

**Town of Tinmouth
Select Board
Vicious Dog Hearing ~ RE: Lulu
September 17, 2018**

Members present: Michael Fallar and Cathy Reynolds

Others present: Tammy Wallace via (speaker) telephone, Roxane Johnson De Lear, Kim Harbaugh, Sherry Johnson, Grant Reynolds, Marie Regimbald, Andy McCullough, Barbara Leiser, Kristin Baker, Bonnie Gray, Dick Gray, Cliff Dutton, Chuck Meyer, Richard Rupe, Robert Noble III and Gail Fallar – Select Board Assistant

Cathy called the meeting to order at 7:00 pm. She advised she would be acting Chair, as Frank Sears is still hospitalized. Tammy Wallace was called on the telephone and put on speaker. Cathy read the notice for the hearing and reviewed the procedure to be followed – distributed copies - including emailing it to Tammy.

Both Tammy and Roxane advised they had no ex parte communication or conflicts of interest to disclose. Cathy administered the oath to everyone wishing to speak (only exceptions were Grant Reynolds and Bonnie Gray).

Cathy read the complaint from Tammy regarding being bitten on July 26, 2018. She was walking from the camp she was renting at 54 White Birch Drive past Roxane's house at 58 White Birch Drive, on her way to visit Sherry Johnson at the next cabin, when Lulu came out and bit her arm. She had to seek medical attention in Rutland as well as at home in Ohio. She expressed concern for the safety of others in regards to the dog Lulu.

Roxane read her statement and presented 29 pages which included her statement about the incident – advising that Lulu is not a vicious dog, describing the training they have had, etc.; photos; and emailed letters of support. She also provided a copy of her property survey showing the buildings and road; copies of medical expenses she paid to cover Tammy's injuries; a letter from Kim Harbaugh and Sherry Johnson asking that she keep Lulu off their property at all times; and emails of support from Andy and Asha McCullough and Brett Pollinger that were received after she prepared her packet.

Public Input

Barbara Leiser spoke of walking around the lake with Roxane and Lulu many times.

Andy McCullough read his email in support of Roxane and Lulu.

Kristin Baker, a foster dog parent from Massachusetts, spoke about Lulu's transition from down south to up north, noting the trauma Lulu had endured.

Rob Noble spoke to the 200 plus times that Roxane and Lulu had walked past him and his dogs noting there had never been any trouble.

Marie Regimbald spoke in support of Roxane and Lulu.

Kim Harbaugh read his statement, noting he is afraid of the dog and why.

Dick Gray noted he was shocked to hear that Lulu had bitten someone.

Richard Rupe advised that Lulu is a really nice dog, has visited many times, no problems.

Cliff Dutton advised he witnessed Roxane introducing Lulu to strangers many times, never a problem.

Chuck Meyer noted he is a friend of Roxane and Lulu and not afraid of Lulu.

Sherry Johnson read her statement, would like White Birch Drive to be a safe place for folks to walk, ride a bike or push a stroller. She presented color photos of Tammy's arm. Cathy read *Laurie Bepler's* email of support for Tammy (per the request in the email).

There were many references to the great care Roxane took to introduce new people to Lulu, that Lulu was a rescue dog that had been traumatized – she is three legged. Roxane has had her for two years. Roxane advised that she has a new protocol for Lulu, she is leashed before the door is opened. Roxane was attempting to hook Lulu to a lead on the porch when she dashed away and bit Tammy.

In final comments Cathy asked Tammy what remedy she was requesting. Tammy replied that she trusted the Select Board to make the right decision for their town, wanted others to know about the incident, thought having the dog on a leash was a minimum, and suggested Beware of Dog signs be required.

Cathy noted that Tinmouth's Dog Ordinance does encourage folks to try to work things out, but sometimes situations require action by the Select Board.

Michael moved to enter deliberative session at 8:50, Cathy 2nded, both voted in favor. Board thanked everyone for their concern.

Board exited at 9:45 and rendered decision/order of protection attached. Hearing is closed.

Meeting adjourned at 9:50 pm.

Respectfully submitted,

Gail Fallar
Select Board Assistant