

BOARD OF HEALTH MEETING

March 27, 2017

Watertown Administration Building, Lower Hearing Room

PRESENT: Dr. John Straus, Chairperson; Dr. Barbara Beck, Secretary; Richard Arnold, Board Member; Kristel Bennett, Chief Environmental Health Officer; Padraig Martin, Health Officer; Vivian Zeng, Health Officer; Karen O'Reilly, Animal Control Officer

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:14PM.

Public Comment: No comments.

Minutes

The minutes of the January 25, 2017 meeting were approved as presented, (Motion – Dr. Beck, R. Arnold, Second, 3-0)

The minutes of the February 21, 2017 meeting were approved as presented, (Motion – Dr. Beck, Dr. Straus, Second. 3-0)

260 Mt. Auburn St. – Ch. 2 Housing Code 7:22 PM

Present: Ms. Cynthia Pasciuto, Property owner's daughter

V. Zeng presented the Board with updates to the case. Zeng is reinspecting Mr. Nicolazzo's unit on a weekly basis to check on the progress of the case. Zeng's last inspection was March 27, 2017. Mr. Nicolazzo had missed his last two heavy chore services due to sickness and blizzard conditions on 3/14/2017. Zeng notes that the progress has been slow due to Springwell's two hour per week services. During the last inspection Zeng and W. VanDinter were able to offer twenty hours with a professional organizer from the Hoarding Task Force grant. Ms. Pasciuto indicates that she will be providing maintenance staff with a maintenance truck to haul away materials from the unit to aid the health department's professional organizer.

Ms. Pasciuto explained to the Board that Mr. Nicolazzo is behind on rent. She explained that she has connected with Springwell on multiple occasions to discuss the lack of progress in the unit and look for ways to expedite the cleanup. Ms. Pasciuto then began the eviction process with the occupant because compliance was taking so long to achieve.

Currently, Springwell has moved to providing emergency services for Mr. Nicolazzo. Ms. Pasciuto indicates that she will need at least four to six weeks to renovate the apartment and update the appliances. She repeatedly emphasized that she does not want to create a homeless situation for Mr. Nicolazzo but is frustrated with Springwell's lack of dedication to Mr. Nicolazzo's case.

Dr. Beck made a motion to extend the case for the next Board of Health hearing and to have a manager from Springwell attend the next meeting and explain what has and has not been done for Mr. Nicolazzo's case. R. Arnold seconded; vote is unanimous.

81-83 Spruce St. – Ch. 2 Housing Code Hearing 7:43 PM

Present: Mr. Kevin Schneider, Property owner

Mr. Schneider expressed his desire for the Board to lift the condemnation on his unit at 83 Spruce St (first floor). K. Bennett reviewed the reinspection conducted on 3/27/17, with violations outstanding. Outstanding violations include foundation needed repointing, basement door in disrepair, lack of pest extermination servicing, second floor thermostat repair work is indeterminable due to lack of oil in tank, unacceptable secondary egress construction according to the Watertown Building Department. Building Inspector Tony Torra notes egress was not constructed with a building permit, therefore the egress is not code-compliant. Building Inspector Torra wants to see a building permit pulled for the secondary means of egress with drawings of the egress.

Mr. Schneider explained that a string of tragedies caused him to keep all of his mother's, brother's, wife's items after their passing. Mr. Schneider expressed that his tragedies and health are creating a real struggle to deal with the condemnation. Mr. Schneider explained that he took care of all the other issues and the remaining violations are weather dependent, E.g. concrete hardening for the basement door and footings for the rear stairs. Mr. Schneider alleges that he paid the contractor, Larry, to bring the paperwork to the building department with fifteen dollars for a permit. He claims he does not understand what happened between Larry and the Building Department, he thought this was submitted and taken care of.

Mr. Schneider wants to return to his house for his medical issues to get the care he needs from a visiting nurse. Mr. Schneider states that he is currently staying with Larry, and expressed that he will be left on the street if the Board does not lift the condemnation.

K Bennett emphasizes to Mr. Schneider that there is still no acceptable secondary means of egress.

The Board requests that Mr. Schneider gets his contractor to provide a drawing to him, and to pull the necessary building permit for the secondary means of egress.

Dr. Beck made the motion to remove the condemnation on 83 Spruce St. (First Floor) and retain the condemnation on 81 Spruce Street (Second Floor) and before the next Board of Health hearing a reinspection must be made to demonstrate that the outstanding violations are in compliance. Dr. Straus seconded; vote is unanimous.

Elizabeth Park, 2 Grandview Ave. – Dangerous Dog Hearing 8:14 PM

Dangerous Dog Hearing

Owner of Dog: Elizabeth Park

Complainant: Erin Adams

Witness: Cynthia Cook

K. O'Reilly acted as the fact finder, V. Zeng recorded the minutes, P. Martin acted as the time keeper, K. Bennett acted as moderator. K. Bennett began with the Call to Order; the hearing outcome will determine whether the dog is a dangerous dog. All parties who spoke at the hearing were under oath.

K. O'Reilly, Animal Control Officer offered a brief chronology of Park's dog, Kali. On March 26, 2014, a neighbor called to report Kali attacked her dog several times. On May 26, 2014, another neighbor, Marie Chiavelli's dog was attacked and bit by Kali. On Dec 9, 2016, Cali attacked two pitbull dogs, whose owners lived at 93 Highland Ave. O'Reilly issued a ten day quarantine to Kali. Vet paperwork was submitted mid-January from the two pitbulls from the owner, Erin Adams. Adams affirmed that her dogs were injured. Adams did not want Kali to get blamed for the owner's actions. Kali was a licensed dog with Watertown during the past three years.

Erin Adams, owner of the two dogs that were attacked, was called to testify:

After the incident occurred, she was surprised to learn that Kali's attacks have occurred multiple times. Ms. Adams has met with Kali and describes her as "a nice dog to people, but not to other dogs." Ms. Adams expressed concern that her experience was not the first attack Kali had gone through. Since the incident, she has changed their dogs' walking route. Her dogs are traumatized when they encounter other dogs now. Their fur will now stand up when other dogs are nearby and they are fearful of other dogs. Ms. Adams feels like she has a responsibility to make sure this doesn't happen to any other dog owners. She is looking to the Board to see what we can do to keep the dog from getting out; she does not want future incidents to occur.

Elizabeth Park, owner of Kali the dangerous dog being heard, was called to testify:

Ms. Park presented pictures of her dog Kali to the Board. Ms. Park explains that Kali is a rescued dog from New Orleans. Ms. Park claims that Ms. Adams' dogs bark excessively and Kali does not like other dogs that bark. Ms. Park alleges that she does not know about any other incidents related to her dog. She has taken her dog to Francis Holder, a police dog trainer.

Ms. Park explained that she was bringing in groceries when Kali escaped and bit Ms. Adams' two dogs. She admits there were three incidents within the past four years. Ms. Park admits that it is her fault that her dog got loose when she was unloading the groceries. She feels badly about what transpired.

Ms. Park notes that she is moving out of Watertown on May 1st 2017. She explains that Kali will be living in Rhode Island while she will be living in Newton. The Board inquired if there was anything inaccurate about Adams' testimony. Ms. Park said that Ms. Adams was not there the day of the incident. She and her neighbor (Cynthia Cook) examined the dogs immediately after the incident and there was only one visible puncture wound on one of the dogs. The Board affirmed that the vet report submitted to the health department indicated multiple puncture wounds on both dogs.

Cynthia Cook, neighbor to Elizabeth Park, was called to testify as a witness to the incident:

Ms. Cook ran outside when she heard the dogs barking at each other. Ms. Adams' boyfriend Steve was walking the two dogs and was extremely upset. Ms. Cook tried to separate the dogs. Ms. Cook stated that she surprised to learn that this incident was taken so seriously. Ms. Cook expressed that she did not think the dogs were hurt very badly. Ms. Cook said Ms. Adams should have taken her dogs to the vet for an emergency visit immediately following the event if she really cared about her dogs. She does not understand the point of this hearing because the incident did not seem very dangerous. Ms. Cook does not see Ms. Park's dog as a threat. Ms. Cook thinks the reason why this meeting was called was because Ms. Adams wants money.

Erin Adams, offered a rebuttal to Cynthia Cook's testimony:

Ms. Adams is completely taken aback at Ms. Cook's testimony. Ms. Adams explained that her boyfriend Steve was trembling when the dogs were attacked. His jacket was ripped and he was on the ground when the incident took place. She insists that this hearing has nothing to do with money. They had met with Ms. Park after they checked up on the dogs. When they inspected their dogs, they noticed multiple cuts, bite marks and puncture wounds, which they have documented with photos. Ms. Adams claimed that Ms. Park gave her a sob story, so they believed Ms. Park and did not pursue the case any further. Ms. Park gave them a hard time with the vet bill. Ms. Adams and her boyfriend took time off work to deal with the vet visits. Ms. Adams is shocked that Ms. Cook is twisting the story and making it sound like Ms. Adams is a negligent dog owner.

After the Board's deliberations, Dr. Beck offered a motion classify Ms. Park's dog, Kali, as a dangerous dog. The Board made the motion for the dog to be humanely restrained at all

times, including in Ms. Park's front yard in addition to having the dog microchipped. Seconded by Dr. Straus and voted unanimously.

41 Wilmot St. – Keeping of Honeybees Hearing 8:53 PM

Present: Ms. Mia DePaolis, Applicant

K. Bennett notes that this is the first Keeping of Honeybees application in Watertown. This application has two bee hives; all abutters have been notified via certified letters. There are two responses attached from abutters who could not attend. K. O'Reilly has reviewed the hives' diagrams and they meet the minimum setbacks.

In his response letter, Michael Frame, the owner at 38 Copeland St. who could not be present at the hearing, had questions regarding the proposed locations of the honeybee hives and how close will it be to the property line of 38 Copeland St. In the response letter, Mr. Frame wishes the hives could be placed as far as possible from his property line, specifically, he is concerned about the placement of Hive 1. Ms. DePaolis says she has reached out to him on three occasions and received no callback. Ms. DePaolis is willing to move Hive 1 per Mr. Frame's request. Once the bees are in the hives, she cannot move the hives, but as of right now, she is willing to be neighborly and address Mr. Frame's concerns. Ms. DePaolis is amendable to Mr. Frame's concerns. Mr. Frame explained in his response letter that he was not opposing the hive, but he was just concerned.

In response to Mr. Frame's concerns about disclosing information about the beehive for the sale of his home, the Board indicated that there is no state law requirement to disclose the proximity of hives.

In response to Mr. Frame's inquiry about if the hives could be removed if his child becomes allergic to bees, K. Bennett explained that he can come in for a hearing should the allergen arise. Dr. Beck agrees that this can be a discussion at a later point in time.

In response to Mr. Frame's final question regarding a contracted worker on his property being stung by a bee, the Board notes that it would be a civil issue that the health department would not be involved in.

The second response letter is a letter of support for Ms. DePaolis's beehive.

Ms. DePaolis has a ware hive, the most natural kind of hive with windows that will not make the bees as aggressive as a more traditional hive would. She only intends on harvesting once a year, and this process takes one day. She explained that her order of bees will arrive on April 10th 2017.

R. Arnold made the motion to approve the application for the keeping of bees at 41 Wilmot Street. Dr. Beck seconded; vote is unanimous.

Department Updates

Dr. Straus made a motion to discuss the department updates next Board of Health meeting. K. Bennett requested that O'Reilly's ACO presentation be put on next BOH meeting. The Board agreed to this request.

Meeting was adjourned at 9:52 PM.

Respectfully submitted: Vivian Zeng, Health Officer

Approved: May 10, 2017