

MONKTON NUISANCE DOG HEARING
MONKTON TOWN HALL
Minutes
DATE: Thursday January 4, 2017

1. **CALL TO ORDER:** S. Pilcher called the hearing to order at 7:04pm
2. **ATTENDANCE:**
 - a. SELECTBOARD MEMBERS IN ATTENDANCE: Stephen Pilcher, John McNerney, Henry Boisse
 - b. OTHERS IN ATTENDANCE: Scott Gordon, Laurie Earle, David Auclair, Sharon Gomez
3. **INTRODUCTION, PROCESS, SELECTBOARD DISCLOSURES**

S. Pilcher introduced the Selectboard and laid out the hearing process with testimony being taken from the Scott Gordon, Laurie Earle (ACO) and Angela Auclair in that order. Following initial testimony, rebuttal testimony will be taken in the same order. S. Pilcher indicated that proceedings would be recorded and participants could have copies if requested. Sharon Gomez administered oath to all present.

S. Pilcher introduced into evidence emails received by the Selectboard from B. Layn-Gordon:

“Dog attacked chickens – in front of kids” dated 9/24/2017 (labeled E1 for clarity)

“Dog attack again” dated 10/16/2017 (labeled E2 for clarity)
4. **GORDON TESTIMONY**

S Gordon introduced into evidence a document entitled “Dog Hearing ” dated 11/6/2017 (labeled E3 for clarity). S. Gordon indicated that the dogs from the Auclair residence have been coming over for several years without incident and it is only with the younger dogs that they have had issues with killing chickens. S.Gordon indicated that at the last incident one of the dogs lunged at Bailee. S. Gordon said they have a 4 year old child and 2 year old child with another on the way and they can’t have dogs attacking their kids. Biggest concern is the cost of everything they have lost. They’ve lost 12 to 14 chickens plus eggs are over \$2,000. Just want dogs taken care of.
5. **EARLE TESTIMONY**

L. Earle, Monkton Animal Control Officer introduced into evidence a document entitled “ACO testimony specifically concerning complaint of 09/17/2017” (labeled E4 for clarity). In addition to rehoming the dogs that caused the problems she recommends rehoming any dogs involved in any further incidences. Dogs are easily handled and there is no reason for them to be loose.

6. AUCLAIR TESTIMONY

D. Auclair indicates the first time he heard about the nuisance dog issue was when he spoke to the ACO on 9/17/2017. Tonight is the first time that he met his neighbor S. Gordon. Once he heard about problems he put up an electric fence with dog collars – there was an issue with the fence shorting out when it rains but that has been fixed. Dogs have not been out in 3 months. S. Pilcher asked which three dogs are living at Cattail Lane. D. Auclair indicated that Brodie and Coco are gone and Jill, Hunter and Devil remain. Hunter is quite old. Devil is two. S. Pilcher noted that the Selectboard impression was that Devil and Coco were the two dogs causing problems. D. Auclair indicated that Devil doesn't get out unless he is following Coco. Coco was rehomed to Huntington. D. Auclair indicated that he was not aware of many of the problems. S. Pilcher noted that much of the communication was with Angela Auclair, who is the dog owner registered with the Town. S. Pilcher asked for contact info for D. Auclair and asked if it would be ok for S. Gordon to contact him in case of problems. D. Auclair said that would be fine. H. Boisse was surprised the D. Auclair didn't know of the problems given the length of time. He mentioned prior issues with the other neighbors. S. Pilcher asked several questions about the collars and fencing system. H. Boisse asked clarifying questions about what was keeping the dogs from digging. D. Auclair indicated there were cinder blocks preventing the dogs from going under the fence.

7. GORDON REBUTTAL

S. Gordon wanted on the record that if the dogs came over and killed chickens that they would want them replaced and if they threaten a child or an adult then they want them removed. S. Gordon suggested that if the dogs were to be impounded they should be impounded until a hearing is held. S. Pilcher indicated that the Town continues to struggle with finding a place to impound dogs – especially for longer time periods.

8. EARLE REBUTTAL

L. Earle agreed that it is imperative that the Town get an impoundment facility.

9. AUCLAIR REBUTTAL

none

10. HEARING CLOSE

S. Pilcher indicated that the process from here is that the Selectboard will meet in private generate finding of facts and come to a decision that will be sent to all parties. D. Auclair said regular mail would be fine. J. McNerney moved to adjourn, seconded by H. Boisse passed unanimously.

Hearing closed at 7:28.

Respectfully submitted

Stephen Pilcher

Recording: Nuisance Dog Hearing Recording 2018_01_04.WMA

E1



Subject: **Dog attacked chickens - in front of kids**
From: Bailee Layn-Gordon <creeksidefarm.vt@gmail.com>
To: Stephen Pilcher <spilcher@monktonvt.com>
Date: 2017-09-24 22:02

Hi Steve

On Sunday the 17th of September, we had 2 of the Auclair's dogs come over (1 older with a tail and a younger one). Around 8:00am, the girls and I were outside and the dogs were attacking the chickens where the girls were playing. I was able to get the girls into the van for safety (I am 6 months pregnant and had to scoop both of them up and run them up the hill to the van). Then I had to use a plastic fence post to chase them off our property. The young dog turned and growled and postured at me several times to the point that I had to hit him with the post repeatedly. He was hardly phased by this. I felt like I was not safe in my own yard. My 2 and 4 year old daughters were most definitely not safe with those dogs here.

I called the animal control officer and she came over, took pictures, and then went to Auclair's. I was encouraged to call the state police to have the incident recorded. I did call the New Haven barracks and an officer recorded the information. The dogs were taken by the animal control officer. We were notified that Angie was allowed to pick them up with only 24 hours hold. I do not think that is appropriate for the severity of this case; as well as the fact that this pack of dogs have shown a pattern of attacking animals, as well as growling and posturing at people. It was unclear if it is required to have the animal control officer inspect the property to make sure the dogs would not get out again.

When Scott came home later in the day, we went searching for our birds that hadn't come home. We were picking one body out of the ditch and Angie drove by, swearing at me and giving me the middle finger. When she got home, we could hear her yelling and screaming from across the field. Luckily we didn't have any retaliation; however that is a fear of mine. We have been advised by a variety of people (police officers, animal control officers, etc.) that it is within our rights to shoot a dog attacking livestock. We were lucky that our dogs were inside during this attack, otherwise I know the younger dog would have attacked our dogs. I know that if we did shoot one of their dogs, there would be retaliation.

The dogs killed 4 chickens that day, for a total of 14 over the course of 3 attacks. I have had one of their dogs growl at me twice, but this is the first time a dog didn't run away when I yelled or threw something at them. They have also been reported chasing my horses (one of which is very elderly and has major health issues) by a neighbor. Several people have contacted me who do not wish to come forward, saying that the Auclair's have 8 dogs there and are kept in a small fenced area (too small for that many dogs). It was reported to us that there are 2-3 dogs that are very aggressive and that they often fight with each other.

The Raymonds have called the animal control officer in past years numerous times regarding the dogs chasing them, growling, and fighting with their dogs. This should all be on record with the animal control officer.

I know the selectboard is discussing this topic on Monday. Scott and I cannot attend this meeting, but would like to have our information/ concerns are shared. I would like to see the town rules changed to protect against aggressive dogs. I think there should be a longer hold of a dog that is accused of aggression. There should be proof that the owner is able to contain their dog- through inspection of the property before the dog is returned to the owner. I also think when we have a pattern of the owner not being able to contain/ care for their dog- then the town should take steps to have the dog removed from their care. This is not too much to ask when the safety of children is in question.

Could we please be kept us abreast of the updates on this case as well as the bigger issue of the town regulations on aggressive dogs?! I'm also interested in our next steps to keep our kids and animals safe. Scott is taking steps to make sure we have a quick opening safe to provide access to a gun in a more timely manner. I can't imagine having to fight off a dog in front of my kids, but I did on the 17th. I also can't imagine having to shoot and kill a dog in front of my kids, I hope that isn't our only option.

Thank you for the time and energy on this case. I am available by phone on and off throughout Monday if you need to speak with me.

Bailee Layn-Gordon
(802)-922-1653

E2



Subject: **Dog attack again**

From: Bailee Layn-Gordon <creeksidefarm.vt@gmail.com>

To: Stephen Pilcher <spilcher@monktonvt.com>, <selectboard@monktonvt.com>, <Townclerk@monktonvt.com>, <aco@monktonvt.com>

Date: 2017-10-16 21:45

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- 20171016_174733.jpg (~3.2 MB)
- 20171016_175008.jpg (~2.6 MB)
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Hi everyone

I wanted to update everyone on the details of the attack tonight.

We (the girls and I) got home at 4:50 and were outside caring for the horses and chickens until 5:15. At that time all the chickens were happily pecking at bugs in the garden within a fence. At 5:40 I heard one of the horses yelling and I went outside to see what he was upset about. He was far away from the barn and the other horse (who was locked in the barn to eat) was banging around a lot. I saw one of the Rottweilers come out of her side of the barn and dog was limping. I went around the barn yelling "bad dog- go home" at her. She growled and showed her teeth, but headed up the road limping. At that time I saw another dog (even bigger rottweiler) out of the corner of my eye. This dog was running across the field back to the Auclair's house. There was someone outside looking for the dogs and yelling at the dog in the road. They were swearing and threatening to "beat her ass". The dog gave the man a wide range and ran back to the Auclair's house down Cattail lane. When I went to check on your hens- there were 3 dead. One of which we had just gotten (1 week ago) to replace the lost hens from the last attack. One of the other hens was a pet of my daughters. All of our hens were in a fence- the dogs somehow got into the fence and chased the birds over the fence or carried their bodies out. One of the hens was found across the yard from their fenced area. I have attached some pictures, clearly showing that the hens have a fence around them, one of the dogs go back home, as well as some of the bodies.

I want to be sure that people understand that we have done everything we can to keep our animals safe and cared for. We even fence them in, when we should be able to let them free range in our yard.

With the time frame of this attack, the dogs must have come directly to our home after the animals; this shows a clear pattern on the dogs behavior. This attack now brings the body count to 17 birds. It also seems that the dogs are escalating- from chickens, now going after the horses and growling/ showing teeth at people. This demonstrates a larger risk to our family than just the loss of birds and money. We have a 4 year old, a 2 year old, and a baby on the way. We should be able to allow our girls outside to swing and play in the sandbox in their own yard without worrying about an unsafe neighbor dog coming into the yard.

Bailee Layn-Gordon



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Dog Hearing
November 6th, 2017

Details of the attacks

In the spring of 2016, I was in the garden and one of Angie's dogs came through the field. It was playing with our dogs, but it quickly turned aggressive. I yelled "go home" and the dog turned and growled at me. I had the water hose next to me and I squirted the dog in the face and repeated go home until it turned and left. This dog was an adult with a full tail. Through the summer and fall of 2016 there were often dogs (1-4) coming over, but always responded to "go home" and were not aggressive. We have had chickens this whole time and they were free-ranging on our property. The dogs never showed interest in the chickens during these visits. I did not notify Angie or the animal control officer about these visits, as we understand sometimes dogs wonder out of their yards.

11/16/16- 3 dogs came over and started fighting with our dogs. I was able to send them home and put our dogs in the house; our dogs were not injured. I left to pick up my daughters and when we returned about 45 minutes later, the 3 dogs were back and had killed several chickens (2 killed during the attack and 2 a few hours later from their injuries). The two smaller dogs had feathers in their mouths and ran home quickly when I yelled "go home", the larger dog started growling at me, but soon also went home. I emailed Angie and called the animal control officer. Angie said they were fixing the fence for the dogs.

Through the winter of 2016/2017 the dogs came over less frequent. Our chickens were penned up for the winter and no one seemed to bother them.

Early 2017 (not sure of actual date- some time in February)- 6 birds were killed while in a portable fence when we were at work. When I got home 3 dogs were running back across the field from our house to Angie's house. Only 5 bodies were found and it looked like one of the dogs had something in its mouth, it was hard to see what it was from ½ way across the field. Animal control officer was contacted, but it was unclear if there was any follow up.

9/17/17- 2 dogs came over around 8am. My daughters (4 and 2 years old) were outside playing. The dogs chased and attacked the chickens within feet of where the girls were. I did not feel the girls were safe- I carried them up to the car and tried to chase the dogs off. One dog ran off quickly, while the other dog stood his ground and growled and postured at me several times. I had to use a plastic fence post to protect myself. I hit the dog repeatedly with the fence post before he finally turned and left the property. We were lucky that our dogs were inside during this attack, otherwise I know the younger dog would have attacked our dogs. The dogs killed 4 chickens that day.

I called the animal control officer and she came over, took pictures, and then went to Auclair's. I was encouraged to call the state police to have the incident recorded. I did call the New Haven

barracks and an officer recorded the information. The dogs were taken by the animal control officer.

I have had one of their dogs growl at me twice, but this is the first time a dog didn't run away when I yelled or hit the ground with something. They have also been reported chasing my horses by a neighbor. One of our horses is very elderly and has major health issues.

10-16-17- We (the girls and I) got home at 4:50 and were outside caring for the horses and chickens until 5:15. At that time all the chickens were happily pecking at bugs in the garden within a fence. At 5:40 I heard one of the horses yelling and I went outside to see what he was upset about. He was far away from the barn and the other horse (who was locked in the barn to eat) was banging around a lot. I saw one of the Rottweilers come out of her side of the barn and dog was limping (I'm not sure if the horse kicked the dog or if the dog was limping when it came over). I went around the barn yelling "bad dog- go home" at her. She growled and showed her teeth, but headed up the road limping. At that time I saw another dog (even bigger rottweiler) out of the corner of my eye. This dog was running across the field back to the Auclair's house. There was someone outside looking for the dogs and yelling at the dog in the road. They were swearing and threatening to "beat her ass". The dog gave the man a wide range and ran back to the Auclair's house down Cattail lane. When I went to check on your hens- there were 3 dead.

Additional Information

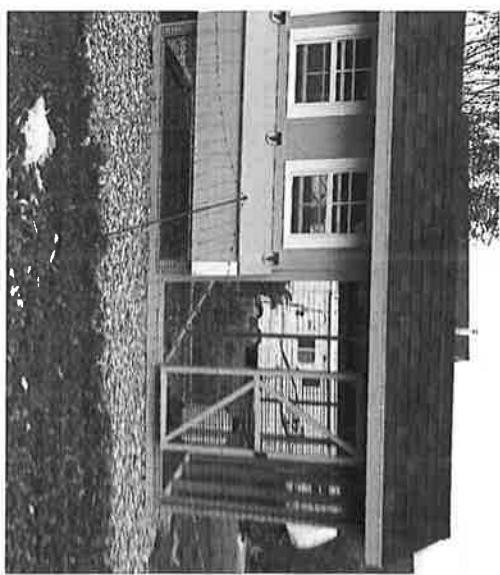
I want to be sure that people understand that we have done everything we can to keep our animals safe and cared for. We even fence the hens in, when we should be able to let them free range in our yard. We have been advised by a variety of people (police officers, animal control officers, etc.) that it is within our legal rights to shoot a dog attacking livestock. We do not want to shoot any dogs.

With the time frame of this attack, the dogs must have come directly to our home after the animals; this shows a clear pattern of behavior. This attack now brings the body count to 17 birds. It also seems that the dogs are escalating- from chickens, now going after the horses and growling/ showing teeth at people. This demonstrates a larger risk to our family than just the loss of birds and money. We have a 4 year old, a 2 year old, and a baby on the way. We should be able to allow our kids outside to swing and play in the sandbox in their own yard without worrying about an unsafe neighbor dog coming into the yard. Although we keep the chickens for eggs, some of these birds that were killed were pet birds of my daughters. The girls have been very upset about the loss of their birds. They often ask before going outside, "are those mean dogs going to come back to eat the chickens?"

As of this date, the Auclair's dogs have killed 16 hens and 1 rooster. It costs \$20 on average to replace each of these birds; that comes to a total of \$340. Each of these hens would produce an average of 530 eggs over their lifespan. That would be a total of 706 dozen eggs lost. Farm

fresh eggs cost on average \$3/ dozen; which comes to \$2118. The total of replacing the birds and egg lost comes to \$2,458.

Attached are some pictures of some of the dead birds, spots they have been attacked, and the fence and coop we have. Please note all of the injured birds in the pictures died within 24 hours or had to be put down because of their injuries.



01.04.18

T2/07/2017 Second nuisance dog hearing re: Auclair dogs

ACO testimony specifically concerning complaint of 09/17/2017

At approximately 8:20a.m., two Rottweilers entered the yard and pasture of Scott and Bailee Gordon on Tyler Bridge Road in the town of Monkton. The dogs chased and killed a number of the Gordons' chickens, including one nearby their preschoolers who were playing in their play area at the time. Mrs. Gordon was approximately 30 feet away in their barn when she heard her dogs, who were secured on their deck, barking. On leaving the barn to investigate, she saw one of the Rottweilers kill the chicken it was chasing. She picked up her children and ran with them to her parked van and placed them inside. She then tried to get the dogs to leave the property, but they growled and would not leave. She then picked up a plastic fence post and hit the dogs to chase them away. The dogs ran into the field between the Gordon and Auclair properties and Mrs. Gordon called me. I arrived at approximately 9am.

After reviewing the Gordons' yard and noting feathers of multiple birds in the yard, and the dead chicken by the children's play area, I visited the Auclair residence and noted that their garage doors were open and two or three Rottweilers were moving about in and out of the garage into their driveway. I was told that they were looking for two Rottweilers named "Cocoa" and "Devil". At that time I returned to the Gordon property to inform them that the dogs were still loose. While speaking with Mrs. Gordon, we observed the two Rottweilers run back through the Gordons' pasture and proceed up Tyler Bridge Road and down Cattail Lane to the Auclair property. Returning to the Auclairs', I spoke with David Auclair and informed him of what had happened, the inappropriate nature of the dogs being loose, especially with killing chickens, and behaving aggressively toward an adult with small children nearby. I told David that impoundment would be necessary due to the repetitive nature of the problem. David states that he is the owner, though Angela's name is on the registrations.

At 5:42pm I telephoned and spoke with Angela Auclair regarding the above incident. She did not believe that her dogs killed the chickens and states that "Bailee lies". I assured her that it was indeed true. I told her that I found the dogs to be easily handled with a leash, so I saw no reason for them to be loose, but she might want to place muzzles on the dogs when out, so that should they get loose, they wouldn't be able to kill chickens or potentially bite anyone. We set a time to meet at the town hall the next morning.

To repeat my final conclusion from the first nuisance dog hearing:

During ten years of continuing complaints it is obvious that tickets, fines, and fees have not resulted in any resolution of these problems. It is equally obvious that the owner is not interested in complying with the ordinance.

**MONKTON NUISANCE DOG HEARING
FINDINGS OF FACT AND ORDER**

1. BACKGROUND:

The Selectboard received two emails from Bailee Layn-Gordon describing dogs killing livestock (chickens), one on September 24, 2017 and one on October 16, 2017. The Selectboard decided to hold a Nuisance Dog Hearing, originally scheduled for October 23, 2017 but rescheduled to November 6, 2017 to accommodate Angela Auclair who was on vacation. The Nuisance Dog Hearing was held on November 6, 2017 at 7:00 p.m. at Town Hall in Monkton in accordance with the Town of Monkton Animal Control Ordinance adopted on January, 19, 2007. Testimony at that hearing indicated that Angela Auclair was not the owner in fact of the dogs and a new hearing was scheduled for December 7, 2017. Notices were sent to the Auclairs via certified mail which was not picked up. The resulting service by the Addison County Sheriff was deemed too late and the hearing again rescheduled for January 4, 2018.

2. FINDINGS OF FACT:

- A. Angela Auclair has registered 5 dogs in the Town of Monkton – Jill, Brodie, Coco, Devil and Hunter.
- B. Two Rottweilers, Coco and Devil, killed one or more chickens on the Gordon property on September 17, 2017.
- C. The Gordons are concerned for the safety of their children on their property.
- D. There was a further attack of livestock, this time including both chickens and horses from dogs belonging to the Auclairs on October 16, 2017.
- E. The Auclairs have had a history of loose, nuisance and vicious dogs covering more than 10 years.
- F. Recent incidents have become more serious, including some signs of aggression toward humans from these dogs.
- G. Coco has been rehomed to Huntington Vermont.
- H. Brodie has been rehomed to South Burlington Vermont.
- I. David Auclair is the owner of the remaining three (3) dogs – Jill, Hunter and Devil.

3. ORDER

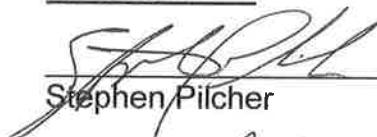
The Selectboard appreciates the fact that the Auclairs have taken the action of relocating two of the two dogs - Coco and Brodie. Given the long history of the Auclairs' inability to adequately control their dogs, the destruction and harassment of livestock, and signs of increased aggression toward humans, and in order to protect the health, safety and welfare of the citizens of Monkton, the Selectboard orders that Coco not return to Monkton. (It is unclear what role Brodie may have played in these most recent incidents.)

4. COMMENTS AND RECOMMENDATIONS

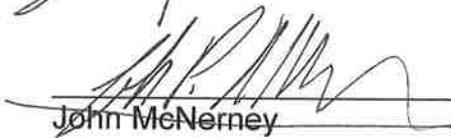
The Selectboard remains concerned about the long pattern of problems with the Auclaire's dogs.

The Selectboard continues to have some reservations about the integrity efficacy of the fence system and shock collars. We recommend consulting a recognized animal control expert to determine if the containment solution is sufficient. Such consultation, along with prompt and thorough action on the recommendations received would serve demonstrate the Auclairs' good-faith commitment to preventing further problems. The Selectboard shall be informed if any changes to the fence are recommended, and the actions taken to enact these recommendations.

5. SIGNATURES



Stephen Pilcher



John McNerney



Henry Boisse