

## BOARD OF HEALTH MEETING MINUTES

March 27, 2017

**PRESENT:** Donna Bagni (Chair), Gary Fine (Clerk), Gail McSweeney (Member), Lisa Cullity (Health Agent), Sheila Landy (Secretary), and Ryan (PACTV). (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.

00:30

### **Correspondence**

There was not any correspondence.

### **Minutes**

Bagni made a motion to accept the Meeting Minutes from March 13, 2017. Fine seconded and the motion passed. McSweeney abstained.

(0:02:06)

McSweeney: "Madam Chair. I am going to abstain.

Bagni: "Ok."

McSweeney: "And for the reason of... the Office Communication Protocol. This has certainly been an issue. And for me to stay clean in this office, it has been made very clear that... by the fact that I contact the Secretary and the Secretary contacts you, I will not receive any more Open violations. I found this in contradiction to the way that I am doing things and I do not wish to be off as I have already had four of them placed against myself and this board since we..."

Bagni: "Alright, when we get to that... when we get down to that point, I'd be more than happy to open it up for you to give any opinion in regards to what we have as an acceptance or a office communication protocol that you feel need to be changed but I would like to move on to the septic outbreak at two Pembroke establishments."

### **Old Business**

#### **Health Agent Updates**

(0:03:06)

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

Pembroke Hospital has no change in status. Repairs should be completed by April, 2018.

The second commercial property has not change in status.

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

The owner of the property came into the office this morning. An engineer has been retained.

The property will most likely be liquidated after the septic is replaced. Cullity will keep the Board updated.

##### *Board of Health Office Activity*

Cullity reported the office activity is extremely. April is filling up for inspections, etc.

#### **Office Communication Protocol**

00:07:24

Bagni: "I just want to clarify something because when we were accepting the minutes of the meeting for the 13<sup>th</sup>, you abstained which you should have because you weren't here. But you are abstaining on the basis of the office communication protocol which is something that was discussed two weeks ago which is in everyone's packet. So..."

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- McSweeney: "Madam Chair, the only... first of all, I'd like to know why I was not included in such a document where it is obvious the three of us are bound to this. It was disheartening to me to know that this was done in my absence. I was gone one... only gone one meeting. And this wasn't discussed about...with the open meeting violations that this Board and myself have seen. The only way that it is safe for me to go forward is to contact our secretary if I have a request or a desire to pick anything up and the secretary by contacting you does not constitute an open meeting law violation and I really am not interested in making this something where I have to watch fine lines. I would like to be able to communicate with this office open and freely. And..."
- Bagni: "Well, this... I'm just curious. Which number do you feel, you know, doesn't... help with... hinders you from..."
- McSweeney: "No Board Member should be allowed to come into the office and freely make copies of paperwork."
- Bagni: "Correct. You... no one on this board, this three sitting board, should be able to go into a file and pull out a piece of paper and make a copy of it. Because, ultimately, the responsibility of every single sheet of paper in this office, whether it's in a septic file or a property file or any type of file, ultimately, if it gets damaged, misplaced or lost, it is going to be Sheila's responsibility for not being the keeper of that paper. So all it is is you are just requesting that paperwork be made, a copy of it be made. It's very...."
- McSweeney: "But then that falls and it trickles down. I asked three different times for our food safety, for our food inspection records and I did not receive them. Ultimately I went through the Freedom of Information Act, as you know, with the Town Clerk's Office. I'm not interested in working under anything that's gonna restrict me from doing the work the people have voted me for. So far, I have already been restricted in my own office and I've had to seek out and spend my own resources on that."
- Bagni: "Ok, so the Freedom Act of the septic, sorry not septic, Food Safe Inspections. Ok, right. So you asked for those but due to the amount of paperwork and man-hour office staff that was required to do that. Sheila could not take away from her daily duties to do that. So, yes, you went through the Freedom Act. You put in a request for that documentation. I believe all that documentation was pulled, was photocopied and presented to you. Correct?"
- McSweeney: "Yes. At my expense."
- Bagni: "At your expense. Ok, which is fine. You didn't... have to, you could [garbled]."
- McSweeney: "Well, I basically I did. Did you get your letter from Michael Moore, the Director of the Mass Bureau of Health?"
- Bagni: "I believe I have that. Yes. No, this is the Old Colony Planning. Where did that..."
- Landy: "That was the letter you read at the meeting, the correspondence that came in."
- Bagni: "Yes."
- McSweeney: "It states in that letter the Board should review the Agent's inspection reports carefully before accepting findings. The Boards of Health is responsible for the administration and enforcement of the food code. The Boards are also responsible for the actions of their agent. Now we have some issues with our food code."
- Bagni: "Ok, well the food code isn't on this meeting so I am just going to..."
- McSweeney: "And this is another one that I have asked you if we could delay to next meeting where I could have all of the information in for you. I have done it all by hand. I was on vacation so what I did do was by hand. I had no means to send it to you electronically. That is why I sent you the letter, the email, on Tuesday where you told me that it would be... we

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would not need the information. These are all going hand in hand and if you are going to discuss one, you got to discuss the other.”

Bagni: “Alright, well, I’m going to... Gary, you wanted to say something before?”

Fine: “Well, right now, on the agenda item is the Board of Health Office Communication. You were not here last week. And, just as a little bit of review... And, Sheila, you can interrupt or clarify, we had an agenda item about proper communication. So, really, what we were trying to come up with was a, maybe a bible isn’t the right word, but we were trying to come up with a good way for this office to continue to run smoothly and we were trying to button up and tighten our communication. So, these eight items, Sheila, which you typed up, were kind of based on our discussion from week. And I thought we were going to review right now just to make sure that what we discussed last week is in fact what Sheila has captured here.”

McSweeney: “But you voted on it, though.”

Fine: “We voted to....

McSweeney: “...to accept it.”

Fine: “We voted to accept it as our discussion last week. So we’re now going through them just to make sure.”

McSweeney: “That is not how the vote just went through. You voted to accept the meeting minutes.”

Fine: “We accepted the meeting minutes but this is a separate document that we are going to discuss.”

McSweeney: “But it is in the meeting minutes, Gary.”

Fine: “But it is an agenda item so we are now making sure. But I don’t want to get off tangent, Gail. If we accepted the minutes, Madam Chair...”

Bagni: “Correct.”

Fine: “And, I viewed accepting the minutes as accepting our Board of Health Communication Protocol in the spirit that we would be rev..., not reviewing them but we would be discussing isn’t the right word, that we would be reviewing them as an agenda item. If it wasn’t an agenda item, if accepted them as of the minutes, then it wouldn’t be an agenda item. So this is a separate item to be, not discussed but to just review and agree on what we discussed last week. ”

Bagni: “Because there was a lot of stuff that was discussed. We asked Sheila to come forward. We asked Sheila how were things going in regards to her acquiring and assuming the job, the new position, not being here and living amongst all this paperwork. How are things going for her? How could we help make this work like a more well-oiled machine. A lot of these were thoughts and things she came up with. So we voted to pull them together as a discussion. We haven’t signed anything. It’s a document that is for discussion, that we want to work for all of us. We need the Board of Health to be able to communicate as one entity. OK? And these are thoughts and things that were brought up. And I know that you take precedent because a lot of things fall, you know... What is behind us is behind us. We need to move forward and if we can help Sheila in our requests and our items of things that we need or information or learning or photocopies of certain things then I want to make her life easier.’

McSweeney: “I understand that, Madam Chair, but what I am going to ask you is that when we do set precedence of something like this, that the Board be all in attendance. I was gone for one week and this is something the Board, in unison, should have worked on together.”

Bagni: “Ok, well, these are eight thoughts, so, if we would like to put this back on the agenda, come back with everyone, let’s have everybody come back with their thoughts. And let’s

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see if we can make it something. A lot of these points that were brought up is electronic communication. Ok, does that work for everyone? A lot of us... some people are hands on. I am a touchy feely person. I have to print everything. It is just my make up. I want to see it, I want to hold it, I to file it, I make it my own. You know, print outs for pick ups. Is having that envelope that you just picked up and Mr. Fine picked up, does that work. Does Wednesday, Thursday morning work? We have to have a deadline for her to be able to get the agendas posted because the people of Pembroke want to see the agenda and other outlets. So, if you go down this one by one, I don't want anyone on this Board to take it personally. There is no person, no personality involved in this. It is what's best for the hired help here and for us to be able to acquire information. Period, end of story. So if one of these you want to mark up. You've got two weeks. We're going to be voting to have April 10<sup>th</sup>. Ok? But there are certain things that end up on the agenda that, you know, they are on the agenda, we can table them. We just decided we would ask while we had the time to ask Sheila, 'What can we do?' So these are our thoughts. You take a look at it. Let's put it back on the agenda."

Fine: "Point of clarity, Madam Chair. There are times when all of us, yourself, myself and you may not be in attendance. And there have been times that I've been on the board where there have been certain issues that if one of us isn't going to be here, maybe an informal request would be, 'Could we discuss this the following week?' I personally don't view when we had our secretary speak before the Board two weeks ago, I didn't view it as... I mean everything we do here is important but it wasn't something I thought was underhanded because you weren't here. This seemed fair... I perceive this as something fairly routine and a step to help our secretary make the office run a little more efficiently. We received these from Sheila. We discussed these two weeks ago. We got them in our packet. I picked up my packet last week. I don't know if..."

Bagni: "It was emailed..."

Fine: "Forgive me, I don't..."

McSweeney: "I picked it up Monday."

Bagni: "It was emailed..."

Fine: "I'm sorry..."

McSweeney: "Today."

Bagni: "It was emailed..."

McSweeney: "Today."

Fine: "You got it, the packet, the manila packet today?"

McSweeney: "Today."

Fine: "OK. See..."

Bagni: "But all agendas are emailed out when Sheila?"

Landy: "They went out... I think they went out Thursday afternoon. They were ready for pickup Thursday afternoon."

??? "Correct."

Bagni: "No, but, the agenda for the March 13<sup>th</sup> meeting. That Agenda was sent out when?"

Landy: "The Agenda for March 13<sup>th</sup> was sent out the Thursday before the meeting."

Bagni: "Ok, and what was that date?"

Landy: "The 8<sup>th</sup>."

McSweeney: "The 15<sup>th</sup>."

Bagni: "And... So, but you were gone?"

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McSweeney: "Uh-huh."

Bagni: "OK. Do you get email on your phone?"

McSweeney: "I got nothing when I was in Florida."

Bagni: "Ok, so..."

McSweeney: "I couldn't get a land line."

Bagni: "So now that, that's important."

Landy: "It went out on the 9<sup>th</sup>."

Bagni: "On the 9<sup>th</sup>?"

McSweeney: "OK."

Bagni: "OK, so that's important. You didn't get that but it is already agenda so we have nothing to converse. I don't know if you were gone by the 9<sup>th</sup>."

McSweeney: "I was gone the first."

Bagni: "You were gone on the first. But you couldn't see the emails that were being sent, OK, through your Gmail. So, not hearing from you, we took it up as a topic to be able to move through things. Regardless of that, I'll be more than happy to discuss it again with your input because we don't want any more Open Meeting Law Violations. I've already been on two, OK, I hear you."

Fine: "I'm prepared to go through these eight items and discuss them..."

Bagni: "Now?"

Fine: "Fine tune them tonight if..."

McSweeney: "I would really like the time to read things through. I haven't... I just got my packet this afternoon. I read over some things briefly. We still have some things on the Agenda item that I'd like to bring up and, so it would be, I think more prudent if we were... if I had some time, if the Board was in agreement, give me some time until the next meeting to go through them."

Fine: "I would respectfully like to discuss tonight, Madam Chair, you have the call."

Bagni: "Ok, well, I'm going to ask Sheila to place this on April 10<sup>th</sup> for discussion. Actually, it is going to be for discussion and vote. I don't want to have the Office Communication Protocol not nailed down so that we are all on the same page. And all, meaning all five of us. April 10<sup>th</sup>, ok? So moving right along, we are going to go for the Animal Inspection Job Description and posting discussion."

(21:50)

21:53

### Animal Inspector Discussion

Bagni: "Gail you were not here. We had the Animal Inspector Job Description that we discussed. Lisa gave us quite an education last meeting in regards to an Animal Inspector Job. She does not care whether she is the agent or not. We are... decided that because we have to have it in to the state by April 1<sup>st</sup>. Correct me any time I'm wrong, Lisa."

Cullity: "Nope. It has to be in by April 1<sup>st</sup>. That does not mean you cannot change it at any time. It can be changed so if the Board wants to run an ad and see what kind of applications we get, that would be appropriate."

Bagni: "Ok. And we decided due to the constraint of time, we felt that that it was sufficient enough where she has been the animal inspector previous years, to let her continue and we would like to seek out someone for that position. The problem that we are going to have is the amount of money that is paid for an animal inspector."

McSweeney: "That is not all that... Right now it is not under the Health Agent's Job Duties so it should have its own designated funding."

Cullity: "It does."

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Bagni: "It does."

McSweeney: "Ok, so why don't we..."

Bagni: "It does. It has a six thousand dollar annual..."

McSweeney: "Right, a six-seven thousand dollar..."

Bagni: "Yes."

McSweeney: "Yes. So why would..."

Bagni: "It is in addition to the Health Agent because we need to have an animal, we need to have an animal inspector."

McSweeney: "Correct because you can't be the Health Agent and the Inspector, the Animal Inspector at the same time."

Bagni: "That's kind of a gray area, OK? I spoke to directly to the state. The problem is there is no, nothing that states legally cannot be. It is kind of a gray area because when you have a health agent going on to the property as an animal inspector, therefore they may find a violation other than what they are going there for in regard to barns or for livestock. There is nothing that actually states..."

McSweeney: "Yes, there is, Madam Chair..."

Bagni: "OK."

McSweeney: "...and if you want table this, I will bring it in next week."

Bagni: "God. For the love of Mary. We are not getting anything done."

McSweeney: "How are we going to have one person work two jobs in the same eight hour period?"

Bagni: "We've been doing it for the last six years."

McSweeney: "Does that make it right?"

Bagni: "Does it make it right? No. In a small town..."

At the same time:

Bagni: "like the Town of Pembroke, for a small town... right."

McSweeney: "It has nothing to do with a small town. It has to do with the law."

Bagni: "Massachusetts State Law is an interpretation."

Cullity: "Folks, I remind you. Please, advertise and find someone. You have to designate someone to be the designee by April 1st. By all means, put the ad out. Please get someone."

At the same time:

Cullity: "Everyone is misinterpreting. I don't want this. We could..."

Bagni: "And that is what we would like to do."

Cullity: "...not get anyone else to do it. Period. Most people are not willing to be on call 24/7 to quarantine, to go out on a dog bite, to do inspections, to drive their own vehicle, to accept their own liability. No benefits, no nothing, for the amount of money that is offered. It approximates to a hundred dollars a week. That is a lot to ask of someone. If we can get someone, that's fantastic. I suggest that we do it."

Bagni: "So, as that statement, Gail, states, we want to post the job, ok, that's what we're discussing is posting the job but we need to have someone in place. We voted that we would post the job but she is on call 24-7 if there is a bite, if there's a quarantine, if there's a rabies, whatever there is, she will need to address it. But we are going to post the job. We encourage anyone out there who would like to have a job, while it is minimal, that loves animals and has the understanding, ok, because we're going to post what the requirements are for an animal inspector."

Cullity: "[garbled] ...right away."

At the same time:

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Bagni: "OK."

Fine: "OK."

Bagni: "That is what we would like to vote."

Cullity: "But the other thing is, you want to make sure what other job requirements the Board expects. Does the Board expect this person to have and use their own personal cell phone? Does the Board expect this person and how they are going to get communications? Are they going to have their own email, phone, fax? How are they going to be communicating? Are they going to be driving their own vehicle?"

McSweeney: "I would suggest we went back to the way that we did it before. We had a wonderful animal inspector before..."

Bagni: "Mimi."

McSweeney: "...Mary Ann Crowley."

Bagni: "Yes."

McSweeney: "And Mimi... she used her own phone, she used her own vehicle, she did apply for gas, and I will get the specifics on how she did it. But it ran like clock work. We did have an assistant animal inspector so that if Mimi was out of town and they way that worked financially is if Mimi was out of town and this other animal inspector did the job for her."

Bagni: "And who... do you remember who that was?"

McSweeney: "That was me."

Bagni: "Really?"

McSweeney: "Ya."

Cullity: "May I ask why it is a violation if I am serving one job to not serve another but it wasn't a violation for you?"

McSweeney: "I was not on the payroll."

Bagni: "Yes, you, yes you were."

McSweeney: "No! No! No! No, I was.. I did not own that job. I did not own that job."

Bagni: "You were a clerk."

Cullity: [garbled] "...compensation when she was out of town."

McSweeney: "Ok, Lisa, you've been doing this for five years now."

Cullity: "Yes."

McSweeney: "You're going to call me out on helping Mary Ann."

Cullity: "No, I am not calling you out on anything. I am asking why the difference."

McSweeney: "Why the difference? Because for five years you've been receiving two paychecks."

Cullity: "Right."

McSweeney: "OK."

Cullity: "And that was cleared through the Town Administrator and the Town Accountant."

McSweeney: "It is not cleared through the Town people. The Town people can't work two jobs in the same amount of period."

Cullity: "No. I didn't do it in the same period."

McSweeney: "Well, it is not a weekend job. Mary Ann Crowley did hers on the week days."

Cullity: "No, she didn't. She had a full time job for the last two years that she did it."

McSweeney: "I'll get a letter from Mary Ann."

Cullity: "That's fine."

McSweeney: "I've spoken with her recently and I will."

Cullity: "Please do."

McSweeney: "And we're going to table this."

Cullity: "It absolutely can be done on the weekends."

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McSweeney: "Lisa, please."

Bagni: "Well, let me just..."

Fine: "Lisa..."

Bagni: "First of all, point of order. You cannot table anything. That is the Chair's responsibility to table it. So it my responsibility to determine... what the conversation is that is going on and what is the root of it. And it is very disturbing. It is very disturbing. If, if...I guess I have to ask this. Gail, are you of the mindset... that, remembering that you're the health, one of the health agent's boss because we're not individually her boss. We are her boss as a collective three. Ok? That you feel that she is doing anything wrong or has done anything wrong?"

McSweeney: "I feel that we have a job that is being done by the same employee, two separate jobs. And I think we need to figure that out. It has been going on for a period of time and I think we really need to figure it out. It's not...under the Health Agent..."

Bagni: "Well, I guess... Can I ask a question? How did you become the assistant... Health Agent, ah, Animal Inspector?"

McSweeney: "Mimi went on a three day trip and in case something was going to happen, they needed somebody to follow up on it.

Bagni: "Ok, did you have any calls?"

McSweeney: "No."

Bagni: "How... Did you have the knowledge to be able to?"

McSweeney: "Ah, she gave me a book and a briefing on what I was supposed to do and she set up Mr. Hart to aid me and it was only because she was going to go on a vacation."

Bagni: "Ok."

Fine: "Lisa. Oh, may I?"

Bagni: "You may."

Fine: "How long have you been serving as the animal inspector?"

Cullity: "Five years. Since Mary Ann stepped down and didn't want to and specifically asked me to take it over her."

Fine: "Ok. So, you made it abundantly clear at our last meeting two weeks ago, that if the Board can find someone that you would happily..."

Cullity: "Happily."

Fine: "Ok. But in the interim, given the fact... Two things, given the fact..."

Cullity: "I now withdraw my name for consideration. The Board can find someone else. I withdraw my name as a nominee."

Fine: "Ok."

McSweeney: "Thank you."

Cullity: "You're welcome."

Fine: "Donna, who did you speak with at or...?"

Cullity: "Excuse me."

Bagni: "Ok, that is not in this town's best interest on March 27<sup>th</sup>. I am going advise the Board that I am completely against the fact that the Health Agent has decided to step down because as of April 1<sup>st</sup>, we have a serious problem because we have nobody qualified and you are not qualified, Gail, to be..."

McSweeney: "I am not asking to be the animal inspector."

Bagni: "Ok."

McSweeney: "I am just stating what the laws and the rules are. We can't have one person, one employed person running two jobs."



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- Bagni: "Alright, well, I beg to differ."
- Fine: "Donna, you don't just beg to differ. You spoke to someone..."
- Bagni: "I did."
- Fine: "And, just help me to understand. What department or who did you speak with?"
- Bagni: "I spoke to the state... What was his name... Hold on one second, please? Where is the animal inspector..."
- Fine: "Was it after our meeting two weeks?"
- Bagni: "Yes."
- Fine: "Ok."
- Bagni: "Yes, because I was concerned..."
- Fine: "Rightfully so."
- Bagni: "...that the topic was going to come up in regards to nominating an animal control officer. So, not only did I speak to, oh, what's his name? Come on... Can you Google the Animal Health Inspector for the state of Massachusetts?"
- Fine: "It wasn't so much the name. It was..."
- Bagni: "It was a conversation that I had because I was concerned about... There are different variations of the state law and all law, even contract law, is subject to interpretation. So I explained our specific situation, having gone through..."
- Fine: "Go on, finish your thought."
- Bagni: "Having hired for the last five years, Lisa Cullity, we have certificates. Michael Cahill? I believe it is Michael Cahill if I am not mistaken."
- Landy: "It sounds right."
- Bagni: "Thank you. We have a variety. Mary Ann Crowley. Mimi served this Town incredibly. Actually... Lisa Cullity was 2012 signed by the Board."
- Fine: "None the less, you spoke to somebody between our last meeting and this meeting that it is a gray area, potentially subject to the interpretation of the Board if the Health Agent can serve as both the Health Agent and the Animal Inspector, correct?"
- Bagni: "Correct."
- Fine: "Ok, our Health Agent made it abundantly clear two weeks ago that she does not want to continue in the position. That being said, we as a Board, it's prudent for the three of us as one to find a new animal inspector. However, you presented us with a challenge at our last meeting..."
- Bagni: "Yes."
- Fine: "...that we had to appoint someone as of April 1<sup>st</sup>."
- Bagni: "Uh-huh."
- Fine: "I'm of the mindset, and hopefully, we'll talk our Health Agent off the ledge in a moment, when she returns and I would like to nominate her to serve as interim animal inspector until such time we can find someone because we are required to find... to appoint an animal inspector by April 1st."
- McSweeney: "Have we put out a posting out yet? Have we put any, anything in the paper?"
- Bagni: "No, that is what is on the agenda for us to... Posting, ok, description and posting of an animal inspector job. That is what this line item refers to on the Agenda. Lisa is going to sit in or was up until this conversation began. Was going to stay on until we... we want to post the job next week with a description and keep it out there but we cannot allow this town to go without anyone serving in the position of an animal inspector. Because if we have an emergency or we have an outbreak or we have a quarantine, you have no one in this town to protect the good people of Pembroke. So she, if you go back, and

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read what the minutes said, she doesn't want it but she had agreed to stay seated until we're going to work on a posting and job description and send it out there and get somebody to take over. I am hoping an animal inspector from another town would like to do dual township and work for the Town of Pembroke as well as possibly one or our sister or neighboring towns. But now, because of the way it is delivered, she is now resigned. So now, the Board is faced..."

McSweeney: "Madam Chair, we've been discussing the Health Agent's contract since last June. Why..."

Bagni: "We are not on the contract. We are on the animal..."

McSweeney: "But these are the jobs that the Health Agent's doing. Why has this not been part of the discussion, number 1. Why did we wait until April 1<sup>st</sup> when we were going to be left without a health agent... because for her to continue would have continued on the same pattern as working two jobs in the same eight hour period and that is when this is done. People expect you to come during the day to inspect. This is an inspection. We collect money for these inspections. People expect you to become between 8:30 and 4:30."

Bagni: "Mimi Crowley did not work."

McSweeney: "Yes, she did."

Bagni: "Mimi Crowley had a full time job."

McSweeney: "Mimi Crowley did her inspections in the afternoon. She did them during work time."

Bagni: "She did them in the afternoon. She was not available at 8:30 in the morning."

McSweeney: "She did them between the 8:30 and the 4:30 time period."

Bagni: "Ok."

McSweeney: "That is a work hour day."

Bagni: "Ok, once again it's something that can't be backed yet up in paper."

Fine: "And Madam Chair, while not a perfect scenario, based upon the information that you were given, that it's a gray area, we can if we wanted to, continue to have the Health Agent act as the animal inspector."

McSweeney: "Yes, most definitely. That is in the law. You can have her act in the interim but she is not to attain the position."

Fine: "Well, that's your interpretation."

McSweeney: "Well that is the law."

Fine: "Excuse me. That's your interpretation. But I am going to side with the information that our chairman has given. Presented to us when she spoke to an Authority. You obviously have an opinion, Gail, on matters as we all do. But when you state an opinion, you're entitled to your opinion as I am and Donna is. You're not entitled to your own facts. Your own opinions, yes. So, yes..."

McSweeney: "Gary, I don't make up my own facts. I make up my facts. My facts come from what I read."

Fine: "Well, regardless. So Madam Chair, we should continue having our Health Agent act as the Animal Inspector. We as a board should seek someone out to take the position on a full time basis. In the interim, I don't have a problem with our Health Agent acting as the Animal Inspector."

Bagni: "Well, our Health Agent just had an issue and withdrew her name for it. So, as of right now, at 7:10 p.m., on March 27<sup>th</sup>, we have three days that this town will not be covered with any animal inspector at this point. So, so be it, we will have a posting done. If anything happens, I will reach out and I will see if somebody else can cover the town. Or,

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if we would like to ask Lisa to please come back in, I think that emotions need to come out of this because it is not about you or me, it's about what's best for the Town."

McSweeney: "You're making this into an emotional situation. It is not an emotional situation."

Bagni: "What just transpired and I..."

McSweeney: "This is black and white. No, Donna, this is..."

Fine: "Excuse me."

Bagni: "This is not black and white. You are saying there is a law and you have nothing in writing. Gail, let me tell you something..."

McSweeney: "Donna, I am going to read you something."

Bagni: "I... ya!"

McSweeney: "No. Let's just..."

Bagni: "No, I don't want you to read me anything."

McSweeney: "No, because it's your own words."

Bagni: "No."

McSweeney: "Donna, you refused my information because I could not get it in time."

Bagni: "Your information has been on the table. Your information on the local Boards of Health in the state of Massachusetts. Your paperwork, and I want to go back to June, when you handed this out to Gary and I, which on the last page of this, you put nomination of animal inspector. Number 2, in your hand writing, 'Not hold the role of'. You have had this that you passed out in an open meeting that we have, I have..."

McSweeney: "I have no idea what you just said."

Bagni: "You have no idea. You made a copy of this..."

McSweeney: "Ok, calm down because you are yelling at me and you need to stop that."

Bagni: "Gail, you are putting up way too many roadblocks for thing that are running as they need to be run."

McSweeney: "Madame Chair, I requested, Gail's requesting the Health Agent's discussion be put back until April 10. She will be there on March 27<sup>th</sup> but she will not be there to arrive to drop off the materials for the discussion. And as I quote, Madam Chair, you sent me back a letter..."

Bagni: "Yes, I sure did."

McSweeney: "And you said..."

Bagni: "I actually said... I did not send it... I sent it to all."

McSweeney: "You said, 'I believe that we have enough information at this time to discuss..."

McSweeney: "You said, 'I believe that we have enough information at this time to discuss the Health Agent's..."

Fine: "Do you want to take a break for a few minutes?"

McSweeney: "...Job Description and finalize. Leave this topic on the Agenda. You did not get into consideration [sic] to submit the paperwork and, now, you're telling me that I don't really have and this is personal. This isn't personal. This is law."

Fine: "Gail, when you say it's not personal, I sit here as an observer. In my opinion, you could have state... you could have made your case about the animal inspector a little kinder and a little gentler. You, in my opinion, you clearly offended the Health Agent and you should have taken a different tack. We are under an April 1<sup>st</sup> deadline. You're in..."

McSweeney: "Again, Gary, we've had plenty of time to know..."

Fine: "Regardless..."

McSweeney: "...about this. Not regardless. We..."

Fine: "Today..."

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Bagni: [Gavel banging] "Point of order! I want to go back to"

McSweeney: "We are the Board."

Bagni: "I want to go back to go back to what Mrs. McSweeney stated. You are once again confusing topics. There are two topics. There is one of an Animal Inspector Job Description and Posting. Then there is a Health Agent Job. They are two separate jobs. Again, we are going in... we are mixing things. Ok? The reason I declined to postpone the Health Agent's Job Description was that we have discussed on the Agendas, one, two, three, four, five, six, seven, eight, nine, ten meetings. I don't how much more time anybody needs than ten meetings. And I am annoyed. I am very annoyed because this Board is not functioning as it should be."

McSweeney: "No, it is not."

Bagni: "And I for one am angry. I am angry that we're wasting my time and his time and your time that we don't get paid for because there are all kinds of things and innuendos. I feel like I am in the middle of a Wikki leaks. This is what has happened in the past is to stay in the past. You are either going to discuss the job description for the Health Agent and we are going to post the Animal Inspector Job. And right now, we have no one to step into it as of April first and I'm not nominating you. I don't have anybody..."

McSweeney: "I didn't ask to be nominated."

Bagni: "...else to be nominated"

McSweeney: "I did not wish for the position."

Bagni: "Well, you were signed, you were assigned two years in a row as the animal inspector over, as a sub. You took on that task as a clerk in the office. It doesn't matter."

Fine: "How many years ago are we talking about?"

Bagni: "How many years ago are we talking about?"

McSweeney: "Eight."

Fine: "Ok, alright."

Bagni: "Ya, again, we go back to eight or nine years ago."

Fine: "No, no, don't even look it up. That long ago."

McSweeney: "Eight years ago."

Fine: "Ok."

Bagni: "OK, I'm going to take a break right now. Can you please cut?"

Short recess.

Bagni: "Ok, so we have recessed. I would like to apologize to all for raising my voice. I get very passionate about this. I think that it's kind of straight forward. I think there is a lot of reading between the lines which is really concerning to me. So I'm going to make a motion that we're going to by next Wednesday, we're going to need a date, Sheila, next Wednesday. I would like to have a job description crafted."

Landy: "April 5<sup>th</sup>?"

Bagni: "Please. A job description crafted posted on the Town website as well as the paper. I will on my own time, reach out to local touch-town animal inspectors. I'll start with Hanover, Halifax and Hanson and see if they would like to pick up this position that the town has to offer. They can supply gas but everything else is on their own accord. We have to make sure they are physically capable of doing the work, walking fields and areas. And the Board can put this back on the Agenda for April 10<sup>th</sup> and we will interview for the position."

Fine: "No, no, don't even look it up. That long ago."

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- Fine: "Ok, Madam Chair, before I second that motion, I have a question. In your motion, you made reference to the date of next Wednesday to have the job to be posted. Why can't we have it by this Friday?"
- Bagni: "Yes."
- Fine: "Why can't we have it down by this week? By Friday? Is there a constraint I am not aware of? Only because I think before I second the motion, I would like to move forward... move forward with a little more expediency."
- Bagni: "Point taken. I would... I will second that motion that we move it up to this Friday which is..."
- Landy: "March 31."
- Bagni: "March 31."
- Fine: "Are we able to get that posted, Sheila, by Friday?"
- Landy: "If you give me a description I'll post it or I'll talk to Lisa."
- Bagni: "Well, I have... we have the municipal animal inspectors qualifications and duties..."
- Landy: "Ok."
- Bagni: "As printed by Mass.gov."
- Landy: "Ok."
- Bagni: "That was part of our package that we all have received. It outlines qualifications and duties. I guess we would pick out the important things and then we will set up interviews. So I made a second, do we have a second on the first part of the motion or do you want restate the whole motion, Gary, with the new date."
- McSweeney: "Start from the beginning."
- Fine: "Yes."
- McSweeney: "It is so much easier."
- Fine: "Ok, so the motion before us I will restate because the dates changed. The Board... I would like to make a motion that we immediately begin our search for a municipal animal inspector. Specifically we will have the job posted on the Pembroke Intranet, our internal website and we will get it posted in the local paper and we will have it done by this Friday, March 31. Is there anything you want to add to that?"
- Bagni: "I also want to add the point that I will reach out tomorrow morning personally to Lisa Cullity and ask her to, due to the severity of this position that we have some body in place, until the interim, that she reconsider her name being pulled and I will personally go to, starting first three H towns, Halifax, Hanson and Hanover and speak to their animal control, animal inspector and see if they would be interested in the job we will be posting...."
- Fine: "And for... And I will second that motion, Madam Chair. Before I do, though, for the record: in no way shape or form, do I believe, in my opinion, that is illegal for our health agent to hold both positions. There's been some opinions that it has. You made reference to it being a gray area. So I think it would be prudent upon the Board to found someone else, however, in the five years that Lisa Cullity has served in the position, in the three years that I have been on the Board, I had no issues with her as the animal inspector and I hope that she will continue in that position as... up until we can find a suitable replacement, whether it is a week or six months. But I would like to second that motion that you and I kind of jointly made."
- Bagni: "Do I hear a, so, the motion has been made. Gary has seconded. All in favor."
- Fine: "Aye."
- McSweeney: "Aye."

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Bagni: "Aye... You an aye?"

Fine: "She's an..."

Bagni: "Gail's an aye. Ok, we're on to the next package, the next piece in our package which is the Health Board, the Health Agent's Job Description... which we have had this job description. There were a couple of things the last time we discussed this and brought it up was, there were a few things that came out, there were a few that happened to be added. So this is the revised copy which we have had for probably the last few months. The job description, health agent description, we brought it up January 23<sup>rd</sup>. We started talking about it January 23, January 6 [February 6], January 27 [February 27], March 2 we signed the contract. So... this is what we have as a job description for the Health Agent. My e-mail to everyone is I really didn't think, seeing that we've had it in writing since the end of the January that we need to discuss it any further. However..."

McSweeney: "Well, actually this has been updated so that the Health Agent is no longer the Chairperson of the IT department. This has been removed. This is my understanding."

Bagni: "Correct... However, please keep in mind that if there are any IT issues that involve the Town of Pembroke, their website and their computer system, that experienced people would not be the asked their opinion on how to proceed. Because you always want to have somebody in the wings just in case there is a catastrophic issue that goes on.... The last portion of this not strictly necessarily functions of the Job Agent but things that our Health Agent in our town does help with."

McSweeney: "So, are we in agreement that up until we get to the not strictly functions of the Health Agent's job, that these are, up until that point, that description are the upcoming and forefront of her job duties that need to be fulfilled prior to going with jobs that are not necessarily in her functions and she is able to deal with, able to handle."

Bagni: "I'm not quite sure what you're trying to..."

McSweeney: "There's precedence... precedence here... As far as duties, her duties are...her... the job..."

Bagni: "Her duties are listed."

McSweeney: "I understand. The duties are the first and foremost obligations of the Health Agent."

Bagni: "Absolutely."

McSweeney: "Ok, and then the *Not Strictly Necessary Functions* under the Health Agent comes only when she has time, that her duties are completed."

Bagni: "Well, there are a couple of things on here that I am taking a look at that the Health Agent is going to need, not strictly necessarily the functions of a job agent, of a 'technical' Health Agent but that is needed in regards to how this Town functions... is she needs to continually be a member of the Plymouth County Emergency Preparedness."

McSweeney: "That's... That's part of our PEMA program. That's part of our national disaster..."

Bagni: "Ok, but that is listed under the *Not Strictly Necessary Functions of the Health Agent*."

McSweeney: "Maybe that should be moved up because that is a vital part of her job, to be able to work with the police department, the fire department."

Bagni: "Correct, and this Board of Health works with them all as well."

McSweeney: "So I would think that would more or less go under the job duties."

Fine: "Well, point of clarification. I view the *Not Strictly Necessary Functions*, maybe it is an interpretation thing. I view them, excuse me, that is poor English. I view the bullet points beneath the *Not Strictly Necessary Functions of the Health Agent* also as duties. I thought that these came under the separate sub-category merely because they weren't

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things that she was focusing on, on a year-round basis. So, I don't see them not being duties. I see them all being as important."

McSweeney: "Alright, well, I'm going to pick out number 2. Assist the Town Recycling program when requested by the Town Administrator. Our Health Agent is already overloaded as she has stated many, many times with just the duties she has between her obligations as the health agent, and again, I mean it is great if we have the time and we have the resources to lend someone out but if it is affecting what the duties are of this job, then it's not such a positive.

Bagni: "I don't think that anything, and I am going to go on record, I don't think that there is anything that our health agent isn't involved or isn't asked to be involved or on regular duties, lacks in any way shape or form. Regardless of whether her forty hours covers it or not, she is valuable resource within this town and of the department. So I will only motion that it is 'when requested and time providing' is how I will change that statement. And I would like to see if I have a second"

McSweeney: "I second that."

Bagni: "All in favor."

Fine: "Aye."

Bagni: "She has to stay part of the Advisory Committee because she is the head of the department. State and local advisory, the Emergency Preparedness, the Community Preservation Committee. She needs to be part of that. Those are things over and above what she's paid for in a forty hour basis that she is knowledgeable. That we need to lean into her. Assisting the assessment and the development of 369 Washington Street, I think that's important as a prospect in regards to any type septic that is going to have to go in there. That is a piece of property that this Town has purchased. What is that future use going to be? And the other thing, in regards to the 40B application evaluation, I think it definitely eyes on it because on a 40B, it is a smaller amount of acreage with many tanks and only several leaching pits. So, maybe different for other towns, but I think for the Town of Pembroke, we have crafted and fine-tuned her job descriptions at this point in time. I would like to no further delay this topic. If it pleases the Board, I would like to make a motion with that one change on... Sheila did you get that? Assist the Town Recycling Program when requested and time provided, providing, by Town Administrator. That is the motion, do I hear a second?"

Fine: "I'm going to second the motion but before I do, once again, I want to go back to something that I stated, I believe, at our last two meetings. This is a living, breathing document and we as a board did agree that we would did agree that we will revisit this and I think we should establish how frequently we will revisit. I believe I may have suggested quarterly but clearly, and maybe some, even something as this line item that could be ambiguous that we have, 'Not Strictly Necessary Functions of the Health Agent's Job.' Maybe that needs to be a little clearer, what that means. I may have different interpretations other members of the board [sic]. So I'd like to include with your motion that we revisit the job description of the Health Agent on a quarterly basis and actually have a healthy discussion amongst the Board members."

Bagni: "In order to keep this clean, straight and clean, why don't we vote on this and then I would like you make a separate motion so that we actually have them as two separate bullet points in case there's any question in the future."

Fine: "Ok, fair enough. I will second that motion made by Chair Bagni to accept the Job Description for the Health Agent for the Town of Pembroke as written."

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Bagni: "Do I hear a... You seconded. All in favor?"  
McSweeney: "Aye. Now..."  
Landy: "As written with one change, correct?"  
McSweeney: "Yes."  
Fine: "As written with one... yes."  
McSweeney: "Do you want to see the change?"  
McSweeney: "Ok."  
Landy: "We're good."  
McSweeney: "We're good."  
Bagni: "OK, I believe that Mr. Fine has motion that he would like also request."  
Fine: "I would like to make a second motion as it relates to the job description of the Health Agent that the three members of the Board of Health review this on a quarterly basis to make the necessary changes should there be any."  
McSweeney: "I'd like to second."  
Bagni: "All in favor."  
McSweeney: "Aye."  
Bagni: "Aye. Ok, perfect. Thank you. I feel we are getting somewhere. Ok, so that one is all set. In three months will you make a note, Sheila, to let's bring up the discussion."  
Landy: "After July 1, yes."  
Bagni: "Thank you. Ok, now we have one last piece that is everyone's packet."  
McSweeney: "T21?"  
Bagni: "No, we already did that."  
McSweeney: "Ok."  
Bagni: "Ok, local regulations upgrade topic discussion. I, unfortunately, have tabled this; it's the one on the letterhead."  
Fine: "Is it? Oh, in red."  
McSweeney: "Oh, I have it."

### Local Regulations Upgrade Discussion

00:07:24

Bagni made a motion the Board discuss at the next meeting (April 10) the Zabel A100 or equivalent filter as a sleeve on a filtration system. She requested reading material on the Zabel filter for the next meeting. At the meeting after, the next topic will be discussed. Fine seconded the motion with the following amendment: the Health Agent will make a presentation of an item, the Board will think about/research it and vote on it at the next meeting where the next topic would be presented. McSweeney Seconded the motion and all were in favor.

Bagni reminded the Board to use the Agenda requests to add topics to future meetings.

Bagni made a motion to have the next meeting on April 10<sup>th</sup>. McSweeney seconded and all were in favor.

At 7:43pm, McSweeney made a motion to adjourn. Fine seconded and all were in favor.



**BOARD OF HEALTH MEETING MINUTES**  
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Donna Bagni  
Chair

Exhibits

- A. Attendance Sign-in Sheet
- B. Office Communication Protocol
- C. Local Regulation Upgrade