

**CITY OF ESSEX JUNCTION
CITY COUNCIL
SPECIAL MEETING
MINUTES OF MEETING
January 17, 2024**

COUNCILORS PRESENT: Raj Chawla, President; Marcus Certa, Clerk, Amber Thibeault.

ADMINISTRATION: Regina Mahony, City Manager; Ron Hoague, Chief of Police; Robert Kissinger, Essex Police Lieutenant; Joanne Nichols, Animal Control Officer. Harlan Smith, Director of Grounds & Facilities; Matthew Smith, Health Officer;

OTHERS PRESENT: Jody Benoit, Alise Certa, Manu Chopra, Jennifer Claremont, John Dunn, Jessica Gamelin, Chris LeCoz, Resa, Amanda Sayles, Josh Sayles, Dan Tucker, Sharon Tucker.

1. CALL TO ORDER

Councilor Chawla called the meeting to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES

None.

3. APPROVE AGENDA

None.

4. PUBLIC TO BE HEARD

a. Comments from public on items not on the agenda

None.

5. VICIOUS DOG HEARING

Amanda Sayles, the complainant, spoke about the events of Tuesday, January 9, 2024. She said that she was walking her labradoodle, Daisy, from 11 Lincoln Street to the end of the recreation path on Old Colchester Road in the afternoon. She said that she was leaving the recreational fields when she encountered an off-leash grey pit bull crossing her path. She said that the dog pinned Daisy to the ground and sunk its teeth into her left armpit. She said that the dog would not let go of Daisy for 30-45 seconds. She said that she and three other adults pulled the dog off of Daisy, at which point the dog bit her left index finger. She said that she believes that if she had not intervened, Daisy's injuries would have been more serious. She presented pictures of her dog bite and her dog's dog bite for evidence. She said that 911 was called and that even after emergency responders arrived, the dog was still off leash without an owner. She said that the dog's owner, Ms. Ploof, showed up about five minutes after the police did, and called to her dog when she saw three adults restraining the dog (Dozer). Ms. Sayles noted that Ms. Ploof did not have a leash in hand and was requested by the police to remove the dog with a leash. Ms. Sayles noted that she then brought her dog Daisy to the veterinarian to receive treatment (stitches and antibiotics), which resulted in a \$1,500 bill. She said that she herself went to an urgent care clinic to receive care (antibiotics) and that her provider advised that Dozer be watched for any signs of rabies, as Ms. Sayles would then need to also receive rabies treatment at the hospital.

Ms. Sayles then spoke about her concerns. These included the fact that Dozer is unvaccinated against rabies and was brought to Vermont without a health certificate, both of which are in violation of state statute. She asked what measures will be taken to ensure that Ms. Ploof either vaccinates or relinquishes her dog. She said that she also expressed concern that the police officer released Dozer back to his owner while knowing the dog is not vaccinated. She said that a dog that is knowingly not

vaccinated should not be returned back to its owner if it has bitten someone. She said that she raises this concern because neither the health officer nor the animal control officer have been able to get into contact with Ms. Ploof, and she has no way of knowing whether Dozer is exhibiting symptoms of rabies and no way of enforcing proper quarantine protocols. She also expressed concern that there is an unvaccinated, unleashed, and enraged dog that lives in close proximity to the recreation fields. She asked the Council to find a solution that will make people in the neighborhood feel safe to bring their dogs and families to the recreation fields. She noted that if the Council decides to remove Dozer from its owner, she has a contact who will rehome the dog and train it. She emphasized that she does not want any harm to come to Dozer, but wants to keep the public safe.

Councilor Certa asked how Ms. Sayles intervened to extricate the two dogs from each other. Ms. Sayles replied that the dogs were on the ground and she was pushing the dog to get it away from Daisy. Councilor Certa asked whether this dog clamped down and stayed lockjawed or whether the dog was moving. Ms. Sayles replied that to her knowledge, the dog clamped down and would not release her dog.

Chris Le Coz, a resident, spoke about his experience as one of the witnesses who restrained Dozer after Dozer attacked Daisy. He noted that he was running on the recreation path and heard a commotion and noticed Dozer on Daisy and Amanda trying to separate the two of them. He said that during this encounter, Dozer was ferocious and that there was no way that one person could restrain the dog. He said that he and Amanda worked to grab Dozer's collar and restrain the dog, and a third person joined in to help restrain the dog as well. He said that they pinned the dog to the ground but that the dog was strong and struggled to break free frequently. He said that they restrained the dog for 35-40 minutes and the police came on the scene after about 20 minutes. He expressed concern about public safety with a dog like this and what could have happened if the dog had interacted with a small child.

Lieutenant Kissinger of the Essex Police Department spoke about the complaint. He said that they were able to track down who is responsible for the dog. He said that on the complaint it is Jessica Ploof, but that the true owner is Jamie Blake. He said that Jamie is going to be the owner of the dog and take responsibility for the dog. He said that the person who is representing Ms. Blake is her mother. He said that during the course of the conversation, they were able to determine that the dog is registered in New York City and that the dog received rabies vaccinations in New York as well. He confirmed that Dozer is considered vaccinated for this year. He noted that the previously-noted owner (Ms. Ploof) did not have housing but that Ms. Blake does and that this is one reason why she has agreed to take ownership of the dog. He noted that the ordinance allows the Police Department to seize the dog because he does not have a registration certificate, and that the dog has been impounded and will need to be registered before Ms. Blake can get the dog back (and she is aware of this).

Councilor Certa noted that while Ms. Blake is taking responsibility for the dog going forward, he said that Ms. Ploof was the owner of the dog when the incident happened, and asked who will take ownership and responsibility for what transpired during the incident. Ms. Blake's mother noted that Ms. Blake was planning on compensating Ms. Sayles for expenses, and Councilor Chawla said he would like to hear from the defendant (but noted that the defendant is not present at the hearing tonight).

Animal Control Officer Nichols reiterated that the dog was impounded today and he is up-to-date on his rabies vaccine at this point. She said that he will continue to be impounded for his hold, which is ten days, unless the owner comes forward to claim the dog and provide current registration information. She noted that the rabies vaccine was given in August 2023 but the documentation did not provide an expiration date (either 1 year or 3 years), but that it is currently valid. Councilor Certa asked whether the City can set a mandatory hold date until the Council's next hearing (at which it will hear from the potential

new owner). Councilor Thibeault said that the language around a dog hold release is that it is dependent upon payment or the outcome of a vicious dog hearing, so it would appear that the ordinance allows the City to continue holding the dog until the outcome of the continued potentially vicious dog hearing.

Health Officer Smith noted that during a dog's rabies hold, the owner is not allowed to give or sell or kill the dog without written permission from the health officer or the State Health Department.

Mr. Le Coz asked if the City and the owner can guarantee that other people or animals won't get attacked by this dog. Councilor Chawla said that they have not determined how they will proceed, given that they still need to hear testimony from the defendant. He said that there are certain requirements that can be placed on the owner and the dog to prevent vicious behavior and protect the public going forward.

RAJ CHAWLA made a motion, seconded by MARCUS CERTA, to enter into a deliberative session with plans on returning with a decision on a continued hold and continuance of the hearing, to include City Manager Mahony and Lieutenant Kissinger. The motion passed 3-0.

RAJ CHAWLA made a motion, seconded by MARCUS CERTA, that the City Council continue this hearing until 5:00 PM on January 19, 2024, that the dog be impounded until the final disposition of that hearing has been made pursuant to Chapter 5, Section 514 of the City of Essex Junction ordinance. The motion passed 3-0.

6. **ADJOURN**

MARCUS CERTA made a motion, seconded by RAJ CHAWLA to adjourn the meeting. The motion passed 3-0 at 7:38 P.M.

Respectfully Submitted,
Amy Coonradt