

*Town of Rochester
Board of Health
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**BOARD OF HEALTH MINUTES
June 29, 2022**

Meeting called to order at 4:00 p.m.

Present: William David Souza, Chairman
Sarah Tisdale Eby
Glenn Lawrence
Karen Walega, Health Director
Connie Dolan, R.N.
Lori Walsh, Board Administrator

Town Attorney, Blair Bailey

MINUTES:

June 15, 2022 - Will be reviewed at the next Board of Health Meeting in August.

HEARING: William McDonagh of 14 Holly Hill Lane – Nuisance Animals
Larry & Edie Oliveira - 167 Cushman Road
Atty Perry – for the Owner of the Property at 14 Holly Hill Lane
Anne Estabrook - Animal Control Officer
Henry Ducharme – 179 Cushman Road, Neighbor
Sandra Ciaffoni – Neighbor

14 Holly Hill Lane – William McDonagh

The Hearing started with Town Attorney, Blair Bailey discussing the property of William McDonagh at 14 Holly Hill Lane. He said that this has been going on now since June of 2019 and the animals have been out a few times since then. He talked about having a mediation between the neighbors and Mr. McDonagh. He also said that if the animals get to the road, then it turns into a bad situation. Atty Perry (Lawyer for William McDonagh) gave the Board an update to the situation at 14 Holly Hill Lane and the animals getting loose and going on to other neighbors properties.

He said that he was here in 2019 and the Owners haven't done anything. The Owner has four fields and one abutts the neighbor's property. The animals should not be in the backfield because it is difficult to contain them there. He said that the animals should be in the front field.

Chairman Souza asked the Town Attorney, Blair Bailey what he thinks the Board should do.

Atty Bailey said that it's happened so much that the Board needs to issue an order.

Chairman Souza said that after this, if it happens again, then the animals need to go.

Mrs. Oliveira said that other neighbors have an issue with the animals.

Mr. Oliveira said that the animals going in the road is very dangerous. He has pictures and video's showing the damage the animals have caused on his property.

Chairman Souza said that the Town Attorney, Blair Bailey would take care of this.

Sandra Ciaffoni said that Mr. McDonagh needs to keep the animals on his property.

Atty Blair Bailey said that he needs to keep the animals on his property or they are gone.

Health Director, Karen Walega suggested automatic gate closers so that animals couldn't get out.

MOTION:

Chairman Souza made a motion to issue an order to Mr. McDonagh stating that he needs to keep his animals on his property only or they are gone.

Mr. Lawrence seconded the motion.

All were in favor. Motion passed.

DISCUSSION:

307 Walnut Plain Road – Complaint – Loose Horses. Health Director Walega and the Animal Control Officer, Anne Estabrook, went out there to do an inspection of the farm. Atty Bailey followed up with a written order on June 21, 2022. They expect to hear from the owner soon. Anne Estabrook said that the Owner has been sick. Atty Bailey said that the Owner has a helper.

Chairman Souza said he thought the farm looked cleaner from the road.

Anne Estabrook said that she went to the property and did a barn inspection per the Town Attorney's request. They had 10 horses there and there is only enough shelter for 5 horses. Anne told the Owner that some of her horses got out. She was upset and wanted to know why Animal Control was there.

Anne can't go on their property again. Anne checked with the State via email regarding the shelter. It's ok to have beef cows out but that's it. They must have shelter for the horses. The Owner told Anne that some of the horses come and go. Anne contacted the SPCA regarding the shelter for the horses.

Atty Bailey said that there should be so many horses by acre but there is no by-law for that at this time.

Atty Bailey said he will draft up a letter to the Owner about how many horses are there. Anne said one time she was out there, there were 9 horses on the property. One horse was the neighbors. Memorial day they found someone to do an inspection and there were 5 horses at that time and then another time Annie went out there and there was 10 horses.

Atty Bailey said he will draft up a letter about the manure and where its stored, how much they have and how often it is being picked up.

122 Pine Street – Farm Complaint

Health Director Walega and Animal Control did an inspection of the Farm. Atty Blair Bailey followed up with a written order on June 21, 2022. They expect to hear from the owner soon. Chairman Souza said he thought the Farm looked cleaner from the Road.

Helen Butts Property – The trash on that property is another issue. Atty Bailey said that they need to contact Ms. Butt's Son to do something about the trash. The daughter is still living in a trailer on that property. Atty Bailey said that he will contact them.

532 Snipatuit Road – Walter Faria

Health Director Walega brought up the property on 532 Snipatuit Road, the owner is Walter Faria. Mr. Lawrence stated that the house is caving in and it has been going on for years.

Schedule 40 Pipe – Contractors should be using the Schedule 40 pipe. One of the Engineers is using Schedule 35. At the next meeting Health Director Walega will have a draft written up regarding a new by-law about using the Schedule 40 pipe.

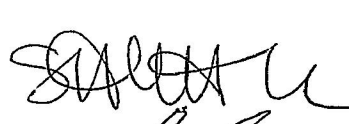
Re-Organize the Board – The Board will stay the same. William David Souza, Chairman, Glenn Lawrence, Vice Chairman and Sarah Tisdale Eby will be Clerk.

ADJOURNMENT:

Chairman Souza made a motion to adjourn at 4:42 P.M.
Mr. Lawrence seconded the motion. All were in favor. Motion passed.

Date: August 3, 2022


Chairman, William David Souza

 Sarah Tisdale Eby
 Glenn Lawrence