

Regular Selectboard Meeting
6 September 2023
6:30 PM
Town Office at Isle La Motte School and via Zoom

In Attendance: Mary-Catherine Graziano, Cary Sandvig, Peter Brzozowy, Carmine Centrella, Joel English, Shannon English, Barbara Callahan, Robin Gutierrez, Erin Gilligan (via Zoom), Laura Miraldi (via Zoom), Kari Szary (via Zoom), Pat Treckman (via Zoom), Michele Murray (via Zoom), Steven Reeve (via Zoom), Beth Meese (via Zoom), Kim Dostaler (via Zoom), Andrea Carbone, and others who did not enter full names on Zoom

1. **Call to Order:** Meeting was called to order at 6:30 PM by Board Chair Mary-Catherine Graziano.
2. **Additions to agenda:** Mary-Catherine Graziano stated that there were resignations that would be announced during the Administration section of the meeting.
3. **Animal Control - Vicious Dog/Domestic Pet Complaint:** A second hearing to review a dog bite incident on August 17, 2023 was held, with the dog's owners Joel and Shannon English present to address the Selectboard. **A copy of the complaint will be included as an exhibit to the minutes.** Following the first hearing, it was resolved that more evidence was required in order to support the euthanasia determination that had been ordered for the male dog as the victim had not positively identified which of the two dogs had attacked. **An image of the two dogs will be included as an exhibit to the minutes.** Board Chair Mary-Catherine Graziano read a written statement made by the victim, Carl Martin, in which he describes the attacking dog as one with a spot over an eye, which positively identifies the attacking dog as the male, Elvis. **A copy of Mr. Martin's statement will be included as an exhibit to the minutes.**

Discussion followed regarding the now positive identification, and the prior order from April 2022 that the dogs would be secured and not permitted to run free; the order was broken and another serious bite had occurred. At this time, Mr. English addressed the Selectboard and advised that upgrades had been made to the enclosure, including airlocks and latched doorways, and the dogs were outfitted with multi-point muzzles that will always be secured when the dogs are outside of the home. These muzzles prevent the dogs from using their teeth.

Both Selectboard Member Cary Sandvig and Board Chair Mary-Catherine Graziano were uncomfortable ordering the euthanization of the male dog. Therefore, the order that was issued after the first hearing was revised to require the assessment of the male dog by the previously consulted animal behaviorist. Should the behaviorist find that the dog may be not be trained out of the aggressive behavior, the animal will be humanely euthanized. At all times, the dog is to remain muzzled when out of the home and under the strict enclosure requirements. There were no changes to the recommendations for the female dog.

The Chair repeated how serious this situation is, stating that she is nervous for the safety of her own family as they cycle past the area where the dogs are enclosed. The behaviorist's review was ordered for completion no later than Wednesday, September 13th, barring any scheduling issues on the part of the behaviorist. A motion to modify the order as noted above was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor. **Copies of both the original order issued to the Englishes and the revised order will be attached as exhibits to the minutes.**

4. **Administration:**
 - *Listers - Errors + Omissions* - There were no Errors and Omissions to report at this meeting.
 - *Approve minutes from prior meetings*
 - 21 August 2023 - A motion to approve the prior Regular Selectboard Meeting minutes was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - 30 August 2023 - A motion to approve the prior Special Selectboard Meeting minutes was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - *Warrants for payroll & payables* - It was recognized that due to some duplicate items on the warrants, and a need to sit down and calculate the totals was needed, a more detailed review of the warrants was necessary. As such, the conversation will continue during the Other Business section of the meeting. **A copy of the warrants will be included as an exhibit to the minutes.**

- *Resignations* - Board Chair Mary-Catherine Graziano announced and read aloud, as per request, the resignation letters from Selectboard Member Rustam Spaulding and Town Clerk/Treasurer/e911 Coordinator Stephen Mank; Mr. Mank's resignation letter also announced the resignation of Assistant Town Clerk/Treasurer Mary LeBrecque, as she was appointed by Mr. Mank. A copy of the resignation letters will be included as an exhibit to the minutes. The Chair then stated that events over the past year had culminated in her issuance of an email to Mr. Mank on September 4, 2023 to address her concern over aspects of the Town's financials and status of Town work, including the possible investment of Town funds without the approval of the Selectboard a violation of 24 V.S.A. § 1571. The email was then read for the attendees; a copy of the document will be included as an exhibit to the minutes. A group discussion followed, with questions and statements from the attendees, at the end of which a motion to accept the resignations of Rustam Spaulding, Stephen Mank, and Mary LaBrecque was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - Robin Gutierrez confirmed that the Board Chair acted alone in sending this email and requesting documents independent of the other Selectboard Members, to which the Chair confirmed as asking for documents is the right of any citizen; Ms. Gutierrez noted her concern over this action. Ms. Gutierrez stated that in the past, Selectboard members would obtain from the office necessary documents for themselves; this is no longer the case per the Board Chair. She also noted her concern over the fact that as of the end of the day Thursday, there would be no Town administration and no one to handle payables. Barbara Callahan noted that all codes and locks must be changed, and that the School principal should be contacted regarding access and keys. A posting will be made regarding access to the Town Office beginning Monday, September 11, 2023.
 - Ms. Gutierrez stated that the Selectboard will now be under extreme scrutiny, and the members confirmed their understanding; furthermore, she feels this will cause a chasm between the Town's residents. Ms. Graziano stated her disappointment in the timing of Mr. Spaulding's departure, which was expected at the end of his term, and also noted that for months she has felt frustrated over the operation at the Town Office, but recent events including missing grants and reported non-payment of contractors had forced the current situation.
 - Carmine Centrella voiced his support for Ms. Graziano, stating that he understands that the situation forced her to act.
 - Ms. Gutierrez requested that the Vermont League of Cities & Towns (VLCT) be contacted immediately, and the Board Chair stated that she wanted to contact the Town's attorney first, noting that VLCT will also be contacted but that their response time is not as rapid. Ms. Gutierrez noted that support from VLCT comes at no expense for the Town. Ms. Graziano stated that she has almost exclusively utilized VLCT, and that Board Policy has a very clear set of parameters for contacting the Town Attorney, including a vote of the majority of the board, and the reply sent in writing back to the board
 - Peter Brzozowy stated that he finds the behavior noted troubling, but cautioned the Selectboard's vocalizations of the situation and to avoid making any allegations. Ms. Graziano noted that the libel/slander laws are broader for public officers, but appreciated his warning.
 - A discussion of accepting the resignations began with Robin Gutierrez stating a formal acceptance needed to be noted. Mary-Catherine Graziano noted that bills from the Town's law firm show that Mr. Mank has made a number of calls to the Town Attorney's office, including a two-hour meeting about "statutes". Ms. Callahan stated that she had heard that Mr. Mank had contacted the attorney regarding the email Ms. Graziano had sent. The Board Chair stated that she did want to speak to counsel in order to be sure the Town is covered to avoid any issues such as had arisen when the former Town Clerk/Treasurer resigned in 2022. A motion was made by Cary Sandvig for Mary-Catherine Graziano to contact the attorney, seconded by the Board Chair, all in favor. A copy of the missing legal bill from the warrants discussed will also be requested.
 - Regarding the Selectboard vacancy, Ms. Graziano stated that she would like the interim position to be filled with a person who is a counterpoint to herself and Member Sandvig. Ms. Gutierrez noted that there is not a strong desire amongst residents to be a part of the administration due to the amount of rhetoric, but that there is a significant hole to fill with Mr. Spaulding's departure. Chair Graziano stated that her goal is to make the Town better, for it to thrive, and to keep taxes to a minimum, while ensuring services are functioning. A motion was made by Cary Sandvig for an advertisement to be placed for the now vacant positions after the Board Chair reviewed the situation with the Town's counsel, seconded by Mary-Catherine Graziano, all in favor. A special meeting will likely be held prior to the next regular meeting scheduled for September 20, 2023 to discuss the job descriptions.

- Cary Sandvig stated that considerations need to be made to place someone as soon as possible in order to continue paying bills.
- o *Follow-up on VEC bills* - This item remains open, and billing continues at a cost of \$91.10 monthly. Cary Sandvig will follow-up with Vermont Electric Cooperative (VEC) on this issue, and Robin Gutierrez suggested investigating the cost of the pumping station.
- o *Review all legal bills from this fiscal year* - This item will be reviewed at a later date.
- o *Review Bank Statement Reconciliation and book to bank reconciliation* - This item will be reviewed at a later date.
- o *Review Auditor of Account document (Due June 30th)* - This item will be reviewed at a later date.
- o *Discuss bringing in RHR Smith to discuss audit process & town finances* - An audit will need to occur to close out the prior administration's tenure.
- o *Define town officer roles* - This item will be reviewed at a later date.
- o *Purchasing policy* - A policy will need to be implemented prior to the next administration; this item will be reviewed at the next Selectboard meeting.
- o *Personnel policy* - A policy will need to be implemented prior to the next administration; this item will be reviewed at the next Selectboard meeting.
- o *IT Purchases - Selectboard + Town Office* - This item will be reviewed at a later date.
- o *Open Town Positions* - status update; ACO - There is a new Animal Control Officer (ACO) in Alburgh; Mary-Catherine Graziano will reach out to inquire as to their interest in a dual-town role. The Tree Warden and Road Commissioner job descriptions were due to be published in *The Islander* today, and all positions are listed on the Town's website.
- o *Review Office Assistant position & approve* - A review of the Office Assistant position was conducted. A conversation was had regarding the hourly rate, which will remain to be determined; a probationary period may be considered to ensure the right candidate is placed in the role. The description will be updated and reviewed at the next meeting.

5. **Town Business:**

- o *Road Name Change* - The Spauldings have requested a road name change from Lakehurst Trailer Park to Lakehurst Road; a motion was made to approve the change by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor. It was noted that private road signs are to be paid for by the owner and that e911 will need to be updated. A follow up to the billing for the new signs at the Shrine and Hidden Pond Road is pending.
- o *Trimming of bushes at causeway park benches* - A citizen has requested the bushes be trimmed so that the view of the lake is improved while sitting on the benches. A motion to put out a public request for volunteer help to complete the work was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
- o *Tree Stand ordinance/notice* - A discussion with the Game Warden is pending.

6. **Emergency Management:**

- o *VT-Alert Resolution* - As previously discussed, the free product will be managed by members of the Town administration, the list which has been updated since the prior discussion; an additional correction is needed, and the document will be signed at the end of the meeting. Cary Sandvig made a motion to sign the resolution, seconded by Mary-Catherine Graziano, all in favor. **A copy of the final resolution will be attached as an exhibit to the minutes.**

7. **Isle La Motte School Transfer:**

- o *Update on status of transfer* - As previously noted, final paperwork is in progress for signature this month.
- o *Action list post transfer* - Discussions to take place regarding the facility post-transfer will include budgeting for future maintenance and the likelihood of needing a building/facility manager to see to the ongoing maintenance of the building. Contacts to discuss keying of building, utilities, insurance, and building systems have already been established.

8. **Contracts/Grants/Bids:**

- o *Sunset View Lot 7A* - The transaction has been completed and paperwork will be circulated upon receipt and the receipt of payment will be confirmed.

9. **Animal Control:**

- o *Former ACO - expenses due* - This has not yet been investigated as requested of the Treasurer.

- *Delinquent License - letter issuance* - A draft of the letters was reviewed by the Selectboard; revisions will be made and the documents signed at the end of the meeting. A motion to approve the letters was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.

10. Roadways:

- *Current status report* - The fiscal year 2023 Grants in Aid bid has been issued for proposal and will be reviewed at the next regular Selectboard meeting.
- *Roadside tree trimming bid update* - The prior scope of work will be reduced and reviewed at an upcoming meeting prior to submitting for bid.

11. Other Business:

- *Warrants for payroll & payables* - A continuation of the discussion of warrants followed.
 - a. 23 August 2023 payable for \$16,557.87; motion to ratify Rusty Spaulding's signature was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor. A copy of the legal bill was missing from the backup and will be requested.
 - b. 29 August 2023 payable for \$9,347.88 included appropriations for Friends of Northern Lake Champlain and the Cemetery Commission; motion to ratify Mary-Catherine Graziano's signature was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - c. 29 August 2023 payroll for \$2,334.54; motion to ratify Mary-Catherine Graziano's signature was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - d. 29 August 2023 payroll transfer for \$499.50 for the Internal Revenue Service; motion to ratify Mary-Catherine Graziano's signature was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - e. 30 August 2023 payable for \$180.00 included marriage and dog license fees due to the State; motion to approve was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
 - f. 31 August 2023 payroll transfer for \$369.55 for the State of Vermont; motion to approve was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor. Duplicate entries were noted on this warrant, but were manually eliminated from the total by the Selectboard, and the new subtotal confirmed by the Selectboard. It was confirmed that none of the vendors were double-paid.
 - g. 6 September 2023 payable for \$6,846.84 included VEC bills, an insurance payment to VLCT, and the reversal of a double entry for tax payments; motion to approve was made by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.
- Signing of the VT-Alert resolution corrected as discussed was completed.
- Signing of the delinquent dog license letters as discussed was completed.
- A special meeting will likely be had prior to the next regular meeting to discuss an action plan for the transition in administration.

- 12. Adjourn:** Meeting was adjourned at 8:55 PM, motioned by Cary Sandvig, seconded by Mary-Catherine Graziano, all in favor.

Respectfully submitted on 9 September 2023 -
Andrea Carbone

Mary-Catherine Graziano

Cary Sandvig

Incident Report

Date of Vicious Dog Hearing: 8/30/2023 at 9:00 am at the Isle La Motte Town Offices.

SECOND DATE of Vicious Dog Hearing: 9/6/23 at 6:30 pm

Date and approximate time: 8/17/23 in the evening.

Location: intersection of Rt 129 and Lakehurst Trailer Road.

Description of incident: Reportees were stationary at the intersection on our bikes checking their GPS on how to get back to Ruthcliffe Lodge.

The dogs came running aggressively out of the woods. Injured party was bitten immediately high on his leg; the attack resulted in puncture wounds. They kept surrounding the Reportees barking and attacking. The dogs were ferocious and did not give up their aggression until a car came by, stopping and checking in on the Reportees. Injured Party told them he had been bitten. As the car left the intersection with their windows rolled down, they yelled at the dogs and the dogs backed off. They basically chased them up the road with their car and the Reportees left, feeling fearful they would follow. Car driver is unknown.

Injured Party was bitten on his bike shorts which apparently kept him from a worse injury. Nonetheless, it is a significant and painful injury that needed tending when we reached the lodge.

Injured Party did see a doctor Friday morning at Northwestern Medical Center for a tetanus shot.

At the hospital the Reportees filled out an animal health report for Isle La Motte's animal control officer that was to be faxed to the Isle La Motte office. Isle La Motte town office does not receive faxes and didn't receive the report Reportees filled in at the hospital.



Photos of dogs:



Photo of injury:







Andrea Carbone <ilmvtcarbone@gmail.com>

Fwd: follow up to phone call 3:40 Monday afternoon 8/21/23/reporting a dog bite report

1 message

Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com>

Fri, Sep 1, 2023 at 9:03 PM

To: Rusty Spaulding <spauldingrustam10@gmail.com>, Andrea Carbone <ilmvtcarbone@gmail.com>, "Frang (Selectboard)" <ilmsandvig@frang.com>

You can see from this description and the photos that Joel sent that Carl is describing the male dog. This document should be included in the record of this hearing--we will likely need to have a second hearing to add this testimony, as well as approve the updated order.

Best,
Mary-Catherine (MC) Graziano (she/her)

Notice: By Vermont's public records law, emails (and other documents) acquired/created by a government agency are considered public records and subject to disclosure, unless specifically excluded by the Public Records Act.

----- Forwarded message -----

From: **Carl Martin** <carlmmartin8@gmail.com>

Date: Wed, Aug 30, 2023 at 9:14 PM

Subject: Re: follow up to phone call 3:40 Monday afternoon 8/21/23/reporting a dog bite report

To: Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com>

Hi Mary-Catherine,

Everything happened very fast.

While I did not see which dog bit me as it attacked from behind, the dog with the black collar and without a brown color spot over the right eye was the most aggressive as it continued to try to attack me while I held my bike up to protect myself. In the photos it was the dog looking for a way to lunge at me. From the photos and my experience of it's aggressiveness of the continued attacking I would identify it as the culprit but I did not see the specific dog when it bit me.

Thank you for letting me zoom in this morning. This is a difficult situation for everyone involved, a pet owner not wanting to loose his pit bulls and most of us fearful of the possible attack upon another citizen which could be much more severe than what ours was. You are in our thoughts as you sort out the best way to move forward.

Sincerely,
Carl Martin

On Wed, Aug 30, 2023 at 3:59 PM Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com> wrote:

Hi Carl and Karen,

Thank you both very much for your time and energy. I keep thinking about your experience, and how terrible and scary it was. I apologize for following up yet again, but after an email from our town lawyer, it's been made clear that we need to have a positive ID of which dog did the actual biting. Are you able to identify the dog? Please let us know either way. If you can identify the dog, can you show us, using the photos, which dog it was?

Thank you again--I deeply appreciate your help as we continue to navigate this process.

Best,
Mary-Catherine (MC) Graziano (she/her)

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On Tue, Aug 29, 2023 at 7:40 AM Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com> wrote:
Hi Carl and Karen,

As an FYI, the vicious dog hearing is happening tomorrow (Wednesday) at 9:00 am at the ILM town offices.
Zoom Link: <https://us02web.zoom.us/j/84863333242?pwd=Z1VFRRmJlZUNscmlacllnbW9aVkM4dz09>
Passcode: 633262
Meeting ID: 848 6333 3242

Best,
Mary-Catherine (MC) Graziano (she/her)

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On Thu, Aug 24, 2023 at 10:42 AM Carl Martin <carlmmartin8@gmail.com> wrote:

Thank you Mary-Catherine for your email.
My wound appears to be healing properly.

Our physical address is:
5343 Route 113
Thetford Center, VT 05075

Mailing address:
PO Box 185
Thetford Center, VT 05075

Yes, we were stopped in the middle of the intersection to check our gps for directions when the dogs came running out and one immediately lunged and bit me. They continued barking trying to attack, Karen and I were standing back to back, I was holding my bike up to protect myself from more bites. What saved us was a car coming by, asking if they were our dogs, when I said no they had already bitten me, the driver proceeded to drive away distracting the dogs enough and Karen and I were able to leave as the dogs followed the car.

We are thankful that a car came to distract the dogs, and that the bite was in my biking shorts rather than my bare skin otherwise things may have been much worse.

We appreciate that Joel came and apologized for the dogs getting out of their enclosure and attacking us. I think it shook him up a bit when he realized that I had been bitten and I told him that if it had been on my bare skin I would be in the hospital. He pondered whether he should put the dogs down.

With God's grace we continue on. We enjoy Isle La Motte and hope to return again next year.
Sincerely,
Carl Martin

On Wed, Aug 23, 2023 at 7:38 PM Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com> wrote:
Dear Karen and Carl,

I am extremely sorry to hear about your experience and the bite. We (the Selectboard) can initiate a vicious dog hearing for the dogs. From our ordinance, in order for the complaint to be complete and for us to proceed, we would also need your address. I also need to make sure that the dogs were on the road when the incident occurred. Can you confirm whether the dogs were on their property, or that they were in the road at the time of the bite?

...owner who shall proceed in accordance with the Vermont Department of Health's rules.
SECTION 9. INVESTIGATION OF VICIOUS DOGS.

A. Complaint. When a dog has bitten a person while the dog is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.

Dog Control Model & Guidance

August 19, 2019

8

B. Investigation and Hearing. The Selectboard, within seven (10) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of hearing and a copy of the complaint.

You can find the entire ordinance here: <https://islelamotte.us/wp-content/uploads/2022/03/Ordinance-regulating-Dog-and-Wolf-hybrids.pdf> (the relevant pages for the vicious dog hearing and the process for the hearing (there's also a section C and D under this part of the ordinance))

Once we have the remaining information, we will then begin the process of holding a hearing with the owners.

I hope that Carl is healing from the bite, and I am very sorry that this happened to you.

Best,
Mary-Catherine (MC) Graziano (she/her)

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On Tue, Aug 22, 2023 at 12:12 PM Town Clerk <townofislelamotte@gmail.com> wrote:

Hello Karen and Carl,

We are very sorry that your weekend getaway to Isle La Motte was seriously disrupted by this dog attack. We have ordinances we enforce for animals in the town. In particular, dogs are not permitted to run free and must be under the control of their owner(s) at all times. Clearly, this was not the case here. I have copied our Select Board members as well on this email. I am sure they will follow up with the animals' owners and take the appropriate measures.

The owners of the dogs - Luca and Elvis - are Shannon and Joel English. They live at 4560 Main St, the home right across from Lakehurst Road. Their phone number is 802-928-3444. Both dogs are licensed and are current on the rabies vaccinations. I have attached copies of each of their rabies certificates.

Again, we are very sorry for your recent experience. Carl, we hope you are feeling better. Please let me know if you require anything else. We hope to see you again in the future here on the island with much better memories and souvenirs from your visit.

Stephen Mank (Please note our new email address townofislelamotte@gmail.com)

On Mon, Aug 21, 2023 at 4:29 PM Karen Martin <karenks.martin@gmail.com> wrote:

For the animal control officer of Isle La Motte, Vermont,

Our names are Carl and Karen Martin
802-356-5417 (cell) - Carl, carlmmartin8@gmail.com
802-356-5936 (cell) - Karen, karenks.martin@gmail.com

We visited Isle La Motte August 17 - 19, staying at the Ruthcliffe Lodge.

The evening of August 17 we were attacked by two pit bulls at the intersection of Rt 129 and Lakehurst Trailer Road. We were stationary at the intersection on our bikes checking our GPS on how to get back to Ruthcliffe Lodge.

The dogs came running aggressively out of the woods. Carl was bitten immediately high on his leg; the attack resulted in puncture wounds. They kept surrounding us barking and attacking. The dogs were ferocious and did not give up their aggression until a car came by, stopping and checking in on us. Carl told them he had been bitten. As the car left the intersection with their windows rolled down, they yelled at the dogs and the dogs backed off. They basically chased them up the road with their car and we left, feeling fearful they would follow us. We do not know who was driving the car.

He was bitten on his bike shorts which apparently kept him from a worse injury. Nonetheless, it is a significant and painful injury that needed tending when we reached the lodge. Carl did see a doctor Friday morning at Northwestern Medical Center for a tetanus shot. At the hospital we filled out an animal health report for Isle La Motte's animal control officer that was to be faxed to your office. I understand from the phone call I had with the Isle La Motte town office Monday afternoon that you don't receive faxes and didn't receive the report we filled in at the hospital.

Ruthcliffe Lodge contacted the owner - a man came to see us and was very apologetic. He stated that the dogs were current with their rabies shots. We do appreciate that he stopped by, however, that does not take away from the fact how dangerous his dogs are.

The name Ruthcliffe Lodge gave us for the owner was Shannon English, possibly with the maiden name of Strata. We do not have a telephone number for Shannon English or the name of the man who came to see us. The man stated that Hall Orchards is his uncle. Ruthcliffe Lodge would be able to help with identification of the dog owners.

I was able to take a photo of the dogs and have that attached here.

We need to officially hear from the town that the dogs did indeed have their rabies shots.

Thank you,
Karen and Carl Martin

TOWN OF ISLE LA MOTTE
SELECTBOARD

RE: Vicious Dog Investigation) 20 V.S.A., Chapter 193
(Joel & Shannon English Dog “Elvis”))

Findings of Fact, Conclusions of Law and Order

The Isle La Motte Selectboard, having conducted a duly noticed public hearing on August 30, 2023, which hearing was reopened on September 6, 2023, for the purpose of taking additional evidence, finds and concludes as follows.

Findings of Fact

1. This proceeding is a result of a dog bite complaint related to an incident that occurred on the evening of August 17, 2023 at the intersection of Lakehurst Trailer Road and Main Street in Isle La Motte.
2. Two bicyclists, Carl and Karen Martin, of 5343 Route 113 Thetford Center, VT 05075, were standing at the side of the road, checking their GPS, when two dogs owned by Joel and Shannon English of 4560 Main Street, Isle La Motte, VT 05463, ran out into the road.
3. One of the dogs, a male dog named “Elvis” immediately bit Carl Martin high on the back of the leg, resulting in painful puncture wounds and a large bruise. This bite required medical attention; Mr. Martin saw a doctor at Northwest Medical Center the next day for a tetanus shot.
4. During the incident, both dogs behaved in an extremely aggressive manner and did not relent in their behavior, which also included barking at and circling the Martins, until they were chased off by a passing motorist who yelled at them and chased them with their car.
5. An incident report, prepared by Mary Catherine Graziano, containing both a narrative and photographs of the dogs and the injury to Mr. Martin, is attached hereto as Exhibit A.
6. Both dogs were confirmed to have a current rabies vaccination and license.
7. A duly noticed hearing was held by the Isle La Motte Selectboard on August 30th at 9:00 a.m. Testimony was received from the victim, the dog owner (Mr. English), and from Laurie Lawless, a certified dog behaviorist recommended by the Chittenden County Humane Society. In addition, the Selectboard heard testimony from one Selectboard member, Rusty Spaulding describing previous incidents.

8. Based on the testimony of the dog's owner, Joel English, and the bite victim, Carl Martin, the Selectboard finds that it was the male dog, Elvis, who bit Mr. Martin. This is the second serious biting incident involving Elvis that has been reported to the Selectboard.

9. The Town of Isle La Motte has a duly adopted Dog Ordinance. That Ordinance, at Section 10, provides that “any vicious dogs shall be handled in the manner set forth in Section 3546 of Title 20 of the Vermont Statutes Annotated.”

Conclusions of Law

20 V.S.A. § 3546 provides, in pertinent part, as follows:

(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, the person may file a written complaint with the legislative body of the municipality

(c) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in section 3550 of this chapter.

Based on the foregoing, the Selectboard concludes that:

1. The dog, Elvis, bit Carl Martin without provocation while off the premises of its owners, Joel and Shannon English.
2. Mr. Martin required medical attention for the bite.
3. Mr. Martin filed a proper complaint with the Selectboard regarding the bite.
4. The dogs involved in the incident are not rabies suspects.
5. The Town has not voted to regulate biting incidents involving domestic pets or wolf-hybrids in a manner that is different from the procedures set forth in Title 20, Chapter 193.

Order

As this is the second serious biting incident on record involving the Englishes' male dog, Elvis, and previous efforts to remediate the dog's aggressive behavior have failed, the Selectboard hereby orders, in the interest of public safety, that the dog be humanely euthanized by a licensed veterinarian within 24 hours of the date of this Order (or as soon as the same may be reasonably scheduled, not to exceed 72 hours).

This Order shall be both mailed, via first class mail, and hand-delivered to Joel and Shannon English. The Englishes shall provide the Selectboard with a receipt or other documentation from the veterinarian demonstrating that the euthanizing has been accomplished.

Further, although the female dog did not bite anyone on this occasion, it was running at large in violation of the Town's Dog Ordinance and it also acted aggressively toward the Martins. Nothing in this Order shall be construed as waiving or limiting the Town's right to enforce its Dog Ordinance in the manner provided therein, including by impounding a dog that has been running at large. By this Order, the Selectboard requires that the owners keep the female dog confined on their premises unless fully under the control of the owners and it strongly recommends that they have the female dog evaluated for safety by a qualified dog behaviorist to ensure that it does not also present a public safety risk. If the behaviorist determines that the female dog cannot be trained/rehabilitated so that it is not a biting risk, then it should also be euthanized.

DATED at Isle La Motte, this _____ day of September, 2023.

ISLE LA MOTTE SELECTBOARD

Chair

TOWN OF ISLE LA MOTTE
SELECTBOARD

RE: Vicious Dog Investigation) 20 V.S.A., Chapter 193
(Joel & Shannon English Dog “Elvis”))

Findings of Fact, Conclusions of Law and Order

The Isle La Motte Selectboard, having conducted a duly noticed public hearing on August 30, 2023, which hearing was reopened on September 6, 2023, for the purpose of taking additional evidence, finds and concludes as follows.

Findings of Fact

1. This proceeding is a result of a dog bite complaint related to an incident that occurred on the evening of August 17, 2023 at the intersection of Lakehurst Trailer Road and Main Street in Isle La Motte.
2. Two bicyclists, Carl and Karen Martin, of 5343 Route 113 Thetford Center, VT 05075, were standing at the side of the road, checking their GPS, when two dogs owned by Joel and Shannon English of 4560 Main Street, Isle La Motte, VT 05463, ran out into the road.
3. One of the dogs, suspected to be a male dog named “Elvis,” immediately bit Carl Martin high on the back of the leg, resulting in painful puncture wounds and a large bruise. This bite required medical attention; Mr. Martin saw a doctor at Northwest Medical Center the next day for a tetanus shot.
4. During the incident, both dogs behaved in an extremely aggressive manner and did not relent in their behavior, which also included barking at and circling the Martins, until they were chased off by a passing motorist who yelled at them and chased them with their car.
5. An incident report, prepared by Mary Catherine Graziano, containing both a narrative and photographs of the dogs and the injury to Mr. Martin, is attached hereto as Exhibit A.
6. Both dogs were confirmed to have a current rabies vaccination and license.
7. A duly noticed hearing was held by the Isle La Motte Selectboard on August 30th at 9:00 a.m. Testimony was received from the victim, the dog owner (Mr. English), and from Laurie Lawless, a certified dog behaviorist recommended by the Chittenden County Humane Society. In addition, the Selectboard heard testimony from one Selectboard member, Rusty Spaulding describing previous incidents.

8. Based on the testimony of the dog's owner, Joel English, and the bite victim, Carl Martin, the Selectboard believes that it is more likely than not that it was the male dog, Elvis, who bit Mr. Martin. This is the second serious biting incident involving Elvis that has been reported to the Selectboard.

9. The Town of Isle La Motte has a duly adopted Dog Ordinance. That Ordinance, at Section 10, provides that “any vicious dogs shall be handled in the manner set forth in Section 3546 of Title 20 of the Vermont Statutes Annotated.”

Conclusions of Law

20 V.S.A. § 3546 provides, in pertinent part, as follows:

(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, the person may file a written complaint with the legislative body of the municipality

(c) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in section 3550 of this chapter.

Based on the foregoing, the Selectboard concludes that:

1. It is more likely than not that the male dog, Elvis, bit Carl Martin without provocation while off the premises of its owners, Joel and Shannon English.
2. Mr. Martin required medical attention for the bite.
3. Mr. Martin filed a proper complaint with the Selectboard regarding the bite.
4. The dogs involved in the incident are not rabies suspects.
5. The Town has not voted to regulate biting incidents involving domestic pets or wolf-hybrids in a manner that is different from the procedures set forth in Title 20, Chapter 193.

Order

As this is the second serious biting incident on record involving the Englishes' male dog, Elvis, and previous efforts to remediate the dog's aggressive behavior have failed, by this Order, the Selectboard requires that the owners keep the male dog confined on their premises unless fully under the control of the owners. Specifically,

the owners must have an “airlock” system so Elvis cannot escape out the door, and if Elvis is out of the house, he must wear a muzzle at all times.

Furthermore, the Selectboard hereby orders, in the interest of public safety, that the male dog, Elvis, be evaluated for safety by a qualified dog behaviorist, at the owner’s expense, to determine if it can be trained/rehabilitated so that it is not a biting risk, no later than September 13, 2023 (or as soon as may be reasonably scheduled). If the behaviorist determines that the male dog cannot be trained/rehabilitated so that it is not a biting risk, then the dog will be humanely euthanized by a licensed veterinarian within 24 hours of receipt of the behaviorist’s report (or as soon as the same may be reasonably scheduled, not to exceed 72 hours).

This Order shall be both mailed, via first class mail, and hand-delivered to Joel and Shannon English. The Englishes shall provide the Selectboard with a receipt and other documentation from the behaviorist stating their findings, and if necessary, with a receipt or other documentation from the veterinarian demonstrating that the euthanizing has been accomplished within 72 hours of the assessment (or as soon as may be reasonably provided, not to exceed seven days).

Further, although the female dog (“Lucy”) is not suspected of biting anyone on this occasion, it was running at large in violation of the Town’s Dog Ordinance and it also acted aggressively toward the Martins. Nothing in this Order shall be construed as waiving or limiting the Town’s right to enforce its Dog Ordinance in the manner provided therein, including by impounding a dog that has been running at large. By this Order, the Selectboard requires that the owners keep the female dog confined on their premises unless fully under the control of the owners. Specifically, the owners must have an “airlock” system so Lucy cannot escape out the door, and if the female dog is out of the house, she must wear a muzzle at all times. The board strongly recommends that they have Lucy evaluated for safety by a qualified dog behaviorist to ensure that it does not also present a public safety risk. If the behaviorist determines that the female dog cannot be trained/rehabilitated so that it is not a biting risk, then she should also be euthanized.

DATED at Isle La Motte, this ____ day of September, 2023.

ISLE LA MOTTE SELECTBOARD

Chair

For checks For Check Acct 01 (General Fund) 08/23/23 To 08/23/23

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
BCLAND	B AND C LANDSCAPING LLC	7	1040.00	0.00	1040.00	5498	08/23/23
BELHINSP	BELROSE HOME INSPECTIONS	08232023 school inspectopm	800.00	0.00	800.00	5499	08/23/23
COMMBANK	COMMUNITY BANK, N.A.	20230823 Zoom	57.97	0.00	57.97	5500	08/23/23
COMMBANK	COMMUNITY BANK, N.A.	20230823-2 August payment	1546.07	0.00	1546.07	5500	08/23/23

					Check Total	1604.04	
COMSEP	COMPLETE SEPTIC SERVICES, LLC.	17361 August pmt	145.00	0.00	145.00	5501	08/23/23
CONSCOMM	CONSOLIDATED COMMUNICATIONS	08232023 August phone	76.18	0.00	76.18	5502	08/23/23
DOMLIST	DOMAIN LISTINGS	20230823 domain listing	288.00	0.00	288.00	5503	08/23/23
ESG	EASTERN SALES INC	16148 checks	150.00	0.00	150.00	5504	08/23/23
GISD	GRAND ISLE CO SHERIFF'S DEPT	FY24-03T	3295.50	0.00	3295.50	5505	08/23/23
YARATZ	JOHN YARATZ EXCAVATION LLC	195875 Grading East & West shor	540.00	0.00	540.00	5506	08/23/23
LCCC	LK CHAMPLAIN ISL ECONOMIC DEV	2023-157 2023 appropriation	500.00	0.00	500.00	5507	08/23/23
NEMRC	NEMRC	353.78 2023 Marshall & Swift	353.78	0.00	353.78	5508	08/23/23
OFFICE	OFFICE DEPOT	323103582001 office supplies	132.96	0.00	132.96	5509	08/23/23
OFFICE	OFFICE DEPOT	323125833001 notebook tabs	8.76	0.00	8.76	5509	08/23/23

					Check Total	141.72	
RHRSMITH	RHR SMITH & COMPANY	2023-1955 final bill	100.00	0.00	100.00	5510	08/23/23
SHELLIME	SHELBURNE LIMESTONE CORP	78883 Rock fines	1658.25	0.00	1658.25	5511	08/23/23
STIT	STITZEL, PAGE & FLETCHER, PC	76182 legal services	2793.33	0.00	2793.33	5512	08/23/23
SYMQ	SYMQUEST	507451938 Copier rental	258.71	0.00	258.71	5513	08/23/23
ISLANDER	THE ISLANDER	7804 July advertisements	56.00	0.00	56.00	5514	08/23/23
TUTTLE	TUTTLE TRUCKING CO	20230823 August trash	42.50	0.00	42.50	5515	08/23/23
VNA	UVM HEALTH NETWORK HOME HEALTH	08232023 2023 Appropriation	2500.00	0.00	2500.00	5516	08/23/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230823 308017300	20.80	0.00	20.80	5517	08/23/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230823-P 20822200	91.10	0.00	91.10	5517	08/23/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230823-Q 308021100	22.51	0.00	22.51	5517	08/23/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230823-R 309565100	20.80	0.00	20.80	5517	08/23/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230823-S 4377300	21.37	0.00	21.37	5517	08/23/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230823-T 308003102	38.28	0.00	38.28	5517	08/23/23

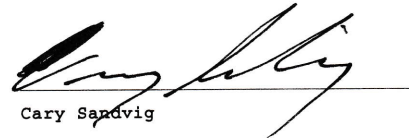
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Town of Isle La Motte Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
For checks For Check Acct 01 (General Fund) 08/23/23 To 08/23/23

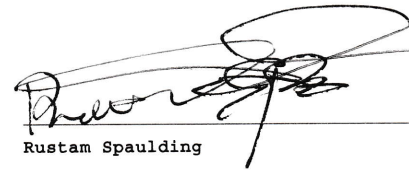
Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
Report Total			16,557.87	0.00	16,557.87		

To the Treasurer of Town of Isle La Motte, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ****16,557.87
Let this be your order for the payments of these amounts.

Selectboard


Cary Sandvig


Mary Catherine Gaudiano


Rustam Spaulding

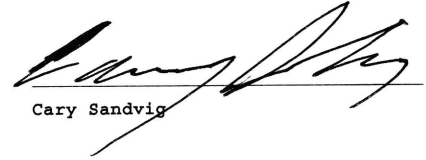
08/29/23
03:24 pm

Town of Isle La Motte Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
For checks For Check Acct 01(General Fund) 08/29/23 To 08/29/23

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
BLAIR	BLAIRS TRUCKING	2646 trucking	375.00	0.00	375.00	5522	08/29/23
CONSCOMM	CONSOLIDATED COMMUNICATIONS	08282023 Sept phone	85.60	0.00	85.60	5523	08/29/23
FNLC	FRIENDS OF NORTHERN LAKE CHAMP	146 2023 APP 2023 Appropriation	1000.00	0.00	1000.00	5524	08/29/23
CEMCOMM	ISLE LA MOTTE CEMETARY COMMISS	20230828	6330.00	0.00	6330.00	5525	08/29/23
NEMRC	NEMRC	53363 CAMA disaster recovery	796.68	0.00	796.68	5526	08/29/23
NWVTWASTE	NORTHWEST VT SOLID WASTE MGT D	22607 2023 payment	585.60	0.00	585.60	5527	08/29/23
VALAED	VALA EDUCATION	20230828 Income Approach	125.00	0.00	125.00	5528	08/29/23
VALA	VERMONT ASSESSORS & LISTERS AS	20230829 DUE 2023 DUES	50.00	0.00	50.00	5529	08/29/23
Report Total			9,347.88	0.00	9,347.88		

To the Treasurer of Town of Isle La Motte, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ *****9,347.88 Let this be your order for the payments of these amounts.

Selectboard


Cary Sandvig


Mary Catherine Graziano


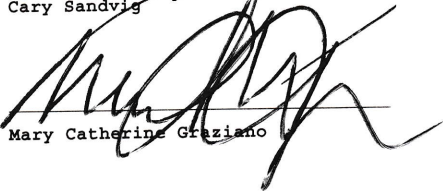
Rustam Spaulding

08/29/23
10:37 am

Town of Isle La Motte Payroll
Check Warrant Report #18083
Check date 08/29/23 to 08/29/23

Employee	Gross	Fringes	Reimburse	FWT	FICA	MEDI	SWT	SDI	Local	Oth Dedu	Net Amt	Elec Amt	Check No
BLAIS, MOLLY C.													
93.75	0.00	0.00	0.00	0.00	5.81	1.36	0.00	0.00	0.00	0.00	86.58	0.00	5518
CARBONE, ANDREA M.													
290.00	0.00	0.00	0.00	0.00	17.98	4.21	3.41	0.00	0.00	0.00	264.40	0.00	5519
LABRECQUE, MARY E.													
873.00	0.00	0.00	0.00	52.22	54.13	12.66	19.26	0.00	0.00	0.00	734.73	0.00	5520
MANK, STEPHEN P.													
1429.72	0.00	0.00	0.00	36.24	88.64	20.73	35.28	0.00	0.00	0.00	1248.83	0.00	5521
2686.47	0.00	0.00	0.00	88.46	166.56	38.96	57.95	0.00	0.00	0.00	2334.54	0.00	

To the Treasurer of Town of Isle La Motte
we hereby certify that there is due to the several persons whose
names are listed hereon the sum against each name and that
there are good and sufficient vouchers supporting the payments
aggregating \$ ***2,334.54
Let this be your order for the payments of these amounts.


Cary Sandvig

Mary Catherine Graziano

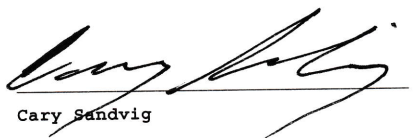
Rustam Spaulding

08/29/23
11:22 am

Town of Isle La Motte Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
All Manual\Direct Pays For Check Acct 01(General Fund) 08/29/23 To 08/29/23

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
IRS	INTERNAL REVENUE SERVICE	PR-08/29/23 Payroll Transfer	499.50	0.00	499.50	F 263	08/29/23
Report Total			499.50	0.00	499.50		

To the Treasurer of Town of Isle La Motte, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ *****499.50
Let this be your order for the payments of these amounts.

Selectboard

Cary Sandvig


Mary Catherine Graziano

Rustam Spaulding

08/30/2023
02:32 pm

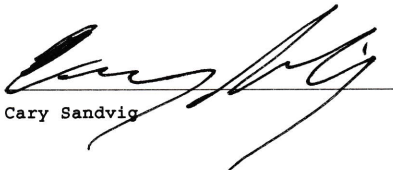
Town of Isle La Motte Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
For checks For Check Acct 01(General Fund) 08/30/2023 To 08/30/2023

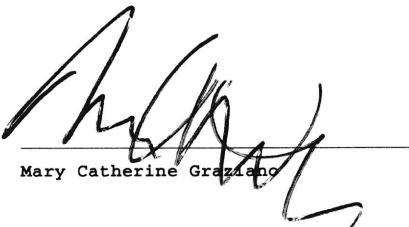
Page 1 of 1
Clerk

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
VTSTATE	TREASURY OPERATIONS DIVISION T 20230830-M	Marriage Licenses Q2	50.00	0.00	50.00	5530	08/30/23
VTSTATE	TREASURY OPERATIONS DIVISION T 20230830	dog license Q2	130.00	0.00	130.00	5531	08/30/23
Report Total			180.00	0.00	180.00		

To the Treasurer of Town of Isle La Motte, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ *****180.00
Let this be your order for the payments of these amounts.

Selectboard


Cary Sandvig


Mary Catherine Graziano

Rustam Spaulding

For checks For Check Acct 01(General Fund) 08/29/2023 To 08/30/2023

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
BLAIR	2646	BLAIRS TRUCKING trucking	375.00	0.00	375.00	5522	08/29/23
CONSCOMM	08282023	CONSOLIDATED COMMUNICATIONS Sept phone	85.60	0.00	85.60	5523	08/29/23
FNL	146 2023 APP	FRIENDS OF NORTHERN LAKE CHAMP 2023 Appropriation	1000.00	0.00	1000.00	5524	08/29/23
CEMCOMM	20230828	ISLE LA MOTTE CEMETARY COMMISS	6330.00	0.00	6330.00	5525	08/29/23
NEMRC	53363	NEMRC CAMA disaster recovery	796.68	0.00	796.68	5526	08/29/23
NWVTWASTE	22607	NORTHWEST VT SOLID WASTE MGT D 2023 payment	585.60	0.00	585.60	5527	08/29/23
VALAED	20230828	VALA EDUCATION Income Approach	125.00	0.00	125.00	5528	08/29/23
VALA	20230829	VERMONT ASSESSORS & LISTERS AS 2023 DUES	50.00	0.00	50.00	5529	08/29/23
VTSTATE	20230830-M	TREASURY OPERATIONS DIVISION T Marriage Licenses Q2	50.00	0.00	50.00	5530	08/30/23
VTSTATE	20230830	TREASURY OPERATIONS DIVISION T dog license Q2	130.00	0.00	130.00	5531	08/30/23
IRS	PR-08/29/23	INTERNAL REVENUE SERVICE Payroll Transfer	499.50	0.00	499.50	F 263	08/29/23
VTTAXES	PR-04/11/23	VERMONT DEPARTMENT OF TAXES Payroll Transfer	60.76	0.00	60.76	F 265	08/29/23
VTTAXES	PR-04/25/23	VERMONT DEPARTMENT OF TAXES Payroll Transfer	57.89	0.00	57.89	F 265	08/29/23
VTTAXES	PR-05/09/23	VERMONT DEPARTMENT OF TAXES Payroll Transfer	72.23	0.00	72.23	F 265	08/29/23
VTTAXES	PR-05/23/23	VERMONT DEPARTMENT OF TAXES Payroll Transfer	61.76	0.00	61.76	F 265	08/29/23
VTTAXES	PR-06/06/23	VERMONT DEPARTMENT OF TAXES Payroll Transfer	51.49	0.00	51.49	F 265	08/29/23
VTTAXES	PR-06/20/23	VERMONT DEPARTMENT OF TAXES Payroll Transfer	65.42	0.00	65.42	F 265	08/29/23

					Check Total	369.55	

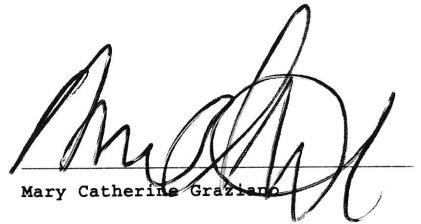
Town of Isle La Motte Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
For checks For Check Acct 01(General Fund) 09/06/23 To 09/06/23

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
BCLAND	B AND C LANDSCAPING LLC	5 Sept mowing	1040.00	0.00	1040.00	5532	09/06/23
KENNEDY	PHILLIP KENNEDY	20230906 tax overpayment	2284.47	0.00	2284.47	5533	09/06/23
SYMQ	SYMQUEST	509807269 Sept copier	282.58	0.00	282.58	5534	09/06/23
TUTTLE	TUTTLE TRUCKING CO	20230906 Sept trash	47.50	0.00	47.50	5535	09/06/23
VCIL	VT CENTER FOR INDEPENDENT LIVI	2023 APPR 2023 Appropriation	295.00	0.00	295.00	5538	09/06/23
VLCTPROP	VLCT PROPERTY & CASUALTY	REN230320	2683.25	0.00	2683.25	5537	09/06/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230906-P 4377300	20.80	0.00	20.80	5536	09/06/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230906-Q 308003102	37.65	0.00	37.65	5536	09/06/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230906-R 309565100	20.80	0.00	20.80	5536	09/06/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230906-S 308022200	91.10	0.00	91.10	5536	09/06/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230906-T 308021100	22.51	0.00	22.51	5536	09/06/23
VTELEC	VERMONT ELECTRIC COOPERATIVE,	20230907-R 308017300	21.18	0.00	21.18	5536	09/06/23
Report Total			6,846.84	0.00	6,846.84		

To the Treasurer of Town of Isle La Motte, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ *****6,846.84
Let this be your order for the payments of these amounts.

Selectboard


Cary Sandvig


Mary Catherine Graziano

Rustam Spaulding

September 5, 2023

Isle La Motte Select Board

Effective immediately I will resign my position on the Isle La Motte Select Board. I do not have the time necessary to devote to the many new demands and new enhanced schedule the board has taken on. I do not feel that a majority of Isle La Motte's will be in favor of the direction the town government has taken, more regulation and higher spending.

I will drop a signed copy of this at the Town Office within the next few days. I also request that this be read into the minutes.

Sincerely,

Rustam Spaulding

September 6, 2023

Isle La Motte Select Board

I request this be read into the minutes of the Select Board Meeting.

Effective tomorrow, September 7th, I am resigning my positions as the Isle La Motte Town Clerk, Treasurer, and E911 Coordinator. It has been an honor to serve 99% of the residents of Isle La Motte this past year. It more than compensates for the constant harassment, condescension, and amazing lack of understanding and respect for these offices we have consistently received from the remaining one percent.

As is required, Mary Labrecque will also be resigning her positions as Assistant Town Clerk and Treasurer effective tomorrow, September 7th.

I wish you all the best as I focus much more of my time with my wife and family.

Sincerely,

A handwritten signature in black ink that reads "Stephen P Mank". The signature is written in a cursive style with a long horizontal stroke at the end.

Stephen P Mank



Andrea Carbone <ilmvtcarbone@gmail.com>

Re: Ongoing financial, record-keeping and other issues

1 message

Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com>

Mon, Sep 4, 2023 at 2:36 PM

To: Rusty Spaulding <spauldingrustam10@gmail.com>

Cc: Steve Mank <townofislelamotte@gmail.com>, "Frang (Selectboard)" <ilmsandvig@frang.com>, Andrea Carbone <ilmvtcarbone@gmail.com>

Thank you, Rusty

Best,
Mary-Catherine (MC) Graziano (she/her)

Notice: By Vermont's public records law, emails (and other documents) acquired/created by a government agency are considered public records and subject to disclosure, unless specifically excluded by the Public Records Act.

On Mon, Sep 4, 2023 at 1:50 PM Rusty Spaulding <spauldingrustam10@gmail.com> wrote:

Thank you for this, I certainly can understand the frustration!

On Monday, September 4, 2023, Mary-Catherine (MC) Graziano <mcgilmvt@gmail.com> wrote:

Dear Steve,

After a year of ongoing issues with completion of essential tasks for the running of the town, including statutory responsibilities, it has become clear that the board cannot rely on the Town Clerk/Treasurer to complete tasks in a manner that benefits the town. Normally, these issues would be addressed more privately, in an email, or in conversation, but I have invested a significant amount of time in sending these emails and having conversations with you, and the issues continue.

I am breaking this email up into areas of concern that will be addressed at the upcoming meeting.

Treasurer Responsibilities

Upon reviewing some of our conversations, I realized that there is a chance that you have invested town funds independently, as you have referenced success in achieving a higher return on investment on the town funds than the Trustees. These investment documents need to be brought to the Wednesday Selectboard meeting. I would like to see the signature on the document as well.

We requested the budget status report at each meeting from March through June before receiving a complete report. We did receive one incomplete report early on in that period—it was missing several pages.

We are, now, receiving these reports monthly, which I am glad to see, but it has come to my attention that we have not received the Auditor of Accounts document that we should receive by June 30, annually. You can find the information here: <https://auditor.vermont.gov/local>

- [Title 24: Municipal Government](#)
 - [Selectboard; general powers and duties](#)
 - (a) [Internal Financial Controls Checklist for Municipalities Updated 8/24/15](#)
 - Per **24 V.S.A. § 1571(d)**, The town treasurer shall annually, **on or before June 30**, complete and provide to the selectboard a copy of the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11) regarding internal financial controls. (Amended 1981, No. 239 (Adj. Sess.), § 5; 2011, No. 155 (Adj. Sess.), § 27.)

You will need to bring this completed checklist to the Wednesday Selectboard meeting.

Since there have been some issues getting the budget to us, I discussed our process with a financial expert from VLCT, and she recommended that we should also be reviewing the Bank Statement Reconciliation (including the Book to Bank Reconciliation.) These documents will need to be provided for Wednesday's Selectboard meeting.

It has also come to my attention that you have been choosing not to pay certain bills for the town. I learned on Tuesday, 8/29, that a contractor had to come in multiple times to get paid for work he'd done on 7/24. At a recent public meeting you stated that you were holding off on paying appropriations that were not invoiced and larger bills with later due dates. You did not mention that you were not paying our contractors who have sent in invoices. This is unacceptable. Isle La Motte pays the people who do work for us. If we need to get a line of credit to bridge the gap between payment of bills and receipt of taxes; we are fully capable of doing it, and have done it before in the past. You were asked, at a 6/7/23 public meeting, if this was necessary, and you told us that it was not. If you are not paying contractors for their work, then something is wrong, and the Selectboard needed to be informed of the issue.

Finally, I haven't yet heard an explanation for the much higher than expected light bill that we discussed at the 8/2/23 meeting, nor have I seen warrants for the "thousands of dollars of legal bills" that were referenced at our 8/21/23 regular meeting. The number seems high as well. The legal bills for the fiscal year and the determination of the VEC bill (with back-up documentation, including the contact information of who you talked to, and any written correspondence you received) will also need to be brought to this meeting.

Town Clerk Responsibilities

Recently, I have learned that there are important grant documents that have not been passed on to the Selectboard. We were not provided with a signature page for our Better Roads FY24 grant. That signature page was sent at the same time (7/19) as the Grants In Aid FY24 grant. We received one from you, but not the other. This could have resulted in a loss to the town of cost reduction for essential roadwork. I spent a significant amount of time hunting through my inbox for the signature email for the Better Roads FY24, and could not find it. I also asked you, later in that email thread, if the Grants In Aid FY24 contract had been filed, and you did not respond.

When I requested the FY23 Grants In Aid contract in an email on 8/23 to you with the subject, "IMPORTANT can you help? Grants In Aid FY 23?" I did not receive a response until 8/28. When you responded, you told me "I have a pile I have kept from Selby's time. I did not notice anything for 2023 in it. You are welcome to take a look, or the pile of papers." It almost certainly would have been in your inbox, as AOT copied the town clerk email on road grant emails to Selby.

I was also disturbed to hear of the existence of a "pile of road documents" from Selby. It seems obvious that these documents should be in a file.

The delay in response for this urgent issue was particularly notable, since you took the time on 8/24 to reply to another, much less important, email that I had sent in the same timeframe (8/23) as the request to locate the grant. The content of the email about the FY23 grant was very clear that there was a time sensitive deadline for this grant, and the fact that you did not expend the effort to successfully locate the grant paperwork is troubling. It's also troubling that the grant paperwork isn't easily located in general. The grant was signed in August 2022, so this was outside of your tenure, but a simple search of your inbox would have found the document. It should also be in a file in the office.

While the ultimate responsibility for the failure to notify the Selectboard of the grant, and to pay attention to the timeline is on Selby (I have multiple email records of asking him about grants and other projects), the primary focus of all town officers should be to make sure that we are all working together to make sure that the town is running smoothly. Your response to this serious situation was both delayed and incomplete.

It also took several business days for you to send me the "Authorization to proceed" document for the same FY23 grant that you were aware had an urgent deadline of 9/30/23—the authorization was sent on 8/25, and you forwarded it to me on 8/30. It is not through any work of yours that we were lucky enough to be granted an extension of a year, and any delay in this process at the time reduced our chance to successfully complete the work. We need to be able to rely on you to forward us essential documents for the smooth functioning of the town.

I also requested that you forward the documentation (photos, etc) on 8/23 that you had in your inbox on the vicious dog hearing complaint. You did not send those documents, and I had to ask the victims to re-send them. On 8/24, you answered only one, the least important, of the emails that I sent on 8/23.

I frequently have to ask other people for documents that you have in your possession. I was luckily able to find the Grants in Aid FY23 document by contacting our grantors, but it is unacceptable that a municipality doesn't have an easily accessible record of the grants it has engaged to work on. This document was in your inbox, and a simple search would have located it. It is a waste of my time to have to ask for documents that you have in your possession and are not giving me.

I have also been told that despite multiple requests for the information, you have not provided our contractor with the locations for the 911 signs that you have purchased, and which need to be in place. As you possess this information, it seems unreasonable to expect the Selectboard or our contractor to have to contact an external organization to retrieve this information.

These are repeats of a similar situation with our Fire Warden back in November, where the explanation for not putting his contact information on the website was that he had been only recently confirmed by the state. (This didn't explain why the old Fire Warden's contact information was still up, despite a request to remove it by the old Fire Warden and myself.) When I contacted the state employee in charge of confirming Fire Warden appointments, to determine the date of confirmation, not only did I discover that the person hadn't been confirmed, but that we had actually missed the date set for his confirmation (11/15), and had not sent in paperwork as of 11/30 that had been provided to the town on 10/31. It is unclear to me who had not followed up with the paperwork, but the timeline you provided to me for the completion of the task does not line up with the signatures on the documents provided to the state (you stated they had been signed and were ready to mail as of 11/29, but the signature date was 11/30.)

Statutory requirements re: posting of minutes. You have been reminded, multiple times, of the statutory

requirements of the Open Meeting Law for the posting of agendas and minutes. Deadlines have been repeatedly missed for both posting of agendas and minutes, and not just for the Selectboard, but for the Trustees as well (a Trustee meeting on 7/19 had minutes provided on 7/20, and as of 7/25, minutes were not posted.) I do not know the situation of other town committees and commissions. It became clear that our Selectboard Clerk needed to post these items, as we were constantly out of compliance with OML. It took almost a month for you to provide our Selectboard Clerk with the access to the website to be able to post the minutes and agendas herself. I know Andrea has also been posting some of the minutes for other town committees, despite it being outside of her job description.

Our Fire Warden's contact information has changed, and I was assured that the website would be updated on 8/2. It was not, and our Selectboard Clerk ended up doing it herself, after I checked in again on 8/25.

Our recreation department has asked multiple times over the course of at least six months for a copy of a waiver form, and each time, I asked our Town Clerk and Assistant Town Clerk to contact our insurance company for an example waiver. This was requested multiple times and was never produced—I never received a reply to any of my emails. I ended up having to do it myself.

This is an ongoing pattern of lack of attention to statute and the best interests of the town. I have tried to work with you on these issues for months with little to no change or improvement. It is now clear that we need another person in the Town Office who can make sure that essential work is completed.

The town website is ultimately under Selectboard's management, and we will discuss transferring that responsibility, as well as the responsibility for maintaining the files for roadwork, animal control, and other, non-statutory, filing responsibilities to the Office Assistant position. After the serious failures regarding the grants, it has become clear to me that the people currently holding positions in the Town Clerk's office are not able or willing to take responsibility for making sure the work of the town runs smoothly. These are not statutory responsibilities of the position, although it has been traditionally done by this office. Since this work is not being done, and there is a significant history of important work not being done, we need to find someone who will do the work. I have changed the description of the Office Assistant position to do the work that the Town Clerk has not been doing.

We will also be working on the purchasing policy for the town, to clarify the parameters of purchasing for non-Legislative offices. Currently, without a purchasing policy, only the legislative body of Isle La Motte has statutory authority to authorize purchases, and despite being told about this limitation, the Town Clerk continues to make significant discretionary purchases. It is time for us to more clearly define those parameters. It does not make sense to get in the way of purchasing supplies like paper, toner, pens, etc, but the unauthorized expenditures combined with the missing budget status reports has created a situation where the Selectboard is under informed of the status of the budget and the expenditures of the town.

To recap:

1. The Office Assistant position has been shifted from a support role for the Town Clerk to a support role for the smooth running of the town. I understand that this will be a disappointment, as you indicated that you needed this support. Unfortunately, the circumstances of the past couple of weeks are a tipping point, indicating that we have an even stronger need to make sure that essential town functions work properly.
2. Be prepared to provide the following documents in the board packet for Wednesday's meeting (which is sent to the board on Tuesday, but an extension of Wednesday morning at 11:00am will suffice given

the holiday weekend):

- a. Bank Statement Reconciliation
- b. Book to Bank Reconciliation
- c. The completed Auditor of Accounts checklist
- d. The investment documents for town funds, along with the signature page
- e. A follow-up on the VEC bills
- f. All of our legal bills for this fiscal year, so we can review coding and expenditures

Thank you. I understand that you are new to the work, and that there has been a significant learning curve. I know that you have put a lot of work into many projects. I have also tried to work with you to address these issues that I've mentioned. It is my responsibility to work with the rest of the board to create effective processes that address this.

Note—this is not an exhaustive list of the significant issues that I have encountered while working with you in your capacity as Town Clerk and Treasurer, but rather a representative sample. I can back up each of the points above with documentation, and I have back up for the other issues that I have not mentioned.

I understand that you are an independent officer, and accountable only to the voters of the town. The Selectboard does not have any authority over your office. This is why this email is focusing solely on the Treasurer's statutory responsibilities to the Selectboard and the non-statutory Town Clerk tasks that are required for the Selectboard to be able to do its work.

Thank you for your attention to this matter and your attendance at the next Selectboard meeting.

Best,
Mary-Catherine (MC) Graziano (she/her)

Notice: By Vermont's public records law, emails (and other documents) acquired/created by a government agency are considered public records and subject to disclosure, unless specifically excluded by the Public Records Act.

TOWN OF ISLE LA MOTTE

P.O. BOX 250
ISLE LA MOTTE, VERMONT 05463

Vermont's Oldest Settlement

September 6, 2023

Samuel Dillner
VT-Alert Administrator
Vermont Emergency Management (VEM)
45 State Drive
Waterbury, VT 05671-1300

SUBJECT: Adoption of VT-Alert (via email)

Dear Samuel:

The Town of Isle La Motte hereby officially adopts VT-Alert as a public safety notification system. As we, the Selectboard, understand, the service is funded entirely by the state of Vermont.

Carmine Centrella (carminecentrella90@gmail.com, 860-982-9326) will be the primary administrator and Cary Sandvig (ilmsandvig@frang.com, 860-468-9653) will be the alternate.

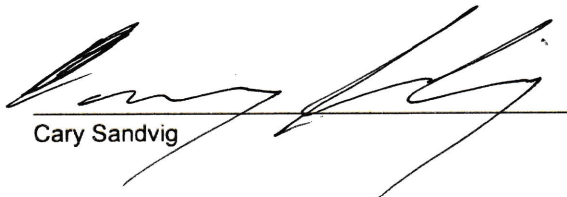
The Town would like the following people to act as local VT-Alert managers:

<u>Name</u>	<u>Email Address</u>
Carmine Centrella, <i>Emergency Management Director</i>	carminecentrella90@gmail.com
Cary Sandvig, <i>Selectboard Member</i>	ilmsandvig@frang.com
Mary-Catherine Graziano, <i>Selectboard Chair</i>	mcgilmvt@gmail.com
TBD, <i>Selectboard Office Assistant</i>	ilmvtofficemanager@gmail.com
Andrea Carbone, <i>Selectboard Clerk</i>	ilmvtcarbone@gmail.com

Please let us know if you require any additional information to establish the notification system, and thank you for providing this opportunity for our community.

Regards -
Isle La Motte Selectboard


Mary-Catherine Graziano


Cary Sandvig