

**Town of New Haven Public Hearing
9:30 am Town Offices
Saturday, November 8, 2008**

Present: Keith Hall, Pam Marsh, Roger Boise, Lowell Nottingham, Pam Kingman
Absent: Pat Paquette
Visitors: Wayne Marcelle, Janelle Vincent, Ron Vincent, Debbie Bird

Keith Hall opened the meeting at 9:30 am. Mr. Hall explained that the Selectboard had to meet within 7 days of the complaint, which was Monday, November 3, 2008. Mr. Liberio was not present, although he was served with notice of the meeting on November 5, 2008 by the Addison County Sheriff's Department.

Pam Marsh cited the dog ordinance, under #1. Definitions - D. "Vicious Dog" and under # 2. Prohibitions – C. (See attached dog ordinance for full description)

Wayne Marcelle – On Sunday, November 2, 2008 Mr. Marcelle received a message on his answering machine in regards to an attack at the Vincent residence on South Street. Janelle Vincent witnessed Nick Liberio's pit bull "Ginger" come onto her property and attack and kill her cat. The dog was impounded and placed in an undisclosed location.

Ron and Janelle Vincent provided the Selectboard with a written statement of the attack and handed it to them at their meeting on November 3, 2008. The Vincent's declined to add anything more to their written statement; however they did provide a picture of their deceased cat.

Wayne Marcelle – There have been other allegations of attacks by the same dog. The Town has a copy of a Vermont State Police report from February 2008, where a man was attacked and bitten by the pit bull on his own property. Another complaint filed with the Middlebury Police Department in regards to the same dog being seen in August 2008 with a recently dead cat in its mouth. The dogs were running loose on the TAM at the time.

Keith Hall – In addition to those two police reports, two letters from the Selectboard (dated 5/29/07 & 10/31/07) were written to Mr. Liberio regarding his dogs running loose; acting aggressively and running on Town and School property.

Pam Marsh – Nick Liberio was provided with a Notice of Hearing. He was served on Wednesday afternoon, November 5, 2008 by Sheriff Don Keeler. It provided him with the time and date of the Hearing. Mr. Liberio is not present at the onset of the meeting, and is still not present at 9:40 am.

Debbie Bird – Her cat was the one that was killed in Middlebury in August. She used to work at the Addison County Humane Society, and has worked with dogs like this and unfortunately most of the time this type of dog cannot be rehabilitated. She wondered if the Selectboard can prohibit Mr. Liberio from owning any dogs or if it has to involve some kind of animal cruelty charge to enforce something like that?

Pam Marsh – Thought it would take Superior Court action against Mr. Liberio. The Selectboard cannot do this on its own

Ron Vincent – Wondered if this could happen to a child. Or if a child were holding the cat at the time of attack, it could have been devastating. He is tired of the bullying, it needs to stop.

Pam Marsh made a motion to go into deliberative session at 9:50 am to take appropriate action, seconded by Roger Boise. 4 yes / 0 no

Pam Marsh motioned to come out of deliberative session at 10:10 am, seconded by Roger Boise. 4 yes / 0 no

The Selectboard unanimously voted 4 – 0 to euthanize the pit bull known as Ginger. Nick Liberio will be notified of the Selectboards decision through certified mail.

Adjourn: 10:15 am
Respectfully submitted:
Pam Kingman
Approved:

Keith Hall, Chair

Roger Boise

Pam Marsh

Lowell Nottingham