

TEWKSBURY BOARD OF HEALTH

Minutes

May 08, 2014

Call of Meeting To Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:05 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Raymond Barry, Christine Kinnon, Kathleen Brothers, Health Director Lou-Ann Clement and Recording Secretary Dawn Cathcart. Also, in attendance was Animal Inspector Pamela Thomas.

Aggrieved Public Hearing Continued: Tewksbury Board of Health Regulations for Keeping of Animals, 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation, Variance for the Keeping of Animals, Site Assignment – M.G.L. c. 111 § 151 Slaughterhouse, and Site Assignment – M.G.L. c. 111 § 143 Trade of Employment of Noisome attended with Noisome Trade and Injurious Odors (Piggery) Located at 199 Marston Street, Tewksbury, MA, Owner: Dinis Oliveira Continued

Mr. French stated that this is a continuance of the public hearing.

MOTION - Ms. Brothers made a motion to open the public hearing. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Attorney Peter Gollub, Dinis Oliveira, Leontina Oliveira Pacheco and one unidentified male appeared for the public hearing.

Mr. French stated that Mr. Barry was not present at the previous meeting but has reviewed all the material and is up to date. Mr. Barry stated that he has read all the material that has been presented and watched the DVD from the previous meeting and is up to speed with all aspects of this hearing.

Ms. Clement stated that there have been three new exhibits for this evening. Exhibit #8 is a draft data tracking log, Exhibit #9 is the inspection report dated May 8, 2014 from Ms. Thomas and Exhibit #10 was a package received from Attorney Gollub with supplemental documents listed as Exhibits #20-#27.

Ms. Clement gave a recap of April 3, 2014 Public Hearing.

Issue #1: 2 Recreational Trailers being utilized as living quarters and permanent residence for employees which are considered temporary. These recreational trailers do not meet “105 CMR 410.000 Minimum Standards of Fitness for Human Habitation” and are considered temporary housing. The Board unanimously voted that the two recreational vehicles will be removed from the site with a timeline determined by Ms. Clement and Attorney Gollub for the applicant.

Issue #2: Non-Compliance of “M.G.L. c. 111 § 151 Slaughter houses; regulation; public hearing; application of section”; according to the Board of Health files, this slaughter house has never received a Board of Health Site Assignment or approval and has been operating since 2005. During the municipal sewer connection process, it was discovered that the existing garage’s use was converted to a slaughter house and it was documented by the applicant’s drain layer in 2009 (April 3rd, 2014 Exhibit #14). The removal of animal parts needs to be clarified.

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Ms. Clement stated that new information brought forward for this evening's meeting entered as Exhibit #1 (May 8, 2014) dated April 10, 2014, Bakers Commodities Inc. letter to Applicant dated April 10, 2014, only refers to cattle, swine offal, fat, bones, and the blood tank. A question that remains is what will happen with remaining products including the prohibited items (caresses, animal parts, etc.)?

Exhibit #5 from April 3rd hearing is from the DPW, which Brian Gilbert, DPW Superintendent is requesting that the Board support his request for the applicant to disconnect the slaughter house from the town's sewer system and provide an operating plan for disposal of blood, hair, fleshing etc. This request is associated with the blood in the sewer.

Ms. Clement stated that the applicant makes weekly trips to an auction house and purchases various types of livestock, transports his purchases to his facility, sells, and slaughters this livestock to the public. There is no form of tracking the various types of livestock from the auction to the purchaser or the point of consumption. There should be a tracking form. A draft proposed tracking form numbered Exhibit #8 (May 8, 2104) was presented. Currently, there is no way to track the animal from auction to the consumer and if there was a case of food borne illness we wouldn't be able to track it properly. There was also discussion that the public is allowed inside the facility without any foot protection to prevent contamination of dust, dirt, fecal matter from the exterior grounds into the slaughtering house. Many types of livestock present can create cross contamination during the slaughtering process. The slaughter house is discharging blood directly into the municipal sewer system. The slaughter house does not have any means of fly and or insect protection and control. There is no means of dust control. There have been discussions about concerns with customer transportation of the meat. A transportation guideline should be distributed to customers regarding how to take precautions while transporting their fresh cuts of meats. There should be a record of employees training. It has been witnessed that slaughtering has taken place outside the slaughterhouse. There is a concern with storage of pellets and livestock parts and burning of livestock remains. Ms. Clement stated that it is her opinion; under the present conditions this slaughter house creates a detriment to public health.

Ms. Clement stated that at the April 3rd, 2014's Board of Health hearing, Attorney Gollub stated that he would wait to comment until all issues are addressed.

Ms. Clement stated that at this time, the public was invited to comment. The following concerns were expressed:

- Blood in sewer,
- The increase in traffic and traffic all hours of the day and night,
- Truck traffic early mornings and late evenings,
- Noise from trucks and traffic,
- Odor and smell,
- The burning odor,
- How animals, are being slaughtered,
- Disposal of animal remains,
- Carcasses hanging outside,
- Burning of plastic and trash bags,

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- Increase in animals and types of animals,
- Flies,
- Fence is weak and animals get loose, and
- Activity all hours of the day and night on site.

Ms. Clement stated that at that time, Attorney Gollub requested time to respond to a few of the residents' comments. He explained the following: Odor and burning smell could be coming from cooking the garbage which has been done for a decade. Mr. Oliveira does not burn plastic bags. There is a dumpster onsite and it is emptied. The Site Plan documents the location of the manure storage. This was not done by a land surveyor, this was done to illustrate where it could be located and Mr. Oliveira had hauled the manure away last week and will continue to haul the manure off site. Attorney Gollub stated that Mr. Oliveira has started the process of working with National Resource Conservation Services (NRCS), which is a division of the USDA.

Ms. Clement stated that by a mutual agreement and unanimous Board of Health vote, the hearing was continued to April 17, 2014 at 7:00 PM. This meeting was then rescheduled by the Board to tonight.

Ms. Clement stated that additional information has been provided to the Board of Health's Office: The first is marked Exhibit #6 (May 8, 2014): Notice of "A Tewksbury Zoning By-Law and Massachusetts State Building Code Violation". This notice states that the Slaughter House was built without proper building permits. As an additional note, this department requires a floor plan for this building documenting the facilities rooms, plumbing and equipment and other items as required.

Issue #3: Non-Compliance of Tewksbury Board of Health Regulations for the Keeping of Animals. According to the Board's records, a public hearing was held on September 6th, 1977 and approved the requested 35 pigs for this location. A second public hearing was held on September 22, 1980 to keep 3 or 4 cattle and was approved by the Board. Since these hearings, the number of animals has increased and other types of animals increased. According to the application filed with this office the animals on site consist of: 35 cattle, 275 pigs, chickens, goats, sheep, geese, and ducks. The increase in some animals i.e. goats; the number of goats have increased and overcrowding in the stalls has been observed, which may endanger the health, safety or welfare of the animals on some occasions. The increase in animals and the additional categories of animals have not received the Board's approval. Ms. Clement stated that they are in violation of Section 5.0 Permit, Section 5.1 "No person shall keep within the limits of the Town of Tewksbury, in any building or on any premises, any cows, livestock, horses, goats, swine, roosters, gobblers, turkeys, ducks, chickens, fowl, pigeons, or any other farm or commercial animal without a permit from the Board.". In 1977, Mr. Oliveira made a request before the Board for the keeping of 35 pigs at this location. At a public hearing the Board approved 35 pigs and a plan documenting the pens and the lot lines needed to be submitted, which it was. It was noted that the pigs had been there for about 18 months. This information can be found documented in the Board of Health minutes dated September 6, 1977 also listed as Exhibit #12 on April 3rd, 2014 Board of Health meeting. There are other supporting documents listed as Exhibit # 3 for tonight's meeting including an application, the permit for 35 pigs and two plans.

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Then in 1980 it was discovered that Mr. Oliveira was keeping cattle at this location without the approval and permit from the Board of Health. Mr. Oliveira removed the animals pending a board hearing. This hearing was held on September 22, 1980 for keeping cows on the property and the Board approved the request for cattle. The minutes of this meeting are recorded as tonight's Exhibit #2. The department received an application form and it stated 3 or 4 cattle, the permit was issued as requested and approved by the Board. Documents are marked tonight's Exhibit #2.

Ms. Clement stated that tonight's Exhibit #5 is a tracking report for the type and number of animals and livestock listed and or present through the years at this location. As the report states; the number of cattle ranges from 3 or 4 in 1980 to 10 to 15 to 20 to 35 to 50 and then decreases to 35 for a couple years, up to 45, reduced to 25 to 30. On April 3, 2014 she observed 20 cattle. The pigs also increased from 35 in 1977 to 275 in 1986 and pretty much remained at 275 for the duration. On April 3rd, 2014 she observed 10 pigs present. In 2007: other types of animals were listed on the application but no amounts of animals were listed on the application; i.e. chickens, goats, sheep, and geese. In 2008: ducks were added. In 2010; numbers were listed on the application 25 cattle, 285 pigs, 400 chickens, 3 goats, 16 ducks no other animals were listed. In 2010: the Piggery regulations were adopted and this piggery was grandfathered in. In 2011: 30 cattle, 30 chickens, no number listed on the application for pigs, goats, geese, and ducks. In 2012: 30 cattle, 260 pigs, 30 chickens, no other animals listed on the application. In 2013: 35 cattle, 275 pigs, no other animals were listed.

Ms. Clement stated that on April 3rd, 2014, during an inspection it was noted 3 lambs, 10 pigs, 21 goats, 20 cows, 50 plus poultry including ducks, chickens, and roosters (which are prohibited in Tewksbury) and 2 horses were also discovered on site. Refer to tonight's Exhibit #7 inspection report dated April 3rd, 2014.

Ms. Clement stated that on November 25, 2013, this office required (*ordered*) no additional animals onto this location without the expressed written approval of the Board. This document is marked as Exhibit #1 on April 3rd, 2014. Several types of animals have been added throughout the years without the Board of Health approval, in violation of the Tewksbury Board of Health Regulations for Keeping Animals: Section 5.1.

Ms. Clement stated that there are Violations of Section 6.0: Animal Shelters, and Corrals. These include, a white container being used as a pen or coop for poultry, which does not meet the requirements of this section. This is noted in the inspection report. The poultry pen in the barn does not have proper ventilation or lighting and there is a question regarding what the barn's floors are constructed of. The regulations are clear on the construction of the floor.

Ms. Clement stated that there are Violations of Section 7.0 Animal Health and Safety. This office has no documentation regarding the horses' vaccination records. There are cats on site and according to Mr. Oliveira they are not vaccinated for Rabies as required under Section 7.0 and Massachusetts General Laws.

Ms. Clement stated that there are Violations of Section 12 Special Animals Provisions. These include, Roosters on site and they are prohibited under the regulations. Additionally, animals are not allowed to roam free according to the regulations. Ms. Clement stated that at least 2 to 3 times per year, animals and

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livestock from this farm are found roaming freely off this location and a determination shall be made regarding how these animals are leaving the property and plan of correction required.

Ms. Clement stated that the following are concerns regarding the land and livestock. The land will or has become oversaturated with nutrients. The applicant needs to work with NRCS to provide this information. The livestock i.e. chickens and goats have been in the past observed in overcrowded pens. There is no means of rodent, vermin and insect prevention and control. There is an open dumpster on site that contains items (i.e. plastic bread covers) that can be taken by the winds and blown into the neighborhood, which is not acceptable.

Issue #4: Non-Compliance of Chapter 4 Tewksbury Board of Health Piggery Regulations. According to the Chapter 4's definitions a piggery is deemed to exist with no more than 30 pigs. As of April 3rd, 2014 this location only had 10 pigs. This location is grandfathered as a "Piggery", however, a Site Assignment is required that shall meet Best Management Practices as defined by UMASS Amherst Extension. Under Chapter 4 Section 8.1.2 Manure Management (aka Nutrient Management Plan) is required and there is none. This office does not have knowledge of the following plans: (1) a manure management plan, (2) a rodent or vermin control plan, or (3) removal and or disposal plan of dead animals, which the applicant can work with NCRS.

Issue #5: Non-Compliance of M.G.L. c. 111 § 143 Trade or employment attend with noisome and injurious odors; assignment of places; prohibition; appeal. The piggery operations may be harmful to the inhabitants, dangerous to the public health, and/or attended by noisome and injurious odors pursuant to M.G.L. c. 111, §143 and, as such, may be prohibited in the Town unless issued a Site Assignment by the Board pursuant to c. 111 §143. According to Board of Health files this location does not hold a Site Assignment to address noisome trade, odors, and nuisances assorted with piggeries.

Pamela Thomas – Animal Inspector for the Tewksbury Board of Health. Ms. Thomas stated that prior to the last meeting she did a site inspection. The area was tidy and there have been improvements made. The slaughterhouse was closed up and the same animals were onsite. There were no new animals on site. The animals on site had food and water. She spoke to Mr. Oliveira and told him that the horses need to be seen by a vet. At that time, there was no odor or flies. The animals on site included 2 horses, 23 goats, 4 pigs, and 14 cows. Another site inspection was conducted on May 8, 2014. Most of the animals were taken back to auction. The slaughterhouse was still closed and the area was cleaned up. On site for animals were 1 goat that had an eye infection, 6 ducks that were outside, 25-30 wild ducks, 12-18 pigs, 18 cows, 2 horses and 30-40 poultry. Ms. Thomas stated that mesh netting has been added to the dumpster and she spoke with Mr. Oliveira about the requirement of getting the cats' rabies shots. Ms. Thomas stated that she was shown invoices for the animals picked up at auction and she went over the draft tracking log and spoke about getting a plan together for the paperwork.

Attorney Gollub asked if the animals were all in good health. Ms. Thomas replied yes.

Attorney Gollub stated that he would like to respond to some of the issues. Attorney Gollub asked if the number of animals on the permits over the years were the number applied for on the permits or for the actual number of animals on site. Ms. Clement stated that is what the applicant applied for; she was not here so she cannot say if these were actual numbers of animals' onsite; they can only go with what the applicant applied for. Attorney Gollub stated that they are willing to work with the Board on the tracking

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issue but would like to look at it further before committing to it. Attorney Gollub feels that this may not be under the Board of Health control. Attorney Gollub stated that some of the animals do wander free and it seems reasonable for us to look at the fence but we need to realize that cows or cats get loose sometimes. Attorney Gollub stated that the neighbors' concerns was a comprehensive list and we agree some items need to be addressed but some are trivial or outside the scope of the Board of Health authority and we should only focus on issues under the Board of Health authority. Attorney Gollub stated that zoning was brought up at the last hearing and that will be appealed.

Attorney Gollub stated regarding the Site Assignment for the slaughterhouse: This is being brought forth due to finding of some kind of blood in the sewer and observations from October 15, 2013 festival. This festival was a one day occurrence and the blood issue is being addressed. The Site Assignment is not necessary for the slaughterhouse now. The Town's role is to provide written consent or permission. There has been no slaughtering and no blood into the sewer. Within a week of the last meeting, Bob Griffin who is a licensed drain layer, applied for and received a trench permit to put in a large holding tank and pipe/conduit. We ran into a road block with the DPW. They want a Site Assignment before the sewer modification permit is issued to disconnect the slaughterhouse from the municipal sewer except for the bathroom. We have had discussions with the DPW Superintendent, Brian Gilbert, and he wants technical details. They are the engineering firm of Dresser, Williams, and Way, from Billerica create the necessary plans. He gets the impression that the DPW is waiting on the Board of Health action and questioned what role the Board of Health has in the DPW process.

Attorney Gollub stated that Baker's Communities will remove the left over parts from slaughter and pump the tank, and JC Renderings will pick up all components that are by-products of slaughtering. Attorney Gollub stated that he has been invited to inspect a USDA slaughterhouse in Worcester County next week and he will get a copy of the Best Management Practices (BMP) and include them in the interim slaughterhouse guidelines.

Attorney Gollub stated that the number of animals on site are well maintained and at reasonable levels. They will continue to work with NCRS and they have a draft conservation management plan and soil analysis. They have already implemented a haul away program for the manure. This is temporary but may become permanent.

Attorney Gollub stated that regarding the violation of number of animals: 275 pigs were requested and that number is reasonable but they have never actually approached that many animals. On site now they have 35 pigs, 35 cows, goats and sheep, which are usually gone within the week. The inspection reports from local and state agencies have been consistent that the animals are in good shape.

Attorney Gollub stated that in regards to the piggery and a possible nuisance: The manure is being hauled away and they are working with NCRS. The proposed location of the manure piles fall within the plans submitted on the wedge area. They will be asking for a variance for two items in the regulations. (1) The regulations call for the manure pile be 500' setback from a residential house, they are requesting a 400' and (2) distance of the piggery from a residential household. They meet the lot line setback but not the residence. Ms. Clement stated that the location of the piggery has not changed and she believes that the location of the building is grandfathered in.

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Ms. Brothers asked where the “wedge” on the plan for the manure pile is. Attorney Gollub showed the location. Also, the plot plan submitted does not show wetlands but the 1977 plan shows the wetlands line and it seems close. Ms. Brothers stated that she believes the manure needs to be 300’ from the wetlands. Attorney Gollub thought it was 200’ from wetlands. NCRS is looking at all types of soil as well as the distances. Ms. Clement stated that she recommends that our Conservation agent look at this. Ms. Clement added that the piggery regulations stated that the manure cannot be closer than 200’ from wetlands or a water course.

Mr. French asked if for all these years, the applicant has requested 275 pigs but at no time there were that many animals, so why was it requested? Attorney Gollub stated that no one knows the exact number. Years ago someone from the Town told Mr. Oliveira to reserve that large a number and the permits after the hearing all say the 275.

Mr. French stated that if the slaughterhouse is approved, who will be used to handle the byproduct parts, JC Rendering or Baker’s. Attorney Gollub stated that we think we will use JC Rendering but we want to retain our right to use another company.

Ms. Clement asked if JC Renderings are fully licensed to take all remains. She could only find a New York license number. Attorney Gollub stated that their website it says they take everything. Ms. Clement asked how often will the remains be picked up and what is the capacity of the tank. Attorney Gollub stated that will depend on the cap of animals determined by this Board and the tank size. Ms. Clement agreed but the plan can be when the tank gets to a certain percentage of capacity it will be emptied. Ms. Clement asked how animal remains would be stored between pickups. Attorney Gollub stated that they would use water proof barrels with lids.

Mr. French stated that a lot of work is being done on site. Attorney Gollub stated thank you and the work is not complete and they will continue to work to make it better. He asks that the Board make a decision as soon as possible so Mr. Oliveira can get back to business.

Mr. Roux stated that there needs to be a clear definition of terms, farms vs. slaughterhouses. The Site Assignment has to do with the slaughterhouse not the farm. The farm is outstanding. Mr. Roux stated that he still has the question of how this Board can issue a Site Assignment for a prohibited use. The State does not override the local authority.

Ms. Kinnon stated that a Site Assignment is also required for a piggery. The question is not how well or poorly the piggery is being run, that is not the issue; our piggery regulations require a Site Assignment. Ms. Kinnon stated that she is concerned that the applicant states that he is getting the run around from the DPW. We only have the one letter from the DPW that states the applicant must disconnect the barn/slaughterhouse from the sewer and provide an operation plan to handle the waste including the blood; and that letter also requests this public hearing be continued until their investigation is complete. The DPW needs to give permission to disconnect the slaughterhouse from the sewer. Ms. Kinnon stated that she found regulations for custom slaughterhouses in Connecticut which contain four requirements; 1) regulated by the USDA, 2) product not marked for sale, 3) product logged, 4) processed in a sanitary manner. Ms. Kinnon stated that there were also other guidelines available.

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Ms. Brothers stated that in the opening remarks, Attorney Gollub stated that there is no blood in the sewer and used alleged blood. Are you questioning that there was blood in the sewer? Attorney Gollub stated that there is no blood now because the slaughterhouse is closed. The blood evidence submitted looks like blood but there is a question of what type of blood. Ms. Brothers stated that there is a big improvement from the pictures seen from October 2013.

Attorney Gollub stated that the DPW and Board of Health have concerns and they are in a Catch-22 situation. Attorney Gollub added that in the case of Modern Continental vs. Natick, the slaughterhouse only applies to some of the animals.

Ms. Clement stated that she spoke with Mr. Gilbert tonight. He has not received the operations plan so he cannot complete his review. We are all in a Catch-22 situation because we cannot approve something that is in violation of another Town regulation. Ms. Clement agrees that there has been a big improvement onsite but we need to move forward. The DPW needs the operations plan for the sewer. The toilet and hand sink in the slaughterhouse can be the only components connected to Town sewer. The slop sink and drains must be disconnected and a tank must be installed. Attorney Gollub stated that they are waiting on the engineers for the technical plans that will drive the operations plan. He will follow up with Mr. Gilbert on what he wants. Ms. Clement stated that an approving agency cannot help with the plan design. Ms. Clement added that the pump station where the blood was found only services this property. There may be some blood residue that may need to be cleaned up.

Attorney Gollub asked if the Board of Health could issue a limited, temporary or conditional approval for the slaughterhouse to allow Mr. Oliveira to continue and still protect the Board.

Mr. Barry stated that he apologized for not being at the first hearing and he also agrees that there has been great improvement. We are not here to shut down a business but we need to protect the Town and educate Mr. Oliveira on the regulations. He does believe there has been a good faith effort.

Jennifer Nagle of 81 Jennies Way – Ms. Nagle stated that the DPW wants work done before the Board of Health approves the slaughterhouse but there is a lot of money being spent and a lot of time being lost on something that may not be approved. Mr. French stated that we have been working with Mr. Oliveira but we need to get all the information before we can proceed. Ms. Nagle stated that there are violations for not having a Site Assignment but is that Mr. Oliveira's or the Board of Health's fault. Ms. Clement stated it is both. There are two Site Assignments needed, one for the piggery and one for the slaughterhouse and Mr. Oliveira was told this when the piggery regulations went into effect. Ms. Nagle asked if the animal permits have been received over the years. Ms. Clement replied yes they were issued by the department, but the number of animals has never been approved by the Board.

Lisa Puccia of 45 Cinnamon Circle – Ms. Puccia stated that she thought a variance for trailers and livestock was being requested. She requested a copy of the plot plan and suggested that an overhead or handouts be used to allow the residents to follow along. Ms. Puccia would like to know if the hauling of manure will continue. She is also concerned that the zoning issue is not being addressed. Ms. Puccia asked if the USDA would know what the number of animals has been. Ms. Puccia stated that the types of animals have also changed. She has seen lamas on site. Ms. Puccia asked if the size of the holding tank will be determined by the Board of Health or DPW.

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Ms. Clement stated that the zoning issues falls with the Building Department. The manure will be addressed in a nutrient plan. If the Site Assignment is approved, they will have to provide us with a plan. As far as animals, the types and numbers of animals are approved by the Board of Health. They cannot have any other type animals or more than what is on the permit. Ms. Thomas added that the USDA does check on the farms. She has met them onsite several times and they do check the log book.

Ms. Puccia asked if the times of trucks coming and going will be addressed. Ms. Clement replied yes. Ms. Clement added that this is a custom slaughterhouse so the regulations are not as strict. Ms. Clement stated that the size of the tank will be determined by their engineer but DPW will need to approve it. Ms. Clement stated that they are working on setting up a timeline for the removal of the trailers.

Dottie Macaulay of 71 Washington Street – Ms. Macaulay stated Mr. Oliveira has spent an enormous amount of money with no income coming in. This will become a hardship for him. She suggested that he be allowed to open the slaughterhouse for a limited time for compensation. Mr. French stated that cost is not a factor. They have to go through the process and it is not our intent to drag it out. Ms. Macaulay stated that the process should be sped up.

Duncan Fowda of 169 Aiken St, Lowell, MA – Mr. Fowda stated that he is from Africa and he goes to Mr. Oliveira to buy goat meat. He cannot find this meat in other places and this farm is one of the cleanest farms around.

Susan Mbugua of 42 Rogers Street – Ms. Mbugua stated that the farm is very clean. This is not only a farm, but it is a place to teach her boys to act like an African man. The blood is very important in their culture and she cannot believe it is being put in the sewer. Mr. Oliveira treats people with dignity. This is punishing us as well as Mr. Oliveira.

Anthony Genovese of 64 Cinnamon Circle – Mr. Genovese stated that the farm is very clean and Mr. Oliveira is a good guy but the slaughterhouse was horrible. There are tons of flies and how was he allowed to get to that point. The smell is rotten like dead animals.

Ms. Brothers asked since the slaughterhouse has been closed, have there been any flies or odors. Mr. Genovese replied no.

MOTION - Ms. Brothers made a motion to close the public hearing for 199 Marston Street. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Ms. Clement stated that no matter what happens, we need to address some of the issues even with the farm. Ms. Clement added that the fence should be repaired to keep the livestock in.

Mr. French stated that we will take all this information under advisement.

Attorney Gollub asked how long the Board will take to make a decision. Mr. French stated that the next meeting is May 15, 2014 so we will start deliberations then.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 9:08 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

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Approved On: June 19, 2014

List of documents for 5/8/14 Agenda

Documents are located in the Board of Health's Office

Public Hearing:

- Exhibit #1 Baker Commodities Inc. Letter to Dinis Oliveira dated April 10, 2014
- Exhibit #2 Board of Health Minutes from September 22, 1980, legal notice, application for Animal License, Animal permit number 49-80, and letter to Dinis Oliveira from TBOH dated September 2, 1980
- Exhibit #3 Permit Number 408 expired on April 30, 1978, 2 letters from James T. Dangora dated August 25, 1977 and June 30, 1977, 2 applications for animal license dated June 30, 1977 and August 8, 1977, letter to James T. Dangora from TBOH dated July 29, 1977 and two plans
- Exhibit #4 Inspection report dated April 12, 2014 by Pamela Gorrasi-Thomas
- Exhibit #5 Summary sheet of animals listed on permit applications
- Exhibit #6 Letter to Dinis Oliveira regarding Zoning violations dated April 16, 2014
- Exhibit # 7 Inspection report dated April 3, 2014 by Lou-Ann Clement
- Exhibit # 8 Draft Data Tracking Form (2 Sides)
- Exhibit # 9 Inspection report dated May 8, 2014 by Pam Gorrasi-Thomas
- Exhibit # 10 Package from Peter Gollup, ESQ.
- Exhibit #11 FSIS Directive dated April 26. 2007
- Exhibit #12 Sanitation of Slaughter Houses in CT
- Exhibit #13 Sanitation of Slaughter Houses

TOWN OF TEWKSBURY, MASSACHUSETTS

CERTIFICATION PURSUANT TO M.G.L. C. 39, § 23D REGARDING
PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING WHERE
THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION

[Note: Can only be used for missing one single hearing session; cannot be used for missing more than one hearing session. Inquiries concerning this form and your ability to participate in a matter where you missed a single hearing session should be addressed to Charles J. Zaroulis, Town Counsel.]

I, Raymond Barry, certify as follows:

1. I am a member of the Board of Health.
2. I missed a hearing session on the matter of Oliveira, Dinis, 199 Marston Street, Tewksbury, Violations, which was held on April 3, 2014.
3. I reviewed all the evidence introduced at the hearing session I missed, which included a review of (initial which one(s) applicable):
 - a. _____ audio recording of the missed hearing session; or
 - b. video recording of the missed hearing session; or
 - c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the penalties of perjury this 23rd day of June, 2014.



(Signature)
RAYMOND BARRY

(Print Name)

Received as part of the record of the above matter.

Date: 6/25/14
By: [Signature]
Position: Director of Public Health

TOWN OF TEWKSBURY, MASSACHUSETTS

CERTIFICATION PURSUANT TO M.G.L. C. 39, § 23D REGARDING PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION

[Note: Can only be used for missing one single hearing session; cannot be used for missing more than one hearing session. Inquiries concerning this form and your ability to participate in a matter where you missed a single hearing session should be addressed to Charles J. Zaroulis, Town Counsel.]

I, Christine Kinnon, certify as follows:

1. I am a member of the Board of health.
2. I missed a hearing session on the matter of Oliveira, Dinis, 199 Marston Street, Tewksbury, Violations, which was held on May 15, 2014.
3. I reviewed all the evidence introduced at the hearing session I missed, which included a review of (initial which one(s) applicable):
 - a. _____ audio recording of the missed hearing session; or
 - b. video recording of the missed hearing session; or
 - c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the penalties of perjury this 19 day of June, 2014.

Christine E Kinnon
(Signature)

Christine E Kinnon
(Print Name)

Received as part of the record of the above matter.

Date: 6/19/14

By: [Signature]

Position: Director of Public Health