

MINUTES - SPECIAL SELECTBOARD MEETING

TOWN OF BARNET, VERMONT

MONDAY, MAY 13, 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:** Road Foreman Mark Chase, Highway Department employee Barry Snow II, and Town Clerk Benjamin Heisholt.
- **Via GoToMeeting online video conference:** None.

Members of the public participating:

- **In-person:** Kirsten Nutter and Nicholas Nutter.
- **Via GoToMeeting online video conference:** Robert Blechl (Caledonian-Record).

1. Hearing for animal control complaint regarding dog kept at Bunnell Lane 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 Highway Department employee Barry Snow II regarding an incident alleged to involve a bite received from a dog named "Hoyt," a German shepherd owned by Kirsten Nutter.

The purpose of the hearing was to allow the Selectboard to investigate the 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 issue a decision in writing.

The Board acknowledged receipt of the following documents:

- 1) Animal Control Complaint Form;
- 2) A current, valid, certificate of rabies vaccination of Hoyt (expiring January 12, 2026);
- 3) Current Town animal license information for Hoyt (expiring April 1, 2025);

- 4) A waiver of hearing time constraint (pursuant to Ordinance) received from Barry Snow II;
- 5) A waiver of hearing time constraint (pursuant to Ordinance) received from Kirsten Nutter;
- 6) Workers' compensation documentation regarding claim of Barry Snow II;
- 7) Town Health Officer Animal Bite Report received from Northern Express Care, St. Johnsbury; and
- 8) Patient care documentation received from Barry Snow II.

The Board reviewed the complaint, which states that on April 26, 2024, Mr. Snow, a Town of Barnet Highway Department employee, was rock-raking Bunnell Lane while working for the Town. The complaint alleges that when Mr. Snow exited his truck to pick up the rock rake in order to turn around, Hoyt appeared and bit Mr. Snow on the ankle.

Testimony

The Board heard testimony from Mr. Snow, Ms. Nutter and others who attended the hearing. This testimony is summarized below.

Mr. Snow testified that he had spoken to the Nutters (Kirsten and husband Nicholas) after the incident in question and is satisfied with the action they have taken to ensure another incident involving Hoyt will not occur. He stated that he does not wish for the Town to take punitive action on the dog, e.g. euthanasia.

Ms. Nutter testified that on April 26, 2024, prior to the incident, Mr. Nutter (Nicholas) had been home and had kept Hoyt inside their home when the Highway Department was performing grading work on Bunnell Lane. After the grading work was completed, Mr. Nutter had let Hoyt out of the house; this is where he was when Mr. Snow arrived to perform rock raking. Ms. Nutter stated that since the incident was reported to them, the Nutters have kept Hoyt inside their home whenever they are not home, and that they intend to continue to do so.

Mark Chase, Road Foreman for the Town of Barnet, testified regarding an incident that occurred a few years prior to this incident. Mr. Chase stated that he also had been performing work for the Town of Barnet on Bunnell Lane when he exited his vehicle and was attacked from behind by Hoyt. He stated that Hoyt had attempted to bite him but had bit down on Mr. Chase's wallet; Mr. Chase had dislodged Hoyt by hitting him hard on top of the head. Mr. Chase testified that there were two witnesses to the encounter, one of whom was Betty Bunnell, who lived at the residence at the time of the incident. Ms. Nutter stated that she had not been aware of the incident and that she had received reports of Hoyt had scratching people in the past, but never biting. She indicated that Hoyt was very protective of Betty Bunnell, which likely contributed to the incident.

The Board noted that they had not received any prior written complaints regarding Hoyt.

Decision

- Mr. Gates moved to order that Hoyt be confined in the Bunnells' garage at all times when the Bunnells are not at home. Seconded by Mr. Jefferson and approved by voice vote.

2. Adjournment

- Mr. Gates moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote.

A true copy. Attest: _____ Town Clerk