

Starksboro Selectboard  
Special Meeting  
Minutes of January 1, 2020  
Unapproved

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**Board members present:** Koran Cousino, Keegan Tierney, Eric Cota, Nancy Boss

**Unable to attend:** Greg Hahr

**Others present:** Rebecca Elder, Kenneth Bell, Natalie Huestis, Tyler Duvall, Sheriff Peter Newton, Asst. Sheriff Bruce Newton

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The meeting was called to order by Chair Koran Cousino at 4:30 p.m. This special meeting of the Selectboard was called to hold a hearing requested by Kenneth Bell regarding his three dogs in re: 24 VSA 3581 and a violation of Sec. 3 of the Town's Animal Control Ordinance.

K. Cousino asked those present to state their names for the record:

- Tyler Duvall, who stated he is a friend and representing/speaking for Kenneth Bell during the hearing proceedings.
- Natalie Huestis
- Kenneth "Ken" Bell

K. Cousino stated the Selectboard is following the procedure that is necessary after impoundment. The town clerk informed the board that the three dogs were registered on Monday, December 30, 2019. At that time, K. Bell requested a hearing in writing (copy in file with town clerk). The proceedings here are in response to that request. The board has made an effort to follow through in a timely manner, while working around the holidays, and feels it is in the best interest of everyone and the dogs to move forward as quickly as possible.

The board provided an outline of the complaints they have received dating back to the 27<sup>th</sup> of December 2018. It is a summary of complaints and when they were logged at the town office. Vaccination status of the dogs were unknown and the actions the Town has taken have been in response to complaints of dogs running at large and in violation of the town's leash law.

The board has two main concerns:

1. Registration and vaccinations – now addressed
2. Running at large – Repeated complaints of the dogs out of your control, off the property, and in violation of the town's ordinance

Sec. 3: Running at Large:

"No owner or keeper shall permit a dog or wolf-hybrid owned by him/her or under his/her keeping or control to run at large. The owner or keeper of the dog or wolf-hybrid shall not allow the animal to enter or remain on the property of others, including lawns, gardens, yards, schoolyards, public buildings, parks and/or playgrounds at any time or in any manner in which it would be unlawful for the owner to so enter or remain."

K. Cousino stated for clarification that "out of your control" does not mean vicious; it means running off leash. The Selectboard only has the authority to require you to register/vaccinate the dogs and to keep them on your property. The board notes that the kennel where the dogs have been boarded reports the dogs have not been aggressive and have been well-behaved and appear well cared for.

K. Bell stated that the breed of his dogs is perceived as aggressive. Keegan Tierney reminded everyone that the hearing today is solely focused on the dogs being off the property.

T. Duvall stated he understands that owners should keep the dogs at home and on the property.

K. Tierney noted that the ordinance charges the selectboard with the responsibility of impounding dogs that won't stay on their property. The board is here to work with the owner(s) to figure out a solution and how we can move forward.

T. Duvall stated he lives at the residence owned by Joseph and Marjorie Trombley, grandparents of K. Bell. Duvall said he will help with training and ensuring the dogs stay on the property. Natalie Huestis stated she intends to put up a fence. They will keep the dogs on a leash until the fence is installed.

K. Cousino asked if anyone had any further questions or statements to make. K. Tierney summarized that the board will require obedience training, keeping the dogs on leash, and installing a fence.

K. Bell stated he has a stack of tickets and feels they are not accurate. He said the dogs were leashed. T. Duvall stated those reports were made on a day when the dogs escaped from their leashes and the neighbor took photos. K. Bell stated he received all the warnings on the same day from the trooper. The board noted that contacts from the town have been made via phone calls, conversations with others in the home, and postal mail. When those contacts were ignored, the town had to take further action to have the warnings hand-delivered by the sheriff's office. How messages are conveyed within their home is not with the board's control. The town has attempted contact numerous times via several methods.

No further questions or comments were made. The board then asked K. Bell, T. Duvall, and N. Huestis to step outside while the board went into deliberative session.

**Motion:** Eric Cota made a motion to close the hearing in re: Kenneth Bell at 4:50 p.m. Nancy Bell 2<sup>nd</sup>.

**Motion carried.**

**Motion:** Eric Cota made a motion to enter deliberative session to consider the information presented in the hearing for Kenneth Bell regarding dogs running at large. Nancy Bell 2<sup>nd</sup>. Rebecca Elder, Peter Newton, and Bruce Newton were invited to remain for the deliberation.

**Motion carried.**

**Motion:** Keegan Tierney made a motion to close the deliberative session at 5:04 p.m. Eric Cota 2<sup>nd</sup>.

**Motion carried.**

Ken Bell, Natalie Huestis, and Tyler Duvall were invited back to the open meeting and the hearing resumed at 5:05 p.m.

The board recognizes that K. Bell has now vaccinated and registered 3 dogs—Chyna, Arlo, and Zeus—as of Dec. 30, 2019.

The board is requiring the following:

- 1) Install a secured fence to contain the dogs on the property at 104 Shamrock Drive no later than May 1, 2020;
- 2) Pay the fines of \$252 to the Town of Starksboro no later than July 1, 2020; and
- 3) Register ALL dogs living on the property: The board also emphasized that the residents of 104 Shamrock Drive, including Joseph and Marjorie Trombley, Kenneth Bell, and any others residing at this location **shall ensure all dogs living at this location are vaccinated and registered with the Town of Starksboro.**

Tyler Duvall, speaking on behalf of K. Bell, stated that these conditions are fair and the time allowed is generous. T. Duvall stated they will install the fence and pay the fees.

K. Bell stated that he recently inherited another dog—a boxer—from a relative who died. The dog is registered in Burlington. The Sheriff advised that the paperwork is transferrable from other Vermont cities and towns. T. Duvall stated they will have the registration and vaccine information sent to the Starksboro Town Clerk.

The board emphasized that there are financial consequences to having dogs unregistered and not properly vaccinated. The kennel charges totaled \$789.60 (which reflects a 20% discount from the kennel owner). The tickets issued to date total \$375. There are additional fees for hiring the Addison County sheriff to assist.

The board asked K. Bell and T. Duvall if they had any further questions about the information presented and the board's decisions.

K. Bell asked if he could retrieve his dogs tonight. The board agreed to release the dogs back into K. Bell's custody. K. Cousino will follow up with the kennel regarding the bill and release.

The board stated they acknowledge the owner(s) care about the dogs. The dogs must be kept at home and on the premises at all times.

The board asked K. Bell the best ways to contact him. He stated he would prefer to pick any mail or correspondence at the town office. T. Duvall said he can come to pick up items with notice via phone call.

**Motion to close the hearing:** Eric Cota moved and Nancy Bell 2<sup>nd</sup>.  
**Motion carried.**

**Motion to adjourn at 5:10 p.m.:** Keegan Tierney moved and Eric Cota 2<sup>nd</sup>.  
**Motion carried.**

Respectfully submitted,

Rebecca Elder, SB Assistant