

## BOARD OF HEALTH MEETING MINUTES

March 13, 2017

**PRESENT:** Donna Bagni (Chair), Gary Fine (Clerk), Lisa Cullity (Health Agent), Sheila Landy (Secretary), Art Egerton (PTN), Charles Mathewson (WATD), and Anna Bettencourt (Verc Enterprises). Gail McSweeney is on vacation. (Exhibit A).

At 6:32 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.

00:30

### **Minutes**

Bagni made a motion to accept the Minutes from February 27, 2017. Fine seconded and the motion passed.

Bagni made a motion to accept the Minutes from March 2, 2017. Fine seconded and the motion passed.

### **Correspondence**

Notification from the Planning Board of a hearing regarding a proposed in-law for 78 Misty Meadow Road.

The Board discussed the site walk for River Marsh (Exhibit B).

A letter from the DPH and the Food Protection Program where the State stands by what it had written for regulations. Diane Bernazzani, of the MA DPH Committee that writes the regulations, reached out to Cullity and asked her to attend their next meeting in April. Bernazzani asked Cullity to bring some information regarding the ongoing Board talks about ServSafe and Food Handling Regulations. Bagni hopes this will resolve all questions regarding Cullity's qualifications. (Exhibit C)

### **Old Business**

#### **Health Agent Updates**

00:11:16

##### *Sanitary Code Violations at Two Commercial Locations*

Cullity talked to Mark Bartlett, the lead engineer at Santec handling the rehab of Pembroke Hospital's septic system. Earliest estimated time to complete repairs is April, 2018. There may be possibly an expansion of the Hospital.

The second commercial property has hired Merrill and Associates for a design plan. The hope is work will begin in the spring.

##### *Stopped Health Agent Updates at 6:45pm to hear the Variance Request*

00:16:00

**3 Grove Street** – Rob Carlezon of Grady Consulting requesting Local Upgrade Variance appeared before the Board requesting two local upgrade regulation variances. Fine made a motion to accept the two variances as written. Bagni seconded and all were in favor. (Exhibit D)

##### *Returned to Health Agents Updates*

00:21:00

##### *Sanitary Code Violations at a private home*

Cullity has attempted to contact the owner of the residence. E-mails and calls have not been returned. A registered letter has been sent to the owner requesting an appearance before the Board of Health on March 27, 2017.

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### *Board of Health Office Activity*

Cullity reported the office activity remains high.

### *13 Points of Interest Pertaining to the Pembroke Local Regulation Upgrades*

Fine made a motion to table the 13 Points of Interest et al. to the next meeting (3/27/2017).

Bagni seconded. All were in favor.

### T21 Checklist

00:23:10

McSweeney passed her responses to the T21 Checklist for Policy Decisions from Cheryl Sbarra in to Landy before leaving for vacation. (Exhibit E)

The vote was as follows (Exhibit F):

#	Question	Bagni	Fine	McSweeney	Final Vote
1.	Definition of tobacco products includes nicotine delivery products	YES	YES	YES	<b>YES</b>
2.	Include cessation sign requirement	NO	NO	YES	<b>NO</b>
3.	Include minimum cigar package size/price	NO	NO	NO	<b>NO</b>
4.	No permit renewal if outstanding fines exist	YES	YES	YES	<b>YES</b>
5.	No permit renewal if three sales to under MLSA	YES	YES	YES	<b>YES</b>
6.	Cap and/or reduce number of permits	NO	---	NO	<b>NO</b>
7.	No sales within 500 feet of a school	YES	YES	YES	<b>YES</b>
8.	No new permits within ___ feet of existing permit	NO	--	NO	<b>NO</b>
9.	Restrict flavored tobacco products	NO	NO	NO	<b>NO</b>
10.	Miniumum legal sales age for tobacco products	21	21	21	<b>21</b>
11.	Ban blunt wraps	NO	NO	YES	<b>NO</b>
12.	Ban free distribution of tobacco products & redemption of coupons	YES	NO	YES	<b>YES</b>
13.	Ban out of package sales.	NO	NO	YES	<b>NO</b>
14.	Ban self-service displays	NO	NO	YES	<b>NO</b>
15.	Ban vending machines	YES	YES	YES	<b>YES</b>
16.	Ban Non-Residential RYO machines	NO	NO	YES	<b>NO</b>
17.	Ban tobacco product sales in health care institutions	YES	NO	NO	<b>NO</b>
18.	Ban tobacco product sales in educational institutions	YES	YES	YES	<b>YES</b>
19.	Fining structure mirrors state law OR FLAT FINE	100/200/300	100/200/300	100/200/300	<b>100/200/300</b>
20.	Tolling periods for violations	24 months	36 months	24 months	<b>24 months</b>
21.	Suspension Period – Maintain or Double Lengths	7/30 days	7/30 days	14/60 days	<b>7/30 days</b>
22.	“Shall” vs. “May” language for suspensions	MAY	MAY	SHALL	<b>MAY</b>

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### New Business

45:54

#### Response to the Open Meeting Law Complaint of January 9, 2017

Attorney General is waiting for a response from the Plaintiff. If there is no response, the AG will consider the matter closed (Exhibit G).

### Animal Inspector

47:25

Animal inspector needs to be nominated by April 1, 2017 or there will be a fine from the State. Cullity is the current inspector. The Bagni nominated Cullity to be the Animal Inspector while the Board searches for a replacement, Fine seconded and the motion passed.

### Health Office Scheduled Vacations

58:31

Scheduled vacations for the Health Agent and the secretary. Shayne McGlone, Arthur Bloomquist and Joe Stack will provide coverage as needed (Exhibit H).

### Office Communication Protocol

1:03:38

1. Electronic communication is sufficient for the Board most times.
2. Board members can request printouts for pickup.
3. Board members should acknowledge receipt of materials.
4. Materials should be submitted to the secretary by the Wednesday before the regularly scheduled meeting by 3:30pm. Packets would be available for pickup by the end of the day on Thursday for members that would like printouts. Materials will also be sent electronically.
5. If one member makes a written or oral request for information, all members should receive the information.
6. The Secretary is ultimately responsible for the materials in the office. No Board member should be allowed to come in to the office and freely make copies of paperwork in the office and/or remove files from the office.
7. Board members that request printouts should bring them to the meeting. Copies can be made if needed.
8. The Secretary's daily work is to assist the Health Agent and the people of Pembroke. Fine made a motion to entrust the secretary with the discretion to gauge the amount of work required for any given project/request made by a Board member and if necessary, log the request and present it to the Board at the next meeting to determine a timeline to fulfill the request. Seconded by Bagni.

Bagni made a motion to accept numbers 1 to 7 above. Fine seconded and the motion carried.

At 8:18pm, Bagni made a motion to adjoin. Fine seconded and all were in favor.

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Donna Bagni  
Chair

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### **Exhibits**

- A. Attendance Sign-in Sheet
- B. River Marsh Site Visit
- C. Letter from MA DPH RE: Inspector training reference in section 105 CMR 590.010 (G)
- D. 3 Grove Street Variance
- E. McSweeney – T21 Checklist
- F. T21 Vote
- G. AG OML Complaint Response
- H. Office Vacation Schedule