



**Town of Whitingham
Office of the Selectboard**

**MINUTES OF JULY 3, 2019
POTENTIALLY VICIOUS DOG HEARING**

These Minutes shall be accepted into the public record (with any corrections noted) at a future meeting of the Whitingham Selectboard.

The Whitingham Selectboard held a potentially vicious dog hearing on Wednesday, July 3, 2019 at 6:00pm in the Selectboard Office of the Municipal Center, 2948 VT Route 100, Jacksonville, VT.

Selectboard members present: Vice Chair, Wayne Wood; Members, Wayne Corse and Craig Hammer.

Others present: Gig Zboray, Selectboard Administrative Assistant; Dan Hollister, Animal Control Officer; Elizabeth Moseley, bite victim; Dave Moseley, resident; Linda Donaghue, Deerfield Valley News.

Call to Order. Additions or Changes to Agenda.

Wayne Wood called the meeting to order at 6:00pm. There were no changes or additions to the agenda.

Vicious Dog Hearing

Pursuant to Title 20, Section 3546 of Vermont law the Selectboard held a potentially vicious dog hearing. Vice Chair, Wayne Wood opened the hearing at 6:00pm by reading the warning/notice of hearing.

Elizabeth Moseley and Dan Hollister agreed to the oath and understood the procedure of the hearing.

Elizabeth Moseley's written complaint was distributed to all in attendance and she was then asked if she had anything more to add. She noted that Justin Purinton had told her that he visits the house only once per year. Mrs. Moseley went to Brattleboro Emergency Room; she received a tetanus shot and antibiotics. The wound is very painful, she had to miss a family event in Pennsylvania due to the pain. She requested that the dog not be allowed in town and/or also that the neighborhood be notified when the dog is in town. Mrs. Moseley noted after being questioned that Mr. Purinton has provided her with insurance information to cover the cost of the Emergency Room and a follow up doctor visit. Mr. Moseley added that the incident happened so fast that there was no way to ward off the dog.

Wayne Wood asked Dan Hollister, ACO if he had anything to add. Mr. Hollister agreed that Mr. Purinton has been very above board, the dog does have a current rabies vaccination

certificate. There is no record of Bear being in any prior incidents in Greenfield. Mr. Hollister could not find proof of the dog being registered in Greenfield.

Wayne Wood acknowledged a letter received from James Walker, resident of Stimpson Hill Road, expressing his fear for his four children, his wife, himself and others in the area.

Wayne Corse made a motion to go into deliberations in open session, seconded by Craig Hammer, all in favor.

The Selectboard found that Bear was not on a leash at the time of the incident nor was he under the owner's control.

The Selectboard found that Bear was "running at large" which is a violation of the Whitingham Animal Control Ordinance (Section 4-2) which is defined as "not on the premises of the owner or the property of another with that person's permission and not restrained or under the direct verbal or non-verbal control of the owner; not hunting with the owner; or in a vehicle" (Section 3-7 Whitingham Domestic Pet/Animal Control Ordinance). The fine for first offense running at large is \$50 with a waiver amount of \$35.

The Selectboard found that Bear is a "potentially vicious dog" which is a violation of the Whitingham Animal Control Ordinance (Section 4-6). The fine for first offense potentially vicious dog is \$100 with a waiver amount of \$50.

A motion was made by Wayne Corse to order Dan Hollister, Animal Control Officer, to issue a citation to Justin Purinton for the offense of Running at Large, seconded by Craig Hammer, all in favor.

A motion was made by Craig Hammer to order Dan Hollister, Animal Control Officer, to issue a citation to Justin Purinton for the offense of Potentially Vicious Dog for a bite without provocation, seconded by Wayne Corse, all in favor.

The Selectboard ordered that the domestic pet named Bear, owned by Justin Purinton, is to be kept under the owner's control at all times while in the Town of Whitingham. Bear must be on a leash when being walked off the property or on a chain or cable with a swivel end at both ends with a chest harness while outside the residence within the Town of Whitingham. The tie-out chain must be five times the length of the dog from the tip of its nose to the base of its tail but cannot extend past the property line.

Failure to comply fully with the conditions set forth above shall be subject to the penalties provided for in Title 20 Section 3550 and could result in an order to destroy the animal.

A motion was made by Craig Hammer to appoint Wayne Wood to sign the protective order, seconded by Wayne Corse, all in favor.

The Selectboard strongly recommended that Mr. Purinton complete a responsible dog owner class for his own benefit.

Adjourn

The hearing concluded and the meeting was adjourned at 6:32pm.

Respectfully submitted,

~Gig Zboray