

**MINUTES OF THE BOARD OF HEALTH MEETING
September 24, 2018**

PRESENT: Matthew Newman (Chair), Gary Fine (Clerk), Lisa Cullity (Health Agent), Sheila Landy (Secretary), Rob Adams (Reporter/Media Consultant), Dave Antoine (PACTV), Ben Alexander (PACTV), Paul Menard (Videographer PACTV), Art Egerton (PTN), Teresa Sheedy (residents) and John Huether (Resident).

**6:05 MR. NEWMAN OPENED THE MEETING AND READ THE STATEMENT REGARDING
AUDIO RECORDING OF THE MEETING**

BOARD ACTION – Rooster Complaint – 30 Hobomock Street.

Mr. Huether and a neighbor, Terese Sheedy, attended the meeting. Huether brought in a sheet signed by five other neighbors requesting enforcement of the Town's bylaws. The rooster routinely wakes them up at 4:00 a.m. Fine asked Huether if he has contacted the owner of the rooster. Huether said he had not this time around. This had happened before and he tried to talk the owner. The first time there was a problem, the owner got rid of the chickens when he was approached by the Health Agent. It took a matter of weeks. This time, the homeowner has not contacted the Health Office despite several letters to the home from the Office. Fine asked how Huether came to have the signed letter. He said he just talked to his neighbors. Fine asked if anyone refused to sign. Huether said no. Newman said he does not have a timeline for when it will be resolved but the Board will move forward. He apologized for the inconvenience. Huether asked what comes next. The Health Agent stated she has never seen anyone completely disregard letters from the Town. She stated there are two more regulations being violated. The chickens are not licensed and the coop is located too close to the shore of Hobomock Pond. Each violation carries a \$50 fine per day (\$150 total). She has written two tickets thus far which usually causes the homeowner to contact the office. This has not happened yet. If the fines are not paid, it goes to the court. If they do not show up in court, a tax levy is assessed on the home. She can reach out to the state for ideas. Otherwise, the plan would be to continue to issue tickets until it becomes so cost prohibitive that action must be taken. Fine asked how long this has been in violation. The Agent said the violations started the day the chickens were brought on the property. Fine suggested that fines start the day after the next Board of Health of meeting. The Agent asked if Fine wanted to send another letter stating fines will start accruing the day after the next meeting at the rate of \$150 per day. Fine asked if had to be run by Town Counsel. The Agent said no, Town Counsel has approved our bylaws. As long as the violation is verified by a Town Employee, it is valid. Fine said he understands the aggravation associated with living next to a rooster. The Health Agent went over the fines again and gave the solution to each violation. Huether asked why chickens are not "policed" as dogs are. The Agent said they are policed the same by the Animal Control Officer. When it goes to court, everything has to be documented. Due process has to be shown. How many times did you try to get in touch with the owner? How many times did the violation occur? That is why everything is documented. The Agent advised Mr. Huether to tell his neighbors to call if they felt the need. They were reminded to call the office with any questions, etc.

**SCHEDULED APPOINTMENT – Gordon Martin – Chairman of the Plastic Bag Ban Subcommittee to update
the Board**

Chair Gordon Martin could not make the meeting. In his place, the Clerk of the Plastic Bag Committee, Robert Adams spoke to the Board. Mr. Adams told the Board the subcommittee has met three times. The mission statement will be finalized at the next meeting. They are reaching out to several people regarding the two vacancies on the subcommittee. Only one has responded. The Health Agent stated there are some people that, while pro plastic bag ban, are not comfortable with the article on the warrant. She continued to say any bylaw can be changed at a future Town Meeting. It is not in set in stone. Mr. Adams stated it could be done at Town Meeting. The next meeting is Tuesday at 7:30pm in the Veteran's Hall.

BOARD ACTION – Accept the Minutes of June 25, 2018, July 23, 2018, August 6, 2018 and August 20, 2018
Mr. Fine made a motion to accept the minutes as written June 25, 2018, July 23, 2018, August 6, 2018, and August 20, 2018. Chair Newman seconded and all were in favor.

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HEALTH AGENT'S REPORT

Mosquitos – We have another human case of West Nile Virus in Massachusetts. Plymouth County remains at a moderate level. People should be thinking about their outdoor evening activity. Bug spray with DEET should be worn as well as long-sleeve shirts and long pants. The viruses are out there. We are at low level for EEE and moderate level for West Nile but that could change at any time. If we go to a high alert, the Board will have to limit outdoor evening activities. Fine asked if any towns had curtailed evening activities since our last meeting. The Health Agent said she is not aware of any in the Plymouth County area.

BOARD DISCUSSION – Discuss Pond Pollution Safeguards.

The Chair stated he had read the reports supplied by DMI Director Edwin Thorne. He said Member McSweeney had discussed this at one meeting. It is a topic for discussion. The Chair asked Mr. Fine if he had anything he wanted to add at this time or did he want to wait to discuss it further. Fine said he did not have any questions or comments at this juncture and, while our 3rd member who is not present this evening, did raise the issue, and he thought it was great that she did, moving forward, if we are not going to have a full board, we need to take this on. Newman agreed. The Health Agent volunteered to call her contacts throughout the state as well as at some conferences she is attending, and see what towns have put in what restrictions to protect their water bodies. The Chair said that would be very helpful. Mr. Fine asked if there could be a written report. The Agent said she could pull one together with the documents, if any she gets from other towns.

HEALTH AGENT'S REPORT

Livestock – Mr. Fine asked to go back to the Health Agent's Report. What fines were issued? Was it a singular \$150 fine or two \$150 fines? The Agent said it was actually three \$50 fines for 3 different violations on a singular day totaling \$150. This happened twice for a total of \$300.

The Health Agent told the Board the owner of Woodbine is working with McPhee. They have a few more considerations to do, she doesn't have a time line but she wanted the board to be very much aware she is continuing to work on that.

Fieldhouse – The Secretary has reached out to Mr. Poirier but he has not returned her call. At the beginning of this, the Board gave a loose deadline to comply with regulations by September 30. There have been delays (Planning Board) but all permits have been issued. It is time to issue a deadline. The Chair said it is time to pursue this. Mr. Fine was not in favor of a deadline but a reset. Now that the permits are issued, what is the plan/timeline? The Chair asked if a site visit could be arranged before the next meeting. Mr. Fine agreed.

UPCOMING ISSUES

Discuss Streamlining Variance Request Approval Procedure

The Health Agent has begun talking to the Town Administrator/DMI Director Edwin Thorne. The Fall Town Meeting will be taking a lot of his time.

Livestock Regulations

The Health Agent asked if the Board wanted staff to take a look at what other towns are doing regarding a, roosters and b, anything else as templates or ideas. The Chair said absolutely. He was interested in Right to Farm towns and how they handle roosters and livestock and people. The Agent said she spoke to the loosely formed Agricultural Commission – which forward the Right to Farm bylaw – and asked them to right down some of their ideas to share with the Board. She asked for both pros and cons of more or less livestock regulations. This office and other offices do not make rules, regulations or restrictions lightly. The idea there may be further restrictions on roosters is a direct reflection of just how much problems or irritation has arisen from irresponsible rooster ownership within the community. The Agricultural Commission is aware of these types of problems and shares the same concerns. They have a vested interest in the proper ownership (care) of all livestock. Fine said while the number of rooster complaints since he has been on the Board is few and far between. The number of complaints that come before the Board are also minimal. On the flip side, the amount of time and frustration and aggravation is concerning. The Board should have a healthy debate about

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what to do about the roosters. The Chair agreed. The Agent some people make the argument, “Oh, it’s a rooster. Get used to it.” She thinks it is very obvious to her that while some people can get used to it and some people even enjoy it, it is very obvious the people losing sleep and being disrupted by the rooster that doesn’t go away, are also a large group of people. The Agent thinks most here would agree we would probably be upset if we were woken up every day at early hours for someone else’s hobby.

BOARD ACTION – Rooster Complaint – 30 Hobomock Street (*continued*)

The Chair said our next meeting is October 15th due to the Columbus Day Holiday. He asked Mr. Fine if he intended, earlier in the meeting, for the complainant to wait three weeks for fines to begin. Fine asked for verification that the owner was asked to attend tonight’s meeting and did not show. The Agent said that was correct. Fine said he read the letter, missed the date and thought the owner was invited to the next meeting. Since he missed tonight’s meeting, the fining should begin immediately. The Chairman said we have been fair to the owner of the livestock. We also have an obligation to the people that were here and those that signed the letter. Fine and the Chair agreed to start fining Tuesday, September 25. The Health Agent stated she would give a letter with the fine stating the fines would continue daily until compliance. You have twenty-four hours to state your intentions. If he responds, the Agent will let the Board know and they can decide whether to alter their decision.

The Chair made a motion to adjourn at 6:50pm. Mr. Fine seconded and all were in favor.

Matthew Newman
Chair