

Starksboro Selectboard
Minutes of August 20, 2019
Unapproved

Board members: Koran Cousino, Nancy Boss, Keegan Tierney, Eric Cota, Tony Porter
Others present: Rebecca Elder, Erin Bent, John Bent, Tom Estey, Chuck Webber, Joanna Tatro, Nate Perry, Chris Zeno, Steven Frost, Deb Frost, Tom Adams, Peggy Adams, Ben Miner, Alex Goodrich, Sheila Knight, Michael Knight, ___ Knight

The meeting was called to order at 5:31 p.m. by Chair Koran Cousino.

Additions/changes to the agenda:

- Executive Session regarding new employee compensation and contract

Visitor's business:

Erin Bent and John Bent attended to speak to the board about nuisance pet situations. E. Bent read a written statement to the board regarding the vicious dog hearing for "Dakota", owned by Trevor James. Her statement included comments regarding the timing of the hearings and delays that occurred, the conditions of impoundment, and the protocol for impoundment.

K. Cousino acknowledged that the board has had a learning process through the situation. The current board has not had to proceed with an animal control hearing to the extent that the situation regarding Dakota required. There is a new Animal Control Officer for the town who is also learning all the procedures and legal steps required. The board tried to follow legal protocol and made decisions based on public safety concerns. There were additional challenges due to the dog owner being out of town and logistics of conducting a hearing in a timely way and properly warning and involving the animal's owner throughout the process. The board has had to navigate a legal process and consult with legal counsel. Another hearing was required due to insufficient public warning for the first hearing. The board recognizes the inefficiencies and inequities in the system. The board sees some of this as a product of being a new board and following old policies that need revisions. The board plans to rewrite the animal control ordinance to bring it up to date with all current laws and procedures to ensure a clear, fair process in the future. The board will also discuss whether an animal holding facility in the town of Starksboro is needed and how that could be created in the future.

K. Cousino stated this situation presents an opportunity to look at this policy. The board does not take this situation or responsibility lightly and they want to make this process better. K. Tierney stated the board will be looking at this policy in depth, that they want to make it better and will share suggested changes to the policy with others to seek input during the redrafting process.

Road Foreman's report

- The road crew is busy with summer road projects, repairs, and mowing.
- The new truck was picked up. The new body will be put on in the next 3-4 weeks.
- Tom has a total of 400 hours remaining to work before retirement in October.
- A new member of the road crew was hired. Starksboro welcomes Eric Huestis to the crew starting September 3.

Unlicensed dog situation at 104 Shamrock

K. Cousino asked Animal Control Officer Chuck Webber to briefly describe the situation at 104 Shamrock Drive:

- C. Webber has spoken with the owners of the property about complaints about unlicensed dogs. Owners claim the dogs do not run loose and are owned by grandson, Kenneth Bell.
- Because of the number of people who have complained about threatening and unpredictable behavior from the dogs and because the dogs are not licensed, C. Webber has issued tickets to the dog owner. As far as the ACO is aware, 3 of the dogs on the property do have rabies certificates, but the remainder of the dogs are unknown (both # of dogs and status of rabies). None of the dogs are registered with the town. ACO has written tickets but has been unable to get the tickets into his hands of K. Bell. The tickets sent via certified mail were not picked up and were returned to the town office. Regardless of the number of times the landowners have been warned, they haven't changed the behavior pertaining to the dogs.
- Dogs have been running up and down Ireland Road and on Shamrock Drive without leash or under the control of owner(s).
- The dogs are intimidated to the people who have been threatened.
- C. Zeno asked what the owner's response has been; C. Webber was told the dogs don't get loose but this is not true.
- Steven Frost (75 Ireland Rd) has been living in his house for 2 years. He stated that he hears the dogs barking and running loose in the morning. He said he has carried a knife to protect himself walking back from his truck. His wife said she has been chased, once a week on average, and she hears the owners call the dogs back. The Frosts said it appears the dogs are being let out at night now, since the recent complaints. The Frosts had a smaller dog that was threatened by the loose dogs from and he couldn't defend himself. They had contacted Heather Ragsdale last year and talked with Chuck Webber this year. They state that the situation is scary.
- The Frosts witnessed from their house when a neighbor was harassed a few weeks ago. They said Joanne Tatro was chased by the dog(s) and then was charged into the corner of the driveway, threatened by the dog owner in his vehicle. There was a threat of physical violence. Two State police officers were called and took over the situation after that. The police took a statement from Mrs. Tatro.

K. Tierney stated that the Selectboard is quite concerned about what has been reported, but unfortunately they do not have authority beyond attempting to enforce the dog ordinance.

- Steven Frost said prior to 8/14 the dog was aggressive with him; on an early morning in June, the pit bull dog came running across lawn, barking, carrying on, and made aggressive lunges, Steven tried to threaten him with a board, which didn't scare the dog. He then chased the dog physically, making noise until dog ran off his property. He wants to know if the dogs have had rabies shots.
- There have been no further complains since 8/14. Sheila Knight thinks there are fewer dogs since the 14th. Perhaps some were moved off the property.
- Deb Front agreed; said the area seems quieter most recently.
- Alex Goodrich said he thinks the owner of the property needs to be held accountable; what is happening there is being allowed on the property, regardless of who owns the dogs.

K. Tierney stated that the Board has an ordinance that specifies how folks are supposed to take care of their animals. The ordinance is under review but we do have a process to use now. Given that the citations have been attempted to be delivered via the postal service and was unsuccessful, the Town can have the sheriff deliver the notices. When it is time to pick up the dogs, the ACO needs to call the sheriff for assistance.

The neighbors present also described a list of other complaints related to activities at 104 Shamrock Drive. Complaints included:

- Throwing rocks at neighbors' house;
- Situation is out of control with the dogs and neighbors are afraid to be outside;
- Trombley family has parked junk on neighbor's property. What is the recourse?

- Concerns that there are people living in trailers and campers behind the house.
- Illegal burning of various materials
 - T. Porter stated that there have been zoning enforcement attempts in the past 3 years. Neighbors should call the fire warden if there is an open, illegal burn. If potentially toxic materials are being burned, these should be reported to the State via an environmental violation.
- Shooting late at night
- Excessive car traffic at night, usually 8:00-9:30 p.m.
- Potential animal neglect: kennel is dirty, full of waste, animals are fed by throwing food over fence.

K. Cousino said the Selectboard can do something about the dogs. The town has tried to address some issues such as illegal burning. The board asked residents to please call the State police about any activity that occurs related to safety.

Policy and procedure review:

The board began review of the suggested model dog ordinance template from the Vermont League of Cities and Towns. As they reviewed each section, they also compared to ordinances from Hinesburg, Bristol, and other local towns. This policy review will continue over the next couple of meetings.

- Discussion of “owner” – as defined in the model ordinance;
 - Q for VLCT – is someone left to care for the animal the “owner”? Describe the situation. Where does responsibility lie?
- Sec. 4.D. – insert language from Bristol ordinance
- Sec 5 – ok, but insert info from Bristol ordinance, keep last sentence
- Sec 6 – ok, see notes
- Sec 7 – ok
- Sec 8 – ok

Follow up steps needed:

1. The board will try to sort out the reporting issue from Porter Hospital and the delayed information received re: recent dog bites.
2. Rebecca will provide an edited copy of the VLCT model ordinance for the next meeting to continue review for new town ordinance

Bookkeeping Update

K. Cousino has continued conversation with a potential bookkeeping consultant. The details of the contract are still being worked out. K. Cousino is talking with Treasurer Celine Coon about various bookkeeping and reporting tasks that the consultant may help with. Additional information to be discussed at a future meeting.

Motion: Tony Porter made a motion to hire Mark Whitcomb to repair the Listers’ floor in the town clerk’s office per the quote submitted. Nancy Boss 2nd

Motion carried.

The board will follow up with the Listers regarding scheduling of the work, to be completed this fall.

Selectboard Concerns

Tony Porter is submitting his resignation from the Selectboard. His last meeting will be on 9/3/19. Resignation to be effective 9/4/19.

Bridge at Cota field: K. Tierney evaluated the bridge and said it is very dangerous. Plywood will be put up to prevent people from crossing the bridge until repairs are done. The Conservation Commission is responsible for the bridge. Engineering recommendations are needed before repairs begin.

Executive Session

Motion: Keegan Tierney made a motion to enter Executive Session per 1 VSA 313 (a)(1) regarding personnel compensation discussion for a current employee. Nancy Boss 2nd.

Motion carried.

Motion: Keegan Tierney made a motion to exit Executive Session. Eric Cota 2nd.

Motion carried.

Result of Executive Session: A compensation adjustment for an employee's wage was determined and will be conveyed to the Treasurer for payroll.

Action Items:

Motion: Keegan Tierney made a motion to approve the warrants for bills and orders as presented by the Treasurer. Tony Porter 2nd.

Motion carried.

Motion: Tony Porter made a motion to approve the minutes of 7/16/19. Eric Cota 2nd.

Motion carried.

Motion: Tony Porter made a motion to approve the minutes of 7/25/19. Keegan Tierney 2nd

Motion carried.

Motion: Nancy Boss made a motion to approve the minutes of 8/6/19 with minor corrections. Tony Porter 2nd

Motion carried.

Motion: Keegan Tierney made a motion to approve the minutes of 8/13/19. Nancy Boss 2nd.

Motion carried.

Motion to adjourn at 9:15 p.m.: Nancy Boss, Tony Porter 2nd.

Motion carried.

Respectfully submitted,

Rebecca Elder
Selectboard Assistant

Next meeting: Tuesday, September 3, 2019 at 5:30 p.m. at the Town Clerk's office.