

DOG HEARING
July 26, 2017

Those attending were Ted Domey, Mike Hogan, Jack Daniels, Bernie Shatney, Richard Scheiber, Glen McElroy, Jane Garabedian, Cedric and Susan Alexander, Andrew Adams, Jessica Miller, Michelle Leclerc, and Betty Ritter.

1. Ted called the meeting to order at 6:01 p.m.
2. A motion was made to approve agenda by Jack, second by Bernie. Ted wanted to know if there are any additions to the agenda. Betty would like to add the Outside Consumption Permit, and the 2016 Draft Audit. Motion approved with the additions.
3. This Hearing is for Mr. Adams to appeal the decision of a fine of \$500 dated May 18, 2017. Ted gave the floor to Andrew. Andrew stated that he never received any due process of this complaint. The Town did check with the mailman and believed he delivered this by first class mail. Andrew stated that he never knew about the hearing as the complaint was sent to other place. The first he heard about it was from a neighbor wishing him the best for his hearing. He has purchased bark collars for his dogs at an expense of over \$1,000. The collars must be off the dogs for at least 8 hours a day or they can develop sores where the collars are. Cedric has complained about the barking dogs along with someone building a barn. A petition of 20 people signed and agreed they were not affect by the barking dogs. He stated that it was hearsay that he was kicked out of residence owned by Allan Goldman. He believes this is more than just about barking dogs. Andrew has signed a no trespassing against Cedric coming onto his property. Andrew's house is for sale and they are trying to moved.

Andrew believed that as it is written in the Dog Ordinance that once a complaint is filed, you cannot file another one. Ted believes that each complaint is a new violation stands on its own, but will discuss this with our Town Attorney. The Selectboard is in process of revising the Ordinance to update problems with the present ordinance. Andrew has lived at the present property for 7 years and has 7 dogs, they are the breed "Plotts" which is like a hound dog.

Ted wanted to know if the Board had any questions.

The Floor was then open to the public.

Richard Scheiber - You have 7 Plott hound dogs. Is this a commercial operation? Have you sold dogs, but not for profit. Andrew refused to answer how much he sold them for because it has nothing to do with the case.

Glen McElroy told Andrew to call him if his music bothers him, Andrew also told him to call him if the dogs are barking and they bother him. Been friends with Cedric for years and feel for Cedric and want to offer the support to him. Andrew appreciates this but no bearing on this case.

Jean - talking about nuisance noise - not just occasional noise. Home working with windows and doors closed can hear them. It is disturbing - sustained and loud. Same issue with guns shooting, and the Manifestivus - disturbing of peace - long periods of time is a big issue. If you heard this every day, it would grate on you. Believes should have a noise ordinance. Ted stated this is not about other events or problems, it is only about the present Dog Hearing.

Ted -asked him if he had a kennel license or a license with Secretary of State. He stated that he did not and it is clarified not a business.

Cedric - The last time Cedric has a complaint he stated a fine of \$250 would be appropriate, but Cedric decided not to have him pay this fine. Andy acknowledged that there was an ordinance and took care of it. Felt it was great to walk about the properties and. The dogs are wonderful - human being is the problem. He has kept the dogs by voice control and this lasted for a while and starts to eroding. He said that even Rich Aronson states he does not know how Cedric can stand it at the previous hearing. Cedric is not going to take care of the dogs. This is still where it was 5 years later and all we are doing is dragging the process out. After an hour - must know they are barking and he has been listened to the dogs. Cedric wants it clear that he was not sneaking around.

Susan Alexander stated they have put up with it for 5 years and have listened to Cedric and his problems. We never have had problems with other people and this has gone on too long. This is a real problem and need to uphold the fine. He feels he is completely deprived us of his life style.

Jack Daniels – It is my understanding the collars not to be worn for 8 hours a day. Andrew Showed a collar and that it can burn a hole in the neck. Doesn't this mean that they have 8 hours a day to then bark. I put them on at 9:00 and leave them on.

Cedric - never said the collars could not be left on 24 hours a day. Said that Andy moved here to have a place for his dog. He would like to see him build a kennel to be insulated or he can't have dogs. Want to see this fine enforced. We don't want to take the money, but it seems it has to be enforced.

Susan Alexander – Andrew still have to pay the consequences. Ridiculous that this has gone on this long. Deprived of the use of their property.

Jessica - why do they bark?

Andy - various noises. They are tied up. Respond to other dogs barking. Music.

Jessica - freedom causes harm if it harms someone else. If dogs are caged or tied up this will cause problems. Allowing to be tied up.

Andy - should I let them run loose?

Jessica - it may help - take them for walks, or do something

Jack – he again wanted to emphasize that the hearing from five years ago is not relevant to this hearing.

Richard - who is closest neighbor?

Ted - Cedric Alexander.

Cedric - 180 yards

Sue – the dogs are right on the property line - dogs will bark nonstop

Richard - are any of the names on the list equally close.

Ted - cannot verify as this was five years ago.

Andy - dogs on different part of property little more closest to the Cedric. Moved the houses to negate the problem. Told Cedric that he could put the dogs in the houses in he was away. They have been on the dogs for 21 hours. The dogs were away for the weekend. Responsible land owner and dog owner - can't see other houses - thought it was a private spot.

Jack moved into deliberative session. Mike seconded. Can be appealed to civil court. Standing state law they can appeal any decision.

What are the other complaints - nothing seems to happen. They do require notification, and we are dealing with legal counsel. Will address others the other complaints outside of this hearing. We will set the hearing for all of the other complaints for August 15. The Hearing ended at 6:52 p.m. ended.

Session went into deliberative session. Came out of deliberative session at 7:11 p.m.

Out of deliberative session -Jack motioned that we uphold the fine \$500 imposed on Mr. Adams is sustained and be required to pay it within 2 weeks from tomorrow. Bernie. No discussion. Approved.

Two complaints since - identical about barking dogs. Notice them for a hearing. Should we take all three complaints at once. What is the timeline of the May 16 - hearing date. May 17, June and then on July 14 complaint. Hearing on August 15 at 5:00 p.m. for Dog Hearing. We will have the Constable serve the papers.

4. Other Business

A. Liquor License for the Outside Consumption License - Harry's Hardware - a motion was made by Jack to approve the License, second by Mike. Motion carried.

B. Audit - Draft audit passed out

Bernie suggested that the Foodbank - needs a dumpster for the cardboard on the Food Drop day.

Old Route 2 - mowing by the side of road - did we budget to mow. Go by the intersection with the weed whacker.

Old Garage Site - still a bit of garbage - bucket loader to clean up.

Ted will call Cedric and Andrew and let them know.

5. A motion was made by Bernie to Adjourn seconded by Jack. Adjourned at 7:40 p.m.