JOHNSON SELECTBOARD VICIOUS DOG HEARING MINUTES

JOHNSON MUNICIPAL BUILDING

## MONDAY, OCTOBER 2, 2017

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood

Others: Brian Story, Robert Wood, Kim Wood, Tracy Myers

Eric called the meeting to order at 6:01. He read the hearing notice. This proceeding involves a vicious dog complaint submitted by Justin Keenan and received by the selectboard on 9/25/2017. On 9/26/2017 public notice of this vicious dog hearing was posted in or near the town clerk's office, Sterling Market, and the public library, and to each selectboard member, and all interested parties. On 9/26/2017, notice of this vicious dog hearing was mailed to Robert Wood, owner/keeper of Chevy. On 9/26/2017, notice of this vicious dog hearing was provided to Justin Keenan.

Eric explained the quasi-judicial format of the hearing. The board will hear testimony. The dog’s owners can provide evidence. The board has a statement from Justin Keenan. The board can ask questions. The board will go into deliberations and send out a written statement of findings.

Eric swore in Robert and Kim Wood.

Eric said Mr. Keenan was not able to be here tonight but the board has his statement. He gave the Woods an opportunity to make statements, noting that this board has the authority to take no action, impose restrictions, or order the dog destroyed.

Robert Wood said he and his wife just moved back to Johnson. They are moving into a camper and will start building a house. They are staying at his brother’s. His daughter lives on his property and was taking care of the dogs. The dogs were stressed out due to the situation. He and his wife went to their property one day to work on the camper and he let the dogs out and went inside. A UPS truck came up the driveway. The dogs started barking and Robert came out. The driver pulled over and started to back up and the dogs ran to his door. They were barking but he didn’t see signs of them being really aggressive. His granddaughter was out there. He thinks his dog was being protective. The dog was on his own property. The dog was hit in the head with the truck door. When the driver kicked the dog he got bitten. Robert and Kim offered to take the driver to the hospital or get him bandages or whatever he needed. They put the dog back in the house. They did all that Sharon asked them to do. They are making sure the dog is tied up now and they are putting up a kennel for him. He doesn’t think his dog is vicious. He was protecting his home and the grandchildren. He won’t be off a chain or out of the kennel. He did bite someone on the Woods’ property. He can’t deny that. They have only had a problem with the dog when someone comes into the yard unannounced. It happened once before. He doesn’t want to see his dog put down. He can keep him contained so it won’t happen again.

Kim said she doesn’t think the dog is vicious. He was hit in the head. Her 4 year old granddaughter was out there. The dogs are very protective of the grandchildren. The kids can climb all over the dogs, pull their ears, etc. and have never gotten a scratch. They are not vicious dogs.

Eric asked if Robert could describe the kennel. Robert said it is a 10 ft. by 10 ft. enclosure by the back of the camper with a dog door to go in and out from the camper. Eric asked what material it is made of. Robert said chain link panels that are 10 ft. wide and 8 ft. high.

Doug asked if the driver was ever outside his vehicle. Robert said no. He got bitten when he tried to kick the dogs while closing the passenger door but he was not completely outside his vehicle and the dog wasn’t completely inside the vehicle.

Doug asked why the dog would be on the passenger side. Robert said he went to the driver’s side and was hit on the head with the door, then the dogs ran to the passenger side. Both doors were open. And his granddaughter was there.

Tracy Myers arrived at 6:12 and was sworn in.

Mike asked if Robert had read Justin Keenan’s statement. Robert said yes. Mike said it looks like the dog got its head shut in the door because the driver thought the dog was coming in. Mike noted that Keenan said in his statement that Robert was saying, “Shut the door, shut the door.” Robert said yes, he was. Mike said Keenan is alleging that it was obvious Robert knew the dog might give him trouble. Robert said yes; he had just seen the dog get hit in the head by the door and run around to the other side. Mike said Keenan also mentioned that Robert tried to subdue the dog but the dog turned on him. Robert and Kim said that is not true. Robert said he grabbed the dog and pulled him away as soon as he got over there. He sat him down and then took him into the camper. Mike asked, so Keenan’s statement is all truthful except for that sentence? Robert said yes. He wouldn’t say his dogs were vicious at first. He would have shut both doors before driving up the driveway himself.

Nat asked, the UPS truck door slides shut? Robert said yes.

Doug said Robert distinguished between people who arrive unannounced and family. Is there any problem in his mind? What would he expect to happen when people arrive unannounced? Robert said he doesn’t get a lot of unannounced people. Last Saturday someone pulled in and Chevrolet was outside on his leash. The visitor tooted his horn. He would think someone would do that to announce themselves. Kim said every dog is protective in their own way. Most dogs would bark.

Eric asked Tracy for her testimony. Tracy said when she and Sharon went up there they wouldn’t get out of the car until they knew the dogs were away because it had been the second time the dog bit someone. The dogs were inside. They didn’t see them. She understands the point about the dogs being protective but she believes you have to have control if your dog is going to run loose. She and Sharon discussed with the owners that in the past the dog was protecting the kids. She gets it. She knows Sharon put the dog on a 10-day quarantine and it was fine. Tracy told the owner to get the dogs licensed with the town and as far as she knows he did.

Eric asked, prior to the bite the dogs had had rabies shots? Tracy said there was a problem with getting the records because the vet had gone out of business. But the town had copies of the records which showed the dogs were still covered for rabies for another year.

Eric asked if we have records of the first bite. Tracy said it was Sharon who dealt with it. She isn’t sure of the details. Eric asked how long ago that was. Robert said a couple of years.

Nat asked, are these the only two times the dog has bitten someone? Robert and Kim said yes.

Nat asked whether the Woods’ address is 1528 or 1530. Robert said he owns both those properties. Nat asked who UPS was delivering to. Robert said to his daughter. Nat asked, the UPS truck was parked on Robert’s property? Robert said yes.

Doug said the report on the April 2015 bite says Kim Wood is the owner. He asked if both Kim and Robert own the dog. They said yes.

Eric asked if Chevy also bit someone named Carolyn Earle in 2011. Or is that a different dog? Robert said that is a different dog. Eric asked if that dog was named Chevy as well. Robert said no; Chevy has only had 2 bites. A tenant of his had a dog who bit someone but that wasn’t his dog. Eric said the report shows Robert as the owner. Mike said the report says that the dog is Chevy so the bite being discussed tonight looks like the dog’s third offense. Robert said the 2011 bite was by his tenant’s dog, not Chevy.

Eric said the other bites were never brought to the board level.

Tracy said she knows Robert is trying to take preventive steps to prevent another bite from happening. Whether that is enough is up to the board. There will obviously be concern no matter what.

Eric said the board would enter into deliberations and send written findings to the Woods. Robert, Kim and Tracy left. The board entered into deliberations at 6:26. Kyle arrived during deliberations and joined the board. The board came out of deliberations at 6:58 and the hearing was adjourned.

*Minutes submitted by Donna Griffiths*