

BOARD OF HEALTH MEETING MINUTES

January 23, 2017

PRESENT: Donna Bagni (Chair), Gary Fine (Clerk), Lisa Cullity (Health Agent), Sheila Landy (Secretary), PAC-TV, PTN, WATD and others (see Exhibit A). Gail McSweeney was out due to health reasons.

At 6:34 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

Bagni: "In our package, we do have the... minutes of the meeting dated January ninth, two thousand and seventeen, along with all the attached appropriate paperwork. I believe there is one piece missing which was the section in regards to what was referred to in our last meeting about a document, ah, from Kopel and Paige. So I am still waiting to add that to the information package for the June ninth meeting [sic] (should be January ninth) but with that being, ah, not here at the moment, can I, I'd like to make a motion to accept the minutes of January ninth, two thousand and seventeen as written and presented."

Fine: "I'll second that motion."

Bagni: "All in Favor."

Bagni and Fine: "Aye."

Bagni: "Ok, perfect. Next..."

Correspondence

Bagni: "Next thing I'd like to go on to is is that from that last meeting that we held, there was a question that came up in regards to, um, a communication. I'm actually going to leave this until we get down to the item that has to do with the Health Agent's job description but I did send out an email for clarification from legal counsel so I would like to submit this and read it in open meeting and have it attached to our minutes (Exhibit B). The only other correspondence that the Board of Health has received is I received a letter..."

Goldman Environmental Consultants of Braintree, MA notified the Board there is a plume being monitored at 158 Center Street, Law Offices of Mark Avery. Cullity informed the Board it is most likely from the gas station that used to be located where the CVS is at the corner of Mattakeesett and Center Streets. It is not an imminent threat but needs to be monitored. It will have to be dealt with if proposed construction of a new Cumberland Farms continues. Cullity stated until the property is disturbed there is nothing to be done. It is a wait and see situation. Exhibit C.

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Old Business

Sanitary Code Violations

Cullity advised the board of the 5 private home violations, all but 1 are resolved. The remaining violation is being monitored by the Commonwealth of MA. Cullity said she received a call Saturday from Pembroke Police regarding a potential new violation involving a woman and a minor child. The state is involved due to the minor.

Sanitary Code Violations at Two Commercial Locations

The commercial properties with septic issues are being addressed by professionals. One of the facilities has reduced its volume of use for the next couple of months. They will open in the spring and are waiting for some information from the Planning Board so they can finalize their plans. The other facility as an engineering firm retained and they are actively remediating the problem. Cullity will update at the next meeting.

Board of Health Office Activity – Lisa Cullity

Cullity reported the office has been busy. There is still a lot of walk-in traffic, percs, and inspections. She informed the Board a 40B application for Water Street has been received by the Town. The Health Agent has spent a lot of time examining the plans and helping formulate the Town's response and assisting residents in understanding the plans.

At this time Arthur Boyle appeared at the meeting to discuss the Board of Selectmen's OML Violation Resolution.

Attorney General's OML Complaint

Arthur Boyle appeared before the Board to deliver Attorney General Maura Healey's decision regarding Gail McSweeney vs. the Board of Selectmen Open Meeting Law Complaint. The Attorney General found there was not a violation of Open Meeting Law. See Exhibit D.

Board of Health Office Activity (continued) – Lisa Cullity

Cullity stated she attended a meeting with the Town Administrator, the Town Treasurer and the City of Brockton Water Department regarding the dredging of Furnace Pond. Some connections were made and Brockton expressed interest in helping the project to succeed. There is another meeting Wednesday. Cullity asked the Board's permission to work on these large projects.

Cullity informed the Board the Town of Pembroke is down to one vacant problem property (Mattakeesett Street) and it appears a developer is ready to purchase that property and flip it.

Bagni made a motion to allow our Health Agent to continue to be involved the Furnace Pond dredging issue along with the Watershed and the Brockton Water Commission as well as being a reference point for the Town of Pembroke in regards to the 40B that has been requested for Water Street.

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Fine seconded. All were in favor.

13 Points of Interest Pertaining to the Pembroke Local Regulation Upgrades

Cullity stated she had not done much on this packet. She stated she did take a run at the Town Government Study Committee Department Head and Town Board/Committee Member Survey. (Exhibit E)

Bagni made a motion to table the 13 Points of Interest Pertaining to the Pembroke Local Regulation Upgrades for the next meeting. She also requested each member to read over the Government Study Committee survey and Cullity's thoughts before the next meeting and be prepared to comment and discuss it at the next meeting.

Plastic Bag Initiative

Cullity read approximately 35 plastic bag initiatives and recommended the Board take a look at three local area regulations (Plymouth, Dennis, and Wareham). The Agent also presented a draft of Survey Monkey questions. Fine requested this item be on the next agenda. Bagni agreed and requested all members read over the materials supplied by Cullity (Exhibit F).

Cannabis Committee

Fine reported he had not been contacted by the Committee.

Lisa Wells, Manager of Smoke & Ashes

Wells expressed her company's interest in keeping the age to buy tobacco at 18. Her company understands the risks associated with tobacco use. She said it should only be allowed by consenting adults. She would like it to be a state wide mandate rather than a town by town decision. If the age was raised to 21, it would be detrimental to their business' bottom line. Bagni expressed concern about some of the products she saw in her travels earlier in the day as they looked like they would be appealing to the under 18 crowd. Bagni also was concerned about the lack of other smoking cessation materials (Nicorette, etc.). Wells thanked the Board for their time.

Geoffrey Yalenezian, Brennan's Smoke Shop

Yalenezian asked to address the Board and the Chair allowed him. Yalenezian said Brennan's Smoke Shop is fine with raising the age to purchase tobacco to 21. His concern was price setting and banning flavors of tobacco. Yalenezian stated there are flavors of alcohol and it shouldn't be any different for tobacco. Yalenezian's company would like to be the first in line for marijuana retail sales. Yalenezian also thanked the board for their time.

Job Description and Job Contract

Bagni contacted Town Counsel about this topic. Counsel replied they couldn't find any law about a Job Contract requiring a Job Description within it. Exhibit B.

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Bagni: "I think it is important when a statement is made, we are not a responsible Board if we do not investigate what is being presented to us as fact. That we need to go further and we need to investigate more which is what I took upon as the Chairperson. There was a piece of paper. It was not shared with the rest of this board that statements were made. It is the opinion of our town counsel in writing to Pembroke that is no such requirement. So, therefore, from the last meeting that we held, Lisa Cullity, it was voted that she will be our Health Agent and we will renew her contract that she has with the Town of Pembroke which will be in effect for three years. The second item is her job description which fluctuates over the years. So currently on our agenda, we have the job description discussion. Where we do not have our third member here, I am asking whether we want to take it up or we would like to move it and table it for our next meeting."

Fine: "I'd like to make a motion to table the job description for our next meeting two weeks from this evening."

Bagni: "Ok. Ah, I will second that. All in favor? Aye."

Fine: "Aye."

Bagni: "It has been tabled for our next meeting. At that time, Sheila, will you please make sure we have a full copy once again. I know that we all have it but just in case somebody, um, doesn't bring it with them or has a chance...if you could send that all out to everyone to review. That is our third homework assignment for the next meeting."

Landy: "Will do."

New Business

Recording/Handling of New Health Code Violations

There was a request by Fine for a form to be created to report/track health code violations in order to keep the Board informed. Discussion ensued and Cullity and Landy will develop a form and present it to the Board at the next meeting.

Tentative Meeting Schedule

The Board discussed the tentative schedule posted on the Agenda. Bagni made a motion to accept the calendar as written with the caveat the schedule is subject to change due to unforeseen circumstances and/or vacations. Fine seconded and all were in favor.

Annual Town Meeting

Bagni stated Annual Town Meeting Warrant opens February 13, 2017 and closes March 3, 2017.

Cullity discussed the need to amend Article XXXII to exclude livestock permits. The Article addresses the need to deny permits to people who owe money (taxes, municipal user fee, water bills, etc.) to the Town. It would not be feasible for the Town to deny a livestock permit to residents in arrears as the Town would have to seize the animals and then be responsible for their care and feeding. Cullity will work with the Selectmen's Office to change the Article. She will present it at Town Meeting.

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FY2018 Health Department Budget

The Board discussed the budget for FY2018. The tentative budget with minor increases was set by Michael Buckley, Town Accountant. The increases are mainly salary mandates that are contractually bound. Cullity is to inform the Board when the budget will be presented to Advisory so they may attend.

At 7:55pm, Fine made a motion to adjoin. Bagni seconded and all were in favor.

Next meeting will be on February 6, 2017.

Donna Bagni
Chair

Exhibits are available for viewing in the Board of Health Office.

- A. Attendance Sign-in Sheet
- B. Email from Carolyn M. Murray, KP | LAW
- C. GEC Report 158 Center Street
- D. Attorney General Maura Healey's OML Complaint Decision
- E. Government Study Committee
- F. Plastic Bag Initiative handouts