

SELECTBOARD PUBLIC HEARING

DRAFT

August 12, 2015

Attending the meeting; Mike Bissonette, Tom Ayer, Andrea Morgante, Phil Pouech, Jon Trefry, Trevor Lashua and attached list.

At 7:00 p.m. Mike B opened the public hearing pursuant to 20 V.S.A 3546 to hear evidence and receive testimony on a complaint of a vicious dog concerning a dog named Tank.

Mike swore in Allen Bickmore and his attorney Ted Kenney. Mike B asked Allen to describe the incident.

Allen said he went to work in the yard of the home he recently purchased. The dog was out in the yard next to his house and noticed him, ran over and leapt over the fence and charged him. He put his arm up and was bitten on the arm. The dog held on to his arm for 30-45 seconds. The owner jumped over the fence and grabbed the dog and threw the dog back over the fence. The owner got paper towels and a band aid for Allen. Allen called his wife and 911. The police and EMT's then arrived.

Phil asked Allen if he provoked the dog and said no, he did not speak to the dog.

Jon asked after the dog let go what did it do? Allen said it stood and starred at him.

Phil asked if that was the first time Allen saw the dog. Allen said it was not, he has been in his yard before with the dog barking at him and seeing him. Phil asked what the bark was like. Allen said it was aggressive, protecting its property.

Allen said he cannot go over to his house to work on it now as the fence is not holding the dog back.

Ted Kenney asked Allen how long he had been talking with the dog owner before the attack. Allen said about 5 minutes and the dog was in the yard the whole time.

Allen said when talking with the owner they were both calm and discussing his working on his trailer.

Phil asked how big the dog is. Allen said approximately 70 lbs.

Matt Shagan, attorney for the Marshalls and Alicia and Gary Marshall were sworn in.

Mr. Shagan agrees with what Allen saw and the Marshalls also agree. Mr. Shagan noted the fence is actually 6 ft. high.

Phil asked if the fence in the picture provided is the fence the dog jumped over and Mr. Shagan said it is. Alicia said they have now installed coyote rollers on top of the fence.

Asked about other incidents Alicia said in March Tank and a neighbor dog had an incident and at that time they increased the height of the fence from 4ft to 6ft.

A dog therapist, Jill Halstead, starting working with the dog the end of July.

Also submitted to the Selectboard was a letter from Dr. Armstrong regarding medications being prescribed to help the dog. Alicia says she sees a big difference since the dog has been on the medication. She added the dog is 63 lbs.

Mr. Shagan added they are now muzzling the dog.

Phil reviewed the time frame as he understands it to be; after the incident in March the fence was changed from 4 to 6 feet/ July 28 the dog therapist met with the dog and increased the meds/ end of May met with Dr. Armstrong and June 20 Prozac was prescribed and Xanax added Aug 6.

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Jon asked the size of the yard. Gary said he installed 104 feet of fence along the perimeter. Jon asked if he dog jumped over the 4 foot fence and Alicia said yes that is why they increased the height to 6 feet.

Jon asked how long the dog will need to be medicated and Alicia said she does not know.

Tom asked the age of the dog and Alicia said he was one year the end of May. Tom then asked given the cost of medication are they sure they can continue for the life of the dog and Alicia said they would.

Phil asked about the May 29th incident. Corey Marshall said he put the muzzle on the dog and Connor said he wanted Corey to take the muzzle off. When the muzzle was taken off the dog bit Connor. He then muzzled the dog again and he was fine.

Asked about the June 11 incident Alicia said it was raining and the dog was outside. She asked the people in the house if there was anyone the dog did not know. The dog was let in and went up to Makenna sniffing her, she put her hand out saying she did not like that and the dog jumped up and hit her mouth with his head and then bit her.

Anthony Cambridge gave testimony of his experience with prior events concerning problems.

Joe Gannon, Town Health Officer, regarding his experience and strongly recommends the Board recommend the dog be euthanized.

Jacob Race said he has known the dog since he was a puppy and never has been vicious before. He feels with the meds the dog will be o.k.

Leon McCoy said he is concerned with the dog jumping over the fence again. He previously was going to move into the residence the Bickmore's now have but did not as he did not feel safe. He added the park does not allow dogs.

Jane LaDue, park resident, said the rule is with new leases you need a doctor's note to allow you to have a dog.

Mr. Shagan said the Marshalls are not actually in the park. Andrea asked if the land is leased from the Spillanes and he said it is.

Ted Kenney said this is a question of public safety and the safety of the neighbors.

Jon moved the Board close the vicious dog hearing, second by Tom and approved with 5 yes votes.

Jon moved the Board go into deliberative session for discussion of the issue, second by Tom and approve with 5 yes votes.

Andrea noted the Selectboard has some choices to insure the public safety including euthanasia, having the dog removed from the Town, and issuing specific set of control measures.

There will be a written decision when the Board has completed deliberations.

Respectfully submitted,

Valerie Spadaccini, secretary