



Animal Control Advisory Board
TOWN OF BELCHERTOWN

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

Date: May 19, 2015

Time: Meeting Convened 6:09 pm

Meeting Adjourned 7:17 pm

Place: Town Hall, Selectmen's Meeting Room

Present:

Brian Breveleri, Board Member
Carol Kasabian, Board Member
Nicole Miner, Chairperson & Secretary
Audrey Safford, Board Member
Anna Fenton, Animal Control Officer
Janet Lipscomb, Animal Control Officer
Jim Luippold, Complainant, 180 North Street

Meeting convenes at 6:09 pm with an official quorum.

First and only order of business to hear the complaint submitted by Mr. Luippold against Henry Whitlock for excessive barking of Whitlock's 3 dogs. The dogs are believed to be 2 hunting dogs and one Corgi.

Whitlock is not present. Miner calls Whitlock from her cell phone to see if he is on his way. There is no answer. Miner leaves a voicemail that the meeting is underway and to call her back. Whitlock does not respond to the voicemail.

Miner inquires where Whitlock resides because the notice of hearing letter was sent to him at an address in Amherst. Fenton responds that Whitlock is a resident of Amherst, but owns a property on North Street in Belchertown where he has a rental home and a barn. Miner inquires how often Whitlock spends time on the North Street property. Luippold states that he has seen Whitlock picking the dogs up in the morning and dropping the dogs off in the evening. Luippold states that the dogs bark excessively throughout the night and this has been going on since 2008, with intermittent periods of time where the barking is remedied. Luippold states that he does not believe the dogs are on the property during the day, as he does not hear them barking until evening. Luippold states that Whitlock is building on a different parcel on North Street, where he believes Whitlock will eventually reside.

Miner inquires on the fines that have been assessed and paid. Fenton responds that Whitlock has been fined 3 times for a total of \$90 in the past year and that one fine for \$20 has been paid. Miner inquires if Animal Control has heard barking in the past. Lipscomb verifies that she has heard excessive barking in the past.

Miner inquires if the dogs are licensed. Fenton confirms that the dogs are not licensed in Belchertown and there is no record that the dogs have their rabies vaccination.

Safford inquires if there is a sound recording of the dogs barking. Luippold provides a recording but it is difficult to hear and the recording is less than a minute in length.

Miner inquires of the conditions of the barn where the dogs are left overnight. Fenton states that she has not gained access to the property in several years, but in the past, she recalls the conditions were acceptable.

Miner inquires if the property is a working farm and if the dogs are in a working capacity. Luippold states that the property is no longer a working farm and that the dogs are not in a working capacity. Breveleri states that the breed of dogs are not farm working dogs.

Miner states that she has more of a concern with the dogs being housed in a barn overnight in a different town than their owner and the failure to license the dogs. Miner inquires if Whitlock is in violation of the by-laws on inhuman treatment. Breveleri states that the Board has to tread lightly when making a claim of inhumane treatment due to the legal implications. Kasabian states that she does not feel this is a situation of inhumane treatment. Fenton recommends that if the Board wishes to explore inhuman treatment or removal of the dogs from the property, that they notify town council (Koppelman & Page) of their intentions first. Kasabian inquires if it is legal to house the dogs away from the owner, similar to how horses can be kept on leased land. No one present knows the answer to that inquiry.

Miner states that she is inclined to have the dogs removed from the property on the basis that their owner does not reside in Belchertown. Fenton states if Whitlock fails to remove the dogs, she can impound them on grounds of failure to license.

The Board reaches a consensus that notification be sent to Whitlock that he has two weeks to remove the dogs from the Belchertown property. If he fails to remove the dogs, Animal Control will exercise their right to impound them for failure to license.

The Animal Control Advisory Board unanimously decides the following in a letter to Whitlock:

The by-laws of the Town of Belchertown define a resident based on where they sleep. You are not considered a resident of Belchertown. You house your dogs on a property that you own in Belchertown. This property is where your dogs sleep. As a non-resident of Belchertown you may not legally license your dogs in this town. However, dogs who reside in Belchertown must be licensed and show proof of rabies vaccination. Due to your inability to license your dogs in Belchertown, you cannot reside your dogs in this town without residency status of your own.

*You are hereby ordered to remove your dogs from residency in Belchertown no later than **Friday June 12, 2015.***

*Failure to comply with this order **will** result in the removal and impoundment of your dogs by Animal Control at a cost to you of:
\$30/dog/day for room & board
\$100/dog/day until proof of rabies vaccination is shown*

No subsequent meeting is scheduled. Meeting adjourned at 7:17 pm.

Prepared by Nicole A. Miner, Secretary & Chair 05/25/2015