

Mayor Adam Salina called the Town Council Meeting to order at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Those in attendance were:            Councilor Robert Dacey  
   Councilor Karen Drost  
   Councilor David Evans  
   Councilor Stephen Morelli  
   Mayor Adam Salina

Absent:                                    Councilor William Rasmussen, Jr.  
   Councilor Rachel Rochette

Also in attendance:                    Town Manager Denise McNair  
   Corporation Counsel Robert Weber

**PRESENTATION OF PROCLAMATION**

**AUDIENCE OF CITIZENS**

Beth Rival of 33 Parish Drive stated that an oil deliveryman came onto her property through her chain linked fence and starting playing Frisbee with her seeing-eye dog and he was scratched by the dog. The Dog Control Officer came to her house with a form for her to sign with no explanation other than there was a dog bite attack. Her dog and herself were both quarantined at her home for two weeks. She has a full-time job as President of the National Federation of the Blind and also has a part-time job. She feels that this was not right and this kind of thing never happens with guide dogs. She presented an amendment to the Council requesting that guide dogs be put under the same safety net as Police dogs. The guide dogs have all their vaccinations and are better trained than any other dog. She wants to bring awareness to the Town of Berlin that guide dogs do exist and that we currently have three of them in town.

Mayor Salina stated that it will be added to the next agenda to refer this item to the Ordinance Committee.

**SPECIAL COMMITTEE REPORTS:**

1. Ordinance Committee – Councilor Morelli stated that with input from the Town staff and Corporation Counsel he feels they can address the amendment to the Ordinance regarding the guide dogs without having to have an Ordinance Committee meeting held on it.

**COUNCILORS' COMMUNICATION:**

S Vet 828 1770

860 292 8240 sct?  
Protectors of animals 860 569 0722  
Spca 203 445 9978  
860 713 2506

Town council members.

Private property ,

Add language , to the dog ordinance , that addresses an "accidental" bite. It's not unusual for any dog who is playing a game of fetch, Frisbee or ball to accidentally bite a human's hand when they are trying to get the object. If a person intentionally engages in a game that, by its very nature, places the person's hand in contact with the dog's mouth, it hardly seems fair to treat the dog as a danger to the general public should the dog accidently bite , or nip or scratch the person.

No questions or investigation was asked of the owners of the dog at home at the time or the 3<sup>rd</sup> adult also home at the time. The owner of the dog was not given an opportunity to make a statement. I was not allowed to appeal the decision the canine officer made with the town manager. Denise McNair's option to me was to muzzle the dog if I had to. When the dog guide is in the direct custody of the blind person , such as his home or fenced in yard.

No muzzle may be used on a dog guide that has not previously been trained with a muzzle.

My freedom of independence act, was abruptly and unfairly taken away from me for 2 weeks.

I would like to ask you all how to make a formal complaint against Janis Lund and Denise McNair.

My amendment to the dog ordinance is below. Last sentence including dog guides within protection of police dogs.

**Sec. 22-358. Killing of dogs doing damage. Quarantine of biting dogs, cats or other animals. Notice. Seizure. Euthanasia and examination of potentially rabid animals. Complaints by persons sustaining damage by dog to poultry, ratite, domestic rabbit, companion animal or livestock. Orders. Appeals.** (a) Any owner or the agent of any owner of any domestic animal or poultry, or the Chief Animal Control Officer or any animal control officer or any municipal animal control officer, regional animal control officer or any police officer or state policeman, may kill any dog which he observes pursuing or worrying any such domestic animal or poultry.

(b) Any person who is bitten, or who shows visible evidence of attack by a dog, cat or other animal when such person is not upon the premises of the owner or keeper of such dog, cat or other animal may kill such dog, cat or other animal during such attack. Such person shall make complaint concerning the circumstances of the attack to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town wherein such dog, cat or other animal is owned or kept. Any such officer to whom such complaint is made shall immediately make an investigation of such complaint.

(c) If such officer finds that the complainant has been bitten or attacked by such dog, cat or other animal when the complainant was not upon the premises of the owner or keeper of such dog, cat or other animal the officer shall quarantine such dog, cat or other animal in a public pound or order the owner or keeper to quarantine it in a veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose. When any dog, cat or other animal has bitten a person on the premises of the owner or keeper of such dog, cat or other animal, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or regional animal control officer may quarantine such dog, cat or other animal on the premises of the owner or keeper of such dog, cat or other animal. The commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may make any order concerning the restraint or disposal of any biting dog, cat or other animal as the commissioner or such officer deems necessary. Notice of any such order shall be given to the person bitten by such dog, cat or other animal within twenty-four hours. The owner of such animal shall pay all fees as set forth in section 22-333. On the fourteenth day of such quarantine the dog, cat or other animal shall be examined by the commissioner or someone designated by the commissioner to determine whether such quarantine shall be continued or removed. Whenever any quarantine is ordered under the provisions of this section, notice thereof shall be given to the commissioner and to the person bitten or attacked by such dog, cat or other animal within twenty-four hours. Any owner or keeper of such dog, cat or other animal who fails to comply with such order shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days or both. If an owner or keeper fails to comply with a quarantine or restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or regional animal control officer may seize the dog, cat or other animal to insure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions \*or any guide dog for a person who is blind\* is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer \*or person who is blind\*, has been vaccinated annually and is subject to routine veterinary care.

(d) Any dog, while actually worrying or pursuing deer, may be killed by the Chief Animal Control Officer or an animal control officer or by a conservation officer or special conservation officer appointed by the Commissioner of Environmental Protection, or by any police officer or state policeman. The owner or keeper of any dog found worrying or pursuing a deer shall be fined not less than twenty-five dollars or more than two hundred dollars or be imprisoned not more than sixty days, or both....

(e) Any person who kills any dog, cat or other animal in accordance with the provisions of this section shall not be held criminally or civilly liable therefor.

(f) The owner of any dog, cat or other animal which has bitten or attacked a person and has been quarantined pursuant to subsection (c) of this section may authorize the humane euthanization of such dog, cat or other animal by a licensed veterinarian at any time before the end of the fourteenth day of such quarantine. Any such dog, cat or other animal so euthanized before the end of the fourteenth day of quarantine shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any other laboratory authorized by the Department of Public Health to perform rabies examinations. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered by him or his designated agent within forty-eight hours to an appropriate laboratory designated by said department for rabies examination.

(g) Repealed by P.A. 05-175, S. 24.

(h) A person who sustains damage by a dog to such person's poultry, ratite, domestic rabbit, companion animal or livestock as defined in section 22-278 shall make complaint concerning circumstances of the attack by such dog on any such animal or livestock to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town in which such dog is owned or kept. An officer to whom such complaint is made shall immediately investigate such complaint. If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary. An owner or keeper of such dog who fails to comply with such order shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days, or both. If the owner or keeper of such dog fails to comply with an order made pursuant to this subsection, the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer may seize the dog to ensure such compliance, and the owner or keeper of such dog shall be responsible for any expenses resulting from such seizure. A person aggrieved by an order of the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer made pursuant to this subsection may request a hearing before the commissioner not later than fourteen days after the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. A dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this section when such dog is under the direct supervision, care and control of an assigned police officer, has been vaccinated annually and is subject to routine veterinary care.  
*guide dog or assistance dog owned or kept by a blind or disabled person; (see Conn. Gen. Stat. Sec 54-201)*

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Dear Chairperson and committee members

My name is Elizabeth Rival. I am totally blind and have been using guide dogs for about 8 years now. Prior to that I used a white cane for mobility. I am and a mother and grandmother and married to my husband for 37 years. I have lived in Kensington for 26 years.

On July 9, 2010, we were receiving an oil delivery from our supplier, Valley Oil. My current guide dog, "Barkley" was out in our back yard playing with my retired guide dog, "Sierra". We have a totally fenced in yard. Barkley is a black lab and Sierra is a yellow lab.

We did not know the oil truck was out in front due to the air conditioners being on at the time. We heard our door bell ring and my husband, Charlie answered the door. It was the oil delivery driver who advised my husband that he had just been "nipped" by our dog.

Charlie looked at his finger and took him into our house and washed it off and applied a small band aid to the finger. The slight cut was on the top of the middle finger where the nail meets the skin. The driver told us he bleeds easily because he's on blood thinner. My husband and the driver then walked out the front and into the back yard through the side gate the driver was using. They were greeted by "Barkley" who had his normal Frisbee in his mouth.

My husband asked the driver what happened. He explained to the driver that "Barkley" is a Guide Dog for the blind from the Seeing Eye in Morristown NJ and that he never bites anyone and is very highly trained. He does, however, love to play Frisbee when he's not working. My husband asked the driver if he was holding on to the Frisbee and he said, yes. His thumb was on top and fingers below.....the typical way one would hold a Frisbee. Barkley sometimes like to play," tug-o-war" with the Frisbee and sometimes he repositions his mouth on the toy. It was at this time, that Barkley came in contact with the tip side of the driver's middle finger. There was no bite mark on the bottom pad of the finger because, of course, that part of the finger was up against the Frisbee.

The driver called in the incident to his dispatch center and told them that it was nothing. I assured the driver that "Barkley" has had all the proper vaccinations. I know this incident was unfortunate for the driver. It was, however, an inadvertent incident. The dog did not "attack" the driver. Barkley is just incapable of doing that through his years of training. He is the most lovable and loyal companion you could ask for and is in fact, my eyes.

I walk all over Kensington and Berlin during the day and am known to many shops and vendors, as well as local restaurants.

Shortly after the driver left, I received a call from the Animal Control Officer, Janice Lund that she would be coming over my house to issue papers to me that would quarantine Barkley for two weeks. I explained that there was no attack and that the driver

was "playing" with my dog. She stated that there are no exceptions or something to that effect and came to my house and gave me paperwork. Since I'm totally blind, I have no idea what was on these papers and my husband was out back talking to the oil company telling them the real story. I ended up signing something that the Animal Control Officer told me I had to sign. What that was.....I don't know. You would think that under ADA I should be given something in an accessible format, perhaps Braille?

Anyway, I have been pleading with everyone I can think of in Town Management to overrule this grievous mistake. From the Town Manager, State Veterinarian, anyone I can think of. Because "Barkley" is quarantined, I am quarantined. I have essentially been locked in my house for 2 weeks!

My point here is that there is no apparent investigation into the incident. The dispatcher from the oil company calls the Animal Control Officer, files a complaint. Without any investigation or due process, my loving guide dog is quarantined. The animal control dept says that I now can take Barkley out of the house if he wears a muzzle that they have to approve. Well.....guide dogs for the blind don't wear muzzles. I will not put a muzzle on the most well behaved dog on the planet. What a great picture that is for blind advocacy.....a guide dog with a muzzle!

After talking to my guide dog school, The Seeing Eye, they told me there would probably be a training curve with Barkley if he's made to wear a muzzle. That training curve could get me killed if he's not working right. As it is, if a guide dog does not work for a 2 week time period, the school tells me I would need to go through a re-train class in Morristown, NJ. This would be at my expense.

Where is the due process here? Animal Control tells us that they never questioned the driver? They don't initiate any investigative process? Is it possible that a guide dog for the blind DID NOT attack the oil delivery driver? The driver told and showed my husband what he was doing.....sounds pretty simple to me. Now my husband is a retired Police Officer so he knows more about these things than I do and he calls the process prejudicial, unprofessional and totally devoid of anything close to due process.

Apparently, the town management is not supportive of people with disabilities by the fact they support this type of "blind" enforcement. The only reply from the Town Manager was to put a muzzle on the dog for the two weeks.

I am devastated by these events. It is one thing to be totally blind and live my life in total darkness, but when my only "light" is taken away for no reason.....it's just plain wrong.

Elizabeth Rival  
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