

**Franklin Select Board Hearing
Dog Bite Hearing
October 3, 2013 6:00 pm**

Present: Yvon Dandurand, Peter Magnant, Kyle Lothian, Andrew Godin
Dennis Demar, Animal Control Officer; Taylor Forty, Kathy and Marlin Morton

Peter called the hearing to order at 6:02. Pledge of allegiance was said. All parties present to give testimony were sworn in. Pete reviewed the rules of conduct for the hearing.

Peter read complaint of Kathy Morton: "I was walking on Towle Neighborhood Road on 9/28/13 at 12:00 noon by the Forty farm on the opposite side of the road. A doberman started barking at me and I kept walking and the dog ran across the road and bit me in the back of the left leg. I went to the hospital for shots and antibiotics. I had a reaction to the antibiotics and missed two days of work."

Sworn Testimony: Kathy Morton

- Kathy described the dog as a large brown doberman maybe a female. She heard the dog bark and it came out and she kept walking on the other side of the road, thinking it would go back home. It didn't, came across the road and bit her, it happened very fast. There were two vehicles in the yard, she hollered from the top of the hill, no answer. A car came by and she flagged them down to pick her up. They pulled into the yard and honked horn, no answer. They gave her a ride home. She went to the ER and got a tetanus shot and antibiotics. She needed to confirm if the dog had rabies shots up to date. Had a reaction to the antibiotics for the next two days was very sick. Does not want to see the dog put down; but wants the dog to be tied up so no one else will be bitten. Wants the compensation of the \$100 copay and two days of lost pay from work.
- Peter reviewed the dog registration on file in the clerk's office to verify that this is the correct dog.

Sworn Testimony: Taylor Forty

- Peter advises that on Oct 11, 2011 there was a letter written by the select board to Mr. Forty of a complaint that the dog had bitten a jogger that was going by; also that the dogs were not registered at the time. May 18, 2012 complaint of neighbor that the dogs were on her property 3 out of 5 mornings a week and seem to be aggressive; letter done to Mr. Forty.
- Mr. Forty states he was at work on Saturday. The dog is usually tied up when he is gone; she must have slipped her collar. Taylor asked Mrs. Morton if she had a collar on? Mrs. Morton states she believes she did have a collar on.
- Peter asks Mr. Forty what will be done about this issue as this is the second bite incident. She must be tied or penned and not allowed to run. Must be leashed at all times as she shows aggression. Board needs to be confident that Mr. Forty can take care of the dog, if not something will need to be done about it and will have to take the dog. Mr. Forty states he will keep the dog tied at all times. Kyle states as a board their job is to protect the people and they don't want to take anyone's dog.
- Mr. Forty states he has two dogs and Peter advises they must both be tied at all times.

Hearing closed at 6:19 by Peter. All members present were thanked and exited the hearing. Board moved into deliberation.

Facts Appear to Be:

- Dog is aggressive and bites
- Dog is uncontrolled by owner at all times
- Dog is unleashed and runs freely
- Victim asks for compensation of copay and 2 days lost pay totaling \$383.84.

Decision:

- Peter states a violation ticket must be issued as a warning at no cost for the first offense.
- Mr. Forty is responsible for Mrs. Morton's costs to be reimbursed of \$383.84.
- Mr. Forty will be responsible for the animal control officer's fees as well. Dennis will submit time for visits to be billed accordingly.
- All fees must be paid by Mr. Forty as requested or the dog will be picked-up by Animal Control.
- Dennis states the dog must be penned/kenned as the collar/chain option does not seem to confine the dog(s). If out of the kennel must be leashed at all times.
- Any other complaint that is submitted regarding the dog; a bite or aggressive behavior the dog will be picked up and destroyed.

Grissom Dog:

Dennis-AC states the Humane Society is full at this time. The kennel he has for confinement is not legal for aggressive animals. The Humane Society is to call him when they get an opening; hopefully this weekend. The board feels the animal is safer in Dennis's possession rather than with its' current owner; it will be picked up Saturday, Oct 5 by Animal Control regardless. The dog will be disposed of humanely as necessary. Another complaint was received Sept 23 of a resident walking by with their dog on a leash and was attacked by the dog in question.

The Messier dog complaint on Webster Rd was discussed. Mr. Welker is not able to be out on his own property without a large stick as the dogs are aggressive toward him.

Kyle/Andrew made a motion to adjourn the meeting at 6:51pm, 4-0 all members voted in favor.

Respectfully submitted

Lisa Larivee

October 4, 2013

Minutes not approved until the next regular select board meeting. Approved by Selectboard on November 12, 2013.