



**Animal Control Advisory Board**  
**TOWN OF BELCHERTOWN**

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



Date: July 30, 2013

Time: Meeting Convened 6:15 pm  
Meeting Adjourned 6:45 pm  
Place: Town Hall, Selectmen's Room

**Present:**

Marlene Layman, Board Member  
Nicole Miner, Chairperson & Secretary  
Audrey Safford, Board Member  
Carol Wagner, Board Member  
Anna Fenton, Animal Control Officer  
Janet, Animal Control Officer  
Amanda Hodgen, 53 Ware Road

First and only order of business to hear the complaint of Amanda Hodgen against Sheldon Kirouac of 43 Ware Road and his pit-bull Lilly. The date of incident is July 11, 2013 for running at large and vicious disposition (complaint enclosed).

Mr. Kirouac was not present. Anna Fenton phoned him and he claimed that he did not receive the Board's first class or certified notice of hearing and that he could not make it up to the Town Hall because he did not have a vehicle.

Ms. Hodgen stated that on July 11, 2013 she was on her property near her horse barn with her Basset Hound when Lilly jumped over the stone wall that separates the Kirouac property from the Hodgen property. Ms. Hodgen stated that Lilly approached and attacked her dog and "nipped" at her arm. Ms. Hodgen stated that she began yelling at Lilly to go back onto her property at which time Lilly retreated. Ms. Hodgen stated that she yelled out across the property to Mrs. Kirouac to keep her dog off her property. Ms. Hodgen stated that the conversation became heated with expletives and Lilly again jumped over the stone wall. Ms. Hodgen stated that since the incident Lilly has been tied up. Ms. Hodgen also recalled past issues with Lilly chasing after her horses and riders and growling. She did not recall any previous bites.

Janet from Animal Control indicated that besides July 11, 2013, she has responded to complaints regarding Lilly on September 13, 2010 for chasing horses on the Hodgen

property and then again in March 2011 for attempting to bite one of Ms. Hodgen's boarded horses.

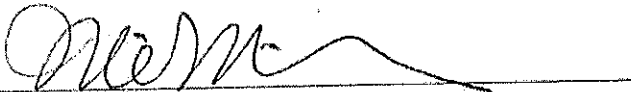
Anna Fenton confirmed that Lilly has not been licensed at least as far back as 2010, when the first complaint was issued against her. Mr. Kirouac has been fined \$68 for failure to license in 2013 and running at large. As of today, this fine has not been paid.

The Board ordered Mr. Kirouac to install a line run or tether to his home which cannot reach further than a reasonable distance from the stone wall. Lilly must be attached to the line run or tether at all times when outside, or under the direct leashed supervision of an adult. Mr. Kirouac has until August 16, 2013 to comply, at which time, Animal Control will be visiting the property to ensure the order has been satisfied. The Board instructed Mr. Kirouac that any subsequent violations will result in the removal of Lilly from the property and care of Mr. Kirouac. The Board also consulted with the Clerk's Office to see if they could retroactively fine Mr. Kirouac for past years of unpaid licensing. The Clerk's Office did not believe this was a legal action and as a result, the Board withdrew this part of the order.

It should also be noted that the Kirouac's have a new puppy on their property in addition to Lilly.

No subsequent meeting was scheduled. Meeting adjourned at 6:45pm.

Prepared by Nicole A. Miner, Secretary & Chair



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# TOWN OF BELCHERTOWN COMPLAINT OF VICIOUS OR BARKING DOG

TO: Board of Selectmen  
Animal Control Officer

Date: 7/11/13

I, Amanda Hodgen, hereby make complaint that a dog or dogs (give  
insert your name

name(s) of dog(s) and breed, if known: female pitbull Lilly

owned or harbored by: Unknown residing in my vicinity  
insert name

on or near 43 Ware Rd. Belchertown Ma is a nuisance by  
insert street or locality

reason of:

1. Vicious disposition. State facts: Attacked my year old Bassett  
hound and then ~~toothed~~ nipped at my arm and  
would have attacked me if owner wasn't there

2. Excessive barking. State facts: \_\_\_\_\_  
\_\_\_\_\_

3. Other disturbance. State facts: Always comes over, stone wall  
into my yard and growls and acts nasty Ulen  
we tell it to leave

4. Source of annoyance to a sick person residing in the vicinity. State facts: \_\_\_\_\_  
\_\_\_\_\_

I therefore respectfully request that an investigation be undertaken pursuant to the provisions of G.L. c. 140, §157, resulting in the issuance of any order necessary to abate the above-noted nuisance. I understand that this obligates me to attend a hearing and provide testimony under oath and I intend to make myself available for this purpose.

This complaint is made under penalties of perjury.

Amanda Hodgen  
Complainant's Signature

413-813-9291  
Telephone Number

53 Ware Rd. Belchertown Ma  
Street Address, Town

**TOWN OF BELCHERTOWN NOTICE OF VIOLATION 0858  
OF TOWN BY-LAW, RULE OR REGULATION**

DATE OF THIS NOTICE

NAME OF OFFENDER

ADDRESS OF OFFENDER

CITY, STATE, ZIP CODE

MY OPERATOR LICENSE NUMBER

OFFENSE

TIME AND DATE OF VIOLATION

(A.M.) (P.M.) ON

AT

LOCATION OF VIOLATION

SIGNATURE OF ENFORCING AGENCY

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender.

Date Mailed

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$

EITHER OPTION (1) OR OPTION (2) WILL OPERATE AS A FINAL DISPOSITION, WITH NO RESULTING CRIMINAL RECORD.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk & Collector

2 Labish Street

Belchertown, MA 01007

Eastern Hampshire District Court

205 State Street, Rt. 202

Belchertown, MA 01007

Attn: Non-Criminal Hearings

21D Non-Criminal Hearings

(3) If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of \$

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature

7/11/13

Sheldon Rivnac

43 Waver Rd

Belchertown MA 01007

DATE OF BIRTH OF OFFENDER

MAVINS REGISTRATION NUMBER

OFFENSE: RM

TIME AND DATE OF VIOLATION

(A.M.) (P.M.) ON

AT

LOCATION OF VIOLATION

SIGNATURE OF ENFORCING AGENCY

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender.

Date Mailed

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