

JOHNSON SELECTBOARD
VICIOUS DOG HEARING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, AUGUST 2, 2018

Present:

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

Note: All votes taken are unanimous unless otherwise noted.

The hearing began at 7:08.

Brian said the town received a notice of a dog bite from Copley Hospital. Tracy Myers and Sharon Duffy investigated. The bite happened at 77 Railroad Street, Joanne Jewett's home. A dog named Axle, owned by Angela Wescom, bit a child. The child and his father were visiting the area and staying with Joanne. Angela was also staying at the home. The dog bit the child on the face. He was taken to the hospital, where he got 2 stitches. The dog is being held for observation. When Tracy went to investigate she was able to talk to Angela and she got information from the child and the father. The father indicated he wanted to file a formal complaint as he believed the dog was vicious. Angela told Tracy she arrived home from work and let the dog out of its cage. The dog was over-excited, the child was trying to interact with the dog and the dog bit the child a couple of times. Pictures were included as part of the packet of information for the board. Angela relocated the dog to her parents' place. Tracy established that the dog had rabies shots. It is now quarantined at Angela's parents' place for a 10 day observation period. The dog was not registered with the town. The sheriff's department was informed of the bite by Copley. They contacted Tracy and received basically the same report we did. Brian spoke to the deputy who received the call and followed up on it. The father and son were visiting from out of the country and Brian doesn't believe they are still here, but the father filed a formal complaint and wanted the board to hold a hearing.

Nat asked if Angela was served with a fine for not registering the dog. Brian said he doesn't believe so. Nat asked if she has registered the dog yet. Brian said no.

Kyle asked how long Angela has had the dog. Brian said he believes several years.

Doug asked if this is the first incident with this dog. Brian said it is the first time this dog has bitten someone.

Angela called in at 7:15. Eric explained the hearing process to her and swore her in. He asked if she had seen the evidence presented to the board. She said no. She said nothing was sent to her. Brian said a letter was sent first class and another registered letter was sent. Angela said she doesn't have a key to the mailbox for the address where she is staying. She has only been living there about two weeks. Eric said what was sent was a notice of the hearing and a letter from the constable identifying the date of the incident and the victim, the victim's parents and the dog owner.

Angela said she is not the owner of the dog. Her 19 year old son, Joshua Mason, is the owner. He does not live with her.

Eric summarized the description of the incident the board had heard. He gave Angela the opportunity to provide testimony.

Angela said she came home from work. She had only recently moved from where the dog had lived since he was a year old. The dog was put in a kennel as the child was visiting. He is not used to that. Her daughter lets him out twice a day but except for that he had been in the kennel all day. She asked the child three times to leave her room. She thought he had left and she checked her phone. But he must have come back. The bites happened before she could grab the dog. She feels terrible for the child and for the dog. The dog was excited. She believes he had felt punished by being put in the kennel while the child was visiting. It was a high stress situation with the child there. She doesn't believe the dog would go out of his way to hurt someone. It was a protective thing. He has protected her in the past. He is a German shepherd. She didn't believe there was anything to worry about when she turned her back because she believed the child had left.

Eric asked if it is correct that the dog had rabies shots but was not registered with the town. Angela said he will be registered. Her son was planning to get him fixed and register him. They had just moved into town from an outlying area. They had just gotten all his shots and were on the way to registering him.

Eric said the constable's report said the dog was a pit bull. Angela said the dog is a German shepherd, not a pit bull.

Doug asked how old the child is. Angela said he is 10. Doug asked if he is in school. Angela said he lives in England. She is sure he must be in school but she doesn't know the English system.

Eric asked if the father and child have left the country. Angela said no; she believes they leave August 7.

Nat asked if Axle has ever bitten anyone else. Angela said no. Nat asked if he has demonstrated aggression to anyone else. Angela said no.

Kyle asked in what way Axle has protected her in the past. Angela said he has given a "leave me alone" message. Kyle asked, by growling or barking? Angela said yes.

Doug asked in what circumstances he would bark or growl. Angela said when there was violence.

Eric asked if it was when he was threatened or when Angela was threatened. Angela said both. She was abused by someone and the dog tried to protect her.

Eric asked if he is also protective of her son. Angela said no, only her, because she was abused.

Nat asked if Angela lives with Joanne. Angela said yes. She actually lives with Joanne's mother, Jeanne. It is the mother's apartment, not Joanne's.

Eric said the board will deliberate and provide a written notice of its decision. Angela gave a mailing address to send the notice to. Doug asked if that is her address or her son's. Angela said it is her son's address and it is also the address she is temporarily having her mail sent to. Eric said now that we know Josh is the owner we should send all notices to him.

Angela said she hopes the dog is not punished. She doesn't believe he is vicious. She feels terrible about the child but the dog was under stress and did not mean to be vicious. She hopes the board takes that into consideration. She believes the bite was very minimal.

Brian got Joshua Mason's phone number from Angela.

The hearing ended at 7:36.

At 8:15 the board began deliberations. Doug said he believes it would be appropriate to ascertain the true ownership of the dog. That is unclear to him.

Eric commented that there is a big difference between a pit bull and a German shepherd.

Kyle said she feels the child in the picture looks younger than 10 years old. She feels there were a lot of contradictions in the testimony.

Nat moved to go into executive session for deliberations on the vicious dog hearing, Doug seconded, the motion was passed and the board entered executive session at 8:16. The board consented out of deliberations at 8:40.

Doug moved to adjourn the hearing until 6:00 pm on August 7, 2018, Mike seconded and the motion was passed.

Brian will take the lead on getting the additional information the board requested. If he ascertains the dog belongs to Angela's son he will provide notice to him.

Minutes submitted by Donna Griffiths