**Minutes of Vicious Dog Hearing of the Whitingham Selectboard**

**September 14, 2016**

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 vicious dog hearing on Wednesday, September 14, 2016 at 7:00pm in the Selectboard Office of the Municipal Center, 2948 VT Route 100, Jacksonville, VT.

Selectboard members present: Chair, Keith Bronson; Vice Chair, Allan Twitchell; Members, Greg Brown, Karl Twitchell and Robin Kingsley.

Others present: Gig Zboray, Selectboard Administrative Assistant; Dan Hollister, Animal Control Officer; Mike Linnehan, owner/keeper of dog; Jeanette Linnehan, spouse; Joanne Bourbeau, friend; Kent Boyd, neighbor; and Alexis Boyd, neighbor.

**Call to Order. Additions or Changes to Agenda.**

Chair, Keith Bronson called the meeting to order at 7:00pm. 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 vicious dog hearing. Chair, Keith Bronson opening the hearing at 7:00pm by reading the warning/notice of hearing.

Keith Bronson read Jane Piotrowski’s complaint.

Keith Bronson asked Dan Hollister, ACO if he had anything to add. Mr. Hollister showed a photo of the puncture wound and a photo of a reenactment of the location of the incident.

Mr. Linnehan explained the incident as he experienced it. He said Buster did not touch the victim or the dog at all, although he did sniff the other dog. Mr. Linnehan was very irritated by the threat of the victim’s friend to kick his dog. Buster plays with kids and other dogs in the neighborhood. Buster has been to puppy class (1 & 2). Buster was evaluated in a behavioral assessment at the humane society because he had killed a cat and there is a 2 year old baby in the house. Mr. Linnehan stated that Buster received a glowing report from the humane society. The report indicated that Buster should not be around cats and therefore the Linnehan’s surrendered all their cats. Mr. Linnehan asked the Veteran’s Administration to write a letter stating that Buster will fill the position of an emotional support dog. The VA said they could not do that. Mr. Linnehan then registered his dog with the National Service Animal Registry on September 13, 2016.

Before this incident the Linnehan’s were concerned that dogs testosterone levels were increasing and tried to get the dog neutered.Veterinarian, Miles Powers and the Humane Society cannot neuter the dog until October.

Mr. Hollister spoke of what he heard from Alexis Boyd who was a witness to the incident. The dogs were friendly. Buster did mount the other dog and as Mr. Linnehan tried to separate the dogs a scuffle broke out.

The incident seems to have happened at the end of the Linnehan driveway, although it was within the Town’s right-of-way.

**Mr. Greg Brown made a motion to go into deliberative session, to include Dan Hollister and Gig Zboray, seconded by Robin Kingsley, all in favor.**

After discussion the Selectboard exited deliberative session.

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

The Selectboard found that Buster 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.

**A motion was made by Allan Twitchell to order Dan Hollister, Animal Control Officer, to issue the ticket to Michael Linnehan for the waiver amount of $35, seconded by Robin Kingsley, all in favor.**

The Selectboard ordered that the domestic pet named Buster, owned by Michael Linnehan, is to be kept under the owners control on a leash at all times while within the Town of Whitingham. The Selectboard also ordered that the dog, Buster, is to be neutered within 45 days and proof of such to be sent to the Selectboard office. Failure to comply fully with the conditions set forth in this order shall be subject to the penalties provided for in Title 20 Section 3550 and could result in an order to destroy the animal.

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

**Adjourn**

The hearing concluded and the meeting was adjourned at 7:52pm.

Respectfully submitted, ~Gig Zboray