

Board of Health Minutes

March 9, 2023

Town of Auburn
Board of Health
Town Hall Selectmen
Room
104 Central Street, Auburn, Massachusetts

Members Present : Eric Otterson, Chair; Carolyn Griffin, Vice Chair.

In Attendance: Darlene Coyle, Director of Public Health; Paula Conway DDIS Clerk, Aimee Contois Animal Control Officer, Colleen Hynes, Solid Waste & Recycling Coordinator.

Board of Health - Thursday March 9, 2023 6:00pm.

Chair, Eric Otterson in accordance with the Open Meeting Law, entertains a motion to call the meeting to order.

**Carolyn Griffin makes a motion to open the meeting at 6:00pm.
Eric Otterson : Second Vote 2-0**

1. **Call to Order** - Meeting was called to order at 6:00pm.
2. **Review Agenda** - Add/Remove any items
3. **Approval of Minutes** - 1/31/23

Approval of Minutes:

Eric Otterson entertains a motion to accept the meeting minutes for 1/31/23 Board of Health meeting.

**Carolyn Griffin makes a motion to accept the minutes for 1/31/23 Board of Health meeting.
Eric Otterson : Second Vote: All in favor 2-0**

REMOVE- 6:00PM Hearing: Unfit for Human Habitation- 101 Elmwood Street

Hearing is being continued onto the following Board of Health meeting, per the request of the owner.

Communicable Diseases- Reports viewed by Board members.

Town Wide Clean-up Day will be on May 6, 2023, and some good news, Darlene states that the Town and the Chamber have decided to have this event every year from now on, instead of every other year.

6:05PM Hearing: Auburn Mall Donation Bin waiver request

Darlene Coyle informed the Board that our office received a waiver request from the Auburn Mall requesting an additional donation bin to be placed on their property. The Town's Donation Bin Regulation allows only three donation bins per parcel. The intent of bylaw limiting the number was not to overload a parcel with too many bins. Where the Auburn Mall is a larger parcel, the request is to place one extra donation bin on the property, for a total of four bins. Colleen Hynes has worked very hard making sure all donation bins are in compliance with the Town's regulation, and we do not have a concern for this waiver request, due to the size of the parcel. Carolyn asked if there have been any issues with the existing bins at the Mall, and Colleen stated that she has not observed any problems there. Darlene added that we have a good handle on the donation bins now, and Colleen is on the road all the time and addresses any issues that are observed, and bins owners that do not comply have to remove their bins.

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Eric Otterson entertains a motion to accept the variance request for the Donation Bin at the Auburn Mall.

Carolyn Griffin makes a motion to approve the waiver request for the Auburn Mall Donation Bin .

Second: Eric Otterson Vote: All in favor 2-0

Carolyn Griffin makes a motion to close the hearing for the Donation Bin waiver request.

Second: Eric Otterson Vote: All in favor 2-0

6:10 Hearing Dog Hearing Appeal- 12 Willis Street by Dena Daoust

Eric Otterson entertains a motion to re-open the dangerous dog hearing that was held originally on November 15, 2022, for two dogs owned by Dena Daoust of 12 Willis Street .

Carolyn Griffin makes a motion to re-open the dog hearing appeal for 12 Willis Street by Dena Daoust of 12 Willis Street.

Second: Eric Otterson Vote: All in favor 2-0

The hearing is now open- Ms. Daoust submitted an appeal to the Worcester District Court for the Board of Health decision from the dangerous dog hearing order dated November 22, 2022.

The purpose of re-opening the hearing is for the Board to discuss recommendations made by the Worcester District Court and Town Counsel, regarding Ms. Daoust appeal of one of the conditions of the order for the dog identified as "Champ", and to make a determination as to what action to take, if any regarding the appeal request.

The Chair did a swearing-in of the following individuals - Darlene Coyle, Aimee Contois, Collen Hynes, Dena Daoust, Maureen Dubois, APD Officer Stephen Koopman.

Darlene Coyle: As part of this appeal there was a process that we followed. The Town was represented by Town Counsel, and we had Auburn Police Officer, Dena Daoust & family, Maureen Dubois were all at the Worcester District Court House, as part of the appeal process. There was a lot of discussion at this hearing and the overview was that Ms. Daoust was appealing the portion of the Board of Health decision as the result of the November hearing for only one dog. Although there were two dogs involved in the decision, Doby & Champ, the appeal is for "Champ" only, a dog that was identified as not the biting dog. One portion of the BOH order was to require muzzles on the dogs anytime that they were off the property. Ms. Daoust would like the Board to reconsider removing that portion of the order for "Champ", so he is able to move forward in his training. A big part of the training that was identified to Ms. Daoust working with the professional trainer is that "Champ" is to have him walked daily and get plenty of exercise. This dog does not do well wearing a muzzle, although the Trainer is continuing to work with him in order for him to be able to wear a muzzle hopefully in the future.

Eric Otterson has reviewed the summary provided by Town Counsel. It has not been disputed that "Champ" did not bite anyone. They agreed to a proposed settlement as well, that the muzzle requirement for the dog when off the property, allowing only Dena Daoust or Collyn Daoust to take "Champ" unmuzzled off property or a licensed Professional Trainer along with "Champ" and for continuing behavioral training for the dog and training to except the muzzle in the future. Ms. Daoust you have exercised your right for the appeal. Do you have any questions, concerns or do you have anything further to add.

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Dena Daoust: "Doby" has been doing well with the training using the muzzle for short periods of time. She is okay with everything that was said about him, and there is no reason that he should ever be able to get out again. She is okay with everything that was decided about him. "Champ" can't handle anything on his face. Right now, we are working on trying to get him to take to a Gentle Leader which is a type of leash that goes over the nose. I watched the Trainer wrestle him for over an hour on the ground, he doesn't like anything on his face, but we do have him up to 90 seconds on the Gentle Leader, but not the muzzle yet. "Champ" is a very high energy dog, so not being able to take him off the property because of the muzzle requirement has been difficult. Her daughter is committed to work with him on his training with behavior and trying to get him to recall commands and it hard to do anything with the dog until he has expended some of that energy.

Eric asked about proof of working with a licensed trainer, and Darlene stated that Ms. Daoust identified this in Court. Ms. Daoust had letters in court and can provide them.

Maureen Dubois was confused on what is being requested at this hearing. Eric Otterson explained we were here to discuss the appeal by Ms. Daoust for one part of the dangerous dog hearing decision from November. Ms. Daoust exercised her right to appeal the original order. The part that would allow "Champ" only, off the property without a muzzle on, with Dena or Collyn Daoust or a Licensed Trainer. That was one of the suggestions that was discussed brought to us by the Court Magistrate and Town Counsel. The rest of the order is still in effect. Ms. Dubois did not have an issue with this request, but has not seen any changes at the property working with either of the dogs.

Eric Otterson: we would also like to add that the Town of Auburn would be indemnified of any cause or responsibility if the dogs escape, any injury, or damages occur, Ms. Daoust agreed to this condition, and may have to provide a signed statement for this matter.

Eric Otterson entertains a motion to approve the appeal as stated with "Champ" to be removed from muzzle requirement when off property, and the only ones to take "Champ" off the property is Dena Daoust & Collyn Daoust or licensed dog Trainer in a training capacity; and "Champ" continue with behavioral training including training to except the muzzle, and that the Town to be indemnified of any responsibility of these dogs.

Carolyn Griffin makes a motion to approve the appeal as stated with "Champ" to be removed from muzzle requirement when off property, and the only ones to take "Champ" off the property is Dena Daoust & Collyn Daoust or licensed dog Trainer in a training capacity; and "Champ" continue with behavioral training including training to except the muzzle, and that the Town to be indemnified of any responsibility of these dogs.

Second: Eric Otterson

Vote: All in favor 2-0

Carolyn Griffin makes a motion to close the hearing for the appeal for Dangerous Dog Hearing Appeal for Dena Daoust, 12 Willis Street, Auburn.

Second: Eric Otterson

Vote: All in favor 2-0

No further office updates for the meeting.

Eric Otterson entertains a motion to adjourn the meeting.

Carolyn Griffin makes a motion to close the meeting at 6:27pm.

Eric Otterson - Second

Vote: All in favor 2-0

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Approved on May 8, 2023