

**MINUTES SELECTBOARD MEETING
VICIOUS DOG/DOMESTIC PET BITE HEARING
Grafton Town Hall Upstairs In Person/Live**

Thursday, November 2, 2023, 10:00 am

Present at the meeting in the Town Hall:

Selectboard: Chair Joe Pollio, Vice Chair Cathy Siano-Goodwin, John Gregory, and Seth Pajcic

Selectboard not present: Rich Thompson

Also: Rodney McPhee, Morgan Wilbur, Kim Record, Animal Control Officer Ashley Pinger, Town Constable Mike Waysville, Kyra Oles, Zachary Oles, Jerry Oles, Steve Ankuda, Dottie Cannon, Jerry Whitley, Lisa Whitley, and Elizabeth Pollio

Call to order: The Chair called the meeting to order at 10:00 a.m.

Joe Pollio introduced the other Selectboard members and described the purpose of the hearing by saying “This is a hearing of the Grafton Selectboard held pursuant to Title 20, Section 3546(b). The purpose of the hearing is to receive evidence regarding injury to a person by a dog which is alleged to have occurred on October 24, 2023, at approximately 4:00 p.m. at 569 Houghtonville Road, Grafton, VT 05146. The Selectboard is conducting an investigation into the factual circumstances of the incident. The Selectboard is required by law to make such order for the protection of persons as the facts and circumstances of the case may require”.

Pollio asked anyone who would be testifying to raise their right hand and take the following oath:

“Do you solemnly swear that the evidence you shall give relative to the cause now under consideration shall be the whole truth and nothing by the truth, under the pains and penalties of perjury?”

The following individuals raised their right hand and said “I do”: Mike Waysville, Ashley Pinger, Kyra Oles, Zachary Oles, Jerry Oles, Jerry Whitley, and Lisa Whitley.

Jerry Oles testified as to the facts surrounding the attack, that the attack was unprovoked, that he was on the Whitley’s property, and that his injuries required medical attention including 10 stitches. Zachary Oles also testified as to what he witnessed when his father was attacked by Olga.

Town Constable, Mike Waysville, testified regarding the two prior incidents involving Olga and that he had ordered the Whitley’s install a fence at their property, and that Olga be leashed and muzzled when off their premises.

Animal Control Officer, Ashley Pinger testified as to her investigation regarding the attack on Mr. Oles, that in her opinion, the Whitley’s did not comply with the prior order issues by Constable Waysville, that the Whitley’s did not construct a fence suitable to keep Olga secure, that the Whitley’s can not control Olga and she was very concerned that another attack will occur if the Selectboard does not take action.

Mr. and Mrs. Whitley admitted that Olga went under the fence and attacked Mr. Oles, that they do not muzzle Olga when she is off premises, that the attack occurred on their property, that they will agree to post a sign warning the public that they have a vicious dog, that they will reinforce the fence and seek additional training for Olga. The Whitley's attorney, Steve Ankuda, argued to the Selectboard that Title 20, Section 3546 of the VT Statutes Annotated requires that the bite occur off premises.

Ankuda presented the following evidence to the Selectboard:

- Exhibit A: Warrant Deed
- Exhibit B: Image of the bottom of the fence with blood drops circled from the inside of the fence.
- Exhibit C: Image of the bottom of the fence with blood drops circled from the outside of the fence.
- Exhibit D: Image showing the distance of the fence from the roadway.
- Exhibit E: Sketch of the distance between the fence and the roadway.
- Exhibit F: Sketch of the Whitley property when it was purchased.
- Exhibit G: Letter from Jerry Whitley to Town Constable, Mike Waysville, dated April 16, 2022.

Ankuda used the exhibits to explain the attack did in fact occur on the premises of the Whitley's.

Adjourn: The Chair adjourned the hearing at 11:17 a.m.

Deliberations began in private immediately after the hearing.

Respectfully submitted,

Morgan Wilbur

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