

The Martha's Vineyard Times

Tisbury selectmen add bite to dog hearing penalties

By Janet Hefler

Published: August 14, 2008

While August traditionally is a light month for town officials, for the Tisbury selectmen it was business as usual - and then some. What looked like a light agenda turned into a two-and-a-half-hour meeting Tuesday at the Katharine Cornell Theatre.

The receipt of a letter from Ken Garde late Tuesday afternoon appealing a pending decision by the selectmen to ban his dog from town prompted a departure from the agenda.

Animal control officer Laurie Clements reported that Storm, a Siberian husky owned by Mr. Garde and his wife, Nina, was caught running loose twice since a dog complaint hearing held June 3. Storm's rambles violated the terms of a six-month restraining order imposed by the selectmen.

Given the dog's history of killing several chickens on three occasions at four different places and being caught running loose eight times, the selectmen had agreed to ban the dog from town, if he were caught violating the restraining order.

Mr. Garde provided explanations for both violations, blaming the first on a child who left the front gate open. He said Storm got loose a second time when he and his wife Nina were off-Island on their way to her mother's funeral.

A dog-sitter staying at their home was asleep when Storm and their two other dogs got loose, and Mr. Garde said he was convinced someone deliberately coaxed the dogs out of the house and yard because, he said, they do not normally try to escape. At the June 3 hearing, however, he described continuing efforts to contain the dogs in his yard, including the addition of three feet to a fence and extra strong springs on a gate.

Asked by selectman Jeffrey Kristal for her recommendation, Ms. Clements said, although she sympathized with the Gardes, "If you don't enforce the rules and follow through, then you're opening a can of worms for future hearings."

Ms. Clements reminded the selectmen that another dog, this one owned by Jeremy Kroup, recently violated a restraining order and also faces banishment.

Mr. Garde responded that Tisbury's board of health, of which he is a member, considers matters on a case-by-case basis, even though rules are black and white.

Selectman Tristan Israel repeatedly expressed sympathy for the Gardes and said that Mr. Kroup had not demonstrated the level of caring about his pet that they had. "I do think Ken and Nina are trying, and maybe I'm more forgiving," he said. Ms. Clements reminded him

that Mr. Kroup's dog had not killed anything.

Selectman chairman Denys Wortman agreed it was a sad situation that required a difficult decision. Nonetheless, he said, "It's tough, but rules are rules." Selectman Kristal made a motion to uphold the June 3 decision to ban the dog, as of Sept. 1. He and Mr. Wortman agreed, and Mr. Israel voted no, although he had voted in favor of the terms of the restraining order on June 3.

Business as usual

Earlier in the meeting, during department reports, emergency services facility committee chairman Hillary Conklin said a recently completed consultant's report confirmed that the town annex site on Spring Street across from Tisbury School can accommodate a new building.

The selectmen agreed to hold a special town meeting at 7:30 pm on Sept. 30, when voters will be asked to approve the site. Mr. Kristal suggested holding public hearings before and after the special town meeting to give voters an opportunity to discuss the plans.

In harbormaster Jay Wilbur's report, he said a sport fisherman [a kind of powerboat] had been cast loose the previous night from a mooring near the Steamship Authority (SSA) and ended up at the Tisbury Shell station dock. Characterizing the incident as a typical end-of-summer "prank," he asked people to keep an eye out for suspicious activity in the harbor.

Visits by three different yacht clubs that rented 30 town moorings at a time helped Tisbury's revenues this month, Mr. Wilbur said. Many people, however, are finding they prefer the outer harbor, he added, especially with SSA ferries entering the area at a slower speed, due to a new fuel-saving policy.

Unfortunately, Mr. Wilbur said, he has noticed that the slowdown seems to correlate with a large output of black smoke from the Island Home. The selectmen suggested he discuss the matter with Carl Walker, SSA director of maintenance and engineering.

In other business, the selectmen:

- Approved an increase in town gas permits from \$20 to \$40.
- Approved an easement agreement allowing GCPS of Massachusetts to build a fiber-optic switching station on DPW property in exchange for a fiber optic network for the town to link municipal buildings and monitor sewer pumps.
- Accepted a gift of \$2,700 from Tisbury Waterways, Inc., to use towards the application fee for state certification of a town-owned water testing laboratory.
- Agreed to consider adopting a formal policy for appointing firefighters and changing their appointments from one to three years.
- Approved changes in the parking configuration at the Lake Street landing to improve handicapped access.
- Endorsed Black Dog director of retail operations Jamie Douglas's idea of blocking off Beach Street Extension for a street fair over Columbus Day weekend.

In a surprise announcement before the meeting adjourned, Mr. Israel described the results

of private meetings between the selectmen and Thomas and Jinny Payette.

On May 15, 2007, Tisbury resident Patricia Carlet asked the selectmen whether anything could be done about oak trees growing on the Payette property near Lake Tashmoo that are blocking the view of the water from the State Road overlook.

Since then, Mr. Israel said the selectmen have tried to make an arrangement with the Payettes regarding the trees. After an initial discussion about removing the trees, Mr. Israel said Mr. Payette postponed or canceled subsequent meetings.

After another failed attempt to meet with Mr. Payette several weeks ago, Mr. Israel said the selectmen received a letter informing them all future correspondence should go through his lawyer.

"I can't think of anything more important to the public as a view shed," Mr. Israel said. "The idea of doing something for the greater public good apparently is not important to the Payettes. We have tried everything - we were civil, we offered alternatives, and basically, we were stonewalled."

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