

1 **BENNINGTON SELECT BOARD - SPECIAL MEETING**

2 **QUASI-JUDICIAL HEARING**

3 **BENNINGTON TOWN OFFICE**

4 **205 SOUTH STREET**

5 **BENNINGTON, VERMONT 05201**

6 **NOVEMBER 27, 2019**

7 **MINUTES**

8 **SELECT BOARD MEMBERS PRESENT:** Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jim Carroll;
9 and Bruce Lee-Clark.

10 **SELECT BOARD MEMBERS ABSENT:** Jeanne Conner; Chad Gordon; and Bill Scully.

11 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning
12 Director; Paul Doucette-Chief of Police; Kimberly Krawczyk-Animal Control Officer; Hans Krijnen;
13 Jennifer Krijnen; Eva Krijnen; Harda Bradford; Tracy Dumas; David Sweet; Dustin Shamblin; Jenna Lyons;
14 and Nancy H. Lively-Secretary.

15 At 6:01pm, Chair Donald Campbell opened the hearing.

16 Mr. Campbell explained that the Hearing is on a vicious dog complaint filed by Jennifer and
17 Hans Krijnen against Tracy Dumas. We will do brief introductions, identify and swear in any witnesses,
18 the plaintiffs will have up to 15 minutes to describe their situation, the defendants will have up to 15
19 minutes to describe their situation, and the Board will then go into Deliberation. The Board has read
20 the complaint, the multiple police reports, and a statement from Cassie Sweet.

21 Hans Krijnen, Jennifer Krijnen, Eva Krijnen, Harda Bradford, Tracy Dumas, David Sweet, Dustin
22 Shamblin, Paul Doucette, Kimberly Krawczyk, Jenna Lyons, and Stuart Hurd were sworn in as witnesses.

23 Jennifer Krijnen testified:

- 24
- She and her husband have had their dogs 2.25 years and have had more than a half a dozen
25 incidents with these neighbors and their dogs.
 - She gave the Board a number of statements from other neighbors that have had issues with
26 these dogs. Mr. Campbell stated that they can be considered as part of her statement and will
27 be public record but cannot be considered in the vicious dog complaint. One neighbor's
28 statement was withdrawn because they did not want to be part of the public record.
 - She added to her complaint that she is "in fear for her life" because of the threats received
29 from the neighbors referencing gun violence. Mr. Campbell clarified that those may be another
30 legal matter but are not pertinent in the Board deciding if this one dog is "in control, is it well
31 controlled, and if not, is it then a vicious dog"?
32
33

- 34 • The dog, Kitsy, broke through the fence, the Krijnen's had their back to it, their two dogs saw it
35 first, and jumped out of the car.
36 • She has "nightmares because of this dog".

37 Eva Krijnen testified:

- 38 • This dog, and other dogs owned by this family, have chased her around the neighborhood. This
39 dog tends to go after other animals, but will go after people if there are no animals around.
40 This is on the sidewalks and public land, not the property of the dogs' owners.
41 • Mr. Lee-Clark asked Ms. Krijnen to verify that the photo she had sent of a dog bite from last
42 summer was accurately reported by the police as a bruise, and she agreed.

43 Chief Paul Doucette testified:

- 44 • There have been reports filed about the dogs running loose in the neighborhood. We have
45 increased patrols there to ensure that the dogs are not running free.
46 • The reports that the police had were forwarded to Mr. Hurd who had forwarded them to the
47 Board. The Board had 3 complaints in 2017, 1 in 2018 and 1 in 2019.

48 Kimberly Krawczyk testified:

- 49 • She only began as the Animal Control Officer in July 2019 so this complaint was the only one
50 that she has had.

51 Hans Krijnen testified:

- 52 • That two dogs ran across the road to in front of the Moose Club and attacked one of his dogs.
53 One was this dog and the other one is no longer around.
54 • In this incident, our two dogs were on a leash in the car but not under control. We heard a dog
55 bark, they jumped out, and that was the beginning of 5 minutes of chaos.
56 • The altercation began on the Dumas/Sweet property and ended up in the Dumas/Sweet house
57 where they were separated.
58 • Mr. Campbell asked how often he sees this dog loose, and he answered that they work 14-15
59 hours/day. But when they see the dog, he is attacking our dogs on our property.

60 David Sweet testified:

- 61 ➤ He was in the hallway of his house and saw Kisty bolt out of her pen, then saw the two Krijnen
62 dogs come after her and she ran to go into her cage. She did not leave our property. He finally
63 got the gate unlocked from the inside and a "flood of madness came at me".
64 ➤ Both dogs were hanging on to Kisty's face and legs and he had all he could do to pry them off in
65 his kitchen with no help from Hans.
66 ➤ There was another dog in the house that remained uninvolved.

67 ➤ One of the Krijnen's dogs veered off and attacked a different dog, Paisley. He is not seeking
68 any financial restitution - only an apology. Mr. Campbell stated that he can file a vicious dog
69 complaint if they want to, but this Hearing is only about Kisty.

70 Dustin Shamblin testified:

71 ➤ He is the owner of Paisley, has known Tracy Dumas for 14 years, she has had many dogs, and
72 has enough property for enough room for her dogs. There are always children at her house,
73 so if these dogs are vicious, why don't they attack them?

74 ➤ He had contacted the Town Office to file a complaint against one of Krijnen's dogs but were
75 told to discuss it here tonight. Mr. Campbell apologized to both parties for the confusion on
76 what the procedure is to file a vicious dog complaint.

77 ➤ In the 14-15 years that he has known Tracy, yes, her dogs have gotten out, but he has not
78 heard of them attacking a person or another dog until this incident.

79 Tracy Dumas testified:

80 ➤ Kisty has never bitten anyone, she is friendly, is with babies, and goes in stores with her. They
81 have the vicious dogs.

82 ➤ Kisty doesn't like Hans because he kicked her when she was a pup.

83 ➤ Also, Kisty hasn't gotten out in a year and a half and that bite mark on Eva's leg was from her
84 own dog.

85 Jenna Lyons testified:

86 ➤ She has also known Tracy for 15 years and has 2 children that are frequently at Tracy's house.
87 Tracy would never allow a vicious dog around children. She also got rid of a dog that they
88 thought was making Kisty "high strung". Yes, she has gotten out, so they built the fence and had
89 her on a leash inside the fence after the one time that she got out.

90 ➤ Also, Tracy was under the impression that this Hearing was just about this one incident and not
91 the character of the dog. Had they known, they could have prepared for the Hearing with that
92 in mind.

93 *Board questions/comments:*

94 Ms. Jenkins: Asked Ms. Dumas what "edging them on" meant, and Ms. Dumas answered that Kisty
95 would sit in the window and bark at the Krijnen's since she was kicked by them. She doesn't do that
96 anymore because I told her not to.

97 Mr. Carroll: Questioned that a dog must be on a leash or under voice control on its own property, and
98 Mr. Campbell read - "The owner of a dog may have his or her dog outside a building or enclosure or
99 otherwise not confined or restrained as required in Article 9401 but only if the dog is securely held on a
100 leash, within a vehicle preventing escape, on land owned or occupied by such dog owner, clearly
101 subject to verbal command of such owner and within sight of the owner not trespassing on the lands of

102 others. Dogs under such command shall not harass citizens or other pets to remain in compliance with
103 this Ordinance.”

104 Mr. Campbell: Did Kisty leave your property, and Ms. Dumas answered no, not during this incident.
105 Krijnen’s dogs came onto our property and were in my kitchen.

106 Mr. Carroll: Have your dog’s gone onto your neighbors’ property, and Mr. Krijnen answered yes, during
107 this incident.

108 Mr. Lee-Clark: It is important that we create a record so our decision is factual.

109 Mr. Campbell: Clarified that the complaint is not just filed on the incident, it is on the dog, and we are
110 accepting statements from the plaintiffs and the defendants, as well as, police reports.

111 Mr. Carroll: Asked Hans Krijnen if he had ever kicked the dog, and he said no but he tried to “scoot it
112 away” with a traffic cone. Jennifer Krijnen said that she had kicked Kisty a year and a half ago when
113 she had “her teeth sunk into my female dog’s face”.

114 Mr. Campbell read “ARTICLE 9-10. VICIOUS DOG HEARING No person shall keep or harbor a dog
115 deemed vicious under the terms of this Ordinance. A dog known to be vicious or to have attacked a
116 person or animal or to have done damage constituting a menace to the public health and safety shall,
117 at the discretion of an Animal Control Officer, be impounded by the Town or strictly confined by the
118 owner until the outcome of a hearing. Upon the receipt of a complaint by the Town Manager, a
119 hearing shall be scheduled and warned as a special Select Board meeting. All parties shall be invited to
120 attend. A failure of any party to attend shall not prevent the hearing from proceeding. The hearing
121 board shall consist of the members of the Select Board. After presentation of all evidence, the Board
122 shall issue findings of fact and issue an order to chain the dog permanently, or muzzle the dog
123 whenever off-premise, or dispose of the dog in a humane manner, or issue such other order deemed
124 appropriate by the Select Board.”

125 ***At 6:49pm, the Board adjourned into Deliberative Session.***

126 ***At 7:08pm, the Board resumed the Open Hearing.***

127 Mr. Campbell stated the Board decision as follows:

- 128 1. Kisty is a nuisance animal.
- 129 2. Kisty is not an animal that should be euthanized.
- 130 3. When Kisty is walked off of the property, she must be a leash no more than 8’ long and wear a
131 muzzle.
- 132 4. When Kisty is on the owner’s property, she must be on an appropriately installed cable - a
133 sliding cable with a chain on it.
- 134 5. No restrictions when Kisty is inside as long as she is under the owner’s control.

135 The Town Manager will issue a letter with these decisions, however, they will become effective
136 immediately.

137 Mr. Campbell added that this hearing has caused the Board to realize that they must do two
138 things:

- 139 1. We need to do some more work to clarify exactly what our Nuisance Animal Ordinance means.
140 Mr. Lee-Clark will take the lead on that and come up with some revisions to our Ordinance.
- 141 2. We need to make it much clearer as to what it means to file a vicious animal report so that
142 when either party submits a complaint, you don't have to, in any case, know that it has to be a
143 vicious dog complaint in order to have the complaint filed. In other words, we will ask that our
144 Town Staff have the training to say "is this a vicious dog complaint", and if it is, to file it
145 appropriately.

146 ***At 7:11pm, the Hearing was adjourned.***

147

148

149

150 Respectfully submitted,

151 Nancy H. Lively

152 Secretary

153