

**SELECTBOARD SPECIAL MEETING
INGPEN VICIOUS DOG HEARING
Thursday, May 25, 2023**

MINUTES Approved on 6/12/23

Attending: Anne Winchester, Gabrielle Malina, Jamie Moorby, Anne Toolan, Jordan Keyes, Barbara Butler, Judith Bingham, Sarah Gallagher, Steve Gallagher, Pam DeAndrea, Judy Fitch Robert, John Dawkins, Carolyn Morton, Stewart Morton, Maria Melekos, Arabella Betit, Evan Lavigne, Dena Cox, Heather Scandale, Leslie Matthews, Richard Hyde, Kate O'Farrell, Nick Emlen, Donna Fitch, Kathleen Landry, Doug Braasch, Cole Bliss, Dena Brown, Hilary Dyson, Reid Schenck, Douglas Guy, Elsa Ingpen and Rose Pelchuck.

Calais Selectboard Chair, Anne Winchester, called the hearing to order at 6:00 pm. Introductions of the Selectboard members were made.

Anne Winchester read the Warning for this meeting dated May 18, 2023. She urged everyone present to make this hearing "kind and respectful", as both individuals involved have been through a lot. The purpose of the hearing is to hear the complaint under the Town of Calais Dog Ordinance. Anne Winchester clearly stated we are not here to discuss the issue that one of the dogs was later found dead; the Game Warden is investigating that animal abuse complaint. Anne Winchester explained the Selectboard is bound to make a decision based on evidence. Each member of the Selectboard was asked to state whether they can make a decision in an unbiased manner. All five members affirmed they are able to make an unbiased decision in this matter.

Anne Winchester explained that evidentiary testimony will be heard. People should talk about things they know, not hearsay. The Selectboard will then close the hearing, and other comments will be heard. Once adjourned, the Selectboard will move into a deliberative session. Several questions about procedural and process were answered. Anne Winchester informed the public that the town has an applicant for the vacant Animal Control Officer position, Cole Bliss.

According to the Dog Ordinance (Section 10 A.), when a dog has bitten a person while the dog is off or on the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. Anne Winchester read the filed complaint statement from Mark Whitman dated May 22, 2023. Anne Toolan read the written statement from Mark Whitman dated May 24, 2023 detailing being bitten by two dogs while out jogging on May 18, 2023. Barbara Butler, Assistant Town Clerk and Selectboard Administrator, along with Town Clerk Teegan Dykeman-Brown, interviewed Mark Whitman regarding the written complaint he filed with the town. Anne Toolan read the written report from the above mentioned interview.

Anne Winchester noted there was a report filed by the Town Health Officer, Jay Copping. Both dogs were up to date with their rabies shots and were licensed. Anne Winchester read the medical report from the Central Vermont Medical Center Emergency Room doctor who treated Mark Whitman for the dog bites on his hands and upper thigh. Photos of the bitten areas were shown. Anne Winchester noted Mark Whitman was not here to answer any questions or to provide further details of what happened.

Elsa Ingpen, who owns two Great Pyrenees dogs, spoke that she feels this is unfair hearsay. Elsa referred to a printed document of her timeline on May 18, 2023. Elsa stated her dogs are beloved family pets, of a livestock guardian breed and bark to ward off any threats. In November 2020, she got Paddington as a puppy and stated the dogs are kept on a tie-out and in her fenced in yard. On occasion the dogs have gotten out. Elsa noted incidents of when the dogs got out and they retrieved the dogs. There were 5 times in the past year; 2 related to unlocked gates and others due to storm damage to the fence last winter. Fence repairs were made after she realized there was a break in the fence out back. Elsa Ingpen asked the Selectboard to consider that the dogs were provoked and that they may have had porcupine quills in their face and were distressed. Elsa noted that two other Great Pyrenees dogs were living towards the other end of Pekin Brook Road and should not be confused with her dogs.

On Sunday May 21, 2023, Barbara Butler, Assistant Town Clerk and Selectboard Administrator, interviewed Elsa Ingpen along with acting Animal Control Officer, Cole Bliss. Barbara Butler read the statement of facts obtained during that interview. Cole Bliss had nothing more to add to the statement.

The Selectboard members asked some questions.

Elsa Ingpen described the fencing in her yard as made of different materials, with gates and latches. That evening Elsa stated she is unsure if she closed the gate properly the night of the incident. The fence is four feet high and her son can jump the fence to get to the school bus. Anne Winchester asked if the dogs could jump the fence. Elsa replied by saying they could stand by it but not jump over it.

Carolyn Norton asked a question not pertinent to this hearing.

Heather Scandale had multiple questions for Mark Whitman with no ability to question him. Heather asked how is the Selectboard going to proceed with that? Heather feels there is a huge moral conflict with how this is being run. Anne Winchester responded by saying “We can only make a decision based on the evidence”.

Maria Melekos, a former Town Health Officer, noted this would be a first offense violation and asked if the town can move this along and not make this a huge deal?

Dena Brown reported Elsa Ingpen's dogs are friendly and have not shown aggression to her; she is concerned that threats were made to the dogs.

Anne Winchester asked for clarifying questions of Elsa Ingpen at this time.

Pam DeAndrea asked for clarification regarding Mark Whitman grabbing the dog by the neck. Anne Toolan re-read the statement from Mark Whitman.

Heather Scandale asked for Elsa Ingpen's background. Elsa is a medical health practitioner with a doctorate.

Elsa noted that Mark Whitman was able to run straight up the hill home after confronting her.

Someone asked about how many times the dogs got out.

Sarah Gallagher urged others to have the same respect for the victim of the attack.

Anne Toolan read into the record written statements from the following people:

Gretta Lowther, Erica Gongoloff, Nel Emlen, Elizabeth Brown, Lisa McCarthy and Chantelle Eckhaus.

Arabella Betit (Elsa's daughter) spoke about probable hearsay and dog confusion regarding Chantelle's note. Tracey Sudhalter submitted testimony in a letter read by Jamie Moorby.

Anne Winchester called on the people who signed up to testify:

Doug Guy testified that he was attacked by Paddington when it was on a leash in November 2021. Doug was on an electric bike. Elsa Ingpen said she was never contacted by the town regarding this incident. Elsa said this was the first time she ever saw Doug Guy. Doug responded. Barbara Butler noted there are reports from the Town Health Officer and Animal Control Officer in the town office regarding this incident.

Heather Scandale asked about the timing of the incident.

Pam DeAndrea spoke about Elsa's dogs at her house when the dogs got out and ended up at her house. Pam has an electric fence to contain her own dogs. Pam's dogs bark like crazy when he (Mark Whitman) goes by. Pam is worried about her dogs if they got out. Pam has done dog training in Walden, VT. Pam believes any dog would protect their other dog.

Heather Scandale noted it is unfortunate what happened to Mark; it's scary, it's frightening.

Paddington being the alpha, was curious. Heather said it is hard to determine looking at two dogs, similar stature, to say who attacked.

Leslie Matthews lives on the Class 4 portion of Apple Hill Road. Leslie reported an incident on December 20, 2022 when Elsa's dogs were on her property and she tried to look at the tags. The dogs growled and she backed away. Neighbors Mark Whitman confirmed the dogs were Elsa's dogs. Leslie has free range chickens that she keeps on her property; fortunately the chickens were not harmed. Leslie Matthews provided written testimony for the record.

Anne Winchester declared the evidence portion of the hearing closed at 7:40 pm.

Other Comments:

Elsa Ingpen said we need to revise the Dog Ordinance to reflect the current standard of care that any time the skin is broken due to an animal bite, at all times one needs to seek medical care (antibiotics are usually prescribed for 3-5 days).

Leslie Matthews spoke again about stray dogs on her property and fears her chickens will be harmed.

Judy Bingham wondered why big dogs can't be required to be tethered even though there is a fence.

Doug Guy lost a lot of poultry due to dogs, noting significant losses to his livestock. Doug wondered about having another evening meeting where the Selectboard has a chance to get feedback from the community; don't forge the emotional toll these incidents take; appreciate it down the road.

Pam DeAndrea said tethering is not okay for a dog, especially from a behavioral standpoint.

Someone else thinks Calais should have a leash law; doesn't have chickens anymore.

Heather Scandale thanked the Selectboard. Heather stated she is passionate about things and glad there is a process to go through. Heather was happy to stick to the process and follow that.

Anne Winchester asked the Selectboard if they had enough information to close the hearing or continue to a date certain. Gabrielle Malina made a **motion** to continue this hearing to a date and time certain on June 26, 2023 at 6:00 pm. The motion was seconded, voted on and carried 5-0.

Jordan Keyes made a **motion** to enter deliberative session at 8:08 pm with Cole Bliss, Acting Animal Control Officer. The motion was seconded, voted on and carried 5-0.

Meeting adjourned.

Rose Pelchuck
Interim Recording Secretary