

Franklin Select Board Hearing: Dog Bite Incident
April 26, 2012 6:02 pm

Present: Yvon Dandurand, Wayne Laroche, Peter Magnant, Kyle Lothian, Mike Lawyer, Dennis Demar, Melissa Greeno, Dan Demar, Josh Packard, Penny Danforth, Jeff Danforth, Elizabeth Danforth, Donna Sartwell, Michael Capsey.

Pledge of allegiance said

Sworn Testimony:

Donna Sartwell:

- Was not witness to the incident (she stated she was out of town)
- Did not see the dog bite Michael Capsey her son
- Dr. Nielson of St. Albans was called on Sunday who instructed to watch wound for infection

Michael Capsey:

- Yes – was bit by dog (photo of bite in evidence)
- By himself walking down the street to test the range of walky-talky
- Testified he was on other side of the street from Demar residence (later in his testimony he admitted he was on the same side of the street as the Demar residence and was on that side of the street during the entire incident)
- Testifies that Demar let the dogs out his front door running barking towards him
- Dogs not on leash
- Mr. Demar came out after the dogs
- Michael testifies that he starts running and was bit on lower back
- Turns and punches the dog which continued aggression
- Dog was large black dog with brown chest
- Testified he had not seen dog out before

Penny Danforth:

- Observed Michael's back where dog bit
- Called Michael's mother
- Went to Demar to tell him that his dog had bit Michael
- Threats made by Demar
- Did not see dog
- Penny Danforth called State Police a little after 12 a.m. talked to Officer Patnode
- Donna Sartwell reported to Town of Franklin next day (Monday)

Michael Capsey:

- Spending night at Elizabeth's house
- Testing walky-talky's with her
- Was just past Demar driveway when dogs let out
- Testifies he was on the road
- Demar tried to call the dogs back
- Dogs caught him in front of next house
- Hit dog after he bit him and saw he wanted to bite more
- Kept running home-did not talk to Demar

Dan Demar (Dog Owner):

- Dogs were going crazy inside his house
- Let two dogs out because they were going crazy
- Dogs did not leave property
- Dog was on leash and in control
- Saw Michael at corner of his carport
- He was not on the road
- He was on carport corner next to Mark Racine's, closer to road
- Can't say 100% that his dog did not bite
- Distance of carport to road...8-10 feet maybe 6 paces
- Dog is brown German Shepard mix...brown on head and tail...90 pounds

- Does not let dogs run free
- Dog never bit anyone before
- Did not see Michael until he was running
- His dog took off chasing Michael
- 5 steps past his carport
- Did not see his dog bite Michael
- Did not see Michael hit his dog
- Testified: “was my right to let my dogs out for protection”
- Dog was on 5-6 foot leash

Facts Appear to Be:

- Michael Capsey was bit by a dog
- Dog was a German Shepard mix owned by Dan Demar
- Michael Capsey was on the side of the public road in front of the Demar residence at the time of the incident
- Dogs were inside Demar residence at beginning of incident
- Dogs were “going crazy” at front door
- Demar intentionally let dogs out his front door because they were “going crazy.”
- Michael Capsey started running
- The German Shepard mix dog bit Michael Capsey on the lower back
- Michael Capsey ran home after the incident

Peter/Wayne made a motion to close the hearing at 6:40pm. 5-0 all members in favor, hearing closed. All guests thanked and exited the meeting.

Deliberative session started at 6:45.

Decision: Wayne/Yvon made a motion to table the decision until the next regularly held select board meeting on May 8 to allow time for the chair to discuss with legal counsel the actions to be taken. Kyle exited the meeting early.

Mike/Wayne made a motion to adjourn the meeting at 7:40 pm, 4-0 all members voted in favor.

Respectfully submitted
Wayne Laroche
April 27, 2012

Minutes not approved until the next regular select board meeting.

Minutes were approved May 8, 2012.