

Board of Health Minutes

January 24, 2019

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Board of Health

Town Hall Planning Board Room  
104 Central Street, Auburn, Massachusetts

**Members Present:** Eric Otterson, Chairman; Carolyn Griffin, Vice Chairman; Steven Nordborg member.

**In Attendance:** Darlene Coyle, Director of Public Health; Eileen Alexander, Asst. Public Health Director; Paula Conway DDIS Administrative Assistant; Aimee Contois, Animal Control Officer

**The meeting was called to order at 6:01 pm Chairman Eric Otterson in accordance with the Open Meeting Law.**

**Agenda**

Thursday January 24, 2019 at 6:00pm

Call to Order- at 6:01pm

Review Agenda -

Removal of Minutes- none

Approval of Minutes- 3/5/18 - 4/5/18 - 12/17/18

Bill Schedule- none

**Agenda Items:**

Hearings: 6:00pm- Dangerous Dog Hearing 26 Church Street

**Approval of Minutes**

**Carolyn Griffin makes a motion to accept the meeting minutes for 4/5/18.**

**Seconds that motion: Eric Otterson Vote 2-0**

**Steve Nordborg makes a motion to accept the meeting minutes for 12/17/18.**

**Seconds that motion: Carolyn Griffin Vote 2-0**

**Steve Nordborg makes a motion to accept the meeting minutes for 3/5/18.**

**Seconds that motion: Carolyn Griffin Third: Eric Otterson Vote: All in favor 3-0**

**Steven Nordborg makes a motion to open the Dangerous Dog Hearing Meeting at 6:05pm**

**Seconds that motion: Carolyn Griffin Third: Eric Otterson Vote: All in favor 3-0**

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Eric Otterson explains the purpose for this hearing is for the board to hear evidence concerning the 6yr Lola female pit bull terrier mix at 26 Church Street to be a nuisance or dangerous dog. In addition, to make a determination on which action to take if any regarding the dog involved. The board will hear from representatives of the town who have been involved with investigating this matter. The board will hear from the residents and witnesses if any that are involved. The board will then give the owner the opportunity to speak if he or she chooses. The board will then continue or close the hearing and make a decision on what should be done in the case and issue an order accordingly.

**All parties requesting to give testimony were sworn in.**

**Hearing: Dangerous Dog Hearing 26 Church Street**

**See all documents and pictures in packets.**

**Attendees in the Hearing:** Jim Hayes victim; Deirdre Legasey dog owner; Catherine Shea lives with the dog.

Animal Control Officer, Aimee Contois, explains the dog; Lola is a 6yr old pit bull mix who resides at 26 Church Street owner of the dog is Deidre Legasey.

On December 12, 2018 at 2:30pm, Aimee was contacted by the Auburn Police Department (APD) requesting to respond to 24 Arrowhead Ave. to speak with a dog bite victim. The victim identified as Jim Hayes he was bitten by a loose dog at the corner of Church Street and Saratoga Street the dog was described as a tan color medium size pit bull dog it was unknown at that time if the dog was still loose in that area police were in route to the victims house. Aimee responded to the request from the APD and initially drove through the neighborhood to see if the dog was still loose and was unable to find the dog at that time. Aimee then went to the home of the victim to speak with Mr. Hayes who stated he was out for a walk and an unknown dog came up from behind him and bit him on the right lower leg, puncturing and breaking skin. A passing ambulance from the Auburn Fire Rescue Dept. also witnessed the bite as it occurred. Mr. Hayes stated the dog did not initially retreat after the bite, and he had to shout at the dog before it ran off behind 26 Church Street. Mr. Hayes stated he was familiar with the dog and not sure who owned it; however, he has seen this dog loose in the neighborhood several months prior.

Mr. Hayes declined at that time to be transported to the hospital by ambulance, but stated he would be seeking medical help for the bite. After leaving the property, the officers and Aimee tried to attempt to locate the dog and or its owner. The Town officials were able to identify the dog owner as Deidre Legasey of 26 Church Street and Ms. Legasey had been returning home at that time and was unaware the dog had been loose. When she got home, the dog was actually back inside the home and the back

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door had been unlocked and opened. Ms. Legasey stated she had been having trouble with the lock on the back door. The dog was identified as a 6yr old female tan and white pit bull mix named Lola. Ms. Legasey seemed surprised by the report of the bite incident but agreed the description given by Mr. Hayes fits that of Lola. Ms. Legasey stated she had gotten the dog from a family member a few months ago and has never seen any signs of aggressiveness. Lola was taken outside by leash, observed by Animal Control, and showed no signs of aggressive behavior when under control of her owner, but she did appear to exhibit fearful and nervous behavior. At that time, Ms. Legasey was ordered an issue of quarantine for Lola.

On December 23, 2018, Lola was released from her quarantine and did not show any signs of aggressiveness. Ms. Legasey stated the faulty lock on the door was replaced. Animal Control issued citations on December 12, 2018 for the bite incident, and during the quarantine, Ms. Legasey was unable to provide proof of an updated rabies vaccine and was given a verbal order to have Lola rabies vaccinated and licensed in the Town of Auburn by January 2, 2019.

We have no previous complaints or issues at this property.

The citations that were given to Ms. Legasey are still outstanding to date and they were not appealed during the 21 day appeal period and Lola still has not been licensed in the Town of Auburn.

Eric Otterson asked the town officials if they have presented all their evidence at this time, they have all responded they are finished.

Mr. Otterson requested to hear testimony from the bite victim, Jim Hayes.

Mr. Hayes explains to the board that he was out for a walk on December 12, 2018 when he felt something from behind; he was on Saratoga St when he felt a hit to the back of the leg and he turned to find a pit bull mix dog, teeth bearing and growling at him.

Mr. Hayes did not have anything in his hands to protect himself, so he proceeded to put his arms up and yell to try startle the dog, but the dog was not budging.

Mr. Hayes continued to keep raising his hands and yelling, afraid to look away and finally the dog ran away heading up Saratoga Street. He then went home, took a ride, and found the dog going into the back yard of 26 Church Street.

Mr. Hayes went home and called the APD and they called the Animal Control Officer. He refused medical help at the time but later went to the hospital to be checked out. He spent three hours in the emergency room and they cleaned the wound, gave him an antibiotic prescription, dressed the wound and he will have to go back to be rechecked.

Deidre Legasey dog owner expresses how terrible she feels her dog had bitten Mr. Hayes; she states she has never witnessed this type of behavior from Lola. Lola is a lovable dog and is great with her child she got the dog from her sister a year ago. Deidre plans on taken all actions to prevent this from happening again.

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**Motion: Carolyn Griffin moved to close the discussion and evidentially part of the hearing.**

**Seconds that motion: Steve Nordborg Third: Eric Otterson Vote: All in favor 3-0**

ACO, Aimee Contois provided the following recommendation to the Board:

As the bite that occurred on December 12, 2018 was unprovoked and occurred while "Lola" was loose and unrestrained in the neighborhood, it is my recommendation that "Lola" be deemed dangerous with the following order:

- 1) "Lola" shall be humanely restrained at all times by handheld leash or lead; provided, however, she not be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;
- 2) When removed from the premises of the owner or the premises of the person keeping the dog, "Lola" shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
- 3) The owner or keeper of the dog shall provide Animal Control and the licensing authority information by which "Lola" may be permanently identified throughout her lifetime in the form of a microchip implantation;
- 4) "Lola" shall be altered so that she is no longer reproductively intact unless the owner or keeper of the dog provides evidence that a veterinarian is of the opinion that "Lola" is unfit for alterations because of a medical condition;
- 5) The owner shall license "Lola" within the Town of Auburn by Monday, January 24, 2019 at 7:00 PM;
- 6) The owner shall pay all outstanding citations relative to "Lola" by Monday January 24, 2019 at 7:00 PM.

**Motion: Carolyn Griffin makes a motion to deem "Lola", a dangerous dog and to accept all of the ACO recommendations. Also to clarify items #5 & #6 citations to be paid by Monday January 28, 2019.**

**Seconds that motion: Steve Nordborg Third: Eric Otterson Vote: All in favor 3-0**

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**Motion: Carolyn Griffin makes a motion to close the hearing.**

**Seconds that motion: Steve Nordborg Third: Eric Otterson Vote: All in favor 3-0**

A. Director's update

- a) Correspondence - none
- B) Septic & Well Update- none
- c) Housing Update- none
- d) Animal Control - none
- e) Worcester Regional Tobacco Control Collaborative Update -none
- f) Solid Waste -none
- g) CMMC Update- none
- h) Flu Season- none
- I) Office update- Conflict of Interest to be completed by all.
- j) Emergency Preparedness- All Board members received a test call from Region 2 and this call will count towards our Auburn drill. In case of a real emergency, all board members would be required to respond in an allotted time.

B. Communicable Diseases- Report viewed by the Board

C. Inspections

- a) Production: We are at 99% with our inspections.
- b) Inspector concerns & temporary food events: We have a couple temporary events going on we are working on.
- c) New Establishment: We have two new food warehouses open on Sword Street; Rochuog Foods & BRF.
- d) Renewals: All establishments' permits have been renewed for 2019.

NEXT MEETINGS: To be determined on available dates by the Board

Motion: Steven Nordborg moved to adjourn the meeting at 6:59 PM.

Second: Carolyn Griffin Third: Eric Otterson Vote: All in favor 3-0

**These minutes were approved on March 25, 2019**

