

TOWN OF SALISBURY
Vicious Dog Hearing
Monday February 27, 2023 at 6:30 PM

Minutes

Members Present: John Nuceder, Jonathan Blake, and Kip Andres were present at the meeting. Patrick Dunn and Paul Vaczy were present via Zoom.

Others Present: Robbie Devoid, Jahnu Gibbs and Susan Scott, were present at the meeting.

For the Complainant: Roger Latham, William Ryan, John Brady Esq were present via Zoom

For the Defendant: Alexis Betourney, Jeremy Cole and John Boylan, Esq were present at the meeting.

The hearing was opened at 6:30PM by the Chair, Paul Vaczy.

The Hearing notice was read:

Please be advised that, pursuant to 20 V.S.A. § 3546 and Section 5 of the Salisbury Ordinance for the Control of Dogs (1/13/2009), the Selectboard will hold a hearing on the complaint on February 27, 2023 at 6:30 p.m. at the Salisbury Town Offices, located at 25 Schoolhouse Road, Salisbury, Vermont. At that time and place, the Selectboard will take evidence and hear persons to determine what occurred during the incident, whether the victim(s) were bitten without provocation and to make such order for the protection of persons as the facts and circumstances may require including without limitation that the dog be disposed of in a humane way, muzzled, chained or confined. The Selectboard may also consider the imposition of fines as allowed by statute and ordinance.

The Complaint was then read:

On December 13, 2022, the Town of Salisbury, Vermont received a written complaint from John E. Brady, Esq., made on behalf of William Ryan of 2204 Sconset Road, Wilmington, DE 19180 (copy enclosed). The complaint states that Mr. Ryan and his dog "Pickles" were the victims of an unprovoked attack by one of two Great Dane dogs belonging to you [Alexis Betourney] while walking along a public hiking trail leading to Silver Lake. The attack occurred on August 11, 2022 and, as reported, resulted in serious injuries to the dog Pickles and Mr. Ryan necessitating medical treatment.

The oath was administered to all who intended to give testimony/evidence in this case.

The Chair requested disclosure of any conflict of interest or ex parte communications from the Board. Upon hearing none, the Chair continued.

Complainant's Exhibits:

- Letter submitted by John Brady Esq., on behalf of William Ryan, describing the incident.
- Notes from veterinary visits with accompanying photo of injury site.
- Photo of injury to Mr. Ryan's hand.

Defendants Exhibits:

- Statement by Ms. Betourney describing the incident.
- Photo of her two dogs.

Mr. Brady asked if Mr. Latham would be allowed to speak as Mr. Ryan was still experiencing some trauma from the event. Mr. Brady proceeded to question Mr. Latham asking him to state his name, address, occupation and relationship to Mr. Ryan. Mr. Brady then asked Mr. Latham to describe the incident, which Mr. Latham did in detail. Mr. Latham's description correlated with the description in the initial complaint (see attached). In response to a clarifying question asked by Mr. Brady, Mr. Latham stated that Ms. Betourney's dog lunged and grabbed at Mr. Ryan's dog, Pickles. When this happened, the leash slipped out of Ms. Betourney's hand and her dog ripped Pickles from Mr. Ryan's hands.

Mr. Vaczy invited the owners of the two Great Danes to speak.

Mr. Boylan noted that Ms. Betourney submitted her description of the incident by email earlier in the day. The Chair acknowledged its receipt. Ms. Betourney then described what happened, which correlated with her written description (see attached). When asked directly if her dog grabbed Mr. Ryan's dog out of his arms she stated that Mr. Ryan was startled by her dog's bark and he dropped or his dog jumped from his arms. She acknowledged that what occurred happened in a split second. She added, in response to another question by Mr. Boylan, that her dogs have never presented a problem to other hikers.

In response to a question from a Board member asking for Mr. Ryan's recollection in his words, Mr. Ryan gave a brief description which agreed with Mr. Latham's description. He did state that Ms. Betourney's dogs began to lunge, one of her dogs became out of control, lunged at Pickles, latched on to his hind quarters and ripped Pickles from Mr. Ryan's arms.

In response to another question from a Board member, Ms. Betourney stated that she did not try to get into the altercation between the dogs, but instead continued to hold on to her dog by the leash at the collar, as all she could do.

Mr. Vaczy indicated that a question could be asked of Mr. Gibbs. Mr. Gibbs stated that he was the Animal Control Officer (ACO) for Salisbury at the time of the incident. He recalled speaking with Mr. Ryan after the incident and was told by Mr. Ryan that he was startled by the bark of the Great Danes and as a result, dropped his dog Pickles.

Mr. Vaczy called for any final thoughts/comments.

Mr. Ryan reiterated his desire that the dogs not be euthanized, as he did not believe in that.

Mr. Brady wanted to clarify that on December 6 he had a conversation with Mr. Gibbs wherein he reported that Mr. Gibbs stated that he was no longer serving as the ACO, he no longer had copies of his notes, doesn't recall what either party said to him and does not want to be involved.

Mr. Boylan added that he wished the Select Board to take into consideration Mr. Gibb's contradiction of the dramatic description given by Mr. Latham and Mr. Ryan when deciding which is the correct version of the incident.

With no further comments, Mr. Vaczy closed the hearing. Select Board member, Jonathan Blake , made a motion to suspend deliberations until after the Select Board meeting. Motion carried 5/0. Hearing ended at 7:05PM.

At 7:30 PM, the Select Board went into deliberative session. They came out of deliberative session at 8:30PM having decided on a course of action.

Respectfully submitted,

Susan Scott
Town Clerk



December 7, 2022

Animal Control Officer/Dog Warden
Town of Salisbury
P.O. Box 66
Salisbury, VT 05759

RE: William Ryan v. Alexis Betourney
DOA: 8/11/22
Our File No.: 1000-162

Dear ACO/Dog Warden,

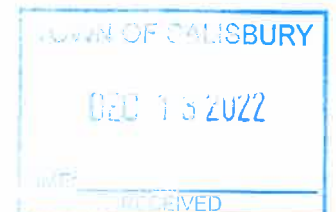
We represent William Ryan for dog bite injuries he sustained on August 11, 2022, in the Town of Salisbury on the Silver Lake Trail. We write to request that the Town comply with its Dog Control ordinance and ACO/Dog Warden policy published on the Town website as set forth below.

While hiking in an area where he was legally permitted to be, Will and his dog Pickles, weight 27 pounds, were the victims of an unprovoked attack by one of two Great Dane dogs being walked by and belonging to Alexis Betourney. Upon seeing the large approaching dogs and hearing them bark aggressively and strain at the leash, Will picked up and was carrying Pickles in his arms. Pickles was, at all times, on a leash but Will picked up Pickles to protect him from the Great Danes.

Ms. Betourney's Great Danes were both on leashes but were barking aggressively and straining at the leash. As they got closer, Ms. Betourney and her companion were holding the dogs by their collars and looking concerned about their dogs. The Great Danes continued to bark aggressively and strain and lunge towards Will.

As Will was to his far right on the trail to stay as far away as possible from the Great Danes, Ms. Betourney failed to control one of the Great Danes which jumped up and bit Pickles' hind quarters. The Great Dane grasped Pickles in its jaws and forcibly pulled Pickles from Will's grasp. The Great Dane thereafter continued to attack Pickles. In coming to the rescue of his dog and to separate the Great Dane from Pickles, Will was bitten on the right hand by the Great Dane. Will sustained a serious bite wound with nerve damage. Will has been advised by a hand surgeon that surgery may mitigate but not fully fix the nerve damage.

Enclosed are photographs of the injury to Will's hand and injury to Pickle's hind quarters. Also enclosed are the veterinary records showing injury to Pickles was limited to his hind quarters. We understand Ms. Betourney claims that her dog was not the aggressor. However, we respectfully suggest the photographs of injury to Pickles' hindquarters and the veterinarian records conclusively contradict that false assertion.



Under Salisbury's Dog Control Ordinance published on the Town's website, the following terms are defined:

"Running at Large" shall mean a dog which is... or is (2) not under the control of the owner or another person.

"Vicious dog" means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal.

Under Section 3, the Salisbury ordinance prohibits dogs from being allowed to run at large or to harass or attack other animals or people unless the animal or people are trespassing or endangering health/safety.

Under Section 5 of the Salisbury ordinance, the Select Board has a duty to determine whether a particular dog is a vicious dog as defined in the ordinance.

The Salisbury ACO duties are spelled out in a policy published on the Town's website. The ACO has the specific duty to investigate dog bites and complete a report and to maintain records of reported incidents.

Here, Ms. Betourney's Great Dane was running at large under the Salisbury ordinance because although on a leash the Great Dane was not under the control of a person as evidenced by the dog-bite injuries to Pickles and Will. Will was clearly not trespassing. Further, the Great Dane is a vicious dog under the Salisbury ordinance because it attacked Will and Pickles.

We understand former ACO Gibbs investigated as required under Salisbury's published ACO/Dog Warden policy, talked to both Ms. Betourney and Will, but did not ultimately complete a report as required under the same policy. We request that Salisbury comply with its policy, issue the required report, and conclude that Ms. Betourney's Great Dane was, as defined under the Salisbury statute, both running at large and a vicious dog in violation of the ordinance.

Respectfully submitted

/s/ John E. Brady

cc: William Ryan

Town.Clerk@Comcast.net

From: Alexis Betourney <alexisbetourney@aol.com>
Sent: Monday, February 27, 2023 4:07 PM
To: paulvaczy@gmail.com; town.clerk@comcast.net; jboylan@boylanlaw.com;
laural@boylanlaw.com
Subject: Will Ryan vs Alexis Betourney

In response to the complaint from Will Ryan vs Alexis Betourney;

August 11th about 3:45/4pm, Jeremy Cole and I, took the two dogs, Loki & Evelyn (Eevee) on a hike at the Falls of Lana/Silverlake trail. both dogs had a collar and leashed. about 10/12 minutes in at the intersection of the pipeline we met a party coming down the hill. two kids, three adults. As they approached(25-30 feet away), Will had picked his dog up facing away from my dogs and moved as far to the right of the trail as possible. I felt weird about his action so I moved to the right and sat both of my dogs down. I handed Jeremy Loki's leash. I said, "my dogs have a loud bark, do not let it startle you." I repeated this when he was about 10 feet away. Eevee barked again(followed by Loki). Will jumped or got startled and dropped/threw his dog in Eevee's direction with in a foot or two. (this all happened fast, maybe 20 seconds) His dog then came at Eevee and they got into it. I told Jeremy get Loki away. I tried to pull Eevee out of it Will then lunged into the dog fight on all fours and pulled his dog out. Immediately started screaming at me things like, Im a psycho bitch, Im crazy, my dogs fucking crazy, what kind of bitch lets her dog attack, etc. handed the dog to the kids and ripping his shirt off to cover his wound, still yelling and screaming. To the point where his girlfriend had to tell him to walk to the car. I apologized for his mishap and I did ask to see the wound, and asked for a photo. I was refused.

After he walked away, Ksenia proceeded to say, "I am sorry for his reaction, this is the second time in the last few months he has been bit." I provided all my information and said I have Evelyns papers in the truck. She said I can send photos later. But then when I asked for there information I was denied, I wasn't even given a name. I wasn't arguing due to being shook from all of his screaming. However, this would be the reason for delay in them receiving information since I didn't know where to send it.

They walked down to the cars while I waited with Jeremy, who was up the trail a little bit, with both dogs for 10-15 min. when we walked down they were still in the parking lot talking. I waited at the trail head/ATV intersection. When he saw me he screamed, "get the fuck in the car, the psycho dogs are here," or something along those lines. They got into two vehicles and started to drive off until will rolled down the back window and screamed where the closest hospital was, I said Porter, then he said, "where is your fucking animal hospital" I told him MAH. they left

I proceeded to call my animal hospital to give them a heads up and to ask about care for Eevee's ear. I assured them it was minor, she gave a little direction and what to look out for, but knowing I have worked there she was not concerned about seeing her immediately unless the wound became infected, red, inflamed, or she started showing behavioral changes.

Evelyn is almost 3, Loki is 2. I have been taking both of my dogs on walks 2-5 times a week since they were old enough to handle distance. We walk on and off leash. Whether kids, large parties, different terrain, or environment, I have never had a problem with either one of them. Evelyn has gone through obedience training for a period of time. When it comes to their home, people come and go from the property often due to the business where I reside. They love meeting people and greet as many as they can.

Alexis Betourney