

**St. Albans City Council  
Minutes of Meeting  
Wednesday, October 18, 2017  
City Hall, Council Chambers**

A special meeting of the St. Albans City Council was held on Wednesday, October 18, 2017, at 6:30 pm in the City Hall Council Chambers.

**Council Present:** Mayor Elizabeth Gamache; Aldermen: Michael McCarthy, Chad Spooner, Jim Pelkey & Tim Hawkins and Alderwomen Marie Bessette and Kate Laddison.

**Council Absent:** None absent.

**Staff Present:** Dominic Cloud, City Manager; Ben Couture, Police Lieutenant & Jim Benson, Animal Control Officer.

**Visitors:** See attached sign-in sheet.

1. Executive Session re: appointment or evaluation of a public officer
  - a. First motion: premature disclosure would compromise City or person involved (D&V).  
**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to find that premature disclosure would compromise City or person involved. Vote was unanimous, 6-0.**  
**Alderman McCarthy joined the meeting at 6:05 pm.**
  - b. Second motion: to enter Executive Session to discuss appointment or evaluation of a public officer (D&V).  
**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to enter Executive Session to discuss appointment or evaluation of a public officer. Vote was unanimous, 7-0.**
2. Call to Order and Pledge of Allegiance in Council Chambers.  
Mayor Gamache called the meeting to order at 6:34 pm and led the pledge of allegiance.
3. Public Comment.  
No public comment was made.
4. Hearing Re: Vicious Dog Allegations.  
**Aldermen Pelkey and Hawkins and Mayor Gamache recused themselves from hearing. Mayor Gamache explained that this incident occurred across the street from her home and knows the neighbors and dogs involved. Alderman Pelkey stated that he used to work for Mr. Levy as an Associate. Alderman Hawkins stated that he is a colleague of Mr. Levy.**
  - a. Overview of process.  
Mr. Spooner asked everyone that comes forward to please state their names. He explained that there will be a presentation by the Police Department followed by testimony from the injured party and dog owners followed by council questions and comments, any public comment and then the hearing will be closed and council will enter deliberative session. Mr. Spooner asked that all parties present to council only and not speak to anyone sitting in the audience.
  - b. Presentation by Police Department.  
Lieutenant Ben Couture introduced himself. He read aloud the police log from the incident. (See Attached Police Log).

c. Presentation by injured party.

James and Ann Levy introduced themselves and came forward. Mr. Levy stated that he believes there's a part of the record that is missing which is the report of Corporal Cote which should be considered. Mr. Levy stated that on a beautiful sunny afternoon on Friday, October 6<sup>th</sup>, he was walking with his wife and his daughter's dog, Madison which is a small rescue dog. Suddenly, a school bus pulled up and children were discharged. The children ran into the house and the door opened at which time a vicious animal appeared and started attacking Madison. He was frantic and very concerned because Madison is a therapy dog for his daughter who is very sick and is currently suffering from a blocked digestive system. His daughter's only real contact with the outer world is with Madison. He agreed that he freaked out but stated that it occurred in the context of trying to rescue his daughter's therapy dog and was going to do anything he could to save the dog because the implications of that dog perishing would mean a devastating, traumatic episode for his daughter. Mr. Levy stated that Madison was attacked and in that context, he did very much freak out and was able to extricate Madison from the jaws of the vicious animal. In the process he was thrown to the ground and had a laceration on his elbow and sprained his shoulder. After the dogs were separated, Ms. Hakey did come out and expletives were exchanged. He stated that he did not scream at the children who were already inside the home and he did not blame the children. His wife Ann picked up Madison and at that time, his daughter was present and was hysterical. Ann took Madison to the veterinarian and he took himself to the Emergency Room separately because his blood pressure was elevated and had an episode the previous week in Maine where he had to be hospitalized.

Mr. Levy stated that he believes the notion that this pit bull gets along with other dogs is an outright fabrication because he spoke with the dog's doctor and there was an entry from July, 2017 where the owner stated that the pit bull gets along well with other human beings but is hostile to other dogs. He stated that in the police statement from Corporal Cote, there is mention made that when he interviewed Ms. Hakey, she indicated that walking the small dog instigates her pit bull. Mr. Levy stated that there are a lot of small dogs that walk in the City. Madison was on a leash and they were at all times on the sidewalk when viciously attacked and were not lingering in front of 14 Messenger Street. He stated that his concern is that he was lucky as there were no serious injuries but believes it is inevitable that this is going to happen again. Mr. Levy reiterated that what started this episode was the pulling up of a school bus and could foresee the dog attacking a child as pit bulls are notorious for this type of aggressive behavior. He explained that this particular pit bull is known to be hostile to other small dogs based on the admission of Ms. Hakey in the vet report. Mr. Levy explained that if his own daughter had been attacked there would not have been a favorable outcome because his daughter would not have been able to save his dog and there would have been a good possibility that his daughter and her dog would have been severely maimed.

He believes council needs to focus on probabilities and the course of this activity when coupled with the admission by Ms. Hakey in the vet records would lead any reasonable council to conclude that this dog is a menace to the general safety of the public. He noted Section 2807-B which states very clearly that if the pet is found to have attacked, threatened to attack, bitten or cause reasonable fear to a person of bodily injury, or has wounded, killed or worried a pet of another person without provocation, the City council shall make an order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the pet is disposed of in an humane way, muzzled, chained or confined.

Mr. Levy stated that he would like his wife to testify about an episode that occurred previously. Mr. Spooner asked if it's related to this incident. Ms. Levy responded affirmatively. Ms. Levy stated that sometime mid-summer she was walking Madison on the upper side of Messenger Street and was across street from the driveway at 14 Messenger Street. She stated that the pit bull was on a leash being held by its owner and was lunging and barking at her. The dog did not stop and was not controlled until it was put inside. She explained that it was very frightening for her and she didn't dare cross the street to go home until the dog was out of sight. She explained that her daughter has noted for months that the dog stands with his paws on the window barking at anything that goes by and the idea that the dog gets so upset by anything that walks by is troubling. She fears that someone is going to be hurt. Mr. Levy stated that it's not just about what happened in this incident but what probably will and could happen.

d. Presentation by dog owner.

Robin and Andrew Hakey introduced themselves. Ms. Hakey explained that on October 6<sup>th</sup>, her children got off the bus and when the kids opened the door to the home, their dog Brooklyn got out. She immediately went outside after the dog and as Mr. Levy was twirling and trying to get Madison away from Brooklyn, he tripped and fell over the dogs. Ms. Hakey then grabbed Brooklyn's collar to remove her from the scene at which time Mr. Levy's daughter came out screaming and Mr. Levy began yelling racial slurs. She stated that her children were on the porch at this time. She then went inside and waited for the police to arrive. Ms. Hakey stated that she has videos of Brooklyn at doggie daycare around other dogs and during the incident, she never witnessed Brooklyn with Madison or any persons in her mouth. She stated that Madison would have puncture wounds if she had bit the dog. They have owned Brooklyn for four years and this is the first time anything like this has ever happened. Ms. Hakey explained that when they first moved into the home in July, there were three to four times when Mr. Levy's daughter had walked in front of their house with Madison and sat on her cellphone while Brooklyn was in the window barking which she believes was taunting her dog. She stated that Brooklyn is a great family dog. She gets excited and anxious when she sees other animals but nothing like this has ever happened before.

Mr. Hakey stated that they are taking steps to make sure this doesn't happen again and have recently replaced the doorbell so the kids know to hit the bell and wait until an adult comes to the door and opens it. They are also looking to enclose the porch down the road. Mr. Hakey stated that his cheek was taken off by a dog when he was 10 and knows vicious dogs and would never bring a vicious dog into the home of his children. He stated that their six year old child can ride Brooklyn like a horse and to say she is vicious is unheard of. Ms. Hakey stated that the animal control officer met Brooklyn and she was not aggressive in any way. She asked council if they would like to see the video of Brooklyn at doggy day care. Council declined. Ms. Hakey stated that she also had a letter from the doggy day care provider to submit into the record.

e. Council questions.

Mr. Spooner asked Ms. Hakey if it's correct that they moved to the City at the end of July. Ms. Hakey responded that they lived on Federal Street previously and have lived in the City for five years. They recently moved to Messenger Street in July.

f. Public comment.

Mr. McWilliams, former Animal Control Officer for 38 years, introduced himself. He stated that dogs of any size can be controlled based on the size of the chain. When it comes to an aggressive bite, the responsibility of the City is to decide whether the dog should be euthanized, muzzled or confined. He stated that any animal can be aggressive regardless of breed and hopes

the council makes a decision in the best interest of both the Levy's and Hakey's. Mr. McWilliams stated that if it is decided to allow the Hakey's to keep the dog, it should be muzzled or confined to the property with a chain link fence and a cement pad. He reiterated that council should do what's right for the dog and the parties involved.

Angela Berard introduced herself and submitted a written statement for the record. She stated that she never saw the dog run at Mr. Levy and does not recall saying that. She did see the end of the incident and the aftermath. Ms. Berard stated that she never saw Mr. Levy rescue the small dog from the jaws of Brooklyn and never saw the larger dog bite anyone. She witnessed Mr. Levy fall or dive to the ground to get in between the dogs. She recalled that Ms. Levy mentioned that their daughter stated the dog barked at anyone or anything that passes by. Ms. Berard stated that she walks that street every single day with her children and didn't even know that the Hakey's owned a dog until that day. She believes the whole incident was more bad behavior from humans than from animals. The children let the dog out and the dog ran down the walkway at which time she heard screaming from multiple voices. She got off her porch and went into her front yard and saw a tussle and saw the Hakey's come down and take the dog away from the scene. She witnessed horrendous name calling and obscenities that nobody should hear. Ms. Berard stated that her daughter turned to her and said she didn't think the Hakey's 13 year old had an adult present during the yelling which was the point when she got involved. Ms. Berard stated that she asked the child if she was ok and if the dog was ok. She then asked Mr. Levy not to scream at the child at which time she was accosted by Mr. Levy while she walked away. Ms. Berard stated that she thought the child was home alone and was trying to intercede on her behalf. She stated that Mr. Levy late apologized for treating her the way that he did and walked away not appearing to be injured at all. Ms. Berard stated that she has two children, lives on the street and is getting a puppy in two weeks. She doesn't know what the Brooklyn's intentions were that day but it does make her nervous if the dog cannot be around other animals.

Mayor Gamache stated that she recused herself from this decision because it occurred close to where she lives. Madison lives two doors down across the street and the other residence is across the street, diagonally. She stated that she knows the dog involved as well as the people involved. Until this incident happened, Mayor Gamache stated that she was not aware that the Hakey's owned a dog. She walks her own dog about five times a day and is pretty aware of where the dogs are on the street. Other members of her family were aware that the Hakey's owned a dog and their observation had been that the dog was contained on the porch with adult supervision. Mayor Gamache explained that she received a call from her home as the incident was occurring and part of the reason she got the call was because her family member was disturbed by the conduct that was being expressed on the street and the type of discourse that was taking place. She owns a small dog and has kids and is concerned about safety. She believes if the dog can be contained, she would feel reasonably comfortable that the risks were being mitigated and being aware of the structure of the Hakey's house and set up, she believes the porch could be closed off in a manner that would reduce the risks significantly.

g. Close hearing.

Mr. Spooner stated that the hearing is closed and council will go into deliberative session to make a decision and will send written notification to both parties within 48 hours.

5. Deliberative Session.

a. The Council will deliberate in private and issue a written decision.

**A motion was made by Alderwoman Bessette; seconded by Alderwoman Laddison to close the hearing and move into deliberative session. Vote was unanimous, 4-0.**

6. Adjourn.

**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to adjourn meeting at 7:42 pm. Vote was unanimous, 4-0.**

Respectfully Submitted,

Kristen Smith  
Community Relations Coordinator

Approved by Council