TOWN OF BELCHERTOWN, MA
ANIMAL CONTROL ADVISORY BOARD
MEETING MINUTES

Date: November 22, 2011
Time: Meeting Convened 6:00pm
       Meeting Adjourned 8:13pm
Place: Town Hall, Auditorium

Present:
    Anna Fenton, Animal Control Officer, Town of Belchertown
    John Wellman, Chair
    Nicole Miner, Secretary
    Sonya Hawkins, Board Member
    Irene Spring, Board Member
    Audrey Sefford, Board Member
    Carol Wagner, Board Member
    Linda Arkle, 599 Warren Wright Road
    Susan Moutague, 605 Warren Wright Road
    Other family and witnesses to the Arkle and Montague parties
    Elyana Bassell & Hans Despain, 67 Chadbourne Street
    Steve & Laurie Brin, 66 Chadbourne Street

Meeting came to order at 6:00pm.

Minutes for this meeting are limited as the meeting was originally to be held in the
Selectman’s room, but the meeting moved to the auditorium due to the size of the
audience. Miner was ten minutes late because she was waiting in the Selectman’s room.

First order of business to hear the appeal of Linda Arkle based on the Board’s decision of
October 8, 2011 to revoke her dog license.

Arlke gave a re-cap of the incidents as she recalled them. Please reference detailed
meeting minutes of October 8, 2011.

Incident 1; July 2009: Arkle states that Mr. Montague stepped into the middle of the two
fighting dogs and concedes that he was bit by Sadie.
Incident 2; October 2009: Arkle is in agreement with the events as recounted by Montague on October 8, 2011.

Incident 3; September 18, 2011: Arkle is in agreement with the events as recounted by Montague on October 8, 2011.

Arlke stated that she was not present at the originally scheduled hearing on October 8, 2011 because she was not notified. Wellman stated that she was notified by certified mail and would check his mailbox to see if he received receipt of the registered letter.

Miner asked Arkle if Saide is under voice control and Arkle stated “sometimes”.

Arlke stated that Sadie does wear a manually controlled shock collar when she is deliberately outside, but if she escapes, she does not have the collar on.

Safford asked Arkle what kind of training Sadie received. Arkle stated that Sadie has had no formal training.

Miner asked Arkle how she would like this matter resolved. Arkle stated that she would like to have a fence installed down the two adjoining driveways and for both parties to share in the cost.

The Board discussed the appeal in private and made the following decision:

1. Effective immediately. All dogs belonging to both Arkle and Montague must be leashed when outside of a fenced area.

2. Effective immediately Sadie must wear a muzzle at all times when outside.

3. Effective immediately Arkle must construct a barrier between her home and the garage where Sadie escapes.


Fenton has agreed to follow up with Arkle in two weeks to ensure she is in compliance with the above rules.

All parties related to Montague and Arkle exited the room.
Second order of business to hear appeal of parties Despain and Brin. Original order by
the Board of Selectman, that Brin’s german shepard, Cisco, be muzzled and on a
retractable leash at all times when outside due to a bite attack on Despain in August 2011.

Despain agrees that Brin is in compliance of the original order that Cisco be muzzled and
on a retractable leash when outside. Despain is stating that there is a continuing issue
with Brin walking Cisco on the cul-de-sac near to the Despain home and is standing just
adjacent to the Despain property staring at the Despain home and creating discomfort.

Despain has also stated that Cisco be muzzled when tethered on the Brin property.

See enclosed statement from Despain summarizing his recollection of the events.

The Board discussed the appeal in private and made the following decision:

The Board upholds the decision of the Selectmen that Cisco be muzzled and leased at all
times when outside. The Board cannot prohibit Brin from walking Cisco on the cul-de-
sac near to the Despain property. The Board will not require Brin to muzzle Cisco when
on tether on the Brin property.

The Board has ordered Brin to no longer manage Cisco on a retractable leash and that a
sturdy leash must be used effective immediately.

No subsequent meeting was scheduled. Meeting adjourned at 8:13pm.

Prepared by Nicole A. Miner, Secretary
January 5, 2012
Ms. Linda Arkle
599 Warren Wright Road
Belchertown, MA 01007

Original Complainant: Susan Montague, 506 Warren Wright Road, Belchertown, MA 01007
Appellant: Linda Arkle/Sadie, 599 Warren Wright Road, Belchertown, MA 01007
Hearing Date: November 22, 2011
Subject: Written decision of appeal by Linda Arkle from original complaint hearing of October 8, 2011

Dear Ms. Arkle:

Please accept the apologies of the Animal Control Advisory Board for not delivering a written decision from our November 22, 2011 hearing to you in a timely manner. Please consider this document as the formal written decision.

Pursuant to the above-identified matter, the Animal Control Advisory Board has issued the following decision:

1. Effective immediately all dogs belonging to both parties must be leashed when outside of fenced areas.

2. Effective immediately Sadie must wear a muzzle at all times when outside of fenced areas.

3. Effective immediately, Ms. Arkle must construct a barrier between her living space and the garage, so as to prevent Sadie from escaping into unfenced areas.

4. Ms. Arkle must enroll Sadie in obedience classes. Classes must be completed by February 28, 2012 and a certificate of completion must be submitted to the Board.

Anna Fenton will follow-up in-person in two weeks to ensure that you have complied with the Board’s decision.

Pursuant to the bylaws of the Town of Belchertown, sections 15-12, paragraph D, you have the right to appeal this decision to the Board of Selectman within ten (10) days of the postmark of this decision. Please do not hesitate to contact me with any questions.

Regards,

[Signature]

Nicole Miner, Secretary
Animal Control Advisory Board
(413) 345-1021

Cc: Susan Montague; Office of the Clerk; Office of the Selectman; Anna Fenton, ACO
January 5, 2012
Mr. Hans Despain
67 Chadbourne Street
Belchertown, MA 01007

Complainant: Hans Despain, 67 Chadbourne Street, Belchertown, MA 01007
Animal Owner: Steve & Laurie Brin, 66 Chadbourne Street, Belchertown, MA 01007
Animal: Cisco (German Shepard)
Hearing Date: November 22, 2011
Subject: Written decision of appeal by Despain from original decision of the Board of Selectman

Dear Mr. Despain:

Please accept the apologies of the Animal Control Advisory Board for not delivering a written decision from our November 22, 2011 hearing to you in a timely manner. Please consider this document as the formal written decision.

Pursuant to the above-identified matter, the Animal Control Advisory Board will uphold the decision of the Board of Selectman that Cisco must be muzzled and leashed at all times when outside of fenced areas or off of tether.

This Board will not prohibit Brin from walking on the cul-de-sac near to the Despain property.

This Board will not require Brin to muzzle Cisco when tethered or fenced on the Brin property.

Effective immediately this Board prohibits Brin from managing Cisco on a retractable leash and requires the use of a sturdy leash (i.e. nylon, leather).

Pursuant to the by-laws of the Town of Belchertown, sections 15-12, paragraph D, all parties have the right to appeal this decision to the Board of Selectman within ten (10) days of the postmark of this decision. Please do not hesitate to contact me with any questions.

Regards,

Nicole Miner, Secretary
Animal Control Advisory Board
(413) 345-1021

Cc: Steve & Laurie Brin; Office of the Clerk; Office of the Selectman; Anna Fenton, ACO
January 5, 2012
Mr. David Pinardi
Ms. Debbie Fleming
101 Federal Street
Belchertown, MA 01007

Complainant: David Pinardi & Debbie Fleming, 101 Federal Street, Belchertown, MA 01007
Animal Owner: Linda Rosen & Lisa Kirschenblatt, 105 Federal Street, Belchertown, MA 01007
Animal: Buddy (beagle/poodle mix)
Hearing Date: December 21, 2011
Subject: Written decision of hearing

Dear Mr. Pinardi & Ms. Fleming:

Please accept the apologies of the Animal Control Advisory Board for not delivering a written decision from our December 21, 2011 hearing to you in a timely manner. Please consider this document as the formal written decision.

Pursuant to the above-identified matter, the Animal Control Advisory Board has dismissed your complaint. This Board has unanimously decided that Buddy is not in violation of the by-laws of the Town of Belchertown.

Pursuant to the by-laws of the Town of Belchertown, sections 15-12, paragraph D, all parties have the right to appeal this decision to the Board of Selectmen within ten (10) days of the postmark of this decision. Please do not hesitate to contact me with any questions.

Regards,

Nicole Miner, Secretary
Animal Control Advisory Board
(413) 345-1021

cc: Linda Rosen & Lisa Kirschenblatt; Office of the Clerk; Office of the Selectman; Anna Fenton, ACO
January 5, 2012
Mr. & Mrs. Glen Chartier
12 Chartier Drive
Belchertown, MA 01007

Complainant: Glen & Linda Chartier, 12 Chartier Drive, Belchertown, MA 01007
Animal Owner: Steven & Sandy Roy, 237 Bay Road, Belchertown, MA 01007
Hearing Date: December 21, 2011
Subject: Written decision of hearing

Dear Mr. & Mrs. Chartier:

Please accept the apologies of the Animal Control Advisory Board for not delivering a written decision from our December 21, 2011 hearing to you in a timely manner. Please consider this document as the formal written decision.

Pursuant to the above-identified matter, the Animal Control Advisory Board has dismissed your complaint as a result of your failure to appear at the December 21, 2011 hearing.

Pursuant to the by-aws of the Town of Belchertown, sections 15-12, paragraph D, all parties have the right to appeal this decision to the Board of Selectman within ten (10) days of the postmark of this decision. Please do not hesitate to contact me with any questions.

Regards,

Nicole Miner, Secretary
Animal Control Advisory Board
(413) 345-1021

Cc: Steve & Sandy Roy; Office of the Clerk; Office of the Selectman; Anna Fenton, ACO