

Brandon Select Board Hearing
May 23, 2022

NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.

Board Members In Attendance: Seth Hopkins, Brian Coolidge, Tim Guiles, Tracy Wyman

Others in Attendance: Dave Atherton, Marge Munger, Amy Menard, Tom Kilpeck, Patricia Welch,

Other In Attendance Via Zoom: Rebecca McKee, James Pawlaczyk, Richard Jamros, Bob Foley, A. J. Mendeola, Daphne Black, MaryJane Hall, Robin Shover

1. Call to order

Seth Hopkins opened the public hearing at 6:30PM to consider and act upon a complaint of a vicious dog. Mr. Hopkins noted the Board had not adopted specific rules relating to vicious dog hearings and offered the VLCT rules, noting they are in keeping with the Select Board's rules of procedure for hearings. All were agreeable to the VLCT rules. Mr. Hopkins noted a complaint was received for an occurrence on May 3rd in front of 6 Mt. Pleasant Drive. The Town Manager contacted the owner of the dog and the owner was on Zoom evening. The Board members disclosed that there were no conflicts of interest pertaining to this matter. Mr. Hopkins noted anyone giving testimony would be required to state that they agree to be sworn in. The complainant was then asked to provide oral testimony to the Board and was sworn in.

Marge Munger reported she sent a letter to Dave Atherton dated May 12th, along with a follow-up letter from Maria and Eric Holtz whose dog was attacked in July 2021. They had called the police department at that time, but they did not receive a response and they let it slide. As the Holtz were walking past 6 Mt. Pleasant Drive, a dog attacked their small dog and almost ripped its ear off. On May 3rd of this year, Ms. Munger was dog sitting for her cousin's chihuahua and were attacked in front of 2 Ormsbee Drive. The chihuahua was on a leash and they were on the side of the road and from behind the black pit bull charged and attached the chihuahua. Ms. Munger had been knocked to the ground. There was a tan vehicle that had been coming around the corner and the gentleman in the vehicle grabbed the dog and placed it in his car, helped her up, and then drove off. She stated the dog and she were bleeding and she walked home. She and her husband went to the Center Rutland Animal hospital as the chihuahua had puncture wounds to the head and left shoulder, but the dog will recover. She was advised to see a physician as she had received bites to her hand. Ms. Munger saw the physician at the Brandon Medical Center at 11AM. The attack had happened at 8:00AM. Ms. Munger called the Brandon Police and talked with Chief Kachajian who indicated he would look into the incident and returned her call later in the day. On May 4th, the owner of the dog came to her house, apologized, and brought her a plant. On the same day, James Pawlaczuk, friend of the dog's owner, called to apologize for knocking her down and indicated he would pay for the vet bill, which he paid on May 14th. Ms. Munger is still concerned this dog is still at 6 Mt. Pleasant Drive as the dog had also attached Richard Rouse's dog and Mr. Rouse got knocked down. Another dog was attacked in July 2021 and Ms. Munger felt the dog is a threat to the community and would like to see the dog removed from the area.

Mr. Hopkins invited the Select Board to ask questions of the complainant, if any. Tim Guiles questioned the number of times Ms. Munger had to see a doctor. Ms. Munger advised she went to the doctor twice as there was a follow-up to assure that there was no infection due to the incident. She noted that she is healing and her insurance will pay for the medical bills and she is not looking for remuneration from the owner for the medical bills.

Mr. Hopkins invited the owner of the dog to respond to the complaint and was sworn in.

Rebecca McKee advised she is the owner of the dog and is relatively new to the area. She adopted the dog in 2018 and Minnie been a part of their lives since then. They lived in Middlebury prior to moving to Brandon. Minnie was good for her children and was a comfort during her divorce. In Middlebury, Minnie had a few unplanned runs. In late spring of 2020, Ms. McKee took Minnie for a walk and was attacked by a neighbor dog. She has been nervous since then and she had sustained cuts and scrapes. Everything was resolved but she has been on the defensive since then. Ms. McKee purchased 6 Mt. Pleasant Drive in August 2020 and has been thankful for the space. Her closest neighbors have been helpful in retrieving Minnie when she has gotten loose. Ms. McKee apologized for the trauma but noted that Minnie is not out to hunt down humans or any other dogs. When the incident on May 3rd happened, Ms. McKee contacted

Passion4Paws to get the process going to find a happy space for Minnie and she is up for emergency foster care and they will keep her secure until they find a home. Ms. McKee makes sure of her whereabouts at all times. Minnie has never directly attacked a human and walks well on a leash. There are occasional barks at other dogs when they pass her house. She has good interactions with other dogs at the dog park. Ms. McKee noted they have had a good experience in Brandon and they appreciate their neighbors and appreciates Robin at Passion4Paws. She is truly sorry for what happened and she has had discussion with a trainer in Middlebury and they think that Minnie would work well with another family. Ms. McKee noted she will do everything that she can to assure that the dog is safe.

Tim Guiles thanked Ms. McKee for making the statement and noted it will help the process proceed productively. Seth Hopkins asked if the intention is to find a new home for the dog and Ms. McKee confirmed that this is what is best for Minnie and for the neighborhood. Ms. McKee advised everything is secured at the home and Minnie is secured when walking.

Marge Munger stated Richard Rouse indicated when the pit bull went after his dog that Ms. McKee had the dog on a leash and the dog still got after Richard's dog and noted if there is not control when the dog is on a leash, she is concerned about the many people that walk or jog in Mt. Pleasant. She stated if a child is carrying a small stuffed animal, there could be an issue. Ms. Munger noted the dog has attacked three dogs that she is aware of. She realizes that they love their dog, but she would not want to put other people in danger. Seth Hopkins asked if the dog could be confined with fencing or a crate. Becky McKee stated the incident that Ms. Munger was speaking of is not accurate as Minnie was not on a leash, but she refrained from any further comment as that citation is being contested. James Pawlaczyk, speaking on behalf of Ms. McKee stated he was the person that helped Ms. Munger up and noted the discussion should be about the incident that happened and no other incidents. He apologized that Minnie got out. Mr. Pawlaczyk helped Ms. Munger and did not see any bites at that time. He did see Ms. Munger in her home and noted the marks on her hand. He stated the other items are hearsay as far as coming from someone else and the hearing is for the incident that happened with Ms. Munger. Seth Hopkins stated there is a direct statement from the July 3, 2021, incident and noted it is fair to speak about that as long as it comes from them personally.

Mr. Hopkins read the following letter dated 5/16/22 from Maria Zucca Holtz & Eric Holtz, Jr. of 9 N. Conant Drive:

"On the morning of July 3, 2021, we were walking with our two dogs (on leashes) down Mt. Pleasant Dr. As we approached the red house at 6 Mt. Pleasant Dr. the black dog that we knew to live there, came bursting out of the front door and charged toward us. The dog in question went straight for our small dog (Brute) and grabbed him around the neck. A person, who we found out later was the owner's father, came out after the dog and tried to help as we attempted to break up the fight. The dog would not listen to commands and continued to attack until Brute was able to free himself. Even as he did this, the dog tried again to go after Brute and continue the attack. During the scuffle, our dog was injured and we had to rush him to the emergency vet where he needed immediate surgery as one of his ears was shredded; the result was that he lost half that ear.

We were able to contact the person who was at the house (the owner's father) who did express concern and remorse about the attack and did in fact reimburse us for the cost of the vet bill. We have never heard anything from the owner regarding this incident. In the months since this occurred, we have witnessed, on multiple occasions, the owner out walking with this dog and having to take the dog far off the road and wait if anyone passes with another dog due to her dog's barking, pulling, and overall aggressive behavior."

A.J. Mendeola advised that Minnie got out of her house when Becky's father was taking care of her and confronted his dog who got his paw torn up. The gentleman said they would pay the vet bill. Mr. Mendeola asked Ms. McKee to keep Minnie confined.

Trish Welch stated she walks with her granddaughters in Mt. Pleasant. She asked if the dog is licensed and up to date on rabies and noted concern that they may be passing this problem on to another neighborhood. One does not expect a dog to get out and it may get out again by mistake. Seth Hopkins reported the dog is current on the rabies shots. Ms. Munger stated the last time it was licensed was in 2020 in Middlebury. Mr. Hopkins questioned the licensing status and Ms. McKee noted that Minnie is now licensed in Brandon. Ms. Munger checked with the Town Clerk and noted the dog was not registered in Brandon until May 3rd.

MaryJane Hall noted she is Ms. McKee's direct neighbor and has two young children. She stated her children interact with Minne and at times when Minnie has gotten out, they would bring her back to their house when Ms. McKee was not at home with no incidents. Ms. McKee is trying hard to find a new home that would be a good fit for Minnie. Currently, her windows are always shut and locked to confine Minnie to assure that she will not get out.

Robin Shover of Passion4Paws stated they are a dog rescue who is working closely with Ms. McKee. Ms. Shover met with Ms. McKee, Minnie and her family for a potential meet and greet. Ms. McKee will be surrendering Minnie to the Rescue and they screen every applicant before rehoming. They are very educated and have a trainer on board and will be providing the new household with training. They are committed to finding Minnie a home outside of this community and in assessing Minnie noted that she has a very strong drive to run. Ms. Shover has seen a lot of other situations with intended aggressions and she does not see this with Minnie. It is the intention to get her into an experienced home and provide crate training so that she is properly trained. They work with the Rutland vets, state and community police and they have been in business for 8 years. Mr. Guiles asked if they have capacity and Ms. Shover advised they are looking for a foster home as they do not house dogs.

Seth Hopkins asked if there are any final comments. Ms. Munger stated there is a pattern that this dog seems to go after dogs when it gets loose that puts the other dogs and their owners in danger. Ms. Munger noted she provided a signed statement by Mr. Rouse to the Police Department.

A.J. Mendeola suggested taking Minnie to a no-kill shelter and asked what is going to be done to assure that Minnie cannot get out. He noted they treat their dogs like family members. Ms. Shover stated when Minnie is running loose that is when the incidents have happened. She noted a dog on a leash and dog off a leash is not the proper introduction. She reiterated Minnie is not an aggressive dog. Mr. Mendeola noted it was just Minnie and their dog, Duke, in their confrontation and Minnie came into their yard. Ms. Shover noted this was still an improper engagement.

James Pawlaczyk noted he had been neglectful in letting Minnie get out. He also noted that due to the traffic in the development, people are more likely to get hit by a car than bit by a dog.

Bob Foley asked if the animal control officer is present. Mr. Hopkins advised he was not present but did file a report. James Pawlaczyk stated this incident had been settled and asked why this is being brought up again. Mr. Hopkins stated with the animal control officer filing a report, which indicates he issued a citation. Mr. Hopkins advised that if a pet bites without provocation, for the protection of people that the domestic pet be muzzled, chained, or confined.

Seth Hopkins noted the Board has two options of either conducting a public or private session and then respond to the owner. It was the consensus of the Board to discuss during open session. Tim Guiles would like to see a way to confirm the dog will be properly contained until it is rehomed. Mr. Hopkins did not think Ms. McKee has displayed and demonstrated understanding of the situation and what the community needs. As an end result, he would like to see the dog turned over to Passion4 Paws and be confined until that time to the interior of the home. Brian Coolidge would like to see the dog removed from Town as he does not think the dog should be around for safety reasons. Tracy Wyman asked if there is a facility that can take the dog until it is rehomed as he did not think it needed to stay in Brandon. Ms. Shover stated she should have a place for Minnie by the end of the week and Minnie should be able to be on a leash and not leave her property. She stated the issues have happened when she has gotten out. They work with other Rescues and the Rutland and Middlebury vets, but the Humane Society is its own entity. Tracy Wyman would be okay with rehoming by Wednesday and Mr. Coolidge agreed. Tim Guiles asked as a back-up, the Board could require the animal be brought to the Humane Society if not rehomed by that time. Mr. Pawlaczyk stated Ms. McKee has done everything they could, but they do not have money to build a fence. They did try to muzzle Minnie but she could not keep it on. Ms. Shover stated background checks need to be done and she is already in conversation with people and is committed to the process. This is top priority but she has tasks in between and is asking for Thursday at the latest. All were in agreement with a Thursday deadline with the dog to be kept inside and only out on a leash, remaining on its property. If the dog was not rehomed by Thursday, the animal control officer will take possession of the animal. The Town Manager will be notified when Passion4Paws takes ownership of the dog.

Motion by Seth Hopkins/Tracy Wyman that Rebecca McKee's dog Minne is to be turned over to Passion4Paws no later than Thursday, and until Thursday the dog will be confined to the owner's house and able to go out on a leash on their property. **The motion passed unanimously.**

The hearing closed at 7:26PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary