

TOWN OF ELMORE, VT

Special Select Board Meeting

Meeting Minutes – prepared by G. Schwartz
Status: Draft

Meeting Date: September 20, 2018

Start Time: 4:32 pm Adjourn: 5:20pm

Meeting Attendees: See Attached List

A. Special Topic:

1. Discussion: Hayford Road Dog Complaints

- a) C. Devore began the meeting by stating that this meeting is for information only and is not a hearing.
- b) Ken Haggett stated that in the past 2+ years he has received 3 complaints. Ken notified the dog owners (Steve and Kate Gutierrez) several times that they were in violation of the Town ordinance. Ken stated that the owners have agreed numerous times to extend their fence, muzzle the dogs and will not walk them on Hayford Road. The residence of Hayford Road stated that the dog owners have not complied.
- c) Residents of Hayford road stated that within the past few weeks Jane Oliphant has been bitten and the dogs have been chasing cars and motorcycles down the road. They stated that they do not feel safe and are living in fear.
- d) Jane Oliphant filed a dog bite report when the incident occurred on August 29th. However, this report did not constitute a formal complaint.
- e) A copy of the Vermont Statute Title 20 Chapter 193: Domestic Pet or Wolf-hybrid Control was distributed to all in attendance. (copy attached)
- f) Jane Oliphant was advised by the Selectboard that, if she wants a hearing to be held on this issue, she is required to provide a written notice to the Select Board in accordance with the Vermont Statute. The Selectboard will then schedule a hearing within 7 days from receipt of the notice.

B. EXECUTIVE OR DELIBERATIVE SESSION AS NEEDED

The Select Board voted to enter Executive Session at 5:20 pm
No Minutes were taken during this session
Executive Session ended at 5:35pm

Name

Affiliation

Glenn Schwartz	Elmore Select Board
Robb Wills	Select Board
Jan Robertson	Neighbor (nearest)
Jean Donovan	neighbor
Kent Swan	Neighbor
Vane Olyphant	neighbor
Len Plant	Neighbor
Ken Hagggett	A.C.O.
Ruben Bejamen	NEIGHBOR
Steve ANASBKER	GUEST
Caroline Duhr	SB
Tom Waldman	neighbor

The Vermont Statutes Online

Title 20 : Internal Security And Public Safety

Chapter 193 : Domestic Pet Or Wolf-hybrid Control

Subchapter 001 : General Provisions

(Cite as: 20 V.S.A. § 3546)

§ 3546. Investigation of vicious domestic pets or wolf-hybrids; order

(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (b) of this section.

(b) The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

(c) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in section 3550 of this chapter.

(d) The procedures provided in this section shall apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of subchapter 5 of this chapter and the rules of the department of health shall apply.

(e) The procedures provided in this section shall not apply if the voters of a municipality, at a special or annual meeting duly warned for the purpose, have authorized the legislative body of the municipality to regulate domestic pets or wolf-hybrids by ordinances that are inconsistent with this section, in which case those ordinances shall apply. (Amended 1977, No. 215 (Adj. Sess.), § 2, eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 4, eff. June 15, 1994; 2007, No. 121 (Adj. Sess.), § 15.)