

Board of Health Meeting Minutes
February 27, 2023

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DATE: March 28, 2023
TIME: 1:25 PM

The Board of Health Meeting was called to order at 5:01 pm by Julie Lemay.

In keeping with Chapter 20, of the Acts of 2021, the extension of the remote participation portion of Governor Baker's Executive Order from March 12, 2020; - "Order Suspending Certain Provisions of the Open Meeting Law" – The Board of Health Meeting of February 27, 2023 was held by Remote Access through ZOOM.

Those present were Julie C. Lemay, MPH, Chair; Adrienne Allen, M.D., M.P.H., Vice Chair; Donna S. David, R.N., M.N., Member; Wesley Chin, Health Director; Diana Ekman, Assistant Health Director; Lindsey Sharp, Health Agent; Suzanne Trasavage, Animal Care & Control Officer; Maria Reddington, Clerk.

There was no Public Participation.

Dog Hearing – K9 Fanto, Owner Diane King of 12 Lewis Road:

- Julie Lemay read the introduction and rules of the Hearing.
- Diana Ekman conducted the swearing in of the participants.
- Suzanne Trasavage, Animal Care and Control Officer reviewed details of her Incident Report, upon receiving Notice of Possible Rabies Exposure from Thrive Pet Healthcare in Natick on February 21, 2023. Ms. Polly Tsai was the victim of a dog to human bite from "Fanto" King. The bite occurred at Thrive Pet Healthcare in Natick on February 20, 2023. Suzanne recognized Fanto King, named in the report, as Fanto was deemed a nuisance dog at a Board of Health Public Hearing on January 23, 2023. Suzanne contacted Thrive Pet Healthcare. Staff from Thrive Pet Healthcare assisted Ms. Tsai, who was transported by ambulance to the hospital. Fanto, and John and Diane King were placed in an exam room. Suzanne contacted Ms. Polly Tsai who was at Thrive Pet Healthcare to pick up medication for her elderly dog. She approached John King and Fanto, who were in the waiting room, and asked John King if she could pet Fanto. John King said yes. Ms. Tsai put her hand in front of Fanto to sniff. Fanto grabbed Ms. Tsai's hand and bit it. Ms. Tsai described her hand injury as pouring blood. Suzanne did not see the bite wounds in person, but determined from the photographs she obtained that the bite wounds were consistent with a Level 4 bite, as described on the Ian Dunbar Dog Bite Scale. Suzanne contacted John and Diane King. Mr. King described feelings of nausea and inability to sleep as a result of the incident. He also stated he was willing to put in any training necessary, and would hate to see the dog destroyed, as he spent \$7,000 dollars to purchase Fanto. He also said the environment at Thrive Pet Healthcare was tense. He said many animals were barking, too many animals in one space. He also said the King's asked for a muzzle for Fanto but did not get one. Ms. Diane King also spoke to Suzanne and said the "vet" needs to take some responsibility, it's their job to keep their customers safe. Ms. King also said she (Ms. Tsai) should not lean into a dog like she did. Suzanne Trasavage instructed Diane and John King that Fanto was not to leave their property without a muzzle until they appeared before the Board of Health for a Hearing on February 27, 2023.
- Ms. Polly Tsai provided testimony of the incident. Ms. Tsai described the lobby area of Thrive Pet Healthcare and said the lobby was not very busy with other animals, as was reported by the King's to Suzanne Trasavage. Ms. Tsai said she has owned 2 German Shepherd dogs in the past, her brother has one and that is why she asked Mr. King if it was okay if she pet Fanto. Ms. Tsai and Mr. Ming Tsai also wanted the report corrected in that Ms. Tsai did not lean into the dog.

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Ms. Tsai described the injury to her hand as painful, bloody, and uncomfortable.

- Mr. John King and Ms. Diane King were next to speak. Mr. King expressed remorse about this biting incident. He said Fanto was leashed, and was in a lot of pain. Mr. King said the lobby area was chaotic, and there were barking dogs in cages. Fanto is a good dog. The King's said they are willing to make corrections, and are asking for mercy for their dog. The King's want permission to bring Fanto to a veterinarian, as he is still in pain and has not been treated.
- Julie Lemay asked Suzanne what her recommendation is. Suzanne said there is an unpaid \$50 non-criminal violation, and locks have not been secured since the Nuisance Dog Order was issued last month. Fanto is more dog than the King's can handle. Suzanne Trasavage said Fanto should be deemed a Dangerous Dog.
- Julie Lemay reviewed new options for the Board members to consider, including a muzzle order, proof of insurance, providing Suzanne microchip information, provide proof that Fanto is neutered, or humane euthanasia.
- The King's said Fanto is too old to neuter. The veterinarian will need to provide documentation regarding the medical reason that Fanto cannot be neutered.
- Donna David said Fanto is a Dangerous Dog.
- Dr. Adrienne Allen said Fanto is easily triggered, and needs to be protected from additional stress. She also said Fanto should be deemed a Dangerous Dog.
- The King's said Ms. Tsai's hand was out at the same time John King gave permission to pet Fanto. The vet's office should have provided a muzzle.
- Julie said the King's are responsible to protect the community.
- Julie Lemay presented a Motion to declare "Fanto" King a Dangerous Dog. An Order will include all the Conditions listed, except for humane euthanasia.
- Suzanne explained what a usual insurance policy would be, including a very high deductible.
- Donna David said Ms. Tsai's hand injury was serious, and asked what if this were a child. Donna is not willing to blame the vet. Donna will support the Dangerous Dog Motion, with the six conditions.
- Dr. Adrienne Allen said she fears things may not be followed through by the King's, but will support the Motion to deem Fanto a Dangerous Dog, to include six conditions.
- If the veterinarian determines Fanto cannot be neutered, a report must be given to Suzanne.
- Board members cautioned this Order cannot drag out for compliance in 30 days. The Conditions in the Order must be done immediately.
- A Motion was presented to deem Fanto King a Dangerous Dog, with the following Conditions:
 - Effective immediately, Fanto must be humanely restrained to confinement at the property of owners John and Diane King of 12 Lewis Road.
 - Effective immediately, a leash less than 3 feet in length must be used when Fanto is not confined to the property.
 - Effective immediately, a muzzle must be used when Fanto is not confined to the property.
 - Effective immediately, Fanto must be microchipped, and photos of Fanto are to be forwarded to Suzanne Trasavage.
 - Within 14 days, Fanto must be seen by a veterinarian for the purpose of alteration (neutered) so that Fanto shall not be reproductively intact.
 - Within 30 days, provide proof of liability insurance in an amount not less than \$100,000.The Motion passed by a vote of 3-0.
- Ms. King stated they will not comply with this Order. The King's said they will be going to court.

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Bruegger's Bagels Nuisance Violations Hearing. Tye Ali, Bruegger's District Manager, and Troy Duarte, Bruegger's Belmont Store Manager were present for the Hearing.

Diana Ekman provided a summary of the violations:

- The last Nuisance Violation Hearing for Bruegger's was in September 2022.
- Cleaning and maintenance of the inside and outside took time to achieve compliance.
- The food inspection done on February 15, 2023 was a result of a customer complaint about fruit flies, and a neighbor complaint about trash. A \$300 fine was issued, which remains unpaid.
- The food inspection completed today showed improvement. There is an equipment challenge, but no fruit flies were visible today. Some progress is being made.
- Julie Lemay said as soon as Health Department staff let off a bit, Bruegger's food code violations begin again. This is frustrating as we are here again for uncleanliness.
- Donna David said Bruegger's are regulars at Board of Health meetings. The last time there was a Hearing, a cleaning schedule was created, but Health Dept. staff cannot hand hold for daily cleanliness to be adhered to. The Board must protect the public – inspections for next month are to be paid for by Bruegger's. This is a good store, and a good location.
- Tye Ali, District Manager, said the dumpster lid was open birds had bagels over the ground. He said the pests are under control, he is not aware of any fines/citations being issued. He would also vote against weekly inspections, as there is no value to that. He also said Bruegger's has completed many of the violation items in a short period of time.
- Julie is concerned that we had a mild winter, and rats will be rampant.
- Diana Ekman's recommendation is for monthly pest control reports, and monthly food inspections for the next two to three months. If inspections are satisfactory, the inspections can stop.
- Tye Ali feels less frequent pest control reports should be required.
- Dr. Adrienne Allen prefers more frequent inspections but is not sure of staff availability.
- Wesley Chin said he was impressed with the cleaning results from Tye and Troy. Wesley feels keeping monthly inspections for a bit longer during the Spring months would be helpful for Bruegger's.
- Motion: Bruegger's will have monthly food inspections for the next three months, and the cost of the inspections will be Bruegger's responsibility. The Motion passed by a vote of 3-0.

The next presenter was Lisa Gibalerio, Prevention Specialist and Belmont Wellness Coalition Program Coordinator, Wayside Youth & Family Support Network.

- Lisa provided a brief summary of Wayside Youth and Family Services (the parent company) and Belmont Wellness Coalition. The company began in 2017 and is focused on prevention education for grades 7 – 12.
- The Coalition works with parents, too.
- Programming is presented at and with the schools, police and library.
- In September 2021 a Youth Engagement Specialist was hired, 20 hours per week.
- The Youth Risk Behavior Survey will be administered this year. The results will be shared with the Board of Health. The Survey results allow the Coalition to focus on what youth need.
- Lisa produces at least 2 videos per month with Belmont Media Center.
- There is also a monthly parenting group.
- Wayside will apply for two federal grants, to fund years 6 through 10.
- Go to belmontwellness.org to learn more about the Coalition's upcoming events.

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FOG Variance Request – Tatte Bakery & Café, 495-505 Trapelo Road

- Diana Ekman presented to the Board the Request, and explained the sewer line is very deep into the ground. This would have challenged installation and servicing.
- Board members asked if the Health Department can be involved earlier in the pre-building process with Community Development. This location was a new build, and wanted to know why a grease trap could not have been installed. The builder knew a food establishment would be here.

The Motion to approve the FOG Variance Request for Tatte Bakery & Café passed by a vote of 3-0.

COVID-19 Update:

- There were 78 cases in January, 32 cases to date in February.
- The CDC Community Level for Middlesex County is categorized at the low level. The link to check the COVID Community Level is <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>
- Lindsey Sharp also reviewed the Disease report.
- Board members agreed that the COVID-19 Dashboard could cease, and thanked Lindsey for her hard work during the pandemic.

The Motion to approve the Meeting Minutes of January 23, 2023 passed by a vote of 3-0.

The Motion to approve the Meeting Minutes of January 27, 2023 passed by a vote of 3-0.

The Receipts report was reviewed.

The Financial report was reviewed. The Department will need to transfer funds from another line item to fund the deficit in the Office Supplies line item.

The Director/Assistant Director/Public Health Nurse/Health Agent report was reviewed:

- This has been an active month for 7 new housing cases, 3 of which are hoarding cases presented to staff in the past 2 weeks.
- Rats on Leonard Street – Staff met with Jay Marcotte, DPW Director and Mike Santoro, DPW Asst. Director to inquire about placing lids on the cans. Both replied there is no funding and the lids get so dirty that users will not place their trash in the can, but instead will place it next to the can. They will further discuss this with the Town Administrator. They will also ask Waste Management to improve on the trash pick-up in the areas between the can and enclosure.
- The electric smart boxes for rodent control have only captured 4 rats thus far.
- Lindsey Sharp talked about social media outreach. Some posts included upcoming vaccine clinics, a new survey was released with 150 respondents, rabies clinic, upcoming Veterans' coffee hours, and a poison prevention training for parents with young children.
- Booster clinics – demand for the booster has dropped. The next Clinic will offer “catch-up” childhood vaccines.
- The Health Department has many COVID-19 test kits and masks available for the community. Insurance companies will stop paying for the tests in May so demand may increase.

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- Wes talked about Racial Bias training in connection with the Public Health Excellence Grant. A request has been made to have one Health Department staff person, and one Board of Health member attend the training.
- NEHA-FDA Grants – Staff will work with the Erie County PA Health Dept. in completing the verification audit for Standard 1.
- DPH has accepted the Department's application to participate in the health internship program. Belmont should have an intern in May.
- Signage for the marijuana establishments have been ordered and will be distributed to the new establishments to be posted at points of service. A sample of the signs was attached for review.
- Staff performance reviews are complete for eligible members of the Health Department. The process was delayed because of staff shortages in the HR department.

The Public Health Nurse report was reviewed, focused on the topic of Poison Control.

The Youth and Family Services report was reviewed, noting Janet's work with an Art Therapy Intern.

The Animal Care and Control report was reviewed. Suzanne reports she assisted 2 individuals without a home with food and other supplies for their pets. The Rabies Clinic will be on Saturday, March 4th from 1 to 4 pm. Suzanne continues to provide mutual aid to Arlington.

The Veteran's Services Report was reviewed.

Email Rotation:

Donna David will review the emails sent to the Board of Health email address for the month of March.

Julie Lemay will review the emails sent to the Board of Health email address for the month of April.

The next Board of Health Meeting is scheduled March 27, 2023 at 5:00 pm.

The Meeting adjourned at 7:01 pm.

Respectfully submitted,

Julie C. Lemay, Chair