

Town of Johnsburg ACO report

05/06/2020

I received a call from Earl Millington about possible neglect/abuse at state route 28 in Weavertown. Mr Millington stated that some goats got loose from the property to the south of his .Mr Millington returned the goats and noticed a deceased goat covered up with a blanket so he called me. I informed Mr Millington that this was out of my jurisdiction but I would be happy to investigate if I have permission from the Town supervisor. Shortly after I talked to Mr Millington I received a call from Warren County Sheriff's Office about the same issue so I met officer Seeley at the property on state route 28 .

Officer Seeley and I spoke with Mr Millington who stated the property and animals belonged to Bruce Updyke. Officer Seeley and I then went and looked at the condition of property and animals. The first thing I noticed was several chickens running loose and no apparent shelter. Next thing was 2 goats and a pony in a makeshift pen that the goats had already got out of since Mr Millington had returned them . The fencing was falling down in spots as was the walls of the shelter. The shelter also had no roof . As I continued looking around I noticed a metal container like the kind that would be on the back of a truck that had pigs in it. I wasn't sure how many because they were in this container had no light ,no ventilation and no way for the pigs to go outside. I found the deceased goat Mr Millington had mentioned along with some dead chickens and some dead rabbits in a pen .There also were remains of deer scattered about the property there was garbage and scrap wood and metal scattered all over the property , 3 campers .and what appeared to be a makeshift out house and shower set up .Officer Seeley said that he was going to make contact with Mr Updyke and ask permission to do a more thorough search of the property and we both left

05/06\2020

I recived a call from Warren County Sheriff's Office asking that I return to the property on state route 28 with officer Seeley, an investigator from the Sheriff department and Mr Updyke. Once there Mr Updyke stated that he thought the dead goat had been killed by a coyote and he wasn't sure how the rabbits or chickens had died. I informed Mr Updyke that the goat had not been killed by a coyote because there was no evidence to support that not so much as a bite mark and it's unlikely that with all the chickens that a coyote would go after a goat. Mr Updyke opened the door to where the pigs were being kept to feed them and I counted 2 live pigs and one dead pig. Mr Updyke stated that he had put the pigs in there to breed and the females killed the male . I explained to Mr Updyke that that will happen when one of the females is in heat and one is not, the one that is not in heat will kill the male and most of the time begin to eat it.

Mr Updyke stated that he was waiting on a friend of his to use a backhoe to bury the dead goat and pig. I explained to him how unsanitary and unhealthy the condition of the property was to the animals and people . Officer Seeley and I both explained to Mr Updyke that we believe he cares for the animals because they all are fed and watered but caring for animals properly goes beyond that and he needed to do substantially more than he was to which he agreed I told Mr Updyke that the pony and goats needed a better pen and shelter and the pigs needed to be able to go outside into a pen and not be kept in the container all the time. Mr Updyke said he was going to just butcher the pigs. I told him that's fine as long as it's done humanley. I also told Mr Updyke that the chickens needed a place to roost at night. Officer Seeley and I told Mr Updyke that we have to see what had to be done from a legal stand point

05/11/2020

Officer Seeley and I returned to the property on state Route 28 along with Bruce Updyke, Dr John Ruge from the board of health and Danae Tucker the zoning enforcement officer for the town of Johnsbury.

Upon arrival it was noticeable that a better shelter had been constructed for the pony and the fencing had been mended . Further investigation showed that the goats had been put into a more secure pen than before. One of the pigs had been butchered and Mr Updyke stated that he was going to butche the other one after everyone had left. The decesed animals that were noticed on the first visit were no longer there with the exception of the pig. Mr Updyke stated that he had buried the other animals and was going to do the same with the pig after he butchered the one that was left . Mr Updyke stated that he was going to butcher a lot of the chickens too .I explained to Mr Updyke that significant progress had been made and to keep making more until I'm satisfied with how the animals are being kept and cared for and I would be back once a week to check to which Mr Updyke agreed  
No further action taken at this point

Town of Johnsbury ACO report follow up on Bruce Updyke

05/25/2020

Officer Seeley, Environmental Conservation Officer Krug and I returned to 1493 State Route 28

Upon arrival it was found that very little more had been done since our last visit on 05/11/20. It was discovered that the pony had no water and the goats had very little water and the little bit that they did have was very dirty. I found that the deceased pig had been removed from the container it was kept in and put by a water hole with very little dirt to cover it. Several of the chickens were feeding on the dead animal.

Officer Seeley and I decided it was time to charge Mr Updyke with animal cruelty/neglect. Officer Seeley, Environmental Conservation Officer Krug and I went to the residence of Mr Updyke at 499 south Johnsbury Rd in the town of Thurman but he was not home at the time

05/26/2020

Officer Seeley and I returned to 1493 State Route 28 and met with Mr Updyke where he was arrested on 4 misdemeanor violations of section 353 of the Agriculture and Markets law of the state of NY. The violations are as follows

1 violation for neglect of a pony, 1 violation for neglect of 2 goats, 1 violation for neglect of a goose and 1 violation for neglect of several chickens. Mr Updyke then agreed to voluntarily surrender all animals at 1493 State Route 28 in the town of Johnsbury to me. I explained that all animals will be removed and rehomed.

05/26/2020

I returned to 1493 State Route 28 and removed 2 goats

05/27/2020

I returned to 1493 State Route 28 and removed a pony

05/28/2020

I returned to 1493 State Route 28 and removed 21 chickens a goose and a turkey

