

TOWN OF DIGHTON  
BOARDS OF HEALTH  
AUGUST 7, 2013

THIS MEETING WAS NOT AUDIO TAPED NOR VIDEO RECORDED.

Chairman of the Board of Health, Thomas J. Pires, convened a meeting at 11:34 o'clock AM on Wednesday, 7 August 2013, in the town hall hearings room. Present were Selectman Dean V. Cronin and Selectman Patrick Menges.

The Board reviewed various pictures from Annette Tweedy showing Scott Canning's Airdale Terrier defecating on Mrs. Tweedy's hay field, as well as, various police reports. Mr. Pires noted that he has spoken to the Police Department recently and no further complaints have been received since the dog has been restrained.

Patrick W. Menges entered into record and read his opinion (see Attachment A). Thomas J. Pires noted he concurs with the Opinion. Dean V. Cronin voiced concerns that although the dog is arthritic, he still entered the property eight times in June. Motion: Dean V. Cronin, seconded: Patrick W. Menges VOTED to concur and accept the Opinion of Patrick W. Menges.

Vote: UNANIMOUS

Food Permit for John Vangyzen Hall, Inc..

Motion: Dean V. Cronin, seconded: Patrick W. Menges VOTED to deny the Food Permit to John Vangyzen Hall, Inc. due to lack of insurance coverage.

Vote: UNANIMOUS

Review/Discuss/Act: Arrange Weekend Coverage with the Animal Control Officer

According to the Animal Control Officer Stacy Ferry attempts to obtain weekend coverage for animal control was unsuccessful. It was noted, that under the current contract Mrs. Ferry is required to obtain weekend coverage. Failure to do so may result in disciplinary action. Dean V. Cronin will attempt to obtain the services through Taunton and/or Berkley. Motion: Patrick W. Menges, seconded: Thomas J. Pires VOTED to authorize Dean V. Cronin to contact the Taunton and Berkley Animal Control Officers to obtain weekend coverage.

Vote: UNANIMOUS

Motion: Dean V. Cronin, seconded: Patrick W. Menges VOTED to pursue disciplinary action if a breach of contract was made by Stacy Ferry.

Vote: UNANIMOUS

On a motion of Selectmen Menges, seconded by Selectman Menges, the meeting was adjourned without day, at 12:07 PM.

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

Approved by:





**TOWN OF DIGHTON  
BOARD OF HEALTH  
979 SOMERSET AVENUE  
DIGHTON, MA 02715  
TEL: (508) 669-6431**

Opinion of Board of Health Member Patrick W. Menges

August 5, 2013

Scott Canning appeals a written dog restraining order issued against his Airdale Terrier on 16 July 2013 by the animal control officer upon a local complaint that the dog's feces might contaminate cultivated hay.

Ancillary issues of annoyance and trespass are not properly the province of the Board of Health.

Responsible domestic dog owners are indispensable to public health. By attending to neutering and spaying, sanitary feeding, training for good dispositions, and vaccinations, owners of domestic dogs guard society against many evils associated with wild dogs.

Dighton has no law requiring all dog owners to leash their pets such as some other towns have, and the Board of Health has not general regulation to that effect. For remediation of unpleasant dog feces, domestic animal enforcement by-law requires that,

Each person who owns, keeps or controls a dog within the town shall remove and dispose of any feces left behind by such dog or other animal on any sidewalk, street, part or other public area, or on any private property which is not owned or occupied by such person. Feces may only be disposed of at a place suitable and regularly reserved for the disposal of human feces.  
By-Laws, Art. XXIX §1A

Violations of this section are written up, and an order to comply must be delivered in hand or by certified mail to the dog owner. The dog owner may appeal to the Board of Health within ten (10) days; the law does not specify a basis for appeal. Failure to comply with the order, if affirmed, results in a daily twenty-five dollar (\$25.00) fine. Under Section 4, upon a second and subsequent order, the Board may order that the animal be permanently confined.

The Board has found that Mr. Canning's Airdale is eleven years old and arthritic. Unless enticed or led, whether or not leashed, the dog probably would not walk the eighth to quarter of a mile from beneath the shade tree where it normally sleeps, for the purpose of

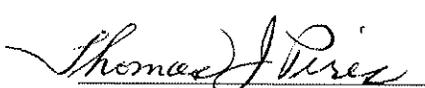
defecating in a complaining neighbor's hayfield. It appears that when the dog has gone to the hayfield, it has done so because it was loyally accompanying or encouraged by its master.

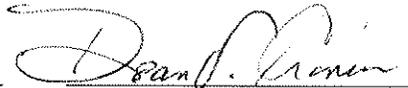
Mr. Canning is forbidden by a "no trespass" order from entering the complaining property owner's premises to accomplish the dog feces removal required by the by-law. For the sake of his elderly dog, prudence and decency would seem to demand, that he not lead the dog to places where it is unwelcome. In this case, it has resulted already in an order that the dog be confined and scenarios can be imagined in which the harm to a feeble dog in unwelcoming circumstances could be worse.

However, the Board of Health is in possession of no professional opinion to the effect that in a hayfield the feces of a properly vaccinated dog, is a menace to public health. Beyond that, its offensive nature must be addressed under the anti-dog defecation by-law.

Therefore, the present order from which Mr. Canning appeals should be allowed to expire at the end of sixty (60) days. If a new complaint then prompts the animal control officer to intervene again, this Board should impose a subsequent confinement order, and the fines and forfeiture that the by-law requires.

Concur:

  
Thomas J. Pires  
Chairman

  
Dean V. Cronin  
Member

  
Patrick W. Menges  
Clerk

cc: Scott Canning  
Annette Tweedy  
Stacy Ferry, Animal Control Officer  
Dighton Police Department