

UNAPPROVED

SELECTBOARD SPECIAL MEETING MINUTES

July 17, 2020

PUBLIC HEARING DOG COMPLAINT

This hearing was called to order by Zeke Goodband at 5:00 pm via Zoom online conferencing in Dummerston, Vermont.

Members present: Zeke Goodband, Maria Glabach, Jerelyn Wilson, David Baxendale (until 5:45)

Members absent: Terry Chapman (recused herself as a Selectboard member)

Also present: Sam Farwell, Paul & Terry Chapman

Zeke briefly explained the process and that the board was acting as the Selectboard. The Farwell's will have 21 days to appeal any decision.

Paul and Terry Chapman's dog Annie was attacked three times in a town road by Sam Farwell's dog Willow. Sam was verbally warned on March 3, 2020 by Zeke Goodband to keep the dog on a line at all times.

The Board heard testimony from Paul & Terry Chapman and Sam Farwell. Written testimony was received from Ann Davis, as well as Sam Farwell and Paul Chapman.

Paul feels that Willow in the past several years has been getting more aggressive. He would like to see Willow deemed a Vicious Dog and remain leashed at all times. He is concerned for the safety of any young child in the future.

Terry feels like she is being held hostage and unable to walk their dog. The attacks happen with no warning.

Sam was not aware of concerns. When Willow was young, she was allowed to be loose. Ann Davis's letter was an eye opener for him. The March complaint and consequences were all verbal, but he did understand Zeke's instructions at the time. Sam stated "we are mortified and would comply with control measures".

Zeke gave a brief summary of Ann Davis's letter stating Willow is the reason she doesn't walk her dog.

The Board went into Open Deliberations:

Jerelyn questioned when Willow is on a leash how strong is she and can she be restrained?

David asked Terry if she has altered her behavior. Terry was walking 4-5 times a week, now since March 2, 2020 only possibly 10 times.

David & Maria both feel this meets the vicious dog definition in the Town Ordinance.

David left the meeting at 5:45pm but would like to see a fine given and Willow restrained when off property.

The consensus of the Board was:

- A harness leash should be used to offer more control
- When in the yard should be on a line/run
- Physical control should be maintained when outside
- Vicious dog fine of \$40.00
- Revisit if violation reoccur

On a motion by Maria and second from Zeke the Board voted 3-0 to the following conditions:

1. Willow is considered a Vicious Dog per the Town Ordinance
2. A fine of \$40.00 will be imposed
3. When off property the dog will be restrained by leash and harness
4. When on property the dog will be on a line or leashed

All written testimony received is attached to these minutes.

Maria will write up the decision and mail. Decision letter will be attached to the minutes as well.

There being no other business to come before the Board, Jerelyn made the motion and second from Maria, the hearing adjourned at 5:58 pm.

Approved

Zeke Goodband, Chair

Maria Glabach, Clerk

Submitted by Maria Glabach, Selectboard Assistant

TOWN OF DUMMERSTON
1523 Middle Road
E. Dummerston, VT 05346

July 17, 2020

Sam Farwell
Carol Haney
75 West Street
Dummerston, VT 05301

SELECTBOARD
ANIMAL CONTROL PUBLIC HEARING
NOTICE OF VIOLATION

The Selectboard, based on receiving written testimony and hearing verbal testimony find that you are in violation of the Dummerston Animal Control Ordinance.

The Board finds that your dog Willow has on three occasions attacked another dog off your property.

The following conditions have been set:

1. Willow is considered a Vicious Dog per the Town Ordinance
2. A fine of \$40.00 is imposed payable to the Town of Dummerston
3. When off property the dog will be restrained by leash and harness
4. When on property the dog will be on a line or leash at all times

You have the right to appeal this decision within 21 days of the date of mailing. Failure to request, in writing, a hearing within 21 days of the date of mailing of this notice shall result in a final decision with no right to appeal.

DUMMERSTON SELECTBOARD

Maria Glabach, Clerk

Cc: Paul & Terry Chapman, Ann Davis, Dummerston Town Clerk