



Police Commission

Wednesday, March 6, 2024, 5:30 PM, REMOTE ONLY via Zoom

This meeting will be held remotely.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/86300665830>

Or One tap mobile :

+13017158592,,86300665830# US (Washington DC)

+13052241968,,86300665830# US

Or join by phone:

+1 301 715 8592 US (Washington DC)

Webinar ID: 863 0066 5830

1. Agenda

1.1. Call to Order

Subject

1.2. Adopt the Agenda

Category

1. Agenda

Type

Action

Recommended Action

Motion to adopt the agenda as posted

2. Public Forum

2.1. The public is invited to address the Commission

3. Vicious Dog Hearing

3.1. Public Hearing on Complaint Regarding Vicious Dog. The purpose of the hearing is to consider the allegations in the attached complaint.

4. Adjournment

4.1. Motion to Adjourn

5. Informational and Non-Discrimination Statements

5.1. This agenda is available in alternative formats upon request. For more information on access, call Shannon Trammell, Burlington Police Dept. Executive Manager at (802) 540-2107. Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-540-2107 at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.

NOTICE OF HEARING
Re: Complaint Regarding Vicious Dog
Owner: Diane and/or Carol Wheeler
Dog: “Moose”

Please take notice that pursuant to the authority vested in the Burlington Animal Control Committee by City Charter § 48 (20) and Burlington Code of Ordinances (BCO) § 5-27, a hearing will be held before the Burlington Animal Control Committee on March 6, 2024 at 5:30pm via Zoom. Instructions for accessing the Zoom meeting are attached to this notice.

The purpose of the hearing is to consider the allegations in the attached complaint, summarized as follows: that in the six month period leading up to January 23, 2024, you were the registered owner of a dog “Moose” that has displayed aggressive and violent behavior in the neighborhood, specifically biting at least one person and two dogs and engaging in other aggressive behavior including charging and lunging.

The hearing will determine if this dog should be found to be “vicious,” as that term is defined in BCO 5-13(e) and if so what order should be made to protect the public. Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

You have the right to attend the hearing and to present evidence and argument on the issues before the Committee, by yourself or through an attorney. Enclosed are copies of the records in this case. **Failure to attend this hearing may result in any of the above actions being taken without further opportunity to be heard.**

All correspondence and documents pertaining to this matter should be sent to the Burlington Animal Control Committee, c/o Shannon Trammell, Clerk, Burlington Police Department, 1 North Ave., Burlington, Vermont, 05401 or strammell@bpdvt.org.

Dated at Burlington, Vermont, this 26th day of February, 2024.

Shannon Trammell, Clerk
Animal Control Committee

Encl: Zoom Meeting Information
Complaint dated January 23, 2024

Cc: Llu Mulvaney-Stanak, 18 Roseade Parkway
Kate Van Wagner, 18 Roseade Parkway
Jennifer Moore & David Nacmaine, 67 Roseade Parkway
Jennifer & Dominic Aloï, 81 Lopes Ave
Shelley Spinner, 38 Roseade Parkway
Bonny & Gar Smith, 40 Blodin Circle
Deputy Chief Wade Labrecque, Appointed Poundkeeper for BPD
CSM Cassandra Sterling, Community Service Manager for BPD

CSO Sterling
City of Burlington Animal Control Committee
% Burlington Police Department
1 North Ave. Burlington, VT 05401

January 23, 2024

To CSO Sterling & City of Burlington Animal Control Committee:

We, the undersigned neighbors of Roseade Parkway are writing to you to express grave concern about a dog (Moose) in our neighborhood at 30 Roseade Parkway, owned by Diane Wheeler.

The dog was rehomed to the Wheeler household due to aggressive behavior about a year ago and it is clear that Diane, and her elderly mother Carol, are unable to provide the care and training this dog needs. We are imploring the city to take action about this situation under the city laws and ordinances regarding vicious dogs and the city leash law.

Since the dog has arrived, the conditions of its control and training have been problematic.

- Often Carol is left to walk the dog, who is large and very strong. She is unable to control the dog when it looks to engage with other dogs, often barking and pulling. To not be pulled over, she has often dropped the leash to “let the dog play” with another dog. This has left the dog uncontrollable, as it has no verbal recall training and has resulted in attacks (biting) on dogs and humans.
- Moose have often been allowed out of the front door, off-leash, or into their unfenced backyard, which has resulted in the dog advancing and barking aggressively at people in the neighborhood, including children and other pets.
- Numerous conversations have been attempted by neighbors with both Diane and Carol, together and individually, over the increasing number of incidents. Diane especially refuses to acknowledge the gravity of the situation and shrugs off that this dog is dangerous to the neighborhood.

Specifically, the following incidents have happened in the last 6 months:

- A neighbor was walking his two leashed dogs on the sidewalk when Moose came running from his yard at them and attacked the two leashed dogs. Diane came out of the house but was complacent and disregarded the true nature of the incident. She kept saying Moose just wanted to play. The neighbor let her know that it wasn't playing it wasn't ok and Moose should not be loose outside. Diane brushed it off.
- Another neighbor was charged by Moose. The neighbor was out for a walk and Moose came charging out of the house at him. The neighbor was not injured.
- Another neighbor was out walking her leashed dog. As they passed the house where Moose lives, Moose came charging out of the house and went right for the neighbor and her dog. Moose was barking aggressively; he was unleashed and wasn't even wearing a

collar. The neighbor got herself between Moose and her dog (who was terrified and cowering). The neighbor screamed at Moose, but he did not let up barking and trying to get to the neighbor's dog. She managed to get home safely, but it was incredibly scary and her dog is now terrified of going anywhere near the house where Moose lives. The neighbor spoke with Diane about the incident the following day. Diane said that Carol had let Moose out because she thought that Diane was getting home or something like that. The neighbor told Diane firmly and clearly that it is not safe for Moose to ever be out of the house unleashed. Diane agreed and said it would never happen again and said Moose was being sent to a trainer for behavioral issues. The neighbor has continued to see both Diane and Carol let Moose out unleashed into their unfenced backyard. Moose has, on several occasions, approached the neighbor's fenced yard and terrified their dog. Diane has told the neighbor's 5-year-old child that "Moose is making friends with your dog, maybe they can meet again soon." The neighbor has observed Carol intentionally dropping Moose's leash when she's walking him so that Moose can run across the street to the mail carrier (the mail carrier in our neighborhood carries dog treats to give to all the dogs in the neighborhood). This neighbor is very concerned that Diane seems so unaware of how seriously she needs to take these incidents and is concerned Diane suggested to a 5-year-old that Moose and their dog are becoming friends (when it's clear their dog is terrified of Moose).

- Another neighbor was out walking their leashed dog and Moose ran out from the garage. He charged at the neighbor's dog, pinned the dog down, and **attacked the dog (breaking the skin with a bit to the dog's face right between the eyes)**. Diane came running out and called Moose off and made light of the situation. She promised she'd always keep him leashed and muzzled. She had a dog trainer tell her how better to control the dog, using a muzzle after the first few incidents. However, Moose continues to roam free in the unfenced yard daily and is never muzzled.
- Another neighbor was walking her leashed dog when Carol lost control of Moose and **he attacked her dog**.
- Another neighbor was out walking his two leashed dogs when Moose attacked them. The neighbor's dogs were not injured, but **the man did sustain a bite and was bleeding**. He did not want to file a police report. He did post about it, anonymously on the NNE Facebook group, but took it down after neighbors implored him to tell them where this dog lived, so they could avoid it.
- Another neighbor took his dog for a walk, they walked past Moose's house and the neighbor noticed that Diane and her dog were in the car. The owner opened the door and the dog bolted, charging at the neighbor and his dog (Moose was not leashed), but ran past them and stopped at the corner of Roseade and Sandy. The owner then called his name which he then responded to. The neighbor asked if it was okay for the dogs to 'meet' and the owner responded 'Oh yes, they can meet.' Diane, at that point, had a hold of Moose's collar. The neighbor's dog sniffed Moose's face and **Moose lunged at the other dog, biting him**. The neighbor didn't realize that his dog was bleeding until he got home.
- Diane continues to let the dog out onto the street, unleashed. When recently confronted about this by a next-door neighbor, she said that was how to train the dog. They have

had a trainer come the last two Sundays to “train” the dog, including more unleashed time in front of the house. We are baffled that any professional trainer, knowing the history of aggression and attacks, would ever use this strategy to train the dog. Also, off-leash is off-leash and still against the law.

We know of at least one report that was made to the Burlington Police Department animal control, which resulted in Diane being fined for the off-leash law. The many neighbors above are reluctant to file reports due to neighborly relations, and to be frank, the lack of response from the city to basic public safety issues like this. From our understanding, no animal control officer even exists anymore to address dangerous dog issues in the city.

We have reached a point where this is no longer tolerable for our neighborhood. The dog’s needs are not being met and it is just a matter of time before something much more grave happens, like an attack on a child or a mauling of another dog.

Roseade Parkway is a closed loop, with a lot of dogs being walked, kids playing, and high foot traffic due to our closeness to Ethan Allen Park. This is an issue of public safety at this point.

Diane and Carol have proven to be unable to keep the dog leashed or under control and are unwilling to listen to the concerns of neighbors or own their responsibility for the harm the dog has already caused people and other dogs. We all feel bad for Moose—he deserves better humans and he needs the help of the city.

We are seeking a response from you, CSO Sterling, and the Animal Control Committee, please, within two weeks as to the action the city will take on this matter.

Thank you for helping Moose,

Signed by the following neighbors of Moose:

Llu Mulvaney-Stanak, 18 Roseade Parkway, (cell) or llu.mulvaneystanak@gmail.com

Kate Van Wagner, 18 Roseade Parkway

Jennifer Moore & David Nacmaine, 67 Roseade Parkway

Jennifer & Dominic Aloï, 81 Lopes Ave

Shelley Spinner, 38 Roseade Parkway

Bonny & Gar Smith, 40 Blodin Circle

Cc: Residents and owners of dog, Diane & Carol Wheeler
City Councilor Mark Barlow
City Councilor Ali Dieng
City of Burlington Police Department Animal Control Officer

Trammell, Shannon

Subject: FW: Animal Control Committee - Moose, Mar 6 public hearing

From: Alex Weinhausen
Sent: Thursday, February 29, 2024 08:07
To: Trammell, Shannon <strammell@bpdvt.org>
Subject: Animal Control Committee - Moose, Mar 6 public hearing

Shannon,
Regarding the Animal Control Committee public hearing scheduled for March 6 at 5:30pm. Complaint regarding a vicious dog (Moose) on Roseade Parkway.

Please provide the Animal Control Committee with the January 29, 2024 email below that I sent to Officers Moore, Hissong, and Stirling. The hearing notice included a complaint letter from several neighbors, but did not include my email correspondence. I think it's important for the Committee to have it ahead of the hearing. Thank you!

Begin forwarded message:

From: Alex Weinhausen <alexweinhausen@gmail.com>
Date: January 29, 2024 at 6:22:11 PM EST
To: nmoore@bpdvt.org, ahissong@bpdvt.org, cstirling@bpdvt.org
Cc: Shelley Spinner <shelleyhanna@yahoo.com>
Subject: Dog problem - Roseade Parkway

To:
CSO N. Moore, nmoore@bpdvt.org
CSO A. Hissong, ahissong@bpdvt.org
CSO Manager Cassandra Stirling, cstirling@bpdvt.org
Burlington Police Department
(via email)

January 29, 2024

CSO Program Staff:

Thank you to Officer Moore and Officer Hissong for stopping by our house this afternoon, and leaving your email addresses with our daughter. We are happy to talk to you via email or phone. We will also take time out of work to meet with you in person, if that would be helpful. As you know, we have an aggressive and problematic dog in our neighborhood. We have made several attempts to communicate directly with the owner regarding this dog's repeated at-large status, as well as the incidents listed below. This has been to no avail. The owner of the problem dog is our immediate neighbor, Diane Wheeler at 30 Roseade Parkway. She lives with her mother, Carol Wheeler. The dog's name is Moose. It is a large brindle-colored dog.

CSO program staff have responded on two occasions. Officer Young responded when we reported that Moose had attacked our dog on August 15, 2023. Officer Young came to our house and spoke with Alex, and then visited our neighbor to talk with them about the incident. Officer Towne responded when Moose attacked another neighbor's dog on December 14, 2023. That incident resulted in the issuance of a ticket to Moose's owner.

We appreciate that department staff responded to the incidents that were brought to your attention. The purpose of this email is to provide a list of dates of other incidents and, most importantly, to let you know that there is still a public safety issue. Here is a list of the incidents that we are aware of, each involving a different neighbor and their dog. In every case, Moose was not restrained, and attacked other dogs being walked on the public sidewalk, off the property of Diane Wheeler. The dates of these incidents are:

- 1.
- 2.
3. March 2023 (date uncertain)
- 4.
- 5.
- 6.
7. 4/18/2023
- 8.
- 9.
- 10.
11. 8/15/2023 - see attached
12. picture of injured dog
- 13.
- 14.
- 15.
16. 9/25/2023
- 17.
- 18.
- 19.
20. 11/16/2023
- 21.
- 22.
- 23.
24. 12/14/2023 - see attached
25. picture of injured dog
- 26.

We have been expressing our concern to our neighbor about Moose's level of aggression since last spring. Moose is regularly allowed off of our neighbor's property, running loose along our back fence on another neighbor's property. Moose has tried to attack our dog through our fencing on multiple occasions and once, even at our front door while our dog was inside our house. When our dog was attacked on the public sidewalk on August 15, 2023, Diane Wheeler stated that Moose would be

restrained and muzzled. We were told that Moose was taken to a trainer. After the November attack, we communicated our concern to Diane Wheeler, and our recommendation that a new home be found for Moose. On January 14, 2024, we observed Moose unrestrained on the public sidewalk in front of our home. Diane Wheeler was with Moose on the sidewalk, but the dog was not on a leash. We immediately had a conversation with Diane about this – expressing our concern that she allowed Moose to be off leash on the public sidewalk. We were told that a dog trainer was visiting, and that this was part of the training. We reiterated that this was unsafe, and that it violated the City’s leash law. We feel strongly that the public safety issue remains.

Moving forward, please reach out to us if we can be of assistance as you pursue any further enforcement under the related City ordinances. Anything you can do to help resolve the situation would be greatly appreciated.

Thanks!

Shelley Spinner, shelleyhanna@yahoo.com, 802-238-4665

Alex Weinhagen, alexweinhagen@gmail.com, 802-777-3995

38 Roseade Parkway, Burlington, VT 05408

8/15/23 injuries to our dog



12/14/23 injuries to another neighbor's dog



Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.