

Municipal Manager
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Ludlow, Vermont

A Better Place To Live, Work & Play

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May 9, 2013

Anne-Marie Hanson
132 Ranta Road
Ludlow, Vermont 05149

Re: Findings of Fact

“Vicious Dog Complaint” dated 4/30/2013

Town of Ludlow license # 187 a female German Shepard “Stella”

Dear Ms. Hanson,

As you know a hearing was held this morning (May 9th, 2013) in pursuant to the requirements’ of the Town of Ludlow Dog Ordinance dated October 3rd, 2005. A copy of the minutes of that meeting is enclosed.

The Hearing Board made the following findings:

1. Based on the complaint dated 4/30/2013 and testimony delivered at the hearing the Hearing Board found that “Stella” license # 187 should be considered a “Vicious Dog” as defined by Article: 2 section 2.05 of the ordinance.
2. In some fashion “Stella” license # 187 must immediately be removed from the community and the Board was willing to consider options other than humane disposal.

An offer was made to the Hearing Board by James F. Reichard to remove “Stella” license # 187 to a kenneled situation at his home in Stamford Ct. He represented to the Board experience with other dogs with behavior issues and assured the Board that he would provide an environment that would be safe for the animal and the surrounding community.

Any Season Is The Right Season to Visit Ludlow

Therefore the Hearing Board ordered:

- 1 Mr. Reichard would assume custody of "Stella" license # 187 today and remove her to his home at 4 Mohegan Ave in Stamford, CT. 06902 before the end of the day.
- 2 Mr. Heald would notify the Animal Control Department in Stamford, Ct. of these proceedings.
- 3 The Hearing Board considered but chose not to impose a civil penalty for this infraction.

Thank you for your cooperation. Should there be questions regarding the above please do not hesitate in contacting me.

Sincerely yours,

Frank Heald
Municipal Manager

CC: James F. Reichard
4 Mohegan Ave.
Stamford CT 06902

Shawn Ellison/Linda Hastings
53 Ranta Road
Ludlow, Vermont 05149

Ludlow Select Board
Chief Jeff Billings
Animal Control Officer Laskevich
Health Officer Ralph Pace

TOWN OF LUDLOW, VERMONT

VICIOUS DOG HEARING MINUTES

**Thursday, May 9, 2013 – 8:00 am
Town Hall Conference Room**

BOARD MEMBERS PRESENT:

Frank Heald, Brett Sanderson, Bruce Schmidt, Doug Ficken, John Neal (via phone)

STAFF PRESENT:

Chief Jeffrey Billings (Police Chief), Officer Jonathan Waldman (Police Officer), Ralph Pace (Town Health Officer), Steve Laskevich (Town Animal Control Officer)

OTHERS PRESENT:

Linda Hastings, Shawn Ellison, Anne-Marie Hanson, James (Jamie) Reichard, Michael Ragucci, Phil Stratman, Sueann Martin, Attorney Jim Mackall

Call to Order:

1. Frank Heald called the Hearing to order at 8:03 am.
2. Frank Heald said the purpose of this hearing was to hear and adjudicate a vicious dog complaint against a dog (Stella) license #187 owned by Anne-Marie Hanson, incident #13LL00376 filed with the Ludlow Police Department on 4/30/13.
3. Frank Heald said at the hearing the Municipal Manager, members of the Ludlow Select Board and Town Health Officer will hear the facts of the case and issue findings of fact.
4. Frank Heald asked if anyone wished to introduce evidence. All individuals wishing to speak were sworn in by the Municipal Manager.
5. Frank Heald said that according to Article 9 of the Town of Ludlow Dog Ordinance once a complaint is filed the Municipal Manager shall convene a hearing on said complaint within 14 days, and May 9, 2013 would be the 8th day.
6. Frank Heald said the Board will hear the issue and in accordance with Article 9 § 9.03 has the option to issue an order to chain the animal permanently, muzzle the dog whenever off premises or dispose of the dog in a humane manner.
7. Frank Heald asked Officer Jonathan Waldman to give his account of the events and his narrative would be in evidence.
8. Officer Jonathan Waldman said on 4/26/13 he was called to 53 Ranta Road to the Ellison residence. The caller said he was threatening to shoot a dog. Officer Waldman said when he arrived he met with Shawn Ellison, who said a dog down the road had bitten Linda Hastings. Officer Waldman said Linda Hastings had gauze on her face with puncture wounds and a laceration. Officer Waldman said she did not want to seek medical attention.
9. Officer Jonathan Waldman went to 132 Ranta Road and met with the dog owner, Anne-Marie Hanson and Jamie Reichard. Officer Waldman said Anne-Marie Hanson and Jamie Reichard saw Linda Hastings run by the first time and held the dog, but the dog was not on a leash and when Linda ran back Stella bit her.
10. Steve Laskevich said there have been other instances and issues with the dog Stella a few years ago. He said they had established that the dog be hooked at all times, but this time it was not hooked.
11. Bruce Schmidt asked if there have been other complaints about Stella.

12. Steve Laskevich said people have said they don't walk or run on the road anymore because of the dog and its aggression. He said there was another bite incident but it was more of a protection issue when someone entered into a vehicle that Stella was in. Steve said there was no reason for this particular incident to happen.
13. Bruce Schmidt asked if any of the other instances were complaints of a physical nature or if they were just scared.
14. Steve Laskevich said never a bite, but people were scared. He said it affects people from Jackson Gore and even his wife who won't walk the road anymore.
15. Frank Heald said that according to the Town Dog Ordinance, Article 2 § 2.5, a "Vicious Dog" shall mean a dog which is known to have attacked a person or animal or to have done damage constituting a menace to the public health and safety; or a dog which causes reasonable fear or bodily injury by attacking or threatening to attack any animal or person except as such person may be in the act of trespassing upon the private property of the owner.
16. Anne-Marie Hanson said she disagrees with Mr. Laskevich. She said her dog Stella has not shown aggression and people from the Green Mountain at Fox Run and Road Race participants have walked/ run by the house. She said Stella is on her run 99% of the time.
17. Anne-Marie introduced into evidence a petition, which she read aloud with the help of Jamie Reichard. She also introduced into evidence a letter from her doctor and a letter of apology she wrote to Linda Hastings. Anne-Marie said she gave the letter of apology to Linda this morning.
18. Anne-Marie Hanson said she believes in second chances.
19. John Neal asked if Anne-Marie Hanson had ever taken the dog to training or obedience classes.
20. Anne-Marie Hanson said she has done research and education with books. She said Stella does have a jumping problem. She has corrected her digging but does jump up and is willing to do anything the board requests. Anne-Marie said her shots are all up to date and is registered in the Town of Ludlow.
21. Anne-Marie Hanson said Mr. Laskevich is confusing Stella with her boyfriend's dog Yeager who has been known to be vicious. She said Stella does not show aggression.
22. Jamie Reichard said his dog Yager is now residing in Stamford, CT and is a family pet.
23. Phil Stratman said that dogs are active on Ranta Road. He said prior to this he was chased by the plaintiff's dog while riding on his motorcycle. He said he would like to see the owner put in a chain link pen to contain the dog and allow her take preventative steps and have the proper training.
24. Michael Ragucci said he has known Stella as a puppy and she is a jumper. He said he was at the property at the time of the incident and saw Stella go. He said Linda Hastings motioned and Stella went at her. He said Stella wasn't intentionally trying to hurt Linda.
25. Sueann Martin said on one occasion Anne-Marie Hanson and Stella were on her property in Chester and the dog protected her grandchild against another dog.
26. Phil Stratman said he would like to see a good solution to a bad problem.
27. Jamie Reichard said he would be more than willing to take the dog. He knows of people who would be interested in adopting.
28. Shawn Ellison asked what is going to happen when it occurs again.
29. Frank Heald said the hearing board will issue a findings of fact and issue an order to chain the animal permanently, muzzle the dog whenever off premises or dispose of the dog in a humane manner. He said the owner may then be subject to punishment up to \$500.
30. Frank Heald said if the dog is found not to be vicious it will be released without payment fees or penalties and the determination shall be final.
31. Bruce Schmidt said he was concerned that the bite did not happen on the leg, the dog went for the neck and there were 25 stitches. He said people need to feel safe in public areas.

32. Ralph Pace said he feels the dog is a problem and if it has happened in the past it needs to be addressed.
33. Frank Heald said the way the Town Dog Ordinance reads, if it is determined the dog is vicious they must issue an order to permanently chain, muzzle or dispose of the dog. He said disposal could mean getting the dog out of town.
34. John Neal said if it is vicious, could they determine a program to correct the behavior
35. Frank Heald said Article 9 § 9.03a is very specific.
36. Steve Laskevich said he was concerned if the dog was muzzled it should be all of the time.
37. Frank Heald said the ordinance says muzzle when outside the premises.
38. Steve Laskevich said he was concerned because even with a muzzle a dog can still jam it into an individual. He said a muzzle can't prevent damage.
39. **MOTION by Ralph Pace and seconded by Brett Sanderson to declare the dog a vicious dog.**
40. Frank Heald asked for discussion on the motion.
41. Bruce Schmidt asked Steve Laskevich with all of his experience to rank the dog.
42. Steve said this dog has an attitude and he would rank it at the top. He said going for the face and neck is a concern.
43. Anne-Marie Hanson said she has a no-trespass order against Steve Laskevich. She said they do not get along and he does not like Anne-Marie or Stella.
44. Frank Heald asked for any further discussion.
45. **All in favor to determine the dog as vicious. MOTION to declare the dog as vicious passed unanimously.**
46. Frank Heald said the board now needs to act on the following: a) chain permanently, b) muzzle off property, c) dispose of the dog.
47. John Neal recommended a muzzle for the dog on and off property and corrective training for behavior. He said someone would then need to determine if the dog would be safe to be around people.
48. Frank Heald said whatever you do has to be a responsible action for the Town and the decision needs to be carefully thought out.
49. Bruce Schmidt recommended exiling the dog, but making sure where ever it goes they need to be aware there is an issue.
50. Doug Ficken said he agrees
51. Ralph Pace said you would be just passing the problem to another jurisdiction so they would need to find a place that would take it given the record on file.
52. Bruce Schmidt said they are trying to save a dog that is loved so if people are aware in the new jurisdiction there was a problem it would not be our issue. He said the dog should not be allowed back in Ludlow.
53. Chief Jeffrey Billings asked Jamie Reichard what he had for fencing to confine his dog.
54. Jamie Reichard said he had a 6' stockade fence around the yard with lattice on top. He said the dogs are supervised and his dog Yager is now residing with a Chihuahua.
55. Michael Ragucci said he can vouch for Jamie Reichard's yard.
56. **MOTION by Bruce Schmidt and seconded by Doug Ficken to not allow the dog to reside in the Town of Ludlow and have the owner notify the town where the dog will reside as a professional courtesy and not allow the dog to return to Ludlow, to take effect immediately.**
57. Chief Jeffrey Billings said they need to make sure the dog is going to a secure location and say it needs to go the Jamie Reichard's property and it is a good place for a dog.
58. **MOTION amended to include that the dog Stella will be going to Jamie Reichard's residence in Stamford, CT.**
59. Ralph Pace asked if the dog did something in another town do we have the risk.

60. Brett Sanderson said we shouldn't if they have been notified and are aware.
61. Bruce Schmidt asked if Linda Hastings was in support of this.
62. Linda Hastings said she was not pushing to have the dog euthanized. She said she is grateful that it wasn't worse or was a child. She said it sounds like a responsible solution.
63. Jamie Reichard said he would take the dog to Stamford, CT and work with it on a regular basis and he has Stella's brother so he knows it can be trained, but will need to be confined.
64. Frank Heald asked for any further discussion.
65. **All in favor and the MOTION passed unanimously.**
66. Frank Heald said the board will need to discuss Article 9 § 9.03b, which is the issue of a civil fine.
67. Bruce Schmidt asked if Anne-Marie Hanson and Linda Hastings have worked out their medical bills.
68. Attorney Jim Mackall said they have not.
69. Frank Heald said this would be a civil issue and would not involve this board.
70. Chief Jeffrey Billings said that not every penalty is meant to be punitive. He said Anne-Marie Hanson will lose her dog and will incur costs associated with it so in his opinion that would be punitive enough. He said the costs she will put into this will be far greater than what she is able to pay.
71. **MOTION by Doug Ficken and seconded by John Neal to not assess any penalty. All in favor and the motion passed.**
72. Frank Heald asked if there was anything further.

Adjourn:

- a. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to close the hearing. All in favor and the motion passed.**
- b. Hearing adjourned at 9:05 am.

Respectfully submitted,

Pam Cruickshank
Acting Clerk

Howard Barton Jr., Chairman

John Neal

Bruce Schmidt

Brett Sanderson

Douglas Ficken