

BOARD OF HEALTH MEETING MINUTES
September 11, 2017

PRESENT: Donna Bagni (Chair), Gary Fine (Clerk), Gail McSweeney (member), Adam Silva (WickedLocal), Sabrina Chilcott (BoS/Town Administrator Administrative Assistant), Amy Kwessel (KP Law Attorney), Kaitlyn Bergin (Rooster Owner) and Donna and Richard Restucci (Rooster Complainant). (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."*

Correspondence - Madam Chair stated the copies of all correspondence were in the packets.

KP Law – Attorney Amy Kwessel spoke to the Board and answered questions regarding Pembroke Town Meeting's passage of Article 29 and how it relates to Board of Health regulations in place prior to its passage. Regulations enacted by the Board of Health prior to the Right to Farm By-Law still stand lawfully as does any future regulation the Board enacts. The Right to Farm By-Law primarily provides a mechanism for mediation in the event of a conflict.

16 Cynthia Lane – Deck Variance – the homeowner did not appear.

Meeting Minutes – The Chair asked for a motion to accept the Minutes of August 7th as written. Fine made a motion to accept the minutes as written, McSweeney seconded and all were in favor. The Chair found an error on the August 21st Minutes prior to the meeting. Landy corrected the error (changed July 20 to August 20 on page 1, last paragraph) and distributed new copies to the Board. Fine made a motion to accept the minutes as written and Bagni Seconded. Fine and Bagni voted yes, McSweeney abstained and the minutes were accepted.

Chair Statement – Chair Bagni reminded the Board of the Oath taken and the service due to the residents of Pembroke.

Rooster Complaint – The Board ruled the roosters at 94 Mattakeesett Street do crow before 7:00am, violating the noise ordinance in the Livestock Regulations. Mr. Fine made a motion "Ms. Kaitlyn Bergin, of 94 Mattakeesett Street, be given ten days effective Tuesday, September 12, 2017, to become 100 percent compliant with the regulations for keeping livestock in Pembroke. I am specifically referring to Part 3, Section A, Poultry, number 4. Otherwise, the Board of Health will activate Part 1, General Laws, Section L which states the following, and I am going to read it as part of the end of my motion. Section L says, 'Violation of any regulation herein shall cause the owner of the livestock in question to be fined fifty dollars (\$50.00) per offense. Each day the violation exists shall constitute a separate offense.' In summary, I am giving in my motion, Ms. Bergin, 10 days to get 100 percent compliant. And I don't want to hear that you are already in compliance. You have 10 days to get compliant and then the Board of Health will, according to my motion, take action. The mechanism that we have which is a fining mechanism." Bagni seconded. Fine and Bagni voted yes and McSweeney abstained.

Old Business

Health Agent Updates

- *Sanitary Code Violations at Wolves Den*
Eight portable toilets are in use at the Wolves Den. A perc test was performed August 31, 2017 by Merrill Associates. We are currently waiting on engineering plans for the new septic system. The Health Agent has been inspecting the site (the portable restrooms) on a regular basis. The Board would like to be informed if any requests are made by Mr. Poirier.
- *Sanitary Code Violations at a private home*
A home on Valley has been condemned due to no electricity nor heat and is currently empty.

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- *Other Health Agent Activities*

On Sunday, the Agent assisted in the retrieval of two loose horses and one donkey on School Street.

- *Bridges by Epoch - Pembroke*

The preliminary walk thru was good. They are coming in for their food license this week.

- *Percs and Inspections.*

There were six percs and eight septic inspections. Percs are booking out in October.

- *Mosquito threat*

Pembroke has moved to a “moderate” level of concern for West Nile. Outdoor activities are not curtailed at this time but the use of DEET and protective clothing is advised. All schools and organizers/coaching staff have been advised.

- *Other Commercial Sanitary Violations*

Status quo for the other two establishments: still in engineering.

- *Other*

In the Health Agent’s absence, in the future, the Board would like more detail (such as type of inspections) in the Agent’s report.

Topics for the next meeting were discussed: livestock fees and perhaps other livestock regulations.

At 7:44 p.m., Fine made a motion to adjourn. McSweeney seconded and all were in favor.

Donna Bagni
Chair

Exhibits

- A. Attendance Sign-in Sheet