

NUISANCE DOG PUBLIC HEARING

Jason Betinis

June 16, 2008

BOARD OF SELECTMEN

TOWN OF CHARLEMONT

Chairman Winston Healy called the hearing to order at 7:35 P.M. Mr. Healy explained to the assemblage that anyone wishing to give testimony would need to be sworn in. Mr. Healy noted that Jason Betinis, owner of Tippit, the dog in question, was not in attendance. Witnesses were sworn in.

Phase I – Testimony from Witnesses

Erwin Reynolds, Jr., Animal Control Officer – Mr. Reynolds, Jr. stated that he requested the hearing. The dog in question is consistently in violation of the Town leash bylaw despite multiple warnings, fines and fees to the owner. The dog has been found loose and has been picked up more than three times during a one year period. Residents constantly complain that the dog is on their property and annoying them. During the winter the dog is often loose, running amongst the skiers at the Berkshire East ski area. Mr. Reynolds, Jr. stated that the dog has been frequently has been loose during the 4 to 5 years he has been Animal Control Officer. The dog was in lock up Friday, June 13, 2008. At feeding time the morning of Saturday, June 14, 2008, the dog was gone. Mr. Reynolds, Jr. stated that the dog is not vicious and recommended that the dog be confined solely inside the residence or in a kennel. If found loose after such restriction, Mr. Reynolds, Jr. recommended that the dog be banished from Town.

At this point, Mr. Healy asked Mr. Reynolds, Jr. if the owner pays the fines imposed.

Mr. Reynolds, Jr. replied that he does.

Mr. Fantucchio asked if Mr. Betinis admitted to taking his dog out of the Town's kennel without permission or payment of fines. Mr. Reynolds, Jr. stated that Mr. Betinis had confessed to taking his dog from the kennel without paying the fine.

Jean Brisson – 14 East Hawley Road, Charlemont – neighbor – Ms Brisson testified that the dog is frequently loose and on her property, antagonizing her animals, and urinating on items she may have outside. Ms Brisson stated that she has called Mr. Betinis numerous times to have him remove his dog.

The hearing portion was closed at 7:35 P.M.

Phase 2 – Selectmen's deliberations – The Board found the dog to be a nuisance to the community due to behavior such as trespassing and urinating on other people's property, frequently running at large in violation the Town's leash bylaw, and being an extraordinary burden on the Animal Control Officer.

Mr. Fantucchio made a motion to accept the Animal Control Officer's recommendation to order the dog named Tippit to be confined inside the residence or in a kennel at all

times. If the dog is found loose, it will be banished from the Town of Charlemont. The motion was seconded by Mr. Healy and unanimously voted as follows: Mr. Fantucchio - yes, Mr. Healy - yes.

A letter with this order will be sent to Mr. Betinis, certified mail. He will be advised of his right to appeal this decision.

Charlemont Board of Selectmen