

## MINUTES OF THE BOARD OF HEALTH MEETING

March 12, 2018

**PRESENT:** Gary Fine (Acting Chair), Gail McSweeney (Member), Matthew Newman (Member), Sheila Landy (Secretary), Lisa Cullity (Health Agent), Edwin Thorne (DMI Director), Chief Richard Wall (Pembroke Police), Donna Bagni (Resident), Patrick Chilcott (Pembroke Public School Committee Chair), Erin Obey (Pembroke Public Schools Superintendent), Lewis Stone (Selectman), Art Egerton (PTN News), and David Cedrone (WATD Reporter).

### **5:00 MR. FINE OPENED THE MEETING AND READ THE STATEMENT REGARDING AUDIO RECORDING OF THE MEETING**

#### **HEALTH AGENT'S REPORT**

*The Fieldhouse* update – The Agent continues to monitor the status of 340 Oak Street. The office continues to receive complaints but when the Agent checks the facilities there does not appear to be any violations. Sometimes the bathroom trailer appears “messy” but not in violation of the health code. Mr. Poirier stated he paid his deposit for the work to begin. The contractor was in to get a license to work in Pembroke but was unaware if the deposit had been paid.

*Pembroke Hospital* update – The DEP is expected to approve the finalized plan. They had hoped to finish work by the end of March but this probably will be pushed back to April primarily due to the weather.

*Office Activity* – Activity in the office has increased greatly. Contractors are coming in to get licensed and preparing to do work in Pembroke. More properties are being put on the market.

*Areas of Concern* – There are a couple of vacant properties that are concerning. 18 Monroe Street has been vacant for quite some time. The Agent has been contacted by the Pembroke Police to confirm the property is condemned. Another bank owned property with a lot of activity (foot traffic in the office) is 45 Ridge Avenue. This property with a home on it is landlocked. There is no access to the lot other than by water. This is not a BoH issue but an issue for land court. Taylor Point Road problem is resolved. It was a dispute between Columbia Gas and the homeowner. The Agent verified no one was living at the property as it is condemned with a failed cesspool 30 feet from Oldham Pond. 58 Woodbine is active. The home had an addition put on and at that time, Health Agent Fred Leary stated the metal septic tank needed to be replaced before an occupancy permit was issued. It has been verified that the tank was never replaced.

*Other Activity* – Perc tests and inspections this week.

*PEMA*- Chief Hill called for an activation of the shelter at the Pembroke Public Library on Friday, March 2 at 7:00pm and it was open and operational by 8:00pm. The first night there were no overnight guests but there were two walk-ins with medical needs requiring electricity. The shelter remained in operation when the library was not open. During the day, the library was open extended hours (8:00am to 8:00pm) and used as a library and warming/charging station. At night, the library was set up with cots to act as a shelter. There was nursing staff on hand during the intake and outtake times to check the well-being of guests. At 8:30am, the nursing staff would switch over to the Council on Aging to provide any assistance needed. The Agent worked throughout the weekend. The shelter was deactivated on Tuesday morning. The Agent continued to assist at-risk residents and determine if their homes were safe to return to. The after-action report will take some time to develop. There was widespread devastation throughout the Town. It took a long time for the wind to die down and for the tree professionals to make it safe enough for National Grid to start addressing the problems. The trunk line to Hanson/Halifax/Hanover/Pembroke from Bridgewater was in shambles and had to be repaired before any repair work could begin in Pembroke. The Council on Aging assisted the public nurses with assessing at-risk seniors, calling and visiting residents. Pembroke Housing Authority checked on their population and opened their common rooms, which were on generator, to their residents. The Firehouse Pantry dropped off drinks and snacks at the library and the COA. There were no severe problems with people trapped in homes. The Agent is not aware of anybody that needed assistance and did not receive assistance. Mr. Newman stated he went by the shelter several times and was impressed with how smoothly things went. Ms. McSweeney asked how Mr. Newman knew about the shelter and when he was advised by the Board it was open. Mr. Newman stated he knew as a resident, not from the Board. He heard it at Church and he also knew from past experience the shelter would be available. The Agent stated Verizon was down. Verizon did not know a major junction building was without power and their generator was not working. Starting Friday, March 2, 2018, most if not all electricity, internet, email and phone was down. There were no communication services available at Town Hall. The most effective means of communication during the storm was social media.

Mr. Fine asked a question about 56 Taylor Point Drive. Was the situation resolved? The Agent said the BoH was involved only to the point of verifying no one was living on the property and if anyone was going to repair the well, the

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well driller had to get a permit at the BoH office and be licensed by the Commonwealth of Massachusetts. It is back to being an issue between the homeowner and Columbia Gas and who is paying what.

Mr. Fine asked the secretary if a letter had been sent to the owner of record of 58 Woodbine Avenue. The secretary said the letter would be going out this week. The Health Agent reiterated that the office was tied up with PEMA, spending a few overnights at the shelter.

Mr. Fine reiterated Mr. Newman's thoughts on PEMA. Fine had been to the shelter and thought the matter was handled well by all involved. Lisa Cullity left the meeting.

### **5:15 SCHEDULED APPOINTMENT – Patrick Chilcott, Chair of Pembroke School Committee, and Erin Obey, Superintendent of Pembroke Public Schools**

Mr. Fine reached out to Mr. Chilcott over the weekend when he became aware of an incident at the schools and asked Mr. Chilcott and Ms. Obey to also appear before the Board. Mr. Fine asked for a synopsis and some thoughts about what transpired. Neither Chilcott nor Obey identified McSweeney as the Board Member that visited the school.

Mr. Chilcott and Ms. Obey stated:

- The Superintendent's office was notified on Wednesday that there was a Board of Health member that wanted to come into the schools and had visited the high school, North and Hobomock.
- Any time there is a visitor to the school, there is a required protocol. Visitors must check in at the office they need to have a CORI check and need to be escorted around the building.
- The Board of Health member identified themselves as there to do an inspection.
- Normally, the Health Agent coordinates with the Food Service Manager, Nadine Doucette.
- Some cafeteria staff members were asked to sign something.
- They were shown a badge.
- What was the purpose of the badge?
- McSweeney did not communicate who she was effectively.
- There was no check-in done and the individual entered the schools with students present.
- A complaint was filed and based on the Pembroke Police report no one from the Board of Health signed in at the desk and detailed questions were asked.
- Chilcott was not willing to take everything McSweeney said as factual and he cannot believe McSweeney just told him that is what she did.
- A protocol is followed by government officials and between government entities. Proper protocol is Board Members contact Board Members or the Administration of the government entity.
- Chilcott said he does not have the right to just walk in and start touring another department
- Ms. McSweeney does not have the right to walk in and tour a school.
- Showing up unannounced, walking into a building without having checked in given the amount security issues and fear people currently have inside a school system, is just insane.
- Chilcott asked if the Board of Health had a written guidebook on how to appropriately operate as a Board of Health member. Does this guidebook tell you to show up at a school unannounced, walk in unescorted and say you are there to perform an inspection as a Health Inspector?
- Guidebooks are not laws of the Commonwealth or of this town.
- Chilcott asked McSweeney to produce the handbook or protocol showing her authority to perform this task. He asked for the specific area that states McSweeney could do this task without the vote of the Board or the direction of the DMI.
- Chilcott stated either McSweeney's recollection is so far afield from what three different individuals have recalled or is selective in a way that he doesn't know if she understood what she was doing or...
- Chilcott asked if McSweeney was saying protocol was not followed at all three schools and three individuals lied to a Pembroke Policeman and then three other individuals within the cafeteria also have it wrong or you are not being truthful?
- Obey stated the schools did not need inspection after the storm since each school has its own generator which power the refrigerators and walk-in freezers.
- Mr. Chilcott asked if the Board of Health had a concern about the schools and if this was a Board action (as a team).

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- Mr. Chilcott asked the DMI Director Edwin Thorne if there was a concern in the DMI regarding the schools. Mr. Thorne replied no.
- The majority of the Board of Health nor did the DMI direct any one member of the Board to perform this task
- The action taken was one of an individual, acting as an individual without the authority of the Board, and acting as a private citizen using a badge to derive authority in order to gain access to a school to ask a series of questions an ordinary citizen would not ask.
- There was concern the facts as put out in the meeting tonight are so different than the facts presented by the school officials and the Pembroke Police Department. A formal complaint has been filed. One a group of people with the same set of facts and one individual with a completely different set of facts.

Ms. McSweeney stated:

- She is aware of the protocol for schools.
- The receptionist at all three schools brought her to the cafeteria. She has the names of the staff and the times she was there.
- She never went in as a health inspector.
- Her questions were simple: how did we run while the schools are going. Do we have generators? Had they been inspected? She did not go into temperatures or storage or anything else.
- She did not do any inspections and there was nothing out of protocol.
- She does have a Board of Health Member badge identifying her as an elected official. She used her badge to identify herself as a member of the Board of Health representing the voters and taxpayers of Pembroke.
- In an emergency situation, you would want to know everything was ok. She had been asked by residents and as an elected official it was her duty to find out.
- She was following the Board of Health guidelines and in the guidelines that is explicitly what it states.
- If there was a failure to sign in, the staff would say you need to sign in rather than directing her to the cafeteria.
- Perhaps Mr. Chilcott misconstrued the truth.
- She was there, she knows exactly what happened, she never jumped over her limitations and she is extremely offended Chilcott keeps saying she represented herself as a health agent. She has never done so and never will.
- Her concern is the schools were opened without an inspection.
- McSweeney said it was her right to go in there.
- She sent an email to Mr. Fine inquiring about the schools and what was being done and Fine responded he was out of town and he had no idea as to what was going on as he was dealing with his own storm issues.
- She responded to the office as well with her concerns.
- She did not get answer from there as well. She said she contacted two people in the office prior to doing this.
- She would like, going forward, after a storm, a listing on the town website as to what has been inspected.
- The office needs more transparency.
- She had no problem producing the handbook for Mr. Chilcott along with the emails to and from the Health office for Chief Wall.

Mr. Newman asked if it was the job of the Board to set Policy and didn't the Board have people such as the Health Agent to do inspections?

Mr. Fine stated:

- Board is an autonomous board, and as such, it needs to act in unison.
- A member should not act without the consensus of the Board.
- He would never to go into the schools on his own, period and he definitely would not go in without having a discussion of the Board.
- To the best of his knowledge there was zero concern, zero discussion, and zero consensuses with regards to the safety of the food items in the schools.
- He was aware the Food Service Manager of the Pembroke Schools, was in contact with the Health Agent regarding food safety and the storm. He had been keeping in touch with the Health Agent and the Secretary.
- The handling of future storms is a topic for future discussion.

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- He received an e-mail from McSweeney at 10pm Monday night and he responded that she would be hearing from the BoH secretary Tuesday morning.
- He was not out of Town and never said he was.
- This is not the last time this will be discussed by the Board. Fine is concerned as the Board needs to operate with all members on the same page. Clearly it is not happening as it relates to the inspection of the schools issue.

Police Chief Richard Wall stated:

- He didn't take the report and is one step beyond the investigation.
- He was concerned a badge was used to indicate authority as the Board of Health.
- A badge without an ID card is useless.
- In most people's minds, the badge is an authority and trumps their own protocols.
- He does not think an elected Board should have a badge.
- He would prefer a picture ID instead of a badge.
- He is more concerned with the breach in school security.
- This is not such a priority that it was an emergency situation that someone had to go in right away as there was no imminent danger that protocol needed to be violated.

Secretary Sheila Landy stated:

- Email went down on Friday evening and did not come back until Tuesday morning.
- She verbally contacted each member on Monday night and updated them on PEMA.
- During the call to Ms. McSweeney, Landy was asked about the schools. Landy stated she told McSweeney she would look into it but since this was not the first storm with a power failure, she was sure the schools and the Health Agent had a plan.
- On Tuesday morning, per Mr. Fine, Landy emailed the Board the update on PEMA, food establishments and the schools.

### **NEW BUSINESS**

#### **Board of Health Badges**

(46:55)

Mr. Fine stated he often wondered why he even had a badge. Fine agreed with Chief Wall that a badge gives authority and would prefer a different type of identification. Fine made a motion to for the Board to surrender their badges effective immediately. Newman seconded. Mr. Fine and Mr. Newman were in favor and McSweeney voted no. Motion carried 2 to 1. Mr. Newman stated he did not have a badge. Fine and McSweeney surrendered their badges to Town Administrator Edwin Thorne.

Chief Wall said he had discussed with Mr. Thorne about creating a board to develop a means of identifying all town employees and asked if the Board of Health wanted to appoint a member to the board to assist. Fine said it would be discussed later. Ms. McSweeney asked Mr. Thorne if it would be possible to get a sign on the Health Agent's vehicle within the next month identifying it as such. Mr. Thorne said absolutely. Chief Wall, Patrick Chilcott and Erin Obey left the meeting.

### **SCHEDULED APPOINTMENT**

#### **8 to Educate – Selectman Lewis Stone**

In 2013, Mr. Stone was contacted by a textile company regarding the recycling of old clothing and shoes not suitable for regular charity groups (dirty, torn, etc.). Stone brought it to the Selectmen and they approved. A collection bin was placed at each of the five schools, the Recycle Center, and Town Hall. The bins are collected weekly and weighed. The Town gets paid by the ton of usable materials. Since May, 2013, 132 tons of recyclables have been collected, yielding \$14,720 for the schools. Each school gets its share based on what was recycled from their bin. The company has contests throughout the year, pitting one school against another. Pembroke has received about \$500 from these contests bring the total monies over \$15,000. The money is given to the PTO's of each school. An added benefit is 132 tons of textiles have been kept out of curbside pickup. The Town pays \$56 per ton to dispose of trash. This has saved the town close to \$7,400. The monthly report is broken down by school and the schools compete with each other.

Stone also discussed the solar farm at the old landfill. The solar farm is expected to generate enough energy for 80% of all the Town buildings electric needs. The farm generates credits which are applied to the bills due for each building based upon how much they use. The Energy Committee which helped, along with the Selectmen and the Town Administrator,

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bring the farm to the landfill are looking for other areas to put another farm, hoping to cover all of the Town's electrical needs. The solar farm also pays, in lieu of taxes, \$105,000 every year in payments from the solar panel company. There is also a lease payment of \$76,500 every year. Over the length of the twenty year agreement, the credits from the energy produced will generate seven million dollars. The total value of the project over 20 years is over \$10 Million dollars, on average \$500,000 per year, a great deal.

Mr. Fine acknowledged Mr. Stone was not running for re-election and thanked him for his service and dedication to the Town of Pembroke. Mr. Fine asked Mr. Stone if there was something he would like the Town to do. Mr. Stone asked people to get involved and participate in Town government, make a great town even better.

### **OLD BUSINESS**

Gang of Thirteen – a revise and categorized list the Health Agent suggests the direction the Board should take.

Mr. Fine renamed the topic, "Future Initiatives" and changed the description to, "a revise and categorized list the Health Agent suggests may be noteworthy of consideration by the Board of Health."

Fine would like the other members, between now and the next meeting, to look at the list of initiatives and prioritize them as to what area they are interested in tackling, perhaps adding a topic.

### **The Report of Cost of Engineering Appearing for Routine Variances**

Fine asked the secretary, Mrs. Landy, to share her research with the Board. Landy stated the Board normally asks the engineer to appear before the Board for any variance request. Landy polled five engineering companies to see if they charge the customer for Board appearances. The majority stated they do charge their time, including travel time, to appear for routine variance requests. The variance requests requiring abutter notification have the cost of appearance before the Board included. Most of the engineering firms stated these types of variances are the type other towns allow the Health Agent to sign off on. If an engineer designed the plan and the review engineer approved the plan, then the Health Agent should be allowed to sign off on the minor variances. McSweeney stated she would just want to see the chain of events (engineer, the variances, review engineer, health agent, etc.). Mr. Fine disagreed. He would like all variances come before the Board. He would also like the Health Agent to attend all meetings with variances and give her opinion. Mr. Thorne stated he would take it under advisement. McSweeney said it was great Thorne was attending but it was creating a hardship to have the meetings at 5:00pm instead of 6:30pm to accommodate Mr. Thorne's attendance (the Board of Selectmen meet at 7:00pm). She requested either Fine or Thorne make arrangements for the Health Agent to attend the meetings or they move the time of the Board of Health Meetings to 6:30pm on Mondays. Fine stated he will leave the meetings at 5:00pm on Mondays until the reorganization after the election in May. McSweeney asked on what authority he was making that decision. Fine stated he was making the decision as acting Chair. McSweeney accepted his decision.

### **Words from the DMI Director Edwin Thorne**

Mr. Thorne stated he was happy to be there and would be happy to return to the Board in two weeks to go over the Board's Initiatives as some of the topics impact the town and the DMI and the Board of Health.

Fine asked for a motion to adjourn. McSweeney made a motion to adjourn at 6:40. Mr. Newman seconded and all were in favor.

Gary Fine  
Acting Chair