



CONNECTICUT DEPARTMENT OF AGRICULTURE

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Office of the Commissioner

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**Consent Order between the Department of Agriculture
and the Town of Cheshire**

A. By virtue of the following facts which are detailed in the inspection reports attached hereto and made a part hereof, the Department of Agriculture alleges that the Respondent Town of Cheshire has violated the following statutory and regulatory requirements for the Cheshire Animal Control Facility located at 500 Highland Avenue, Cheshire, CT:

1. CT Reg § 22-336-17: Pens and Runs

Animals were placed in cages that did not meet the minimum size requirements while primary enclosures were cleaned.

2. CT Reg § 22-336-33: Dog Pound Structure Requirements

- a. Chain link on multiple kennels was broken.
- b. Eight of the trough covers were not installed properly to allow the dogs access to the troughs, and could potentially cause injury.
- c. Flooring surface coating is peeling and cracking and prevents is from being cleaned and sanitized properly.

3. CT Reg § 22-336-37: Animal Health

Food was stored inappropriately (including an open bag of prescription food sitting on the wet floor).

4. CT Reg § 22-336-38: Sanitation

Evidence of a mice infestation throughout the facility.

5. CT Reg § 22-336-40: Quarantined Animals; Isolation Areas

Lacked a properly set up isolation area.

6. Animal Welfare Violations Under CGS § 53-247

- a. Failing to groom animals as needed for health reasons.
- b. Failure to provide necessary veterinary care.
- c. Failure to protect animals from becoming wet or exposed to chemicals while enclosures were being cleaned and disinfected.
- d. Resting surfaces were not dried before allowing animals to use them.
- e. Failure to arrange proper holding of wildlife that needed to be transferred to a wildlife rehabilitation facility.

Items 1, 2a-2c, and 5 remain uncorrected, necessitating ongoing monitoring to ensure full compliance with applicable health and safety requirements.

- B. With the agreement of Respondent, the Commissioner of Agriculture, acting under §22-4c and §22-344 of the Connecticut General Statutes, orders Respondent as follows:

The Respondent, without contesting the sufficiency of the allegations outlined above, for purposes of this Consent Order, shall cause the following to occur:

1. Management and Oversight:

- a. The Respondent is to establish a management team to oversee, review and audit the operation of the animal control facility, this shall include a designated facility supervisor.
- b. The management team shall be responsible for the preparation and completion of any forms required by statutes, regulations and this Consent Order.
- c. Supervisor will verify daily operations via checklist and ensure that the following facility and operational conditions are met:
 - i) Animals will be removed from enclosures before cleaning.
 - ii) When animals are removed for cleaning, they must be placed in an enclosure that is appropriately sized,
 - iii) The cleaning process is to be done in a timely manner.
 - iv) Bedding is changed when soiled or wet.
 - v) Enclosures must be fully dried before returning the animals.
 - vi) Grooming and bathing will be done as necessary.
 - vii) ACO will provide the supervisor with a weekly wellness assessment of all animals with photographs.

2. Training:

- a. The Respondent will provide documented training, such as National Animal Care and Control Association (NACA) ACO I Training and Certification, to all staff and volunteers who have direct contact with any animals in the Town's care, control or custody.
- b. The training needs to include proper animal welfare and facility operations procedures. It should be at least 25 hours and happen within 45 days of the execution of this Consent Order.
- c. This training will be conducted at the Town's expense.
- d. Course syllabus shall be subject to the Commissioner's approval.

3. Animal Care:

- a. Create an animal intake report as required by CT Reg § 22-336-41 and include photo documentation of animals. All animals impounded should have an intake report and records shall be maintained till this order is lifted.
- b. Perform medical assessment upon intake to determine if veterinary care is necessary and provide care.
- c. Animals kept longer than 30 days shall have a wellness exam performed by a veterinarian and documentation should be retained until this order is lifted.
- d. A veterinarian shall examine any animal that requires veterinary care in a timely manner, and Respondent shall implement all recommendations for care.

4. Reporting:

- a. Progress reports will be shared on or before the last day of each month following issuance of this Consent Order, and continuing until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction.
- b. The progress report shall include descriptions of the actions which Respondent has taken to date to comply with this Consent Order.

C. Full Compliance:

Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction. Respondent may request termination of the Consent Order after full compliance with the provisions of this Consent Order have been demonstrated to the satisfaction of the Commissioner.

D. Approvals:

Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

E. Definitions:

As used in this consent order, "Commissioner" means the Commissioner of Agriculture or a designated representative of the Commissioner.

F. Dates:

The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

G. Certification of Documents:

Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief elected official or a duly authorized representative of such officer, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

H. Noncompliance:

This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to legal action, including but not limited to injunctive relief and civil penalties.

I. False Statements:

Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

J. Notice of Transfer, Liability of Respondent:

Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.

K. Commissioner's Powers:

Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations.

L. Respondent's Obligations Under Law:

Nothing in this consent order shall relieve Respondent of other obligations under

applicable federal, state and local law.

M. No Assurance by Commissioner:

No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance.

N. Access to Site:

Any representative of the Department of Agriculture may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.

O. No Effect on Rights of Other Persons:

This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.

P. Notice to Commissioner of Changes:

Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.

Q. Notification of Noncompliance:

In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

R. Submission of Documents:

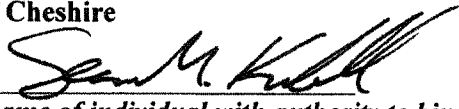
Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Kelli Baker
Chief State Animal Control Officer
Department of Agriculture
Bureau of Regulatory Services

450 Columbus Blvd.
Hartford, Connecticut 06103
Email: Kelli.Baker@ct.gov


- S. Respondent consents to the issuance of this consent order without further notice. "The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order."

Town of Cheshire

BY: 
(Insert name of individual with authority to bind Respondent to terms of consent order)
(Insert individual's title)

12/23/2024
Date

Issued as a final order of the Commissioner of Agriculture.


Bryan P. Hurlburt
Commissioner

12/24/2024
Date

Enclosures: Inspection Reports dated: August 6, 2024 and December 6, 2024



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
ANIMAL CONTROL UNIT



TRADE NAME: DOG POUND FOR CHESHIRE DATE/TIME: 08/06/2024 11:18
 LICENSEE: DOG POUND FOR CHESHIRE STATE LICENSE # DPF.000025
 LOCATION: 496 HIGHLAND AVE TOWN: CHESHIRE

DOG POUND INSPECTION

WARNING NOTICE

You are hereby warned that this facility was found to be in violation of the laws and regulations listed below:

- 22-336-22 SANITATION: Facility clean and sanitary
- 22-336-24 STORAGE OF DOG FOOD: Metal or heavy duty plastic containers
- 22-336-26 ISOLATION AREA: One area per ten runs
- 22-336-19 HEAT AND VENTILATION: Thermostatically controlled clean and sanitary heat
- 22-336-27 QUARANTINED DOGS: One dog per run
- 22-336-18 FLOORS AND BASE OF RUNS: Smooth concrete, runs and troughs minimum pitch requirements

Additional Comments:

There is a significant amount of clutter in the front rooms facility which will make cleaning properly difficult. There is at least 1 cat being housed in these areas. Please remove clutter and store supplies appropriately. All unopened food must be stored off the ground, all open bags must be in metal or heavy duty plastic storage containers. Changes must be made immediately. There is a cat in the kennel area which should be moved into a quieter room of the facility to reduce stress due to barking from the large number of dogs currently being housed.

A re-inspection of this facility will be conducted on or about **10/17/2024**

Continued violations or failure to make corrections could subject you to fines and/or suspension or revocation of license. Dog pounds could be subject to closure. If you have any questions regarding this matter, you can contact the State Animal Control Unit at 860-713-2506.

Officer: Tanya Wescovich Owner / Agent: April Leiler



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
ANIMAL CONTROL UNIT
DOG POUND INSPECTION



TRADE NAME: DOG POUND FOR CHESHIRE

DATE/TIME: 08/06/2024 11:18

LICENSEE: DOG POUND FOR CHESHIRE

STATE LICENSE #: DPF.000025

LOCATION: 496 HIGHLAND AVE

TOWN: CHESHIRE

	YES	NO	N/A
PHYSICAL REQUIREMENTS, 22-336-16			
Maintained in good repair	<u>X</u>	<u> </u>	<u> </u>
Interior / Exterior Walls:			
Concrete or cement block	<u>X</u>	<u> </u>	<u> </u>
Minimum of 4 feet high	<u>X</u>	<u> </u>	<u> </u>
* Proper size & gauge fencing	<u> </u>	<u> </u>	<u>X</u>

PENS AND RUNS, 22-336-17			
Indoor Runs:			
Not less than 40 square feet	<u>X</u>	<u> </u>	<u> </u>
Minimum 4 feet wide	<u>X</u>	<u> </u>	<u> </u>
Minimum 6 feet high	<u>X</u>	<u> </u>	<u> </u>
Solid partitions 4 feet high	<u>X</u>	<u> </u>	<u> </u>
Outdoor Runs:			
Minimum 4 feet wide	<u> </u>	<u> </u>	<u>X</u>
Minimum 8 feet long	<u> </u>	<u> </u>	<u>X</u>
Minimum 6 feet high	<u> </u>	<u> </u>	<u>X</u>
*Solid partitions 4 feet high	<u> </u>	<u> </u>	<u>X</u>
*Permanent roof over runs	<u> </u>	<u> </u>	<u>X</u>
*Barrier on top of runs	<u> </u>	<u> </u>	<u>X</u>
Indoor Pens:			
Minimum 4 feet square	<u> </u>	<u> </u>	<u>X</u>
Minimum 4 feet high	<u> </u>	<u> </u>	<u>X</u>
Covered (under 6 feet high)	<u> </u>	<u> </u>	<u>X</u>
Solid partitions 4 feet high	<u> </u>	<u> </u>	<u>X</u>

FLOOR AND BASE OF RUNS, 22-336-18			
Outdoor Runs / Indoor Pens:			
Smooth concrete floors	<u> </u>	<u> </u>	<u>X</u>
Troughs / runs/ pens properly pitched	<u> </u>	<u> </u>	<u>X</u>
Troughs inaccessible to dogs	<u> </u>	<u> </u>	<u>X</u>
*Covered 6 inch drains	<u> </u>	<u> </u>	<u>X</u>
*Doorways offset for resting beds	<u> </u>	<u> </u>	<u>X</u>
Indoor Runs:			
Runs pitched toward trough	<u>X</u>	<u> </u>	<u> </u>
Trough inaccessible to dogs	<u> </u>	<u>X</u>	<u> </u>
*Covered 6 inch drains	<u>X</u>	<u> </u>	<u> </u>
Facility/proper sewage disposal system	<u>X</u>	<u> </u>	<u> </u>
*Grandfather clause applies to this facility	<u> </u>	<u>X</u>	<u> </u>

	YES	NO
HEAT AND VENTILATION, 22-336-19		
Thermostatically controlled	<u>X</u>	<u> </u>
Clean and sanitary	<u> </u>	<u>X</u>
Proper temperature maintained	<u>X</u>	<u> </u>
Mechanical ventilation	<u>X</u>	<u> </u>

WATER SUPPLY, 22-336-20		
Sufficient amount of hot water	<u>X</u>	<u> </u>
Sufficient amount of potable water	<u>X</u>	<u> </u>

LIGHTING, 22-336-21		
Natural or artificial lighting provided for a minimum of 8 hours	<u>X</u>	<u> </u>

SANITATION, 22-336-22		
Facility clean and sanitary	<u> </u>	<u>X</u>
Proper type of disinfectant	<u>X</u>	<u> </u>
Control of vermin / insects / odors	<u>X</u>	<u> </u>

FOOD / WATER CONTAINERS, 22-336-23		
Galvanized or stainless-steel containers	<u>X</u>	<u> </u>
Washed and disinfected	<u>X</u>	<u> </u>

STORAGE OF DOG FOOD, 22-336-24		
Metal or heavy-duty plastic containers	<u> </u>	<u>X</u>
Unopened bags stored above the floor	<u> </u>	<u>X</u>

ISOLATION AREA, 22-336-26		
One area per ten runs	<u> </u>	<u>X</u>
One dog per isolation area	<u> </u>	<u>X</u>

ANIMAL CARE, 22-336-28		
Water provided at all times	<u>X</u>	<u> </u>
Proper type and quantity of food	<u>X</u>	<u> </u>
Sick or injured dog examined by a licensed veterinarian	<u>X</u>	<u> </u>
Water impervious resting beds	<u>X</u>	<u> </u>
One adult dog per run or pen	<u> </u>	<u>X</u>

THIS FACILITY IS USED AS A DOG POUND
For the Town(s) of: Cheshire

Type of Inspection: COMPLAINT INSPECTION

Approved/Not Approved: NOT-APPROVED [35]

Officer Name: Tanya Wescovich

Owner/Agent Name: April Leiler

Officer: [Signature]

Owner/Agent: [Signature]

Case View Screen update

Case	2024-491	Date Created	12/03/2024	Audit
Status	OPENED	Date Received	12/03/2024	Entry Items
Respondent ID	2335983	Receiving Board	ANIMAL CONTROL	Documents
Respondent	<u>DOG POUND FOR CHESHIRE</u>	Receiving Profession	DOG POUND FACILITY	Notes
Credential	DPF.000025	Receiving Department	Animal Control Division	Master Cases
Address	Public Mail DOG POUND FOR CHESHIRE 496 HIGHLAND AVE CHESHIRE, CT 06410	Received By	Tanya Wescovich	Participants
Complainant ID	2539271	Alleged Issues		Add Master Case
Complainant	<u>STATE ANIMAL CONTROL</u>	Complaint - Dog Pound		Timeline History
		Case Nature		Related Cases
		Failed Inspection		

Comments: Cheshire dog pound conditions caused failure of inspection, repairs needed.

- [Action Items](#)
- [Resolution](#)
- [Participants](#)
- [Respondent History](#)

Action Items add add group add series

Type	Assigned To	Activity	Track Time	Due	Effective	Completed	Order Signed	Created	User
Reviewed by Supervisor - comments attached	Animal Control Division, BakerK				12/09/2024	12/09/2024		12/09/2024	BakerK
Target:	DOG POUND FOR CHESHIRE, DPF.000025								
Comments:	Case narrative approved to date. Case not closed.								

Notes	Animal Control Division, WescovichT				12/05/2024			12/05/2024	WescovichT
Target:	DOG POUND FOR CHESHIRE, DPF.000025								
Comments:	On 8/6/24 myself and SACO DePietro responded to the Cheshire animal control facility to conduct an inspection after a complaint pertaining to the health and wellbeing of the dogs was made by a veterinarian at Meriden Animal Hospital.								

The inspection was conducted, and multiple violations were found resulting in the facility not being approved. Overall, the pound did not appear to be clean/sanitary. Upon entering the facility at the front door, approximately 30 or so feet from the kennel area, there was an odor of urine. The hallway that let down to the kennel area was lined with clutter that appeared to be a mix of bedding and food, both canned and bagged. The laundry room was piled high with soiled bedding, the kitchen area was also cluttered.

At the time of this inspection, all the runs in the kennel were full, most with multiple dogs in a run. All but one of the dogs are the facility are dogs being held for a single case.

In the kennel area it was noted that the floor of the kennel has a significant peeling of the paint which prevents the ability for proper cleaning/sanitizing. Multiple kennel doors have damaged chain-link which could cause injury and require repair.

The chain-link of the kennels require upgrading before the deadline of January 2029 in order to be in compliance with the newly updated regulations. The wire on the kennels are the correct gauge, but the width of the holes are too large. The upgrades would also need to include the perimeter/play yard fencing.

The troughs for drainage run along the backside of the kennels, and a metal cover, if installed properly, would block the troughs from the dogs accessing them. However, at the time of this inspection, eight trough covers were not installed properly, allowing access to the troughs and possible injury on the covers themselves.

At the time of this inspection, it was noted that the floors of the runs were soaking wet, the dogs where in the runs also appeared to be very wet. The dogs appeared to be in need of grooming, with one of them having obvious hair loss and red skin.

There was obvious signs of vermin in the storage room and the storage cabinet that is located in the kennel area. ACO Leiler admitted that there was a mouse issue and that she has been attempting to eradicate.

The unopened bags of feed, as stated previously, were all over the facility with a large amount piled up in the hallway area. In the kennel area I observed one open bag of food prescription food that was sitting on the wet floor. None of the open food observed were in the required storage containers.

This facility does not have any properly set up quarantine area. A facility is required to have one quarantine area per ten kennel runs. This facility has 16 kennels, therefore it is required to have one quarantine run. ACO Leiler reported that previously when holding a dog for quarantine, she would put at least one empty kennel between dogs. However, due to the large number of dogs currently being housed in the facility, it is not possible to leave any runs empty, therefore, there is no appropriate way to quarantine an animal at this facility currently.

During this inspection, two cats were observed. One cat was loose in the front area of the pound, and it was reported that the cat is a permanent resident. I also observed a cat that was being housed in the kennel area inside a stainless steal cage. The cage was appropriate for the size of the cat, however the cat appeared scared and stressed. I requested that the cat be relocated outside of the kennel area as the volume of barking from the dogs may be causing the cat undo stress.

The issues found during this inspection were discussed with ACO Leiler. ACO Leiler attempted to make a lot of excuses about the condition of the facility. I explained that she would need to make arrangements for the repairs to be done and that the cleanliness of the facility would need to be addressed immediately. I offered to return on a future date and assist with the cleanup and organization of the pound, but ACO Leiler refused my offer. We also discussed the upgrades that are necessary due to the recently changed legislation and informed her of the January 2029 deadline to make the upgrades.

On 8/12/24 myself and SACO DePietro met with Chief Dryfe and Lt. Miller of the Cheshire Police Department. We advised them of the status of the pound and advised them that the conditions needed to be improved immediately.

case pending
