



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Robert Scarano, Vice Chair
Maria Zaroulis, Clerk
Charles Roux, Member
Anthony Boschetti, Member

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES March 17, 2022

The meeting was called to order by Raymond Barry, Chairman, 6:06 p.m. Present at the meeting were Robert Scarano, Vice-Chair and Maria Zaroulis, Clerk. Charles Roux and Anthony Boschetti, members, were not in attendance. Also in attendance was Shannon Gillis, Director of Public Health.

Approval of Meeting Minutes

- **February 17, 2022 meeting minutes presented for approval**

MOTION: Ms. Zaroulis made the motion to approve the February 17, 2022 meeting minutes as submitted; seconded by Mr. Scarano and the motion unanimously carried 3-0.

New Business:

- **Katelyn Paciulan** - Body Art Apprentice for Lucid Arts Tattoo Studio, 361 Main St. to meet the Board. Miss Paciulan will be apprenticing with Nathan McEleney, Lucid Arts Tattoo Studio. Present was Miss Paciulan. Ms. Gillis stated that Miss Paciulan's application has been submitted and approved. She is before the Board for a meet and greet. Mr. Scarano asked if Miss Paciulan has reviewed Lucid Arts operations procedures to which Miss Paciulan stated she has very thoroughly. The Board welcomed her to Tewksbury.
- **Keeping of Animals Regulation – Discussion of Proposed Changes**
Mr. Barry stated that he will schedule some time in the next couple weeks to schedule a working group to look at the regulations to see if any changes are needed.

MOTION: Mr. Scarano made the motion to table the Keeping of Animals Regulation discussion; seconded by Ms. Zaroulis and the motion unanimously carried 3-0.

Public Hearing:

- **Public Hearing** - Keeping of Animals Permit requested by Eileen Oliveira on behalf of Dinis Oliveira, 199 Marston St.
Mr. Barry stated that since there is only three Board members present for a vote, the applicant has the option to proceed with the public hearing or continue it to the next Board meeting. Ms. Oliveira and Ms. Pacheco, representing 199 Marston St., approached the table. Ms. Pacheco stated that she did not understand. Mr. Barry explained again and stated that if the hearing continued, all three Board members would have to have a unanimous vote on either approving or denying the request. Mr. Scarano further explained what would happen to the application if the Board did not vote unanimously. The applicants left the table to discuss their options. Ms. Pacheco stated that they will come back to the next Board meeting for the reasons the Board presented.

MOTION: Ms. Zaroulis made the motion to open the public portion of the public hearing; seconded by Mr. Scarano and the motion unanimously carried 3-0.

Mr. Scarano stated that the applicant is requesting a continuance to the next regularly scheduled Board of Health meeting.

MOTION: Mr. Scarano made the motion to close the public portion of the public hearing and to entertain the applicants request to be placed on the April 21, 2022 agenda under new business; seconded by Ms. Zaroulis the motion unanimously carried 3-0.

Old Business:

➤ **Oliveira Farm update**

Present were Ashley Chmiel and Christine Gualtieri, Animal Control Officers as well as Pamela Thomas, Animal Inspector. Mr. Barry stated that the matter of the order to remove all animals back September 2021 and follow up letter sent in early January. Both order letters dated September 13, 2021 and January 10, 2022 were entered into the record. The follow up letter stated that fines would be assessed at \$100 a day for every day of non-compliance to the order letter. Tonight is day 177 and if the fine is assessed, the total is \$17,700.00. The Animal Control officers conducted a site inspection for the farm. The inventory of animals contained two ponies, two goats, approximately five hens, two ducks and a rooster. There were also feral cats present on the property. The Board addresses what would be considered a public health concern. The pictures that were taken were displayed on the overhead screen. Ms. Chmiel described what was found in the pictures which included trash, debris, discarded feed bags. Mr. Barry asked how often the ACOs had been out to the property to observe to which Ms. Chmiel stated well over twenty-five times. This picture depicts a newer occurrence. The next picture showed moldy hay that has not been stored properly. The hay is being provided to the ponies. Ms. Chmiel explained how hay should be properly stored. The improper storage of the hay has been an ongoing occurrence. The next picture depicted the improper storage of grain which could cause an issue with rodents as well as the other existing animals on the farm having access to it. The next picture shows moldy bread which has been an ongoing issue since July 2021. Bread is used as a cheap grain feed for the goats, sheep and cattle that were previously there. This is also an attractant for rodents and other vermin. Mr. Barry asked if there was still possibility of cross contamination with the remaining animals on the farm to which Ms. Chmiel stated yes. The next picture showed the mini horse on the property that has over-grown feet that need addressing. A discussion on the condition of the farm ensued. Ms. Thomas addressed her concerns in regards to public health. She stated that there are red flags everywhere which could lead to a massive rodent infestation as well as rabies issues. Ms. Gualtieri also stated that also there are concerns with the Avian Flu. There are fowl that are free ranging and roaming around with the Canadian geese that are on the property. Ms. Gualtieri stated that they were previously ordered to remove the remaining fowl on the farm since those animals have comingled with animals in the slaughter chain. These animals are still on the farm. Mr. Barry stated that although it is not the jurisdiction of the Board to oversee the health of the animals, however, if there are sick or dead animals, this could lead to a public health issue. A discussion ensued regarding the health of the animals on the property. Ms. Thomas stated that the biggest public health issue is the rodents, wildlife and odors which could trickle on down to the surrounding properties. Mr. Scarano stated that the non-compliance to the order is what is driving the conditions and public nuisance on the farm. The Board has tried on many occasions to bring the farm into compliance and the farm is no closer to being into compliance from the day the Board revoked the animal permit. Mr. Scarano stated that removal of the animals is what would be in the best interest of the public in reference to the revoked permit and not the new application that is before the Board. Mr. Scarano stated that there is non-

compliance with the order to remove which needs to happen in order to perform a proper clean up. An inspection would need to follow in order to know that the farm is safe to bring back the animals. The public nuisance needs to be abated. Mr. Barry read the Keeping of Animals Regulation section 6.3 which referred to enforcement, liens and receiverships. The Board must eliminate the threat to the public and could put a lien on the property. Mr. Scarano stated that based on the photographs presented, the finding of facts are that there is a public nuisance at the farm that is a threat to the animals on the farm and the animals in the area. This needs immediate abatement and the animals removed in order to abate the nuisance. There is a threat to the public health and the animals need to be removed. If not done within a timely matter, it will be referred to Town council.

Discussion on the feed management program ensued as well as private stabling of the animals. Ms. Gualtieri stated that the reason why the animals were not originally removed was because of a financial reason. Mr. Scarano stated that public health outweighs financial issues which the owner needs to bare. Ms. Chmiel stated that Nevins Farm will only accept the ponies if they are owner-surrendered. Mr. Scarano spoke about the \$100 per day fine and how that it should be going to the animals' care. Ms. Chmiel stated that she spoke with both the MSPCA and Animal Rescue League and that one of them would be willing to help if the animals were surrendered.

MOTION: Mr. Scarano made the motion that you comply with that order to remove these animals within seven days. If you don't, then we're going to have Town Counsel make the necessary applications in the district and superior courts to lien the property or even put it in receivership to get this done. Two, once the animals have been removed, the machine, the men, the labor have to come in, and its got to be cleaned up, and there have to be plans put in place to prevent this from happening again; seconded by Ms. Zaroulis the motion unanimously carried 3-0.

Mr. Barry asked the Animals Control Officers if there is a need to let them where the animals are taken to. Ms. Chmiel stated that they would need to confirm where the animals are being housed. Mr. Scarano stated that there needs to be a trucking, removal and destination plan. Ms. Gualtieri stated that the ducks and poultry need to go to slaughter. Mr. Scarano stated that the owner need to comply with the transportation and if they do not, the Board will draft a transportation order to submit to the court. Ms. Chmiel stated the ducks and poultry cannot be moved to another coop, they came from a slaughter chain and must remain in the slaughter chain. The hens, rooster and ducks must go to a slaughter auction house or another slaughter farm. Ms. Gualtieri stated that it will be difficult to find housing for goats as horse farms generally do not house goats. Mr. Scarano stated that the ACOs can work with the director to customize an order. Mr. Scarano stated that he is hoping for voluntary compliance. Mr. Barry asked the ACO's to work with the director on how to remediate the site. A discussion ensued regarding the revoked animal permit and the conditions on the farm. The Board thanked the ACO's and Animal Inspector for coming to the meeting.

➤ **Local Food Code Regulation**

Mr. Barry stated that the date the regulation goes into effect is April 15, 2022. Ms. Gillis stated that there will be two ServSafe training courses funded by the State grant that is shared with Tewksbury, Tyngsboro and Billerica. There is a \$25.00 processing fee and the dates are April 11, 2022 and May 16, 2022, 8am-4pm at the Chelmsford Town Hall. Emails will be sent out to food establishments with a link on how to sign up. There is a thirty-two person cap per class. Mr. Barry stated that the regulation includes that there is always a food safety person present throughout the duration of the establishment's operation. Mr. Scarano stated that ServSafe is

required for both the food and frozen dessert permits. Ms. Gillis stated that this is probably the only opportunity to offer this class at this course but that the course is readily available and there are many dates offered. A discussion ensued. Ms. Gillis suggested a six-month time period for the requirement to have a food safety person present at all times go into effect. The regulation is adopted from the State Code with the addition of the ServSafe certification requirement.

MOTION: Ms. Zaroulis made the motion to approve the Minimum Standards for Food Establishments regulation as submitted; seconded by Mr. Scarano the motion unanimously carried 3-0.

➤ **Local Frozen Desserts Regulation**

Mr. Barry pointed out the additions to the regulation. A discussion ensued regarding machines going in and out of business and the daily cleaning and sanitizing of the machines. Mr. Scarano suggests that the manufacturers maintenance manuals be kept at the Health Department for reference. Mr. Scarano stated that we need to be just as informed as the owner and operator of the machines. The effective date is also April 15, 2022.

MOTION: Ms. Zaroulis made the motion to approve the Minimum Standards for Frozen Desserts regulation as submitted; seconded by Mr. Scarano the motion unanimously carried 3-0.

Mr. Scarano thanked and recognized the hard work Mr. Barry has put into the regulations.

Director Reports:

- The Tewksbury Community Cluckers meeting organized by Animal Inspector Pamela Thomas will be held on March 22, 2022 from 5:30pm-8:00pm at the Tewksbury Public Library.
- **Burger King, 85 Main St.** – Health Inspectors Mr. Goo and Ms. Grant were at the establishment last week regarding a complaint and noted unsanitary conditions. Mr. Goo went back and performed a full inspection to which he discovered the uncleanliness of the restaurant as it was in the beginning. Ms. Gillis stated that this is the establishment that had a consultant in the past and questioned fining. Mr. Scarano stated that fines can bring establishments into compliance however, the best route is guidance and for them to pay for that guidance. Mr. Scarano suggested that the Director send a letter asking the establishment to voluntarily renew their guidance principles or come before the Board. Mr. Barry suggested they use the same consultant. Ms. Gillis stated that this was the first inspection and she wants to see how they comply with the reinspection and take it from there.
- **Dunkin Donuts, Main Street Locations** – Ms. Gillis stated that there have been issues with multiple Dunkin Donuts locations on Main Street for the past two to three years. There have been four different inspectors had meetings with district managers and cleaning and temperature logs were put into place. The logs are not being filled out. There are other Dunkin Donuts locations in Town that have different management and those establishments are mostly always in compliance. The establishments on Main Street are still not complying and upper management is aware of this. Going forward, the Health Department will be issuing fines. A discussion ensued regarding the logs and non-compliance.

Board Reports:

Mr. Barry stated that voting will be taking place the first Saturday of April. Residents are encouraged to check the Town website as voting precincts have changed. Two BOH members Maria Zaroulis and Anthony Boschetti will not be running. Mr. Barry thanked both members for

their time on the Board. Mr. Barry encouraged residents to watch the Tewksbury Candidate forum video on Youtube. The Board of Health has three candidates running. The Board of Health's main role deals with public health. Things like permitting issues are dealt with by the Health Department who are the local enforcers of regulations like the food code, frozen desserts and other local regulations. Voters are encouraged to watch the forum and make their best informed decision on who to vote for. Two of the three candidates are nurses. One of the candidates had reached out to Mr. Barry to asked what the role of the Board was.

Announcements:

Adjourn:

MOTION: Mr. Scarano made the motion to adjourn; seconded by Ms. Zaroulis and the motion unanimously carried 3-0. Meeting adjourned at 8:12 pm.

Approved on: 4/21/22

List of documents for March 14, 2022
Documents are located at the Tewksbury Health Department

Approval of Minutes:
February 17, 2022

Public Hearing:

New Business:
Katelyn Paciulan packet
Oliveira order letters dated 9/13/21 and 1/10 22

Old Business:

Director Reports:

Board Reports:

Announcements: