

**Dover Select Board
Meeting Minutes
Tuesday, July 14, 2020
Dover Town Hall**

THESE MINUTES ARE NOT OFFICIAL UNTIL THEY HAVE BEEN APPROVED BY THE DOVER SELECT BOARD

Join Zoom Meeting

<https://us02web.zoom.us/j/86800444071?pwd=RIU2WDQ0cDM3d3AwSGREeFNON2tnQT09>

Meeting ID: 868 0044 4071

Password: 052648

Select Board present: Josh Cohen, Victoria Capitani, Sarah Shippee

Select Board present via Zoom: Joe Mahon

Select Board member absent: Dan Baliotti

Also, present: Office Manager, Jeannette Eckert

Public present: Marco Tallini, Jim McDevitt, Michael Garber, Sandy MacDougall, Kathryn Romano, Darren Romano, Diana Dee, Tabi Freedman, Alexander Dean, Michael Chico

Public via Zoom: Linda Sherman, Randy Johnson, Lauren Harkawik, Paul Fisher, Bill Hayde

Regular Meeting Called to Order at 6:21pm by Chair Josh Cohen

I. Set 2020 Tax Rate (Marco Tallini)

- Looking at a total Homestead rate of 2.0424
- Total Non-Homestead rate of 2.0410
- Pretty flat budget wise, State came in with a 5-cent increase
- Last year bought the municipal rate down by 4 cents
- Not buying it down this year, no surplus
- Total increase of about 10 cents on Homestead
- Total increase of about 9 cents on Non-Homestead
- Will not need to delay the first tax payment, hope to have bills out by first week of August if not sooner

On a motion by Vicki Capitani, seconded by Sarah Shippee, the Board unanimously voted to set the tax rate at 2.0424 for Homestead and 2.0410 for Non-Homestead

II. Adjournment of Regular Meeting at 6:25pm

Public Hearing Called to Order at 6:30pm by Chair Josh Cohen

I. Conduct Public Hearing Re: Vicious Dog/Public Nuisance Complaint

Notice of hearing was read into the record by Chair Cohen:

The Selectboard of the Town of Dover, Vermont, will hold a Public Hearing pursuant to 20 V.S.A. §3546 on Tuesday, July 14, 2020 at 6:30pm at the Town Dover Hall, 189 Taft Brook Rd in East Dover, Vermont to hear evidence and receive testimony on a complaint of a "vicious dog" concerning a dog named Gemini owned by Diana Dee presently residing in West Dover, Vermont.

A roll call of those present and those on zoom was conducted

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A brief description of the hearing process was presented by Board member Sarah Shippee who is also Chair of the Development Review Board and has experience with quasi-judicial hearings. She stressed that all questions and comments are to go through the Board Chair and will be directed to the appropriate person for response.

Those who were acknowledged as Interested Parties were sworn in by Board member Sarah Shippee in order to provide testimony:

Alexander Dean, attorney for Kathryn Romano
Tabi Freedman, Health Officer
Kathryn Romano, victim of dog bite
Darren Romano, husband of victim
Diana Dee, dog owner
Randy Johnson, Police Chief

Sarah Shippee requested that Tabi Freedman as Health Officer begin the proceedings

Health Officer Tabi Freedman testifies to the following:

- As health officer was notified of the dog bite complaint, the date of the bite was June 19, 2020
- Followed up with the Dover Police for the official report
- The dog was not registered with the Town at the time of the attack. Confirmed that the dog was now registered and had a valid rabies certificate
- Visited the dog and owner to confirm that he was quarantined at the owner's residence and was under suitable control of the owner
- A formal complaint form was filed (Exhibit A)
- Multiple conversations occurred with Mrs. Romano, Ms. Dee, and Mr. Garber on whose property the dog was located when the attack occurred
 - The dog (Gemini) was not restrained properly
- Both Romano and her dog were bitten in the attack and sustained multiple injuries

The following exhibits were introduced:

Exhibit A: Complaint form filed with Health Officer

Exhibit B: Photographs of the injuries to herself and dog submitted by Kathryn Romano

Exhibit C: Narrative of the incident by Kathryn Romano

Exhibit D: Narrative of trainer Deborah Jacobs

Exhibit E: Ms. Dee's paid invoice from trainer Deborah Jacobs for training session on July 9, 2020

Exhibit F: Signed contract between Diana Dee & Deborah Jacobs

Exhibit G: Rabies vaccination certificate

Exhibit H: Photographs of Gemini submitted by owner Diana Dee

Exhibit I: Copy of Officer Morris' police report

Alexander Dean, attorney for the Romano's, testifies to the following:

- Was not a witness but would like to provide photographs of the injuries
- Requests to have these photographs attached to the minutes
 - *Exhibits are not normally attached to hearing minutes but will be available in the complete file at the Town Office for public inspection if requested*
- Serious incident—dog attacked Ms. Romano unprovoked while she and her husband were walking their own dog on Partridge Run Rd, part of the Partridge Run Homeowners Association
- Ms. Romano suffered lacerations which required stitches and is still recovering from these injuries

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- Her dog was also attacked and suffered lacerations
- Hard to express the trauma that occurred but Ms. Romano has prepared a statement

Kathryn Romano, dog bite victim, testifies to the following

- Ms. Romano read her narrative into the record (Exhibit C) describing the incident
- While walking her dog, she and her husband were approached by two dogs running from the yard of 3 Partridge Run Road, one in particular was snarling and barking viciously
- This same dog attacked Ms. Romano, her husband and their dog who was restrained properly
 - Multiple bites were sustained by all
- Michael Garber, the resident of 3 Partridge Run Rd who had care of the dogs on this date, approached them after hearing their cries for help
 - He asked the Romano's to call the police and walked away from the scene with the attacking dog, followed by the 2nd dog
 - The victims did not see or speak to Mr. Garber again following the incident
- Ms. Romano, her husband Darren, and their dog were assisted by neighbors
- Ms. Romano was transported by ambulance to Bennington Hospital and rec'd treatment, four separate sets of stitches to her hand and leg
- Her dog was also treated for her wounds
- It was learned that the attacking dog identified as a pit bull mix named Gemini was owned by Diana Dee of Ledge Rd in West Dover; the dog is also frequently at the home of Mr. Garber
- According to HOA President Bill Hayde, Mr. Garber has been directed on more than one occasion to remove the dogs from the property as they were roaming & perceived as threatening and aggressive
- Dover Police Officer Sam Morris responded to the incident & was shown a broken lead with which Ms. Romano did not believe the attacking dog had been restrained
- Another neighbor, Mr. Curtis Spacavento, has had negative experiences with the dogs in question
- Ms. Romano determined to make it her goal to ensure an unprovoked attack involving this dog cannot ever happen again; strongly believes it is not a matter of IF but WHEN

Diana Dee, owner of Gemini, testifies to the following:

- Ms. Dee expressed how truly sorry she was that this incident happened
- Ms. Dee indicated that the dog is 6 years old and she has owned it for those 6 years
- The dog has never attacked anyone ever, felt it to be a territorial issue
- Immediately contacted Yankee Dog to start training, referred to Deborah Jacobs
- Started the first session with Ms. Jacobs on muzzle training and new methods including a training collar to make sure this never happens again
- Ms. Dee supplied copies of Gemini's rabies certificate and license which confirm the age of the dog
 - Additional photos of Gemini who was also bitten in the incident. This was recorded in the police report and witnessed by Officer Morris
 - Realize it is Gemini's fault, not denying that fact
- Most loving dog she has ever had, is registered as an emotional support service dog
- Don't know why this is happening at the 6-year-old level but want to ensure that the dog and the community remain safe going forward
 - No longer playing with other dogs in the neighborhood
 - Will not be going anywhere near other dogs until training is complete

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Board questions/comments:

- Are there any other written complaints on this dog in the past? *None that we are aware of, Chief Johnson and Tabi Freedman will check and confirm*
- Dog was previously licensed in Brattleboro but never in Dover, is licensed now as of July 9
- The dog is currently residing at 13 Ledge Rd in West Dover

Tabi Freedman requests that Michael Garber give testimony on why the dog was not under control while in his care

- Mr. Garber was sworn in at this point by Board member Sarah Shippee
- He declined at first to testify without a lawyer present representing him
- Gemini was leashed to a tree while Mr. Garber was working outside; He went into the kitchen for a minute, heard the screams, and came out

Ms. Dee was asked if the dogs are routinely at the 3 Partridge Run property

- Those times are few and far between; normally the dog is also tied to the tree when outside
- Normally have dog walkers Tamara Allen & Barbara Geiling or Lanie Humphrey if they are not available
- Would have had the dog walkers testify but was not sure what to expect at the hearing
- Does have people & other dogs who interact with her dogs who could offer testimony

Copy of police report from Officer Morris was submitted by Tabi Freedman (Exhibit I)

Attorney Dean requests that Bill Hayde President of HOA be able to offer testimony. He was present on the Zoom call

Mr. Hayde was sworn in by Board member Sarah Shippee and he testifies to the following:

- Mr. Garber was told in two separate incidents not to have the dogs on the property if they were roaming freely
- When asked to do so, Mr. Garber did remove the dogs
- About two years between the time of the notifications and this incident
- HOA requires that all dogs must be leashed; notification given both orally and in writing

Continue the hearing to 6:15pm on July 21st prior to the regular Select board meeting, more testimony can be accepted on that evening; Waiting on full medical records to be submitted; other testimony may also be submitted in writing prior to July 21st; Board will go into Deliberative Session at the close of that meeting to determine the disposition of the complaint; a decision will be rendered as soon as possible; there is opportunity for an appeal to superior court if not satisfied with the Board's decision

On a motion by Sarah Shippee, seconded by Victoria Capitani, the Board unanimously agreed to continue the hearing to July 21 at 6:15pm

II. Adjournment of Public Hearing at 7:15pm by Chair Cohen

Respectfully submitted by Jeannette Eckert

Public notices of these minutes have been posted at the following locations:
Dover Town Clerk's Bulletin Board, Dover Town Meeting Bulletin Board, Dover School
Dover Free Library, East Dover Post Office, Town of Dover Website: www.doververmont.com