



Animal Control Advisory Board
TOWN OF BELCHERTOWN

Lawrence Memorial Hall
2 Jabish Street, P.O. Box 670
Belchertown, Massachusetts 01007

Date: July 25, 2012

Time: Meeting Convened 5:58 pm
Meeting Adjourned 6:56 pm
Place: Town Hall, Auditorium



Present:

Brian Breveleri, Board Member
Carol Kasabian, Board Member
Marlene Layman, Board Member
Nicole Miner, Chairperson & Secretary
Audrey Safford, Board Member
Carol Wagner, Board Member
Anna Fenton, Animal Control Officer
Hugh Connolly-Brown, 162 Amherst Road

First order of business to hear the appeal of Hugh Connolly-Brown for citations in the amount of \$10.00 for running at large and \$10.00 for failure to licensure dated June 3, 2012.

In the matter of running at large, Mr. Connolly-Brown stated in his written appeal dated June 12, 2012 and verbally at this hearing that his dog, Ivan, did not cross his property line onto the Cedar Woods Apartments at any time on June 3, 2012.

The Board received a written statement from the Cedar Wood Apartments property manager, Lisa Foley, stating that Ivan did cross the property line on June 3, 2012.

Mr. Connolly-Brown admitted that on several occasions Ivan has crossed the property line, but that he has been training Ivan, and that there has not been an incident in the meantime. Mr. Connolly-Brown also stated that he does not believe in property lines.

In the matter of failure to license, Mr. Connolly-Brown stated in his written appeal dated June 12, 2012 and verbally at this hearing that that Ivan does not reside in Belchertown and that he is licensed in Athol, MA where he primarily resides.

Miner brought to Mr. Connolly's attention a signed Declaration of Homestead dated in 2007 that indicated 162 Amherst Road to be his primary occupied residence. Mr. Connolly was not able to dispute this document. Miner then stated that she checked with the Town of Athol land records as well and there was no property in Athol owned by Mr. Connolly-Brown or his spouse Ms. Bulman. Mr Connolly was not able to dispute this statement. Miner brought to the attention of Mr. Connolly an email dated June 14, 2012 from Jenn Arsenault, Animal Control Officer for the Town of Athol, to Anna Fenton, stating that she reviewed her records and that Ivan was not licensed in Athol. In response Mr. Connolly-Brown produced a current dog license from his pocket.

The Board convened privately to discuss these matters and the following decision was made:

In the matter of the June 3, 2012 citation for running at large in the amount of \$10.00: The Board indicated to you that it would waive the fine of \$10.00 for this incident if in fact your statement on June 12, 2012 that Ivan was licensed in Athol, MA was truthful. The Board further indicated that if this statement was false and Ivan was not licensed prior to your statement date, the fine would be upheld. On July 25, 2012 the Town of Athol indicated that you did not license Ivan until July 17, 2012, exactly one week prior to the hearing. As a result of your false statement you remain responsible for the fine of \$10.00. The Board has further decided that if a subsequent report is received for Ivan running at large, we will schedule a second a hearing for further disciplinary action. *(In favor: Kasabian, Wagner, Miner, Stafford, Layman. Against: Breveleri)*

In the matter of the citation for failure to license in the amount of \$10.00 : The Board has determined that your primary residence is in Belchertown, that you do not own a primary residence in Athol, and that Ivan resides in Belchertown for more than 30 days of the year. You have five (5) business days from the date of this notice to license Ivan in Belchertown. If you comply with this instruction, the Board will waive the \$10.00 fine. Failure to do so will result in the maximum fine of \$50.00 and a second hearing for further disciplinary action. *(In favor: Kasabian, Breveleri, Miner, Stafford, Layman. Against: Wagner)*

Prior to exiting the auditorium Mr. Connolly-Brown stated that every by-law has loopholes and he would find his way out of this decision. He also stated that this Board did not accomplish a "safer Belchertown" with its decision and that this Board is only "creating more paperwork.

Second order of business to review the letter of interest regarding the Board vacancy. One letter was received from Sonya Hawkins of 25 Rural Street requesting re-instatement to the Board after an initial resignation for poor health. All Board members are in favor of the re-instatement.

No subsequent meeting was scheduled. Meeting adjourned at 6:56pm.

Prepared by Nicole A. Miner, Secretary & Chair



Animal Control Advisory Board
TOWN OF BELCHERTOWN

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2 Jabish Street, P.O. Box 670
Belchertown, Massachusetts 01007

July 25, 2012

Mr. Hugh Connolly-Brown
162 Amherst Road
Belchertown, MA 01007

Animal Owner/Appellant: Hugh Connolly-Brown
Animal: Ivan
Hearing Date: July 24, 2012
Subject: Written decision of appeal dated June 12, 2012

Dear Mr. Connolly-Brown:

Pursuant to the above-identified matter, the Animal Control Advisory Board has formally decided the following:

In the matter of the June 3, 2012 citation for running at large in the amount of \$10.00: The Board indicated to you that it would waive the fine of \$10.00 for this incident if in fact your statement on June 12, 2012 that Ivan was licensed in Athol, MA was truthful. The Board further indicated that if this statement was false and Ivan was not licensed prior to your statement date, the fine would be upheld. On July 25, 2012 the Town of Athol indicated that you did not license Ivan until July 17, 2012, exactly one week prior to the hearing. As a result of your false statement you remain responsible for the fine of \$10.00. The Board has further decided that if a subsequent report is received for Ivan running at large, we will schedule a second a hearing for further disciplinary action.

In the matter of the citation for failure to license in the amount of \$10.00 : The Board has determined that your primary residence is in Belchertown, that you do not own a primary residence in Athol, and that Ivan resides in Belchertown for more than 30 days of the year. You have five (5) business days from the date of this notice to license Ivan in Belchertown. If you comply with this instruction, the Board will waive the \$10.00 fine. Failure to do so will result in the maximum fine of \$50.00 and a second hearing for further disciplinary action.

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.

Regards,

Nicole Miner, Chairperson
Animal Control Advisory Board

Cc: Lisa Foley, Cedar Woods Property Manager
Office of the Belchertown Clerk
Office of the Belchertown Selectmen
Anna Fenton, Animal Control Officer

