

1 **TOWN OF CHESTER PUBLIC HEARING**
2 **Aug 9, 2024 Minutes**

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4 **Board Members Present:** Lee Gustafson, Arne Jonynas, and Peter Hudkins at Town Hall. Absent:
5 Arianna Knapp and Tim Roper.

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7 **Staff Present:** Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Recording Secretary
8 via Zoom.

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10 **Visitors Present:** Karen Orchitt and Jan Payne at Town Hall.

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12 **Call to Order**

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14 Chair Arne Jonynas called the meeting and Public Hearing to order at 6:02 p.m.

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16 **Agenda Item 1, Public Hearing Notice**

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18 Arne read the Notice: Re: Vicious Dog / Public Nuisance Complaint. "Dog owned by Tom and
19 Terry Steele. The Selectboard of the Town of Chester, Vermont, will hold a Public Hearing
20 pursuant to 20 V.S.A. § 3546 as well as the Town of Chester Dog Ordinance on Friday, August 9,
21 2024 at 6:00 p.m. at the Chester Town Hall, Second Floor and via Zoom, to hear evidence and
22 receive testimony on a complaint of a "vicious dog" concerning a dog identified as "white dog"
23 owned by Tom and Terry Steele presently residing at 906 Andover Road in Chester, Vermont."

24
25 Arne asked the Complainant if she had received all the directions and instructions on how the
26 hearing would proceed and she had. Arne asked if there was any conflict of interest or any ex parte
27 communication between the parties involved and any Selectboard members and both Lee and Peter
28 said there had not been.

29
30 Arne said he would swear in those who wanted to testify. He swore in Karen Orchitt. He asked if
31 anyone else would be speaking. The next thing is they would accept the written information in the
32 Complaint as evidence to the Selectboard. Arne entertained motions to enter the exhibits.

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34 The first item was the Town of Chester Notice of Public Hearing for this hearing. Lee moved and
35 Peter seconded the motion to accept the item as Exhibit "A." The motion carried unanimously.

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37 Exhibit "B" was the police log from the Chester Police Department, Incident #24CH002676. Lee
38 moved and Peter seconded the motion to enter it into evidence. The motion carried unanimously.

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40 The next item to be entered into evidence was the Complaint itself. Arne read the complaint which
41 was a Town of Chester Vicious Dog Complaint Form dated August 5, 2024. The person reporting
42 the attack was Karen Orchitt at 1044 Andover Road, Chester, VT. The facts of the attack are as
43 follows: The date and time was August 5, 2024, at 7:45 a.m. The place of attack: on Andover
44 Road, Chester, VT. The person bitten didn't require medical attention but answered self-care,
45 which Arne viewed as medical attention administered by the person themselves. The victim's
46 name was Karen Orchitt. For other facts that may assist the Selectboard in its investigation it said,

1 “See attached papers.” The first attached paper was the Chester Police Department statement that
2 stated it was Case #24CH002676, which stated: “I, Karen Orchitt, born on August 12, 1955, live
3 at 1044 Andover Road and make the following statement freely and voluntarily. No threats have
4 been made against me and no pressure of any kind has been used against me. I left my house at
5 7:40 this morning on 8/5/24 to go for my normal walk. When I got to the upper drive at the next-
6 door neighbors, Terry and Tom Steele’s, the white dog started barking angrily. I slowed down to
7 make sure it was hitched. I could see it was restraining at the restraint. If it is outside hitched, I
8 always just walk by without hesitation. The dog broke free and charged at me up by the road biting
9 me on the outside of my left knee. He then quickly circled me and bit me on the right buttock hard.
10 When he jumped up, he scratched my left leg on the inside. I started to walk backwards toward
11 home. The brown dog came barking but only because of all the barking of the white dog. The dog
12 kept coming at me. I yelled, “Stop!” and kept moving past their property, was halfway home with
13 the dog still coming at me. I waved down a truck and Glenn Massey, he came, let me in the truck,
14 backing up to go into our driveway.” There was more information on an added page, “I was bitten
15 on 11/21/2023. He grabbed my arm hard leaving teeth marks and ripped my jacket. On 2/3/2024,
16 a bite, which was a bad bruise, took about 3 weeks to heal. On 8/5/24, I hope this is the last time.”
17 It was signed by Karen Orchitt and the statement she presented with the Complaint. Lee moved to
18 admit the Vicious Dog Complaint Form as read by the Chair and Peter seconded the motion. The
19 motion carried unanimously.
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21 The last piece of evidence was Exhibit “D” which were photos. Arne entertained a motion to enter
22 them. Lee moved and Peter seconded the motion, and the motion carried unanimously.
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24 Arne invited the Complainant to present oral testimony. Karen said the only thing she could add
25 to what she stated in the Complaint was she has never been that scared. If he had bit her and gone
26 home, it would have been one thing, but he persisted in coming after her and the fact she felt she
27 couldn’t turn around and had to back up backwards wasn’t easy. She didn’t want to see anyone’s
28 dog put to sleep because it was someone’s pet but that’s the way she likes to walk because she can
29 get to the road and it’s an easier walk without so much traffic. If she walks the other way, there’s
30 a lot of traffic. Getting off the side of the road is difficult in some places because there’s no side
31 of the road from the storms and it’s no longer a good place to walk. She was sorry the dog was in
32 this position, but she couldn’t walk by that house knowing he was there. She knew the board would
33 do their best. There were no questions from the Selectboard.
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35 Arne invited the domestic pet’s owners to respond, who were notified of the hearing, but were not
36 present.
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38 They invited members of the public to testify. Jan Payne wanted to add that Karen walks every
39 day and every morning at 7 or 8 and it was part her health for Parkinson’s Disease and wasn’t just
40 a lovely stroll because she felt like it but necessary for her health.
41

42 Julie said while there were no other formal complaints, they have received many reports, in
43 addition to the two Karen included in her complaint, about the dog charging people as they walk
44 by and chasing people and bikers, and they had been dealing with it for a couple of years, but this
45 was the first formal complaint they’ve processed. Julie wanted it on record that there were other
46 incidents. Julie had been told the dog came to the Steeles from Lydia Ratcliffe’s property in

1 Andover.

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3 Arne asked Karen if she had any other questions or comments for the board and she had none.

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5 Julie explained the board would adjourn the hearing, go into a deliberative session and decide what
6 to do. Because it had to be a formal hearing, they would write up Findings of Fact, Conclusions of
7 Law, and an Order which would be served on the parties. Julie anticipated Karen would hear
8 something by early next week. There was a process by law that they had to follow. Arne said she
9 would be informed of what action the board was taking. Lee asked where the dog was, and Julie
10 said it was at the property. They had authority to impound it, but because it was considered a
11 vicious dog and had bitten someone, they had to have a place to take it. Alicia had been working
12 on it and Springfield Humane Society is set up to take them but before a vicious dog can be
13 brought, it requires signing off by the director who was on vacation. There is no back-up person
14 and they have tried to contact the Director unsuccessfully. Worst case scenario is she would be
15 back on Monday. Karen is seeking an alternate walking route in the interim. Regardless, Monday
16 the dog would be impounded.

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18 Lee moved to close the hearing and Peter seconded the motion. The motion carried unanimously.

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Arne announced they would go into deliberative session.

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Agenda Item 12, Adjourn

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23 The hearing was adjourned at 6:19 p.m.