

Wilmington Selectboard/Sewer Commission Minutes
March 28, 2025 at 8:30am
Special Meeting – Dog Hearing

Present: Tom Fitzgerald, Vince Rice, Tony Tribuno, Charlie Foster **Absent:** John Lebron
Others Present: Scott Tucker, Jessica DeFrancesco, Matthew Murano, Jessica Roberts, Therese Lounsbury, Henry & Linda Darlington, Bevin & William Pennings

Meeting called to order at 8:35 am

1. Visitors, Public Comments, Changes to the agenda
2. Tribuno moved to approve the Rules of Procedure for Vicious Dog/Domestic Pet Bite Hearings, Rice second; all in favor.
3. Hearing on vicious dog complaint opened at 8:36 am

Oath given to Henry & Linda Darlington, Bevin Pennings, Matthew Murano, Jessica Roberts, Therese Lounsbury

Exhibits: A, B, C, D, E as follows –Photos of wound (8); Complaint from Bevin Pennings; Wilmington Police Report; Owner’s Rabies Vaccination Certificate for “Bob”; Health Officer’s Report.

Complainant (Pennings) will submit the urgent care visit redacted for EP. Exhibit F

Owner (Darlington) has additional 4 photos to submit–Exhibit G

- Testimony of Complainant Bevin Pennings (via Zoom):
3/18 at 6:30 pm; staying on vacation on Mowing Way. She and her daughter were walking back toward their rental, they encountered a dog and she asked the owner if it was a specific breed. As they approached, she asked if the dog was friendly, and before he (owner) could finish saying “yes” the dog darted behind her, and bit her daughter. Her daughter was screaming, while the dog was barking and growling aggressively. The owner tried to control the dog by the collar; she never saw a leash. She quickly assessed her daughter and noticed a wound, so asked the owner if the dog was vaccinated. He said yes. They walked back home and she called her husband and friends. They applied ice and cleaned it out (the wound). She and her husband walked to the owner’s house to obtain the vaccination records and exchange information. Mr. Darlington (owner) did apologize for the incident. That evening they provided the Darlington’s with photos. She tried to confirm with the vet that the records were accurate and the vet wouldn’t give her any information. After many phone calls trying to get in touch with animal control, she made contact with the Wilmington Police Dept. They did bring their daughter to urgent care due to the worsening condition of her daughter’s leg. Urgent care diagnosis is “bitten by dog”. Mrs. Pennings added that this was definitely a bite, not a paw scratch. This dog is 81 pounds and she (daughter) isn’t even 70 pounds. The dog was aggressively barking

and growling. Her daughter's safety was put at risk due to the dog not being on a leash and under control of his owner. Her daughter's mental health will take longer to heal than the physical. They had noticed other times during their stay that the Darlington's did have Bob out off-leash.

- Testimony of dog owner Henry & Linda Darlington:
Henry Darlington was walking Bob on his electronic training collar. They were almost home when they saw the Pennings walking toward them. Mrs. Pennings spoke to the dog with a pitch to her voice; they were about side by side at the time and he headed toward them. He put his paw on the daughter, she started screaming and pulled away. He didn't see any marks on the girl's leggings but her legs had scratches. He gave Mrs. Pennings his information and walked home to make copies of the vet records. They were heading toward his house when he headed to theirs to give them the records. They fostered Bob temporarily and they ended up adopting him. A behavior he has is to paw at things and they have continuously tried breaking him of that. They have one prior incident for him being off-leash because a property owner saw Bob on his property on his camera. They believe that the marks may be from Bob's paw, not a bite. They have two house cats that are also vaccinated. They take the health and safety of their community seriously. They are sorry a child was hurt by Bob; they will take actions to keep this from happening again and work with him on these behaviors.
- Testimony of Jessica Roberts, Health Officer:
Every dog bite should be reported to the health officer. She fills out a report, talks to both parties, and records the report to the Town Clerk (as she did in this case).
- Testimony of Police Chief Matthew Murano:
Wilmington PD acts as animal control for Wilmington. Chief mentioned the PD took two previous complaints of Bob running at large. One complaint resulted in two tickets in 2023; running at large and defecation. Chief found this case to be an unprovoked attack. The photos do show some bruising and you can see an upper and lower jaw bite. There was a question of whether or not the dog was leashed, and it has been confirmed he was not. He is recommending that the dog be confined to the residence or leashed at all times. If the child had been alone, this could have ended badly.
- Selectboard comments/discussion:
Foster asked if urgent care had to do any services on the leg or any skin breakage. Pennings said they had to do a cleanse and apply an ointment to prevent infection. Urgent Care did state it was a bite due to the wound marks. Fitzgerald asked if there was no leash or if it was a long spring-loaded leash. There was no leash seen. Pennings is hoping to make sure the dog is leashed when it is out and about in the community. It was a very scary situation for everyone. Fitzgerald asked if there are

any other instances of the dog biting? No. How old is the dog? How long have you owned him? 4 years old; 2 years (owners).

How long has he been on a training collar? Every time we go into the woods

Did you try to use the collar at the time of the incident? No. Are there restrictions on dogs in your association? No positive, but maybe a limit as to how many animals in total. Tribuno asked if there is physical contact with other people in general. Not on a day-to-day basis; but they see people in passing on weekends during busy seasons. They interact more in the summertime at the lake or local festivals. Foster asked the Chief if he had met "Bob" or if his officers reported him as being aggressive. Chief did not meet Bob and has no other reports.

Tribuno moved to close the hearing at 9:43 pm, Rice second; all in favor

4. Fitzgerald moved to enter into deliberations at 9:45 am, Tribuno second; all in favor.

Respectfully submitted,

Jessica DeFrancesco, Administrative Assistant

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

Vince Rice, Vice Chair

Tony Tribuno, Clerk

Charlie Foster

John Lebron