

Town of Fletcher – Select Board
Fletcher Town Clerk’s Office
Monday, November 15, 2021
Hearing Minutes – Vicious Dog Hearing (Bushell)

Present:

SB Members: Jon Bondy (Chair), Rich Bidwell (arrived after testimony, did not participate in Hearing/Decision), Bruce Douglas, Matt Gillilan, Matt Swartz

Appellant: Diana Bushell

Other guests: David Clark (Health Officer), Alia Johnson (dog bite victim), Bill Stygles (Animal Control Officer), Aimee Tinker (Assistant Town Clerk, minute-taker)

1) Call to Order

Jon Bondy called the Hearing to order at 6:10pm.

2) Introduction

Jon explained that the intent of the Board in this Hearing was to be thorough in gathering information through testimony but in an informal manner.

3) Testimony

Jon asked the dog bite victim, Alia Johnson, to speak first. She recounted the October 17th incident which she had previously detailed in a letter sent to the Town on November 4th (attached as Item A). She added that her insurance covered 80% of the series of rabies shots, leaving her with a \$2,000 out-of-pocket expense.

David Clark recounted his account of the incident which he had previously detailed in his Health Officer Animal Bite Report and Addendum (attached as Item B). He added that since the UVM Health Center did not send him a copy of a bite report as they would typically do when addressing a patient’s animal bite, he worked with Alia and the Town Office to fill out the form himself.

Diana Bushell apologized for the incident, stating that she was not sure why her dog acted as he did. She feels he is not an aggressive dog and has not had any trouble with other people.

Alia stated that she did not reach out to the dog’s owners and asked David Clark to do so. David responded that since the Town’s ordinance does not allow for the requirement of victim compensation, this would be a matter between the victim and dog owner. Jon and Bruce asked Diana if she would be amenable to compensating Alia for her medical expense. Diana stated that she would and gave her contact info to Alia.

Diana was asked why the dogs were not registered with the Town even though they were vaccinated. Diana did not give a reason.

4) Discussion – Offenses/Sanctions

The Board discussed the potential offenses which were addressable under the Town’s Animal Control Ordinance. Since the details of the incident fall under the Ordinance’s definition of “Vicious”, *Nuisance Five – Vicious Dog* applies. This would be the 1st offense for Hercules,

which carries penalties of impoundment and \$400 fine (waiver fee \$200). As the dog was quarantined while vaccination status was confirmed, the impoundment was not needed at this time. The Board chose to impose the \$400 fine.

The Board also found Hercules and the additional dog, Zeus, to be in violation of *Nuisance One – Lack of Current License and/or Rabies Tag*, which as a 1st offense carries a penalty of warning or \$50 fine. The Board chose to issue a warning for both dogs.

The Board further found Hercules to be in violation of *Nuisance Three – Running at Large*, which as a 1st offense carries a penalty of warning or impoundment and \$200 fine (waiver fee \$100). The Board chose to issue a warning.

The Board instructed Aimee Tinker to assist the Animal Control Officer in issuing the warning letters and the civil violation to Diana Bushell.

5) Adjourn

The Hearing was adjourned at 6:55pm.

Jon Bondy, Chair

Bruce Douglas

Matt Gillilan

Matt Swartz