



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Charles Roux, Vice Chair
George Ferdinand, Clerk
Robert Scarano, Member
Anthony Boschetti, Member

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES May 17, 2018

The meeting was called to order by Raymond Barry, Chairman, at 6:10 p.m. at the Tewksbury Town Hall. Present at the meeting were Charles Roux, Vice-Chair, George Ferdinand, Clerk, Anthony Boschetti and Robert Scarano. Also in attendance was Susan Sawyer, Director of Public Health and Shannon Sullivan, Health Inspector.

Approval of Meeting Minutes

February 15, 2018 and April 19, 2018 meeting minutes were presented for approval. Mr. Ferdinand made a motion to accept the minutes as written; seconded by Mr. Boschetti and the motion unanimously carried 5-0.

Public Hearing:

- **Mozart Melo, 355 Marshall St** – request for an animal permit from Tewksbury BOH Rules and Regulations, Minimum Standards for the Keeping of Animals, section 5.3

MOTION: *Mr. Ferdinand made the motion to open the public hearing for Mozart Melo; seconded by Mr. Boschetti and the motion unanimously carried 5-0.*

Mr. Barry read the legal notice. Ms. Sawyer stated that the animal inspectors were in the audience if the Board members had any questions regarding the site as they are the ones who go out to do the inspections. Animal control officers responded to a barking dog complaint a year ago at 355 Marshall St. It was determined by the investigation that there were animals needing permitting. Since the Board was in the middle of rewriting the keeping of animals regulation, Mr. Melo was waiting to apply until the regulations were finished so he could properly permit his animals. While waiting, he was being overseen by the animal inspectors. Mr. Barry asked the animal inspectors to approach the table. Present were Pam Thomas, Animal Inspector and Christine Gaultieri Animal Control officer. Also present was Mozart Melo. Ms. Thomas stated that Mr. Melo has been raising animals for many years and she had never heard of any complaints. Mr. Melo raises his animals for personal consumption. Ms. Thomas stated that Mr. Melo was unaware that he needed an animal permit and she explained the rules to him. He was very cooperative with herself and the Animal Control Officer and was willing to do anything that was asked of him. Ms. Thomas visited his residence many times and everything that was asked of him was done. Ms. Thomas stated that the property is large enough for the animals to have plenty of space. Mrs. Melo stated that he has 3.7 acres. A discussion ensued on the locations of the animals on the property. Ms. Thomas stated that she has given Mr. Melo tips to help him with the caring of the animals and sees no problems at all. Mr. Melo stated that he's the only one who cares for the animals. Mr. Scarano asked

Ms. Thomas about the requirements of the permit application and if Mr. Melo had met the requirements. Ms. Thomas stated that Mr. Melo has received a copy of the new regulations and that she is recommending approval of Mr. Melo's animal permit. Mr. Barry stated that Mr. Melo has an extremely large piece of property. Ms. Thomas stated that the size of the property and how the animals would fit on the property would determine the amount of animals a person could apply for. Mr. Roux stated that the issuance of a permit is a privilege and to make sure the Board's requirements of the permit are followed. Mr. Roux asked if there was anyone in the audience that would like to comment. Cheryl Barnes, 3 Catherwood Rd., neighbor of Mr. Melo, approached the podium. Ms. Barnes stated she has never had any issues or noticed any odors coming from Mr. Melo's property. She stated that she had received a notice about the hearing and thanked the Board for notifying the abutters and is in support of Mr. Melo. Mr. Boyle, 275 Marshall St., neighbor of Mr. Melo also voiced his support of Mr. Melo.

MOTION: *Mr. Scarano made the motion to close the public hearing for Mozart Mello; seconded by Mr. Boschetti and the motion unanimously carried 5-0.*

Findings of Facts:

1. Applicant is the owner of the property.
2. Ms. Thomas has inspected and determined that the applicant has a manure management plan, pest control plan, storage feed plan and has approved the number of animals applied for.
3. The applicant has been provided a copy of the Keeping of Animals Regulations.
4. The application is complete (requested 40 hens, 5 rabbits and 20 quail).

MOTION: *Mr. Scarano made the motion, based on the finding of facts, to approve the permit as applied for; seconded by Mr. Ferdinand and the motion unanimously carried 5-0.*

New Business:

➤ **Keeping of Animals permit renewal – Michele & Giuseppina Saladino, 175 Kendall Rd.**

Present were Michele & Giuseppina Saladino, 175 Kendall Rd., Pam Thomas, Animal Inspector, Christine Gualtieri and Ashley Chmiel, Animal Control Officers. Ms. Sawyer stated that a meeting had been in the planning stages to discuss issues regarding the Saladino's Keeping of Animals permit renewal, however, a complaint of the sale of dogs on Craigslist was recently made to the MSPCA, and they along with the Animal Control Officers and the Massachusetts Environmental Police visited the property to investigate the complaint. Ms. Sawyer stated that the Saladino's are before the Board to start the conversation to address the numerous issues which involve an unsanitary site which violates the state sanitary code and issues found during the animal inspection which involves the Keeping of Animals regulation. There is also the issue of the dogs on the property which does not relate to the Keeping of Animals regulation but relates to the Building/Zoning and Town Clerk's departments. Ms. Gualtieri stated that her concern is how the animals are kept and housed and the conditions of the site. Mr. Barry stated that the immediate concern is the health of the animals that are on the property, and that the Keeping of Animals Permit renewal would not be discussed at this meeting. Ms. Gualtieri stated that Mr. Saladino has been cooperative but there may be a language barrier and suggested that an interpreter would be helpful. When the chairman asked the Saladino's to introduce themselves, Mr. Saladino indicated that he could not converse in English. Discussion then only occurred via Mrs. Saladino. Due to unsanitary conditions, and with the owner's knowledge, the Animal Control Officers took custody of the 7 adult dogs and 5 puppies kept outside the home. Mrs. Saladino has numerous indoor dogs as well, but they were not taken. A discussion ensued regarding the kennels the dogs were

kept in. Mr. Saladino is aware that he needs to apply for a personal kennel license with the Town Clerk's Office. Mr. Roux stated that Mr. Saladino has an animal permit and knows what his responsibilities of his permit are and what he is doing is unacceptable. A discussion ensued regarding vaccinations, registration of the dogs and applying for a personal kennel license. Ms. Gualtieri stated that a state permit is needed for the permitting of quail and exotic birds. Random checks are done by the state. The quail had been in an over crowded environment which caused injury to the birds. Mr. Saladino surrendered 26 of the 63 quail to the Environmental Police.

Mr. Ferdinand stated he was not happy with the condition of the dogs and asked to leave the meeting to compose himself.

A discussion on the living conditions of the dog environment ensued. Mr. Saladino's property is one acre.

Mr. Ferdinand rejoined the meeting.

Mr. Boschetti stated that it's important to protect the animals and to make sure the guidelines of the permit are being followed by Mr. & Mrs. Saladino, and the Board is there to help. Ms. Gualtieri stated that in her opinion, any animal that is in any type of cage or holding kennel that is not clean or adequate needs to be removed. She also suggested that Mr. Saladino downsize the amount of animals that he has. Due to the filthy conditions of the dog kennels, the Animal Control Officers removed all fifteen outdoor dogs from the kennels and informed Mr. Saladino that "at this time", the dogs cannot be returned to the kennel area. Mr. Saladino agreed but is hoping to get the dogs returned back to him at some point. Mr. Scarano brought up the subject of jurisdiction and compliance and a discussion ensued. Mr. Scarano suggested that the Saladino's hire a professional to advise them and help bring them in compliance.

A discussion on bringing in a dumpster and cleaning up the property ensued. The condition of the rabbit area was discussed. Ms. Gualtieri stated that there were four roosters found on the property. Miss Sullivan stated that during an inspection, she and Ms. Thomas found a rooster on the property. Mr. Saladino was told to get rid of the rooster. He is aware that roosters are not allowed. A discussion on removing the animals from the property ensued. Ms. Gualtieri stated that if Mr. Saladino does not willingly surrender the animals then he will be facing charges of neglect and if the Animal Control Officers need to house the animals under Board of Health jurisdiction, there are fees associated with that in our new regulation. Mr. Scarano stated that at this time, Mr. Saladino cannot meet the requirements of the animal permit and suggested they have 24 hours to acquire a point person to help them know their rights and to advise them. The Environmental Police will take possession of the quails and pheasants and if they need to be placed in another home, the state will test them for free to make sure they are healthy. The Animal Control Officers has possession of the outside dogs. The Board has jurisdiction over the remaining animals on the property including the roosters that shouldn't even be on the property.

A discussion ensued on downsizing the number of rabbits and the last inspection that was done by Ms. Thomas. Ms. Gualtieri was under the assumption that the rabbits were being raised for consumption but Mrs. Saladino stated that they are not raised for consumption. Ms. Gualtieri stated that the rabbits should be removed from the property since Mr. Saladino is not able to keep up with the care of the rabbits.

Mr. Scarano stated that since roosters are not allowed, they need to be removed. Ms. Gualtieri stated it was found that there were over 175 animals on Mr. Saladino's property and that she and the MSPCA will be going back to the property the following day and will look into possibly finding someone who could help interpret for Mr. Saladino, if not, he will need to hire someone to help interpret for him. A discussion ensued regarding how to make sure the animals are safe, how to bring the property into compliance and what actions the Board could take regarding the violations against Mr. Saladino's animal permit which had expired on April 30th. Ms. Sawyer stated that she is concerned that upon many inspections and continued guidance by the Animal Inspector, Mr. Saladino's situation has become worse. Mr. Barry stated that there needs to be a point person who can interpret for Mr. Saladino and have Mrs. Saladino write a letter to the Board of what he understands he is expected to do within the next thirty days. He suggested that the letter be signed by Mr. Saladino.

Finding of Facts:

1. Mr. Saladino has 24 hours to find an interpreter, other than Mrs. Saladino.
2. In 24 hours, clean up and properly ventilate the rabbit area satisfactory to the State.
3. In 24 hours, after receiving advice from the interpreter, make a decision on the voluntary transfer of the reduction of the rabbit population or the State will take action on a non-voluntary basis.
4. The Board will send a cleanup letter and recommend Mr. Saladino acquires at least a 30 yard dumpster and over next 30 days start disposing of trash and garbage around the property that is making it unsafe.
5. The Board will monitor and review the situation in the next 30 days and have Mr. Saladino attend the next BOH meeting so progress can be reviewed and the Board can make other recommendations to help resolve other issues.
6. Roosters will be removed immediately.
7. During the next 30 days, there will be no "processing of meats" off of the property until the testing of the quails are found to be safe.
8. Board of Health agents to have entry to the property to take photos on a weekly basis and monitor the progress.
9. Provide the Board, Board of Health agents, ACO's and Animal Inspector with the name, address and phone number of the interpreter.

MOTION: *Mr. Scarano made the motion to issue conditions with a thirty-day time frame according to the findings of facts; seconded by Mr. Boschetti and the motion unanimously carried 5-0.*

Old Business:

- **Body Art Regulations** – Mr. Barry stated that he has been working on the regulations and has incorporated parts of the Las Vegas and New Jersey regulations. A discuss ensued on the New Jersey regulation and incorporating portions of both regulations into the working draft. A follow up meeting should take place within the next couple of weeks to review the first draft. A discussion ensued regarding the regulation to include guidelines for pre and post care instructions, physician's oversight and restricting the application to allow only a single use type of facility. The subject of testing the applicant's knowledge during the permitting process was discussed. Mr. Boschetti will look into it.
- **Grease Tanks** – Mr. Barry stated that the March 2019 deadline is coming up soon. Mr. Scarano stated that he would be happy to help with the regulation. Mr. Barry suggested a checklist of plumbing equipment that would be required for a grease tank. Mr. Scarano stated that the applicants need to be working hand and hand with all the departments involved. A

discussion ensued regarding the requirements that the Health Department would require from an applicant.

Director Reports:

- **Unpermitted Establishments – Home cooks/Residential cooks/others**
Ms. Sawyer brought up the issue of un-permitted food establishments. Social media has brought attention to some of these un-permitted food establishments. Anyone who sells/vends/provides food to the public for free, or for sale, requires a food permit. There is a process that needs to be followed in order to protect the public as well as the liability to an un-permitted establishment. Ms. Sawyer encouraged home bakers or anyone else who would like to sell food to the public to contact the Health Department to help them through the process. A discussion ensued regarding requirements of the food permit. The food code regulation can be found on line and on the Health Departments website as well.
- **Burger King, 85 Main St.** – Ms. Sawyer reviewed the April inspection as well as the recent fire at Burger King. Mr. Barry responded to the call over the weekend and the Health Director responded the next day to inspect the establishment.
- **Animal Registrations** – Ms. Sawyer stated that there have been 5 new applications for registrations since the last meeting. The animal inspector will follow up on the new registrations. There are a total of 10 registrations to date and the process has been working well. The word has been getting out.

Announcements:

- **Wellness Fair and Bike Rodeo, June 3, 2018**
- **Interns** – Ms. Sawyer stated that the Health Department has an intern from UMASS Amherst, studying public health, who is shadowing Miss Sullivan, Health Inspector. There is also a Masters student, studying nutrition, who is shadowing Ms. Kinghorn, Public Health Nurse.
- **Update on recent health training/seminar** – This past Monday night, Ms. Kinghorn set up a free seminar on mental health for daycare providers. The talk was well attended.
- Mr. Scarano reminded the public that it is tick and mosquito season. Mosquito Control can be contacted with any questions.
- **Tobacco violation** – May be on next month's BOH meeting depending on if a potential sale of the establishment goes through before next month's meeting. The fine has been paid and a new owner would not be held to the suspension of permit as found in the regulation.
- Mr. Scarano reminded the public not to burn branches without the proper permit which can be obtained from the Fire Department

Adjourn:

MOTION: Mr. Roux made the motion to adjourn; seconded by Mr. Boschetti and the motion unanimously carried 5-0. Meeting adjourned at 8:58 pm.

Approved on: July 19, 2018

List of documents for May 17, 2018
Documents are located at the Tewksbury Health Department

Public Hearing:

Approval of Minutes of:

Public Hearing:

Mozart Melo, 355 Marshall Street - packet

New Business:

Michele & Giuseppina Saladino, 175 Kendall Road - packet

Old Business:

Board Reports:

Director Reports:

Burger King, 85 Main St. – email dated 4/22/18; Food Service Solutions report dated 4/20/18

Announcements:

Wellness Fair and Bike Rodeo flyer

Intro to Mental Health First Aid for Daycare Provider