

BOARD OF HEALTH MEETING MINUTES

January 9, 2017

PRESENT: Donna Bagni (Chair), Gary Fine (Clerk), Gail McSweeney (Member), Lisa Cullity (Health Agent), Sheila Landy (Secretary), PAC-TV, WATD and others (see Exhibit A).

At 6:30 pm Chair Bagni opened the meeting and 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 proceedings produced in the minutes of the meeting. All comments made in open session will and are being recorded."*

Payroll was signed.

Minutes

December 5, 2017: Bagni made a motion to accept the December 5, 2016 minutes as written. Fine seconded and all were in favor.

Correspondence

The Town received the "2015 Water Fluoridation Quality Award" from Water Fluoridation Reporting System and the Executive Office of Health and Human Services, Department of Public Health, the Commonwealth of Massachusetts. (see Exhibit B)

Bagni distributed an email from Brandi Hopkins, MA DPH regarding the December 5th ServSafe discussion and the following discussion ensued (*see Exhibit C).

Bagni: "Lisa, one thing I would like to verify is, is, that your license has been renewed and is in good standing for ServSafe."

Cullity: "It is a ServSafe Certificate, not a license and, yes, it is."

Bagni: "Perfect. Um, I have one more correspondence that I am going to pass out to the Board. Um, it is not on the agenda. I want to give everybody a chance to read it and take a look at it. I'd like to schedule discussion on it. Um, on our December 5th meeting, Gail was good enough to go back and take a look at the licenses..."

McSweeney: "Mm-hmm."

Bagni: "...In regards to, um, finding out that there was a lapse in our Health Agent's, um, license. I also, um, reached out to the Department of Public Health myself, to Brandi Hopkins. I was really concerned about the fact that, um, out of the 11, um, re-inspect or inspections that Lisa had done without a, um, updated certificate number, that we were gonna have somebody turn around and re... examine or... go in and re-inspect these. This actually... were two specific questions that I asked from the Department of Public Health for their answer to the Pembroke Board. I just need to make sure nothing was done illegally. I just wanted to double check..."

McSweeney: "Madam Chair, did you ask her about the schools. The fact that the schools were inspected at the closing and at the beginning because they are under the state category."

Bagni: "Ah, I asked her in regards to the fact that anything that had been done, whether it was a new restaurant, a school or a... inspection of a food facility. They were, they are not illegally, they were not illegally done, therefore, we do not have to have them redone. Moving forward, Lisa is in compliance with her certificate but I am going to put this on

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as to a discussion in detail now that everyone has my information. So if you could add that to the minutes of the meeting... Sheila, um, can you put it as an agenda item for the next meeting?"

Landy: "Yeah."

Bagni: "Please."

Fine: "Specifically, what are you requesting goes on the agenda, Madam Chair."

Bagni: "I... any discussion, any further discussion between, um, the correspondence directly from the Department of Public Health in regards to food inspections within the town of Pembroke."

Fine: "Meaning the Board members?"

Bagni: "Yes."

Fine: "This is our [???"

Bagni: "Yes."

Fine: "Fair enough."

Bagni: "Um, ok, we are, I want to try before our variance... We have got a really packed, ah, Agenda tonight... um, Lisa, while we are waiting for Toole Trail, can you go right into the private home health code violations?"

Sanitary Code Violations

Cullity advised the board we now 5 private home violation. 2 are clean (still need to be monitored), one is in progress, one is being handled by the state and a new one came in today which will be inspected on Wednesday. Cullity explained the difference between a complaint and an actual violation. We have an all-time high of private home violations.

Sanitary Code Violations at Two Commercial Locations

The commercial properties with septic issues are being addressed by professionals. Cullity will update at the next meeting.

Board of Health Office Activity – Lisa Cullity/Sheila Landy

Sheila Landy reported the window is slowing down a bit. Most of the license renewals have been processed. There are some stragglers with paperwork and applications.

Flu Shot Update

Cullity the flu clinic had a low turnout. There is no need to contact Rite Aid for a clinic.

Cannabis Committee

Fine reported he had not been contacted by the Committee. Cullity reported she spoke to Chief Wall and they were still laying the ground work, prioritizing Town wide issues, and Mr. Fine would be contacted.

13 points of interest pertaining to the Pembroke Local Regulation Upgrades

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Fine made a motion to table the 13 points of interest until the next meeting. Bagni seconded the motion and all agreed.

Budget

Cullity passed out the budget for Fiscal Year 2017 based on talks with Advisory. The Board will be advised when Cullity is appearing before Advisory. See Exhibit D.

70 Toole Trail – Septic Variance Request, Stephen Leaman, the owner, and Paul Seaberg, Grady Consulting, LLC. There were no abutters in attendance. McSweeney made a motion to accept the variance as written. Fine seconded. McSweeney and Fine voted for it and Bagni abstained. Variance accepted as written. For Variance details, see Exhibit E.

First Church – Gail Simm, Rev. Dr. Matthew Jackson, Julie Bosworth, Ginny Wandell, and Andy Wandell appeared before the Board to discuss a problem that occurred at the Tree Lighting celebration in early December. First Church as a non-profit is allowed by the state to have “pot luck” type events without a food permit or inspections. First Church asked for “checklist” to use for future events. The annual fair will continue to apply for a permit as they are not a non-profit.

Dr. Lester Hartman – Dr. Hartman presented statistics regarding early smoking and lifelong addiction to nicotine. Dr. Hartman brought samples of flavored e-cigarettes and explained how they are also addictive. See Exhibit F for the handouts.

Plastic Bag Initiative

Cullity informed the Board the Selectmen want to know the Board’s opinion on banning plastic bags. The Board has the authority to ban plastic bags in the Town of Pembroke. Cullity suggested Deb Wall of the Pembroke Public Library put out a survey through Survey Monkey on the Town’s website to get the residents opinions. The Board would like to see the question(s) before the Survey is published. Cullity will research existing plastic bag surveys to garner some questions for the Board to choose from.

Health Agent Contract Renewal

Bagni: “Now we are moving on to the Health Agent’s Contract Renewal. Um, the job description discussion, um, with the hour of the evening almost, creeping up on ten after eight and the description, I would like to make a motion to table that portion of that item for... next

McSweeney: “Next meeting...”

Bagni: “Next meeting, please. Um, do I hear a second?”

McSweeney: “Second.”

Bagni: “All in favor?”

Bagni: “Aye.”

McSweeney: “Aye.”

Fine: “Abstain.”

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- Bagni: "Abstain. Ok, Gary abstains. I would like a motion to accept the, ah, contract as written for Lisa Cullity, um, renewal of our new and ongoing Health Agent. Do I hear a second?"
- Fine: "I'll second that motion."
- Bagni: "All in favor?"
- Fine: "Aye."
- Bagni: "Aye."
- McSweeney: "Madam Chair, I think that, um, this is something that goes along with the job description and discussions along with the contract vote and I feel this is something that needs to go into executive session, according to Kopelman & Paige."
- Fine: "Point of reference."
- Bagni: "Thank you."
- Fine: "These... the reason I abstained on the previous motion made by Madam Chair is because I have... I have been saying and tried to articulate my point at the last three Board of Health Meetings. The job description is a separate, living, breathing item. We should be voting on the contract."
- McSweeney: "It is not and I..."
- Fine: "If I may finish?"
- McSweeney: "You may finish."
- Fine: "We should be voting on the contract and voting on the motion that was made by Chairman Bagni. The job description and I know that you feel differently. You're entitled to your opinion. In my opinion, I feel strongly that the job description is a separate item that we should be working on in the New Year. We do not have to combine those two and they should not be combined."
- McSweeney: "Well, they're combined in the DPW."
- Fine: "So?"
- McSweeney: "I talked to the Director of the DPW. What do you mean, 'so,' Gary? You are going out of line. You're... This is what everybody wanted to be so legal. We're going with Kopel and Paige. We do need to discuss the job description."
- Fine: "Well, I believe ...
(at the same time)
- Fine: "...that the motion has just been voted on"
- McSweeney: "And the job description and, excuse me."
- McSweeney: "The job description and the contract go hand in hand."
- Fine: "I respectfully disagree."
- McSweeney: "A contract is of what our employee is doing for us. The contract, she has to have a description of what she is doing for the Board. They go hand in hand."
- Fine: "They do not go hand in hand."
- McSweeney: "They do. If you would like to talk to Mr. Fulmine down in the DPW, that is what I was advised by him. And I would suggest this go into Executive Session."
- Bagni: "Well, I have a problem because we, on the job description, um, we have already made a vote. We just ruled..."
- McSweeney: "Who made the vote on?"
- Bagni: "to be tabled."
- McSweeney: "Yup."
- Bagni: "There was a second. Sheila, who did you get second for on that?"
- Landy: "Um, Gail."

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McSweeney: "You wanted to table it. Til next week."

Bagni: "Yup, I tabled the job discussion."

McSweeney: "Right."

Bagni: "the job description because there's two separate points here."

McSweeney: "Right."

Bagni: "Under the Contract Renewal, we voted to table the discussion of the job description, because, remember the contract doesn't go into effect until when?"

(at the same time)

McSweeney: "March."

Fine: "March."

Bagni: "In March. So we have until March to fine tune a job description but we are voting to accept her contract, now. And then we will, by, I'm hoping, by mid-February have her job description all etched in stone because there are certain things under the Mass Board of Health..."

(at the same time)

McSweeney: "There are a lot of things."

Bagni: "Regulations"

Bagni: "Well, there are a lot of things."

McSweeney: "There are a lot of things and they do go hand in hand and I will not vote for that."

Bagni: "Well, ok, so are you abstaining from my motion to vote the contract, to vote to approve the contract?"

McSweeney: "I'm voting no."

Bagni: "You're voting no. And Gary, did you...Li, um, Sheila, do you have Gary's vote?"

Landy: "You made the motion, Gary seconded."

Bagni: "Ok. So...ah?"

Landy: "There wasn't an actual vote. That was... Right? Because you make a motion and now..."

(multiple people speaking garbled)

Bagni: "I made a motion and now I have to call for a vote. So I'm calling for a vote. I'm in favor. Gary?"

Fine: "I already expressed yes."

Bagni: "You're in favor. And..."

McSweeney: "No."

Bagni: "Gail is no. So now, we have another motion, I believe, that Gail request... Gail has requested that this be taken into Executive Session. We have..."

Cullity: "You can make a motion to go into Executive Session right now. The reason has to be stated and, um, it has to have a second. Um, I will note that you don't have an Executive Session item on your agenda tonight."

Bagni: "Nope."

Cullity: "So that will be an issue. Um."

McSweeney: "It will be."

Cullity: "You, you would probably be better served by putting it on, if you were inclined to have an Executive Session, um, item next meeting. You could certainly put that on. You have to state your reasons for it."

Bagni: "Right, but we already have taken two separate votes on each bullet point. On two bullet points so..."

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- McSweeney: "Well, under Kopel and Paige job description, if we are going to discuss this with Lisa, It needs to go under Executive Session unless she wants it done in an open meeting. Ah."
- Bagni: "Well, what we're discussing with Lisa would be her job description, not her contract. We can't change her contract. We can't negate her contract in any way, shape or form."
- McSweeney: "Her contract is not up until March 24th or something."
- Bagni: "Right, but we have been..."
- McSweeney: "2017. Why would we not get the job descriptions and job duties in order first. And now, we've seen several things happen that, um, have kind of gone to the wayside. I want to make sure that we're operating under the law and under what we're supposed to be. What our first and foremost obligations are. And in the job descriptions we go off and we are not, um, our food service in the past year hasn't been right."
- Cullity: "That's incorrect."
- Bagni: "That's incorrect."
- McSweeney: "That is not incorrect. We have had a..."
- Cullity: "That's incorrect."
- McSweeney: "...Health Agent without a ServSafe license."
- Cullity: "It is not required. It is not required."
- McSweeney: "Donna, can you sell a house without a license?"
- Bagni: "No."
- McSweeney: "Gary, can you marry someone without a license? Ok."
- Fine: "Ha. Hmph. Good question."
- McSweeney: "Ok."
- Fine: "I'll, I'll answer it. I believe Ms. Bagni cannot sell a house without a license. I cannot marry someone without a license. It is my understanding, I might be wrong, but having the ServSafe Certification, although very advantageous for a Health Agent to have, is not a requirement to do an inspection."
- Cullity: "You are correct."
- Fine: "Oh, whew, ok..."
- McSweeney: "When we are inspecting schools, you don't need any credentials? That's what you're telling me?"
- Cullity: "That is correct. And Brandi confirmed it in writing."
- Bagni: "Correct."
- McSweeney: "I, um, really wanted to fix the ServSafe situation, put us back into order."
- Cullity: "It is fixed."
- McSweeney: "No, it's not fixed."
- Cullity: "How can it be fixed?"
- McSweeney: "Cuz now I feel that I need to make a couple more calls to the State."
- Cullity: "Please do."
- McSweeney: "Thank you, I will."
- Cullity: "Brandi confirmed it in writing."
- McSweeney: "Well, Bran..,you know, I don't know what the conversation was with Brandi, first of all. Secondly, Ms. Cullity."
- Bagni: "Well, there's, there's two set questions. There are two..."
- McSweeney: "I don't see anything with schools in there. Do you?"
- Bagni: "Ok."

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McSweeney: "Do you? That's the State."

Bagni: "Alright, then we will, we will, we will..."

McSweeney: "I'm going to do my homework and we will meet back and we will have our meeting."

Bagni: "And we need it in writing form because there's a discrepancy..."

McSweeney: "Most definitely. I've done everything in writing."

Bagni: "I know you have but..."

McSweeney: "Thank you."

Bagni: "Ok, but from Brandi at the, at the Department of Public Health, ok, um, and right now, I will be more than happy to put the job description... we will diligently continue working on it but... I made a motion, the points were addressed, they were voted."

McSweeney: "I don't understand the urgency for, re, er, re-upping a contract three months prior to its, its due date. I don't understand why the job qualifications. The Board does not, um, recognize what the duties are along with the contract. Now, again, if you want to, talk to Mr. Fulmine because I had an extensive conversation with him and they are tied together. The same as the Police Department. He is under legal obligation for certain things. And those go back to you your contract. Those go back... the contract goes back to your duties. Everybody."

Bagni: "We have..."

McSweeney: "Everybody that has a license has a license for a certain reason. What would stop anybody out there from saying, 'Oh, I'll just go inspect this. I don't need a ServSafe license. I'll just go inspect it and it will be legal.'"

Bagni: "It is a certificate. It is a cert... Lisa?"

McSweeney: "It... Even as a certificate..."

Cullity: "I don't know how to answer the question any more clearly than asked. I asked Brandi exactly this, 'What is the requirement to perform food inspections in the Commonwealth of Massachusetts.' There is not a separate thing for schools. It is for any licensed food. I said, 'Brandi, I want to understand because maybe I am reading the code wrong.' I did not respond to statements you made during the meeting because I wanted to be certain. I didn't know if there had been a code change. She read off the line of the opening statements of the food code regarding inspections. The qualification is that the inspector must be trained. Actually, taking a ServSafe course is not a requirement to perform food services establishment inspections in the Commonwealth of Massachusetts. Training, however, is. I did twenty-five hours of training with Nancy Funder when I originally took this position. She had been doing food inspections for over a decade and I did my training with her. I went out with her. I did a lot of hands on field work, both in Pembroke and Hanover to make sure that I understood what I was looking at with a licensed food inspector. The requirement from the state: there's no formal course, there's no exact license. Brandi said the state's even actually thought about working on this but at this time has nothing. The requirement to the state is to show that you are adequately trained to do so. They consider training with another inspector to be adequate. They consider having taken ServSafe to be adequate. There is no requirement to maintain an active ServSafe to perform these inspections. That was her exact statement to me and I said, 'Are you certain on this? There seems to be some confusion. She said, 'I'm absolutely certain.' She said, 'But as a further step, I am going to confirm it with my director.' She went back, she confirmed with her director, she called me back and she said, 'No, my understanding of this completely, ah, it aligns with the director's. This, this is what it

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says, 'It says you are adequately trained.' I said, 'Brandi, I want to be clear. I did some inspections within this one year period. Do you feel in any way, shape or form these inspections are invalid, illegal or need to be re-performed?' She answered me, 'Absolutely not.' She said, 'We would consider them as valid as any other time that you would have performed them.' I don't know what to do beyond that. The knowledge doesn't get extracted from your head. The experience doesn't get extracted from your head with the lapse of a piece of licensure. Now, having said that,..."

(at the same time)

Cullity: "...it is not a license. It is..."

McSweeney: "No, but they do get updated. It's been updated since..."

Cullity: "Mm-hmm."

McSweeney: "...two thousand fourteen."

Cullity: "Mm-hmm."

McSweeney: "She said there were significant changes. The test was ex...was much more complicated and difficult than the first, than the test prior to two thousand and fourteen."

Cullity: "Mm-hmm."

Fine: "Lisa, when you ff, when you were made aware, and very, a good job, when you were made aware that your ServSafe had expired, approximately how, sorry Donna..."

Bagni: "Mm-hmm."

Fine: "Approximately how quickly, how many days transpired when you actually got your license?"

Cullity: "Six."

Fine: "Six. So you were all, you were all over it. I'll also tell the board, and I may have mentioned this at the las m..."

McSweeney: "That's. You took the test on the 12th?"

Cullity: "I don't... I'd have to count the days. You made me aware on a Monday night. I called Arthur Bloomquist the next day. I think he had..."

Fine: "It was less than a week, Lisa."

Cullity: "It was less than a week."

Fine: "Uh, ok...and..."

Landy: "You took the test on the fourteenth."

Cullity: "Thank you."

Fine: "I may, I'm not sure if I brought this up to the Board and, really not related to the ServSafe, ah, issue, I had asked because I wanted to go out on an inspection and I went out with Lisa and I went to the Disch. And it was my first one so I don't know what I don't know but, Lisa, you couldn't have been, in my opinion, again, it was my first inspection with Lisa but she couldn't have been more thorough and more exhaustive and so I applaud you in what I saw you do at the Disch Restaurant. I mean... this, this issue, and, um, I don't have the Agenda in front of me. Was the ServSafe even on here? I mean, I'm not..."

Bagni: "No."

Fine: "You would, ok, so I'm welcome to continue to have this discussion. I don't know if we need to put it..."

Bagni: "Mm-hmm."

Fine: "...on our Agenda for next week. You know, I, I think..."

Bagni: "Yup."

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Fine: "Want to make sure that..."

Fine and Bagni at same time:

Fine: "...the whole Board is happy."

Bagni: "I think, I think there will be more things on the Agenda for next meeting."

McSweeney: "Mm-hmm."

Fine: "Just to revisit, I think we got into ServSafe when we were talking about the contract. We hav vv... There was a vote taken tonight..."

Bagni: "Mm-hmm."

Fine: "...on the job description. And I didn't mean to imply that the job descript... the job description of what the Health Agent does is critical, should be examined tooth and nail, should be broken apart. So I don't... I, I think we're exactly on the same page. I do feel, and we have a difference of opinion, I do feel it is a separate discussion. So, you had brought up the motion to table the discussion on the job discussion."

Bagni: "Mm-hmm."

Fine: "The two of you voted. Done deal."

Bagni: "Correct."

Fine: "We then voted on the contract."

Bagni: "Correct."

Fine: "Done deal."

Bagni: "Correct."

Fine: "Ok, thank you."

Someone: "Yup."

Bagni: "Ok, unless we want to talk about this further, can we put ServSafe on the Agenda for next meeting? Our next meeting is... What's that date, Lisa? I don't have my glasses."

Cullity: "I'm sorry, the 23rd."

Bagni: "23rd?"

Fine: "So, help me just, so I know. What? What is the issue that we are putting on ServSafe? The, ah, are we still discussing the eleven schools that weren't, ah, wha, I'm not sure."

Bagni: "Well, I, I think that, I think that Gail, um, as well as myself and/or Lisa want to query the public, um, ah, health department in regards to the fact of if this statement is, of the schools being tested. There were eleven, well there were eleven that Lisa did. I don't know how many of them were schools. We don't have eleven schools."

Cullity: "There were five."

McSweeney: "Yes."

Bagni: "Five of them were schools? So, it's the schools I believe that you are in question with? Not the establishments..."

McSweeney: "Nope, not the estab..."

Bagni: "...of the other six."

McSweeney: "Yup."

Bagni: "But I think we need to research this more and I think that we need to, for transparency, we need to get the answers to make sure that we are all on the same page. So that is what will be on the format, um, for the agenda about ServSafe. We will bring up in detail the job description discussion. But as the votes were taken this evening, um, they will stand. So unless you would like to discuss anything further, can I have a motion to adjourn?"

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McSweeney: "I'd like to make a motion to adjourn."

Fine: "Second."

Bagni: "All in favor."

At the same time:

Bagni, Fine, McSweeney: "Aye."

All were in favor.

Bagni: "Good night."

Approximately 8:30pm.

Donna Bagni
Chair

Exhibits Available for Review in the Health Agent Office, Rm 12, Pembroke Town Hall

- A. Attendance Sign-in Sheet
- B. MA Fluoridation Award
- C. Email from Brandi Hopkins, MA DPH
- D. FY2018 Budget worksheet
- E. 70 Toole Trail Variance Request
- F. Dr. Lester Hartman's Handouts

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Exhibit A

PEMBROKE BOARD OF HEALTH
MEETING ATTENDANCE
PEMBROKE, MA

January 9, 2017

Donna A. Bagni, Chair
 Gary Fine, Clerk
 Gail McSweeney, Member

	Name	Address
1	Lina Bonda-Mor	
2	DAVE ANTONIO-MOR	
3	Charles Mathewson	
4	Paul Seaberg	Grady Construction LLC 71 Evenden St, Suite 1 Kingston MA
5	Stephen Leaman	70 TOOK TRAIL
6	Gail Sweeney	
7	REV DR MATTHEW JACKSON	FIRST CHURCH
8	Julie Bosworth	FIRST CHURCH
9	Ginny Wandell	FIRST Church
10	Andy Wandell	First Church
11	Dr. Hartman	60 Needham
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Exhibit B



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

RECEIVED
DEC 09 2016
PEMBROKE BOARD
OF HEALTH

December 2, 2016

Dear Water Quality Awardee,

I am pleased to present you with a *2015 Water Fluoridation Quality Award* from the U.S. Centers for Disease Control and Prevention (CDC). A total of 51 Massachusetts communities received this award. Fluoridation of public water supplies in our country began more than 65 years ago. Today in Massachusetts 70% of our residents, more than 4 million people in 138 communities, are receiving the health and economic benefits of community water fluoridation. Each community's water system reports their fluoride level to the Office of Oral Health. We then monitor and document the results in the Water Fluoridation Reporting System (WFRS) managed by the CDC.

The CDC presents this Water Fluoridation Quality Award annually to public water systems that 1.) Adjust the fluoride concentration of their drinking water; 2.) Achieve a monthly average fluoride level that is in the optimal range for 12 consecutive months in a year; and 3.) Document their fluoride levels in CDC's Water Fluoridation Reporting System.

This award recognizes your investment in ensuring that every resident of your community receives the benefit of good dental health.

Thank you for your hard work and dedication and congratulations on this special recognition!

Sincerely,

A handwritten signature in cursive script, reading "Brittany Brown".

Brittany Brown, RDH, BSDH
Director, Office of Oral Health
Massachusetts Dept. of Public Health

Cc Board of Health
Cc Mayor



2015

Water Fluoridation Quality Award

Pembroke State of Massachusetts

The Centers for Disease Control and Prevention commends this water system for its consistent and professional adjustment of the water fluoride content to the optimum level for oral health for 12 consistent months. Consistent, high-quality water fluoridation practice, as demonstrated by this water system, is a safe and effective method to prevent tooth decay, improving the oral health of community residents of all ages.

Presented by the
Centers for Disease Control and Prevention
United States Department of Health & Human Services

National Fluoridation Engineer, Division of Oral Health
National Center for Chronic Disease Prevention
and Health Promotion



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Exhibit C

RE: Food Inspections for Pembroke MA - Outlook Web App, light version

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Microsoft
Outlook Web App

Type here to search | Entire Mailbox | Options | Sign out

Mail

Calendar

Contacts

Deleted Items (1)

Drafts [20]

Inbox (28)

Junk E-Mail

Sent Items

Click to view all folders

Carolyn Murray - Atty.

Open Meeting Complaint

Sabrina Chicott

Manage Folders...

Reply | Reply All | Forward | X | Junk | Close

RE: Food Inspections for Pembroke MA
Hopkins, Brandi (DPH) [brandi.hopkins@state.ma.us]

You forwarded this message on 12/15/2016 4:12 PM.

Sent: Thursday, December 15, 2016 11:47 AM
To: Donna Bagni

Hi Donna,

In response to your questions:

1. Just to clarify, the Certified Food Protection Manager training credential (often referred to as Serv-Safe) is not actually the inspector's license. In the event of this credential expiring, it would not invalidate the inspections conducted. The inspections do not need to be repeated.
2. It does appear that Pembroke was not on my distribution list and therefore did not get mailed the annual Food Reporting Requirements back in August. In addition to my own distribution list, the Reporting Requirements did go out via the HHAN local health listserve last year (but not this year), so I am not sure whether or not Pembroke is on that list. Pembroke has been added to my distribution list for future Reporting Requirement notices.

I hope that this information is helpful.

Thank you,

Brandi Hopkins, MPH
Outbreak and Response Coordinator
MDPH Bureau of Environmental Health
Food Protection Program
305 South Street, Jamaica Plain, MA 02130
phone: 617-983-6731 fax: 617-983-6770
brandi.hopkins@state.ma.us
<http://www.mass.gov/dph/fpp>

-----Original Message-----
From: Donna Bagni [mailto:dbagni@townofpembrokmass.org]
Sent: Thursday, December 15, 2016 8:15 AM
To: Hopkins, Brandi (DPH)
Subject: Food Inspections for Pembroke MA

Thank you so very much for taking the time to talk to me directly yesterday in regard to the issue that was brought before our official Board of Health Meeting last week.

<https://mail.townofpembrokmass.org/owa/?ae=Item&t=IPM.Note&id=RgAAAACwRMO6ICZQSbaYGpn...> 12/15/2016

BOARD OF HEALTH MEETING MINUTES
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RE: Food Inspections for Pembroke MA - Outlook Web App, light version

Page 2 of 2

It was presented to the board that the health agent's license expired on December 3rd, 2015. This was clearly an over-sight. Food Inspections have continued as required for the calendar year of 2016 and at least 11 were performed by our health agent. My questions to you:

1. Does not having the valid credentials make the inspections illegal or invalidated? Do these inspections need to be repeated now that the health agent's license has been reinstated?

2. Please confirm if the Town of Pembroke was on the state yearly list entitled "Reporting Requirements for Local Boards of Health". When was the last year that this form was forwarded to our Board of Health? If not, please advise when Pembroke was put on this list?

I truly appreciate your time in effort to help clarify the above concerns and the correct information.

Donna A. Bagni
Pembroke Board of Health
781.588.0386 Cell/Text
dbagni@townofpembrokemass.org



Connected to Microsoft Exchange

BOARD OF HEALTH MEETING MINUTES

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Exhibit D

TOWN OF PEMBROKE
FISCAL YEAR 2016 BUDGET WORKSHEET

2013 Actual	2014 Budget	2015 Budget	2016 Budget	2017 Request
Board of Health				
Agent Salary	55,386	54,348	56,045	65,000
Clerical Salaries	43,056	43,056	45,279	45,980
Overtime	2,672	3,000	3,000	3,600
Performance	861	847	847	920
Appraisal				
Longevity	375	750	750	825
Animal Inspector	6,416	6,333	6,525	6,608
=====	=====	=====	=====	=====
Wages & Salaries	108,766	108,334	112,446	123,193
Telephone	300	800	800	800
Copier Lease	1,452	-	1,680	1,680
Advertising	-	130	130	130
Office Supplies	974	1,200	1,000	1,000
Vehicle	2,337	1,000	1,000	1,500
Maintenance				
Travel & Meetings	60	250	250	250
Training & Dues	272	750	750	750
Lab Fees	1,185	1,500	1,200	1,500
=====	=====	=====	=====	=====
General Expense	6,580	5,630	6,810	7,610
Nursing Services and Inspectional Srv	20,000	17,500	20,000	22,000
=====	=====	=====	=====	=====
Purchase of Services-Nursing	20,000	17,500	20,000	22,000

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Exhibit E

TITLE 5 & TOWN VARIANCE REQUEST

1. 15.211 REDUCTION IN REQUIRED SETBACKS TRIBUTARY TO A SURFACE WATER SUPPLY FROM 200-FT TO 70-FT.

TOWN OF PEMBROKE LOCAL REGULATIONS VARIANCE

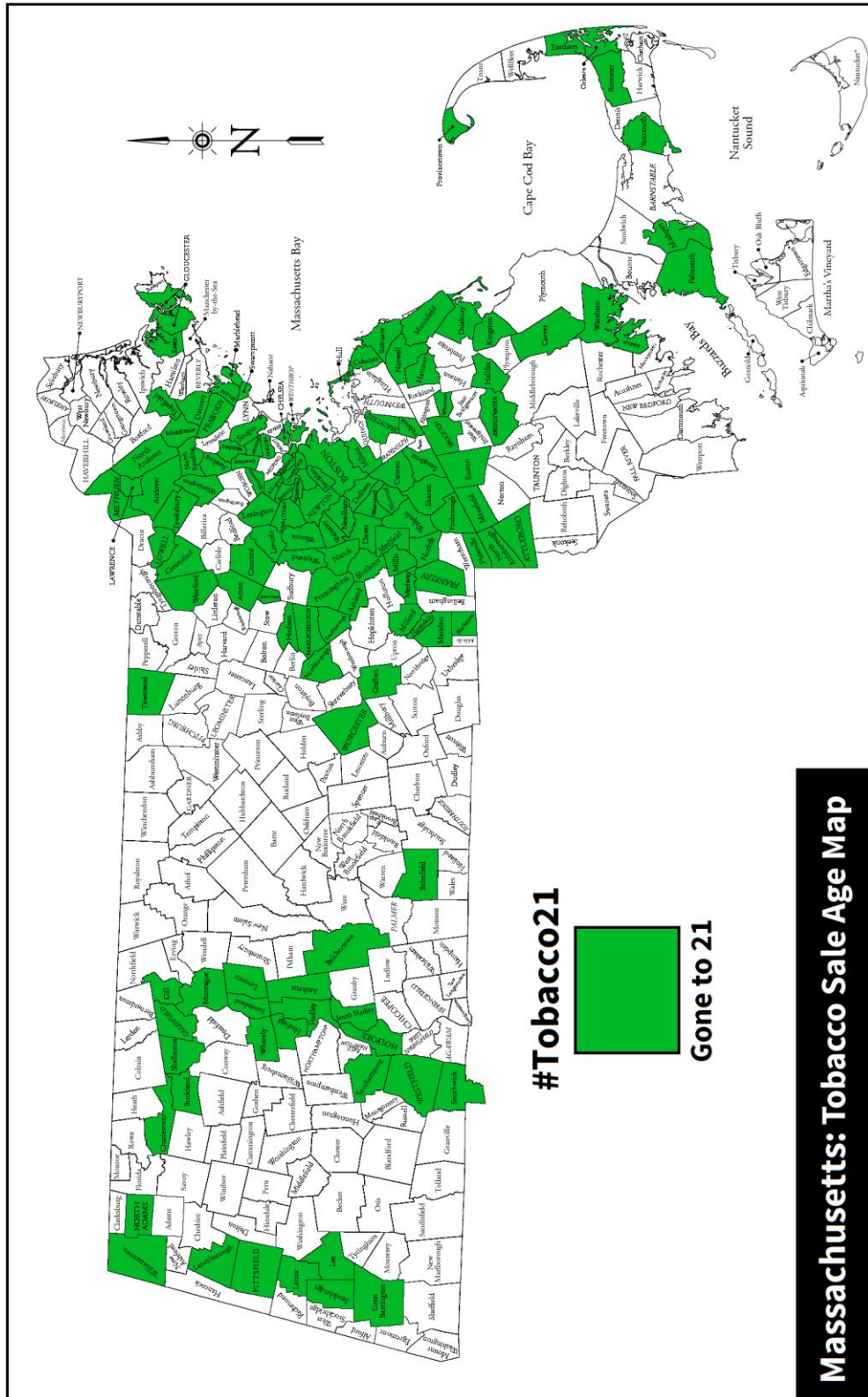
1. 15.203 SYSTEM SEWAGE FLOW DESIGN CRITERIA REDUCTION FROM THE TOWN OF PEMBROKE REQUIREMENT OF 150 GPD/BR TO TITLE 5 REQUIREMENT OF 110 GPD/BR

LOCAL UPGRADE APPROVAL REQUEST

1. 15.405(1)(a) REDUCTION IN SYSTEM(SOIL ABSORPTION SYSTEM) LOCATION SETBACKS TO THE PROPERTY LINE FROM STATE AND LOCAL REQUIREMENT OF 10-FT TO 1.2-FT.
2. 15.405(1)(a) REDUCTION IN SYSTEM(SEPTIC TANK) LOCATION SETBACKS TO THE PROPERTY LINE FROM STATE AND LOCAL REQUIREMENT OF 10-FT TO 1.1-FT.
3. 15.405(1)(b) REDUCTION IN SYSTEM(SOIL ABSORPTION SYSTEM) LOCATION SETBACKS TO THE CELLAR WALL FROM STATE AND LOCAL REQUIREMENT OF 20-FT TO 5.0-FT.
4. 15.405(1)(b) REDUCTION IN SYSTEM(SEPTIC TANK) LOCATION SETBACKS TO THE CELLAR WALL FROM STATE AND LOCAL REQUIREMENT OF 10-FT TO 4.0-FT.
5. 15.405(1)(g) REDUCTION IN SYSTEM LOCATION SETBACKS TO A WATER SUPPLY LINE FROM THE REQUIRED 10 FT. TO 0.4 FT.
6. 15.405(1)(k) ONE DEEP HOLE PER DISPOSAL AREA.
7. 15.405(1)(b) TO INCREASE THE MAXIMUM ALLOWABLE DEPTH OF COVER FROM 36" TO 72"

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Exhibit F



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'Young enough to not die from smoking'

By Rear Adm. John Fuller, commander, Navy Region Hawaii and Naval Surface Group Middle Pacific



With the new state law

beginning January 1, the State of Hawaii is helping us make it easier to quit tobacco – or, better yet, prevent our youngest shipmates from ever getting hooked.

Hawaii is making it easier for smokers to quit.

Beginning January 1, 2016 it will be against the law in this state for anyone under 21 to buy or use tobacco products, including electronic nicotine delivery devices.

Quitting tobacco is one of the best things we can do to improve fitness and readiness.

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I've heard this argument by some shipmates against cracking down on tobacco: "If someone is young enough to die for their country, they should be free to be allowed to smoke."



My advice to smokers: take advantage of these therapies. My advice to nonsmokers: don't start. My advice to leaders in our ranks: lead by example.

But, turning that argument on its head: "If someone is young enough to fight for their country, they should be free from addiction to a deadly drug." Tobacco harms people's physical wellbeing, leads to illness and costs them money.

Some Sailors spend 10 dollars a day on their nicotine habit. That leads to nearly \$4,000 a year and close to \$40,000 in 10 years.

But the long-term costs are much greater. Forty percent of all deaths over the age of 45 are tobacco related. Dr. Jonathan Woodson, Assistant Secretary of Defense for Health Affairs, said in a memorandum last year; noting that "on average, smokers shorten their lifespan by 10 years." I wonder about their quality of life in their shortened lifespan.

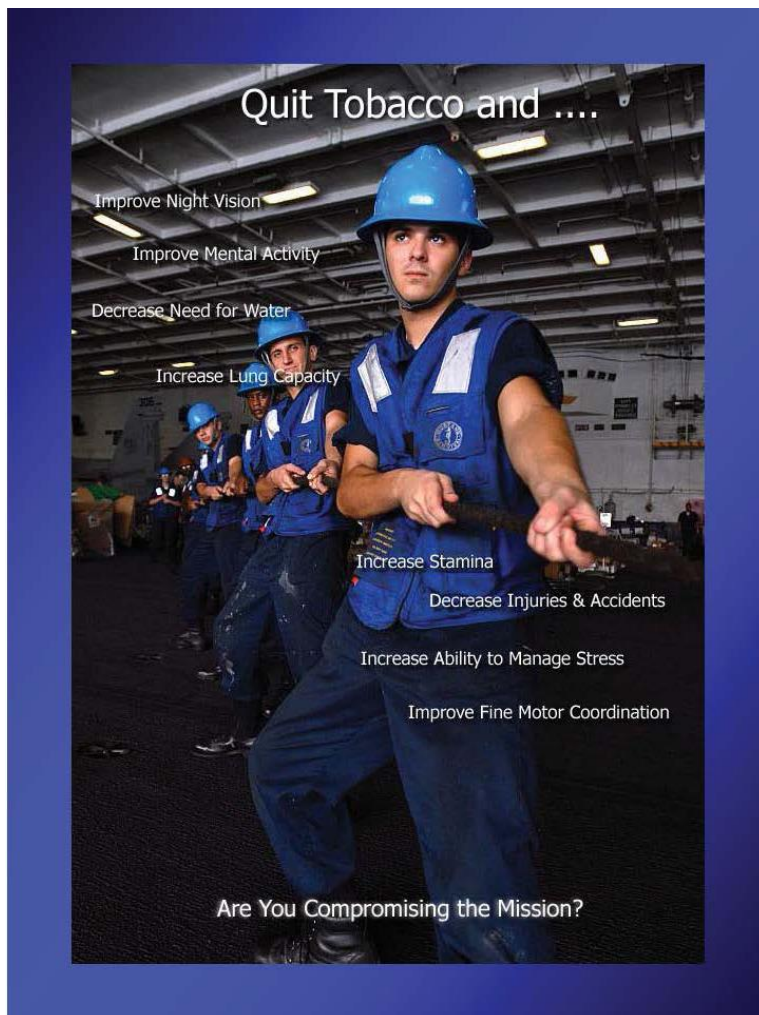
From Dr. Woodson's memorandum:

"Tobacco use undercuts military readiness and harms individual performance. Lung function is reduced, physical capabilities are diminished, hearing loss is increased, and acute medical conditions are more likely. Wounded warriors who smoke suffer from increased risk of surgical complications and delayed wound healing. Additional threats to smokers include higher risk of stroke, cancer and, for males, impotency. Smokeless tobacco brings similarly high risks of

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oral cancers and dental disease. Tobacco use costs DoD an estimated \$1.6 billion annually in medical costs and lost work time.



Quitting tobacco is one of the best things we can do to improve fitness and readiness.

"Smoking is the leading cause of preventable death; one-half of smokers will die from a smoking-related complication. For DoD, this equates to an estimated 175,000 current Active Duty Service members who will die from smoking unless we can help them quit."

[Navy Medicine](http://go.usa.gov/cYtUJ) has long been a leader in helping men and women quit their addiction to nicotine. Medical practitioners and pharmacies provide resources and advice in clinics, aboard ship and online: <http://go.usa.gov/cYtUJ>. Healthcare providers know the dangers to warfighters – increased injuries and decreased stamina and lung capacity – so they provide Nicotine Replacement Therapy (NRT) products such as NRT gum and patches.

My advice to smokers: take advantage of these therapies. My advice to nonsmokers: don't start. My advice to leaders in our ranks: lead by example.

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Secretary of the Navy Ray Mabus said, "Today, tobacco use is the most avoidable public health hazard in the Navy and Marine Corps."

With the new state law beginning January 1, the State of Hawaii is helping us make it easier to quit tobacco – or, better yet, prevent our youngest shipmates from ever getting hooked.

The new smoking age law in Hawaii makes good sense and supports the good health of our service members and their families. It's really hard to make a logical argument against improved health and readiness and cost savings to both individuals and the government – I'm just saying.

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Exhibit G



The Leader in Public Sector Law

Reasons for Convening Executive Session
(M.G.L. c.30A, Sec. 21(a) – Effective July 1, 2010)

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual. (*See Rights of Individuals on reverse.*)
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
4. To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
8. To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.
9. To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.