

BOARD OF HEALTH MEETING MINUTES

October 26, 2015

Board Members Donna Bagni, Chair; Thomas Driscoll, Clerk; Gary Fine, Member; Lisa Cullity, Health Agent, were present. The meeting opened at 6:30 p.m. Chair Bagni read the following statement: *"Please note that this meeting is being made available to the public through an audio recording, which will be used to ensure an accurate record of proceeding produced in the minutes of the meeting. All comments made in open session will be recorded."* The Board signed payroll and reviewed any correspondence. Driscoll moved to accept the minutes from the September 21, 2015 meeting; Fine seconded. All in favor.

22 Valley Road – septic variances as follows: (1) allow the proposed SAS to be 18' from a cellar wall instead of the required 20', and (2) allow the proposed septic tank to be 7' from a cellar wall instead of the required 10'. The lot drops off and there are space restrictions. Driscoll moved to allow as written; Fine seconded. All in favor.

Kristine Fraser, Administrator, Town of Pembroke Septic Betterment Loan Program. Fraser stated that the final septic system repair / replacement for Cross Creek is about to take place. Due to a sharing of the septic system, each property owner must share the cost of any replacement or repairs to the system that serves their particular section of Cross Creek. One property owner of Cross Creek has filed for bankruptcy and owes back fees to the Town for trash/recycling and water. The owner wants to apply for a Betterment Loan as part of the payment sharing. Fraser requested that the Board require this owner and any other property owner who wishes to apply for the Loan to pay all back trash, water and any other outstanding assessments before being allowed to apply for the Betterment Loan. The logic being if the property owner cannot pay what is already due to the Town, how can an owner repay the Betterment Loan. Also, if the owner is awarded the bankruptcy, the other HOA members of Cross Creek may be required to pick up the balance of the cost of repair / replacement and the Town may have to absorb the other back fees that are owed. Bagni suggested to table the decision until the Town hears from bankruptcy court. Driscoll moved to table the decision; Bagni seconded pending more information. All in favor.

18 Adams Avenue – Livestock complaints against Timothy Beane, son of property owner Lee Beane, regarding the crowing of his pet rooster "Mr. Chew". Several of the residents from Adams Avenue attended. Cullity reiterated the livestock regulation regarding roosters and peacocks as follows: *"Roosters and peacocks may be kept so long as they do not become a public nuisance. No crowing of male birds that can be heard for a distance of one hundred (100) feet may occur before 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays and Sundays. (Birds may be silenced by shutting them into an insulated building and letting them outside after the proper time.)"* Various complaints have been documented by the Pembroke Police Department (none from October 12-17, 2015). Some were referred to the Animal Control Officer, William Hart. Health Agent Cullity stated she had 17 complaints of incidences. Beane stated he made changes about a month ago by making a smaller, quieter house for the rooster to help with the noise from the crowing at inappropriate hours. The new house passed the livestock inspection by the Health Agent. He apologized for any inconveniences. Timothy Beane stated that since he works from 4 p.m. until midnight, his father, Lee, tends to the birds during those hours as well as some of the daytime while he sleeps. Timothy also said that he will get rid of the chickens and rooster to keep the peace but

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will need about a week or so to do so. Karen Lunny, 14 Adams Avenue, agreed to the removal of the birds. Driscoll stated that since it is usually more difficult to find someone to take the rooster, most likely the rooster would be disposed of. Michael Bernick, 9 Adams Avenue, asked about how long roosters live. Cullity answered anywhere from 5 – 15 years. Linda Morris, 22 Adams Avenue, voiced her complaint about the noise. Bill Connelly, 12 Adams Avenue, and a resident for 25 years, said he has complained to the Police Department and the Board of Health about the nighttime crowing hoping for a resolution. Timothy claims no neighbor actually approached him personally about the issue. Timothy also stated that he and his family are planning to move to another town in a few months and that he'd like to be able to take his birds with him but is unsure if he'll be able to. Cullity offered to help out with the relocation of the rooster to another local farm. Bagni invited any others to speak at that time. No one spoke. Bagni offered some Board of Health recommendations: (1) a fine of \$50.00 per day per complaint within a 24-hour period, (2) revoke the livestock permit, (3) order the birds to be removed. Bagni also would like the Health Agent to try and find an adoptive home for the rooster to avoid its disposal. Bagni moved to give Timothy Beane one week to remove the birds; Driscoll seconded; Fine amended the motion to 2 weeks. Bagni then moved to give Beane 2 weeks from the date of the meeting (November 9, 2015) to move the birds to a new home with Cullity's help or they will be subject to disposal; Driscoll added imposing a fine after those 2 weeks; Fine seconded. All in favor.

Driscoll moved to adjourn at 7:25 p.m.; Fine seconded. All in favor.

Donna Bagni
Chair