

MINUTES OF A NUISANCE DOG HEARING

John Mandigo

February 27, 2017

BOARD SELECTMEN

TOWN OF CHARLEMONT

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Chairman Beth Bandy called the hearing to order at 7:00 P.M. Also attending the hearing were Selectmen Sarah Reynolds and Toby Gould, Administrator Peg Dean and ACO Ed Grinnell. It was announced that the hearing was being audio recorded.

Ms Bandy stated that the Town held a dog hearing regarding complaints of John Mandigo owning multiple dogs that are barking and running at large on July 27, 2015. On July 27th the Board rendered the decision to deem the dogs a nuisance and that within 2 weeks a fence was to be installed around the 511 Tea Street property that would meet the satisfaction of the Charlemont Animal Control Office. The Board also ordered that within 2 weeks all the dogs owned by Mr. Mandigo that were over 6 months of age would receive the required vaccinations and be licensed through the Town. Tethered dogs would be remedied to the satisfaction of the Charlemont Animal Control Office with 2 weeks. A follow up hearing was scheduled for August 10, 2015.

During the August 10, 2015 follow up hearing the Board ordered that Mr. Mandigo had 7 days to find a home for the 3 dogs that were not currently licensed and 7 days to install a fenced at the 511 Tea Street property to confined the remaining 3 dogs.

On November 13, 2015, upon filing an appeal of the Board of Selectmen's decision in the Greenfield District Court, it was agreed between both parties that the fence condition is to remain and the number of dogs be limited by bylaw and licensing and vaccinations would occur as mandated by statute. The petition was denied.

It was noted that John Mandigo was not present for the hearing. Notices of the hearing were mailed to John Mandigo, 711 Tea Street, Charlemont by 1st class mail and certified mail. The receipt for the certified mail has not been returned.

Phase I - Testimony

Ed Grinnell - Charlemont Animal Control Officer. Mr. Grinnell reported that Mr. Mandigo's dogs are fairly behaving but that Mr. Mandigo is still bringing dogs to the 711 Tea Street address. The dogs are not licensed. The fence that has been constructed does not meet his satisfaction and is not adequate. The last loose dog complaint received was approximately 8 weeks ago. Mr. Grinnell reported that Mr. Mandigo is trying to obtain a kennel license in the Town of Whately, the property in Whately is a potential hoarder situation.

The hearing was closed at 7:10 P.M.

Phase II - Selectmen's Deliberations

The Board agreed that all previous orders have not been met.

On a motion by Ms Bandy, seconded by Ms S Reynolds, the Board unanimously voted to proceed pursuant to G.L. c. 140, s. 157 (h).

Respectfully submitted

Approved by:

Charlemont Board of Selectmen

Kathy A. Reynolds

Executive Secretary

This document is to be considered a draft until approved and signed by the Board of Selectmen.

Documents reviewed by the Board: July 27, 2015 and August 10, 2015 Dog Hearing minutes, November 13, 2015 Greenfield District Court agreement document.