10) children playing in the cul-de-sac that afternoon, riding bikes, and running around. There were also adults present. Star, our dog was also present during this interaction in the cul-de-sac, as well as another neighborhood black dog (Zane). I eventually brought Star to our house, as children were eating pizza and chocolate and Star kept licking the chocolate off of a neighbor's 2 year old daughter's face. I put Star inside our house so that the little girl could eat her chocolate, and NOT because Star was a danger to anyone when she was outside.

Shortly after, my family started getting ready for my son's flag football game and we realized that he needed his mouth guard molded. Neil, my husband went inside to boil water. I also went inside shortly after to start getting items together for the game. Star was still inside, and all the children were outside.

All of a sudden, I saw a bunch of the kids running and riding bikes up our long driveway and into our garage. They were very loud, yelling, and shouting. My daughter swung open the back door from our garage into our kitchen, in a very loud and disruptive manner. I cannot say for certain if the door hit Star while it was being swung open, but something in that moment startled Star. Star ran past me, into the garage towards [REDACTED] who wearing a black bike helmet, and [REDACTED] started yelling and running. I called to Star to come back (not knowing anything happened) and Star ran right over to Neil who came out to the garage. It was not until I went outside the garage that I realized that Star had bit [REDACTED].

Since this incident we have consulted and worked with professional dog trainer and behavioral consultant, Rod Sutcliffe, ABCDT, DN-DBC, DBSE who explained that Star's reaction was not surprising, giving the events and situation. Please find his Behavioral Assessment Report of Star, attached. (Exhibit 1)

Further, as inaccurately stated, no adult or person had to “get the dog off [REDACTED]” as per the complaint. As the only adult present, this occurrence was so quick, and Star ran to Neil right away without any physical intervention from anyone.

Star has also not known to “get out” as the complaint states. She was outside with everyone on the day of the incident, and this was not in response to her “getting out” of anywhere. There has never been any complaints from anyone when she has been outside. There has never been frantic calls made in response to seeing her in the neighborhood. Before this incident, Star would walk to and from the bus stop at the end of our road, and never did anyone act afraid of her. When she is outside, she does not require a leash so that she doesn’t “get loose” (per Boxford no leash law). However, we do walk Star on a leash as well.

It is correct that Patricia called Neil on April 18, 2023 and asked why Star was outside and not on a leash. It is important to note that Neil’s response to this question was not stated in the complaint because he responded that it was NOT Star, but rather another neighbor’s black dog (Zane) who frequently is in our yard. Before the incident, Zane and Star played together everyday in our yards. There has never been any aggression, growling, or barking from either dog when they played.

The statement made “due to their kids schedules”, though condescending and insulting, is not inaccurate. We have four children ages 10, 9, 7, and 6, who are very busy- participating in band, chorus, guitar, advanced band, jazz band, student council, cub scouts, boy scouts, hockey, club hockey, flag football, baseball, cheer, tumbling, dance, theater, softball times two, soccer times two, and more. We have been responsive to every text or call that the Callahan’s made to us, which have not been many. Neil called John back a day after he requested one time, because our daughter had a weekend long dance event, and our other children were participating in a baseball game.

Neil and I have intensively discussed what our plan was concerning Star. It has been a very difficult discussion, and one that we have not taken lightly. We cannot believe that this incident occurred and feel horrible to everyone involved. As stated before, we have been working with a professional regarding training, assessments, re-homing, etc. It may have seemed like we did not give the Callahan’s the answer they were looking for, because we were looking at all options and going through the trainings. Per Massachusetts state law, we were not allowed to re-home Star for the first ten (10) days because of the quarantine period. If a statement was made from one of us that she would be re-homed during this time, it was inaccurate on our part, as we were not aware of the regulation at the time.

It has been communicated numerous times that we were looking at all options with Star, including re-homing and training. Both Neil and I explained to James on May 13 and 14, 2023 that all of these things take time, months even, and nothing was a quick fix. Because he was not happy with my response, James (Jimmy) started non-stop harassing and threatening texts to me and Neil. As a result, I informed James (not Patricia and/or John) to please stop all communications with us. Please see attached text. (Exhibit 2)

The threats and harassment from James started immediately after the incident, the first being the night of April 15, 2023 when James came to our house to talk to Neil and told him that he “would shoot Star if he saw her off leash”. This conversation took place outside our house, and all our children were home.

This continued on May 7, 2023 when James spoke to Officer Church and stated “if I see that dog again, I am going to get it”. Please see attached Incident Report, number 2023/5000. (Exhibit 3)

That same morning, Neil spoke to AOC Helen Phillips who stated that James was making threatening and harassing calls to the Boxford Police. That night Neil had a phone conversation with both John and James, and James stated "that he spoke to his lawyer, and he has the right to protect himself and shoot our dog."

As started earlier, we have four (4) young children who have lived with our dog for the last four (4) years. Star has never caused us any concern with their safety, or for the safety for the numerous family and friends that are constantly at our house. We have family and friends that are at our house almost everyday, and no one has EVER expressed ANY concerns over their safety when at our home, including Patricia, John, James and [REDACTED], who have been in our home numerous times, for dinner, birthday parties, "book clubs" hosted by our 9 year old daughter, and hanging out/playing. In fact, the Callahans have invited other guests that we did not know well to our home last Fourth of July.

Since the bite incident, and because of not wanting to cause anyone to become upset, we've stopped taking Star for a walk down our street, stopped bringing her to and from the bus stop, or really having her play outside. We did this to be sensitive of the Callahans feelings, and in response the Callahans are now labeling Star that doesn't leave our house a "danger" to our neighborhood and our town.

We are very sorry that this incident happened to [REDACTED]. It has been very upsetting to everyone involved, and we feel terrible that this accident occurred. When I reached out to the Callahans to inquire about their hopes of this hearing, they replied that they "want the town to remove the dog from our home". See attached text message. (Exhibit 4) However, what they want is not even attainable by this hearing. Even if the Select Board determines that Star is "dangerous" and/or a "nuisance" despite and contrary to all the evidence presented, the Select Board cannot remove her from our home per MGL Chapter 140 Section 157, after (C)(viii):

"No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed".

We have hired and been working with a professional behavioral trainer, we have lost so many sleepless nights, we have been in contact with the Callahans, [REDACTED]'s mother, and James before we stopped that communication due to constant harassment and threats. We are responsible dog owners and responsible Boxford residents. Star is not running around the neighborhood, Star is not "getting out", no one has ever referred to Star as "dangerous", and we feel further defamed by this hearing that was brought by neighbors who constantly confuse our black dog with another neighbor's black dog.

We apologize for taking this time away from the Select Board. Please reach out if there are any questions.

I have also attached text correspondence (Exhibit 5) with both the Callahans and James (Jimmy) to further elaborate that we did not remain silent, did not NOT remain in contact with them, or act at any time whatsoever like this was an accident that we ignored or did not take seriously.

Thank you,

Rachel and Neil Judd

EXHIBIT 1

Star Behavioral Assessment Report

Consulted for a behavior/personality evaluation of Star after an unfortunate biting incident of a neighbors child.

Star is a 4 year old spayed female Labrador Retriever mix. Up to date on all shots and in good physical condition. No physical injuries or ailments. She lives in a very busy home of 2 adults with 4 young children who don't lack for energy and enthusiasm. To my knowledge, she has no prior bite history until this incident.

Although any dog can bite, just as any human can commit violence when threatened, my findings are Star is a very well socialized dog who isn't bothered by much at all. She loves and seeks out human interaction.

Stars demeanor when meeting strangers, me in this case, was exceptionally upbeat, friendly, and welcoming. No hint of reactivity or territoriality to my arrival or presence initially or for a follow-up visit 5/26/2023.

People greetings - no negative reaction. She was more than enthusiastic to meet someone new being present not just on the property but also in the home dwelling. She presented with loose, wiggly body language with gentle eyes, loose tail wagging and some typically excited vocalizations. All indicative of a positive greeting experience.

Resource Guarding - no negative reaction. She didn't present with any stress indicators such as body/head stiffness, side gazing, pinned ears, stiff tail carriage, whale eye, growling, or avoidance/disengaging behaviors such as walking away. Although it's never wise to forcefully take anything from any dog, Star was extremely willing to trade whatever she had for a tasty food treat without exception or any stress indicators on either of my visits.

Prey drive - no negative reaction to humans. Squirrels and critters in the outdoors certainly, but none towards humans, even though she resides with 4 very young, highly active, and fast moving/excited children. She may like to run with and play along side of, but no indications of anything inappropriate or her being reactive negatively.

Physical touching - no negative response. Star was elated for any human physical attention all over her body. Rubbing and/or scratching her head, back, legs, paws, tail, and belly all resulted in a positive and enthusiastic reaction typical of a social and affectionate dog.

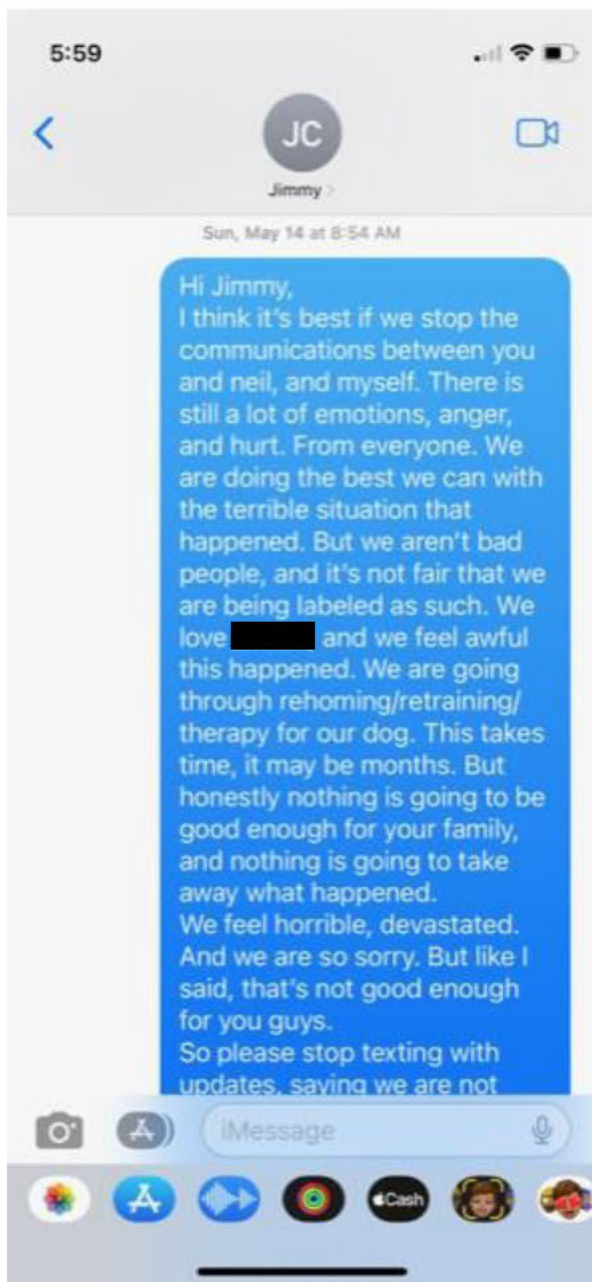
Startle reflex - no negative reaction. Quick shouting, floor stomping, hand clapping, sudden body movements, or unexpected touching didn't phase her beyond any normal beings curiosity or very brief reaction.

To repeat, any dog can bite under certain extreme circumstances and most are due to trigger stacking (more than one stressful event happening simultaneously with one or several more). I made some recommendations to the Judd family to manage proactively against any possible future issues. I recommend they not allow the children to use the garage door that leads to the interior of their home where the incident occurred. If there are going to be screaming/running children around (that aren't the immediate family) they keep Star confined indoors or be leashed being handled by one of the two parents. I also recommend feeding Star yummy tasty treats when greeting people as part of a CC/DS (Counter-conditioning/Desensitization) protocol so she continues to view humans as a predictor of good things.

---Rod

Rod Sutcliffe ABCDT, DN-DBC, DBSE
TheDogSmithBostonNorth.com
RSutcliffe@DogSmith.com
Phone 781-454-6292

EXHIBIT 2



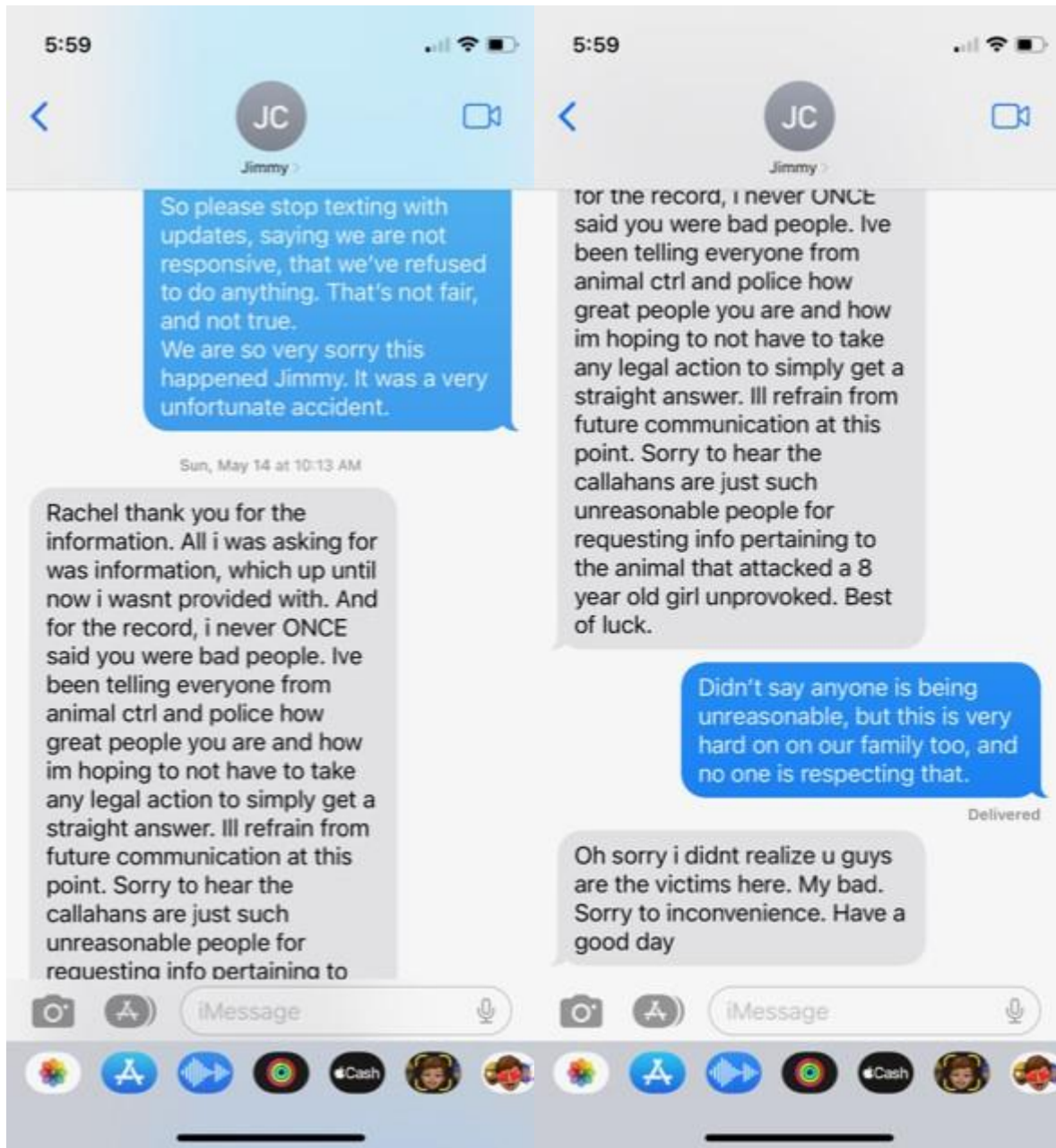


EXHIBIT 3

Boxford Incident Report May 7, 2023

Please see included document, separately attached.

Boxford Police Department
285 Ipswich Road
Boxford, MA 01921
(978) 887-8135
Incident Report

Incident Number: 2023000005000
File No: N/A
Dispatch Incident Number: 2023000006503
Print Date: June 8, 2023
Printed By: kzolla

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Sun	05/07/2023	10:15:00AM		Sun	05/07/2023	10:15:00AM	→	5/7/2023	10:15:31AM
Reported As Officer Wanted/67BC/Regarding previo				Incident Type - Primary Officer Wanted			Arresting Officer			
Incident Address 16 WYNDMERE ROAD, BOXFORD, MA 01921							Reporting Officer			
Sector East4		Stat. Area East4		Sub Stat. Area		Census Tract		Landmark		
Business Name CALLAHAN, JOHN & PATRICIA				Incident Types - Other				Action Taken Report Taken		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2023000005000			

Associated Persons Summary						
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Caller	CALLAHAN, JAMES R		M	(9...)	N/A	N/A
Address: 16 WYNDMERE ROAD, BOXFORD, MA 01921						
Victim				N/A	N/A	N/A
Address: [REDACTED]						
Other	PFEIFER, CHRISTINE	N/A	U	N/A	N/A	N/A
Address: 6534 79 PLACE MIDDLE VILLAGE, QUEENS, NY 11106						
Owner	JUDD, NEIL JOSEPH		M	N/A		N/A
Address: 20 WYNDMERE ROAD, BOXFORD, MA 01921						
Other	BEVERLY, HOSPITAL	N/A	U	N/A	N/A	N/A
Address: 400 MAPLE ST, DANVERS, MA						

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2023000005000			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Attilio J Paglia	Responding Officer	Police Department
Patrolman	Brian Church	Responding Officer	Police Department

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2023000005000				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2023000005000				

Victims						
Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
N/A	J [REDACTED]		N/A	N/A	N/A	N/A

Boxford Police Department
285 Ipswich Road
Boxford, MA 01921
(978) 887-8135
Incident Report

Incident Number: 2023000005000
File No: N/A
Dispatch Incident Number: 2023000006503
Print Date: June 8, 2023
Printed By: kzolla

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2023000005000						

Property
No Property Info reported for Incident #: 2023000005000

Citations						
Citation No	Code	Date	Status	Statute	Description	
No Citations reported for Incident #: 2023000005000						

Permits						
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes	
No Permits recorded for Incident #: 2023000005000						

Boxford Police Department

285 Ipswich Road
Boxford, MA 01921
(978) 887-8135

Incident Report

Incident Number: 2023000005000

File No: N/A

Dispatch Incident Number: 2023000006503

Print Date: June 8, 2023

Printed By: kzolla

Narratives for Incident Number 2023000005000 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrolman Brian Church (67BC) Division: Police Department

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/07/2023 13:32		Patrolman Brian Church (67BC)	Open		05/07/2023

On 5/7/23, I spoke with James Callahan over the phone about an incident that occurred on 4/15/23. His [REDACTED] was at his parent's house at 16 Wyndemere and while playing outside was bit by a dog that lives at 20 Wyndemere. He began our conversation by saying "if I see that dog again, I'm going to get it." I told him he should not threaten the animal and his response was "I don't have the right to protect myself?" My response to him was "If the dog is being aggressive and you don't have the ability to retreat to someplace safe you can protect yourself." He was not happy with this response. He couldn't believe that there is no leash law in Boxford and that he can't go after the dog if it is just wandering around off leash.

According to Mr. Callahan, he had also spoken to Hellen Phillips our ACO and she had all the facts wrong. Specifically, that he took [REDACTED] to Beverly Hospital and not Salem. It should also be noted that he never contacted Police or called for medical aid, so I had limit information on the situation.

Mr. Callahan claimed this phone call was because [REDACTED]. When asked if [REDACTED] needed immediate medical attention, he said no. I told him he could go to Haverhill District Court but that would be a civil matter. He said courts take time and he needs something done now. However, he was unable to tell me what that something was.

His next inquiry was into the status of the dog. I informed him that to my knowledge the dog is in quarantine. He wanted to know if the owners were going to have to forfeit the dog and/or put it down. Mr. Callahan again was upset when I told him that to my knowledge the dog was just going to be quarantined. He then questioned how thorough the investigation into the dog was, as our ACO had incorrect information. He said the dog was also responsible for a fire at its residence as it had knocked something over in the house that ignited the fire. He claims that it is proof the dog is overly aggressive.

Mr. Callahan then became impossible to reason with, he kept asking these same questions over and over and saying "don't I have the right to defend myself?" for which I answered multiple times while he talked over me. At this point it was obvious he was not receiving the information he wanted from me and the conversation was going nowhere. I asked if he needed any immediate police action or medical attention which he ignored. That is when I ended the phone call.
Officer Brian Church 67BC

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Patrolman Attilio Paglia (89AP) Division: Police Department

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/08/2023 08:57		Patrolman Attilio Paglia (89AP)	Open		05/11/2023

On May 7, 2023, at approximately 12:05PM, I, Officer Attilio Paglia, while on routine patrol for the Boxford Police Department, was contacted by Officer Brian Church and requested to return to the police station to speak James Callahan [REDACTED]

Incident Report

Narrative by: Patrolman Attilio Paglia (89AP) Division: Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/08/2023 08:57		Patrolman Attilio Paglia (89AP)	Open		05/11/2023

According to Officer Church, he and Mr. Callahan we're discussing Mr. Callahan's [REDACTED] being bitten by a dog on April 16, 2023, at 16 Wyndmere Road, Boxford, Massachusetts. During this time, Mr. Callahan expressed frustration regarding his recent conversation with Boxford Animal Control Officer (ACO) Helen Phillips, which eventually lead to the dialog between Officer Church and Mr. Callahan to become clouded and off point, resulting in Mr. Callahan demanding to speak to another officer.

With that, I contacted Mr. Callahan and suggested we "press the reset button" and start over. Mr. Callahan agreed and thereafter remained calm and cooperative. Concerned that [REDACTED] from the dog bite were [REDACTED] he contacted ACO Phillips for additional information related to the health of the dog and other potential illnesses, aside from rabies. In response, ACO Phillips dismissed Mr. Callahan's concerns, stating that [REDACTED] was brought to Salem Hospital accompanied by [REDACTED] mother (Christine Pfeifer) immediately after being bitten by the neighbor's dog.

At this point, given that Mr. Callahan transported [REDACTED] to Beverly Hospital for treatment, without [REDACTED] mother (who was in New York at the time), Mr. Callahan began to question the veracity of ACO Phillips' report and whether all dog bite health protocols were being followed. Frustrated by such, together with his belief that the police department had oversight over ACO Phillips, Mr. Callahan contacted the police department seeking clarification.

Given the circumstances, it was clear to me that Mr. Callahan's frustration with the ACO Phillips was secondary to [REDACTED]. Therefore, focusing his attention on [REDACTED] I offered to contact ACO Phillips and Animal Inspector Beverly Milward with the intention of getting a copies/information that Mr. Callahan could share with [REDACTED] doctor.

Moments later, I made contact with Animal Inspector Milward and briefed her on the situation. She proceeded to inform me that her involvement in this case was secondary to ACO Phillips, who responded to the call and initiated the dog being quarantined and [REDACTED] seeking immediate medical attention. Nevertheless, having been briefed by ACO Phillips soon after the incident, she was aware that the dog was seen by a veterinarian and quarantined for 10 days, without issue. I further note, Animal Inspector Milward additionally indicated having knowledge that [REDACTED] at Beverly Hospital for [REDACTED]. When asked for her report on the incident, she stated she did not write a report, given her secondary involvement. For clarity purposes, I asked her if she had a report from the veterinarian who examined the dog and a hospital report related to [REDACTED]? Animal Inspector Milward stated she had neither, but indicated that hospital records were transmitted to [REDACTED] mother subsequent to [REDACTED] discharge from Beverly Hospital.

I then contacted ACO Phillips, requesting the same information. During this time, ACO Phillips indicated she did not draft a report on the incident and solely relied on her notes and memory when briefing both dispatch and Mr. Callahan on the matter. I then informed ACO Phillips that Mr. Callahan became concerned and frustrated after speaking with her, given that she provided him with inaccurate information about the incident, namely informing him that [REDACTED] while in [REDACTED]

Boxford Police Department

285 Ipswich Road
Boxford, MA 01921
(978) 887-8135

Incident Report

Incident Number: 2023000005000

File No: N/A

Dispatch Incident Number: 2023000006503

Print Date: June 8, 2023

Printed By: kzolla

Narrative by: Patrolman Attilio Paglia (89AP) Division: Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/08/2023 08:57		Patrolman Attilio Paglia (89AP)	Open		05/11/2023

mother's care, was treated at Salem Hospital.

Considering these inconsistencies, ACO Phillips asserted understanding Mr. Callahan's frustration and reiterated that she was solely relying on her memory and notes of the incident, which lead to her inadvertently misinforming both dispatch and Mr. Callahan of issues related to this case. Aside from the inconsistencies noted, ACO Phillips indicated having no documentation from the hospital or the veterinarian. However, she stated she was certain that the dog was properly quarantined and was negative for symptoms associated with rabies.

Having no reports from ACO Phillips or Animal Inspector Milward to share with Mr. Callahan, I advised him of such. However, considering Mr. Callahan's concern for his [REDACTED] I offered to have dispatch contact Beverly Hospital on his behalf, which Mr. Callahan was appreciative of. Despite our efforts, dispatch was informed that such requests needed to be made to their records department, Monday through Friday. Upon sharing this information with Mr. Callahan, he remained grateful for the extra effort. Prior to concluding our conversation, Mr. Callahan's father (John Callahan) joined in the conversation and also expressed his appreciation for the extra effort. He then reaffirmed that ACO Phillips did not report (directly or indirectly) to the Boxford Police Department.

In conclusion, I informed Mr. James Callahan that should we receive [REDACTED] medical records from Beverly Hospital on Monday, I would request dispatch communicate such to his through an officer on duty. I further suggested that he attempt doing so simultaneously, to avoid any unforeseen delays related to HIPPA. In closing, Mr. Callahan remained grateful and expressed such several times.

Respectfully Submitted,

Officer Attilio J. Paglia

Badge # 89

Boxford Police Department

Signature - Reporting Officer

Signature - Reviewing Officer

EXHIBIT 4

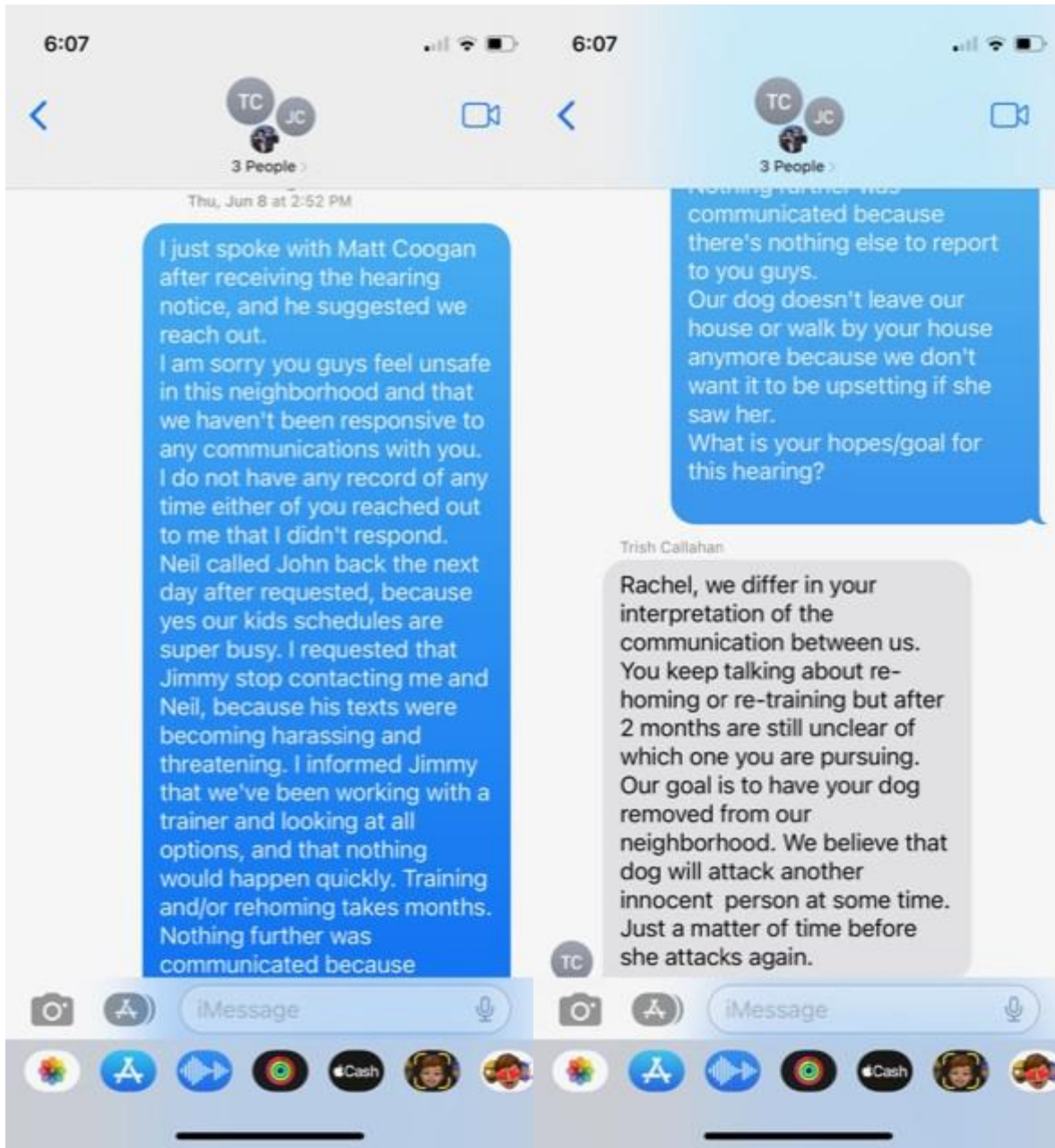
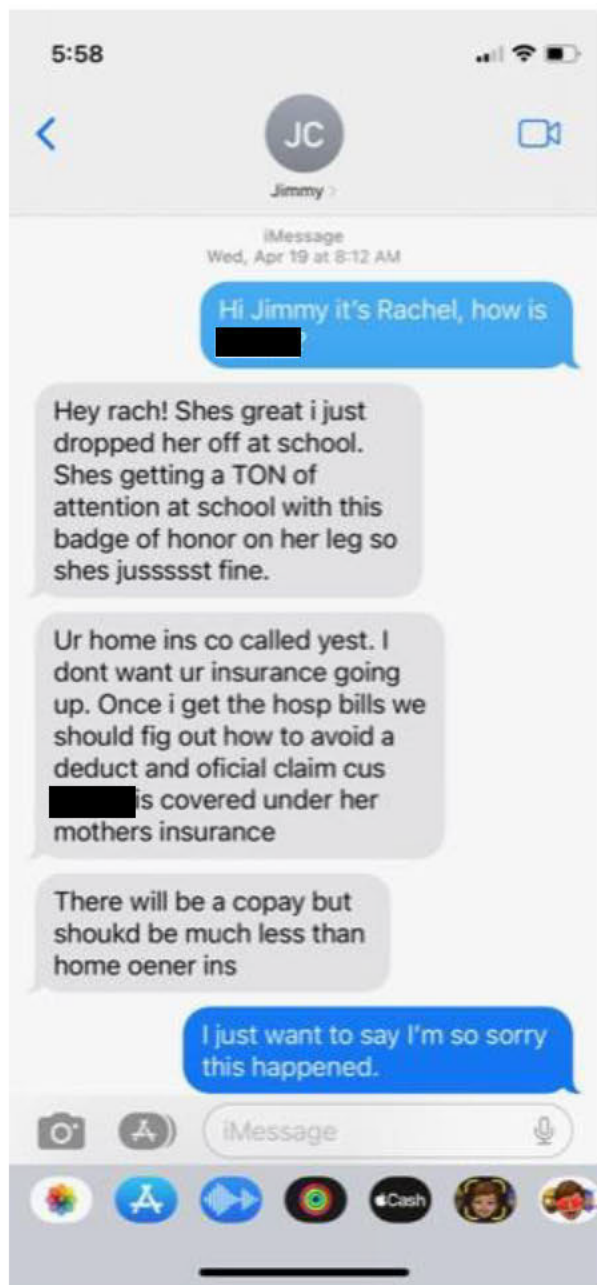
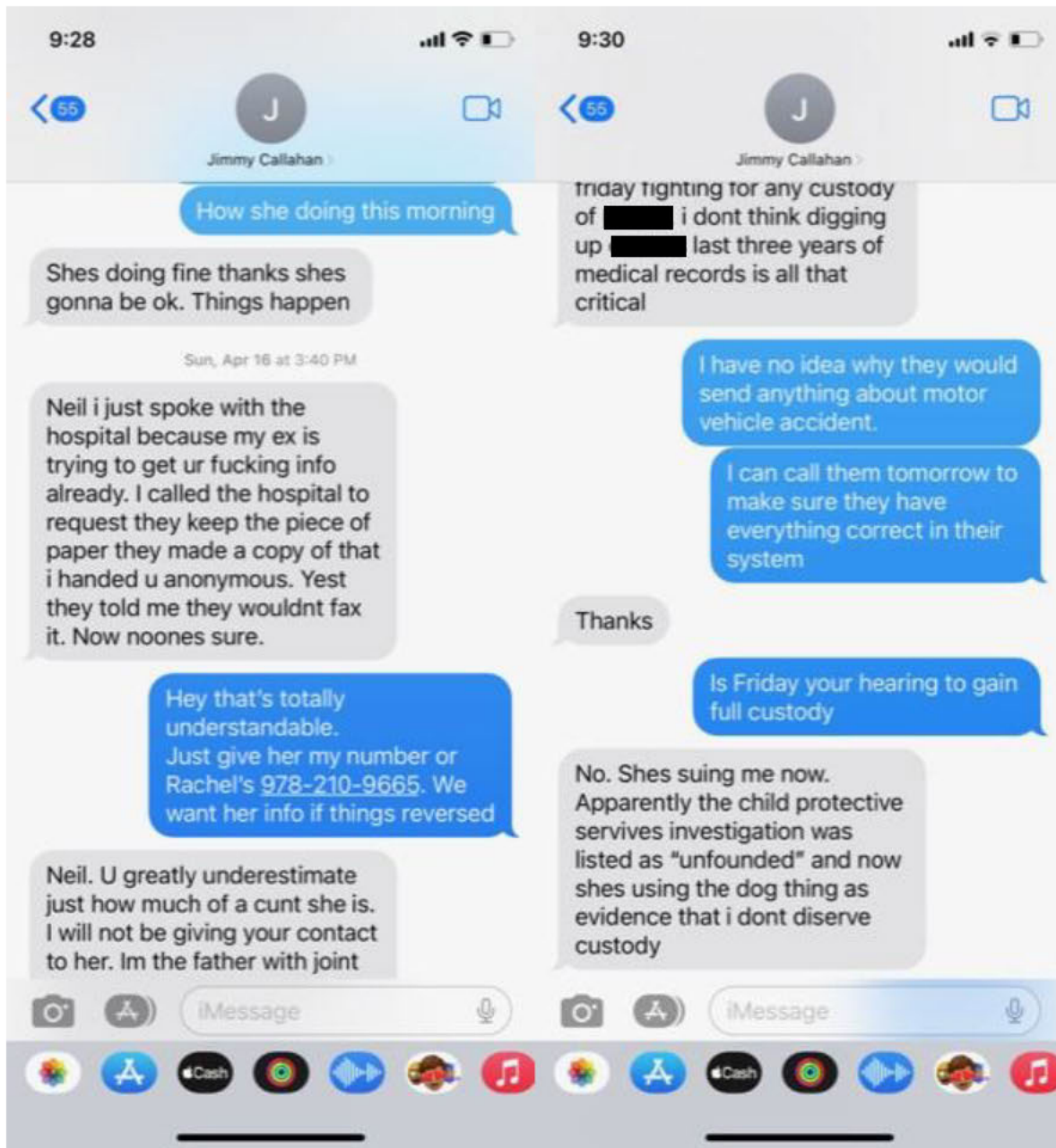
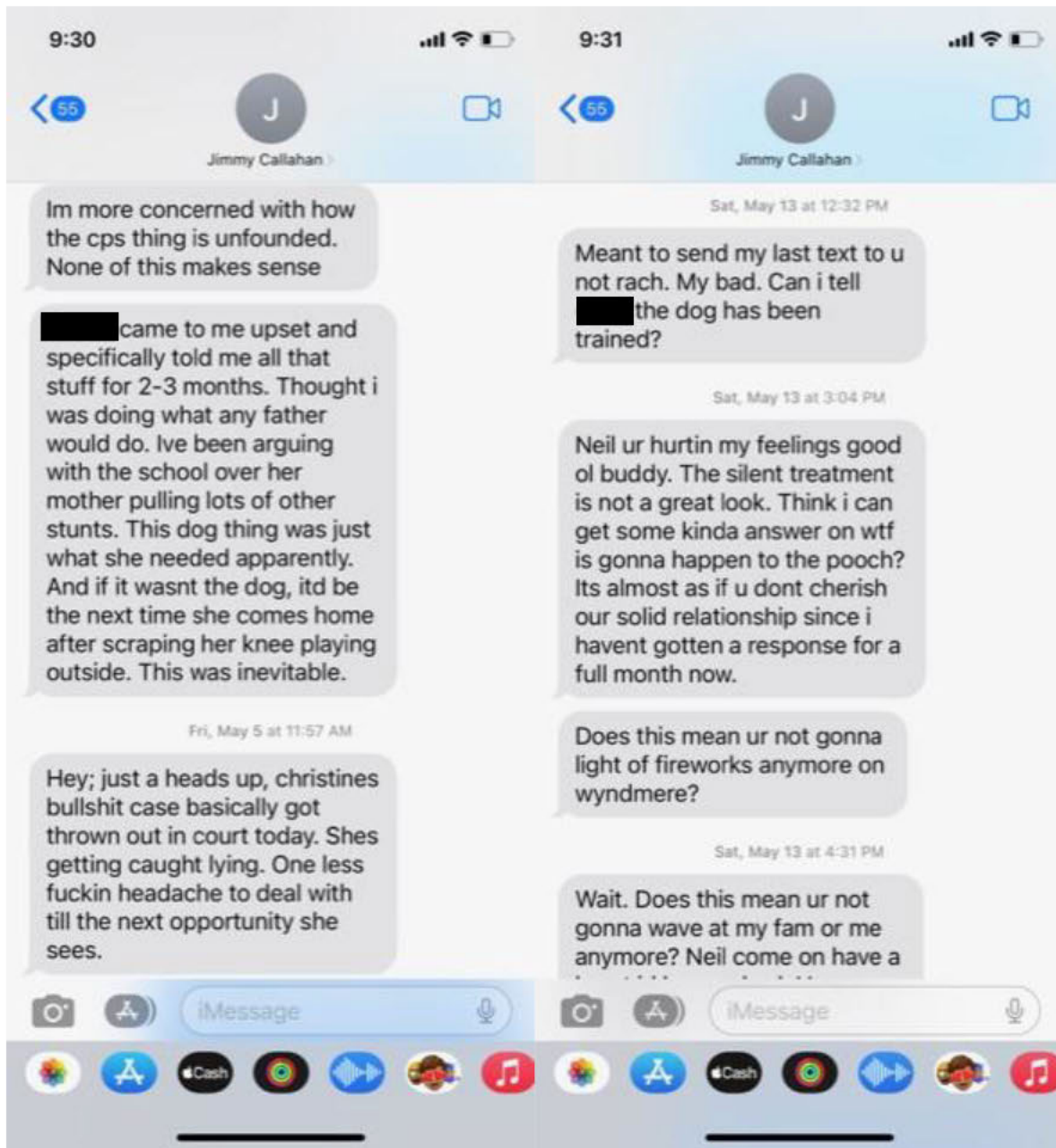


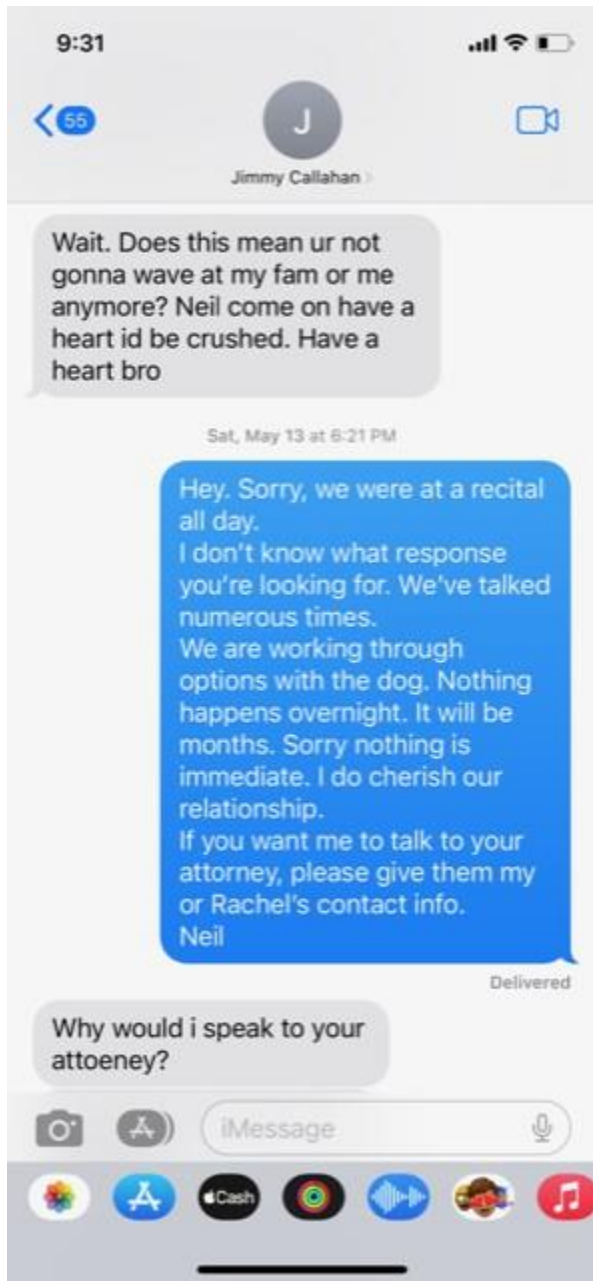
EXHIBIT 5

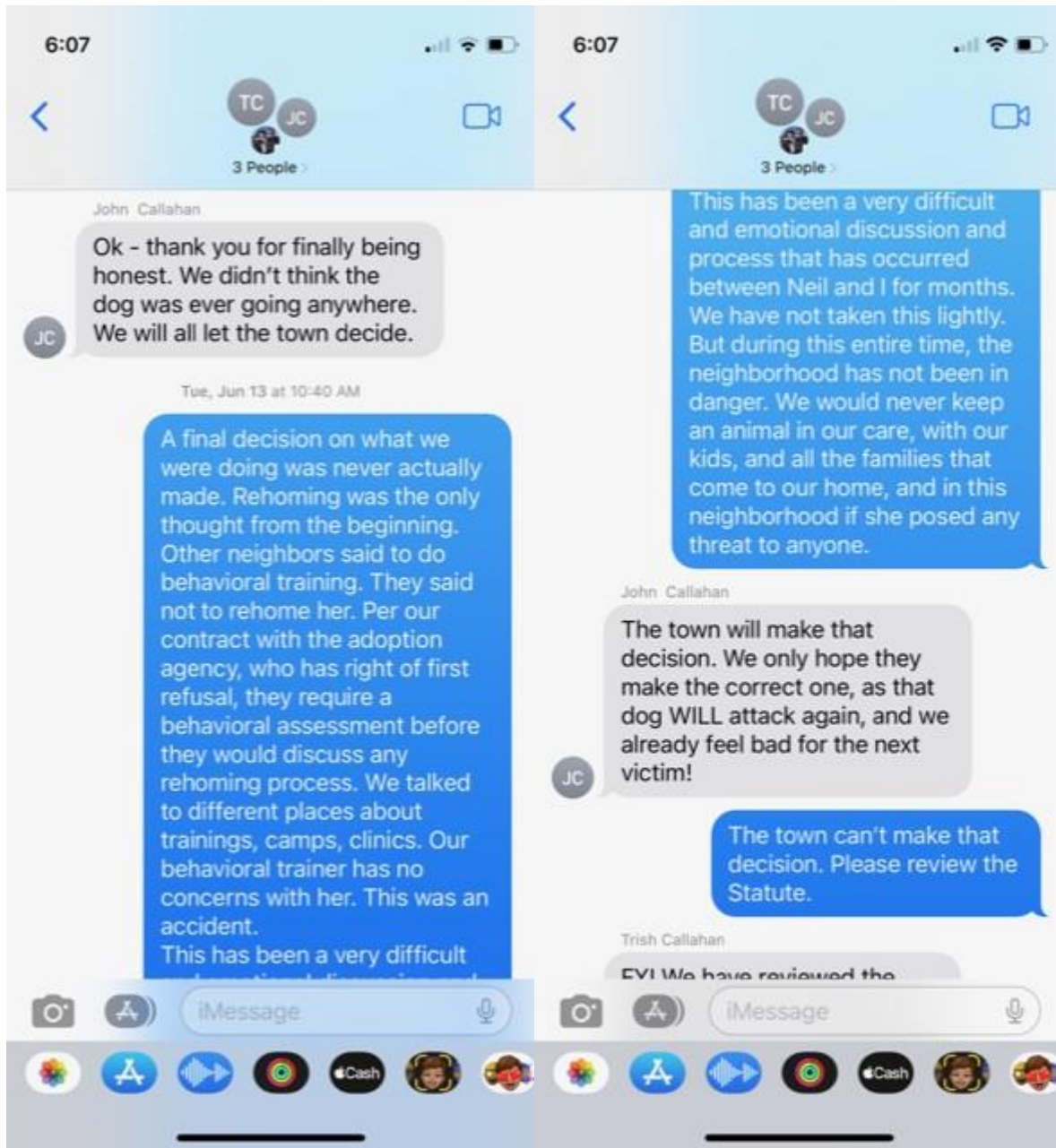














Town of Boxford

Animal License Statement

June 1, 2023

Fiscal Year: 2023
Bill Number: 1297
Rabies Expiration: 07/21/2023
Veterinary: New England Vet

Tag Number: 1096
Name: STAR
Gender: SPAYED
Breed: LABRADOR RETRIEVER MIX
Color: BLACK
Birth: 07/2019

Owner:

NEIL JUDD
20 WYNDMERE ROAD
BOXFORD, MA 01921
Phone: 8608058447 -
Email: NEILJUDD@YAHOO.COM

Transaction Ledger:

Date	Batch	Type	Amount
12/01/2022		Dog License - Steriliz	20.00
02/15/2023		Late Fee	25.00
02/28/2023	ONLINE	Payment	-45.00
		Total Due	0.00

Amy & David Sullivan
45A Glendale Road
Boxford MA, 01921
6/20/2023

To Whom It May Concern:

I am writing a letter to the Town of Boxford in regards to Star, the black lab mix owned by Rachel and Neil Judd at 20 Wyndmere Road.

We have known the Judd Family for 4 years. Both of our children are in the same grades as their older son and younger daughter. We have come to know this family well over the past 4 years and our children play in the same sports and partake in similar school activities year-round. We have spent a lot of time with this family both at our homes and during our children's activities over the years.

As a dog owners ourselves and having multiple breeds of dogs throughout our lives, we are aware of what is required to be a responsible dog owner. Both Dave and Amy have worked with multiple dog trainers over the years, training their own dogs. Part of this training includes Amy training a volunteer therapy dog by completing several courses, along with obtaining a Canine Good Citizen title for one of our dogs who led a long career as a therapy dog working in libraries and hospitals for many years. Because of this training we feel we have a keen insight into a dog's behavior. Amy is able to spot when a dog is stressed or aggressive due to this higher level of training.

Our family has met Star on multiple occasions and we have never once felt threatened by her behavior. Our children have played at their house with absolutely no issues with Star and we both feel the Judd's have been responsible dog owners. Watching Star's behavior with both our children and other children, we have not witnessed any aggressive or dangerous behavior from this dog towards any adult or child.

We feel the Judd's have taken appropriate action with involving an expert in dog behavior to further assess Star's behavior. We feel confident that they will continue to do what is required by both the law and in good conscious to make sure their dog is appropriately trained and also continue to learn about their dogs "tell" signs to avoid future issues. We both feel that our children would be safe at the Judd home with Star being present and have no qualms about having our children continue to visit their home.

Please do not hesitate to reach out with any questions.

Sincerely,



Dr. Amy E. Sullivan, PharmD RPh BC-ADM CDCES
Dr. David Sullivan PharmD RPh
781-244-9936

From: [Barbara Bisceglia](#)
To: [Matt Coogan](#)
Subject: Letter for Judd Family
Date: Thursday, June 22, 2023 10:39:18 AM

External Sender

To whom it may concern,

I am writing this letter in support of the Judd family regarding the removal of their dog from their home. We were made aware of the incident that happened on April 15, 2023. At the time of the incident, the Judds were fully cooperative and diligent to follow the proper protocol. They displayed genuine empathy & concern for the child and family involved and were committed to finding the right solution that resulted in the safety for all.

Personally knowing the Judds, I am both heartbroken and surprised that a potential solution for this incident would involve removal of their dog from the home. Our family (three children under the age of 7) spend time over the Judds house in a variety of settings- birthday parties, BBQ's, play dates etc. In all these circumstances there has never been one time that I ever questioned my child's safety in their home due to the dog's reputation of having a naturally sweet demeanor and the Judds consistent attention to detail around the surroundings for both the children and their dog. Neil and Rachel are the most dedicated parents that we know in the Boxford community and this is reflected in their children's impressive extra curricular schedule and overall commitment to their family. This level of dedication confirms that their family centric lifestyle would never involve a pet that posed a threat to their family or community.

It is truly unfortunate this incident occurred and I can only imagine how scary it was for all involved. However, I hope you take into consideration the full scope of this situation and find a more appropriate solution that does not involve removal of this wonderful dog from their loving family.

Please reach out with any questions.

Thank you,
Barbara Bisceglia
28 Dana Rd
Boxford, MA 01921
408-455-2052

Frank and Mary-Jo McElligott

9 Cedar St.

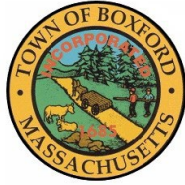
Boxford, MA 01921

Select Board:

Our family has been friends with the Judds and their dog, Star, for several years. Star is in no way a dangerous dog. Our three boys, ages 2, 5 and 7, play at the Judd's home regularly and we have had no concern over Star's temperament or worries for our children's safety within her presence. If you would like to discuss this further, please contact us at 781.367.4341.

Sincerely,

Frank & Mary-Jo McElligott



TOWN OF BOXFORD
Office of the Town Administrator
7A Spofford Road
Boxford, MA 01921

DATE: June 22, 2023
TO: Select Board
FROM: Brendan Sweeney, Assistant Town Administrator
RE: Director of Municipal Finance Appointment

As many of you may know, Article IV Section 11-10 of the Town of Boxford bylaws requires that the Select Board appoint a Director of Municipal Finance for a term of between three to five years. This position oversees the Town's Department of Municipal Finance as provided for under MGL c. 43C, § 11. Per the terms of Article IV Sections 11-13 and 11-17, the Director of Municipal Finance may hold other appointed positions within town government, with the only stipulation being that no one person shall be both the Town Accountant and Treasurer/Collector at the same time. Article IV Section 11 of the Town's bylaws further details the roles and responsibilities of the Director of Municipal Finance.

Up until this past January, Kathy Benevento had served as both the Director of Municipal Finance and the Town Accountant. She has done an admirable job leading the Town's Department of Municipal Finance and her work has put the Town on strong financial footing for years to come. However, in January, Kathy "retired" from her role as the Director of Municipal Finance and now only works in a part-time capacity as the Town Accountant. Since that time, Town Administrator Matt Coogan and myself have taken on the responsibilities of the Director of Municipal Finance; in particular, I have taken the lead on the budget responsibilities of the Director outlined in Article IV Section 11-16.

While this ad-hoc arrangement has functioned well for these past few months, there are statutory responsibilities of the Director of Municipal Finance that must be acted upon before the current fiscal year ends at the end of this month. Specifically, our Treasurer/Collector Ellen Guerin needs to be reappointed to another three-year term; her current term expires at the end of this month. Per Article IV Section 11-11, it is the responsibility of the Director of Municipal Finance to appoint the Town Accountant, Treasurer/Collector, and Director of Assessment, subject to the approval of the relevant governing body (Select Board or Board of Assessors).

Therefore, Town Administrator Matt Coogan and I are recommending that I be appointed as the Director of Municipal Finance, in addition to my role as the Assistant Town Administrator, so that I am able to formally execute the statutory responsibilities of the position. We have reviewed this proposal with Town Counsel and they have no concerns, so long as I do not receive a second, separate salary from my work as the Director of Municipal Finance in addition to my salary as the Assistant Town

Administrator. Additionally, Town Counsel recommends that the Town amend the job description for the Assistant Town Administrator to include the responsibilities of the Director of Municipal Finance, so long as this arrangement is in effect.

In the long-term, it may be worth the time and effort of the Select Board and/or its designees to examine the Town bylaws governing the Department of Municipal Finance and consider either amendments to existing bylaws or the creation of a new bylaw(s) to account for the role of the Town Administrator's office in the operation of the Department of Municipal Finance.

Reappointments - Boards and Committees

BOARD	TERM YEARS	INCUMBENT	EXPIRATION
Adaptive Reuse Building Committee	1	Dan Anastos	6/30/2024
	1	Robert Gore	6/30/2024
	1	Richard O'Brien	6/30/2024
	1	Becky Potts	6/30/2024
Agricultural Commission	3	Charles Kornely	6/30/2026
Border to Boston Trail Committee	1	Anthony Brogna	6/30/2024
	1	Carole Davis	6/30/2024
	1	Stephen Davis	6/30/2024
	1	David King	6/30/2024
	1	James Taggart	6/30/2024
Boxford Housing Partnership	1	Joseph Hill	6/30/2024
	1	Bankson C. Riter Jr.	6/30/2024
Center at 10 Elm Community Committee	1	Kathy Zolla	6/30/2024
Community Preservation Committee	1	Natasha Grigg	6/30/2024
	1	Virginia Havey	6/30/2024
	1	Barbara Jessel	6/30/2024
	1	J. Steven Merriam Jr.	6/30/2024
Conservation Commission	3	Doug Hamilton	6/30/2026
Council on Aging	4	John Shirley	6/30/2027
Historic Districts Commission/ Historical Commission	3	Virginia Havey	6/30/2026
	3	Gwendolen Perkins	6/30/2026
Land Committee	3	Robert Gore	6/30/2026
Masconomet Scholarship Committee	1	Andrew Gori	6/30/2024
	1	Diane Gori	6/30/2024
Open Space and Recreation Plan Committee	1	Jessica Grigg	6/30/2024
	1	Doug Hamilton	6/30/2024
	1	Dennis Pyburn	6/30/2024
Permanent Building Committee	1	Scott Novak	6/30/2024
	1	Richard O'Brien	6/30/2024
	1	Margaret Chow-Menzer	6/30/2024

BOARD	TERM YEARS	INCUMBENT	EXPIRATION
Recreation Committee	3	Jeffrey Hixon	6/30/2026
	3	John Rowen	6/30/2026
	3	Thomas Stevens	6/30/2026
Recycling Committee	3	Gerogia Cameron	6/30/2026
Sustainability Committee	1	Patrick G. Canonica	6/30/2024
	1	Gary Martin	6/30/2024