

DOG HEARING – DECEMBER 5, 2007

Members present: Kevin M. McCormick & Valmore H. Pruneau, Jr.

Chairman McCormick convened the hearing at 6:00 p.m. He outlined the hearing procedure which will be as follows: persons who intend to testify will be sworn in, complainant provides testimony and witnesses for up to 20 minutes, respondent provides testimony and witnesses for up to 20 minutes, final statements and rebuttal by complainant for up to five minutes, final statements and rebuttal by respondent for up to five minutes, Selectmen will ask clarifying questions and the hearing will be closed.

Mr. Gaumond sworn in those who intended to present testimony.

Pat Bostek, 91 Central Street – testifies that the situation goes back to correspondence dated June 15, 2005 reporting that the dogs are annoying and bark all the time. She has responses from Animal Control Officer Charles Witkus which indicate he has checked many times and hears nothing. She was also told to call the police so it could be logged and documented and questioned what do they do with the complaints. She calls the police station and they call out Mr. Witkus. This has been going on and at some point Mr. Gaumond said he would talk to Dr. Tashjian. No one is listening. People go on vacation in the summer and they board their dogs. They sent another letter and called the Police Department many times. Mr. Witkus came down and they sat with him. He said it was too big for him and he would give it to Mr. Gaumond. The bylaw says if you have a barking dog you would have to muzzle it and somebody has to step forward and help her out. She has called Val Pruneau, Charlie Witkus and left a message on the answering machine in the Town Administrator's office. One dog also got loose and trapped her husband in his truck. The fence is about to fall down and the area smells.

Joseph Bostek, 91 Central Street – testifies that he came home, got out of his truck and a big German Shepard came after him. He back his way back into his truck, called the Police Department and they said stay in the truck. Another dog got out this year as it is a rickety picket old fence and the barking is constant. On the weekends he thinks one of the employees brings his dog with him and they walk the dogs off the property and does not pick up the dog feces. To try to relax in your back yard you cannot do it. Do they need a boarding license to board dogs? When we call the office they hang up the phone. They have called Mrs. Nowak an old bitch. They are not good neighbors. We have complained for years, the summer time is the worst. In the winter the windows are closed you do not hear the dogs.

Sandra Ivins, 98 Temple Street, daughter of Mrs. Nowak, who is unable to be here this evening. Testified – concerned how much impact it has on the quality of life of her family. It has affected how they use their property space and the area. In some instances the dog has barked so

ferociously it scares her kids. They have collected a lot of information and photos, it is disturbing the peace.

Pamela Leonardi, 10 Hosmer Street, Mrs. Nowak's daughter. Testifies the issue has been going on for years and since after the facility opened up. Dr. Tashjian received her father's permission for the facility. He went around to the neighbors and said it would be a well-run facility, it has been anything but. The dogs bark more in the summer it is more disturbing. They also bark in the winter. We call the police and they call the facility and ask them to stop the barking. We have to call numerous times. We get ignored. On one occasion the employee said very rude remarks, used foul language and threatened her and her mother. In the last three months she heard a crash and two dogs pushed in the picket fence. Recently the Fence Viewer Michael Mard sent him a notice to replace the fence. It is a picket fence which rots because of the weather. After the crash she looked and two dogs escaped. She went to make sure her mother was okay and saw one of the employees who said, "what are you looking at"? She said, "the two dogs", and the employee said "there are no dogs". One time they called the Police Department who called the business several times at ten minute intervals and there was no one in the building. They come down, open the building, let the dogs out and then go home. They have concerns about dogs barking, odors and flies. They do not use their land. They used to have cookouts and cannot do that. Noise, odor, smell, the property value has decreased. It is a nuisance, which impinges on a lot of their rights. They have sent letters to the town and the Bosteks have also joined with them. Another concern is they let the dogs out in the run for hours at a time. It has a crushed gravel and stone base. It is 8-10 feet wide picket fence on the property line. They put down crushed gravel and it falls onto her mother's property. She does not understand how a kennel can be run. Has concern with no pipe drainage to wash off dog excrement that no one removes. It sits there and runs off onto her mother's property.

Charles Witkus – Animal Control Officer – thought the dog run should be concrete with piping so it can be removed from the rear. He would like to dog pen moved to the other side of the building where there are no houses or humans.

Joseph Bostek – when it comes to property aren't you supposed to be 10-feet off?

Mr. McCormick – I do not know.

Mr. Bostek – buildings have to be 10-feet from the property line.

Mr. McCormick – we would have to look into it.

Dr. Robert Tashjian – questioned by Attorney Christopher Lilly – Attorney Lilly we are here on a complaint dealing with excessive barking which is allowed under Chapter 140 of Section 157. What we have here is a Veterinary Medical Center in a business zone property run and has been running since 1977. It is a situation that involves the next door neighbor and a neighbor across the street.

Dr. Tashjian, 29 Prospect Street – it has been there since 1977. When he had an extension put onto the building a couple of years ago after that in order to define the boundary it was surveyed and it became a dispute. The Nowaks felt it was their land and it became an issue of where the line was. They surveyed from Crescent Street and they surveyed from Prospect Street. They put the fence up and they have restored it. To go on the other side creates difficulty with the Nowaks. The relationship has not been good since 1977. The fence is six-feet off the Nowak property line. The building meets the code at that time. The fence and building are not illegally placed. The yard has been there since the building was building in the early 1980's. It is used for dog runs. They do their best to go good neighbors. No one is rude or discourteous. Sometimes it seems no matter what we do becomes an issue. The Chief of Police and Charlie Witkus have been there. They do not put the dogs out so that they are in a group and they do not walk the dogs on the street. We put them out for a short period of time but they will occasionally bark. As soon as they start to bark or get a call, we get the dogs in. We have done our level best not to have a problem. The stones are small for drainage straight down. They are doing their best to be good neighbors. It is a business zone. The hospital is a shield for that area. Thinks the crime rate is lessening because of them being there. They want to cooperate. They have a problem getting on the other side of the fence where some broken pickets had to be fixed. They would be willing to maintain the other side of the fence. It is an American Animal Hospital Association, have 800 standards evaluated every year and that includes the kennel. When the hospital was built they put in sound proofing on the first floor. If the dogs bark the kennel people get them in as soon as possible. No one is to be rude or discourteous to anyone.

Attorney Lilly – the complaints date back from June and August.

Dr. Tashjian – Does not remember what animals they had at that time. The only one there is his dog who is there for security purposes. The animals being housed there were from hospitalization therapeutic boarders. He has been working with the Town of West Boylston and Dr. Greg Ciatone on the protection of the population and Dr. Ciatone is from Harvard Medical School. We are interested in detecting emergency diseases and are tracking lime disease. It is a benefit to public health within our community. The dogs have not attacked anyone.

Chrystal Stevens, 10 Marshall Road, Fitchburg – testifies she works during the week and any complaints she receives she has passed on. The dogs go outside when they need to, three times a day. Then they come back in eat and go into their indoor runs. We noticed when we had more than one dog at a time out there was more barking. The attendants are in the area when the dogs are out changing their food and water. The calls are usually from the police or Dog Officer saying somebody has complained about dogs barking. She will page the person working and they bring the dogs in. Only one time a dog escaped because there was a problem with the fencing and she is not familiar with any dog attacking anybody.

Dr. Tashjian – any odors, smell or flies – we would want to be immediately notified. They are strong on keeping the outside as clean as the inside. Crystal has been there the last couple of months and the yards are cleaned two times a day.

Attorney Lilly – we are dealing with two complaints. There has been a history back to 1977 with the Nowaks and when the neighbors across the street moved into the area there had been a business with a medial hospital for animals. The questions are whether the dogs are excessively in their barking or have a vicious disposition. His reading of the statute is we are dealing with a particular animal we are trying to restrain. It is a business in an area zoned business. Unfortunately, the neighbors do not like the business there. He thinks they are trying to drive Dr. Tashjian out of business. It is an important business that has been here since 1977 and if he is not allowed to do this as part of the business it will shut it down. Steps have been taken to soundproof the walls and steps have been taken once there are complaints and the number of dogs left outside a certain amount of noise and smell has to be expected in a business like this. It is a question about once we accept that the business is properly here.

Joseph Bostek – on the boarding of dogs. They do board, my wife called and they gave her prices. One dog at a time outside is not correct. They could muzzle the dogs. They have been there since 1977 and it sounds like they had problems then and they do not cooperate.

MaryLou Watkins, 85 Central Street – she was there when Dr. Tashjian came across the street and she signed a petition that he could go there. She asked him if he would board animals and he said no way would not board animal. Her husband would work nights and they would call and then call 15 minutes later and the dogs are still barking – they are rude to you. Two or three years ago when Mr. Nowak was dying they had total disregard for him. The run off and smell is atrocious. You call and ask them to bring in the dogs and they don't they are not good neighbors and we were told they would not board dogs.

Pamela Leonardi – we are not out for Dr. Tashjian to close his business. We want him to pick up his business and take care of his business and the property. The way he runs it affects our home and our property.

Dr. Tashjian – I do everything possible for the quality and excellent of what is going on. There is no disregard for the neighbors. We do not try to be uncooperative. Public relations – we do not ignore it. Never have I been disrespectful or said ignore the calls. We try our best the minute a call comes in we do our best. It is an American Animal Hospital Facility – only 14% are in this category. In February we have our third review. It is a practice we do our best, those of you who know me know how sincere I am in trying to be an important part of the town and the community and am not a irresponsible person. I have family roots going back 100 years. I have a staff that is not smart alects or irresponsible. Basic complaint is the nuisance on the dogs. We are doing our best to control the barking. We are an American Animal Hospital – they come in and if we maintain those standards we are certified A-H, we are in the 14% category. It is not a

substandard facility we are not irresponsible or have people who do not care about people they have not responded rudely to complaints. He does not know of any of his staff being rude to anyone on the phone

Attorney Lilly – This is an issue where we have a business that does entail animals being on the premises they do bark and have runs – it is the nature of the business. To some people the barking may be annoying and maybe it is perceived discourteous. There is an effort being made to deal with the barking.

Mr. McCormick – if we have any questions we may ask them.

Mr. Pruneau to Dr. Tashjian in the last 4 or 5 years how many managers have you had?

Dr. Tashjian – we had one for three to four years and then she moved on then Crystal has been here for quite some time and was moved up into that position.

Mr. Pruneau – how long was the fence broken before repaired.

Dr. Tashjian - does not know the exact time, but it was repaired from the inside we had the problem of rotted pickets on the bottom. They had to shore them up from their side.

Pamela Leonardi – one year ago they brought these photos to the Board of Health. Photos given to Mr. McCormick.

Mr. McCormick do you have a kennel license Dr. Tashjian?

Dr. Tashjian – yes, issued by the Town of West Boylston from the Town Clerk – he does board dogs

Mr. Gaumond will check on that.

Mr. McCormick – are they supervised outside?

Dr. Tashjian pretty much - now one dog is let out at a time.

Mr. McCormick – with three cycles and one dog out at a time it takes approximately 10 hours to get all the dogs out.

Crystal – the number of dogs on a daily basis vary the number of minutes they are out varies and not all the dogs bark. The dogs are left out various amounts of time.

Mr. McCormick is the area secure?

Crystal and Dr. Tashjian – the fence is all repaired and secured.

Mr. Gaumond will check with the Fence Viewer on the condition of the fence.

Mr. Pruneau – when the run is cleaned, what is the procedure?

Dr. Tashjian if we have to we can disinfect, we do not disinfect all the time. The kennel attendees go out with a bag and shovel at least two times a day, the feces with a little gravel and deposit it in the dumpster.

Charlie Witkus – suggested turning the kennel into a sound proof area, put in cement floor and installing a roof. The house is too close to the animal hospital.

Mr. McCormick closed the public hearing. The Board will take all the information and come up with a finding which they will issue within the next 14 days to be sent to the complainant and respondent and the attorney for the respondent.