

## MONROE TOWNSHIP BOARD OF HEALTH

October 8, 2014

Eileen Ferguson, Vice-Chairperson, called the meeting of the Monroe Township Board of Health to order. Notice of the meeting was given pursuant to the provisions of the Open Public Meeting Act. Written notice was sent to two newspapers, the Gloucester County Times and the Sentinel. A copy of the written notice was given to the Township Clerk and posted on the bulletin board.

Salute to the flag.

### ROLL CALL

Member	Present	Excused	Absent
Eileen Ferguson	X		
Rene Pandola	X		
David Scales	X		
Jerry Conte	X		
Barbara Chamberlain	X		
Dan Kozak	X		
Victoria (Vicki) Taylor-Machulsky	X		
Cncl. Marvin Dilks		X	

### SWEARING IN OF NEW CHAIRPERSON AND VICE-CHAIRPERSON

The Township Solicitor Charles Fiore was present, and swore in Eileen Ferguson as Chairperson and David Scales as Vice-Chairperson.

### PUBLIC HEARING FOR VARIANCE: SCOTT & RACHEL FRASCA OF 326 COLES MILL ROAD

Rene made a motion to open the meeting to the public and Barbara 2<sup>nd</sup> the motion, all were in favor and none were opposed. Eileen introduced Scott and Rachel Frasca of 326 Coles Mill Road, and stated that they were present to have their variance request for 3 additional dogs to be heard in front of the Board. The residents both stated their names and addresses and were given the Oath, and agreed. Charles Fiore, Township Esquire introduced himself to everyone and stated that he has given all of the Board Member Chapter 280-3 Section C, Subsection 3 to review as these are the conditions to help in the Board decisions as to whether they grant or deny the variance. Eileen asked if all the proper documentation was turned in, and Vicki confirmed that it was.

Mrs. Frasca explained to the Board that the six dogs include their two original dogs, who are the parents to the other four. There is a new litter of ten puppies who are almost ten weeks old, and they are all going to be going to forever homes. She explained the connection that her children have between them and the dogs, and that each child had a special need that the dogs help them with as a form of therapy.

Jerry asked if any of the children have respiratory issues, and the Frasca's said no. Jerry asked if the dogs sleep in bed with the children and the Frasca's said yes. Jerry asked if the County Animal Control Inspector has been out to the property, and Vicki explained that there is only inspections when someone breeds, boards and sells animals. Jerry asked if they are up to date on the rabies vaccines and Mrs. Frasca said yes. Jerry asked if they are all licensed and Mrs. Frasca said that there are three licensed and the other three will be licensed if they receive the variance. Mr. Frasca said that all the dogs are insured through Banfield. Jerry, lastly asked, if they receive any assistance for food. The Frasca's said that they don't.

David asked if there is a fence around the yard, and the Frasca's said that there is a fence in the back of the yard, and an invisible fence around the yard, yet the 4 one year old dogs are not yet trained on the invisible fence, so they currently use a pen. David asked if there was any intention to keep any of the puppies, and the Frasca's said that they did not.

Eileen asked the Frasca's to clarify the number of dogs in the household. Mrs. Frasca said that there are 6 dogs which are included in the variance and there are ten puppies in the litter, and only six are left. Eileen stated that in one the pictures there looked to be eight dogs, and asked them if there were any that passed away. The Frasca's stated that they did have 2 dogs pass away since that picture was taken. Eileen asked how they came

upon applying for the variance. Mrs. Frasca said that Animal Control was called because someone claimed to see one of the since deceased dogs in the front yard, and upon Animal Control visiting the property they were notified that they needed to go to the Municipal Building to apply for a variance since they had more than 3 dogs.

Barbara asked how old their children are, and Mrs. Frasca said that they are 16, 11, and 10. The Frasca's spoke briefly about the children's reactions to the losses of the deceased dogs in response to Barbara asking how they have handled each one.

David asked if there are any other animals in the house, and the Frasca's said that they have one outside cat that they have not gotten licensed.

Rene asked the Frasca's how old the dogs are, they said that the parents are two years old, and the other four are one year old. Rene asked if all of the one year olds are fixed and they said yes, only the parents are not. Mrs. Frasca said that they are going to get one of the two fixed in the next two weeks.

Dan asked how old the puppies are, and Mrs. Frasca said ten weeks old. Dan asked how long it will be before the puppies go to their forever home, and Mrs. Frasca said about a month. Dan asked if any of the dogs are certified therapy dogs and they said no.

At this point, Mr. Fiore went over the criteria for granting the waiver in Chapter 280-3 Section C, Subsection 3. He said that there looked like a pen area in one of the photos and asked the size, 15 x 40. Mr. Fiore asked if both Mr. and Mrs. Frasca work and they said no, that Mrs. Frasca homeschools the children. They were asked where the dogs spend a lot of their time, and if they are in the pen frequently. Mrs. Frasca said that they are only usually in the pen to go to the bathroom and that they have an open door so they can go in and out freely. Mr. Fiore asked about feces removal and asked how they remove it. They said that their sons do it. Mr. Fiore asked the Frasca's how far adjacent properties are from the house. They said to the left side there is nothing, and to the right side there is no resident living there since the owner is deceased. Mr. Fiore asked if there is any knowledge of a nearby kennel, and Mr. Frasca said that there is a guy on Coles Mill Road that breeds dogs. Mr. Fiore asked for a description of their home, they said it is a one story 1400 square foot home with four bedrooms. Mr. Fiore asked the dogs pedigree and the Frasca's said they are full bred German Sheppard's. Mr. Fiore asked if there were any other complaints against them that they know of and they said no. Mr. Fiore made clear they are in the R-D Zone. Mr. Fiore asked if the dogs served some purpose related to the use of their property. The Frasca's said that they are used as protection for their family, as well as their enjoyment and love. Mr. Fiore made it clear that the burden of proof falls on the resident, to prove to the Board that they should be granted the variance.

Mr. Fiore also stated that there was a representative from Gloucester County Animal Control who was present. Vicki announced that there was no neighbors in attendance who were notified of the hearing.

Mark, an Animal Control Officer with Gloucester County was present to speak to the Board. He said he has been an Officer for 14 years and responded to their residence in May because of a complaint of a dog running in the roadway. At the time of inspection, there were seven dogs and one has since deceased. In the report from that inspection, there was a dog reported to have a skin condition that they could never verify if it received vet treatment. The County also reported that there was outdoor maintenance violations reported when they were out there as well, including trash, debris and animal waste. Mark gave the members of the Board a photo from that inspection and Chuck identified Board of Health – 1 from May 12, 2014. Mark said that he did an inspection at 4:30 today and that the violations are still existing. He noted they do also have a violation for an unlicensed cat on the property. He also stated that the front porch and gate were corrected. He also mentioned that there was a strong odor coming from the house, but he was never able to do an inspection of the interior of the house. Mrs. Frasca addressed some of the issues that the Officer claims are still in violation, and said that they have been corrected. The Officer commented that there was a day between May and today where there was improvement that he had witnessed but when he returned early today the issues that are considered a violation were present again. Mr. Frasca stated that the Officer is welcome to make an appointment to revisit the property in the future when he and his wife are home to do an inspection of the whole home and property and said that the pen fence would be removed in the next few weeks.

Eileen asked if the violations were given in written form, and the Officer confirmed that they were given a written violation.

Rene asked about the buildings on the property and if the dogs have access to that area, and the Frasca's said no.

Dan asked the Officer to clarify if debris included feces, and the Officer stated that he did not get into the area to be able to see the amount of feces.

Rene asked about the skin condition and its current condition, and the Frasca's state that no other dogs have it and the dog who had it has since deceased. Rene also asked about the new litter getting their shots and the Frasca's said they administered the first shots and they will make the appointments for the mom and dad dogs to get fixed in the next week or so.

Barbara asked the Frasca's plans if their variance is denied, and Mrs. Frasca stated that if it is denied they will have to move out of town.

Rene also noted that the Township offers a free rabies clinic every year.

With no further questions from the Board, Eileen thanked the Frasca's for their time and information to help the Board make their decision. Mr. Fiore noted that once this public portion is closed, there is no one allowed to interject. If there are any further questions, they are permitted to answer.

Jerry mentioned wanting a letter from the physician stating their approval of the dogs in the house. Mr. Fiore let Jerry know that legally the Board is not allowed to do so.

Barbara made a motion to approve the variance with the following conditions, and Eileen 2<sup>nd</sup> the motion.

- (2) Older dogs must be spayed within 60 days and provide proof to the Board of Health Clerk.
- Permitted to have the 4 One year old dogs.
- All puppies must be sold
- As each dog passes away they are not to be replaced and once at three, remains at three.
- County follow up on the condition of the property
- All of the dogs must be licensed
- All areas should be cleaned frequently of fecal matter.

Vicki advised the Frasca's that upon the approval of the variance, if it is approved, the cost is \$175.

Mr. Fiore said that the conditions will include full compliance of Ordinance 280-3 and will name the dogs approved, if it is.

A roll call vote was performed of the Board Members...

Barbara – Yes

Jerry - No

Eileen – Yes

Rene – Yes

Dave – Yes

The variance for the 6 dogs at 326 Coles Mill Road for a total of 6 dogs was approved.

The members thanked Mr. Fiore for coming to the meeting.

The public portion was closed.

#### **APPROVAL OF MINUTES**

Rene made a motion to approve the minutes, as submitted, from the September 3, 2014 Meeting of the Monroe Township Board of Health. The motion was seconded by Barb and approved by all members

#### **CASH SETTLEMENT REPORT:**

Eileen reported the cash settlement for September as \$5,220.09

**REPORTS:**

**VICKI MACHULSKY**

Vicki is looking for other Mobile Home ordinances, and let the members know she is still working on it.

**DAN KOZAK**

Dan had nothing to report.

**COUNCILMAN MARVIN DILKS**

Cncl. Dilks was not present.

**RENE PANDOLA**

Rene had nothing to report.

**BARBARA CHAMBERLAIN**

Barbara asked where the funds brought in by the Board of Health go, and Vicki said that goes to General Fund.

**JERRY CONTE**

Jerry had nothing to report.

**DAVID SCALES**

David had nothing to report.

**EILEEN FERGUSON**

Eileen had nothing to report.

With no further business to discuss, Eileen asked for a motion to adjourn. Jerry made a motion to adjourn the Monroe Township Board of Health meeting of October 8, 2014 and it was seconded by Barbara. All were in favor and the meeting was adjourned.

Respectfully submitted,

Tara Park  
Clerk Transcriber

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.

Approved as submitted \_\_\_\_\_ Date \_\_\_\_\_

Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_