

Starksboro Selectboard

Minutes of 7/25/19

Unapproved

Board members present: Koran Cousino, Keegan Tierney, Tony Porter

Unable to attend: Eric Cota, Nancy Boss

Others present: Becky Trombley, Seth Whitman, Terry Rublee, Bruce Rublee, Chuck Webber (Animal control officer)

The meeting was called to order at 5:30 p.m. by Chair Koran Cousino.

The board called for this emergency meeting to consider information related to several dog bite reports in the last week from a dog named Dakota owned by Trevor James on Route 17 in South Starksboro.

K. Cousino described the current situation, the bites that had been reported, and some surrounding circumstances:

- Owner Trevor James is out of town and unable to return immediately.
- There were dog sitters at the James residence.
- Dakota escaped from kennel and had an interaction with a neighbor on Saturday morning 7/20
- Dakota was not confined on Saturday and roamed to the property of Becky and Henry Trombley where another bit incident occurred.

K. Cousino asked the visitors to describe their concerns and/or the situations involving the dog (Dakota).

Seth Whitman is a neighbor of T. James. He and his wife were sitting on their porch on Saturday morning when Dakota came into their yard. Seth gave the dog water and tried calling the numbers on dog collar. Without any response, Seth took the dog back to the James property and tried to put the dog into its kennel. While doing so, Dakota bit Seth's hand. The dog remained loose.

Seth spoke with T. James about the situation. This was the first time Dakota had wandered onto Seth's property. He did not think Dakota was aggressive but rather just upset about being put back into his kennel. Seth said he has never seen the dog off the James property or out of the yard before.

Injuries were puncture wounds on the hand. He went to the urgent care facility and was treated for surface puncture wounds.

Becky Trombley spoke about the situation that occurred on her property. The Trombleys had guests visiting from out of town. Dakota wandered into their yard. Dakota has wandered into their yard. The dog was friendly and seemed completely fine. There was no indication there was something to be concerned about. B. Trombley stated that her husband, Henry, looked at the dog's tags and then called T. James. T. James said he would send someone to get the dog. The Trombleys gave the dog water and tied him to a line in their yard. They waited for the dog to be picked up, which didn't happen quickly. While waiting, a 17-year-old guest, Esperanza, walked over to the dog to pet him and was bitten, once on the hand and then again on the shoulder. H. Trombley called T. James back and was told the dog had never bitten anyone before. ACO Chuck Webber has the complete reports.

Injuries suffered by Esperanza include surface wounds (scratches), puncture wounds (two on hand, two on shoulder), and significant bruising. She was taken to Porter Hospital. She had x-rays because the bites were hard and Husky dogs are quite strong and can break bones.

In the process of reporting, there was a problem and the town was not properly alerted causing a delay in response from the town health officer (who is out of town) and the animal control officer. The communication issues with Porter will be discussed further at another meeting in the near future.

B. Trombley is concerned about the potential that the dog has to hurt a child. She does not know this dog and has never seen him before. Her husband was on the phone with Trevor who did not alert them that the dog had bitten earlier in the day. She stated that a responsible owner would have given some indication that care should be taken and that the owner's response was inadequate and irresponsible. Esperanza was traumatized by the event but she is recovering.

B. Trombley had tried to reach Chuck Webber but wasn't able to reach him on his cell. Problems in communication occurred to delay the notification to the town, the health officer, and thus the notification to the animal control officer. She expressed concern that the delay could have had serious consequences regarding the verification of the rabies vaccination.

Incident with Fiona and Guthrie Johnson – house sitters for Trevor James. Chuck Webber was alerted via Peter Ryersbach, who received a message from Porter Hospital. Chuck followed up with Fiona and Guthrie to get the full report. They were watching the dog at the James home. Fiona was bitten by Dakota while she was cleaning the kitchen table. The dog grabbed her hand and then Guthrie tried to intervene, he was then bitten. This report came in on Friday, 7/19. The injuries were puncture wounds on the hand.

Terry Rublee stated that John Bent—a relative of Trevor—was coming back to take care of the dog. He was taking over from the Johnsons.

Selectboard process improvements:

1. Contact information for Chuck Webber – landline is the primary; cell is secondary; clarify this on the website and with the town clerk to ensure messages reach the ACO in a timely way.
2. Town officials in key positions like health officer and animal control officer should alert the selectboard if they will be out of town so that there can be backup coverage at all times.

Current status:

1. The dog is currently impounded in Bristol at their dog kennel. The facility is climate controlled and the dog is being cared for, fed/watered. Chuck Webber is checking on the dog twice a day and will arrange for care while the dog is impounded.

S. Whitman asked if there was any veterinary involvement to assess the dog. He asked from a health perspective, if there is anything else going like a bacterial infection that could affect his behavior.

Discussion included past events involving this dog. The town clerk provided records of past bite history including a formal report on April 2015 regarding a 5-year-old who was bitten and needed medical care.

B. Trombley stated that the dog has a history of issues. She said the dog is confined to a kennel most of the time and is a noise nuisance to neighbors.

K. Cousino then asked Bruce and Terry Rublee for any comments or facts that they wished to provide on behalf of Trevor James. The Rublees were presented to represent Trevor James.

T. Rublee stated that the dog is only in the kennel when Trevor is at work. Otherwise the dog is always with the owner. Both Bruce and Terry stated that the dog doesn't bark that often.

They asked when the impoundment began and ends. T. Porter spoke with the Rublees about options to confine the dog. C. Webber tried to take the dog to the Addison Co. Humane Society but was denied due to the bite history. Arrangements were then made to move the dog from the home kennel to the Town of Bristol's kennel.

The impounding officially began 7/24/19 when T. Porter visited the James and Rublee property and the dog was confined to the kennel on site.

K. Tierney noted that the ordinance states that the notices of violation need to be delivered to begin the 10-day process. These notices were written and delivered to the Rublees as agents for Trevor James.

Process:

1. Notices of violation delivered today 7/25/19
2. Owner has right to request a formal hearing
3. Board must decide what happens to dog after the 10-day impoundment if the owner is not back in town.
4. Dog must remain impounded and not released back to owner until hearing or formal decision.

T. Porter asked if the Rublees are comfortable with the dog around their own grandchildren and they stated yes.

B. Trombley noted that the representatives for the owner did not express any remorse for the issues that have taken place.

The public portion of the discussion ended. Visitors departed. The board determined the details of the situation required a discussion executive session.

Motion: Tony Porter made a motion to enter Executive Session per 1 VSA § 313(a)(1)(E) to discuss the animal control issue and next steps. Keegan Tierney 2nd.

Motion carried.

Motion: Tony Porter made a motion to exit Executive Session. Keegan Tierney 2nd.

Motion carried.

Action as a result of Executive Session: The dog will be impounded for 10 days at the facility in Bristol. The notices of violation will be delivered to the owner. The owner may request in writing a formal hearing during the 10-day period. Additional action will be determined by the Selectboard based on the follow up from the dog's owner and input from the Animal Control Officer.

Motion to adjourn at 6:45 p.m.: Keegan Tierney moved, Tony Porter 2nd.

Motion carried.

Respectfully submitted,

Rebecca Elder
Selectboard Assistant

(minutes taken from recording)