

# MINUTES OF THE FRANKLIN SELECTBOARD

## DOG BITE HEARING

THURSDAY, July 21, 2016 at 7:00 p.m.

Town Clerk's Office

### Members Present:

Peter Magnant, Yvon Dandurand, Andy Godin, Ed Rainville,

### Guests:

Dennis Demar, Animal Control; Chris Ferland, Health Officer; Corey Bertrand

The meeting was called to order at 7:03 p.m. by Peter Magnant. The Pledge of Allegiance was recited.

Peter explained the process of a dog bite hearing and the received written complaint by Corey Bertrand. The Board's goal is to be sure this incident does not happen again.

Peter read the complaint received on July 18, 2016 from Corey Bertrand of a bite that occurred on July 17 in which his five year old son was bitten by a dog at 519 Patton Shore Rd (Beightol) that exited the gate as the kids walked/biked down the road. Corey advised the dog ran through the gate at his son when the group went by walking and biking. The dog bit him on the back of both legs and the older kids were able to put their bike between the dog and them to get the dog away. A neighbor (Mrs, Maynard) heard yelling and came over with a rake to send the dog back into the gate. Corey went and spoke with the dog owner and advised of the incident and that he does not want this to ever happen again. Corey also spoke with Mrs. Maynard about what happened; and spoke with Mr. Norris as well about the concerns. There is a fence and gate, but the gate does not work well, is old. The board reviewed the rabies certificate that was given to the Town Clerk for Barney; they would also like certificates on the other dogs that are owned by the Beightol's. Dennis went to visit the Beightol's and they will work on a new fence. Needs to be taller and stronger, mention of a radio/shock fence and collar as well. Chris stated the current fence is not adequate. The owners have stated they will do what needs to be done to remedy the situation. Chris states the State requires confinement to their home for 10 days for observation after a bite.

Larry Myott advised that he was bitten by a dog a few weeks ago. The owners showed him the paperwork for rabies and advised the dog was not mean. Today there were two large dogs walking down Hammond Shore Rd without leashes. He advised them last year there was a leash law and they said no; Larry says now we do, but he didn't stop and talk to them because these dogs had gone after him last year. Larry will include something in the August newsletter about the leash law. Dennis advised he should put in a written complaint of the incident.

Peter advised of sending a letter to the dog owner. The owner will be given a chance to come to the board as well. Discussion of what needs to be done. Dennis and Chris will visit the Beightol's on Friday. Need rabies shots for both dogs to be on file and both need to be confined and in control until the fence is fixed and at a proper height to keep them confined in the yard at all times. If stipulations as stated in writing are not followed by a certain date; the dog will be taken and they will be responsible for costs incurred until the situation for confinement is resolved and if the dog gets out or bites again the dog will be removed and euthanized at their costs.

Dennis has gotten a call from Tom Richard regarding the barking dog of the neighbor. Dennis will visit again to investigate the situation. Chris advised other towns have implemented a legal contract for dog issues that both parties have to sign with stipulations that have to be met and what happens if they are not; the town and both parties are covered from legal action.

### Highway Dept:

Peter reviewed the two estimated quotes received for the temporary fix work of the Morses Line culvert. Ploof's Construction was \$11,000 and ECI for \$49,589. Peter asked Andy for advice on the quotes, Roger Wright has given a verbal quote of \$32,000-35,000; will get us something in writing. Peter states these are just estimates for the grant submission. Peter will advise Lisa to submit the structures grant in the sum of \$25,000 to VTrans for this work. Would like to seek bids for the project right away to get it rolling; Lisa will submit bid advertising.

Peter reviewed the letter from VTrans on the speed limit concerns on Lake Rd/Rte 120. VTrans is recommending to move the sign and upsize them to the Traffic Committee at a meeting to be held on Aug 3<sup>rd</sup> in Montpelier. LCCA would still like the selectboard to send a letter with their petitions before this meeting. Ed/Yvon made a motion to send a letter with the LCCA petitions to VTrans. All members voted in favor.

Discussion of the Towle Neighborhood culvert issue; Yvon will reach out to ANR via NRPC to see if they have input on the depth and grade of the culvert before anything is done to repair it.

### **Weed harvester:**

Larry Myott asked about the weed harvester hours. Yvon has drafted an e-mail letter to Aquamarine; Lisa recommends sending a hard copy by certified mail as well. Peter read correspondence from our town attorney, Joe McLean, regarding how we should approach this matter with Canadian attorneys working with them. Yvon has spoken with the town clerk in Ontario about weather Aquamarine is still in business due to getting no answers after multiple calls were made. They advised yes they are in business and gave Yvon a number to call them, it was the same number he has been calling. Yvon called again and got through to spoke with Lawrence from Aquamarine; they spoke for 30 minutes and discussed the many issues; Yvon asked to speak with Craig, the owner of the company. Lawrence advised he was in Australia and has been for three weeks, will be back next week. Yvon advised this is wrong to not get answers and help with our issue; Lawrence advised there is nothing he can do about it and has not say. Yvon asked about Craig's daughter, Nancy and what she can do. She is an accountant and has no say either. Yvon asked about an engine tech/hydraulic tech for these machines when they are built; not on site, they do their own work; no service tech, no support tech. Yvon asked about the situation in Utah with the same machine and problems. They paid for the machine upgrade to a diesel engine and Aquamarine paid the shipping at their cost. Aquamarine paid for their mechanic to have the engine installed and paid the return freight for the gas engine to be returned to them. It has been three and a half weeks and they have not gotten a call from the folks in Utah again. Yvon will meet with the lawyers to establish a base case but does not feel he wants to take this route as it will cost more money. The cost to upgrade the engine would be approximately \$2,600-2,800. Yvon states the engine shutting down is a symptom of a problem not the problem. He feels there is something with the hydraulics but cannot be sure. The engine and hydraulic pump are not compatible.

The town attorney advised that the sales contract that was signed refers to be covered by Ontario law. We have no ground to stand on with VT law now. Yvon feels we should speak with Craig next week and see about making a deal to get a diesel engine to replace the gas. Ed asked about turning the machine back up some to get it working and on the lake for short time spans. Want it to be safe to operate on the lake. Peter advised let's wait on meeting with the lawyer and put the money into the repair of the machine, rather than legal fees. Yvon can look into the cost for a new diesel engine from other vendors if Aquamarine does not agree to the deal.

The board really appreciates all the efforts and time spent that Yvon has put into a remedy on this machine.

Ed/Andy made a motion to adjourn at 8:24 pm, all members in favor.

Respectfully submitted,  
Lisa Larivee, Town Clerk  
July 25, 2016

**These minutes are not official until approved at the Selectboard's next regular meeting.**  
These minutes were approved at the August 2, 2016 board meeting.