

**TOWN OF CASTLETON
SPECIAL BOARD OF SELECTMEN MEETING
Monday, July 13, 2020 at 6:00pm
Castleton Fire Department
273 VT - 30
Bomoseen, VT 05732**

PRESENT: Jim Leamy, Chair; Richard Combs, Vice Chair; Zach Holzworth, Secretary; Robert Spaulding, Member; Joseph Mark, Parliamentarian; Michael Jones, Town Manager; Laura Sargent, Recording Secretary.

Others Present: Heather, Jayne Nicklaw, Rob Wheat, Matt Brown, Ilene, Kelsey Butler, Larry Nicklaw, Jamie Perdy, Joan Brown, Chief Mantello

CALL PUBLIC HEARING TO ORDER:

Mr. Leamy called the Special meeting of Board of Selectmen to order to discuss a complaint made by Jayne & Larry Nicklaw about their neighbors dog. The first incident was May 24, 2020 & the second incident with First Constable Si Loomis in April 2020.

Mr. Leamy specified the guidelines to be as follows:

- Only one person to speak at a time
- We have on file statements from both parties, Mr. & Mrs. Nicklaw, Matt Brown and Kelsey Butler and they will be given the opportunity to briefly add to them as well as the police department and Constable Loomis if they wish to add to their statements.
- Both Parties will be given the opportunity to question each other and the Select Board may also ask questions
- Following the conclusion of this hearing the Select board may go into a deliberative session to discuss this matter, this may be held at the conclusion of this hearing if time allows or at the conclusion of the regular meeting that is scheduled to begin at 7 o'clock

Mr. Leamy swore in all Parties.

Public Comment:

Blissville Road Dog Complaint (Nicklaw & Brown)

Mr. Leamy asked if Jayne and Larry Nicklaw wish to add any information that they did not submit in their written testimony.

Jayne Nicklaw testified she had submitted to the board more documents and pictures. Larry Nicklaw concurred with Jayne Nicklaw.

Mr. Leamy asked if Mr. Brown and Miss Butler had any questions for the Nicklaw's. Mr. Brown and Miss Butler stated "No".

Mr. Leamy asked if Mr. Brown and Miss Butler had anything they would like to add to their statement to the Castleton Police Department. Mr. Brown stated he only wanted to apologize for the dog at large and that he wants the select board to read the police report its all very factual.

Mr. Leamy called for questions from the board:

Mr. Spaulding asked Mr. Brown about his newly fenced yard. Mr. Brown said that is correct, Mr. Brown submitted photos and explained that he had it professionally installed and where it was located. Mr. Brown welcomed any of the board to come to his property and see the fence and his dog as well as be able to hear the Nicklaws dogs barking.

Mr. Holzworth asked the Nicklaw's where the vet records for May 24, 2020 are. The records Mr. Holzworth has vet bills for Oct 2017 and May 24 2020, but nowhere does it state what their dog was treated for. Mrs Nicklaw states it is in the officer's findings.

Mr. Mark made a statement as to the ordinance having a tier system of fines which would make previous incidents that resulted in municipal civic tickets relevant.

Mr. Leamy asked Chief Mantello if he would like to add to the report that he submitted. Chief Mantello addressed the prior question Mr. Holzworth had regarding the veterinary report, Chief Mantello stated the Vet was unable to do a detailed statement. Chief Mantello also addressed Mr. Marks' prior statement regarding fines, timeline & amounts. Both parties have been fined for dog issues.

Mr. Leamy asked if fines have been paid. Matt Brown and Kelsey Butler have paid their fines. Jayne Nicklaw has not and intends to take it to court.

Mr. Mark asked Mr. Brown if there was any argument with the timeline submitted by Chief Mantello. Mr. Brown stated he can't argue with it because it was submitted by the Nicklaw's and it is what they reported. The things Mr. Brown noted that were not included was his reports against the Nicklaw's there were multiple complaints Mr. Brown reported the Nicklaw's dogs excessive barking and a dozen reports to the animal control officer.

Mr. Leamy asked First Constable Si Loomis if there was anything he would like to add to his statement that was presented to the Castleton Police Department.

First Constable Loomis stated he would like to state that Mr. Brown had called and apologized for what happened with the dog. First Constable added he was not in uniform and it happened outside of Brown's auto salvage.

Mr. Spaulding asked First Constable Si what date this happened on. First Constable Si stated it was sometime in April 2020.

Mr. Holzworth made a motion that no more than two witnesses from each party the Nicklaws and Mr. Brown would be able to speak at the hearing regarding the May 24th incident. Mr. Combs second the Motion . All were all and the motion passed.

Witnesses:

Jayne Nicklaws witnesses:

Heather (daughter of Jayne Nicklaw) Does not live there and was not there on the date stated . Mr. Brown's dog makes her nervous.

Jamie Perdy (daughter of Jayne Nicklaw) She was not there on the date stated. She has witnessed the dog growling and barking.

Matt Brown's witnesses:

Joan Brown (Mother of Matt Brown) She was there on the date stated, Matt called her and she brought a leash and dog biscuit when she arrived Diesel (dog) was trotting to Roger Laduke's house. Roger had his dog out and Diesel lay down with Rogers' dog. Matt picked Diesel up, brought him home and put him in the house.

Mark Brown (Father of Matt Brown) Stated he was not at this incident, but he was at a prior when Jayne Nicklaw had called the police and stated Diesel was at large, But he was tied to a 25 foot rope playing ball with Mark.

Mr. Leamy asked is there a motion to close the hearing. Mr. Holzworth so moved, Mr. Spaulding Second the motion. All were in favor and the motion passed.

Mr. Leamy explained to all parties the board would discuss the situation in a deliberative session and when a decision is reached all parties will be notified by certified mail.

Mr. Mark made a motion to go into a deliberative session. Mr. Holzworth second the motion. All were in favor and the motion passed.