

Board of Health Minutes for September 19, 2012

Present at meeting:

Bruce J. Hunchard, Chairman
Donald Ranieri, Jr., Vice-Chair
Philip M. Brunelli, Secretary, absent

David McKearney, RS, Health Director
Virginia McNeil, Health Agent

Visitors present:

No visitors were present.

A motion was made by the Board Chairman to accept the August 3, 2012 meeting minutes. The Board voted unanimously to accept the minutes as written.

OLD BUSINESS

The Chairman opened the floor for old business. The Health Director updated the Board on the status of the odor issues at Garelick Farms. At this time Garelick Farms has completed all repairs and advised the Health Department that the odor problem should now be resolved. A formal letter will be sent to the Health Department for our records.

The Health Director also informed the Board of the relocation of the new needle disposal kiosk, from the Fire Department headquarters, to the D.P.W. lobby on Fisher Street.

NEW BUSINESS

The Chairman opened the floor to new business. The first item on the agenda was a local upgrade approval for 40 Daniels Street, for a reduction in separation to ground water from the required 4' to 3'. After the board members reviewed the plan, the Health Director recommended the approval of the local upgrade request as submitted based on significant site restrictions. The Board voted unanimously to approve the local upgrade as proposed.

The next item reviewed by the Board was the site plan for 650 Pleasant Street. The Board of Health voted to approve the site plan as submitted subject to a satisfactory Title V inspection, municipal water connection, proper dumpster location, and full compliance with Chapter X of the State Food Code.

The last item on the agenda was the Health Director's Monthly Report for the month of August 2012. The Health Director discussed the ongoing problem with roosters at the Taddeo property on Wachusett Street. After receiving another complaint by a board member at the last Board of Health meeting, the Health Director attempted to contact Mr. Taddeo to confront him regarding this most recent complaint. Since the Health Director was unable to locate Mr. Taddeo that day, the Animal Control Officer, Cindy Souza, was asked to visit the Taddeo property to order the rooster removed without delay. The

Health Director conducted extensive research in order to determine what the actual legal status of the Taddeo property is, relative to Mr. Taddeo's claim that his property is in fact a farm, and as such is exempt from local oversight. The Health Director spoke with representatives from the Massachusetts Department of Agricultural Resources, the Franklin Planning Department, and received counsel from the Town Attorney as well. The definition of what is considered a farm is far from clear. The standard bench mark of 5 acres of land is not definitive. A parcel as small as 2 acres may be considered a legal farm if annual gross sales of \$1000.00 per acre is realized directly from items produced on the parcel. The Health Director determined after reviewing the Assessor's records, that Mr. Alfio Taddeo owns property off Harmon and Wachusett Streets totaling 4.3 acres. There are no records available which would demonstrate if the Taddeo parcel in fact generates enough income to meet the farm standard described above. A parcel which is fully recognized as a farm has significant protections as specified in M.G.L. Chapter 111, Section 125A. In short, a farm may produce odors, noise from animals and other conditions which would be considered to be generally objectionable. The issue of what is reasonable in the case of farm complaints is clearly for a judge to decide under this section.

The Franklin Planning Department in its master plan documentation, lists all parcels in Franklin which are afforded an agricultural exemption. Mr. Taddeo has no such exemption recorded. There was also some discussion relative to farm plates and if this privilege grants farm status based on the acquisition of these specialty plates. The Massachusetts State Police and the R.M.V. are responsible for issuing farm plates. It is not clear what the exact requirements are for one to receive these plates. As such, after many years of deliberation by multiple departments, the legal status of the Taddeo parcel is still in question. What is not in question however is that per Board of Health By-law 193-8, no roosters are allowed in a residential setting. Unlike Zoning By-laws, a Board of Health By-law is not grandfathered. The Health Department will continue to enforce this by-law as complaints of this nature are reported.

The Health Director informed the Board of the two flu clinics on September 28th and also on October 15th, at the Senior Center.

The Health Director also advised the Board that he was speaking before the Town Council at tonight's meeting, to discuss the Health Department's duties, responsibilities, challenges and accomplishments.

The Chairman opened the floor to other new business. There was none.

Motion to adjoin was unanimous. The next Board of Health meeting will be on Friday, October 5, 2012 at 10:00 am in room 205.

Transcribed by Virginia McNeil, Health Agent for the Franklin Health Department.