Date: August 7, 2014

Time: Meeting Convened 6:15 pm
Meeting Adjourned 7:48 pm
Place: Town Hall, Selectmen’s Meeting Room

Present:
  Brian Breveleri, Board Member
  Nicole Miner, Chairperson & Secretary
  Carol Wagner, Board Member
  Janet Lipscomb, Animal Control Officer
  Samantha Clay, Animal Control Officer
  Joy Cebula, 19 Robin Lane (owner of canine Rudy)
  Guy Libiszewski, 19 Robin Lane
  Rebel Hughes, 11 Old Pelham Road (owner of canine Spot)
  Lori Johnson, 15 Old Pelham Road

Meeting convenes at 6:15pm without an official quorum due to a family emergency of one of the board members. Nicole Miner states that no decisions are binding at this meeting but that the Board will recommend resolutions to the parties.

First order of business to hear the complaint submitted by ACO Anna Fenton against Joy Cebula for multiple incidents of Rudy running at large (RAL) beginning in April of 2014 up until today where Rudy was again found running at large by Janet Lipscomb and placed in the Jackson Street pound. There are a total of 5 recorded incidents. $545.00 in fines has been assessed and paid prior to today. A fine of $185.00 is due today to remove Rudy from the pound.

Ms. Cebula states the following: Rudy is a rescued Brittany Spaniel of about 7-8 years of age. Rudy does get loose. He has broken his outdoor cable run. He escapes from open doors in the home. Once Rudy escapes he does not obey commands to return to his property. Rudy gets a minimal amount of exercise because he is difficult to control on a leash. Rudy is home alone in the home most of the day. She has no resolutions to offer and is prepared to surrender Rudy to the New England Brittany Rescue Organization (NEBRO).

Ms. Lipscomb states the following: Rudy is up to date on licensure and shots. Rudy has been found RAL multiple times in the last few months in different areas of Belchertown and sometimes at the homes of other residents. Rudy has never escaped and returned to his own home. Rudy has incurred $545.00 in paid fines for the last five (5) offenses. Rudy is now at the pound waiting to be picked up by his owners for a fee of $185.00.

Mr. Libiszewski states the following: He and Ms. Cebula do not have the $185.00 to get Rudy out of the pound.
The Animal Control Advisory Board makes the following **recommendation**: The fine of $185.00 to remove Rudy from the pound will be waived if Rudy is picked up within 24 hours and provided one of the following measures are adhered to:

1. Rudy be surrendered to NEBRO within 2 weeks.
2. An electric fence be installed on the perimeter of the property in conjunction with the Board’s waiver of the previous $545.00 in paid fines in order to help with the cost.**

**After further inquiry with Mr. Brougham via email, it was determined that the Board cannot reverse previously assessed fines. The Board did not act to formally withdraw this statement to the parties because the hearing did not have a formal quorum.**

Second order of business to hear the complaint submitted by ACO Anna Fenton and Ms. Lori Johnson against Rebel Hughes for multiple incidents of Spot barking excessively and running at large beginning in June of 2014. There are a total of 6 recorded incidents and $50.00 in unpaid fines.

Ms. Hughes states the following: Spot is a mixed Pointer-Lab. Spot does bark on occasion but not excessively in her opinion. Spot does run loose in his yard when she or her children accompany him. Spot does sometimes escape from his gated area in his yard. She is a single mother to eight children and cannot afford the $50.00 fine.

Ms. Johnson states the following: Spot has been barking excessively for years. He barks at all times of the day and in all temperatures and seasons. She has heard Spot bark excessively on a 20 degree winter day for several consecutive hours.

Ms. Clay states the following: She has sat down the road from Spot’s property and heard him barking excessively for more than 20 minutes on two separate occasions. She has also picked Spot up on two occasions where he was running at large. On both occasions, Ms. Clay states that only minor children were on the property when she returned Spot.

The Animal Control Advisory Board makes the following **recommendation**: The fine of $50.00 will be waived provided a bark collar is purchased and used for Spot under expressed safety measures within 2 weeks.

No subsequent meeting is scheduled. Meeting adjourned at 7:48 pm.

Prepared by Nicole A. Miner, Secretary & Chair

[Signature] 9/2/14
TOWN OF BELCHERTOWN
ANIMAL CONTROL CENTER
290 Jackson Street
Belchertown, MA 01007

ANIMAL CONTROL OFFICER'S REPORT

BREED: Spaniel
DESCRIPTION/SEX: Male
PLACE OF COLLECTION: Trail of Loneliness, Belchertown, MA 01007
IDENTIFICATION (COLLAR/TAGS): BL/choke 2012-380
NAME OF COLLECTOR: Daniel

Disposition of Animal

NAME OF OWNER: Sue Cobaia
ADDRESS: 42 Brandywine St, Belchertown, MA 01007
TELEPHONE: 312-0402

IMPOUND FEE: 50
DAILY FEE @ $15.00 X 1: 30
RAI (SEE CITATION): 30
UNTAGGED (SEE CITATION):
ADDITIONAL ITEMS (SEE CITATION):

TOTAL DUE: $80.00

NAME: Adopter
ADDRESS: 
TELEPHONE: 

ADOPTION FEE: 
IMMUNIZATION:
DEWORMING:
TOTAL DUE:

SHELTER TRANSFER

NAME OF SHELTER: 
ADDRESS: 
DATE OF TRANSFER: 
FEE: 

EUTHANASIA

NAME OF VET: 
DATE: 
TIME: 
FEE: 

Rabies: 11-16-15
Adoption
ACO: Janet Lipscomb
DATE & TIME OF CALL: 4/18/14

COMPLAINANT NAME: Me
PHONE #: 
ADDRESS: 

COMPLAINT: Was walking on the trails off 181 and came across a spaniel walking on trail, he followed me to my car.

DESCRIPTION OF ACTION TAKEN: Brought to pound, had 2012 # 3809 Joy Agula (47 Brandlywine, no answer when I called) left message.

ANIMAL OWNER/CARETAKER: Joy Agula
ADDRESS: #47 Brandlywine
PHONE #: 
ANIMAL NAME/BREED/COLOR/DESCRIPTION: Tri-colored spaniel

LICENSED?: Yes RABIES CURRENT?: Yes

RESOLUTION: 

OVER □
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO: Janet Lipscomb
DATE & TIME OF CALL: 7/21/14 2:10

COMPLAINANT NAME: Dan DeVicco
PHONE #: Restricted
ADDRESS: Moss Ln

COMPLAINT: Dog found in yard @ Moss Ln with 6.2012 #388 "Rudy" Cabula

DESCRIPTION OF ACTION TAKEN: Went to pick up Rudy, got a call back @ 2:51 that outsider came looking for Rudy

ANIMAL OWNER/CARETAKER: Joy Cabula
ADDRESS: 19 Robin Ln
PHONE #: (860) 217-8177
ANIMAL NAME/BREED/COLOR/DESCRIPTION: Tri-colored

LICENSED?: Yes RABIES CURRENT?: Yes

RESOLUTION: None

OVER
Animal Control Advisory Board
TOWN OF BELCHERTOWN
Lawrence Memorial Hall
2 Jabish Street, P.O. Box 670
Belchertown, Massachusetts 01007

July 24, 2014

Ms. Joy Cebula
19 Robin Lane
Belchertown, MA 01007

VIA: Certified & First Class Mail

Dear Ms. Cebula:

The Animal Control Advisory Board is in receipt of a complaint from Animal Control Officer, Anna Fenton, in reference to your canine "Rudy" for multiple occasions of "running at large".

This Board will hold a hearing to review and resolve the incident(s) on Thursday, August 7th at 6:00pm in the Selectman's Meeting Room of Lawrence Memorial Hall.

You are required to attend this hearing to recite your recollection of events and answer any questions the Board may have. The Board encourages you to bring evidence and witnesses to support your claims.

If you have any questions specific to the date, time, or location of this hearing please do not hesitate to contact me at (413) 345-1021. However, I will be unable to discuss any particulars of the incident over the telephone without the Board present. Please keep in mind that this hearing is permanently set, and cannot be changed due to scheduling conflicts.

Best Regards,

Nicole A. Mirer
Chair
TOWN OF BELCHERTOWN
ANIMAL CONTROL CENTER
290 Jackson Street
Belchertown, MA 01007

DATE 7-25-11
TIME 4:30am

ANIMAL CONTROL OFFICER'S REPORT

BREED: grey el DESCRIPTION/SEX: male tri-color
PLACE OF COLLECTION: 146 Scudder St.
IDENTIFICATION (COLLAR/TAGS): Blue collar 801 license "360"
NAME OF COLLECTOR: Samantha Clay

Disposition of Animal

NAME OF OWNER: Jay Cecula
ADDRESS: 14 Robin Lane
TELEPHONE: 317-0402

IMPOUND FEE: $75.00
DAILY @ $30.00 x 1 = $30.00
RAL (SEE CITATION): $15.00
UNTAGED (SEE CITATION):
ADDITIONAL ITEMS (SEE CITATION):
TOTAL DUE:

Adoption

NAME: 
ADDRESS: 
TELEPHONE: 

ADOPTION FEE: 
IMMUNIZATION & DEWORMING TOTAL DUE: 

SHELTER TRANSFER

NAME OF SHELTER: 
ADDRESS: 
DATE OF TRANSFER: 
FEE: 

EUTHANASIA

NAME OF VET: 
DATE: 
TIME: 
FEE: 

Ref No: (5) 29409541/
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO Terry
DATE & TIME OF CALL 7/28/14 7:18pm

COMPLAINTANT NAME Belchertown P.D
PHONE # 224-6685
ADDRESS

COMPLAINT Party at 138 Kennedy Dr. Seized
A tag running at large, male, male 2012 Toy #

DESCRIPTION OF ACTION TAKEN The owner lives on
19 Robin Lane. The party on Kennedy
I wanted to take the dog back to the owner:

ANIMAL OWNER/CARETAKER Myra Cebular
ADDRESS 19 Robin St
PHONE #
ANIMALNAME/BREED(COLOR/DESCRIPTION

LICENSED? / RABIES CURRENT?

RESOLUTION

OVER ⬜
August 12, 2014

Ms. Joy Cebula  
19 Robin Lane  
Belchertown, MA 01007

Animal Owner: Joy Cebula  
Animal: Rudy  
Hearing Date: August 7, 2014

Dear Ms. Cebula:

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

In the matters of Running at Large occurring between April 8 – July 28, 2014: The fine of $185.00 assessed to you to remove Rudy from the care of Animal Control has been waived by this Board. You are instructed to take one of the following actions:

1. Install an electric fence surrounding the circumference of your residence no later than August 21, 2014.

Failure to comply with at least one of the above-stated resolutions will result in reinstatement of the $185.00 fine assessed to you and further consideration from the Board. An Animal Control officer will make an unannounced visit on or after August 21, 2014 to ensure you have complied with the instructions of the Board.

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.

Regards,

Nicole Miner, Chairperson  
Animal Control Advisory Board

Cc:  
Office of the Belchertown Clerk  
Office of the Belchertown Selectmen  
Anna Fenton, Animal Control Officer
Miner, Nicole

From: Gary Brougham [GBrougham@belchertown.org]
Sent: Friday, August 22, 2014 3:13 PM
To: Miner, Nicole
Cc: Jill Panto; Anna Fenton; Brenda
Subject: RE: Request for Decision

Nicole,

Although I did discuss this with Anna and advised her that the town would not reimburse the pet owner his / her fines, Anna may not have fully understood why. As a result, I will reiterate my concerns:

- The first, some if not all the penalties were paid in a prior fiscal year. The Department of Revenue is very rigid on reimbursement in any case, this makes it even more difficult.
- The second concern I have is, reimbursing someone retroactively for misconduct sets a very dangerous precedent that would come back to haunt us time and again. As a result, the owners must restrain or surrender their animal. We will not reimburse them for the reasons I have identified.

I might also suggest that a $545.00 e fence would be ideal but there are more cost effective methods to resolve this problem. A cable run costs a fraction of that amount, a new chain link kennel is also an option and likely less than half that amount depending of the size and quality. I would suggest the owner look into these options or reconsider surrendering the animal as it appears the owners are the broader part of the problem for failing to properly care for their pet. I hope this answers your questions however let me know shall you have further questions / concerns.

Gary Brougham

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From: Miner, Nicole [mailto:nmminer@dowd.com]
Sent: Wednesday, August 20, 2014 9:03 AM
To: Gary Brougham
Cc: Ann Pittsley
Subject: FW: Request for Decision

Hi Mr. Brougham:

I don't mean to rush you on getting back to me on this matter below, but the resident ended up not following ACAB's instruction to surrender their dog. This is a dog who has been found all over town several times in the last year (on some occasions injured) and the family said they couldn't afford a fence so they were open to surrendering the dog. Now they have changed their minds and want to keep him, but they have not proposed a solution for containing the dog.

So I need to be able to follow up with them on original ACAB's decision which was to:

1. Surrender the dog to a rescue.
2. Install an electronic fence provided the Town reimburses them for the running at large fees that they paid in the amount of $545.00 to be directed toward the purchase of the e-fence which they claim they cannot afford at full price. If they fail to install the e-fence we would reinstate the $545.00 fine.

ACAB wasn't sure if we were allowed to do item 2 above, but we want to be able to have the leeway in certain circumstances to do so when we feel it would be for the betterment of the animal. Reversing fees is not something we would take lightly.

Can you advise on item 2 above so that I can get a letter out to the resident as a response to their failure to comply?

Thank you,
Hi:

I will provide a copy of your email to Gary and ask that he contact you directly. OK with you? Or you can email him directly regarding this matter (gbrougham@belchertown.org). Just let me know ...

Ann

Ann Pittsley, Executive Assistant
to the Board of Selectmen and Town Administrator
Town of Belchertown
One South Main Street, P.O. Box 670
Belchertown, MA 01007

Telephone: (413) 323-0403; Fax: (413) 323-0494

Hi Ann:

I'm not sure what the procedure is but I want to pose a question to the Selectmen's office regarding ACAB's power to reverse appealed fees issued by the ACO.

We heard a matter on Tuesday, which I will be sending the minutes on shortly, where the residents appealing were unable to afford a fence for their dog and had incurred $500+ in running at large fees. The board discussed revoking the fees if the residents installed a fence within 2 weeks time. Anna said she conferred with Mr. Brougham on ACAB's recommendation and was told it could not be done, but I did not receive a reason why.

ACAB does not take the revoking of fees lightly and understands that in most cases if the ACO issues a fine that it is prudent. But ACAB felt in this matter it was a solution that would have best benefitted the dog. Unfortunately, the dog is now being surrendered to a local rescue because the owners claim they do not have the means to keep him contained on their property.

I contended at the meeting that if ACAB has the power to waive a fee that is being appealed, we should also have the power to revoke a fee that has been incurred. It seems that the only difference is that one fee is contested and the other is already paid.

How do I go about asking the Selectmen to review and decide on this question?

Thanks, Nicole
413-345-1021
ACO Terry
DATE & TIME OF CALL 6/21/11 12:06 pm

COMPLAINANT NAME
PHONE # 413-232-4941
ADDRESS

COMPLAINT Dog Barking @ 11 old

DESCRIPTION OF ACTION TAKEN Talk to one of the kids about their barking dog

OVER

ANIMAL OWNER/CARETAKER
ADDRESS
PHONE #
ANIMAL NAME/ BREED/ COLOR/ DESCRIPTION

LICENSED? RABIES CURRENT?

RESOLUTION

OVER
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO: Janet Lipscomb
DATE & TIME OF CALL: 6/9/14 7:20 pm

COMPLAINTANT NAME: Laurie Johnson
PHONE #: (413) 237-4941

ADDRESS:

COMPLAINT: Dog at 11 Old Pelham Rd has been barking for an hour and a half

DESCRIPTION OF ACTION TAKEN: Went to address. Kids had already let him in.

ANIMAL OWNER/CARETAKER: Rebel Hughes
ADDRESS: 11 Old Pelham Rd
PHONE #: 933-0247

ANIMAL NAME/ BREED/ COLOR/DESCRIPTION: mixed white w/ blk spots

LICENSED? RABIES CURRENT?

RESOLUTION: Told the kids to pay attention to his barking and let him in when he barks.

OVER
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO

DATE & TIME OF CALL 6/11/14 6:38 pm

COMPLAINANT NAME

PHONE # 413 237 4941

ADDRESS

COMPLAINT Dog Barking @ 11 Old Salem Rd

DESCRIPTION OF ACTION TAKEN Talked to the owner of the dog. Told her this was her last warning. She is trying to keep the dog in the house.

ANIMAL OWNER/CARETAKER

ADDRESS

PHONE #

ANIMALNAME/BREED(COLOR/DESCRIPTION

LICENSED? RABIES CURRENT?

RESOLUTION

OVER □
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO Samantha Clay
DATE & TIME OF CALL 04/02 5:12pm

COMPLAINTANT NAME Laurie Johnson
PHONE # 413-237-4911
ADDRESS

COMPLAINT dog @ 11 Old Pelham Road has been barking continuously for hours.

DESCRIPTION OF ACTION TAKEN drove out to property
observed dog barking for 15 minutes.

If a minor on the property, no adults were
home, left a note requesting a call because
dog was barking excessively.

ANIMAL OWNER/CARETAKER Rebekah Hughes
ADDRESS 11 Old Pelham Road PHONE #
ANIMAL NAME/BREED/COLOR/DESCRIPTION Spot - mix

 LICENSED? Yes RABIES CURRENT? Yes

RESOLUTION

OVER □

OVER □
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO: Samantha Clay
DATE & TIME OF CALL: 2/18 3:50 pm

COMPLAINTANT NAME: Laurie Johnson
PHONE #: 413-237-4941
ADDRESS:

COMPLAINT: Dog barking excessively at Old Pelham Road.

DESCRIPTION OF ACTION TAKEN: Came to property spoke w/ Rebel's son about persistent problem w/ dog. Explained dog not allowed to sit outside & need to work on behavior fine is being issued & will be mailed.

ANIMAL OWNER/CARETAKER: Rebel Hughes
ADDRESS: 11 Old Pelham Road
PHONE #:

ANIMAL NAME/BREED/COLOR/DESCRIPTION: Spot - mix breed

LICENSED: Yes
RABIES CURRENT: Yes

RESOLUTION:

OVER ☐
June 30, 2014

Ms Rebel Hughes
11 Old Pelham Road
Belchertown, MA 01007

Dear Ms Hughes,

On several occasions at the end of June 2014 specifically, Friday June 20, Sunday June 22 and Sunday June 29 this department was called to respond to complaints of your dog Spot barking for long periods of time. Each time we have made either you or a family member aware of the barking issue and the fact that it is a violation of Town By-Laws.

Enclosed please find a copy of Belchertown By-Law Article 1 § 15-6D To Bark Excessively.

Enclosed is also a fine in the amount of $20.00 for a first offense. A second offense will generate a fine of $30 and a fourth of $40. After your third offense you will be required to go before the Animal Control Advisory Board. They will decide what further action is necessary.

We understand that dogs bark but continuous barking for long periods of time mean that the dog needs attending to and every effort should be made to cease his barking.

If you have any questions please feel free to call me at 413-519-1754, Mon, Tue & Fri from 9 a.m. to 2 p.m and Wed & Thur from noon to 5 p.m.

Sincerely,

Anna Fenton
Belchertown ACO
413-519-1754
CC: Board of Selectmen
Chief Fox
ACAB
File
July 18, 2014

To the Animal Control Advisory Board,

I am filing an appeal on a complaint of my dog Spot barking. I feel like I should not have to pay a fine for a dog barking at 3pm in the afternoon while playing ball with his children. He does bark, but he does not bark more than 5 minutes at a time.

Thank you, Reba Hynds
Belchertown, MA 01007
(413) 323-0247

X: Anna, Aco
July 24, 2014

Ms. Rebel Hughes  
11 Old Pelham Road  
Belchertown, MA 01007  

VIA Certified & First Class Mail

Dear Ms. Hughes:

The Animal Control Advisory Board is in receipt of your appeal dated July 18, 2014, in reference to your canine "Spot" for "excessive barking" and "running at large".

This Board will hold a hearing to review and resolve the incident(s) on Thursday, August 7th at 6:00pm in the Selectman's Meeting Room of Lawrence Memorial Hall.

You are required to attend this hearing to recite your recollection of events and answer any questions the Board may have. The Board encourages you to bring evidence and witnesses to support your claims.

If you have any questions specific to the date, time, or location of this hearing please do not hesitate to contact me at (413) 345-1021. However, I will be unable to discuss any particulars of the incident over the telephone without the Board present. Please keep in mind that this hearing is permanently set, and cannot be changed due to scheduling conflicts.

Best Regards,

Nicole A. Miner  
Chair
BELCHERTOWN ANIMAL CONTROL COMPLAINT LOG

ACO: Samantha Clay
DATE & TIME OF CALL: 2/18/11 10:00am

COMPLAINTANT NAME: Laurie Johnson
PHONE #: 413-237-1941

ADDRESS:

COMPLAINT: "Spot" was barking before I arrived. Dog got loose and was running in neighbors yard. Rebels children retrieved him.

DESCRIPTION OF ACTION TAKEN: Spoke with Rebel and dog barked continuously the whole time I was there.

OVER:

ANIMAL OWNER/CARETAKER: Rebel Hughes
ADDRESS:
PHONE #:

ANIMAL NAME/ BREED/ COLOR/ DESCRIPTION: Spot, mixed breed male

LICENSED?: ✓ RABIES CURRENT?: ✓

RESOLUTION: Citation, meeting with ACO board.

OVER:
August 12, 2014

Ms. Rebel Hughes
11 Old Pelham Road
Belchertown, MA 01007

Animal Owner: Rebel Hughes
Animal: Spot
Hearing Date: August 7, 2014

Dear Ms. Hughes:

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

In the matters of Excessive Barking occurring between June 7 – July 20, 2014: The fine of $50.00 assessed to you to by Animal Control has been waived by this Board.

You are instructed to purchase an electronic bark collar for Spot no later than August 21, 2014. The bark collar cannot be worn more than 5 hours per day. This Board recommends Spot only wear the collar when outside, and be removed when inside your home. Please place the enclosed laminated reminders in inconspicuous locations inside and outside of your home to remind your children to be mindful of Spot’s well-being.

Failure to comply with the above-stated resolution will result in reinstatement of the $50.00 fine assessed to you and further consideration from the Board. An Animal Control officer will make an unannounced visit on or after August 21, 2014 to ensure you have complied with the instructions of the Board. In addition, the Board will request Animal Control make intermittent unannounced visits to ensure you are not excessively using the bark collar and causing physical harm to Spot.

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:
Office of the Belchertown Clerk
Office of the Belchertown Selectmen
Anna Fenton, Animal Control Officer
Ms. Lori Johnson, 15 Old Pelham Road
Take Good Care of Spot!!!

Spot is allowed to bark for a little while. He barks to protect you. But if Spot is barking for more than a few minutes bring him in the house right away.

When Spot is outside be sure he is wearing his bark collar. When Spot is inside remember to take off his bark collar.

Ouch!

Don’t let Spot wear bark collar for too long or it will make his throat sore.

Don’t leave Spot outside by himself for too long, especially in the winter and summer. He gets cold, hot, and lonely just like you.

Make sure Spot always has plenty of water to drink, especially when he is outside playing with you. He gets thirsty when he plays.

If Spot is outside his pen, don’t let him leave the yard. Keep him safe!

Play with Spot as much as you can.

Spot as much as he loves you.....he is a part of your family.