

**TOWN OF DIGHTON
BOARD OF HEALTH
JULY 31, 2013**

Chairman Thomas J. Pires called the meeting to order at 7:00 PM.

Present: Thomas J. Pires, Dean V. Cronin and Patrick W. Menges

Chairman Pires announced that the Board of Health will establish a regular monthly meeting, separate from the Board of Selectmen meetings, the first Wednesday each month effective August 14, 2013. Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to establish a regular monthly Board of Health meeting the first (1st) Wednesday each month at 7:00 PM.

Vote: UNANIMOUS

Hearing – Scott Canning, Dog Restraining Order

Chairman Pires opened the hearing regarding an appeal filed by Scott Canning, 1861 Wheeler Street, N Dighton, relative to a Dog Restraining Order issued by the Animal Control Officer on July 16, 2013.

The Board was introduced, procedure of the hearing was explained, and the Order was read into record. Further a copy of MA General Laws Chapter 111, Section 122 Regulation Relative to Nuisances, Examinations was provided to Mr. Canning.

Animal Control Officer, Stacy Ferry, stated that she received a call from Patrolman William Perry (date unknown, but it was Election Day) stating that Annette Tweedy of 220 Walker Street, North Dighton is having a problem with a dog. Mrs. Ferry reported to the residence, investigated the matter and advised Mrs. Tweedy of her options. About a month later, Mrs. Ferry received another call from Mrs. Tweedy regarding the same matter. After a few attempts to contact Mr. Canning, Mrs. Ferry hand delivered a restraint order (Exhibit A) to keep the dog (Airedale terrier known as Sam) off of Mrs. Tweedy's property for purposes of keeping the dog off the hayfield.

Scott Canning appeared before the Board, submitted and read a statement of accounts that took place (attached hereto and made a part hereof as Attachment A).

Annette Tweedy appeared before the Board and stated that she has numerous pictures, now in the possession of the Police Department, as well as field reports, of Sam entering her property and defecating. Mrs. Tweedy claims that she has no problem with the dog defecating in the woods but that she has asked Mr. Canning numerous times to keep the dog from defecating in the field. Because her requests were not being adhered to, a no trespass order was issued to Mr. Canning.

Patrolman William Perry appeared before the Board stating that he has received numerous complaints of Mr. Canning's dog but thinks an understanding can be reached with all neighbors, they just need to "talk it out". Pictures and reports were not presented at the hearing but will be provided to the Board the next day. Further, the Police Department is speaking to each neighbor one-by-one to work the problem out.

The Board asked how long the field has been used for hay. Mrs. Tweedy responded for many years, and recently, cleared additional land for more hay. Mrs. Tweedy further explained that dog feces contaminate her hay and the equipment. The Board asked Mr. Canning from the first point of communication how many times has the dog gone to Mrs. Tweedy's field, to which Mr. Canning was unsure. When asked if she would be willing to remove the No Trespass order so that Mr. Canning can obtain his dog should he enter her premises, Mrs. Tweedy responded "no, because he never got his dog before."

Howard Horseman of 1782 Wheeler Street, North Dighton advised the Board to visit the location prior to rendering the decision.

Jack Taylor of 1795 Wheeler Street, North Dighton stated that as much as some of the neighbors want to "talk it out," as suggested by Patrolman Ferry, hands are tied due to several No Trespass Orders issued to various neighbors.

Barbara and Maynard Horton of 251 Walker Street, North Dighton stated that Mr. Canning's dog should not be singled out as it is well known several dogs in the neighborhood defecate on her property, and many of those dogs are being walked on a leash.

The Board determined that a decision whether to vacate the Restraining Order will not be rendered this evening so that evidence of facts can be reviewed. The decision of the Board will be made in writing and provided to Mrs. Tweedy and Mr. Canning. Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to take the matter under advisement.

Vote: UNANIMOUS

Reports of Inspector's Actions

Health Agent Kevin Bernardo reported that various dilapidated properties have been corrected, but that a few still remain to be corrected. All food inspections relative to eating establishments have been made. Almeida's Country Store is adding shell fish to their menu requiring a shell fish permit issued by the State.

Health Agent Joseph Pacheco explained how perc tests are scheduled and performed, as well as, how Title V inspections are performed.

Public Input

NONE.

Motion: Patrick W. Menges, seconded: Dean V. Cronin VOTED to adjourn at 7:30PM.

Vote: UNANIMOUS

Respectfully submitted,
Boards of Selectmen/Health
Kerrie J Easterday, Administrative Assistant

Approved by:

