

TOWN OF BELCHERTOWN, MA
ANIMAL CONTROL ADVISORY BOARD
MEETING MINUTES

Date: December 21, 2011

Time: Meeting Convened 5:58pm
Meeting Adjourned 7:02pm

Place: Town Hall, Auditorium

Present:

Anna Fenton, Animal Control Officer, Town of Belchertown
Nicole Miner, Secretary
Sonya Hawkins, Board Member
Audrey Safford, Board Member
Carol Wagner, Board Member

Debbie Fleming & David Pinardi, 101 Federal Street
Linda Rosen & Lisa Kirschenblatt, 105 Federal Street

Steven & Sandy Roy, 237 Bay Road

Not Present:

John Wellman, Chair
Irene Spring, Board Member
Brian Breveleri, Board Member

Glen & Linda Chartier, 12 Chartier Drive

Meeting came to order at 5:58pm.

First order of business to hear the complaint of Fleming/Pinardi (F/P) against Rosen/Kirschenblatt (R/K) for excessive barking of R/K's Beagle/Poodle mix, Buddy.

Miner asked the Board if they reviewed the complaint and all members confirmed.

Miner asked F/P if they wanted to contribute any additional information. Pinardi stated that he and Fleming made several agreements with R/K to ensure that Buddy does not bark before 7am and after 10pm, but that everytime the agreement was made it "eroded" almost immediately. Pinardi stated that he made several phone calls to R/K to let them



know Buddy was outside of the house barking but that he didn't feel that R/K respected him and Fleming and that he didn't feel he should have to make continuous phone calls. Pinardi stated that Kirschenblatt told him on one occasion that "the dog can bark whenever it wants to".

Miner asked Fenton what Animal Control has done so far to remedy the issue. Fenton said she had instructed F/P to call her when they heard dog barking and put the cell phone within hearing distance. Fenton said that one night at 11:35pm, Fleming called her and left a voicemail that she had been listening to Buddy bark for over 20 minutes. While the phone call was coming in Fenton (a neighbor of R/K) stated that she went to her back kitchen door and the lights were out at the R/K property and she did not hear any barking, nor was there any barking on her voicemail. Fenton stated that she does occasionally hear the dog barking but that it is not for long periods of time.

Fleming stated that R/K have had other dogs and they have not been a nuisance. Fleming stated that Buddy's bark "slices right through you" and that that type of bark is unreasonable before 7am and after 10pm. Fleming stated that the dog is louder than the cars on route 9.

Pinardi stated that he wants to see Buddy brought out on a leash or have R/K wait at the door so they know when he is ready to come inside. Pinardi approached the Board table with his cell phone for the Board to hear a recording of Buddy barking. The recording lasted about 2 minutes and two howl/barks were heard.

Kirschenblatt stated that Buddy does not bark to come in the house. She watches him run across their yard to F/P's property line where there is a lot of "junk" and squirrels run around and Buddy barks at them. Kirschenblatt stated that she has a whistle that she uses to call Buddy into the house and that he obeys the whistle "instantly". Kirschenblatt stated that F/P recommended that R/K spray Buddy with a water bottle, get him a zap collar, or get him pet therapy. Kirschenblatt stated that she consulted her vet, Deb Lichtenberg, and the vet stated that none of those measures were necessary and "that was just the dog's bark". Kirschenblatt stated that for the most part she complied with F/P's request to not let the dog out before 7am and after 10pm, but that on occasion if she got home late, she felt it was necessary.

Wagner asked Fenton if there was a bark ordinance in place and Fenton indicated that there was, but that no times were set that prohibited noise.

Kirschenblatt stated that one morning in November at 7:30am, F/P came on to her property banging on the door. Kirschenblatt said that Pinardi said "your gonna give that little dog away or put it to sleep". Kirschenblatt said that she went to the police department because she was scared. Miner asked F/P to respond and Fleming stated that they this did happen, but she felt it was justified because the dog "woke the entire house" and there are "tenants involved".

Pinardi stated that R/K filed a request for a restraining order but that the judge denied it, stating that this was "not the Maury Povich show".

Rosen stated that she feels the complaint is unreasonable because there is nothing in the bylaws that addresses a type of bark.

Miner asked Rosen what her schedule was for letting the dog out. Rosen stated that the dog is let out at about 8am and then again at 5:30pm and sometimes again after 10pm.

Miner asked R/K if the tenants ever complained directly about the dog. Rosen stated that she has never received complaints.

Wagner asked how far apart the houses are. Pinardi stated about 50 feet.

Safford asked R/K if they attempt to go outside with Buddy to correct him when he barks. Rosen indicated that they have done this but that Buddy will not go to the bathroom if he is on a leash.

Rosen asked for a definition of "excessive" is. Miner asked Fenton for a copy of the by-laws. Miner read the by-law as follows: "a dog that causes a disturbance that interferes with a person's reasonable right to peace or privacy by barking, yelping, whining, howling, or growling, for an unexpected period at anytime of day or night".

Pinardi stated again that he had additional recordings. Miner stated that she needed to hear a recording of excessive barking. Pinardi approached the Board table to play another recording. In this recording the dog barked a total of 7 barks in one minute.

Miner asked the Board if they had any additional questions. The Board said they did not. Miner asked both parties to leave the room while the Board made a decision.

The Board unanimously decided that Buddy is not in violation of the excessive barking. The Board suggested that R/K fit Buddy with a citronella or vibrating collar that they can activate whenever Buddy barks. Miner notified F/P that they have the right to appeal to the Selectboard.

Second order of business to hear the complaint of Glen and Linda Chartier against Steven and Sandy Roy for excessive barking of Chartier's three Boson terriers.

The complainants Glen and Linda Chartier are not present. Fenton indicated that Wellman notified both parties. Steven Roy indicated that he was missing work for this meeting and would not come again.

Safford asked the Roys to present their side of the complaint. Mr. Roy stated that when he lets the dogs out he waits by the window waiting for them to come in. Mr. Roy stated that sometimes the dogs will bark, but if they are acknowledged they will stop barking, but that the Chartier's do not acknowledge the dogs.

Mr. Roy stated that on one occasion Glen Chartier was blowing his leaves toward the dogs and they started barking. He stated that in 27 years of living on the property he has never received a complaint. Mr. Roy said he would look into collars for the dogs.

Mrs. Roy stated that Mr. Chartier does things to make the dogs purposefully bark (i.e. kicking a ball near the fence). Mr. Roy also stated that the Chartiers are building a garage in their back yard and strangers are on the property. Mr. Roy stated that he feels that the dogs are being protective.

Miner stated that the Chartier's failure to attend the meeting was grounds for dismissal.

Miner told the Roys that their statements would be considered if the Chartier's wanted to reschedule the meeting.

Miner dismissed the case.

No subsequent meeting was scheduled. Meeting adjourned at 7:02pm.

Prepared by Nicole A. Miner, Secretary
