

Board of Health Meeting Minutes

June 15, 2022 5:00 pm

Present: Charlene Farris (CF), Daniel Thibodeau (DT), Donald Makowski (DM)

Attendees: Brianna Dunn (BD) (Board of Health Administrative Assistant), William Shoucair (WS) (Warren Resident), Gary Plante (GP) (Warren Resident), Rick Saudelli (Tobacco Control Alliance Agent), Jodie Brighenti (Tobacco Control Agent), Tamara Dufrene (TD) (Animals Inspector/Animal Control Officer), Tammy Martin (TM) (Accountant), Jim Fererra (JF) (Town Administrator)

5:00 CF opens Meeting, DM makes the announcement that the meeting is being recorded.

Hearing:

Nikhil Bhatt is present for the hearing he requested regarding selling tobacco products to a minor, and the violation following the action.

DM asks One Stop to explain his reasoning for joining the hearing tonight. Nikhil Bhatt says he has joined the hearing because he received the letter, but he doesn't know what is going on. This letter is from March 6, somebody sent the letter saying his store sold to minors, a game cigarro, he has a recorder in the store he can go back 1 month and 1 week and has not seen anything. They are very careful about selling to minors, now he is more and more careful. He is asking for the opportunity for the violation to be dismissed.

Jodi speaks. Rick was the compliant specialist. They purchased a pack of game for \$3.59.

Mr. Bhat says he was not afforded the opportunity to plea his case. Rick explains to Mr. Bhatt this is his chance to plea his case. The store did sell to underage.

Mr. Bhat says he should have been notified at least within one week so they could the recording.

Rick, tells him that he received the notice in the mail that was him being notified. The state has streamlined the violations. Mr. Bhatt says he doesn't know the date, or time they came. Rick says the Tobacco Control Alliance has all that information and the age of the person. Mr. Bhatt says the photo isn't evidence.

Mr. Bhatt believes the girl buying tobacco products is committing a crime.

DM the Tobacco Control Alliance has facts that you sold to an underage person. Rick says the paper the BOH received is the back up form if the BOH wants to review that. Rick asks Mr. Bhat if he was able to access the video footage, or able to go back to see who was working on the

date and time of the violation on March 6, 2022. The description on the report says an older male.

Mr. Bhatt says it doesn't matter who was working anyone working to sell to a minor made a mistake. How does he know it was really a minor.

Rick says, "the job of Tobacco Control is not punitive, it is not to issue fines but rather educate. The reality is, on this day and time somebody from this store sold to a youth. That is the evidence."

DM adds this coalition took an oath to uphold the law. Rick says the evidence is the game product. Mr. Bhatt says that his is not an opportunity to defend himself to please set aside this order.

Jodie Brighenti reminds the board that there could be a problem with the protocol or the inspection never happened those are the only reasons they could find the seller not responsible.

DM tells Mr. Bhatt that the BOH will send him the decision by mail.

Rooster Complaint:

Tamara Dufresne came into the meeting about the rooster complaints. Her first thing is when she gets a complaint about noise, specifically about roosters she lets the person know she can't do anything, but she does go out anyway. She points out that the first coop was way too small for 6 chickens, and now that it's been brought to the attention of the AI and ACO they need a bigger coop. She suggested poles and wire fencing or resale dog kennels as economical suggestions. Owner said she would take care of it. TD went back in December during barn inspections and saw the coop was expanded, owner also allows for the chickens to run. ACO saw all 6 chickens they all looked healthy, and she passed them on the barn inspection. To jump back a little in October, WS had been in contact with BOS who said even though they are annoying there are no bylaws restricting them. Animal regulations would benefit both parties involved because the ACO has standards to fall back on. She feels like it is a cop out to the people complaining, it is frustrating to them, and then to the people that own the animals they will know they are within regulation. The complaint documents that WS is annoyed for lack of a better word, and she has been involved in the situation.

Mr. Shoucair has asked the ACO to pursue the nuisance law for dogs on the rooster. TD says that for zoning agriculture is permitted for every area.

WS says it was voted down that it is a right to farm community- TD says if we were officially a right to farm community we would have bylaws in place and be notified by the realtor legally this is a right to farm community to let them know what is allowed so they can make their own decision. Right now, we are not a right to farm community we just zone agriculture in all communities.

WS says it was important to know it was voted down. If it was a right to farm town there are restrictions on nuisances and noise. WS knows TD has done what she could to benefit the care of the roosters. But this is not just an annoyance this is medical issues coming from a health care provider. For personal reasons we will not discuss the health issues in detail. Mr. Shoucair says if the BOH could do something, like talk to all the neighbors that might help. It is frustrating to the complainants to know there are other people to afraid to speak up in the area about the rooster issues.

TD says the problem with this is that there is another rooster that lives within a distance from the home, and a personal thought is it might be difficult to say to someone to remove the rooster but allow someone else to keep theirs.

TD says again that she does support animal regulations.

DM asks if there is any info on where the chicken manure is going. TD says if fecal matter is produced on another person's yard that is a BOH matter, if chickens are in the road that is something the ACO/AI can help with. When TD goes on barn inspections, she's making sure that manure isn't piled up.

TD says the MSPCA was contacted as well because there were originally 6 chickens and now there are only 2 roosters. CF says never put 2 roosters with 6 hens. TD well that is situational. GP says the chickens didn't make it through the winter because they weren't being fed. TD discussed everything she had seen and saw during her visits with the MSPCA police officer, there are no laws about chickens being picked off by a predator, if there is no evidence that anything happened there is nothing that can be done. It all comes down to evidence.

TD did find at her last visit that there are only 2 roosters. She doesn't believe they are aggressive because there would be evidence, they are attacking each other.

WS urges the BOH to consider the people before the roosters or chickens.

GP says that chickens don't stand on the ground in the winter that is the defining matter here. They need to roost.

DM says to GP we don't have restrictions on what that coop should look like. It is what it is to house those chickens.

JF wants to state for the record that he has spoken to Mr. Shoucair, Gary, and the ACO, and AI and JF really believes that there is nothing in the bylaw or zoning that would help this case. He stated in an email that we need to change, amend, or add, bylaws to help them. She has put on a great report to provide to the board. JF feels that ACO AI has gone above and beyond.

DT said that he was out there, and the noise decibels were not as high for a nuisance,

WS says that the woman works at night she sleeps during the day, she neglects them in the sense that they are there. WS says that roosters usually don't crow all day under good well-kept conditions.

WS says maybe the best idea is to open a conversation with the homeowner saying there are several complaints and these people's health are being damaged- he asks the BOH to write a letter to the household or have a conversation with them about the roosters. TD does remind the board that her final photo in her report is that the owners do plan on getting more chickens.

DT says that he will be up on the property now that he knows it is 186 Maple St.

West Landform Maintenance:

TM tells the Board she reviewed the quotes for the west landform, BD has given them prevailing wage, we need to come up with a contract, there will be 2 copies BOH gets the original. They (contractor) will have to pay prevailing wage.

TM starts with Mowing Solutions: Looking for lowest bidder but the one who will give us the most for our dollar. She didn't like "further remediation might be required but is not included in this quote."

The next quote is the one she is in favor of which is Cain's at only \$75 more. Per our personal by-laws we do need a performance bond which protects us if he does work that is not satisfied. Need to find out if the work on the exceptions is not included or included –

Solid Waste Solutions says flat rate of \$9,100.00 and says he will give a 10% performance security.

BD called John Cain to make sure that he knows there can be no exclusions.

DM motions that we except Cain's quotation for the Warren Landfill and brush mowing as long as he gets rid of his exclusions. CF seconds, AIF.

CF makes a motion to have SWS as a back up for west landform mowing DM seconds the motion, AIF.

JF joins and said he is making his way around boards, and he is chief financial officer, human resources officer, and one thing the town needs updating on under the human resources is having someone in charge of signing off on policies that are implemented by the town. There is a social networking policy that covers all boards, and all employees in town, so if you have a FB or twitter, or social media account, the policy goes into detail about what the town expects for board members, elected officials, and employees. Unsure if everyone has seen it but at some point, he will need each member to sign off saying that they have been made aware of the

policy. People can go online but keep it professional. Don't make it personal attacks on someone. If you want to say the BOH is doing a recycling day and wants community involvement-by all means do it. But let's keep this professional, its just safer. Everyone should sign one saying they received it.

DT says ACV hazardous waste disposal day is good with the exception that we do not allow for desirable disposals because they are extra fees we do not need to accrue.

CF motions to allow for a hazardous waste disposal day through ACV Enviro, DM seconds, AIF

DM motions to pay all bills and payroll CF seconds AIF

DM motions to approve meeting minutes from 5/18/22, CF second, AIF

DM motions to confirm next BOH meeting on July 20th 5pm, DT seconds, AIF

BOH gives BD permission to put this before the BOS

29 Bacon St. – judge gave 120 days due back in September

200 O Neil Rd. – end goal is to have an inspection to prove or disprove the claim, an inspection is wanted. See if Tricia will revisit the case.

DM Tobacco Control Alliance – The BOH makes a motion to uphold the violation from the TCA for the fee of \$1,000.00 and the suspension will be lifted. DT seconds, AIF

CF says 98 Old West Warren Rd is what her and TV saw. The driveway is so overgrown you can't see it. The occupant needs a letter to clean the trash up.

8:10pm CF motions to adjourn meeting DM seconds AIF.