

TRANSCRIPT 3/1 DOG BITE MEETING

Karl Bissex 0:00

Yes, I have Okay, I'll call the meeting to order at four o'clock. There's a special meeting inspired by a resident of town who was bitten by a dog and reported it to the town of clerk. And we have seven days to have a meeting, and that's what we're doing, that's recording. Oh, do you know how to run this? Peter, I do not. Okay, I don't either.

Karl Bissex 0:41

just oh, here we go. I got it. I got it.

Patti Jamele 0:46

So, okay, yep.

Karl Bissex 0:51

So the residents at 79 bean Road in Plainfield have a dog and the dog bit a pedestrian on the road that required medical attention, and we need to review the situation and decide what the Next step is. I don't know that. I know exactly what our responsibility or rights are to make any decisions, but

Kim Nolan 1:29

is there two more people to talk?

Patti Jamele 1:35

Okay?

Unknown Speaker 1:37

We were this job boxer, you can tell us. I

Patti Jamele 1:45

Okay, let me see.

Karl Bissex 1:49

Oh, okay, yeah, we've let people in before who turn out to be I.

Thank you. Okay, I guess Eric's on so can Christopher, you're the possible in town. Can we get any kind of report from you? Do you know anything about the situation? And

Constable Keast 2:31

actually, I'm just getting caught up first time I've read the okay individual statement, I have done a little bit of research. Offer a wonderful publication, municipal dog control manual, a big book of

wolf. It's an invaluable tool. Okay, I probably recommend going through it, from what I've heard, and I'm not clear on on this affidavit, if it was, if the animal was on the property when they get when they assaulted individual.

Speaker 1 3:03

I had a gibbelly, I believe he was, she was running by, running by road. She was running by. He went out and the dog ran out of his area and did public Yes, yes, yes,

Constable Keast 3:18

and that we not. It is an unregistered animal, correct?

Karl Bissex 3:21

Yes, yeah, unregistered, and we don't know the status of and he wouldn't say

Bram Towbin 3:26

whether or not the dog had rabies or not. According to her thing, he said, Well, my dog usually doesn't bite people. That's when she said, Is the dog vaccinated?

Constable Keast 3:37

Also, it seems to have a history, I understand, of being rather aggressive today. Yes,

Bram Towbin 3:41

in fact, one of the neighbors is here, who was cornered in her garage by this animal,

Kim Nolan 3:48

and my husband, Michael, was pinned three different times by the dog coming to our property. Couldn't move, cuz anytime you tried to get him away, he'd become more aggressive.

Karl Bissex 4:01

And my understanding is that the woman was bitten, had to get medical treatment, and so far, she spent \$1,400 because she wasn't sure if the dog has had rabies or not, and she had to go through the process. So in normal times, I would suggest that the owner of the dog pay that, but we don't have any authority to make that happen. But it's the woman who got bitten, by the way, is Emily Walmart, and she lives in Maple Hill Road

Unknown Speaker 4:38

in Plainfield. It was just jogging.

Constable Keast 4:44

My understanding so far along, please, by all means, is that it changes the playing field in regards to us and the victim, because the person was getting so a lot of rules and regulations. Step aside, as in regards to that because the animal did bite someone. My recommendation, from what I've learned so far, is we should empower the animal and at the very least discover whether it has rabies or not. Of course, if it's not dead yet, not to be use. Better words I probably

could use, if one could assume that it doesn't have rates, but incoming animal might be the cure was a solution. However, it brings on a few other problems as to where, who is going to do all these things on the monetary aspect tickets and so that my understanding is the the individual is monetarily strapped, so not sure whether ticketing and that kind of offenses are going to get anywhere, and I'm not sure if the victim will be felt to be made whole. In that case as well, she also has quite a bit of a medical bill, yeah, that you know we need to graduate?

Bram Towbin 6:01
Well,

Karl Bissex 6:02
there is a small claims court, which she certainly would have the right to use, as in trying to recover the costs. I don't know that the town has any say in particular on this. Do you happen to know?

Bram Towbin 6:17
Well, I mean, there's a whole the book of wolf that he referenced. Yeah, everybody the remedies and impounding is certainly an option. I had lengthy communications with Peter yes regarding this and next steps, and at the last minute, he couldn't make this meeting.

Karl Bissex 6:42
Yeah, he's the, he's the animal controller. Yeah, he's the animal

Bram Towbin 6:45
control officer. So that's kind of frustrating on my end. You know, I don't know. Okay,

Patti Jamele 6:54
okay, so

Kim Nolan 6:56
can I ask a question, if you would encounter him, how long have the dog that

Constable Keast 7:00
depends on where we can bring it to the impound that that's that's on their schedule, it in pounds for, let's say, seven days, of which the fees eventually go to the owner, and which they assess. If the animal stays there, it's not adopted. There's no response. Worst case scenario, it gets destroyed. But from what I've read in The Big Book of wolfWoof, Its tough to destroy people's animals. But in this case, that might be what happens, but let's not be found. So if he's impounded,

Kim Nolan 7:33
it's up to the owner to pay get him out of the pound after the saving seven days. It's

Constable Keast 7:39

the up to the order to reimburse if we, if we get the animal out, then now the animal is dark brown, so I would say, yes,

Kim Nolan 7:47

no, he's not going to get the lab. He's not going to pay me. No, he's not going to be no.

Constable Keast 7:52

So the animal would hypothetically stay in that situation. And then whatever, the Humane Society, where Peter tells me, there's a place of Danville that does this. I'm not aware of it, but research on that that would help us adapt the place in Danville, town, many, many years ago, had a contract with, I don't think they're in service anymore, not heard anything about them. Random rescue, which is Chelsea, is one of those, most of the local municipalities at

Karl Bissex 8:24

this point, random rescue, random rescue in Chelsea, okay, well, my issue is that at this point to impound the animal. I don't know if it makes any sense, because, like you say, if the dog had rabies. It's, I don't know, would it still have rabies?

Constable Keast 8:48

Not sure how long. Just so the challenge of where the initial dog bite happened on January 25 That's right, first. So the impounding and doing that type of stuff for the part of the dog, I think you're going to be a little bit overdue. I think, yeah, yeah. As far as doing things because the dog isn't registered within a town, that's a different issue. So you have different things in the ordinances that you can go over to give you your guidelines on what you can do. As far as empowering your dog for the purpose of the registration, non registration, I should say. And again, at that point, if they don't register the dog and overpaid fees with whoever you have random rescue or whatever, at that point, the dog, they go to a main society through the practice, okay, that's how your orange is read out, just basically where I was going, but also with the idea of my nano skill being offensive, turning around and not so. One thing I will point out, I had a conversation with Peter, and some of the conversation had to deal with who he had named as being the owner or the person at the property. I know that person and who they said came to the door is not only the same person. So I just want you to be aware not true the lion the dog owner is, or who is even staying there at this point in time. I mean, I know that that's been a been an issue here for a while. I know I've spoken to Bram about the other issues that the town has with that property, so I'm not quite sure who even is living there. Okay,

Patti Jamele 10:27

by there, Pam knows only one

Kim Nolan 10:29

runs. The red one is the one they run. Dylan's buried in the snow. Well, he takes that out every now and then and goes down the maple fields. But it's Devin Lynch who lives there with his girlfriend and a young child. I don't know who you think lives

Constable Keast 10:46

there. My understanding is the person who came to the door that met up with the lady who was bitten was an older gentleman. Is not an older gentleman? No,

Kim Nolan 10:58

it's Devin that came to the door, and Devin is he a younger guy? He's the man we've all been talking about. Nobody else.

Constable Keast 11:06

I just know Devin, not an older person. No, he's no.

Karl Bissex 11:09

Okay, so we have to establish that. Go ahead,

Speaker 1 11:13

I just want to ask the question, if you guesses, bean society, then it can be adopted, but then the person who adopts to pay all the fees the dog,

Constable Keast 11:23

we pay, the adoption fees. I

Patti Jamele 11:25

just don't have this job.

Constable Keast 11:29

Yeah, okay, it'll be up to us too. Well,

Kim Nolan 11:31

what's to say? They can't get another dog?

Patti Jamele 11:34

Well, they can, but we've kind of let this dog know. Maybe this dog will be better behaved. But,

Karl Bissex 11:41

yeah, I'm not sure we have the right to tell somebody they're gonna have a dog or not. They do have a right, though it sounds like to say that they have to be registered with the with the town and which proves that they have rabies shots.

Speaker 1 11:54

Another question I have. I guess this dog has just been allowed to be wild and do whatever it is,

Kim Nolan 12:01

keeps it on a leash once in a while, and then every now and then, he just lets her go, and she's everywhere, and she pinned, she's pinned Ryan and his wife in their own door yard. I mean, he

doesn't stay on his own little postage stamp of property. He comes across the road and he bothers all the neighbors, and he's very aggressive. You can't shoot him away, because every time you try to shoot him, he lunges towards you. And one of these times somebody's going to shoot him, yeah, because he's on someone else's property, and you fear for your life. This is a pit bull. She's a female. Yeah?

Karl Bissex 12:38

I see Michael, yeah. Michael, can you hear us?

Michael Billingsley 12:43

Excuse me. Let me unmute. I have a question. What happens? I mean, this has to do with the impoundment question. What happens if the dog bites someone again? In other words, if we do see this behavior repeating itself, she might bite someone again. If the dog is impounded, it can be tested for rabies. And that's one of the things that doesn't seem to be a clear, clear answer right now we I mean, it probably, I mean, if somebody gets bitten, they'll have to have another rabies series. I mean, we have, we have to protect that too. I think

Karl Bissex 13:19

the town has a responsibility to keep people safe. To Michael's point, I think, and I don't know if there's a statute of limitations of when the bite happened to when we can impound it's been almost a month. You said

Kim Nolan 13:32

dog hasn't passed away, so it doesn't obviously, doesn't sound like it has rabies, right?

Karl Bissex 13:37

Because it would normally right within a couple of weeks, okay, right? But the point is, it still has to be registered. It has to be has to have it shots, and has to follow the rules of the town.

Kim Nolan 13:51

Is that the person is this, Devon's girlfriend. I don't know. I don't know what her name is. Okay, I'm

Karl Bissex 14:06

trying to figure out how to get her on here.

Constable Keast 14:10

No, I'm a neighbor, okay.

Karl Bissex 14:15

Okay, and you're on Did you have a question?

Patti Jamele 14:21

She's still on mute. I still, no,

Kim Nolan 14:23

I don't have a question. Okay, can you ask her where? She's a neighbor, she's

Karl Bissex 14:31

a neighbor. She said,

Patti Jamele 14:32

Oh, there's nobody on our road.

Karl Bissex 14:36

Yeah, we don't know anyone named Lisa on bean road.

Kim Nolan 14:41

I am on. Follow the road. Oh, okay,

Karl Bissex 14:43

right at the corner. Okay,

Unknown Speaker 14:47

your hand is up. Is that a mistake?

Karl Bissex 14:50

Yeah, I think she's left it up. Peter, you have any thoughts?

I have read the complaint, I've been trying to absorb. Bram, thank you for sending out the dog ordinance that Plainfield adopted. And then we have this model from the latest cities and towns. But I don't think we need the model, because we have our own. Yeah,

Bram Towbin 15:15

yeah. And I think it was a number of years,

Karl Bissex 15:19

and I'm just reading language. I'm trying to figure out what is the continuing violation. The continuing violation that I see is that it is unlicensed.

It's unlicensed, and we're all freely roaming on occasion.

Yes, please. You read the nuisance clause? Clauses. There are several that goes on with ORS after a bunch of them, and the word that is used repeatedly is repeatedly Okay. In other words, if it repeatedly does this, if it repeatedly does that. So I think there's an issue with a single incident in terms of what we are legally allowed to enforce here, what is it? Clearly an ongoing situation that is unlicensed. And then if I read, look at section on page three, section seven, the enforcement of penalties, the animal control officer may seize or impound any animal

determined to be in violation of this civil ordinance if such nuisance condition or act occurs in the presence of the officer. Okay, so what would be in the presence of the officer would be the status of being unlicensed, unless, of course, it attacks them and bites it, or anyone who is with them while visiting that then you have a second repeated act of violence, if you will. So I'm, I'm just reading Yes, this is my first dog incident as a Select Board member. So trying to figure out what well, back

Kim Nolan 16:50

earlier, Michael Nolan was pinned in his garage three different times. Yes, in Yes. This came talked to Michael. Michael expected him to come back with paperwork to sign. He never did. He's pinned me twice. Ryan and his wife have been pinned twice. They've been right across the street by the same dog because he's let Rome freely

Karl Bissex 17:19

go further. Yeah,

are we in a quasi judicial board mode here, in this hearing,

we can take an action? In other words,

is this a place where we need to receive evidence and document it as opposed to hearsay?

Patti Jamele 17:36

I believe so. Okay,

Kim Nolan 17:40

well, I don't think Ryan, are you on? Can you unmute please?

Ryan Christiansen 17:46

Yeah, Sarah and I are here.

Kim Nolan 17:47

Hi, Brian. Speak up how you and Sarah have been attacked or whatever.

Ryan Christiansen 17:53

Yeah, the dogs tied outside, left outside most of the time, and then every once in a while, it gets loose, and it's it's trapped us, you know, by the mailbox or in our blueberry patch, or it's probably happened half a dozen times, and it's never bit us, but, you know, it's, it's

Karl Bissex 18:12

just aggressive and it lunges at you. Yeah,

Ryan Christiansen 18:15

it's, it's almost every time, I think it's been one of our other dogs that's distracted it. So it's sort of, you know, we're sort of just waiting until the moment when we don't when we don't have, when things don't go ours. And unfortunately, that's what happened with the woman that ran by. You know, that's, that's what we've always sort of expected would happen to one of us, or our kids or another neighbor. And we've reported this to the town, to Peter Yes, this and the Select Board

Speaker 2 18:43

I did speak with yes this, with Michael Nolan the time he came up.

Michael Billingsley 18:51

Can we speak about harassment, which is another technical term with the prior constable Kathleen Hays. We I had discussions about harassment of my livestock by some loose in Plainfield dogs. And it is a concept that has a legal definition. And we're hearing not hearsay, but first person evidence from Kim and from several neighbors about their encounters with the dogs. So it's it's actually right here in our presence, we're hearing of people talking about harassment, a repeated pattern of harassment, is that something that can be examined as a behavior? Word harassment?

Karl Bissex 19:29

Is it in our ordinance? I'm trying to see if there's something that stands or looks like it, but I didn't, don't see that.

Michael Billingsley 19:37

Okay, thanks.

Karl Bissex 19:40

And again, I'm just reading this for the first time, so maybe I just haven't made it yet.

Michael Billingsley 19:44

You might see it with respect to livestock. I'm not sure that's what Kathleen was looking at.

Constable Keast 19:49

It actually is an animal that repeatedly disturbs the rights or threatens the safe here. What's on page two, top other just, Okay.

Karl Bissex 20:04

Sounds like that's what's going on.

Repeatedly disturbs the rights, threatens the safety or interferes with ordinary use and enjoyment of property or is allowed to damage, such as turning over the garbage can, destroying your gardens, etc, or worrying domestic animals or pets, maybe that's what it is. Michael, worrying those cows were worried.

Michael Billingsley 20:33

That's correct. Thank you very much. Peter, yes.

Kim Nolan 20:38

Well, we are always worried every time we're outside, because all of a sudden you turn around, there she is,

Constable Keast 20:46

covers an animal that eventually, repeatedly chases, snaps at attacks and barks at the desk of his daughters, stops walking by on his bicycle. Okay,

Karl Bissex 20:56

so we're in the definitions in the nuisances section. So like, okay, yeah. So then what is the power? That's the next question. And it's like, okay, so the control officer the general violation. Then when you get into subsection seven enforcement and penalties, they can seize or impound if it's fees in violation, if the person in the presence of the officer, that's key in that in there.

So either the dog is off leash, or, as you point out, if he doesn't have a license, he's in violation immediately,

and the officer shall forth with give notice and writing to the owner mailed to the last you know, certified address by certified mail, blah, blah, blah, stating that the animal bait may be reclaimed, and that's if the officer In pans or ceases.

It sounds like we have the authority to have the dog encountered,

but is it the animal control officer? The animal control officer?

Well, yeah,

Speaker 1 22:12

is that a lot of writing and giving it to the person before you could do that? Is there a lot of there? Are there more steps? Yes,

Constable Keast 22:18

the individual has to be notified. We do have to know who the individual that owns. Yeah, there's a bit that addresses that I believe, in paragraph B in Section seven,

Karl Bissex 22:34

if the owner is unknown, yeah. Also, I don't know if you

Constable Keast 22:37

have these, if I may, bro, I got this from,

Speaker 1 22:45

okay, so there's a whole process here. In time to stop. We have to decide today if that's going to happen. There's, there's a whole process which

Karl Bissex 22:53

is, right, yeah, yeah, yeah. We have to decide if to get the process going. Yeah.

Kim Nolan 23:00

I did not know who owns dog, if it's Devin or if it's the lady friend. I have no idea dog came in here when they came

Karl Bissex 23:09

and they've it's been two of them. So yes, and we have to know that.

No, okay, because it's the Prem No, A and B is like, if you know who the owner is here, you do if you don't know, but it doesn't mean that the animal control officer can't seize or intent, right? So how do you then notify Once they've done that? Okay, so Okay,

so we can take the dangerous animal out of the circulation, so to speak, and then notify the owner.

Kim Nolan 23:36

Would you have to send them a certified letter first correct it doesn't have to

Constable Keast 23:41

be certified, but it'd be wise to

Kim Nolan 23:45

sign it. We've

Karl Bissex 23:48

been through this before. Can the dog

Speaker 1 23:51

be impounded without any without the within during the letter with all that? Yes, okay, yes,

Karl Bissex 23:57

that's what this says. If the they can, they can impound who sees it great. If the Act were a condition occurs in the presence of the officer, then they shall notify the owner or keeper, if known in, you know, by mail, last known address, certified, etc. You don't have to do that first. You can just go and I can tell

Kim Nolan 24:18

you he's been taking the dog with him and bringing him home at night, because I know he's expecting somebody to show up there. Okay, I did not see the dog. It doesn't mean my husband, Michael, has seen him bring it inside the camper at night. So he's been taking the dog. I've met him on the road with the dog sitting in the front seat, where he takes him during the daytime, because he works at Huntington homes. I don't know it could be with the lady friend, if she hasn't been up there till today. She's been gone for a while, so I think it's been too cold.

Karl Bissex 24:48

I guess one of the things that I'm troubled about is how much authority does the animal control officer have to go onto the property? Let's say the dog is tied up. Does the animal control officer had the right to go in and take the dog.

Bram Towbin 25:03

Well, might I? Might I make a suggestion, given the fact that Ryan and Kim have spoken, that this is a fairly regular occurrence, perhaps the the the board should simply instruct the animal control officer, to see if we go, if he's on your property or Ryan's property. You know, in other words, by the time he would

Kim Nolan 25:32

get there, he'd be gone.

Karl Bissex 25:35

We can order it to be seized, because it is unlicensed. That condition is okay. Continue. Okay, then,

Speaker 1 25:45

yeah, if, at this point, if he's hiding his dog, can we order him to give up his dog?

Constable Keast 25:56

Okay, entering somebody's property, if they you don't have a lawful authority to go into somebody's presence, to take a dog. So if you're going to go here to do that, you definitely want, right? Okay, bring your dog neighborhood. Your animal control officer, by all means, grab that dog.

Speaker 1 26:21

It sounds like he's not. It sounds like he's keeping his dog with him now, because he knows that and that someone's gonna Yeah. So we can, we can compel him to give his dog up. Yes, okay,

Kim Nolan 26:36

like one week.

Constable Keast 26:42

I don't I'm sure

Kim Nolan 26:45
he

Karl Bissex 26:46
should be told to license it and not get his dog immediately.

Kim Nolan 26:53
But then that dog, then the dog is allowed to stay if he's licensed. And well,

Karl Bissex 26:57
that means, that means that he's cured that one violence. He hasn't cured the violence, but you can't do anything about that until the dog is off property, running loose. How you going to get

Kim Nolan 27:12
it? I mean, you're you're not up there all the time,

Constable Keast 27:13
and I'll be open. We, we've already talked about this, that as far as Sheriff, I was concerned with taking a dog, that's not something that we're going to be involved in. The liability insurance that's involved in dealing with that end of it is quite prostitute. As far as on town, then are we more than pleased to to assist and deal with things? As far as dealing the civil violations, I can tell you, I'm more than pleased to issue a civil violation, but I'll let you know it's going to be a violation that we witness. And the only reason I'm giving you that is, as I've already dealt with some of the trying to set up Fauci with witnesses and to get them there to be able to testify, some difficult so if I do all of this work, and they don't show up because they are clearly,

Kim Nolan 28:02
well, they have a show today. Yeah, I

Michael Billingsley 28:05
have a suggestion and a question. I know that whatever circumstances that lead us to be able to encounter the dog, the question is, Can Peter be accompanied? In other words, I don't think, I would think it would be safe for Peter to do this alone and with the possible range of people who could accompany me him, I would start with asking if the sheriff has, in their role, the sheriff's department has accompanying for safety reasons the animal control officer. Is that a possibility?

Constable Keast 28:39
That is a possibility, but then it's trying to organize the time to be able to do it when you know they're going to be there.

Michael Billingsley 28:49
I mean, the other option is the constable, but the constable may not feel safe to do that. I don't know.

Constable Keast 28:55

I've always recommended to to Peter, we should always travel in Paris for everybody's sake. So by all means, I would accompany

Kim Nolan 29:04

the mailman has been stopping by and giving it a biscuit. He does walk out back to the doghouse. I've seen him giving him a biscuit, trying to befriend him, yeah, why he's doing that? I don't know.

Patti Jamele 29:17

Whatever. Thanks, dogs. Well, who's doing this? The gentleman

Kim Nolan 29:21

that does the mail on weekends. Oh, okay, long beard.

Karl Bissex 29:27

Okay, so he doesn't get there,

Kim Nolan 29:29

I have no idea, because he has no reason to walk way up back the mailbox is right here on the road. I think he's trying to give

Speaker 1 29:35

your friend the dog. We feel sorry for this dog. He's He's tied up all the

Kim Nolan 29:40

time, true, but I will pass that up

Constable Keast 29:42

confused on one thing. It says in Section F, the animal control officer is hereby authorizing power to enter into private lands, season and pound animals and take all reasonable and necessary measures to abate a public nuisance which shall occur in his in his or her present, not on the home. I understand, I don't tell you the house that would require a warrant, but we can't go on the property and seize the animal in that respect, if I don't, if you're reading that right,

Kim Nolan 30:09

if you can catch it outside,

Karl Bissex 30:12

I see you making a face. Is there? Yeah,

Speaker 3 30:19

state law, as I would suggest, that before they do that, that conversation on the state's attorney, get something from the state's attorney, Vision guidance to see if it is actually important.

Karl Bissex 30:33

Yeah, we want to follow the law first question. Then

Kim Nolan 30:41

next time that dog comes onto my property and I feel threatened, can I shoot it? That's that's not but if I feel threatened, I can take that dog down. First of all, he's on my property illegally, and he's threatening him. I have an 11 year old grandson who's outside all the time. Guys across the road, Michael and Sean are dealing with the same thing. They've got a grandchild.

Bram Towbin 31:09

I know if you were livestock, that would be true, yeah.

Kim Nolan 31:13

And even Michael that said, your dog comes back again. It's gone. He's done. It's trapped him enough times, and like I said, she comes up behind you. She's not barking and running. All of a sudden, you turn around and she's there because I've come out of the garage at night. Michael said, don't move. I says, why? He said, The dog is right there by the camper. I can't move. I try to move. She lunges towards me, and you keep trying to shoot her. She lunges all the more. Michael said it's gonna be gone either him or I. Dog's born. I have

Michael Billingsley 31:45

a question for Kim.

Kim Nolan 31:47

Yeah, Kim,

Michael Billingsley 31:50

would, would it be helpful if you, once you observe the dog is outdoors, in other words, on Alicia, not inside the house, if you could notify Peter, making it easier for an impoundment to occur, yeah,

Patti Jamele 32:01

okay,

Michael Billingsley 32:02

that sounds like a strategy. That sounds like a possible strategy.

Kim Nolan 32:07

And Michael's home now that he's retired VCs. He drives by, but he has noticed lately, since the biting woman being bit the dog, he's been taking it during the day, and then at night time he's

putting it in the camp. But yes, I would keep my eyes open. You're Peter, right, I'm Chris, right. Now. You're Chris. Who's Peter no longer? No, no.

Bram Towbin 32:33

Well, he's, he's still the animal, obviously, but he's not just at this hearing, yeah,

Kim Nolan 32:38

but he didn't do any good, right? He didn't, he didn't write down Michael telling him that he was trapped three times and never came back with paper where anything was filed. So we're

Bram Towbin 32:49

going to verify that didn't write anything down. There would be consequences. But

Kim Nolan 32:56

I want to call this guy if he's not going to take action, I hear

Bram Towbin 33:00

you. I mean, I just think, right now, we have to play with the cards, right? Don't write

Kim Nolan 33:05

down Peter's phone number for me. Yes, I don't have it

Karl Bissex 33:09

in your town report.

Bram Towbin 33:13

I'll look

Karl Bissex 33:15

it up. Yeah, it is in the town report.

Kim Nolan 33:19

So I will call him next time I see the dog outside. I don't want him to say I'm too busy to go. You're not going to have too many chances to get that dog. Yeah.

Karl Bissex 33:37

This has given me a couple of things. This is again from the lead about killing dogs. Okay? State law authorizes the killing of dogs in discrete circumstances. No notice is needed, no hearing is necessary. They're allowed, you, the government or the private citizen, to summarily kill dogs because of the threat they pose to individuals of the public. There you go. Now there are other circumstances. 20 VSA, 3545 law could be renamed the dog self defense law. If a dog is attacking the person, they may kill it, so long as the dog is at the time, isn't restrained within an enclosure or on the owner's property. So if it's off the owner's property, it

Kim Nolan 34:17
could be on it. Yeah, right. So so far I'm, I'm hearing

Karl Bissex 34:23
I have the right yeah, and it extends. Anybody has wounded, killing or worrying, yeah, another domestic pet or animal when they attended surface, and it's reasonably necessary to prevent injury to the animal or fat, so you're trying to protect your other animals.

Patti Jamele 34:40
I don't have yourself,

Kim Nolan 34:42
it'll be myself and my grandson. Yeah,

Karl Bissex 34:47
this statute shouldn't be misconstrued to kill any dog that an animal control or local enforcement officer finds nipping at their heels, unless the dog is exhibiting signs of rabid behavior. The town can pretty much count on the owner of the of a dog the size of a cat, suing the town for killing their dog. Ergo, use your best judgment if bodily harm is an issue, the law authorizes you to protect yourself. You can see where the balance is kind of shift?

Yeah, I would recommend him that you document and submit the events that you've known about and ask, we'll ask Ryan and Sarah to do the same. The more we can build

Kim Nolan 35:33
the dates this animal control guy would have it. I don't Okay

Karl Bissex 35:37
Exactly. We can ask him for it. I think it's important we build a file so if some drastic measures are necessary, there's some logic behind it that protects you as well as you know anyone else, in addition

Constable Keast 35:53
to that, town decides to go through municipal ticketing, and there's A process involved, and the cities are the judicial area. Are very adamant about making sure we have undeniable proof.
Yeah, that's, that's

Karl Bissex 36:10
what I'm thinking, Yeah, but um, that's what I'm thinking we need, we need documentation of events that are threatening and Bram,

you sent something out a couple days ago about the municipal ticket. Are we set up for that?

Yeah, we're going to have that in a future, but

Bram Towbin 36:29

I want to empower 3 different town officers. You guys have to vote on it, and I have, I have to inform the judiciary, but it's in process right now. I just

Karl Bissex 36:41

will we be able to talk about that on May 10? Yeah, at our meeting, yeah. Okay, that'll be an agenda item. You mean March 10? I mean, sorry, March, getting ahead of myself.

Kim Nolan 36:56

So at this point are you going out to the pound the dog?

Constable Keast 36:59

It does fall under the animal control officer, but I am also that also falls under

Kim Nolan 37:04

my response. And you do not have to send them anything in writing

Constable Keast 37:07

after the fact. We do after the fact.

Kim Nolan 37:11

Yeah, not before do I need to call you

Constable Keast 37:17

when the dog is there. Oh, I would recommend calling animal control and me, oh, and the town, what?

Kim Nolan 37:23

Which? Write down your full name phone. I'm sorry.

Karl Bissex 37:27

And by the way, I have a large cage you could borrow if you wanted to. If there was a way to get it in a cage that'd be the easiest

Constable Keast 37:38

freaks. I don't know. I hear the dog to be bribed. I

Karl Bissex 37:41

hear the man seems to have a method. I see

Kim Nolan 37:44

him going out there Sports TV

Bram Towbin 37:47
can Yeah, I will

Karl Bissex 37:49
be honest. So success with that,

Constable Keast 37:54
it may be a labor of exhaustion. Both Peter and I work full time. So again, scheduling that respect

Kim Nolan 38:02
so you both have to go there at the same time. It's always better to

Karl Bissex 38:06
go, yeah, one person isn't going to deal with this dog. No one. It wouldn't be wise. Is there

Constable Keast 38:13
a motion that has to be

Karl Bissex 38:15
made? Or, I'm just wondering, do we need a motion? Or can we just direct you to call the animal control officer?

Bram Towbin 38:24
Yeah, I'll call him. I, you know, I'm not particularly happy about the not showing up today, so I will. I will call him

Karl Bissex 38:35
and tell that's that's going to have to be a discussion as well. Yes, I agree.

Michael Billingsley 38:41
Excuse me, I've yet to hear that the Select Board has ruled that the animal is in violation. Is if that was something you could vote on and decide here in a formal way that would empower the issuing of tickets and empower the issuing of an empowerment action, but if you don't say that, if you don't acknowledge the animals in violation as a voted measure, you might weaken the case for the future action. Well,

Karl Bissex 39:06
we know the animal is in violation of our licensing law. The

Constable Keast 39:11
animals, yes, in violation of ordinance for tickets. The tickets go through the state. We don't actually process the tickets. They come to us, and then they go on to be processed through.

Karl Bissex 39:24

Does the State keep that file on the tickets? And I would imagine they would, yeah, and which is a good reason to have that system if I'm correct, no.

Constable Keast 39:34

As far as municipal violations, if you issue a municipal violation, it's the town's responsibility to keep a copy of that. The other goes through the Bucha barrel. Oh, so there's a process that goes through. There's quite an extensive process, forgive me, I'm learning curves. Yeah, yeah, no issue. If we were to write it, it would be the same thing. We would keep a copy. But does it go through? It does go through the P involved with that? P, I think as far as filing, yeah,

Karl Bissex 40:09

Peter, I would make a motion that the Select Board requests our animal control officer and constable to impound the dog at 7979 Bean Road. This is a female pit bull I understand for being in violation of our licensing law, licensing ordinance.

All those in favor say, aye, aye. Okay. Okay, so we if we could ask

Kim Nolan 40:39

Paul next time I see that dog outside or in the house, I can't I can't tell if it's in the house, unless I see him putting it in there, as always before, but outside. But since it's incident, yeah, there's been days you've been gone.

Karl Bissex 41:00

I don't think there's anything that prohibits the two of them when they're there if the dog is loose from impounding it on other reason, which is, you know, continuing threats and aggressiveness and whatnot, but the authority that we have at this point is because it is unlicensed, yep.

Right? Any other business. Thank you very much.

Bram Towbin 41:24

What's going to bring something? Okay? I think perhaps it has to do with a disposition of some town property, but perhaps we should it's more appropriate to bring it up tent meeting.

Karl Bissex 41:37

Do you want to? You want to have a item on the agenda for that, yeah, okay, it's

Bram Towbin 41:44

just disposition of the truck. This is usually handled completely within the municipal you know, the town clerk and the room for men usually decide these matters. But given past history, I want to be very transparent about the sale. Yep, consider some problems in the past. So

Karl Bissex 42:03

just let's, let's do it then, yeah, yeah.

Kim Nolan 42:07

Can I ask you a question? Have you heard from the judge? Is he made a ruling? We

Karl Bissex 42:12

have heard from the judge. I talked to Terrence on Friday, and yes, yes. Thank you. Thank you so much. Is that yesterday? Thanks for coming. I appreciate it. It was yesterday.

Bram Towbin 42:29

This is on, why don't you preface with people about because maybe people don't understand.

Karl Bissex 42:34

Okay, so, so the the issue is that he, he's been in violation the people are staying at the property on 79 bean road have been in violation of our ordinance that says you can't spend 180 days within a calendar year in in the RV. And they violated that several years now. They went to court. We won some and lost some. The win was he has 30 days to leave, yes,

Kim Nolan 43:08

but camp or two, or just him, he

Karl Bissex 43:11

has to leave. That's what the judge said.

Kim Nolan 43:15

Uh, the mess is left.

Karl Bissex 43:19

The mess is going to be left and whatever happens, I think. But the the we didn't get any, the judge felt that the zoning administrator had not observed enough times that he was there, living there, directly, and made report on it to issue him a fine. So he's not, he's not asking for fines the judge. But our thing has always been, we don't want him there, right?

Kim Nolan 43:48

Okay, so let me go a little further this. Okay, in 30 days, he has to leave. Can he come back? Or is this these leave and he's gone. That's it. He's done. He cannot come back to this premises,

Karl Bissex 43:58

my understanding, I don't know. We can ask that question. My understanding is that he would have to leave for 180 days, and then he could come back. Oh my gosh. What? I may be wrong, but, but I don't know. I don't know what the judge didn't say. He has to leave forever.

Do we have a Do we have a copy of the judge's opinion,

I think, yes, my parents said it, and I will send it to you. Okay, I'll send it all. I was just reading your your summary, which is badly they says that wasn't just wasn't enough evidence justified, whether were there, was there any fine, or were the fines nobody has paid

Kim Nolan 44:38

nothing for the four years at the \$200 I mean, I know it was on paper, but there was a max whatever the judgment said, but still,

Karl Bissex 44:48

okay, so, yeah, so I'll send you, I'll send you the report, because there

wasn't a sufficient paper, 30 Braille from the zoning right? The zoning

administrator now is going to go be going by two or three times a week. He's there

Kim Nolan 44:59

now, like he told when we went for his variants. Yeah, we just sleep there. We don't live there. We don't get they're there all week

Karl Bissex 45:07

long. Yeah, I know you're right across the street. You

Kim Nolan 45:09

don't see him. Unfortunately, I drive by morning and night, and I'm like, boom, but yeah,

Karl Bissex 45:16

so we're going to, we're going to start documenting more of the violation of more the time that he's there, so that that can be documented, and we will get a clarification from the judge.

Kim Nolan 45:29

Okay, so it's 30 days from what date from Friday yesterday, February 28 so by March 28 he has to be gone. But this is the same thing that the mother did she leave for the day she'd come back at night. How are we going to prevent him from coming back at night and sleeping here and doing the same goddamn thing he

Karl Bissex 45:54

documented and then, and then he's in contempt of court for violating the court order

because he can, he will be in contempt. Can

Kim Nolan 46:02

I document it?

Karl Bissex 46:06

I'm sure you could assist Karen. But Karen's the official of town right there. I know, but Karen is the one who's

Kim Nolan 46:14

got the responsibility, she's got to drive by every day, yeah,

Karl Bissex 46:18

alright, at least three times a week. What they said Now,

Kim Nolan 46:21

like I said, he leaves in the mornings and goes to work and then comes home between 430 and

Karl Bissex 46:27

five if he sleeps there, to me, that's living there, exactly whether he's there all day, doesn't matter if he's sleeping there, he's living

Patti Jamele 46:33

there. Okay,

Karl Bissex 46:36

I haven't if you wanted to keep a log, that would be really handy. Yeah, I would,

Speaker 4 46:42

I would recommend, because I do this myself, that if you have a camera that keeps a date, Kim, that you take a photograph of the car being there, or some other evidence to accompany your notes, so that there's a dated visual reference that

Kim Nolan 46:58

your phone, yeah, your

Michael Billingsley 46:59

phone would be fine, just that would add,

Karl Bissex 47:04

Yep, thanks, yep, okay, I think we've anything else you want to add. Hey, car, yeah, thanks,

Ryan Christiansen 47:16

question,

Karl Bissex 47:17

oh, I'm sorry. Sure, go ahead

Ryan Christiansen 47:20

the 180 day was one of many violations. What about the violations related to being connected to the septic system? That's, that's one of the violations as well. And you don't need any evidence on that that it's, it's there. It's not like they're disconnecting that or reconnecting that. That's, that's connected right now.

Karl Bissex 47:38

Yes, it is, and it would probably continue to be, even if he left the left the RV, correct Exactly.

Ryan Christiansen 47:44

I think they need to disconnect that RV, but more importantly, that that should not be connecting any days of the year. And that's, that's the big environmental concern that everyone's concerned about. So hopefully the judge didn't, or the the attorney, more importantly, didn't neglect to pay attention to the most important piece of this?

Unknown Speaker 48:02

Yeah,

Karl Bissex 48:05

I'll have to look at these. I would

Ryan Christiansen 48:06

push on the attorney to be a little more thorough here. It's a bit of sloppy work from your attorney right now, because there are several violations, and he's getting a little distracted with one, but you've got a lot of violations here, and that attorney needs to make sure that we don't accidentally lose sight of something. This is taxpayer dollars you're talking about. There's a there's a massive debt to the town of Plainfield, or the town of Plainfield is dealing with real financial concerns. So let's not, you know, get asleep at the wheel here. Not, not, not implying the Select Board is but the attorney needs to do his job and advocate for the town of Plainfield. Yep.

Kim Nolan 48:43

Can one of the things be when he leaves in 30 days that somebody from the town goes on to that property and disconnects the septic? All it is is the holes. I can do it myself. Yeah, it's not a big deal, no, because he already provided at the variance meeting. He had that septic pump. But he said it was the camper. You don't pay \$450 to Kingsbury, whoever, to have a 30 gallon tank pumped off a camper. So he is going into the ground in that unpermitted setting,

Karl Bissex 49:15

in my opinion, into the stream. Because, yeah, we're

beyond an update. Yeah, this is not an agenda item, yeah, for this meeting.

Okay, you want to adjourn? Yeah? Motion

Patti Jamele 49:31

I motion that we adjourn this meeting. Okay. Second, all those

Karl Bissex 49:35

in favor say, Aye. Thanks for the input. Everybody I will I will follow up.

Patti Jamele 49:42

Okay, I'll mark it all my family, yep,

Speaker 1 49:45

and I will be keeping track. Who's Linda physics, is she? How does she lead you? Glenda, yeah, my step mom,

Constable Keast 49:53

yep, and next to her neighbor. And

Kim Nolan 49:55

neighbor, well, not

Karl Bissex 49:56

next door, no, she's next to 12 couple years she used to be next door then, then a house was built in the middle by some

Patti Jamele 50:05

other guy. Yeah.

Karl Bissex 50:08

Paul guy. Yeah, as I recall.

Kim Nolan 50:12

Like he said, The dog is gonna pay.