

Town of Proctor



Special Selectboard Meeting

February 21, 2023 – 5:00 p.m.

Town Offices Meeting Room/45 Main Street, Proctor, VT 05765

Meeting Minutes

Meeting Attendance (Town Officials/Staff)

Michael Ramsey, Town Manager (Minute Taker)

Judy Frazier, Selectboard (Chair)

Ben Curtis, Selectboard (Vice Chair)

Tom Hogan, Selectboard

Bruce Baccei, Selectboard

Linda Raymond, Selectboard

Meeting Attendance (Public):

Linda Holzworth

Jim Stump

Denise Davine

I. Call to Order

Meeting called to order by Judy Frazier at 5:00 PM

II. Review and Approve Agenda

Motion to approve the agenda with the amendment to add an executive session to discuss personnel matters made by Ben Curtis; Seconded by Linda Raymond. Unanimously approved.

III. Adopt Procedures for Vicious Dog Hearings

Motion to adopt procedures for vicious dog hearings made by Tom Hogan; Seconded by Bruce Baccei. Unanimously approved.

IV. Vicious Dog Hearing

Judy Frazier read the warning/notice

Judy Frazier read the complaint received by the town on February 15, 2023 and dated February 14, 2023

All attendees giving testimony stepped forward to take an oath that under the pains and penalties of perjury, do solemnly swear that the evidence given in the cause under consideration shall be the whole truth and nothing but the truth.

Judy Frazier asked if the complainant/victim has received a copy of the procedures. A copy was available in the meeting hall.

Judy Frazier asked the board if there was any conflict of interest. There was none.

Judy Frazier accepted the written testimony provided by the Sheriff on the incident. No other written information was submitted following the request.

Linda Holzworth's Testimony:

Trouble with Mr. Staine's domestic animals' hereafter "pitbulls" have been going on for years. First dog that Mr. Staine owned came on the Stumps property and killed chickens. The dog once attacked Mr. Stump's granddaughter and after he confronted Mr. Staine about the incident, Mr. Staine got rid of the dog. Mr. Staine later got new pitbulls, and now has a total of 4. The pitbulls often trespass onto Mr. Stump's property where I live. Mr. Stump erected a fence between the properties, but it does not keep the pitbulls out. In September 2022, my dog, Luke, was attacked and I had to use a broom to get the pitbulls to release Luke. Luke was taken to a vet and treated for puncture wounds. Another incident occurred when I was leaving the house with my dogs waiting in the truck, when the pitbulls ran towards me aggressively and I had to jump into the back of the truck out of fear of being attacked. [Ms. Holzworth presented a video to the board of the dogs barking aggressively on her phone.] The pitbulls killed my white cat while I was on vacation in May 2022. Mr. Staine told me that he thought it was his cat that was killed. He then added that the cat was in the trash can. I asked him to get her [the cat] out for a proper burial and he complied. Beau was attacked last week by 2 of the pitbulls and was treated for the wounds by a vet.

Questions from the board to the victim:

Mr. Hogan: Are the dogs vaccinated and registered? Ms. Holzworth said that it was unknown.

Ms. Frazier: You do have a fence along the property? Ms. Holzworth: Yes, but they [the pitbulls] find their way around it. Ms. Frazier: Do the pitbulls run at large all the time? Ms. Holzworth: There is a pen for the pitbulls on Mr. Staine's property, but they are not always in it. Ms. Frazier: How many dogs are there total? Ms. Holzworth: There are 4 pitbulls. Ms. Frazier: Did Luke die because of his injuries from the attack? Ms. Holzworth: No. He died later when he fell in a quarry.

Mrs. Raymond: Do your dog's go out of your yard? Ms. Holzworth: They do go to the neighbor's yard.

Mr. Staine was not present for the meeting. Mr. Ramsey stated that a meeting notice was delivered to him via certified mail.

Ms. Frazier asked if there was anyone else that wanted to submit relevant evidence/testimony regarding the complaint? As the landlord for Mr. Staine, Ms. Davine said that she has attempted to get Mr. Staine to control the dogs [pitbulls].

Mr. Stump added that Ms. Holzworth's dogs are friendly to people and other animals, and that he had to force the pitbulls off Beau with a curtain rod when they attacked unprovoked. While the incident with Beau took place, the pitbulls were going toward Beau's throat and caused puncture wounds to his [Beau] body and legs. Mr. Stump said he confronted Mr. Staine after the attack but Mr. Staine and a lady inside said they never heard noises from an attack or Mr. Stump yelling for assistance during the incident, which Mr. Stump claims to have been doing.

Ms. Frazier: Have they offered to put a fence up that is suitable to contain the dogs [pitbulls]? Mr. Stump: No. The dogs chase often chase me into the house The dogs enter our property freely and sometimes steal food that is left out on cold nights.

Ms. Frazier asked if there were any more question or comments. There were none.

Motion to enter deliberative session made by Tom Hogan; seconded by Bruce Baccei. Unanimously approved. Entered deliberative session at 5:30 PM

Motion to return to open session made by Ben Curtis; seconded by Linda Raymond. Unanimously approved. Exited deliberative session at 5:44 PM. A letter of findings/decisions will be issued to Mr. Staine and Ms. Holzworth within 30 days of the hearing.

V. Executive Session

Motion to find that premature general knowledge regarding mediation with Green Mountain Power would clearly place the town at a substantial disadvantage if discussed in public and that premature general knowledge regarding personnel matters would clearly place the public body or a person involved at a substantial disadvantage if discussed in public made by Ben Curtis; seconded by Tom Hogan. Unanimously approved.

Motion to enter executive session to discuss mediation with Green Mountain Power under the provisions of 1 V.S.A. §313(a)(1) and evaluate a public employee in accordance with 1 V.S.A § 313(a)(3) made by Ben Curtis; seconded by Bruce Baccei. Unanimously approved. Entered executive session at 5:45 PM.

Motion to return to open session made by Linda Raymond; seconded by Ben Curtis. Unanimously approved. Exited executive session at 6:15 PM. No action was taken.

VI. Adjourn

Motion to adjourn made by Linda Raymond; seconded by Bruce Baccei. Unanimously approved. Meeting adjourned at 6:20 PM.