



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

The Board of Health Meeting Minutes

Date / Time / Location of Meeting	08-08-2018 / 6pm / Room 127
Members Present	Robert Barrell; Beverly Salate; Michaun Fowler; John Sullivan
Members NOT Present	N. Alan Harris
Guests	Philip Leger; Mollynda McArthur; John Farnsworth
Welcome – Call to Order	Time: 6:00pm

Approval of Previous Minutes	July 2018 minutes were reviewed and signed
Motion Originator	Ms. Salate
Motion Seconded	Dr. Sullivan
Result	Approved 4-0 pending one correction on p 1, and signed. Ms. Lee will make the correction.

NEW BUSINESS

- **Rooster Complaints**

Discussion	Ms. Lee provided an update on the rooster complaint at 95 Sterling Street (advisory letters were sent with rooster collar information), noting that the owner responded to the complainant's email and referred to the Right to Farm By-law as supporting her right to have a rooster crowing and refusing to "quiet" it. Ms. McArthur, from the Agricultural Commission, referenced a recent email sent to the Board by another member, Jim Amaral, which clarified the Right to Farm By-law relative to another rooster complaint last year. The clarification is that the By-law affords protections to commercial farms only (registered as businesses and paying farm tax rates). While residents can raise "backyard" farm animals, and even sell eggs or produce from a small farm-stand; per state law, any disputes over nuisance complaints are the purview of the Board of Health. Mr. Barrell stated he researched by-laws of other communities relative to roosters and in some towns roosters are banned due to the noise level in residential areas. The general consensus is that the rooster crow has a very high decibel level, is very piercing and can wake people from sleep at very early hours of the morning. Ms. McArthur noted that roosters are valuable to the health of the flock, helping to prevent the hens from hurting each other. Mr. Leger noted that there is information on-line about the safety of rooster collars. There is currently no by-law in West Boylston relative to backyard/non-commercial farm animals. Dr. Sullivan made a motion that the Board establish a By-law for non-commercial farm animals. Mr. Barrell noted that the by-law could include parameters to limit quantity, as well as other parameters to manage the health of the animals and
-------------------	---

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this communication without copying or distributing it.

impact on neighbors. The Board deemed the rooster crowing at 95 Sterling Street is a nuisance to their neighbor and directed Ms. Lee to draft an order letter to direct the owners to use a rooster collar or remove the rooster.

Motion Originator

Dr. Sullivan

Motion Seconded

Ms. Fowler

Results

Approved 4-0 to establish a by-law to regulate “backyard” farm animals, with a goal of enactment in May 2019. Ms. Lee will draft an order letter to the owners of the rooster at 95 Sterling Street.

- **CMRPHA Local Report**

Discussion

Mr. Leger reported 8 routine inspections, two re-inspections, two new complaints, and one complaint update. Of the 8 routine inspections, none had critical issues.

- Monthly re-inspection of Finder’s found evidence of clutter and grease residue as well as mice in the basement; they were directed to clean and keep up with pest control.
- Wachusett Estates Pool was re- inspected and is all set
- Brown Rice had hand wash issues
- Miku had meat order storage issue corrected during visit
- The Manor had general cleaning & hand wash violations

Complaints:

- TNT Nails 2 – the two complaints received were referred to the state for inspection.
- 15B Reed Street – so far unable to reach complainant by phone; letter will be sent.
- 68 Newton Street update – Court has ordered the owner to comply with Board of Health directives; so far the owner is not complying. There is a question about the Town’s legal involvement.

- **CMRPHA Regional Report**

Discussion

Mr. Leger reported highlights in the August CMRPHA update.

- Celebrate the new state law raising the sales age for tobacco from 18 to 21 years of age.
- Still waiting for new (2013) Food Code
- Mosquito borne West Nile Virus is “all around”; positive results have been found in all communities in Central Mass and the Risk level has been raised again to Moderate.
- PHEP is looking to schedule practice sessions for anyone interested.

- **Bill approval & Financial report**

Four account payables were reviewed and signed off on. Ms. Lee reported the Revolving Fund Balance.

Motion to Accept

Ms. Fowler

Seconded

Ms. Salate

Result

Bill payment and report approved 4-0

NEW BUSINESS

- **301 Sterling Street Beaver Issue**

John Farnsworth, MSCE, Farnsworth Engineering, presented information on a new project at this property owned by Wallace Baldarelli and possible need for a Beaver Permit since they hope to complete the work by the end of September. The Board is aware there have been beaver problems there in the past. Mr. Leger offered to work with Mr. Farnsworth to

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this communication without copying or distributing it.

determine what is needed at this site to prevent beavers from flooding the area. Mr. Barrell explained that a Beaver Permit is only granted when there is an emergency situation. Dr. Sullivan made a motion that Mr. Leger work with Mr. Farnsworth to determine if an Emergency permit is needed or another remedy can be used. This will be added to the Agenda for September.

Motion Originator Dr. Sullivan
 Motion Seconded Ms. Fowler
 Results Approved 4-0

NEXT TOPIC

- Office Report

Title 5 Projects	385 Lancaster – Building Dept. Cease & Desist order still in effect. 58 Prescott – no update. Title-5 inspection passed. 307 Lancaster – on hold till next year. 228 Lancaster – Title 5 – failed; Perc test 08-06-18 passed. 10 Nuha - Final inspection – passed (by Phil Leger) 27 Malden – As-builts and CoC out for review by Finlay. 9 Malden – Finlay reviewing plans; Stoddard to install. 125 Malden – D-box replacement passed - Title-5 inspection due 102 Lee – contract for replacement – Northboro Septic 147 Fairbanks – Whitney to update Title -5 report to reflect deep-hole observation done 10-2017. 325 Goodale – Title 5 inspection – passed – Chase Harris 223 Malden – Title 5 inspection – passed – Northboro Septic
Other/Miscellaneous	- Board of Health webpage – updated announcements - New Printer installed - Barrows Construction – septage pumped w/o permit, no response to call or email – sent registered letter.
Permits/Fees	- Salter College – Application, fee and fine received. Letter sent to clarify fine issue. - J&J Variety – applications received, permits issued - Wachusett Estates pool – passed inspection, permit issued - Living Well Adult Day Health Care – received balance of fee and insurance documents – permit issued - Ground Control / Terry Heinold – Septage Hauler and DW Installer permits issued.
Tobacco Violation update	- Xpress Stop and Choice Smoke Shop – fines paid. - New Violation tickets received – sent 50 to Megan DeNubila - No new violations from recent inspections
LBOH Count report	- Ms. Lee presented the report for review. Ms. Salate noted that the report does not indicate a time range and said she will contact Cheryl Rawinski to request she re-run the report noting the dates.

OLD BUSINESS

- Substance Abuse Committee update

Discussion The Board members discussed the School Curriculum sent by the School Superintendent, noting that there is Substance Abuse education in the curriculum, but does not appear to include Vaping. Ms. Salate will follow up with the West Boylston Community Health Coalition to plan on providing community education on “vaping”.

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this communication without copying or distributing it.

- **Recreational Marijuana update**

Discussion Mr. Barrell reports that the Town subcommittee is holding a Public Forum on 08-14-18 to review Adult Use Marijuana. He reports the Town will be voting again at the October Town meeting on whether to have marijuana dispensaries in town. Based on state law, the Town would be allowed two dispensaries. If approved, they would then have to determine the zoning and two areas (Hartwell Street and parts of Route 12) are being considered to meet the requirement of distance from schools and other locations children frequent. Ms. Salate made a motion that the Board wait on wait on Placeholder regulations until after the Town meeting in October.

Motion Originator Ms. Salate

Seconded Ms. Fowler

Result Approved 4-0 to wait on review of Marijuana Placeholder Regulations until after vote on Marijuana Dispensaries.

- **Board of Health Regulations review**

Discussion Ms. Fowler offered to take the Regulation notebook home and review it with the goal of making a list of what is in the book so it can be addressed in an organized way.

MOTION TO ADJOURN

Motion Originator Ms. Fowler

Motion Seconded Dr. Sullivan

Result Approved 4-0

Time of Adjournment 7:35 pm

Signatures

Robert J. Barrell, MPA, Chairman

N. Alan Harris, MD, Vice Chairman

Beverly A. Salate, RN, BSN

Michaun Fowler, BSM

John Sullivan, MD

Submitted by: Margaret Lee
Date Submitted: 09-12-18

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this communication without copying or distributing it.