

JOHNSON SELECTBOARD
VICIOUS DOG HEARING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, AUGUST 7, 2018

Present:

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

Note: All votes taken are unanimous unless otherwise noted.

The hearing began at 6:02.

Eric swore in Tracy Myers. He asked if she had any other witnesses. She said no; Sharon Duffy is out of town.

Eric said the board had previously had a hearing regarding the dog Axle and had some questions. The constable's report identified the dog as a pit bull. Angela Wescom called it a German shepherd in her testimony. The rabies certificate identifies it as a mixed breed and Angela's roommate identified it as a mixed German shepherd-pit bull. So that question is cleared up.

Another question the board had was who the owner of the dog was. They had no definitive proof. They were led to believe it was Angela but she indicated it was her son Josh's dog. The board has since received the rabies certificate. It is the only piece of evidence they have and it identifies the owner as Angela. Lacking any evidence to the contrary, the board will be considering Angela the owner.

Eric said he would like Tracy to explain how she came to know about the issue and what happened after that, but first he asked if the dog has been registered yet. Tracy said no. Eric asked if there are any outstanding tickets against the dog. Tracy said no. She and Tracy have attempted to give Angela tickets multiple time and they can't figure out why they keep getting sent back.

Tracy said Copley Hospital called to report the dog bite. She and Sharon went to speak to Angela but she wasn't there. She had taken the dog and left. They went to the hospital to talk to the child's parents. Tracy got some pictures of the bite. The mother said Angela got home and let the dog out of its kennel, the child went to say hi to Angela and the dog bit the child unprovoked. When they found Angela she said she had taken the dog to her father's. She was very argumentative and said the dog was not hers. Tracy and Sharon told her they would file a report. They asked for proof of rabies immunization. They asked for proof of licensing and Angela told them they can't enforce the licensing requirement because she never gets the tickets. She said the dog wasn't hers anymore and from now on it was going to be at her father's house and was not allowed where she is living. Tracy explained the quarantine process to her. The dog must be watched for 10 days and checked after 10 days. During that time it must be constantly on leash and not out of anyone's sight. Angela said she would comply with those requirements and that the constables did not need to see the dog. She was told she should license her dog.

Eric asked if Tracy is aware of that dog ever biting anyone else. Tracy said she doesn't think it has ever bitten anyone. She would suggest that it not be around kids. It obviously doesn't deal with kids well. As far as she knows it is okay around adults and other dogs. She would be nervous about a kid coming up to it outside when Angela was walking it because kids and dogs are so unpredictable. Since she and Sharon met with Angela, Angela won't respond to them.

Doug asked if she knows the age of the child. Tracy said around 9. Brian said the child's mother says he is 10.

Doug asked what Tracy's prior experience with this dog is. Tracy said she has seen it a few times. Angela will not allow her and Sharon to see the dog or even talk to her most of the time. She has threatened them. Mike asked what kind of threat. Tracy said she threatens physical harm at times. She threatens to damage their property. Tracy deals with her more than Sharon because Sharon is related to her.

Doug said Angela testified that Axle is essentially her personal protector and has protected her multiple times against assaults. Tracy said she doesn't know about that. If it isn't Angela's dog, how is it her protector when her son doesn't even live in the same place she does?

Doug asked if Tracy saw the dog. Tracy said no; it was gone. Angela is not allowing them to see the dog. Eric asked, they haven't seen it since it was moved to her father's? Tracy said it may not even be there. She and Sharon haven't been able to see it. They found out it was at her father's and when they went there they were told it wasn't there.

Eric said it was the board's understanding that the dog would be at Angela's parents' place to be observed. Tracy said that was her understanding too, but she has yet to see it there. Eric said they deny it's there, so we don't even know if it's been observed. Tracy said she has never seen the dog. When a dog bites someone she and Sharon usually want to see how it reacts to them. Eric said the dog is supposed to be observed for 10 days to make sure it doesn't have rabies, but we can't see it or know that it's being observed; we don't even know where it is. Sharon hasn't seen it? Tracy said, not to the best of her knowledge.

Doug asked if Sharon and Tracy have attempted to see the dog at Angela's parents' house since the bite. Tracy said they ask Angela where the dog is and she says it is none of their business. She refuses to tell them. Doug asked if they have been to the parents' house. Tracy said Angela's parents live right next door to Sharon's parents. Sharon has been over there, as far as she knows. She hasn't told Tracy she has seen the dog. To the best of Tracy's knowledge, she has not been able to see the dog.

Doug asked if the rabies certificate is officially in evidence at this point. Eric said yes. Tracy said the rabies shot was given 10 days before the dog bit the child. Kyle asked how long it takes a rabies shot to kick in. Is it effective immediately? Tracy said when she worked at a hospital as long as a dog had had a rabies shot it was considered protected, no matter when the shot was given. This rabies certificate is only good for a year which means it is the first time this dog had a rabies shot. After the second shot the certificate is good for 3 years. Angela has another dog which had a rabies shot on the same day but has never been licensed either.

Tracy said she and Sharon don't know where to go with this anymore. They have done all they can do other than have a police officer go there. But the tickets get returned and they don't know why. They have them notarized and they keep getting returned. They need to give Angela another ticket but a problem they have is that they both work when the town office is open, which makes it hard to get a ticket notarized. If it is not notarized it will get kicked back. If the ticket isn't handed to the person it will get kicked back. They are trying to figure out the problem so they can get a ticket processed.

Nat asked if the sheriff's department can issue a citation. Brian said the sheriff's department doesn't want to get involved in local citations if they can help it, but he thinks if we reached out to them they would be willing to help with this one.

Eric asked if anyone at the sheriff's department can notarize things. Rosemary said they must have someone there who can do that. Tracy said she can ask them about it.

Eric asked if Tracy had any other pertinent information. Tracy said not that she knows of. She has not been able to assess the dog.

Mike moved to go into executive session for deliberations, Doug seconded, the motion was passed and the board went into executive session at 6:22. The board came out of executive session and adjourned at 6:54.

Minutes submitted by Donna Griffiths