

CITY OF RUTLAND, VERMONT
Board of Animal Control Minutes
Tuesday, November 15, 2022

Members present; Sean Sargeant, Dr. Luther Brown, Peg Flory, Carrie Savage and Michael Talbott. Also present, Animal Control Officer Jones, Deputy City Clerk Kapusta, Kevin Coombs, Kevin Volz, Anya Volz, Kaitlyn Graham and Maria Volz.

Chair Sargeant called the meeting to order at 5:28 PM and noted that the Board was asked to hear a vicious dog complaint from Animal Control Officer (ACO) Jones who investigated an incident with a Pit Bull Mix named Buffy, owned by Anya Volz (respondent), and a Shepherd Mix named Winny owned by Kevin Coombs (complainant). Deputy Clerk Kapusta confirmed that notices were sent by Certified Mail with tracking and that all parties, Ms. Volz and Mr. Coombs received the notices on October 13, 2022. 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. Volz, Mr. Coombs, and Ms. Graham were sworn in. Maria Volz was sworn on at 5:54 PM.

ACO Jones read the Vicious Dog Complaint form and brief history of the attack that occurred on September 23, 2022. ACO Jones presented evidence including sworn statements, medical records, 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 Ms. Volz and Mr. Coombs dogs were not registered with the City. On October 12, 2022 Mr. Coombs registered Winny. Buffy has not been registered with the City of Rutland since her main residence is in Brooklyn, NY and was only visiting at her mother's home. At the time of the attack Winny was up to date on her rabies.

Mr. Coombs was asked to comment on the incident and gave verbal testimony of the incident. Mr. Coombs was walking his dog around the corner from his house on a lease down Easterly Avenue when he heard a noise and Buffy, a Pit Bull mix, jumped on top of Winny. Mr. Coombs had to punch Buffy in the head to get her to release her jaw from Winny's head. Ms. Graham ran over to help and her friend Eric was able to grab Buffy and bring her back into the house. Mr. Coombs brought Winny to Eastwood Animal Clinic for treatment. The vet bills were paid in full by Ms. Volz and Mr. Coombs is satisfied and doesn't want anything negative to happen to Buffy.

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

Ms. Graham was asked to comment on the incident and gave verbal testimony of the incident. Ms. Graham was babysitting Buffy at the time of the incident at 31 Easterly Avenue. She had let Buffy out to go the bathroom. Buffy was on a 10 foot lead that was secured by a D-ring stake in the ground. As soon as Buffy saw Winny she took off and broke the D-ring in the ground which allowed her run at Winny. There was nothing that provoked Buffy to attacked Winny. At the time of the attack Ms. Volz the owner of Buffy was in California. ACO Jones contacted Ms. Volz and explained what happened. Ms. Volz contacted Mr. Coombs and told him that she would pay all the bills relating to the attack.

Ms. Volz explained that after an incident involving Buffy from 2020, she enrolled Buffy into a training course for \$3,000 and Buffy learned commands to keep her calm when she is around other animals. Unfortunately Ms. Graham was never taught these commands as she had COVID and Ms. Volz's mother, Maria Volz, was unable to train her in time. Ms. Graham was issued a ticket for not having a dog on a lease. The ticket as of this hearing had not been paid. Ms. Graham said that she was between jobs at the

moment but would pay as soon as she was able to. Ms. Volz entered into evidence pictures of the broken D-ring and ten (10) statements from various individuals who have encountered Buffy and attest to her calm demeanor.

There was a brief Q & A with Ms. Volz and Ms. Graham 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 5:55 PM.

At 5:59 PM the Board moved into deliberative session. At 6:03 PM the Board adjourned.

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