

SELECTBOARD VICIOUS DOG HEARING
June 22, 2015

Present: Alex Weinhagen
Casey Mathieu

Nanette Rogers

Guests: David Dewey

Lisa Charland (via telephone)

The meeting was called to order at 4:35 p.m.

This meeting is in response to a complaint filed on June 16, 2015 by Lisa Charland against a dog, Chico, owned by David Dewey regarding an incident that occurred June 14, 2015.

Alex summarized the letter submitted by Ms. Charland. On June 14, 2015 at approximately 9:30 a.m. Ms. Charland was jogging on Chapin Road. On the opposite side of the road she noticed Mr. Dewey and two dogs, one of which was later identified as Chico. Neither dog was on a leash. Chico came up behind Ms. Charland and trotted alongside her. She waved to Mr. Dewey and as she did she felt Chico's claws on her right leg and a sharp pain as he bit the outside of her knee. She was knocked off balance and fell to the ground. Mr. Dewey called Chico, who retreated and put him in the barn with the other dog. Mr. Dewey apologized profusely and cleaned Ms. Charland's wound. Ms. Charland's brother picked her up and brought her to his house. Later that day Mr. Dewey went to the house to check on Ms. Charland and verified that Chico's rabies was up to date. Ms. Charland contacted her physician to ensure there was nothing further that needed to be done. Her physician instructed Ms. Charland to watch for infection and advised that the dog be watched for the next 10 days to be sure he was not rabid.

On June 15, 2015, Ms. Charland called Mr. Dewey to discuss what he planned to do to prevent this type of incident from occurring again. Mr. Dewey explained that he plans to install a fence along the front of his property near the road. He does not plan to leash Chico unless he is near the road. Ms. Charland feels Mr. Dewey was not doing all that he could do to prevent another biting incident.

Mr. Dewey stated that Chico is a male Sheppard, approximately 4 years old and not neutered. He has owned Chico since the dog was 8 weeks old. Chico's rabies vaccination is current. Mr. Dewey advised that Chico has never bitten or attacked another dog or human prior to this incident. He described Chico as a friendly 100 pound goofball that likes to play. As with most dogs, Chico barks when strangers visit the property. No formal training has been done. Mr. Dewey is not sure why Chico bit Ms. Charland. He thinks it may have something to do with her "running away" from him. Mr. Dewey doesn't think the bite was out of aggression because after Chico bit, he immediately released.

Mr. Dewey confirmed that he plans to install a fence as a back-up plan. He stated that Ms. Charland wants an unfaultable fence however Mr. Dewey feels there is no such thing. He plans to have Chico on a leash whenever he is near the road and he will continue to do voice control training on a regular basis. Chico will be allowed to run in the back yard which is 100 to 200 feet from the road. Given the terrain of his property (e.g. tree lined limiting site of road, driveway lower than road, house separates road from back yard, back yard drops off), Mr. Dewey feels this is sufficient.

Alex asked Mr. Dewey to what extent Chico is unsupervised. Mr. Dewey responded that he is never unsupervised. Alex pointed out that Mr. Dewey was not aware of Chico being off the property and running with Ms. Charland until the bite occurred. Mr. Dewey and the Selectboard discussed the layout of Mr. Dewey's property. The house separates the back yard from the yard and the back yard drops off behind the house. There are trees lining the road. The area that Mr. Dewey brings his dogs to run is several hundred feet from the road.

Alex prefers to have the onus on Mr. Dewey and not his dog to prevent future occurrences. Alex expressed concern when all four dogs are out, limiting Mr. Dewey's attention and ability to supervise the dogs. Mr. Dewey advised that he doesn't bring all four out at the same time for that reason. Two of his dogs are runners and are always leashed when outside; Chico and another dog are not. Alex stated that one option would be to treat Chico the same as the two dogs that are runners. Casey agreed.

Alex explained that given Chico had no prior history, he is not inclined to do anything extreme, such as relocating the dog, confinement to a pen, etc., however some action is needed. Casey suggested that Chico be leashed within so many feet of the roadway. Alex would like to do a site visit to get a better understanding of Mr. Dewey's property. He also stated that it appears that Mr. Dewey is taking action to try to address Ms. Charland's concerns.

Ms. Charland expressed concern that if Chico is not leashed or fenced in all the time and he hears or smells someone passing by, then there will be an opportunity to attack another person. She has a five year old niece that lives in the neighborhood and would not want to see something happen to her or anyone else. Ms. Charland also expressed concern over the other dog that began to run toward her after the bite. This frightened her.

There was no more testimony. The hearing closed at 5:03 p.m.

Alex explained the deliberation process and suggested that Mr. Dewey follow through his plans that were stated today.

Based on the hearing, the Selectboard decided to put the following order of protection in effect:

- Chico shall be leashed at all times when outside of the dwelling for a period of one year.
- After one year, Chico shall be allowed to be off a leash if he is at least 200 feet from the road and under the owner's control.

ADJOURN

The meeting adjourned at 5:15 p.m.

Respectfully Submitted,

Alexander Weinhagen, Chair
Selectboard

Nanette Rogers
Town Administrator