

Starksboro Selectboard Meeting  
Special Meeting – Vicious Dog hearing  
Minutes of 8/13/19  
Unapproved

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Present: Koran Cousino, Nancy Boss, Keegan Tierney, Tony Porter, Eric Cota  
Others present: Rebecca Elder, Becky Trombley, Trevor James, Chuck Webber, Ashlie Diesl

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The meeting was called to order at 4:37 p.m. by Koran Cousino, chair. The purpose of this special meeting is to conduct a vicious dog hearing and to conduct employment interviews. No other business will be discussed or considered.

K. Cousino opened the hearing by reading aloud the public warning as posted on the website and in 3 locals in town.

The Selectboard of the Town of Starksboro, Vermont, will hold a Public Hearing pursuant to 20 V.S.A. § 3546 on **August 13, 2019 at 4:30 p.m. at the Town Clerk's office in Starksboro, Vermont** to hear evidence and receive testimony on a complaint of a "vicious dog" concerning a dog named **DAKOTA** owned by **Trevor James** presently residing at 340 VT Route 17 in Starksboro, Vermont (mailing address is Bristol 05443).

K. Cousino stated that the hearing will be conducted per 20 VSA §3546, the board's adopted Rules and Procedures as outlined by the Town of Starksboro and the recommended procedure from the Vermont League of Cities and Towns ("The Big Book of Woof"). In all quasi-judicial proceedings, the communication and testimony all flows through the Chair of the board.

K. Cousino stated that the board received a complaint from Rebecca "Becky" Trombley on 7/2019 at 3:50 pm. She and her husband live on Dan Sargent Road. Medical attention was required for the victim who was taken to Porter Hospital.

Victim's name: Esperanza De Hoyos. Ms. DeHoyos was a guest of the Trombleys, visiting with her family from Texas.

An incident report by Chuck Webber was written. K.Cousino summarized the incident report and confirmed that the owner had a copy of the report and was aware of the complaint. Trevor James confirmed both.

Description of the wounds that were treated: 2 punctures and numerous abrasions on the hand; 2 punctures on shoulder, minor abrasions on the forearm; emotionally distraught.

Description of the incident: The dog came onto the Trombley property on Dan Sargent Road. Henry Trombley checked the dog's tag, then called the owner (T. James) who said his relative will come to get the animal. H. Trombley secured the dog to a tree via a tie and gave the dog water. They left to do chores, the dog whined, and then Esperanza DeHoyos came over to pet the dog, and then was bitten.

K.Cousino asked if there were any conflicts of interests to be revealed for anyone present. None were stated.

K.Cousino stated the board did not engage in *ex parte* communications outside of meetings. The board has only communicated regarding scheduling and logistics of the animal confinement and communication with legal counsel.

K.Cousino asked for everyone present to state their names for the record. Those present were:

1. Ashlie Diesi
2. Becky Trombley
3. Charles Webber
4. Trevor James

The selectboard members were present as well as Rebecca Elder, board assistant.

K. Cousino conducted the swearing in of those present. All agreed to the oath.

K. Cousino asked if Becky Trombley had anything else to add to the record. B. Trombley said no, but she did state many details at the last hearing. She was invited to again give her oral testimony.

Becky Trombley:

- The outline of what happened is accurate. Henry Trombley was home by himself, was able to look at the tags, called T. James and was told that the dog would be picked up. Then the rest of the family came home to the Trombley house while the dog was tied on a line; folks were talking around the dog; the dog had knocked the water over and Becky went to get more. Everyone was close to the dog initially and then they dispersed to do other things. When Henry would leave the dog, it would whine. So the people stayed close.
- E. DeHoyos tried to pet the dog while he was on the line; Becky heard her scream and then E. DeHoyos ran away from the dog after being bitten. They then cleaned the wounds at home and took her to the hospital for treatment.
- Victor DeHoyos (father of victim) called T. James again. T. James expressed surprise and said the dog had not bitten anyone before. Someone did eventually come to get the dog (John Bent, nephew).
- At the hospital, E. deHoyos had her wounds cleaned; she needed X-rays due to the bruising present and to ensure no bones were broken in the attack. She was upset and emotionally distraught.

K. Cousino invited the selectboard members to ask questions.

N. Boss asked for clarification about what T. James said on the phone to the Trombleys. B. Trombley reiterated that Henry was told that no one had been bitten. She stated that if they knew or had warning that the dog was agitated or could potentially bite, they would have given the dog a lot more space.

K. Tierney asked if the board could hear directly from Henry Trombley or if he would be willing to sign an affidavit. B. Trombley stated yes, as would Victor DeHoyos. Chuck Webber (ACO) stated he spoke with both of them as well.

C. Webber said the report is from the family. He met them at their rental cottage nearby. There he saw bandages on E. DeHoyos but didn't see the wound. V. deHoyos took pictures of the hand wound. That photo is not currently available but We do not have a copy of that photo at this time.

KC: asked Trevor to respond to the information presented so far.

Trevor: call came in around lunchtime; Henry called first and said they had Dakota. Told him to tie up the dog and a relative would come get the dog. Neighbor had tried to put in the kennel, tried to push him in the kennel and was trying to get the dog to do something that he didn't want to do. Then he got the call from Henry and it slipped his mind that there had been a bite. Didn't know the exact time family would return and said he would call and let them know. Said that if the dog was being forced to do something he might bite. He knew that he was favoring one of his ears; don't know why he would have bitten on that day.

K. Cousino asked the board if they have questions of Trevor. None were asked.

B. Trombley said her understanding was that the dog was under home quarantine and he had escaped. K. Cousino said that technically, if the Town had timely information from Porter Hospital, yes that would have been the case. But the info wasn't received and therefore the timeline for quarantine and follow up was delayed.

C. Webber stated that when he received information from the Health Officer regarding a different bite incident, he did not quarantine the dog because the situation was still under investigation.

K. Cousino said the dog did escape. However, the town would have approached a quarantine differently if the information was and the timeframe between the bite incidents had been know immediately.

C. Webber confirmed there were delays in the information transmission. B. Trombley contacted C. Webber because she had not been contacted after the visit to Porter Hospital.

Ashlie Diese stated that she and her husband have known Trevor for years. They have also known "Dakota" and their kids also know Dakota. They have never seen aggression. She stated the dog would show protection of something like a car. She said the breed of the dog is very protective. She would trust Dakota around her kids, even based on the information presented.

K. Cousino asked if there was any further testimony she wanted to present.

K. Tierney asked A. Diese if she would trust Dakota if T. James was not with him.

A. Diese asked under what circumstances. K. Tierney said, for example, if you lived nearby and if the dog wandered into your yard. A. Diese said yes.

N. Boss asked T. James if he had visited the dog since returning to Vermont.

T. James stated, no, he was told he couldn't see Dakota. T. James asked about the condition of the dog's ear and asked if a vet could visit him to check. He stated that if the dog was in pain from ear mites or an infection, that may have affected his behavior.

B. Trombley asked how many times has the dog bitten someone and the person then required medical care. K. Cousino stated that the town has record of 5 bites officially; hearsay about other incidents. Information about other bites is taken into consideration in their deliberation. That will be evidence in the file.

C. Webber asked what the process for impoundment will be going forward. K. Cousino stated the board doesn't have an answer now but they will notify both Chuck and Trevor in a timely fashion.

Eric Cota arrived at 5:05 p.m.

**K. Cousino read the exhibit list into evidence:**

- A – Public notices
- B – Complaint form from B. Trombley
- C – VTDOH bite report on Esperanza deHoyos
- D – Notice to owner from Selectboard
- E – Incident report 2019-1 re: Fiona and Guthrie Johnson
- F – Incident report 2019-2 re: Esperanza deHoyos
- G – Incident report 2019-3 re: Seth Witman
- H – animal bite report re: Seth Witman
- I – summary from Town Clerk Cheryl Estey

Tony Porter arrived at 5:30 p.m.

K. Cousino requested any further statements or additional testimony.

T. James said that if the family of a dog is away, the dog is a pack animal and it will go search for the family. As soon as the family got home and was with him, Dakota was fine and stayed home. It was just the period of time that the dog was away from his family that the incidents occurred. He was trying to find his family.

No other testimony was offered.

K. Tierney asked Ashlie Diesi is she was present as a character witness for the dog. She stated yes. K. Tierney asked if she would affirm that, in her belief, the dog would not injure someone else and if she would comment on that.

A. Diesi said that if the dog wasn't tied up and could have left of its own free will, it would not have bitten.

H. Trombley joined the meeting via conference call. K. Cousino introduced everyone and asked H. Trombley to take the oath; he was sworn in via conference call. K. Cousino asked him to give any testimony regarding the bite incident and his conversation with Chuck Webber.

Henry Trombley stated he was working outside; saw a dog coming up; appeared to be friendly; saw the collar and tag; had 2 phone numbers and so he called. Dog was fine with him, was able to look at the tag/collar, tried the first local number, then called the 2<sup>nd</sup> number. Talked to Trevor and told him the dog was in the yard. Trevor asked him to keep the dog and said his nephew was coming to get him. Tied up the dog, had been perfectly fine, got him water. He asked how the dog was behaving and he told him fine. Said it would be picked up. After that call, friends came home, the dog was whining a bit, put out a lawn chair nearby to read, friends came home, girls like dogs. He went back to work on the land, one of the girls sat down and then in a few minutes the girl was screaming, first bit on the hand, then on the shoulder. Then they called Trevor. Then to hospital to get bite taken care of. At no time did Trevor say the dog could be a danger. They would have stayed clear of the dog if they had known. Shocked that the dog went from fine to being aggressive.

K. Cousino asked if the board had any questions for Henry. No questions were asked. He opted to stay on the call to listen to the rest of the hearing.

A. Diesi asked if anyone saw the interaction between the dog and E. DeHoyos prior to the bite. No, the adults were around but doing other things or talking. B. Trombley stated the young woman is familiar with dogs, likes dogs, and is gentle with animals and people. H. Trombley stated he did not witness the actual bite himself. From what he was told, E. DeHoyos sat down near the dog with a book. She petted the dog. He cannot say more than that.

K. Cousino asked if anyone else had any new information for the record. None was stated.

**Motion:** Keegan Tierney moved to close the hearing and it is the final public hearing on the matter regarding the dog "Dakota" owned by Trevor James. Nancy Boss 2<sup>nd</sup>.

Discussion: none

**Motion carried.**

**Motion:** Keegan Tierney moved to enter private deliberations regarding the vicious dog bite hearing on "Dakota" per 1 V.S.A. § 312(e). Nancy Boss 2<sup>nd</sup>

**Motion carried.**

The board will deliver its decision in writing within 10 days of the close of the hearing.

[Rebecca Elder departed.]

## Road Crew Interviews

The board then moved on to conducting employment interviews scheduled for the road crew position. Three candidates were invited for interviews.

Motion: Keegan Tierney moved to enter Executive Session per 1 V.S.A. §313(a)(3) to conduct employment interviews. Nancy Boss 2<sup>nd</sup>. The candidates were each invited into executive session.

Motion carried.

Motion: Eric Cota moved to end the Executive Session. Nancy Boss 2<sup>nd</sup>.

Motion carried.

Decision as a result of Executive Session:

The Selectboard made an offer of employment to Candidate A. The board will notify candidates B and C of the decision.

Motion to adjourn at 8:10 p.m.: Eric Cota moved, Tony Porter 2<sup>nd</sup>.

Motion carried.

Respectfully submitted,

Rebecca Elder

Selectboard Assistant