

## BOARD OF HEALTH MEETING

November 21, 2013

Town Council Chambers, Administration Building

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:10 PM.

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PRESENT: Dr. John Straus, Dr. Barbara Beck, Kristel Bennett, Dan Repella, Kari Sasportas, and Karen O'Reilly.

Minute Review: The Board of Health reviewed the minutes of the October 16, 2013 meeting. Dr. Barbara Beck made a motion to accept the minutes of the October 16, 2013 meeting. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

69 Elm Street: Kristel Bennett, Chief Environmental Health Officer informed the Board that the owner of 69 Elm Street, James Delleville was before the Board for an administrative show cause hearing. The purpose of the show cause hearing was to determine if the dwelling units located at 69 Elm Street should be condemned for violations of the State Sanitary Code 105 CMR 410.000 listed in the September 26, 2013 order to correct letter. Present at the hearing was James Delleville, property owner, and Kristel Bennett, Chief Environmental Health Officer, for the Watertown Health Department.

James Delleville informed the Board of his intention to correct the remaining violation and that he had filed a building permit for repair of the secondary egresses. Kristel Bennett presented the Health Department findings of the dwelling units and reviewed the outstanding violations that could endanger and materially impair the health, safety, and well-being of the occupants residing within the dwelling units at 69 Elm Street. Mrs. Bennett informed the Board of the outstanding violations including but not limited to secondary exterior egresses in disrepair and no lighting provided for secondary exterior egresses. Mrs. Bennett informed the Board that the property owner has shown a good faith effort by correcting violations listed in the order letter and filing a building permit to repair the secondary exterior egresses.

After hearing the findings of the Health Department, the testimony from the property owner, and after much discussion thereof, Dr. Barbara Beck made a motion to ratify the October 16, 2013 Board of Health decision that the third floor remains condemned since the violations endanger and materially impair the health and safety and well-being of the occupants of the third floor of the dwelling unit located on the second and third floors of 69 Elm Street, Watertown, MA. The third floor is to remain vacant and secured and shall not be occupied without the written permission of the Board of Health, based upon the Board's written finding that the third floor is fit for human habitation.

By the next Board of Health meeting the owner must repair the first and second floor exterior secondary egress staircases. Failure to repair the first and second floor exterior secondary egress staircases by the next Board of Health meeting may result in a condemnation of the first and second floor dwelling units at 69 Elm Street for the secondary egresses in disrepair may endanger and materially impair the health, safety, and well-being of the occupant(s) of the dwelling units located at 69 Elm Street. Dr. John Straus stepped down as chair and seconded the motions. All were in favor.

10 Prescott Street: Kristel Bennett, Chief Environmental Health Officer, informed the Board that acting in accordance with Massachusetts General Law chapter 140 § 157 and the Town of Watertown Animal Control Ordinance, § 6.2 and § 9.3, that Kathleen Hennrikis was before the Board for an administrative hearing for violations of the existing order regarding Ms. Hennrikus's dog Lenore's nuisance behavior due to additional complaints received regarding excessive barking.

Present at the administrative hearing was Leo Gobekian, Kathleen Hennrikis, Emmett Firocche, Pauline Hennrikus, Karen Bloomer, Margaret Clermont, Laura Palmer, Mary Coilfoyle, Kathleen McGill, Robert Turnbull, and Michael Hennrikus.

Kristel Bennett reviewed the Health Department chronology of the case to inform the Board of the history of the case. Dr. John Straus swore in all the individuals who signed in to testify for the hearing.

Leo Gozbekian detailed to Board his concerns of Ms. Hennrikus's dog, Lenore and her behavior. Mr. Gozbekian stated that Lenore barks often throughout the day, seven days a week and he is hoping something will be done. He said Lenore's barking may not bother other people in the neighborhood but it bothers him. He described Lenore's barking on the front porch and hoped that measures would be taken to give him an occasional break from the barking.

Kathleen Hennrikus, owner of Lenore, informed the Board that Lenore was 5 years old, a Great Pyrenees and was bred to guard sheep. Ms. Hennrikus apologized for being before the Board. Since the Health Department Nuisance dog hearing, Ms. Hennrikus has taken corrective measures to stop Lenore from barking. She stated that Lenore is not on the front porch for 24 hours a day and she walks Lenore three times a day. She stated that she has modified Lenore's behavior and has put Lenore on the front porch rather than out in the back yard. Ms. Hennrikus stated that she believes that this matter does not rise to the level of a nuisance dog hearing.

Dr. Barbara Beck asked Ms. Hennrikus what type of corrective measure can be taken to stop Lenore from barking.

Ms. Hennrikus stated that when Lenore starts to bark she can be brought in from the front porch. She stated that she has already taken corrective measures which include removing Lenore from the back yard so Lenore does not disturb the neighbors in the back. She stated that Lenore is only unattended when inside the house, but someone is at home when Lenore is on the front porch. She stated that Lenore is walked in the morning between 8-10 AM, lunch time, and at 5 PM. Ms. Hennrikus stated that Lenore is on the porch for a good amount of time.

Kristel Bennett, the Board, and Ms. Hennrikus discussed the mediation meeting and Ms. Hennrikus's appeal of the April 8, 2013 Animal Control Officer's letter.

Mr. Gozbekian stated that he does hear other dogs barking in the neighborhood while outside his house, but when he is inside his house the only dog he hears is Lenore, when she is out on Ms. Hennrikus's front porch. Mr. Gozbekian stated that Lenore will bark for 20-30 seconds at a time

and will continue barking like this throughout the day. Mr. Gozbekian stated that he sees and hears Lenore barking while she is on Ms. Hennrikus's front porch.

Ms. Hennrikus agreed that Lenore does bark.

Emmett Firocche, a neighbor of Ms. Hennrikus, discussed with the Board his concerns regarding the appeal process since Ms. Hennrikus was confused of the process. He raised concerns that the complainant did not show up at the Health Department Nuisance Dog Hearing in March. He requested the original order be vacated since it is no longer valid. He expressed concerns that there is no clear definition of excessive barking which makes it difficult for Ms. Hennrikus to take corrective measures. He discussed his concerns of the hearing process regarding vicious dog verses barking dogs.

Karen Bloomer, a neighbor of Ms. Hennrikus, stated that unrealistic expectations were placed on Lenore and Ms. Hennrikus. She stated that she lived adjacent to a daycare and kids make noise all day. She has to deal with kids and the church bell all day. She asked if she could have a hearing for the noise generated from the kids and the church bell.

Robert Turnbull, a neighbor of Ms. Hennrikus, walks his dogs daily in the morning at 8 AM. He stated that Lenore used to bark at his dog during his walk, but she is no longer on the front porch at that time to bark.

Kathy McGill, the postal letter carrier for the neighborhood, stated that Lenore is not out all day. Lenore is taken in from the front porch.

Michael Hennrikus, who resides at the same house as Ms. Hennrikus, stated that the complaints are greatly exaggerated. He stated that one of the complainants, Deb King, moved out of neighborhood not because of the barking dog but because of the property owner she was renting an apartment from.

Pauline Hennrikus, who resides at the same house as Ms. Hennrikus, stated that the abutting church has had construction all summer.

Margaret Clermont, the Director of the Preschool at the abutting church, stated that she has not heard Lenore bark. She states that if Lenore were barking, she would say hi and then Lenore would stop barking.

Mr. Gozbekian stated that he would like a solution to this matter. Mr. Gozbekian played a recording of Lenore barking while she was on the front porch. Mr. Gozbekian requested to withdraw his complaint and left the hearing.

After hearing the findings of the Health Department, the testimony from Mr. Gozbekian, Ms. Hennrikus, neighbors, and after much discussion thereof, Dr. Barbara Beck made a motion to dismiss the complaint violation and withdraw the May 16, 2013 Order of the Watertown Animal Control Officer. The Board of Health recommends that you split up the time that your dog, Lenore, spends outside between the front porch and the back yard in an effort to continue to improve relations with neighbors. You must comply with Massachusetts General Law Chapter 140 § 157 and the Town of Watertown Animal Control Ordinance, § 6.2 and § 9.3 to ensure that your dog, 'Lenore' does not cause nuisance conditions through excessive barking that a reasonable person would find disruptive to one's quiet and peaceful enjoyment. Dr. John Straus stepped down as Chair and seconded the motion. All were in favor.

Molana Restaurant: Kristel Bennett informed the Board that Mosen Tehrani and Nick Damirjian were before the Board for a request for a hookah lounge/bar in their establishment located on the second floor dining area. Mrs. Bennett reviewed with the Board the Watertown Board of Health Smoking in Workplace Regulations and the Massachusetts General Law Chapter 270, Section 22 Smoking in Public Places. Mrs. Bennett informed the Board that the intent of the law is to protect workers in enclosed workplaces from secondhand smoke exposure. Mrs. Bennett informed the Board that smoking bars, cigar bars, and hookah bars are allowed under MGL Ch. 270 § 22 with certain restrictions. Mr. Mosen and Mr. Damirjian described to the Board the location of the proposed hookah smoking bar area on the second floor and that

Board of Health

Minutes: November 21, 2013

three separate heating and ventilation systems would be installed to prevent smoke intrusion into the first floor dining area and the second floor kitchen. After much discussion, the Board recommended that Mr. Mosen and Mr. Damirjian provide more detailed plans to the Board for review to determine if the proposed operation complies with the Watertown Board of Health Smoking in Workplace regulations and the Massachusetts General Law Chapter 270, Section 22 Smoking in Public Places law.

Metrics & SOP Update: Peter Wilner updated the Board of his progress in the development of an electronic tracking system to capture needed metrics for the Health Department and to generate reports. Mr. Wilner reviewed the spreadsheet that captures inspection dates. Mr. Wilner and the Board discussed the spreadsheet. The Board will continue to discuss this at the next Board meeting.

Grant Updates CCIII, Region 4b: Kristel Bennett provided updates to the Board regarding the status of the Compassionate Connections III, and the Region 4b grants.

Next Meeting Date: December 19, 2013

Adjourn: 10:00 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer