

**Brandon Select Board Hearing  
Proposed Amendments to Animal Control Ordinance  
July 13, 2020**

**All in Attendance via Zoom.**

**Board Members Present:** Seth Hopkins, Brian Coolidge, Tim Guiles, Doug Bailey, Tracy Wyman

**Others Present:** Dave Atherton, Gail Kerr, Mei Mei Brown, Christine Seymour, Chris Brickell, Allie Breyer, Amy Menard, Michael Shank, Lee Kahrs, Lindsey Berk, Margaret Kahrs

**1. Call to order**

Seth Hopkins, Chair, opened the hearing at 6:00PM.

**2. Public Comments**

Seth Hopkins provided the following opening remarks:

*“I call to order the Brandon Selectboard for the purpose of a PUBLIC HEARING on proposed changes to the Town’s Animal Control Ordinance.*

*As I do that, the selectboard wants to thank all of you who have submitted your views to the board already, and to those who are attending this Zoom meeting to do so tonight. Public participation will ensure that the board drafts and adopts an animal control ordinance that reflects the values of our community.*

*The board is eager to hear from all of you and will take all statements under advisement. I will tell you that it is highly unlikely the board would adopt any ordinance tonight, despite how the agenda item may have been phrased on the warning of the board meeting that follows this hearing. We had already committed to a process of 1) drafting a proposal with input from the animal control officer, the League of Cities and Towns, and our own police chief and town manager; 2) hold public hearing or hearings; 3) possible revision of the draft; 4) examination of the draft by the town attorney before we take any vote to adopt it. Hearings are fairly informal, but it is useful to remember what they are and are not. Hearings are the best opportunity for the public to offer their views and to influence the ordinance the board will eventually adopt. Hearings are not a forum for argument, nor are they a town wide drafting committee working to settle and vote on language.*

*My personal goals for this process are that when it’s over; 1) We will produce a simple resource so the 4000 people who live in our town will have a clear idea of where to turn with any animal concern; 2) Our animal control officer will head a responsive and professional animal control*

*program that reflects our community values; 3) We will have open lines of communication to other agencies when municipal animal control is not the appropriate response.*

*Please ask the chair to be recognized to make your statement. If you are on the Zoom app, you can simply raise your hand. When you speak, please begin by stating your name for the benefit of those connected by phone. If you are calling in to the meeting, I will ask from time to time if anyone on the phone would like to offer any comment. When you are recognized, you would identify yourself and take your turn.”*

Michael Shank stated erring on side of detail oriented, he would like to identify three areas for the ordinance to include in an effort to better embrace animal welfare. There was information he placed on Front Porch Forum and in a letter to the Select Board and he would like to have in the proposed or a future ordinance to do everything as a Town to avoid another issue. 1) Adopt an ordinance that would include humane treatment of animals under 24 VSA 2291(21). Mr. Shank received this information from the VLCT lawyers. The welfare can be enforced by an ACO if authorized by the Town. The section is saying the Town can regulate with a civil ordinance and can enforce through the ACO. The ACO will be authorized to do so and care for the animals' welfare under the provisions of the municipality. 2) The Town could empower a permanent ACO position with humane officer training and sufficient powers to investigate and intervene when animal welfare is compromised, see 13 VSA section 354(c). The ACO could provide suitable care at a reasonable cost for an animal seized under this section, and have a lien placed on the offender for all expenses incurred. Mr. Shank would like to go above and beyond dog focus and empower the ACO with the training, but additionally to intervene and investigate all animal welfare in the Town. This would assure sanctuaries do not bear the burden and in fact the lien would ensure the offender pays for all of the expenses and not community members. 3) The Town, in coordination with the ACO and Brandon Police Department, could establish a set of agreed-upon procedures now, in discussion with all-involved veterinary clinics and animal sanctuaries, so the next time this occurs there is a plan in place. These procedures would be public to ensure accountability and transparency.

Mei Mei Brown fully supported everything Michael Shank proposed and noted the Town needs a professional ACO as the Police Department does not have the time to take on the work. The ACO could do investigation and mediation and make the best of any situation before getting into civil or criminal court issues. This would allow the Town to be proactive rather than reactive. She supports adding what Mr. Shank suggested to include all domestic animals and livestock. The Town needs to have proper processes in place to take care of the animals in the community boundaries.

Seth Hopkins stated one of the major goals was to expand the Brandon ordinance. It defines any animal that is owned by a person who is providing food or shelter but does not include farm animals. Mr. Hopkins shared information regarding farm animals. (See attached: Farm Control Flow Chart and Farm Class Size Class)

Allie Breyer asked if farm animals have to be registered as a farm as there are animals that are farm animals that are not registered. Seth Hopkins advised there are farm animals that would not

be under the agricultural exemption. Ms. Breyer stated this was unclear as there are some farm animals that are not on a farm but are farm-like animals such as chickens and horses. There could be horse abuse and she wanted to assure that those types of animals are included. Mr. Hopkins confirmed this information would be included, as there are ways that one can declare being a farm, but if not on a farm the animals would be included in this ordinance.

Tim Guiles questioned with the current draft of the ordinance what the limits would be of the ACO's investigative authority versus the police department's investigative authority if there were another Hagerty farm incident. Chris Brickell stated some limitations would be the same, but if the ACO were given civil law enforcement, they could issue tickets and apply for a search warrant. If the property indicates no trespassing, neither the ACO nor the police could enter. The ACO could not bring criminal charges but could issue civil charges and could assist with a criminal investigation but would not have more lawful authority than the police.

Lindsey Berk is in support of the expanded ordinance. She does not think the current ordinance does enough to protect the welfare of animals and suggested the Town needs to provide more power to the ACO.

Bill Moore recommended the policy also deal with the control of animals and their droppings, if people do not pick up after their dogs. As someone who works in the Parks and Recreation world, he would like to see something included in the ordinance that would assess a fine. There are more people in town walking on the new sidewalks. Seth Hopkins confirmed this is addressed under Section 4 as a nuisance and would be subject to the penalties in Section 7. Chris Brickell stated the violations would be under the control of the ACO and noted the protection of the animals would be in the context of a civil ordinance, but they would not have law enforcement to seize animals. Mei Mei Brown assumed if the ACO is given authority for a civil citation, if the ACO sees a criminal offense, they could ask the police department to step in. Mr. Brickell confirmed that was correct and is the normal process. Regardless of the extensions, the enforcement is only by way of a civil violation and this would require the ACO to testify in court. If they are unable to go to a hearing, the defendant automatically wins. Ms. Brown stated this is the same thing with a criminal case if the officer doesn't show, it is found for the person. Mr. Brickell stated there would be no reason for an officer not to attend a court hearing in a criminal case, as they would be held in contempt.

Michael Shank would like to see the Town explore protecting the citizens from financial burdens relating to rescues, but also do what is in 13 VSA 354 and due diligence to include bringing the VLCT to a special hearing to present what is possible. He would like to understand and would like to pursue everything that is possible. Seth Hopkins stated the Town has had the VLCT in the process from early on and they have given their opinion and guidance and advised the Select Board when drafting the ordinance. The VLCT advised that most municipalities would not be equipped to take on the type of animal control that Mr. Shank was suggesting. There was a traumatic event that the Town would not like to see again. The Town has law enforcement and an ACO and it would not behoove the Town to put the burden on the ACO. There are some actions that are directed to the Agency of Agriculture to handle. Mr. Hopkins noted the Select Board wants a responsive ACO, but the ACO may have to collaborate with the police

department, state police or Agency of Agriculture. Mr. Shank suggested the ACO have the power that does not require involving the police department, as they already have enough to do. Mr. Shank did not see this burdening the Town and was not suggesting growing the position, rather increasing the power. He noted the VLCT attorney had indicated the Town could take on the VSA subsections and suggested exploring empowering the ACO with full capacity relating to the VSA and have a clear roadmap. Mr. Shank felt there are a lot of vague ambiguities of the subsections. Mr. Hopkins noted the Town has an ACO that they want to be the chief enforcement officer for nuisance animals and all animal welfare will continue to be something that other agencies, including the Brandon police department will handle. Mr. Shank asked what the Town can do to set up necessary VLCT subsections, as it would make sense the ACO has the training to protect the animals. Chris Brickell stated there appears to be concerns with financial burden for people that have stepped up, but the Town does not have the ability to accept the costs and even in looking at civil liens on animals, it is probably more easily enforced through the criminal justice system. When considering widening what the ACO can do, it will have limited capabilities as they cannot step in and would have to work in conjunction with the police department. The prosecutor would be the one who would follow through on the process and the Hagerty case is not the norm, and it would not be able to be taken care of by an ordinance. Mr. Shank was still interested in seeing the Town do whatever it can to involve the ACO and explore everything at its disposal in preventing animal cruelty. Mr. Shank suggested the Select Board have a public conversation with the VLCT lawyers on additional ACO expertise to define the outer limits of what is possible as a town to assure there is no more animal cruelty or financial burden born by the community members. Dave Atherton stated from the statistics of animal complaints from January 2018 to present, there have been 127 animal complaints with 6 concerning the Hagerty farm. That case is bad, but it is not the norm and had a lot of different components to it and is not what an ACO routinely handles. Doug Bailey felt strongly that the Hagerty case was a terrible case but is not the norm of what the ACO will handle. In the current policy, Section 3 that defines animals, Mr. Bailey suggested there needs to be some attention to horses, as there are many things that could relate to horses such as people not feeding or watering them or lack of hoof care. He has been called in to look at horses to assist someone in finding proper food, veterinary care, etc. Mr. Bailey questioned what the next step would be if an ACO or police are called in on an animal welfare problem and there is no trespassing. Mr. Brickell stated the first step would be to attempt to talk with the property owner and if there is non-compliance it would require further investigation. Mr. Brickell noted there have been complaints from people that would not provide a statement to allow further investigation. Mr. Bailey asked if the ACO's job description is expanded, should the ACO be bonded from bad claims. Mr. Brickell advised that would be a question for the Town's attorney. Mr. Bailey questioned of the 127 calls since January 2018 what percentage were dog calls. Mr. Brickell reported 85% were barking dog complaints.

Margaret Kahrs read the following:

*"I would like to share my thoughts with you regarding the revision of the animal control ordinance. Since becoming the animal control officer, I have seen and heard many things. Some good, some the worst I have ever seen in my twenty plus years of working with animals. When I moved here in late October of 2019, I quickly learned that this town is rightfully known as the*

*town with a heart. I sat in on a town meeting and listened as things were discussed. I learned that this great town generously uses its resources and strength of community to help not only people of this town, but those in our neighboring towns as well. Even our outstanding police and emergency response teams are willing and able to lend a hand to boarding municipalities without compensation from them. We really do live in a great town full of compassion that is unmatched by any other town that I have lived in before.*

*That being said, it's clear that what we have been doing in the past to ensure safe and humane treatment of animals within our town limits has not been efficient in showing animals that same compassion. As a new resident of Brandon and a recent transplant to Vermont, I have entered this with new eyes and ears. I do not know the former people or problems associated with this subject. What I have heard and seen is a great need for a person responsible for understanding, implementing and executing any and all laws pertaining to owning animals in the State of Vermont.*

*I understand the town is at a crossroads. Using the authority given by the State of Vermont to every municipality to have an animal control officer that could uphold not only civil but criminal laws would be an enormous step from having a dog catcher. We already have a police department that handles criminal violations, so why then would we need to have such a person? Our police department does a great job handling people who commit crimes against people. They have an enormous task of knowing and enforcing a multitude of laws. Their shifts are nonstop as they maintain the safety and security of our town and lend a hand in our neighboring towns. Why would we burden them with the responsibilities of also maintaining the safe and humane treatment of our animals? Especially considering the State of Vermont must have at some point understood how burdensome it would be to have established a way for each municipality to have someone who specializes in this area.”*

Ms. Kahrs stated relative to Section 9 regarding impoundment, she understands the current ordinance indicates the animals are to go to the Rutland County Humane Society. The new ordinance states impounded animals will be released to the owners after all penalties are paid. The Town does not hold animals and Ms. Kahrs asked why they are taken to the Humane Society, as it is \$35 to walk a dog into the door. There is a lot of impound information and the Town Manager has indicated there is not a place for impounding, but she has had animals that she has held until they could be released to the families. Ms. Kahrs would like the Town to know that we are dumping our animals on the Shelter. She will perform in whatever capacity the Town provides her, but we have an opportunity to advance in the animal welfare that Vermont as a whole will eventually go. Ms. Kahrs stated if this is the ordinance the Town is going to have, she did not see the point of training the ACO officer. If a person tells her to leave and not come back, she is not allowed to go back to the property, and this has happened to her twice. Having someone who is specialized in upholding the laws for animals would be an asset to the Town. She stated there is added burden to a police department that is already doing an amazing amount of work and the Town should consider an upgrade of the ACO position. Ms. Kahrs does not think that the farm incident is an isolated incident and thought this is something that is needed, and it is not just about dog bites or dogs barking. There are a number of dogs that are unlicensed,

and this would require a dog census. The State requires a dog census but does not specify how to take the census and the Town needs to decide how this will be done.

Dave Atherton advised the Rutland County Humane Society does receive funding through an appropriation and Mr. Atherton read the information noted in the Town Report relating to the appropriation. Mr. Atherton did not say the Town would not do anything about impounding. Mei Mei Brown advised she circulated the petition so that the Humane Society gets \$750 and it does not have anything to do with animal control. Mrs. Brown noted she is on the Humane Society Board and they are falling on hard financial times and are looking at charging towns annual fees at the shelter for a holding area. She encouraged the Town to have a conversation with the Humane Society. Mr. Atherton stated it is a value for the Town, but the Town does not have control over appropriations.

Seth Hopkins suggested anyone with additional comments can send them to the Town Manager. Mr. Hopkins thanked all involved and noted work will continue on an overall Animal Control program.

The hearing closed at 7:09PM.

Respectfully submitted,

Charlene Bryant  
Recording Secretary

---

### **Additional Public Comments Received**

#### ***Michael Shank Email of 6/25/20:***

I'd first like to thank everyone for the discussion at Monday's Selectboard meeting. I appreciate the Town of Brandon's willingness to talk about the issue of animal welfare. As follow-up, and for clarity, please see the following specific recommendations (the second half of which are actions the town can take now), and I'm including everyone who participated in this conversation, via Bcc. I've bolded or underlined the key points below.

- 1) Offenders are held accountable (affidavits of the future fully reflect the totality of abuse and cruelty that took place; the two counts in this latest case don't appear to reflect the full scale and scope of the offense).
- 2) Victims are compensated for expenses (non-profit sanctuaries that have been, or will be, crippled by costs in helping animals recover must be compensated; to be clear, I have no need or desire to be compensated, I'm referring only to the larger rescue efforts by actual non-profit sanctuaries).

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

3) Prevention of animal cruelty is prioritized (every effort is pursued to ensure that we prevent this from happening in the future). There are clear improvements that can be made both at the municipal and state level.

At the municipal level:

1) The Town of Brandon could adopt an animal control ordinance that includes the humane treatment of animal provisions under [24 VSA section 2291\(21\)](#) (this message was conveyed to me via VLCT lawyers) to be enforced by the Animal Control Officer (ACO):

(21) To regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, subject to the limitations of 13 V.S.A. § 351b and the requirement of 13 V.S.A. § 354(a), and consistent with the rules adopted by the Secretary of Agriculture, Food and Markets, pursuant to 13 V.S.A. § 352b(a), the welfare of animals in the municipality. Such ordinance may be enforced by humane officers as defined in 13 V.S.A. § 351, if authorized to do so by the municipality.

2) The Town of Brandon could empower a permanent ACO position with humane officer training and sufficient powers to investigate and intervene when animal welfare is compromised, see [13 VSA section 354\(c\)](#):

(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian. A humane officer may arrange for euthanasia of an animal seized under this section when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal not destroyed by euthanasia shall be kept in custodial care and provided with necessary medical care until final disposition of the criminal charges except as provided in subsections (d) through (h) of this section. The custodial caregiver shall be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals.

3) The Town of Brandon, in coordination w/ the ACO and the Brandon Police Department, could establish a set of agreed-upon procedures now, in discussion with all-involved veterinary clinics and animal sanctuaries, so that the next time this occurs we have a plan in place. These procedures would be public to ensure accountability and transparency.

We have an opportunity as a town to be proactive here and stand up for what's right and what's just. I hope we do that.

Let's take the time to get this right.

Thanks in advance for your consideration of this, which I look forward to continuing at future selectboard meetings.

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

---

**Michael Shank Email of 7/13/20:**

At the municipal level:

1) The Town of Brandon could adopt an animal control ordinance that includes the humane treatment of animal provisions under [24 VSA section 2291\(21\)](#) (this message was conveyed to me via VLCT lawyers) to be enforced by the Animal Control Officer (ACO):

*(21) To regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, subject to the limitations of 13 V.S.A. § 351b and the requirement of 13 V.S.A. § 354(a), and consistent with the rules adopted by the Secretary of Agriculture, Food and Markets, pursuant to 13 V.S.A. § 352b(a), the welfare of animals in the municipality. Such ordinance may be enforced by humane officers as defined in 13 V.S.A. § 351, if authorized to do so by the municipality.*

2) The Town of Brandon could empower a permanent ACO position with humane officer training and sufficient powers to investigate and intervene when animal welfare is compromised, see [13 VSA section 354\(c\)](#):

*(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian. A humane officer may arrange for euthanasia of an animal seized under this section when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal not destroyed by euthanasia shall be kept in custodial care and provided with necessary medical care until final disposition of the criminal charges except as provided in subsections (d) through (h) of this section. The custodial caregiver shall be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals.*

3) The Town of Brandon, in coordination w/ the ACO and the Brandon Police Department, could establish a set of agreed-upon procedures now, in discussion with all-involved veterinary clinics and animal sanctuaries, so that the next time this occurs we have a plan in place. These procedures would be public to ensure accountability and transparency.

We have an opportunity as a town to be proactive here and stand up for what's right and what's just. I hope we do that.

---

**Michael Shank Email of 7/13/20:**

Hi Everyone - Thanks for hosting the 6 p.m. animal ordinance hearing. I appreciate the opportunity to have this conversation with everyone. For the minutes and for public record, let

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

me add the following. The language below enumerates the powers possible for anyone trained as a "humane officer" (which is the town's plan for the ACO position). I've appended the bullet points that are relevant to Vermont, which would apply to the Brandon ACO position once they're trained as a "humane officer". You'll see the powers below go above and beyond what was described during the 6 p.m. hearing, including the ability to seize an animal without warrant. We should include all of these bullet points in any animal ordinance updates and any ACO job description so we're clear about powers and capacities here. Thanks.

<https://www.animallaw.info/topic/table-humane-society-enforcement-powers>

- May apply for a search warrant to enter premises where animal is kept
- A veterinarian must accompany humane officer during execution of search warrant
- May seize an animal being cruelly treated (pursuant to search warrant)
- May seize an animal without a warrant If animal's life is in jeopardy and immediate action is required to protect the animal's health or safety
- May use reasonable force to remove animal from a motor vehicle if animal's life or safety is endangered
- May accept animals voluntarily surrendered by the owner
- Issue civil citations
- Inspect the care and condition of any animal permitted by the court to remain in the care, custody, or possession of offender
- May arrange for euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a veterinarian
- May seize any equipment associated with animal-fighting

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 351

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 353

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 354

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 364

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 386

---

***Bruce Brown Email of 7/09/20:***

I strongly support a town ordinance that allows for animal welfare enforcement by the town/police/animal control officer. The issue with the Hegarty farm would have been resolved sooner. We complained about the dogs barking all night long only to be told by police that they could not go on the property without a warrant. The dogs as well as all the other animals continued to needlessly suffer for another year.

**Bruce Brown**

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

---

***Mei Mei Brown Email of 7/10/20:***

Dear Selectboard Members:

I am writing to say that the proposed Animal Control Ordinance falls far short of what is needed for our community. Brandon has matured to the point where a professional ACO is necessary, with an ordinance with meat in it to support that position.

As part of my background I was a VSP dispatcher for 14 years, and part time dispatcher for Brandon PD when Thomas Answering Service provided that service. In addition, I am a board member of the Rutland County Humane Society (RCHS) and program coordinator for the Brandon Feral Cat Assistance Program (Brandon FCAP) which operates under the nonprofit umbrella of RCHS since its founding in 2005.

You most likely know that animal complaints received by the PD often result in a groan in response to being dispatched to the call. The complaint is not why officers chose law enforcement and it is low on their priority list. I know from experience and I get it! Police Officers, as a general rule, are not trained to handle animal complaints. The proposed ordinance placing the decision of deciding how to respond to an animal complaint with the police chief is taking a step backwards.

Our lesson to be learned from the death of George Floyd is that being proactive is so much better than reactive. Having the tools in place to educate and assist the public before a situation gets out of hand brings about a much better outcome for everyone involved. So, let us do this with our ordinance for Animal Control.

The Town of Brandon needs to be more proactive in this ordinance. The town has taken the steps to employ an Animal Control Officer (ACO), so why not give that position the tools to do the job well? First of all, the ACO needs to be certified in investigation as well as prevention. RCHS had an employee certified through this training. It gave RCHS tools to help with neglect and abuse cases that were properly documented and successfully brought to a conclusion through the Rutland County State's Attorney's office.) Second, the ACO must be allowed to make the decisions as to whether the complaint has merit; - not someone who may not understand animal welfare.

Additionally, the ACO needs to have a working relationship with the RCHS and representative(s) of the Department of Agriculture. The position needs to have the working tools necessary such as box traps, snares, Kevlar gloves, and holding cages. While Brandon FCAP has limited resources, we are happy to work with the ACO on cat cases. We should learn from the Hegarty case. There will be more like it in the future. Had we had a stronger ordinance in place, numerous animals would have avoided needless suffering or death. The police department was aware of the numerous animals on the property. But because the property was posted their hands were tied to ensure the welfare of the animals. Brandon FCAP spend

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

hundreds of dollars spaying/neutering and vaccinating the feral cats that migrated off that property over the last four years. The red flag had been raised years ago and was ignored.

I had several email correspondences between the Chief and Town Manager during the summer of 2019 regarding the barking dogs on the property as my house is just east of there on Arnold District Road. All the neighbors endured the relentless barking that started at dusk and went on until dawn. The Chief would go to the site or phone the Hegartys, but never got onto the property. It was because of my complaints that the town learned that the dogs were not licensed and that there is a state statute exempting working dogs from noise and other complaints. A trained ACO would know this.

Also, I encourage you to contact Beth Saradarian, Executive Director of RCHS. I believe your documentation indicates that RCHS is Brandon's impound area. RCHS is in the process of reaching out to all the communities in the county about the services it is able to provide. It is a good time for you to communicate with each other.

I appreciate your interest in this topic and again ask you to revisit the proposed ordinance and give the document the attention it deserves to serve the citizens and animals of Brandon. I have no doubt that the League of Cities and Towns can assist you with drafting a sound ordinance, or at minimum, provide you with examples of ordinances from around the state.

Thank you.

---

***Michael Shank Email of 7/14/20:***

On tone, I was reflecting back what I've heard from multiple sources. After researching and interviewing multiple corroborating sources, this is the story that's becoming clear. If this is not the case, and 13 VSA 354 is in fact being pursued or will be pursued to the fullest extent possible, we look forward to that correction.

On respecting the process, I'm a strong proponent of due process (and law and order, for that matter), which is why I am (and the parties involved are) very keen to see all relevant components of 13 VSA 354 pursued to the fullest extent possible. This is very much about utilizing the law for the purpose it was written.

On restitution, I'm heartened to hear that there's interest by the state in recouping the costs incurred by the parties involved. I don't think that goodwill donations will be sufficient to cover all the costs incurred (vet expenses, food, new fencing/housing costs) nor fair to place the financial burden on the community versus holding the offending party culpable for all animals per 13 VSA 354. We will certainly do all we can to campaign for funds for the multiple nonprofits that have received these animals, but this shouldn't be left to the community to cover costs. Especially when there's a law in place to do otherwise.

Thanks again for your response.

Upon further research, it appears the State of Vermont didn't do everything in its power to ensure there were liens on the animals seized in order to cover all expenses incurred (per VSA below), and that, in contrast, the sanctuaries taking the animals were apparently forced/rushed into responsibility for these costs within 4 days of the seizure.

My main question for you is this: Why wouldn't State of Vermont attorneys, in representing the interests of the state (and its tax-paying citizens), do everything in their power to ensure there were liens on each animal and that reasonable costs, including veterinary expenses, were covered for animals seized? It appears that the potentially bankruptcy-producing financial burden on the receiving non-profit sanctuaries could've been avoided had State of Vermont attorneys protected the public in this case.

I look forward to your response as to why this didn't happen and how it can be ameliorated.

Other data-related questions:

Is the state involved in following up with the animals?

Is there any tracking on the animals to see if they survived or died after taking them and if they died what was the cause?

How were the vets that were involved compensated?

Did they receive the monetary and physical support they needed to fully examine all of the animals in the 72hrs allotted by statute?

If so where and when did this take place?

13 VSA section 354:

*(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred.*

*(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses.*

Thanks so much for time and attention to these questions and I look forward to your thoughts.

On Tue, Jun 23, 2020 at 9:58 AM Michael Shank <[michael.john.shank@gmail.com](mailto:michael.john.shank@gmail.com)> wrote:  
During Brandon's Select Board meeting last night, we discussed the Vermont Statute below and I wanted to follow up with you to see how we can proceed w/ multiple claims given the multiple custodial caregivers throughout the town/state that have spent thousands of dollars (likely tens of thousands of dollars) caring for Hegarty's abused and neglected animals. Per below, Hegarty, once convicted, should owe multiple farms throughout the state. I'm one of those caregivers but I'm not emailing for personal compensation since my veterinarian and new fencing bills on 7 goats and 2 sheep from Hegarty's farm pales in comparison to what Kinder Way Farm Sanctuary and others have paid. (We should be able to calculate emotional expense/toll here, too, since some of these sick animals have died in our arms shortly after arrival, but I'll stick with the

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

quantifiable vet and housing expenses for now.) I look forward to hearing from you on how we begin to itemize and submit these claims so that Hegarty, once convicted, pays everyone who was responsible for caretaking. Thank you for your time and I look forward to your thoughts. - Michael

<https://legislature.vermont.gov/statutes/section/13/008/00354>

g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses.