

DANGEROUS DOG HEARING
Olin Schwenger
December 30, 2008

BOARD OF SELECTMEN

TOWN OF CHARLEMONT

Winston Healy called the hearing to order at 8:10 P.M. Also attending the hearing were Jean Brisson and Paul Fantucchio. Mr. Healy explained that the Board had received a complaint concerning a young child, Mason Chadwick, who was bitten by a pit bull dog named Bud, owned by Heath resident Olin Schwenger, in Charlemont. Mr. Healy explained that anyone wishing to testify at this hearing would need to swear an oath. The complainant would give testimony first with only the Board questioning the complainant. The owner of the dog would give testimony second, along with any witnesses, with only the Board questioning the owner. Anyone else who wished to speak would be able to do so last. Mr. Healy asked everyone who would be speaking at the hearing to raise their right hand and swear to tell the truth.

Mr. Healy noted that the owner of the dog, Olin Schwenger, was not present, nor was there any one present on his behalf.

Phase I – Testimony from complainant/witnesses

Erwin Reynolds, Jr. – Charlemont Animal Control Officer – 225 8A North, Charlemont – complainant. Mr. Healy read aloud a written complaint (copy attached) submitted by Mr. Reynolds. Mr. Reynolds stated that the Heath Dog Officer, Robert Tanner, had not been able to take custody of the dog until Friday, December 19th as the owner was uncooperative. Pictures of the bite marks were submitted and viewed. Mr. Reynolds was asked if it was true that this dog was the same dog that was previously owned by Maurice Beausoleil and ordered out of Town by the Charlemont Selectmen. Mr. Reynolds confirmed it was the same dog. The Board read a letter (attached) from Mr. Beausoleil testifying that he had given his pit bull to Mr. Schwenger and had notified Mr. Schwenger verbally and in writing the terms and conditions (banned from the Town of Charlemont) that went with ownership of the dog. Mr. Reynolds was asked if this is the same dog that was associated with prior dog hearings that were held for biting incidences at the Charlemont Inn, Alan Booth residence, and Heath resident Joanne Giguere. Mr. Reynolds stated yes. Mr. Reynolds confirmed that the dog is currently in the custody of the Town of Charlemont.

Danielle Chadwick – 25C Main Street, Charlemont – child’s mother - As the owner of the dog was not in attendance to speak on behalf of the dog, Mr. Healy ready a letter from Ms Chadwick (copy attached) requesting leniency for the dog. Pictures of the child with the dog were included with the letter.

Charlotte Dewey – 107 Main Street – Ms Dewey stated that she was holding one of the two pit bulls (assumed to be Bud) during the attack/biting incident at the Charlemont Inn.

Ms Dewey stated it took all her might to hold the dog under restraint and could not imagine what would have happened should the dog have broken loose.

The Board read a letter (copy attached) from the Animal Control Officer that stated his opinion as to the fate of the dog.

Kathy Reynolds – 225 8A North, Charlemont – grandmother of the child – Mrs. Reynolds stated that unfortunately, she is well aware of the history of the dog and does not have an answer to it's fate. Hopefully the Selectmen will make a decision that will protect people and domestic animals alike from this every happening again in the future.

Mr. Healy made a motion at 8:37 P.M. to close the hearing, which was unanimously voted by Ms Brisson and Mr. Fantucchio.

Phase 2 – Selectmen's Deliberations

Mr. Healy stated that before any decision made at the hearing can be acted upon, Charlemont will need to petition the Town of Heath to turn over the dog to the Town of Charlemont for action. Ms Brisson, Mr. Fantucchio and Mr. Healy voted to petition the Town of Heath for custody of the dog.

The Board discussed possible courses of action, including re-banning the dog, fining the owner, turning the dog over to the Town of Heath, and relinquishing the dog to an organization that rescues pit bulls.

Mr. Healy made a motion to accept the recommendation of the Animal Control Officer to humanely euthanize the dog. The Animal Control Officer will schedule the appointment and deliver the dog to the veterinarian. All fees, including veterinary, pick-up and kennel fees will be the responsibility of the owner. This decision is pending the Town of Heath turning the dog over to the Town of Charlemont, and will take effect on that day. This motion was seconded by Mr. Fantucchio and unanimously voted by Ms Brisson, Mr. Fantucchio, and Mr. Healy.

A letter with this order will be sent to Olin Schwenger, delivered by a constable, and he will be advised of his right to appeal this decision in District Court with ten days.

The Board unanimously voted to allow one Selectmen to sign for the Board the hearing minutes and decision letter.

Charlemont Board of Selectmen