Dog Bite Hearing

6:00pm

August 25, 2021

Athens Town Office

Present were Sandi Capponcelli, Janet Perry, Darlene Wyman, David Bemis, Martha Dale, Richard Dale, Denise Randall, Stephen Oakes, April Lyman, Donna Currier, Emily Amanna and David Hassan.

David called the meeting to order at 6:00pm.

David administered the oath of testimony to Martha Dale, Emily Amanna, David Hassan, Stephen Oakes and Sandi Capponcelli.

Steve testified that on July 31, 2021 he received a phone call from Martha Dale stating that she was bicycling past the Wild Shepherd farm when she was bitten by the dog. When her friend tried to help, he was bitten, too. Steve asked Martha if she had contacted the hospital about the bite. Steve stated he went to see David H. and he had put the dog in the barn to be quarantined for 10 days. David B. asked if the dog had been vaccinated. The dog had been registered with the town and had a current rabies shot. David B. asked when the dog was checked after the 10 days if it had been ill. Steve stated the dog was okay and was now restrained.

David B. stated the board had met last Thursday and that was the starting date for counting for when a hearing was to be held. The meeting has to be held within 7 days of the board meeting. David B. asked Martha if she had requested this hearing. She answered yes with the counsel from Steven. David B. then asked Martha for her testimony.

Martha stated that everything that Steve had described was accurate. She was riding the route that starts in Townshend and ends in Grafton. She was third or fourth in a party of four riders. She had done the ride before without any problems. The dog was out along the road with the little girl from the farm, Maple. They proceeded carefully. David B. asked where she was in relation to the house and barn. Martha stated she was in between the house and the barn on the road. David B. asked if she was on the pavement. Martha stated she was. The first bike rider proceeded cautiously and was told the bog did not bite. Bill received a bite on his gloved hand but it did not puncture. Martha then proceeded along and the dog went right up and bit her on the wrist. There were three puncture wounds that started to bleed. She stopped and took pictures of the bite and the dog. The fourth rider was a nurse and stated they take pictures of it and try to clean it with their water bottles. Which they did. Martha then asked Maple where the owners of the dog were. Maple stated they were in the barn, but no one came out and they decided to proceed at that point and finish the ride. Martha called the ER at Grace Cottage and asked what she should do about the dog bite. They said wash it and keep it dry. Martha then asked what they would typically do when someone presents In the ER with a dog bite. Martha was told to fill out a form from the State Department of Health. She got the form online and filled it out, then called Steve Oakes the town Health Officer. David B. asked what the exact date of the bite was. Martha stated it was July 31, 2021. The board then reviewed copies of the photographs that were taken. Martha then stated on August 5th she had called the Town Office and Darlene referred her to David Bemis. She called David and left a message about the dog bite. Martha stated on the following Monday after the dog bite she received a call from the wife of the owner of dog and was upset that her personal information had been given out to the public before the hearing when it would be talked about. Denise asked if they were walking their bikes in front of the barn or we they riding them at that point. Martha stated they had stopped because of the dog. When Maple assured them it was safe they mounted their bikes and started to proceed. David B. asked if the dog had barked at them when it was in the road that made them start of if the dog was aggressive in any way. Martha stated they a cautious bike rider is alert to what’s around them and felt it was prudent to stop and proceed with caution.

Emily stated she wished to apologized and felt this was a horrible that this had happened and also felt horrible that she had called without knowing it wasn’t welcome. She also stated that the dog was not a pet but is a livestock guardian dog and is absolutely imperative to the survival of the farm. Emily stated that when the incident happened, they had just gone through the flood and one of the flocks was cut off because of the creek rising. The dogs were unable to get to them and they lost approximately half their lambs to coyotes. Emily stated the dog in question is 11 years old and never bitten before. David stated the coyotes had attacked that morning and he was in the process of swimming across the creek with nine injured lambs and felt the dog may have been more on edge because it could not reach the flock. Denise stated she drove by the farm quite frequently and knows the dog goes after cars and motorcycles. She doesn’t understand why the dog is in the road when it is there to protect the sheep and is not in in the pasture. Emily stated that the dogs in the road is not something they take lightly. It is a major stress and they have put in a lot of effort and money in trying to figure out a system that works. The other two dogs were with the flocks but left Lola since she is the oldest most proven dog and can patrol the area to protect the other animals. The farm is situated on both sides of the road and contains 172 acres. David H. stated they have had other dogs in the past and they may be referring to these dogs. He also stated that Lola may have been in the road because she had just been out checking the flocks. Usually if Lola is on the side of the road is because she is watching over things. Steve stated he realized it is a guardian dog and should be with the sheep, not laying on the side of the road. Steve also stated he has been down numerous times because the dog goes after motorcycles and kids on bikes or someone walking by but had not bitten anyone until now and he has gone to talk to them in order to get the issue resolved. Emily stated they are really trying. They now have drags on the dogs. They have electric fencing and the dogs are capable of leaping over the fences. Denise asked if the dogs were kept in with the sheep. Emily stated that two of the dogs have been in with the sheep and had left Lola to do the patrolling around the farm to cover all the other flocks. David stated that every time the dogs are restricted it represents a risk to the livelihood of the farm. David B. asked what had been done with Lola. She has been chained up in the barn. They have been trying to decide what the best thing to do would be. David H. stated that since Lola has been in the barn, they have lost 12 lambs. David H. stated there is a Vermont State statute that allows the dogs to roam the farm and the town is not allowed to restrict that. Denise commented the only problem with that is that the farm is on both sides of the road. David B. stated that all though the dog can roam on the property does not mean it can be in the middle of the road. David B. asked if David H. and Emily had some kind of plan to keep Lola away from the road. David H. said they had considered attaching a weight that she drag behind her but can’t guarantee this would work with her as it has with the other dogs. David B. asked if they had thought about invisible fencing to keep Lola away from the road. Emily stated that guardian dogs tend to break through it.

Sandi stated that since she is the admin for the Athens face book page there have been some conversations concerning the dogs. She had three pictures of the dogs standing in the middle of the road and having gone after trash bags. There were also comments that back in 2020 someone stopped to help a bicyclist that was being attacked. Another person used to walk by with her child in a stroller and no longer felt comfortable doing that. There were other incidences with motorcyclists and bicyclists. It was discussed that this is here say as they were not present to give testimony. Sandi stated this was just a heads up that a lot of people are not happy. Sandi stated she understands that being the type of dog they are and the dog being left In the barn is breaking her spirit because she is a guard dog as the other dogs must be feeling the same because they have weights on them. Sandi stated she didn’t know if they could do something with fencing or getting someone in to train the dogs to boundaries. Emily stated that she agrees the dogs are highly intelligent but are bred to think independently and act on their own because in the as they middle of the night they have no one to tell them what to do if there is a predator. Emily stated they were aware of how troubling it was for people to go by the farm. David H. stated a lot of people like to go by the farm to see how beautiful it is to see the animals grazing in the fields and the livestock would not be out there if it wasn’t for the dogs. Sandi stated she also likes to post pictures of the farm on face book. Sandi stated we also have to remember that there are bicycling groups that go by the farm. Emily stated they are really trying to figure out a way to keep the dogs in a responsible way and keeping these dogs is part of being responsible livestock owners. A discussion about putting up a 6 foot fence followed. David B. asked what Emily and David H. could give as suggestions as to what they can do now for a solution to this. Emily stated they thought they would try to put a drag on Lola which is what they have done with the other dogs. David H. stated it was not as much of a problem 6 months of the year when the weather is cold. Emily agreed it was just in the pedestrian season. David B. commented that he has gone by in the winter in the middle of the night and the dogs have been in the road. Emily suggested that they could possibly put up a warning signs about guard dogs being on the property. David asked when they take Lola out of the barn if they are going to put a drag on her. They said they would. David H. mentioned the other dogs are being trained and scolded not to go near the road. Denise asked if there was any concern for Lola being near the farm store. Emily stated that when people come and park their car Lola welcomes them. There’s just something about the bicycles the dogs chase.

David asked Martha to suggest what she would like to see as a culmination of the hearing. Martha stated if she could address the family, she would make one significant suggestion that they get an insurance rider for the animal because they may be a hairs breath away from someone suing them. David stated that he was more interested in what Martha recommended for the board. Martha stated the town has to be comfortable that the town roads are safe for anybody. She also stated she would not ride this road and she would recommend that anyone else not ride this road.

David stated the board would conclude the public part of the hearing and will notify Martha, David H. and Emily in writing the results of the hearing.

Janet asked if there was any possible way to notify the bicycling tours a heads up about when they would be using this route. David H. commented that when there is a large group of bicyclists going through, it is less of an issue.

Emily asked about the timing of the notification would be. David B. stated it would be within a week, but did not know the exact time frame.

Steve told David H. and Emily that they did not have to keep the dog quarantined.

David thanked everyone for attending the hearing.

Respectfully submitted,

Darlene Wyman, Town Clerk