

CITY OF RUTLAND, VERMONT
Board of Animal Control Minutes
Thursday, February 2, 2023

Members present; Sean Sargeant, Carrie Savage and Michael Talbott. Also present, Animal Control Officer Jones, Deputy City Clerk Kapusta, Attorney Bloomer, Shannon Perry and Donald Perry. David Field was absent.

Chair Sargeant called the meeting to order at 5:33 PM and noted that the Board was asked to hear a vicious dog complaint from Animal Control Officer (ACO) Jones, who investigated an incident on November 26, 2022, with a Pitbull named Rico, owned by David Field (respondent), and a Golden Retriever mix named Koda owned by Shannon Perry and Donald Perry (complainant). Deputy Clerk Kapusta confirmed that notices were sent by Certified Mail with tracking on January 26, 2023. As a precaution, on January 31, 2023 Police Chief KilCullen hand delivered copies of the notices to all parties. Chair Sargeant introduced all members and participants present. Chair Sargeant asked if there were any conflicts or ex-parte communications from the Board. Seeing none, Chair Sargeant asked Deputy Clerk Kapusta to swear in anyone giving testimony or evidence. ACO Jones, Ms. Perry and Mr. Perry were sworn in.

ACO Jones read the Vicious Dog Complaint form and brief history of the attack that occurred on November 26, 2022. ACO Jones presented evidence including sworn statements, vet bills, and police reports. ACO Jones presented his evidence and reviewed the documents prior to submitting them to the Chair. Chair Sargeant noted the documents and placed them into evidence. On the date of the attack Mr. Field's dog was not registered with the City and as of the date of this hearing, the dog is still unregistered. Ms. Perry and Mr. Perry's dog is registered and has been registered each year.

Ms. Perry was asked to comment on the incident and gave verbal testimony of the incident. Ms. Perry was sitting outside on her front lawn, looking at her phone, and her dog Koda on a runner. Suddenly she heard someone yell and saw a Pitbull run over and attack her dog. Ms. Perry and the lady with the dog ran over and together we were yelling and trying to get the Pitbull off of Koda. The dogs separated and Koda ran up on the porch and the Pitbull got loose again and ran up on the porch and attacked Koda. Ms. Perry's two brothers, her mother and another person came out to help get the Pitbull off Koda. A neighbor came over and pulled the Pitbull's collar up around his neck to get him to release. Once the Pitbull was back in his house, Ms. Perry called the police to report the incident and had to call back when the police were on the way because the owner of the Pitbull, David Field came outside yelling and threatening her family. Ms. Perry left to bring Koda to the vet before the police arrived.

Mr. Perry was asked to comment on the incident and gave verbal testimony of the incident. Mr. Perry was in the process of moving furniture inside the apartment when he heard loud noises outside. Mr. Perry went outside and saw that Koda was pinned under a tree while he was leashed up on his runner. Koda escaped and ran up on the porch and the Pitbull ran after him. It took six or more people to help and finally the neighbor was able to pull on the Pitbull's collar to get him to release. The Pitbull's owner came outside very hostile and was looking for a fight.

There was a brief Q & A with Ms. Perry and Mr. Perry and the Board.

At this point, Chair Sargeant offered all evidence presented, to Deputy Clerk Kapusta.

With no further questions from the Board, testimony or evidence from either party, the Board concluded the open meeting session at 5:48 PM.

At 5:50 PM the Board moved into deliberative session. At 6:02 PM the Board adjourned.

Respectfully submitted,
Tracy L. Kapusta
Deputy Clerk of the Board of Animal Control