

MONTAGUE SELECTBOARD MEETING
In-Person at 1 Avenue A, Turners Falls and VIA ZOOM
Tuesday, October 17, 2023 at 6:00 PM

Meeting was opened at 6:00 PM. Present were Selectboard members Rich Kuklewicz, Chris Boutwell, and Matt Lord; Town Administrator Steve Ellis; Executive Assistant Wendy Bogusz; Administrative Assistant Angie Amidon; Police Chief Chris Williams; and Animal Control Officer Calin Giurgiu.

Selectboard Chair opens the meeting, including announcing that the meeting is being recorded and roll call taken

Dog Complaint Hearing, Nicholas Pratt and Kim James-Caron, 20 N. Street, Turners Falls
Investigation of Nuisance or Dangerous Dogs as those terms are defined in said statute

Kuklewicz reads aloud the Notice of Hearing.

Boutwell makes the motion to recess until 6:15 PM. Seconded by Lord, unanimously approved. Boutwell - Aye, Lord - Aye, Kuklewicz - Aye

Meeting resumes.

Town Counsel Greg Corbo explains the procedure for the hearing.

Animal Control Officer Calin Giurgiu

- Corbo swears Giurgiu in.
- Giurgiu goes through incidents that lead to the hearing. From May through September, there have been a number of complaints about the dogs being loose and unattended, and several complaints about the dogs being out on the roof (which they have demonstrated the ability to jump down from).
- In response to a question by Lord, Giurgiu explains that he has had discussions with a neighbor, the context of which included nothing being done to the house to remedy the situation.

Town Resident Deborah McCormick (Dog Attack Victim)

- Corbo swears McCormick in.
- McCormick explains the incident on September 12 in which she and her small dog were attacked by two of the dogs at that residence.

Town Resident Chris Brown (Neighbor)

- Corbo swears Brown in.
- Brown reiterates that there have been a number of times that the dogs have been seen wandering through the neighborhood or perched on the roof.
- He shares a video of an incident with the dogs.
- He emphasizes that his children shouldn't be afraid to play outside or should have to take an alternate route to their bus stop in order to avoid the dogs.

Town Resident Ms. James-Caron (Dog Owner)

- Corbo swears James-Caron in.
- James-Caron states that the dogs used to knock the air conditioner out of the window and climb onto the roof. The dogs are no longer able to get onto the roof.
- She states that if the dogs are out on the porch alone, they are able to get out the screen door.
- She states her son is not involved with the dogs.
- She states she cannot afford to license the dogs or vaccinate them against rabies.
- She intends to get the front window fixed and hire someone to fix the fence. She says that she will have the fence fixed by November 5.
- She intends to have the dogs vaccinated and licensed by November 5th.
- She says that the dogs cannot get out from the back yard.

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Discussion and Decision:

- In response to a question by Kuklewicz, James-Caron states that none of her dogs have been registered or vaccinated.
- Ellis asks for more specifics with regard to the fence's condition and the practicality of all four dogs being walked on a leash given that they are owned by a disabled person.
- Corbo says that the fence is in disrepair and estimates that it will take approximately \$25,000 to get it professionally repaired (replaced).
- Ellis displays pictures of the fence from the previous dog hearing.
- In response to a question by Corbo, James-Caron states she cannot afford \$25,000 to replace the fence, so she will just have to mend it.
- Kuklewicz reads aloud the definition of a "Nuisance Dog."
- Corbo states that licensing is a prerequisite; and that the Animal Control Officer has the authority to confine unlicensed dogs and to hold them for a period of 7 days to give the owners the opportunity to get them licensed. After the 7 days, the Animal Control Officer has the authority to place the dogs for adoption or have them euthanized.
- Corbo states that in addition, the law states that as James-Caron's son, Nicholas Pratt (who resides at the location) has violated the order of the Selectboard from the previous dog hearing, he is prohibited from licensing a dog in the Commonwealth for a period of five years.
- Kuklewicz expresses concern that there is a three-week period between now and November 5.
- Lord states that the facts indicate that in being gracious to the owner, we may not be being gracious to the neighbors at this point in time. He feels that the statutory seven-day period for licensing should be the maximum amount.

Lord makes the motion to consider the four dogs currently inhabiting 20N Street, Turners Falls, MA should be considered Nuisance Dogs. Seconded by Boutwell, unanimously approved. Lord - Aye, Boutwell - Aye, Kuklewicz - Aye

Corbo suggests the following conditions:

1. All dogs at the property shall be licensed by Ms. James-Caron or another adult providing proof of residency at the property by the close of business of October 25. No dogs will be licensed in the name of Nicholas Pratt. At the time of licensing, the person applying for the license shall provide a current photograph of each dog and any dogs brought to the property in the future.
2. Any dogs not licensed by this deadline shall be surrendered to the Animal Control Officer by the close of business of October 26, 2023. Such dog may be euthanized or put up for adoption. Once surrendered, the dogs may be claimed by Ms. James-Caron if they have not been euthanized or adopted, and provided that she pays for vaccination and licensing and the other terms of this order are met. The dogs shall not be released to Mr. Pratt under any circumstances.
3. No additional dogs shall be brought to the property unless they are properly licensed and vaccinated, and all licenses and vaccines shall be kept current at all times.
4. If any dogs are kept at the property, the following conditions shall apply:
 - a) No dogs shall be permitted on the roof of the building, and all doors and windows shall be property secured.
 - b) No dogs kept at the property shall be permitted to run loose outside the property at any time.
 - c) No dog kept at the property shall be permitted outdoors unless it is secured on a leash held by a responsible adult, or unless it is within a secure pen or fenced-in area. Any pen or fence shall be sufficiently durable to contain the dogs and shall be sufficient size to allow them to exercise. The pen or fence shall be approved by the Animal Control Officer before any dogs are allowed to be kept inside. No dog shall be kept outdoors for long periods of time unless they have adequate food and shelter. No more than two dogs shall be allowed outside at any one time, and any person walking one of the dogs may only hold one lead to one dog at a time.
 - d) No dog shall be chained, tethered or otherwise tied to a run or an inanimate object or building at any time.
 - e) Within 20 days of issuance of this order, Ms. James-Caron shall provide proof of insurance in an amount not less than \$100,000.

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Ms. James-Caron decides to proceed (as opposed to surrender the dogs to the Animal Control Officer now).

Boutwell makes the motion to issue the order with the terms as reviewed and discussed. Seconded by Lord, unanimously approved. Boutwell - Aye, Lord - Aye, Kuklewicz - Aye.

Corbo reiterates what avenues of enforcement can be taken if this order is not complied with:

1. If the dogs are not licensed, they may be seized by the Animal Control Officer and may not be returned.
2. If the dogs are found loose outside the property, they can be seized and not be returned.
3. If there is a violation of this order, there are potential criminal penalties including fines and imprisonment.

Boutwell makes the motion to close the hearing. Seconded by Lord, unanimously approved. Seconded by Lord, unanimously approved. Boutwell - Aye, Lord - Aye, Kuklewicz - Aye

Boutwell makes the motion to adjourn the meeting. Seconded by Lord, unanimously approved. Boutwell - Aye, Lord - Aye, Kuklewicz - Aye

Next Meeting: Selectboard, Montague, October 23, 2023 at 6:30 PM, via ZOOM