

8-28-2018 Vicious Dog Hearing Minutes FINAL

August 28, 2018

Selectboard Members Present: Michael Kuban (Chair), Susan Elder (Vice Chair), Greg Kotyk, Cynthia Masterman, Kent Gilman

Other Town Officials Present: Linda Kuban, (Health Officer), Katherine Zachary (Selectboard Administrative Assistant)

Others Present: Bryan Letourneau, Crystal Pearce, Douglas Boardman, Joan N. Boardman, Deb Metcalf

I. Call Meeting to Order: Michael Kuban called the meeting to order at 6:00PM

II. Changes to the Agenda
N/A

III. Read Warning of the Vicious Dog Hearing
Michael Kuban read the Warning

IV. Read the Official Complaint Filed
Michael Kuban read the two (2) Complaints that were filed

V. Conflict of Interest Disclosure
There were no conflict of interest disclosures

VI. Swear in all Participants
Participants were sworn in individually before giving testimony, including Deb Metcalf

VII. Testimony of Complainant

- (a) Both complainants testified that there were no previous incidents and that they did not have further written submissions for the Board.
- (b) **Douglas Boardman** testified that he was on his property some 100' from his property line when the subject dog(s) lunged and bit him. There were three (3) dogs on his property at the time, but only the subject dogs injured him. He sustained injury to his right leg and left palm. He sought medical attention at Medical express. No stitches were administered to him.
- (c) **Joan N. Boardman** testified that she sustained bruises to the left side of her abdomen and back. One of the two (2) dogs was wearing a blue collar. She expressed opinion that she thought the dogs were chasing a neighbor's cat before they turned on her. She threw a step stool that hit one of the dogs on its back which quieted the situation.
- (d) Both testified that the dogs "bark all the time".
- (e) Both complainants testified that they fear for their grandchildren's safety when they visit.
- (f) Complainants want no further incidents and want to be safe.

VIII. Testimony of Dog Owner

- (a) **Bryan Letourneau** testified that he was submitting letters from friends, co-workers and people in the community who knew the subject dogs. He handed them to the Board. He also stated that the dogs were not dangerous and that he took them to work on occasion and with him to "Will's". He stated that the Boardmans came out of their house yelling at the dogs

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before the incident took place. He never had had an issue with the dogs which were often around children. The dogs were two (2) years old and big, weighing 75 and 95 pounds. Dogs are licensed and vaccinated. They both are a Ridgeback Boxer cross.

- (b) **Crystal Pearce** testified that her friend visits with her four (4) year-old daughter and there has never been a problem with the dogs. She has also taken the dogs to friends' homes where there have been cats with no incident. Friends visit with their children and dogs with no incident.

IX. Presentation from Members of the Public

Deb Metcalf testified that she is a neighbor of the Complainants and Owners and did not know of the incident. She appeared at the Hearing to ensure that her renters are safe. No one had approached her to complain about the dogs.

X. Final Comments from Both Parties

- (a) **Mr. Boardman** stated that the incident happened quickly
(b) **Mr. Letourneau** apologized for the incident and stated that he had been working on securing the 3' and 5' fence on his property. He again stated that the dogs were not vicious and are around children and other dogs.

XI. Deliberative Session

After reviewing the testimony and documents submitted, the Selectboard decided that a letter would be sent to **Bryan Letourneau** and **Crystal Pearce** mandating that they surrender the dogs to an ASPCA certified kennel or pound within ten (10) days of the date of the letter along with a copy of the Appeals process.

XII. Adjourn

Susan Elder moved to adjourn at 7:51PM. Motion seconded. All were in favor, so moved.

XIII. OTHER

In the File:

Two (2) Chelsea Health Officer Animal Bite Reports of Incidents on 8-14-2018 and 8-20-2018
No Medical Records

OTHER BUSINESS (NOT RELATED TO THE HEARING):

Order(s), Payroll were signed