

CITY OF RUTLAND, VERMONT
Board of Animal Control Minutes
Thursday, November 1, 2018

Members present; Sean Sargeant, Dr. Luther Brown, Michelle Fairbrother, William Notte and Rebecca Mattis. Also present, Attorney Charles Romeo, ACO Jones, Sargeant Sheldon, Chief Kilcullen, Bette Parker, Misty Klementowski, Nancy Manning, David Shortsleeves and City Clerk Heck.

Chair Sargeant called the meeting to order at 6:05 PM and introduced all members and participants present. Chair Sargeant reviewed the outline and procedures to be used during the hearing.

Chair Sargeant asked Clerk Heck to swear in anyone giving testimony or evidence.

Chair Sargeant noted that the Board was asked to hear a vicious dog complaint from ACO Jones who investigated an incident with a dog named Lola, owned by Misty Klementowski and a dog named Snowflake, owned by Bette Parker. Chair Sargeant read the request presented by ACO Jones as a result of that investigation. The Vicious Dog Complaint Form noted that Lola attacked Snowflake, who later died from injuries sustained from that attack. The report also noted that Bette Parker and Nancy Manning were both injured trying to separate the dogs.

ACO Tim Jones was the first to testify. Prior to his statement, Chair Sargeant noted that Ms. Klementowski was employed by the City and did her employment have any bearing on his investigation. ACO Jones replied no to the Chairs' question. ACO Jones provided a signed statement from Bette Parker as to her account of the attack. (A-1) as assigned by Clerk Heck, ACO Jones presented several other documents, (to which Clerk Heck assigned and labeled as evidence as well) and entered those documents into evidence. They included (A-2) the veterinary report on the injuries suffered by Snowflake, and (A-3) prior police reports involving incidents associated with Lola. ACO Jones briefly answered questions from the Board.

Chair Sargeant then asked Bette Parker if she would like to speak. Mrs. Parker provided photos of Snowflake and briefed the Board on her dog and its history. Mrs. Parker was still shaken by the loss of Snowflake and was emotional. Mrs. Parker also shared photos of her injuries. No photos were provided or entered into evidence by Mrs. Parker. There was a brief discussion on the attack and questions to how injuries were suffered by the women.

Chair Sargeant asked Nancy Manning if she would like to testify. Ms. Manning stated that she had provided a statement and that it would speak for her. Clerk Heck labeled the statement (B-1) and it was added into evidence. Chair Sargeant asked Mr. Shortsleeves if he would like to speak. Mr. Shortsleeves did speak and gave a present and historical statement on Lola. Mr. Shortsleeves noted that he and Ms. Manning have cared for Lola over the past eight (8) years and he had never witnessed anything like what took place the day of the attack. Mr. Shortsleeves also praised Ms. Klementowski for the handling and care for Lola. Mr. Shortsleeves also presented a written statement that was labeled (C-1) and entered into evidence.

Chair Sargeant asked if there was any other evidence or statements from the complaintive. Seeing none he asked the Board if they had any other questions, seeing none again, Chair Sargeant asked to hear from the respondent.

Misty Klementowski stated she was sorry for what happened and took full responsibility for the action of her dog. She shared her guilt for not being there that day and noted that with her, Lola is in complete control and she had never seen this reaction from Lola before. There was some Q & A from the Board on her animals handling and care. After several minutes of questions between Ms.

Klementowski and the Board, Chair Sargeant asked Attorney Romeo if there was any other details to discuss. Attorney Romeo just asked if all parties were set the Board could enter into deliberative session, but if they felt that an additional hearing was needed to collect more evidence then the Board could set that hearing. Chair Sargeant sought the Boards desire, seeing no response to needing more evidence, a motion was made to move into deliberative session, (Sargeant, Notte). **Motion passed.**

At 6:42 PM the Board moved into deliberative session.

Respectfully submitted,

Henry A. Heck
Rutland City Clerk
Clerk of the Board of Animal Control