

MINUTES - SPECIAL SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, MARCH 18, 2024

Meeting convened at 6:00 p.m. in-person at Barnet Fire & Rescue Station (151 Bimson Drive) and via GoToMeeting telephone/online conference. This meeting was recorded via GoToMeeting.

Board members participating:

- **In-person:** Dylan Ford (presiding co-chair), Benjamin Gates, and Mark Jefferson.
- **Via GoToMeeting online video conference:** None.

Other Town officials and employees participating:

- **In-person:** Town Attorney Steven Adler and Town Clerk Benjamin Heisholt.
- **Via GoToMeeting online video conference:** None.

Members of the public participating:

- **In-person:** Christene Demers, Joseph Demers, Josh Dobart, Joyce Evans, Jennifer Hall, Bernard Lantagne, Tina Lavoie, Jonathan Murray, Tiffany Murray, and Chris Spooner.
- **Via GoToMeeting online video conference:** Amy Ash Nixon (Caledonian-Record).

1. Hearing for animal control complaint regarding dog kept at US Route 5 South in McIndoe Falls, pursuant to Section 8, Subsection B of the Barnet Animal Control Ordinance; take any action

Introduction/Documents

The Board held a hearing to address the animal control complaint filed by Jonathan and Tiffany Murray of McIndoe Falls.

The purpose of the hearing was to allow the Selectboard to investigate the Murray complaint in order to determine whether there has been a violation of the Barnet Animal Control Ordinance, as adopted March 23, 2015 (hereinafter Ordinance). If an unprovoked bite is found to have occurred, the Selectboard, pursuant to Ordinance §8(C)

“shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet ... is disposed of in a humane way, muzzled, chained or confined in a manner satisfactory to the Enforcement Official”

Ms. Ford read the warning for the meeting and provided introductory remarks. She indicated that the hearing would be for fact-finding purposes and that after the hearing the Selectboard would meet in deliberative session and thereafter issue a decision in writing.

Members of the public intending to provide oral testimony signed witness oaths pursuant to 12 V.S.A. § 5810.

Tiffany Murray distributed copies of letters submitted by herself and by neighbors Tina Lavoie and the Letourneau family.

The Board also acknowledged the receipt of a letter and attached photos submitted by Joseph and Christene Demers, which were received by email earlier on the day of this hearing.

The Board reviewed the complaint, which alleges that on March 12, 2024, an English Mastiff mix named “George” and owned by neighbors Joe and Christine Demers “barged” into the Murray home, attacked and seriously injured Maizy, the Murray’s Shetland Sheepdog, and bit and “head butted” their 9-year-old son Conlin. The Murrays alleged that Conlin required treatment at the Northeastern Vermont Regional Hospital (NVRH) emergency room and Maizy required multiple visits to a veterinarian. The complaint further alleges that George had previously attacked other dogs and is “constantly getting loose and causing havoc.”

Testimony

The Board heard testimony from the Murrays, the Demers, and a number of neighbors who attended the hearing. This testimony is summarized below.

Tiffany Murray testified, in writing and orally, as summarized as follows: George pushed into the Murray home when Jon Murray opened the door to let their dogs out. George immediately began going after the two Murray dogs. One got away but 25-pound Maizy was cornered by George, who is estimated to weigh 200 pounds. George bit Maizy on the neck, holding her whole head in his mouth and shaking her violently, while Jon Murray fought to make George let go of the smaller dog, using a folded step stool, the Murray children screaming in the background. Nine-year-old Conlin was bitten while trying to get away. Finally, George was locked in the laundry room and Tiffany Murray went across the street to the Demers home where Joe and Christine were oblivious to the unfolding events or the fact that their dog was loose. Conlin was taken to Northeastern Vermont Regional Hospital (NVRH) Emergency Room where he was treated and his wounds stitched up.

(The Board acknowledged that NVRH had confirmed the treatment and filed an “Animal Bite Report form” with the Town of Barnet Health Officer.)

In addition to the Murrays and the Demers, multiple members of the public attended the hearing, many of them offering sworn oral and written testimony. The testimony indicated that on multiple previous occasions, George has either attacked their pets, been “running at large” as defined in Ordinance §2(L), and/or had acted threateningly to both people and other domestic animals. Additionally, Dr. Christopher G. Spooner, the veterinarian who treated Maizy for her injuries, also testified under oath both orally and with a submitted written statement.

Neighbor Tina Lavoie chronicled events of May 2021, when George attacked the Lavoie dog Daisy, in the presence of Christine Demers and her daughters, (who later brought over an apology letter). She also referred to another event on June 16, 2021, when Joe Demers had to come onto the Lavoie property to drag his dog home, with his wife promising to order a “training collar” that evening.

Multiple other incidents were mentioned, including one on June 15, 2022, when George broke his lead, left the Demers property, and attacked Koga, neighbor Cody and Diane Thompson’s dog, eventually being pulled off by Mr. Thompson. George was taken back to the Demers property by a contractor who happened to be working there that day. The Demers, who were not home at the time, were later very apologetic.

The Murrays' veterinarian, Christopher Spooner of Bradford, appeared and explained his concerns to the Board. Dr. Spooner, characterizing Maizy's injuries as "bite wounds to the head and neck consistent with an aggressive attack by a Mastiff...[Maizy] was chewed up and the attacker appeared to be attempting to kill her." Dr. Spooner urged the Select Board to euthanize the Mastiff, believing that there was "zero chance" that behavioral modification would be "effective at rendering this animal non-aggressive to the public." Dr. Spooner indicated that this recommendation to euthanize is the first in his 20-year professional career.

In their testimony, the Demers admitted all material facts, specifically, that

- (a) George is their dog;
- (b) he did get loose on March 12;
- (c) he left the Demers property unattended;
- (d) he did enter the Murray's home where
- (e) he attacked the Murray's dog causing serious injury; and
- (f) he had gotten loose and left their property on previous occasions.

The Demers said they had no proof that George had caused the injury to Conlin's head and hand, and no knowledge of whether, once inside the Murray home, George had been provoked.

Two neighbors of the Demers, Josh Dobart and Joyce Evans, also testified that, when they were around George, he was always friendly. Neither neighbor was present during the incident on March 12, 2024.

The Demers also presented evidence that since March 12, they had erected a wooden fence with wire reinforcing around their yard and lag bolted to the foundation of their house a dog line on which to secure George. They further testified that they had installed an invisible fence and shock collar to prevent George from running at large again. Finally, they have installed a new latch on their gate since George, on March 12, 2024, not only slipped his line but also opened the old gate latch by rubbing against it.

The Demers, in both oral and written testimony, accepted full responsibility for the dog attack and offered to reimburse the Murrays for the veterinary bills for Maizy's care. Testimony provided at the hearing indicated that the Demers had gotten George as a puppy that had previously been abused. In their written statement, they said they owned George for nine years. Finally, they provided documentation to confirm that George was vaccinated against rabies.

Deliberative Session

- Mr. Gates moved to enter deliberative session. Seconded by Mr. Jefferson and approved by voice vote. Entered deliberative session at 6:46 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Town Attorney Steven Adler, and Town Clerk Benjamin Heisholt.
- Exited deliberative session at 8:15 p.m.

2. Other business presented by Selectboard

No other business was presented by the Selectboard.

3. Adjournment

- Meeting adjourned at 8:15 p.m.

A true copy. Attest: _____ *Town Clerk*