

## *Preliminary Minutes*

### **Town of Plymouth, Vermont**

### **Select Board - Regular Meeting**

**Monday, September 18, 2023 @ 6:00 PM**

**Board Members Present:** Jay Kullman Rick Kaminski Keith Cappellini

**Staff Members Present:** Angela Kissell Elaine Pauley

**Others Present:** Bruce Pauley Frank Vetere Rick Martin  
Hannah Davidson Craig OBriskie  
Mike O (Zoom) Mary Jane & Glenn (Zoom)

1. Call to Order:
  - a. Jay Kullman called the meeting to order at 6:23 pm followed by an introduction of those present.
2. Consideration of Any Changes, Additions or Removals to Agenda:
  - a. None
3. Approve Meeting Minutes:
  - a. **Jay made a motion to approve the August 21, 2023 regular meeting minutes. Rick seconded the motion. The motion carried.**
4. Review and Possibly Approve Dog Ordinance:
  - a. Angela Kissell began by stating someone had dropped off information with regard to dog bites.
  - b. Health Officer, Frank Vetere asked what our Ordinance is based on one (1) bite or two (2) bites?
  - c. Craig O'Briskie asked what the current dog ordinance says.
  - d. Jay Kullman said there is none.
  - e. Rick Martin asked if complaints were coming from local residents or from out of state residents.
  - f. Angela Kissell commented that the ones that she has received have been local residents.
  - g. **Rick Kaminski made a motion to approve the Dog Ordinance with adding additional information in Article #9 Vicious Dog section pertaining to the State requirements. Keith Cappellini seconded the motion. The motion carried.**
5. Update from Elaine or Cherry on Spending for Storm Recovery:
  - a. Elaine Pauley gave an update on the total FEMA expenses to date which is \$919,821.78. She also gave a breakdown on what the numbers would be if we got 60% or 75% reimbursement from FEMA.
  - b. Jay Kullman added, that we may also get an additional 12% from the State.

- c. Elaine had a spreadsheet that was prepared by Cherry Nicoll. It was very detailed and broke down the damages, cost, etc. Elaine added that Cherry was currently working on the breakdown of debris removal. This was something that we were just told about last week so Cherry is now going back through all of the bills to breakout the debris removal cost.
  - d. Rick Kaminski added that Cherry Nicoll has been doing a phenomenal job.
6. Updates on Town Grants; Discuss Funds that are Available:
- a. Rick Kaminski talked about two of the grants that we have outstanding. One is in the amount of \$200,000 for the Billings Bridge and the second is for \$190,800 for the Stickney Bridge.
7. Deposit Account Update from Treasurer:
- a. Elaine updated the Board on other financials such as how much cash the town has on hand - \$4,101,252.58, and an overview of property taxes. How much is outstanding in delinquent taxes is roughly \$42,245.65 as well as the total tax payments received to date, \$3,184,052.78. Late payments total for September 1, 2023 tax bill is \$201,327.14. Education Tax Payments Estimated: Woodstock Central Unified School District: Based on 2022 payments. Have not received a bill \$591,279.50. State of Vermont 1<sup>st</sup> of 2 payments is \$1,321,705.00.
8. Review and Approve Liquor License:
- a. **Jay Kullman made a motion to approve Chloe's Market, LTD – *Second Class License* – 5543 VT Route 100. Rick seconded the motion. The motion carried.**
  - b. **Rick Kaminski made motion to approve Haystack Catering, LLC. – *Request to Cater Permit* – 401 Farm & Wilderness Road. Keith Cappellini second the motion. The motion carried.**
  - c. **There was an additional *Request to Cater Permit* submitted by Collaborative Stoke, LLC – 855 Coolidge State Park Road. Jay Kullman made a motion to approve. Rick seconded the motion. The motion carried.**
9. Mail and Warrants:
10. Other Business:
- a. Hannah Davidson, Store Manager for Chloe's Market spoke. She spoke that the store is still looking for help.
  - b. Rick Martin added that their target open date is October 3, 2023.
  - c. Hannah and Rick discussed what their hours of operation will be to begin with. Closed on Monday. Tuesday, Wednesday, and Thursday 7:30 am to 5:30 pm. Friday and Saturday open until 7:30 pm. We'll play it by ear and see how things go. We don't want to over promise and under deliver.
  - d. Rick said that, as of now, the gas pumps will be open when the store is open.
  - e. There was a group discussion with regard to the needs of the Town. Jay asked if we should send out a survey and see what is important to our residents. People like the rural nature of the Town.
  - f. Several chimed in about the cost of property taxes and how the cost of living in the State of Vermont is forcing people to leave.
11. Possible Executive Session:
12. Adjourn
- a. **Jay made a motion to adjourn the meeting at 7:35 pm. Rick Seconded second the motion. The motion carried.**

Respectfully submitted.



Angela Kissell  
Recording Secretary  
Town Clerk

**Select Board**

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Jay Kullman, Chair

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Rick Kaminski

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Keith Cappellini



## **Town of Plymouth, Vermont Dog and Animal Control Ordinance**

1. Enabling Authority
2. Definitions
3. Licensing
4. Confinement & Control
5. Authorized Agent
6. Dog in Heat
7. Animal Control Officer Duties
8. General Violations
9. Vicious Dogs
10. Impoundment and Penalties
11. Severability
12. Publication and Effective Date

### **Article 1. Enabling Authority**

WHEREAS, the Select Board of the Town of Plymouth have determined that unconfined dogs running at large in the Town without control have resulted, and will result, in danger to persons and property of the residents as well as the dog itself, and measures should be taken to protect the health, safety, and welfare of the public.

NOW, THEREFORE, pursuant to authority granted them by Title 20, Section 3549, of the Vermont Statutes Annotated, the Select Board of the Town of Plymouth hereby ordain and enact as follows:

### **Article 2. Definitions**

2.01 “Animal Control Officer” shall mean the person(s) appointed by the Select Board to police and enforce this ordinance which has been identified as the Constable.

2.02 “Dog” shall mean any animal of the canine species.

2.03 “Owner” shall mean any person, or group of persons who owns or permits any dog to be or remain in or about buildings or premises owned or occupied by him, her or the property inhabitants.

2.04 "Nuisance Dog" shall mean a dog, which barks or howls continuously so as to disturb adjoining property owners or chases persons walking and/or driving by, said dog, pursuant to Title 24, Dog Ordinance 2 Chapter 61, Section 2291(10), of the Vermont Statutes Annotated, is hereby declared to be a public nuisance and shall be subject to remedies allowed by law.

2.05 "Vicious Dog" shall mean:

a. a dog which is known to have attacked a person or animal or to have done damage constituting a menace to the public health and safety; or

b. a dog which causes reasonable fear or bodily injury by attacking or threatening to attack any animal or person except as such person may be in the act of trespassing upon the private property of the owner.

### **Article 3: Licensing**

3.01 It shall be the duty of every person owning, keeping or harboring any dog over six (6) months of age, within the Town of Plymouth, to procure a license therefore in accordance with Title 20, Chapter 3581, of the Vermont Statutes Annotated, as amended.

### **Article 4: Confinement/Control**

4.01 The owner or keeper of a dog in the Town of Plymouth shall at all times confine the dog within the building or other secure enclosure or securely tied to an exercise wire of similar contrivance, except as herein otherwise provided.

4.02 Such owner or keeper may have his dog outside a building or enclosure, or confined by electric fence and collar or securely tied to an exercise wire of similar contrivance, except as herein otherwise provided.

a. securely held on a leash;

b. within a vehicle preventing escape;

c. on land owned, or occupied, by such dog owner or keeper, or, if not on such land, hunting with its owner or keeper;

d. in the opinion of the Animal Control Officer, subject to the verbal command of such owner or keeper and within sight of the owner or keeper and not trespassing upon the lands of others.

4.03 The person in control of a dog that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

### **Article 5: Authorized Agent**



5.01 The owner or keeper of a dog may release said dog in the charge of his/her duly authorized agent, who shall thereupon control the dog in one of the ways provided in Article 4.

#### **Article 6: Dog in Heat**

6.01 The owner of any dog in heat shall keep it confined or on a leash at all times, and shall not permit such dog to be at large within the Town of Plymouth. Every such dog running at large is hereby declared to be a public nuisance and may be impounded and the owner, keeper, or person harboring such a dog shall be guilty of a violation of this ordinance and subject to the penalties hereinafter provided.

#### **Article 7: Animal Control Officer Duties**

7.01 The Select Board shall appoint a person(s) to act as Animal Control Officer, whose duty it shall be to enforce the provisions of this ordinance.

7.02 The Select Board shall designate the names of persons and their locations to receive dogs for confinement under the terms of this ordinance.

#### **Article 8: General Violation**

8.01 Any dog allowed to run at large or otherwise to be in violation of any provisions of this ordinance (EXCEPT those found to be in violation of Article 9 hereof) is hereby declared to be a public nuisance and may be impounded. The owner of any dog impounded, if such owner can be identified, shall be guilty of a violation of this ordinance and subject to the penalties hereinafter provided.

#### **Article 9: Vicious Dog**

9.01 No person shall keep or harbor a dog deemed to be vicious under the terms of this ordinance. If a complaint is received by the Animal Control Officer that any person, contrary to the provisions of this Section, is keeping or harboring a vicious dog, said dog shall be immediately impounded by the Town via the Animal Control Officer.

9.02 The Animal Control Officer shall immediately notify the owner or keeper of such dog of the locations where and the person with whom the dog is confined, and shall also notify the Select Board of the impoundment. The Select Board shall convene a hearing on said complaint within fourteen (14) days of receiving notice of the impoundment.

9.03 Said hearing shall be before a hearing board, which shall consist of the Select Board, Town Clerk, Treasurer, and one (1) other person to be named by the Select Board. All parties shall be entitled to be represented during the hearing. After presentation of all evidence, the hearing board shall issue findings of fact. Upon a determination that the dog in question is a vicious dog as defined herein, the hearing board shall:

a. issue an order to chain the animal permanently, muzzle the dog whenever off premises, or dispose of the dog in a humane manner; and

b. issue an order that the owner of said dog be punished as provided in Section 10.04 of this ordinance. Upon a determination that the dog in questions is not a vicious dog as defined herein, the dog shall be released from impoundment, without the owner of said dog being responsible for the payment of any fees or penalties. The determination of the hearing board in each case shall be final.

9.04 Please refer to <https://www.healthvermont.gov/> for additional questions pertaining to bites, rabies testing and confinement.

9.05 Dog Bites - Health care providers are required to report to the Town Heath Officer within 24 hours the name, age and address of any person who has been bitten by an animal that could be subject to rabies. If a health care provider was not seen, Veterinarians or persons bitten by an animal (or a parent/guardian) should report it to the THO. Rabies is a fatal viral disease that affects humans and other mammals. People get rabies from the bite or scratch of an animal with rabies. People can also be exposed to the virus when saliva from an infected animal gets into a cut or open wound, or into a person's eyes, nose, or mouth. The reporting requirements are in section 7.0 of the Reportable and communicable Diseases Rule available online at: Town Health Officer /Animal Bite Form: [https://www.healthvermont.gov/sites/default/files/documents/pdf/HS\\_ID\\_TownHealthOfficerAnimalBiteReportForm.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/HS_ID_TownHealthOfficerAnimalBiteReportForm.pdf).

## **Article 10: Impoundment and Penalties**

10.01 The Animal Control Officer may confine a dog found at large or otherwise found to be in violation of this ordinance. The Animal Control Officer shall notify the owner or keeper of such dog, if known, of the location where and the person with whom the dog is confined. If a dog so confined is licensed, the Animal Control Officer shall forthwith give notice, in writing, to the owner, mailed to the owner at this/her last known address, by certified mail with return receipt requested, stating that the dog may be reclaimed within five (5) days from the mailing of said notice. If the dog is not claimed, the dog shall be disposed of in a humane manner. The owner shall be liable for all costs incurred by the Town of Plymouth for said disposal. If any licensed dog shall be impounded a second time within two (2) years of the April 1st preceding the first impoundment, except that such dog shall be released only upon payment to the Town of Plymouth for a fee of



Fifty Dollars (\$50.00), plus any charges incurred by the Town of the impounding of the dog. If any licensed dog shall be impounded three (3), or more, times within two (2) years of the April 1st preceding the first impoundment, the Animal Control Officer shall proceed in all ways as in the case of the original impoundment, except that such dogs shall be released only upon payment to the Town of Plymouth a fee of Seventy Dollars (\$75.00), plus any charges incurred by the Town of Plymouth for impounding of the dog.

10.02 If an unlicensed dog is impounded by virtue of this ordinance, the Animal Control Officer shall confine such dog for five (5) days. If, after five (5) days, it has been impossible to determine the owner of such dog, the dog shall be disposed of in a humane manner. If the owner of an unlicensed dog is located and the owner wishes to reclaim the dog, the Animal Control Officer shall not release the dog until all required licenses have been obtained and evidence of anti-rabies inoculation is shown. The owner shall also pay to the Town of Plymouth a fee of Fifty Dollars (\$50.00), plus any charges incurred by the Town for the impoundment of the dog. If the dog has been disposed of, the owner shall be liable for all costs incurred by the Town.

10.03 In addition to, or in lieu of, impounding a dog found at large or otherwise found to be in violation of any section of the ordinance, EXCEPT Article 9, the Animal Control Officer may issue to the known owner of such animal a "Notice of Ordinance Violation." Such notice shall impose upon the owner a fine of Fifty Dollars (\$50.00), which may be paid to the Town of Plymouth within seventy-two (72) hours, in full satisfaction of this penalty. In the event that such penalty is not paid within the time period described, a criminal investigation shall be initiated before the District Court and, upon conviction of the violation of the ordinance codified herein, the owner shall be punished as provided in Section 10.04 of this ordinance.

10.04 Any person who violates any provision of this ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in the event of a continuing violation, each day shall constitute a separate offense.

#### **Article 11: Severability**

11.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.



## **Article 12: Publication and Effective Date**


The foregoing ordinance is hereby adopted by the Select Board of the Town of Plymouth, Vermont this 18<sup>th</sup> day of September, 2023.

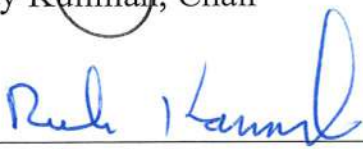
This ordinance shall become effective on November 17, 2023 sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Plymouth Town Clerk by November 1, 2023, forty-four (44) days after the date of its adoption. The petition should be addressed to the Plymouth Select Board, should be signed by at least five percent (5%) of the qualified voters of the Town of Plymouth, and should ask for a Special Meeting to be called on the question of disapproving the ordinance.

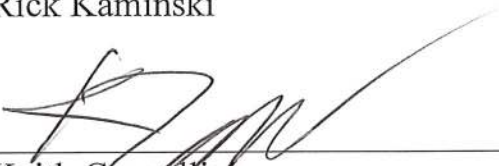
Questions about the ordinance may be directed to the Plymouth Town Clerk located at 68 Town Office Road, Plymouth, Vermont 05056 or at [clerk@plymouthvt.org](mailto:clerk@plymouthvt.org) or by calling (802) 672-3655.

Plymouth, Vermont on this 18<sup>th</sup> day of September 2023.

### **Select Board**

  
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Jay Kullman, Chair

  
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Rick Kaminski

  
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Keith Cappellini