

DRAFT  
Town of Panton  
Vicious Dog Hearing  
July 12, 2016 - 5:30 P.M.

In Attendance:

Select Board:

Howard Hall

Beth Tarallo, Chair

Administration:

Jean Miller, Clerk

Eben Markowski, Dog Warden

David Ploof, Health Officer

Guests:

Jeannemarie Calfee

Alan Calfee

Alysha Curtis

Kim Curtis

B Tarallo called the meeting to order at 5:30 P.M. She read the notice of the hearing.

Review Draft Rules of Procedure – The draft rules of procedures were from VLCT. Three changes were made to the draft rules of procedure; one under C. Procedures. 3. b. Read the complaint received (or provide summation of facts), o. number of days (14) and last sentence rules can be amended by (Majority).

**H Hall made a motion to adopt the Rules of Procedure for Selectboard Vicious Dog/Wolf-Hybrid Hearings with the proposed changes. B Tarallo 2<sup>nd</sup>. All approved.**

Presentation of Facts – B Tarallo summarized the complaint. It was stated that the Selectboard did not have any conflict of interest regarding this hearing. B Tarallo had everyone that was going to present evidence take an Oath.

The Complaint Ent gave the SB 5 photos (2 from May 30, 1 from May 31 and 2 from June 1) now marked as Exhibits.

Jeannemarie Calfee reiterated the events of the incident and what she did in the next few days following the incident.

Alan Calfee pointed out details in the photos that had been submitted as evidence and how the next few days in their (Jeannemarie and Alan) lives had gone, by being given conflicting reports and the trauma that they were going through.

Jeannemarie was asked if she was moving or stopped when the bite occurred. She said that she could not answer the question honestly. She did not know.

Defendant was asked to present their evidence. Kim Curtis was watching what transpired with a spotting scope from where she lived. She stated she did not see the actual bite take place, but knew something was wrong by the way people behaved and their mannerisms. Kim's husband (Tim) walked across the field with the dogs and then told Kim what had happened. Kim stated that Alysha's dog (Lily) was in her custody (Kim's) and that she was responsible, not Alysha. Kim had submitted a written report to the SB that was taken into evidence and marked as another exhibit.

Question were asked of Alysha regarding Lily: When Lily's last full exam was? Alysha stated when Lily was revaccinated on June 10, 2016. The vet said Lily looked very health. Has Lily had been attacked by any other animal recently?

Answered no. Has Lily been altered (spaded)? Answer yes. Has Lily's demeanor had changed recently. Answer no. Is Lily kept tied up? Answer no. Does Lily like to chase things? Yes, squirrels, tires (such as tires on 4-wheeler). Does she chase cars/bikes that kind of stuff? Answer yes she has. We lived on a dead-end road with fishing access at the end and Lily has chased the cars and bikes that go down the road but has never jumped on the cars or bitten anyone or had an incident like this before. So, no previous bite incidents with people, animals or their dogs? No never.

B Tarallo asked if anyone else had any evidence that they wanted to submit at this time and stated that the dog warden, E Markowski and submitted a note to the SB and that would be included as evidence. D Ploof, Health Officer had supplied the bite incident report which contained J Calfee's complaint (as victim) and E Markowski's report (Dog Warden) to the SB which will also be included in the evidence. Health Office stated that Lily needed to be revaccination for rabies January 2016.

B Tarallo asked if anyone else had any evidence that they wanted to submit at this time and stated that the dog warden, E Markowski and submitted a note to the SB and that would be included as evidence. D Ploof, Health Officer had supplied the bite incident report which contained J Calfee's complaint (as victim) and E Markowski's report (Dog Warden) to the SB which will also be included in the evidence. Health Office stated that Lily needed to be revaccination for rabies January 2016.

What the SB is ruling on is if this was a provoked attack or not? And if this is not a provoked attach they can issue a protective order. A protective order is issued to the owner and states what steps have to be followed with the dog, such as muzzling, chaining, dog classes and there have been instances when a dog has had to be put down (these are some

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limited examples). The SB's ruling only has jurisdiction in Panton. They can hand out their decision to another Town but it is up to that Town whether they agree with the ruling and enforce it or challenge it.

**H Hall made a motion to go into Deliberative Session at 6:13 P.M. B Tarallo 2<sup>nd</sup>. All approved.**

**B Tarallo made a motion to exit Deliberative Session at 6:29 P.M. H Hall 2<sup>nd</sup>. All approved.**

B Tarallo will write up the decision arrived at in the deliberative session and send it to J Calfee and A Curtis within the 14 day period.

**B Tarallo motion to adjourn at 6:30 P.M. H Hall 2<sup>nd</sup>. All approved.**

Respectfully submitted,

Jean Miller, Clerk