

**MINUTES OF THE BOARD OF HEALTH MEETING
September 23, 2019**

PRESENT: Thomas Driscoll (Chair), Matt Newman (Clerk), Gary Fine (Member), Lisa Cullity (Health Agent), Sheila Landy (Secretary), Kaitlyn Bergin (Rooster owner), Charles Mathewson (WATD), and Art Egerton (PTN Videographer),

CHAIR DRISCOLL OPENED THE MEETING AT 6:00 PM AND READ THE STATEMENT REGARDING AUDIO RECORDING OF THE MEETING

BOARD SCHEDULED APPOINTMENT – 94 MATTAKEESETT ST – ROOSTER COMPLAINT

The Chair opened with this has been going on since at least 2017. Bergin stated nothing has changed. The birds and coops are the same. The Chair stated he heard the roosters before 7:00am. Bergin said the Chair did not hear her roosters. Bergin stated if the roosters crow and the Agent doesn't hear them, then it is not a violation. The Agent brought up Zoning bylaws. Bergin said they didn't apply to her structures. Cullity brought in the Building Inspector Joe Stack. He confirmed all structures are required to meet Zoning setbacks. Structures under 200 square feet do not require a building permit. Newman asked Bergin how this can be resolved to satisfy all parties. Bergin didn't answer. Fine asked the question again and no answer was given. Bergin stated the regulations shouldn't exist. The Chair stated a decision would be made at the next meeting.

HEALTH AGENT REPORT

The Health Agent gave a brief update on mosquitos. There has been another round of aerial spray. The latest report from the state has Pembroke at moderate. There are nine cases of EEE in humans, none in the immediate area. She advised residents to continue to use insect repellent and to take precautions to prevent mosquito bites.

BOARD ACTION ITEM – Variance Request for 47 Fairview Ave – Joseph Webby

Newman made a motion for the property at 47 Fairview Ave to:

1. ALLOW THE PROPOSED S.A.S. TO BE 155' FROM A SURFACE WATER SUPPLY, INSTEAD OF 400' REQUIRED.
2. ALLOW THE PROPOSED SEPTIC TANK TO BE 145' FROM A SURFACE WATER SUPPLY, INSTEAD OF 400' REQUIRED.
3. ALLOW THE USE OF A SIEVE ANALYSIS INSTEAD OF A PERC TEST TO DETERMINE L.T.A.R. (Long Term Acceptance Rate).

Newman made a motion for the property at 47 Fairview Ave to allow the variances as written, Fine seconded and all were in favor.

BOARD ACTION ITEM – Variance Request for 103 Indian Trail – McGlone Enterprises

This is a tiny lot and the system will be a pump system. It achieves maximum feasible compliance. The Chair made a motion for the property at 103 Indian Trail to:

1. 310 CMR 15.405 (1b) – A REDUCTION IN THE REQUIRED SETBACK CELLAR WALL TO S.A.S. FROM 20' TO 7'
2. 310 CMR 15.405 (1h) – A REDUCTION IN THE SEPARATION BETWEEN THE BOTTOM OF THE S.A.S. AND THE MAXIMUM SEASONAL HIGH WATER TABLE FROM 5.0' TO 4.0'.

Fine seconded and all were in favor.

BOARD ACTION ITEM – Extension of Perc for 254 Taylor Street (Lot F86)

The Health Agent explained this resident renews his perc test yearly. A perc test is good until the law changes or there is another glacier. Newman made a motion to extend the perc results. The Chair seconded and all were in favor.

BOARD ACTION ITEM – Definition of a cesspool and a leach pit. 1:02:00

The Health Agent stated there appears to be some confusion as to what is the definition of a cesspool and what is the definition of a leach pit. The Health Agent understands a cesspool to be a structure made of free standing (not interlocked, not cemented, not connected) stone, cinderblock, or brick. It is any kind of freestanding, non-conglomerated brick or rock type product with an earthen bottom. A leach pit should be a precast cement or plastic structure (a one piece structure). The sides have holes to allow water out. In general a leach pit is not packed in naturally occurring material. The bottom is made up of imported stone to the material. The structure is

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placed and the outside of the structure is packed in some sort of a washed stone. The Chair moved to accept the definition of a cesspool and a leach pit as defined by the Health Agent. Newman seconded and all were in favor.

BOARD ACTION ITEM – Food Establishment Re-Inspection Fees

The Board voted 2/1 to change the re-inspection fees to the following:

- First Re-inspection: \$100 fee for the first re-inspection.
- Second Re-inspection: \$250 fee with a mandatory appearance before the Board by the owner to explain why it happened a second time.
- Third Re-inspection: \$1,000 fee with a mandatory appearance before the Board with a comprehensive plan to correct the violation and closure until the violation(s) is(are) corrected.
- Fourth re-inspection results in an appearance before the Board for hearing to permanently revoke license to serve food in Pembroke.

Furthermore, after the first re-inspection, the Health Agent will accompany the original inspector for the subsequent inspections.

All Board appearances will require the presence of the owner and the original inspector.

After the repeat violation is corrected, the establishment must have a clean (no violations) routine inspection. This normally occurs every six months.

Mr. Fine objected to the fee imposed for the third re-inspection. Newman made a motion to finalize the re-inspection fees as written. The Chair seconded. The Chair and Newman voted in favor, Fine was opposed. The Board voted the new re-inspection fees effective January 1, 2020.

BOARD ACTION ITEM – Vote the Minutes of August 12, 2019

Newman made a motion to accept the Minutes of August 12, 2019 as written. Chair Driscoll seconded. Newman and Driscoll were in favor. Fine abstained.

HEALTH AGENT REPORT (cont.)

The office is busy. There are still three to four percs per week. EEE is still in the forefront. Fall livestock inspections will begin soon. The state approved an increase in the cell phone stipend for all Health Agents in Barnstable, Plymouth and Bristol Counties. MAHB (the regional authority) handles the contract. The increase is from \$30.00 per month to \$45.00 per month. The Agent asked the Board to approve the increase to apply to her cell phone. The Agent's personal cell phone is used in Town business. Fine made a motion to increase the Health Agent's stipend or communications per the MAHB effective July 1, 2019. The Agent submits bills quarterly and the first quarter ends September 30th. Newman seconded and all were in favor. The Agent informed the Board the review engineer, David Primmer, is retiring. So far we have received one application to replace him.

BOARD ACTION ITEM – Livestock Regulation Subcommittee

The Board decided to have all candidates come in for an interview at the next meeting.

UPCOMING ISSUES

Discuss and possibly vote local upgrade well regulations – James Watt – November 2019

Discuss and possibly vote to ban fertilizers, herbicides and pesticides near the ponds – December 2019

The Chair stated the next meeting would be September 30, 2019 at 6:00pm.

Newman made motion to adjourn, the Fine seconded and all were in favor. The Meeting ended at 7:41 p.m.

Thomas Driscoll
Chair