

**MINUTES – SPECIAL SELECTBOARD MEETING/PUBLIC HEARING
TOWN OF BARNET, VERMONT
MONDAY, AUGUST 27, 2018**

Meeting convened at 6:30 p.m. in the conference room of the Barnet Town Clerk's Office.

Board members present: Jeremy Roberts and Dylan Ford.

Others present: Town Agent Steven Adler, Town Clerk Benjamin Heisholt, Brent O'Donnell, January O'Donnell, Jordan O'Donnell, Ruth O'Donnell, and Shirley Warden.

1. Public hearing regarding animal control notice of violation issued to Brent and January O'Donnell, pursuant to Barnet Animal Control Ordinance, Section 12.C.5.

Mr. Roberts read the notice of the hearing, then asked Mr. and Ms. O'Donnell to provide testimony.

Below is a summary of their testimony:

- The O'Donnells viewed photographs provided by Ms. Warden, and agreed that their two German shepherds, Elka and Golly/Goliath, were in fact on Ms. Warden's property.
- Brent O'Donnell: The O'Donnells do not allow their dogs to run loose. They installed an electric fence system around the perimeter of their property, which provides an electric shock to the dogs, through a collar, when they exit the perimeter of the property. The O'Donnells found that this was not effective, as the dogs did actually exit the property. An example of this is evident in Ms. Warden's complaint.
- January O'Donnell: The O'Donnells have been through a learning experience in trying to contain their dogs on their property. In addition to the occasion(s) when the dogs stray through the electric fence system, there was also an occasion when the dogs managed to exit the house after evading Ms. O'Donnell's control. The O'Donnells are no longer using the electric fence system: the dogs are now allowed out of the house only when on leashes or "runner" lines. The O'Donnells dogs are not vicious, but may possibly have reacted violently if provoked, as by poison.
- Brent O'Donnell: Ms. Warden did not call to indicate that the O'Donnells' dogs were on her property: the O'Donnells learned about the incidents only because of the complaint notices. Ms. Warden has been unfriendly toward the O'Donnells since the time of their arrival in the neighborhood, and continues to treat them with unprovoked enmity. The fine assessed by the Town is unconscionable, considering that the O'Donnells have acted responsively in good faith to remedy the problem.

Discussion then ensued, between the Board, Town Agent Steven Adler, the O'Donnells, and Ms. Warden. This discussion is summarized below:

- Mr. Adler introduced himself, and indicated that any correspondence the O'Donnells receive from him is at the direction of the Board.
- Mr. Roberts and Ms. Ford explained the reasons for issuance of the fine, including that, although the O'Donnells may have taken measures to remedy the problem, the Board continued to receive complaints regarding the dogs.
- Ms. Warden: The dogs have been a threat of physical harm. The first time the dogs were on the property one of them approached aggressively with intent to attack. On another occasion, one of the dogs ran at a glass door from the outside, hitting it three feet above the ground.
- Brent O'Donnell: Golly (Goliath), the larger German Shepherd, is admittedly a large dog.
- January O'Donnell: The O'Donnells do not have \$500 to spend on an animal control fine. January O'Donnell is unemployed and Brent O'Donnell is on disability.
- January O'Donnell: The O'Donnells have four dogs: 1) Ginger, a miniature poodle, 2) Simba, a Pomeranian, 3) Elka, a smaller German Shepherd, and 4) Golly/Goliath, a larger German Shepherd.

- Mr. Adler asked if the O'Donnells, in their earlier comment regarding provocation, were accusing Ms. Warden of poisoning their dog. January O'Donnell indicated that this comment referred to Ms. Warden's report that she had sprayed vinegar at the dogs to deter them.
- Mr. Adler noted that this hearing was delayed at the O'Donnells request, so that the family could be present at the hearing.
- Mr. Roberts indicated that the Board would have liked to see more remorse from the O'Donnells for the stress caused by their dogs' actions. January O'Donnell expressed apologies to Ms. Warden.

The Board agreed to reduce the fine to \$50.00, with the special conditions that the O'Donnells must at all times keep their dogs off Shirley Warden's property, whether or not they are on a leash, and must at all times keep their dogs under their control.

2. Adjournment

The Board agreed to adjourn the hearing. Hearing adjourned at 7:00 p.m.

A true copy.

Attest: _____ *Town Clerk*