



## Town of Mendon

18 Main Street  
Mendon, MA 01756  
(508) 634-2656

# BOARD OF HEALTH MEETING MINUTES

**Wednesday – August 24, 2022 | 7:30 PM**

**In Attendance:** Alan Greenberg – BOH Chairman  
Tom Fichtner – BOH Vice-Chairman  
Joyce Gilmore – BOH Member  
Jack McLellan – Inspectional Svcs. Office Coord. | Health Admin.

**Not Present:** N/A

**Meeting Location:** Remote via Microsoft Teams

**MINUTES APPROVED**

By Board of Health on  
MARCH 8, 2023

At 7:32 PM, BOH Meeting has been called to order by Jack McLellan. Jack reads the Open Meeting Law Extension.

Chairman Greenberg thanks Jack, and begins the meeting with the 1st Agenda.

### **1<sup>st</sup> Item on Agenda** Dumpster Regulations

Chairman Greenberg calls on Daniel Markman from the Blackstone Valley Partnership for Public Health. Dan was having technical issues and Chairman Greenberg suggests moving on to Agenda Item #2 until Dan can comeback online.

Daniel Markman is recognized after Agenda Item #2. Chairman Greenberg calls on Daniel for his comments.

Daniel thanks the Board for the opportunity. Daniel said the current version of the draft the Board has is simple and to the point. Taking parts here and there from surrounding towns and their regulations. Daniel is looking to see if the Board had any feedback regarding the current draft version.

Tom just wanted to confirm that the draft regulations did not conflict with other Town Departments. Jack responded that the current draft does not interfere with any other department regulations currently in place.

Dan stated that any current and licensed trash hauler providing dumpsters in town, would not have to pay any fee. It's only those who are not a licensed trash hauler and providing dumpster service in Mendon, that a Fee would be required.

### **Chairman Greenberg calls for a motion to finalize the Dumpster Regulations.**

Joyce makes the motion for the Board to continue to review the proposed Dumpster Regulations and at the next Meeting, to meet in person, review page by page, and finalize the dumpster regulations to present to Town Council for final review. Tom seconds the motion. The motion is passed. **Roll call vote: Greenberg-Aye, Fichtner-Aye, Gilmore-Aye.**

Tom suggests having a special Board of Health meeting dedicated to getting the Dumpster Regulations finalized and ready for Town Council's review and approval. Chairman Greenberg and Joyce agree.

Chairman Greenberg thanks Daniel for joining and moves on to Agenda Item #3.

## **2<sup>nd</sup> Item on Agenda**

### **Rooster Noise Nuisance Follow-Up**

Tom wanted give an update from the last Board of Health Meeting. Tom and Joyce went to the property at 18B Neck Hill Road from last Friday. Tom and Joyce did recognize a language barrier between one of the property owners, Edmar, but walked through the issues and how to mitigate the issues pertaining to the noise nuisance from the rooster. Tom did mention that during the visit, he noticed a 2<sup>nd</sup> housing unit inside the main housing unit for the rooster. Joyce mentioned that the property owners did think they were doing what was asked of them from the Board of Health perspective, but called on Anne Mazzarelli, who lives next door to the rooster.

Anne stated that the issue is still on going, nothing seems to have changed in regards to the rooster crowing at 4:30 in the morning.

Chairman Greenberg asks if it is possible that the rooster learned a “bad habit” of just constantly crowing and perhaps this particular incident cannot be mitigated. Tom asked if the Board had validation that the property owners were in fact following the housing issue and the time to keep the rooster housed. Joyce said she is willing to go back to the residence and confirm the housing was updated and that the rooster is housed until 7am, and if they are, then the resident should get rid of the rooster.

Anne asked the Board why they are catering to the resident, who she feels does not care about their neighbors, and the Board keeps giving them chance after chance, and yet the issue is still on going. Joyce responded saying that it is her belief that the residents did believe they were in compliance with removing the other roosters on the property and now only having the one.

Jack recognizes Richard Green, who is joining tonight’s meeting remotely, with his hand raised.

Richard thanks the Board for looking into the problem. Richard wanted to tell the board that this is an every day occurrence, wakes up everyone neighboring the property the rooster is on, and it seems the rooster has more rights than the tax payers.

Chairman Greenberg just wanted to note that since there are no regulations in place, that there is nothing for the Board of Health to enforce. That is why the Board is looking into a Rooster Permitting process. Chairman Greenberg also wanted to mention, that the Board is trying to accommodate everyone, without overstepping the boundaries given to the Boards of Health, and proceed with representing the rights of all residents in Mendon.

Tom wanted to note that the Board has to handle everything it does carefully, and not put the Board of Health or the Town of Mendon into any legal issues.

Anne again just wanted to thank the Board for all that is being done, but wanted to mention that if the Board wanted to do the visit with Edmar being home, to do it before 6am.

Chairman Greenberg thanks everyone for joining and participating in this topic, and recognizes Daniel Markman is back online for the 1<sup>st</sup> Agenda Item.

## **3<sup>rd</sup> Item on Agenda**

### **Marchand LLC Dumpster Application Review**

Jack recaps with the Board about the Insurance Certificate for Marchand Hauling being invalidated and denying them their Trash Haulers Permit in Mendon. Jack reached out to Michael Marchand to let him know that a Cease-And-Desist Letter was sent. Michael

Marchand responded saying he has received the Cease-And-Desist Letter, and apologized as he sent the Board of Health the wrong Insurance Certificate with his application. Jack has received the new Certificate of Insurance and has validated that it was current with the Insurance Company. Jack asks the Board if now, with the new Certificate of Insurance, would approved their Trash Hauler's Permit.

Chairman Greenberg just wanted to confirm that the Board of Health is notified if the Insurance was to be canceled. Jack confirmed that the Board of Health would be notified if the insurance were to be canceled.

**Chairman Greenberg calls for a motion to approve Marchand Hauling Trash Permit.**

Joyce makes the motion to accept the permitting application for Marchand Hauling for the Town of Mendon. Tom seconds the motion. The motion is passed.

**Roll call vote: Greenberg-Aye, Fichtner-Aye, Gilmore-Aye.**

Jack asks the Board to skip Agenda Item #4 and go directly to #5 as a few participants joining remotely are eager to talk about the infestation of rats around the Town of Mendon. Chairman Greenberg agrees and gives Jack the lead.

**4<sup>th</sup> Item on Agenda**

Mendon Tobacco Enforcement Update

After discussing Topic #5, Jack updates the Board the he has spoken with Joan Hamlett from the Leominster Tobacco Enforcement, and Mendon was not able to get on the Grant that she had in place. Even though Mendon could not be a part of the Grant, Joan offered to have one of her employees, Jodie, who is one of the Tobacco Enforcement Agents, work as a Contractor for the Town of Mendon and provide the services to the 6 Stores that sell tobacco in the Town of Mendon.

**5<sup>th</sup> Item on Agenda**

Topics Not Anticipated within 48 Hours

Jack updates the Board that he has received a few emails regarding rat issues around Mendon. 1 being the address of 20 George Street and surrounding neighbors stated they have seen an infestation of rats around their properties, they are referencing Draper Mill being torn down in Hopedale, as being the problem for the rat issues. Jack did reach out to the Hopedale Board of Health on the issue, and they responded that Draper Mill was not the issue. Also the properties at 12 and 16 Daniels Road mentioned that they have neighbors who have chickens, and that could possibly be a cause for the amount of rats.

Jack calls on Penny, who is joining remotely, and has her hand raised.

Penny, who lives at 16 Daniels Road, said she has lived in Mendon for 8 years and has never seen a rat until this year, and there is a lot.

Jack calls on Richard, who is joining remotely, and has his hand raised.

Richard stated that he found a dead rat in his yard this week and his neighbor across the street also found a dead rat, both living on Daniels Road. Richard also mentions that he spoke to someone who lives on Bicknell Drive who also found a rat.

Jack calls on Kathleen, who is joining remotely, and has her hand raised.

Katherine stated she lives on Kinsley Lane, and she has cameras showing multiple rats running around her property, and started noticing them probably about 8 months ago.

Tom Fichtner asked Katherine if she knows of anyone in her neighborhood that has chickens. Katherine responded that she has ducks and that there are a couple of homes that have chickens near her. She mentions that she does not leave food around and keeps the pen area very clean.

Tom mentioned that chickens have been a common denominator of the rat issues being seen, and believes that the food for the chickens is attracting the rats, rather than the chickens themselves.

Penny stated that with regard to how fast they multiply, she doesn't want to use poison to get rid of them in fear that it would kill off the natural predators or pets around the neighborhood. She is using ContraPest, which is a birth control form of liquid that the rats would drink, hoping it would knock the population down.

Joyce Gilmore mentions that Bird Feeders would be a source as well for the bird seed as a food source for the rats.

Chairman Greenberg did mention that he did hear about ContraPest. He mentions that he has spoken to a few people, one being an exterminator, and it was brought up that the rat infestation is largely due to the drought, and that they are looking for water. Chairman Greenberg asks Jack to look into some ways to deter the rats, and reach out to the State or Wildlife Division, to see if they could provide any information on the rat population.

Chairman Greenberg wanted to mention that the Agricultural Commission could also provide support to the rat issues. Chairman Greenberg thanks everyone for joining and participating in this topic, and would like to go back to Agenda Item #4.

The Board has set its next meeting date for Wednesday, September 7<sup>th</sup> at 7:00 PM.

The Board has also set a special meeting regarding the Dumpster Regulations as its only agenda item. The special meeting is scheduled for Tuesday, September 6<sup>th</sup> at 7:00 PM.

**Joyce calls for a Motion to adjourn tonight's BOH Meeting:**

Tom seconds the motion. The motion is passed. **Roll call vote: Greenberg-Aye, Fichtner-Aye, Gilmore-Aye.**

Meeting is adjourned at 9:40 PM.