

Wilmington Selectboard/Sewer Commission
May 21, 2013 at 8:00am
Special Meeting – Dog Hearing
MINUTES

Selectboard Members Present: James Burke, Diane Chapman, Susan Haughwout and Jacob White

Selectboard Member Absent: Margaret Streeter

Others Present: Scott Murphy, Mary Towne, David Haight, Wesley Haight, Joseph Szarejko

Hearing called to order at 8:03am by Vice Chair James Burke

1. Testimony Police Chief Joseph Szarejko:

- Went over the police report.
- David Haight's Labrador/Rottweiler mix dog "Rex" was found to be running at large at approximately 7:15 am on May 13, 2013.
- The dog was behaving in a threatening manner on someone else's property.
- A previous ORDER by the Wilmington Selectboard dated June 30, 2010 ordered Haight to keep Rex confined, on a leash, or within the premises of your home.
- There have been five (5) other incidents of Rex running at large since the ORDER on June 30, 2010.

2. Testimony by dog owner David Haight and Wesley Haight:

- This dog Rex is not a vicious dog and did not bite anyone. The previous bite incident was another dog, not Rex.
- The dog barked at a person but he did not feel the dog threatened anyone.
- He did not yet receive a copy of the dog ticket issued.
- The dog is put on a chain or harness and he still manages to get away.
- A fence is too expensive.

3. Selectboard comments/discussion:

- Chapman disclosed that Wesley Haight used to be a tenant of hers and if anyone felt she should, she would recuse herself from the proceedings. Neither Mr. Haight nor the Selectboard members objected to her remaining.
- Haughwout expressed concerns about the hearing procedure.
- In response to a question about licensing the dog, the Haight's said they are not sure if the rabies vaccination is current since they can't find the certificate. Town Clerk Haughwout said she can look in her records and if she has a copy of the certificate, then all they need to do is pay the fee. If the shot was done in 2010 or before, it will need to be done again.
- White asked what their plans were for the dog – how do they propose to keep him confined? The dog is supposed to be confined, on a leash, or within the premises of your home, but has not been. If the chain does not keep him confined then they should build a fence. Additional effort on the part of the owners needs to be made.
- Burke offered Haight some garden fence to help start a containment fence.
- Haughwout said that since the dog has been found running at large six times since ordered in 2010 to be confined, then the follow up steps in the 2010 order need to be taken.
- Chapman said that while a fence may be expensive, an owner is responsible for their animal.

4. **Deliberative Session:** Haughwout moved and Chapman seconded to go into deliberative session with Murphy and Szarejko present. All were in favor and they entered deliberative session at 8:30 am. They came out of executive session at 8:44 am and took the following action:

Based on the facts of the situation as presented at the Selectboard meeting on May 21, 2013 and under the authority of Vermont Statute Title 20 Section 3806 and the Wilmington Animal Control Ordinance of 2010 the Wilmington Selectboard ORDERED that:

Motion by White and second by Haughwout: Vote: All in favor.

- Owner David Haight shall deliver Rex to the Wilmington dog impound site at The Four Seasons Inn at 145 Route 100, West Dover, Vermont within 24 hours of receipt of this letter or not later than noon, May 22, 2013.
- If David Haight does not deliver the dog Rex within 24 hours as ordered, the Wilmington Police Department will acquire a search warrant and retrieve the dog to be humanely destroyed.
- David Haight shall within ten (10) days from receipt of this letter attempt to find a home for Rex outside of Wilmington, Vermont.
- David Haight may retrieve the dog from the impound site to be relocated to a new home if the following conditions are met:
 - All fines and impoundment fees shall be paid in full at the Wilmington Police Department.
 - Proof of a current rabies inoculation shall be presented to the Wilmington Police Department.
 - The dog shall immediately be taken to its new home out of Wilmington, Vermont.
- If Rex is still at the impound site ten (10) days after impoundment, he shall be humanely destroyed.

Motion by Haughwout and second by Chapman: Vote: All in favor.

- The Wilmington Selectboard hereby issues a STANDING ORDER that if Rex is found in violation of these conditions in the Town of Wilmington, he will be humanely destroyed

Meeting adjourned.

Respectfully submitted,

Mary Towne, Administrative Assistant

Approved by Wilmington Selectboard:

absent

Margaret L. Streeter, Chair

James R. Burke, Vice Chair

Diane Chapman, Clerk

Susan Joy Haughwout

Jacob White