

**Halifax Board of Health
Meeting Minutes
Wednesday, January 17, 2024**

On Wednesday, a meeting of the Halifax Board of Health was held at the Halifax Town Hall.

Present at the meeting were:

Candice Greene, Chairman
Pamela Engstrom, Co-Chairman
Robert Valery, Health Agent

The Board of Health opened at 6:33pm. Chair Greene announced that the meeting was being recorded by Area 58 and could be viewed on YouTube.

1. Disposal Works Permits:

a. Ratify Agents Approval:

i. 62 Furnace Street:

1. Agent updated Board that the system was approved by the Board of an 8-bedroom system, and they are requesting approval to reduce the system to a 5-bedroom system to make 5 bigger rooms versus 8 small rooms.

A Motion was made to ratify the Agents approval for 62 Furnace Street.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

ii. 89 Fairway Drive:

1. Agent updated Board that the plan went out for review and as soon as he gets a minor modification on the test -pit it is all set.

A Motion was made to ratify the Agents approval for 89 Fairway Drive.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

2. Discussion Items/Actions to be Taken:

- a. Animals in Food Stores. Sharon Roberson, complainant, in attendance.

- i. Chair Greene announced that the Board of Health received a complaint regarding animals, mainly dogs, in food stores in towns, namely Stop & Shop & Walmart. Chair Evans asked the Health Agent for a little background on the matter and what the Board of Health has done to address the situation.

- ii. Agent Valery updated the Board that the first complaint came into the office a year or two ago. He's been in Walmart, had multiple conversations with managers.
- iii. Chair Greene asked the Agent to go over the complaint and what the Board of Health has done to address it.
 - 1. The Agent commented that there is a concerns about the complainant efforts for Walmart's compliance. The Agent asked Walmart or Stop & Shop also.
 - a. Sharon Roberson, complainant stated her concern is with Walmart's, her focus has been specifically three (3) Walmart's that she had been to, Plymouth, Halfifax, and Weymouth, those are the ones she's been to, they have the Food stores inside.
 - 2. Agent Valery commented in compliance with pets, in their stores remains either non-existent and the help that the Board of Health provided, such as numerous visits, conversations with management and providing all the information to the facility and complainant about the American Disability Act, the Mass. General Laws, and what they can do to boost it up, appears to be ignored. The Agent stated that this is the general complaint.
- iv. Chair Greene asked the complainant what she is observing that she is concerned about.
 - 1. Complainant replied, let me back-up a little bit. She stated that she has worked for the Federal Government for the Health Care Regulations for about 28 years and retired several years back. Compliance with State and Local regulations was her job. According to the Food & Drug Administration for the Federal side, animals in general, but pets, domestic are not allowed in an establishment that has, servers, prepares or distributes food. Those three (3) Walmart's in particular have a grocery store within the merchandise part of the store. She has gone in on different occasions over the years, any one of those three stores, and she has seen pets. She knows the American Disabilities Act, she knows the questions that can be asked, she knows the questions not to be asked, as far as give me proof that this is a service animal, she understands all that. She's talking about domestic pets that are either walking freely, or along side an individual, or in the food cart carriage, some sitting in the child seat, some in the basket part, some in their own dog strollers and some being carried. She brought this to the Halifax store manager, particularly back in 2021. She asked him if he was aware of the law and he said no, so she showed it to him and he said so what, I'm not really impressed, it doesn't really bother

me, whatever the attitude was. She's sent the Board of Health on occasion, pictures whenever she happens to have just been in the store and somebody was just walking around with or carrying their pet. She's stopped people who have been leaning over dairy carrying her little pooch. It's obviously not a service dog.

- v. Chair Greene asked how she knew that.
 - 1. Complainant replied, a service dog has to be trained for a specific task.
- vi. Chair Greene responded, correct, how do you know that just because she is carrying the dog that it is not a service dog?
 - 1. Complainant replied, well, if it's wearing a bonnet and it's carried under her arm.
- vii. Chair Greene began to speak and was interrupted by complainant.
 - 1. Complainant stated, I understand where you are trying to go. There is a reasonableness for animals that you can see as to whether or not it is a service animal. If it's dressed like a doll and it's in the carriage....
- viii. Chair Greene commented, I'm a doctor, let's start there. If I have patients that have a service animals for anxiety, seizure disorders, what's...
 - 1. Complainant interrupted and stated, that's not a service animal, emotional support, that's different than a service animal.
- ix. Chair Greene replied, ok, let's say for seizures. A dog who can detect when a patient is going to have a seizure or have a syncopal episode. How do you know because the dog is wearing a sweater that it's not a service animal.
 - 1. Complainant replied, ok, so let's say generally speaking it wouldn't be, but, if we want to go down that, then the store needs to enforce the fact that it's for service animal only, and the store is obligated to make sure that that is visible to everybody and they in fact make sure that that is a service animal. It's a federal law and state law.
- x. Chair Greene responded, so I guess my question is how do you know from your observations that hasn't been done?
 - 1. Complainant replied, it was a general observation that these were not service animals.
- xi. Chair Greene commented, so it's an accusation that they aren't, because you don't know that they aren't.
 - 1. Complainant replied, Well, I don't have any proof, no.
- xii. Chair Greene commented, ok. So, I guess the question is, how do we know that they aren't service animals? With your experience, what would you suggest that the Board of Health do?

1. Complainant replied, enforce.
- xiii. Chair Greene commented, how is that done?
 1. Complainant replied, how about getting Walmart to comply. Their own policy, corporate policy, states that they will not have non-service animals.
- xiv. Chair Greene commented, correct. And again, that brings us back to the question of how we know that they are not?
 1. Complainant replied, then they have to prove it, the store. The store is obligated to make sure that any of those animals are a service animal. Stop everybody that comes into that store and ask if they are a service animal. If a person is honest, they'll say yes or no.
- xv. Agent Valery asked, and if they say yes?
 1. Complainant replied, if they yes, we know that they cannot ask for proof, but they can ask, what task has this animal been trained for?
- xvi. Agent Valery commented, you are exactly right.
- xvii. Chair Greene asked, so how do we know that's not happening I guess is the question.
- xviii. Agent Valery commented, exactly.
- xix. Chair Greene commented, this is the part that is hard for us to act on. We don't know if Walmart is enforcing it. You don't know if the dogs that you're seeing is a service animal.
 1. Complainant replied, I know that when the manager did go up to one woman, that did have a pet in the store, and asked her if it was a service animal and she said no.
- xx. Chair Greene asked, and then what did the store manager do?
 1. Complainant replied, nothing.
- xxi. Chair Greene commented, so that is a problem.
- xxii. Agent Valery commented, if you had reported it immediately to me, I could have reacted to it. I could have told them that there was allegation that this took place. Part of my enforcement ability is to see it happening, or to get called to respond to an allegation when something is happening.
 1. Complainant replied, right, but that means someone has to be there.
- xxiii. Agent Valery commented, which if I had known right away, I'll jump in. Walmart I can walk to, so I would do that for you.
 1. Complainant commented, it's not my personal wish, this isn't like I got up one day and decided this is something I'd like to occupy my time with.

- xxiv. Agent Valery commented, let me correct myself, I would do that for anybody who would call and say right now I am experiencing a dog in a store.
1. Complainant replied, I guess for over these years, and you and I have done it back and forth, they are not adhering to it. They are not even trying to change a practice. I can call them from my car, after I left the store to speak to the manager about the dog that is in the store right now, and they hang up.
- xxv. Chair Greene and Agent Valery were surprised by this.
1. Complainant asked, how do other stores do it? How do other States do it? I mean, by mistake I had my dog with me, going into a store and I've been stopped like that (snaps fingers) by someone in the store saying no pets allowed. Not asking me if mine is a service dog or not, which he's not. I said oh, ok, I didn't know.
- xxvi. Chair Greene asked Agent Valery what the Board of Health has done, what is his communication with Walmart.
1. Agent Valery replied, his communication with Walmart was, they have had three (3) different managers. On inspections he reviews the American Disabilities Act, and exactly as you stated, the two (2) questions they can ask. Do they, all the time? They've had training sessions, or have told me they have, I haven't had sign-offs on it, but they have, Walmart specifically, team group meetings, at which this topic's been brought up and anybody with a concern for them or their personal safety addressing an individual is to get the manager on duty. There are employees that are timid around an animal. Stop & Shop, pretty much the same policy. With the conversation and with my observations, honestly, in all of my visits, and I was sort of a frequent shopper to both the Plymouth store and the Halifax store before Christmas. I found one (1) service animal, and I visited on Monday's early in the Morning, Wednesday's late at night, Saturdays, Sunday's, not saying it doesn't happen, but again I need to witness it. At that point as a Health Agent, even in a different town, I would go over to the manager and ask, is there something more that you can do to understand and help concerns that the public has towards animals, service animals, emotional support animals in stores, because some of the laws also get ambiguous, the difference between a.... I think I can actually specifically quote it for you.
 - a. Complainant commented, well it's the same thing as a woman taking a boa constrictor on a plane and saying it's an emotional support animal.

2. Agent Valery replied, "There you go. They say, and I think Chair Greene illuded to this, it's for my anxiety, for this, so, it's a slippery slope. I'm here every time that a complaint gets brought to me to do something about it. I walk in the store, I see three (3) cars parked in the fire lane, I see a lady parked in the handicap spot, who hops out, without a placard or a plate on her car, and I'm like.... Oh my gosh, can't people just be kind and respectful to everybody."
 - a. Complainant commented, obviously not. If that had happened that way, I wouldn't have had a job. I wouldn't have been able to go to my hospital down the street and say I'm going to an inspection of your surgical suites. I can't depend upon them to tell me that we do everything that we are supposed to do, she needs to have proof, she interviews staff, she needs to have it demonstrated. She understands where the Agent is coming from, as far as a line to be drawn, is it really this or really that. Her problem is the store has not changed its behavior or pattern.
3. Chair Greene asked the Health Agent what DPH recommendations were regarding this matter.
 - a. The Agent replied that he received no recommendations from DPH other than thank you for addressing the issue.
4. Chair Greene commented, it's hard to enforce.
 - a. The complainant stated she does not think DPH said it's hard to enforce.
 - i. Chair Greene replied "I have the email right here, it can be hard to enforce, from DPH.
 - b. Complainant asked which department in DPH.
 - i. Chair Greene replied "Mass Dept. of Public Health & Protection Program.
 - c. Complainant commented, they don't have jurisdiction over it, it falls down to you.
 - i. Chair Greene replied "We reach out to them for guidance on what to do about this situation.
 - d. Complainant commented, I have emails from them too because they had just contacted me.
 - i. Chair Greene replied "Correct. We asked them what if anything can we do about this? Turning to the Agent, Chair Greene asked, "Does Walmart have a sign out front that says no animals?
 1. The Agent replied "No."

- e. Chair Greene commented "We could have them enforce this starting with a sign."
 - i. Complainant commented, they used to have it.
 - 1. Agent replied, it could have been in the window that got smashed in the storm.
- f. Chair Greene commented "If there are allegations of animals that are not support animals in the store, then I think they need to have a sign that says, "Service Animals Only", we can start with that."
 - i. Complainant commented that she would like to see the BOH get something from support from Walmart Corporate. If you look at Walmart Corporate, that that is their own. When she called Walmart directly in headquarters, and spoke with them, they conferred with their legal department which state I was calling from and said yes, I am absolutely right, there is a state code.
- g. Chair Greene commented that the Board of Health would be happy to do that (contact Walmart Corporate) if the Agent observes something.
 - i. The Agent replied, right, for me to bring forth a change in corporate policy for Massachusetts?
 - 1. Complainant responded, no, not a change, for them to enforce their policy.
 - ii. The Agent replied, for them to enforce their policy throughout Massachusetts?
 - 1. Complainant responded, that's my only concern now. I gave up all my retirement stakes when I retired.
 - iii. The Agent replied, no, I'm just trying to follow you on how I can best serve.
 - 1. Complainant responded, I do not believe their policy is limited to Massachusetts, it's their corporate, worldwide policy.
 - iv. The Agent replied, I can ask Walmart if they have a different directive for each and every State or operating entity. He wants to figure out what road he is going down.
 - 1. Complainant commented, she thinks that would be a burden to the Agent. She thinks he would just ask them about their corporate policy for animals in their stores that carry,

- serve, or distribute food. Because, what she got was the verbiage she gave to the Agent.
- v. The Agent replied, exactly.
 - 1. Complainant commented, and if that's their own policy and we've got a federal requirement and a state code, then you're putting them all together and Walmart is obligated to attempt to follow what the rules are. Theirs, ours and the federal.
 - vi. The Agent replied, he will also have to find out if in fact they are attempting to follow those rules.
 - h. Chair Greene commented, that's the problem.
 - i. Complainant commented, unless you walk through and interview spontaneous individuals and ask the last time they had any in-service training, but we don't want to upset anybody working there. Walmart needs to demonstrate they want to comply.
 - 1. The Agent replied, he has to prove that the are not demonstrating it.
 - ii. Complainant commented you can take the pictures that I sent you and ask them were these service animals.
 - i. Chair Greene commented, ask who though, that's the problem.
 - i. The Agent commented, right, what if some employee actually did ask. I don't know, you don't know. They might not have told their manager or maybe they didn't ask because they already knew. There are some variables, but he wants to try to help the situation without also creating a disturbance for an individual that might have that animal. He believes that between towns can definitely heighten awareness and vigilance on this matter. Education as our first line of defense before enforcement. Meaning, maybe they need to better understand and better training meetings. It's something we could put out there to Walmart and also tell them the difference between their corporate policy and the Mass. Laws.
 - 1. Complainant replied, stated we should start with corporate in questioning their policy, their corporate view. Are you aware of any

stores that have issues? What their awareness is, what their ownness is on them. Are you aware that you have stores that have some complaints? Do they have complaints? Do you know anything? Because I know where I've written.

- ii. The Agent responded, yes.
 - 1. Complainant continued, then make it from that level down to the stores.
- iii. The Agent replied, to that point, if they don't have complaints?
 - 1. Complainant replied, are you aware of any of you stores that allow animals that are not by law, state or federal. Even if you don't have a state law, you have a federal.
- iv. The Agent replied, ok. I'm just trying to get a grasp so that I'm not just on a tangent.
- j. Chair Greene commented, I think the problem becomes, not so much enforcement, but how do we know they aren't is the question. You can not look at an animal and know that it is not a service animal. I think signage is a good start and part of the signage being, if you see a violation of this, please report it to the Board of Health. Then we will go from there, but it's really can't tell by looking at an animal whether it's a service animal or not. Chair Greene asked the Agent if he knew if there is a law that they need to be wearing something that indicates they are?
 - i. Complainant commented, it's not a law that they wear their vest. Some have a vest that will identify them as a service animal, but it's not a law that they have to.
- k. Chair Greene commented, so that makes it hard to identify who is and who isn't a service animal.
 - i. The Agent commented that not all animals that are trained as service dogs have to wear a vest so you can go through outside training sources that don't give you vests, but your dog has been trained as a service animal. The dog may actually be trained with or without a vest.
 - 1. Complainant commented, absolutely.
- l. Chair Greene asked for any other input.

- i. Co-Chair Engstrom agrees with starting with the signage and then the potential for training.
- m. Chair Greene commented that she thinks it would be a good idea to have break room signage too reminding employees of the two (2) questions they can ask if you see an animal in the store not wearing a vest, and signage at the front door reminding people only service dogs are allowed.
 - i. The Agent commented, he also thinks it's necessary, at least in Halifax, that it be all food establishments. He can't just single out Walmart, even though that's where the original complaint came from, if it's happening at Walmart it's happening at other establishments. He will give all the establishments the signage.
 - 1. Complainant commented she would think twice about not bringing her dog into Stop & Shop, it's a food establishment and she knows there are no animals allowed, but because Walmart is both, there's a barrier, there's no jurisdiction difference yes the dog can be over here in Walmart, going through linens and towels, but not over here with food.
 - ii. The Agent commented, a lot of people just run into the pharmacy at Stop & Shop, and please correct me if I am wrong, but all you have to do is zip in the front door, go nowhere near the food, hit the pharmacy, and then get out the door. He believes it would/could happen in Stop & Shop as well as Walmart.
 - 1. Complainant replied, it may well have, but I don't know.
 - iii. Chair Greene commented so, we will start with signage and then re-education from managers and go from there and a contact number on the sign to report any incidents.
 - 1. The Agent agreed and stated that the complainant can certainly stay in touch with him.
 - a. Complainant commented that she has gone to the television stations. She is waiting to hear back to see where to

go in that direction as well so those who don't know about it, hear about it.

2. The Agent replied that this is a great first step, coming before the Board as the meetings are recorded by Area 58 and she has spread a message to a greater number of people and that's important.

b. Agent Report:

- i. C2-9 Lydon Lane.

c. Admin. Report:

- i. 2024 Calendar for Board Members.

3. Affirm Bills Paid:

a. Payroll for the Week Ending January 13, 2024

- i. Robert Valery, Health Agent
- ii. Margaret Selter, Administrative Assistant
- iii. Patricia Sanda, Secretary
- iv. Brian Kling, Animal Inspector
- v. Robert Buker, Shared Services Coordinator (PE Grant)
- vi. Cindi Metro, Health Inspector (PE Grant)

A Motion was made to affirm Payroll for the Week Ending January 13, 2024.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

4. The Following to be approved, signed and/or voted on:

a. Meeting Minutes:

- i. December 06, 2023, Meeting Minutes

A Motion was made to approve December 06, 2023, Meeting Minutes.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

b. Expense Account# 01-512 – FY 24-12

- i. Robert Valery, Health Agent – Mileage Reimbursement:
 1. 11/06/2023 to 11/28/2023 - \$46.83
 2. 12/04/2023 to 12/27/2023 - \$28.69

A Motion was made to approve Expense Account# 01-512 – FY 24-12.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

c. Revolving Account# 25-513 – FY 24-11

- i. Webby Engineering – Invoice# 12202023 – Plan Review – 203 Oak Street – \$85.00.
- ii. Spath Engineering – Invoice# 01102024 – Plan Review – 89 Fairway Drive – \$85.00.
- iii. John DeLano – Invoice# 12122023 - Plan Review – 40 Old Summit Street – \$85.00.

A Motion was made to approve Revolving Account# 25-513 – FY 24-11.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

d. Nursing Services Account# 01-522 – FY 24-07

- i. Statement Covers Nursing Service Period: January 2024 – \$583.33

A Motion was made to approve Nursing Services Account# 01-522 – FY 24-07.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

e. iPad Gift Account# 26-514-4830-02 – FY 24-06

- i. AT & T Mobile:

1. BOH Nighthawk Device – Nov12-Dec 11, 2023 – \$40.23.
2. BOH Tablet & Agent Cell Phone Usage – Nov12-Dec 11, 2023 – \$86.84

A Motion was made to approve iPad Gift Account# 26-514-4830-02 – FY 24-06.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

f. Public Health Excellence Grant Account# 25-516-5430-189 – FY 24-17

- i. ALSCO Food Check Group: (*Dave Hatch should recuse himself from vote as the owner of Grille 58 and Nonnie's Italian Restaurant*)

1. Invoice# 1217 – Grille 58 – Food Inspection – \$75.00.
2. Invoice# 1217 – Nonnie's Italian Restaurant – Food Inspection – \$75.00.

- ii. Special Tees

1. Invoice# 9154 – Cindi/Buker – \$273.96.
2. Invoice# 9155 – Kayla/Jeanmarie – \$356.98.
3. Invoice# 9156 – Eric/Bob.V – \$160.00.

- iii. Cindi Metro – Mileage Reimbursement – 01/09/24 – 01/12/24 - \$40.94.

A Motion was made to approve Public Health Excellence Grant Account# 25-516-5430-189 – FY 24-17.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

- g. Permits:** *(With condition all required documents are submitted to the Board of Health office)*
- i. Cinderella Nails – 2024 Artificial Nails & Pedicure Permit.
 - ii. Cumberland Farms – 2024 Food Establishment, Retail Food & Nicotine Sales Permit.
 - iii. Dunkin Donuts – 2024 Food Establishment & Bakery Permit.
 - iv. Halifax Market & Deli – 2024 Food Establishment, Retail Food & Nicotine Sales Permit.
 - v. Halifax Liquor & Smoke – 2024 Retail Food & Nicotine Sales Permit.
 - vi. Loco Larry's Taco – 2024 Mobile Food Truck Seasonal Permit.
 - vii. Marylou's Coffee – 2024 Food Establishment & Bakery Permit.
 - viii. Stop & Shop #82 – 2024 Food Establishment & Retail Food Permit.
 - ix. P&J Rubbish Removal – 2024 Rubbish Hauler's Permit.
 - x. Nauset Disposal Holdings, Inc – 2024 Rubbish Hauler's Permit.
 - xi. Avery's Pumping Service – 2024 Septage Hauler's Permit.
 - xii. All Town, Inc – 2024 Septage Hauler's Permit.
 - xiii. Bolduc Sanitation & Excavation – 2024 Septage Hauler's Permit.
 - xiv. Bay State Sewage Disposal, Inc – 2024 Septage Hauler's Permit.
 - xv. DRK Mobile Toilets – 2024 Septage Hauler's Permit.
 - xvi. Earle F. Simmons Co., Inc – 2024 Septage Hauler's Permit.
 - xvii. Fred E. Nava & Son, Inc – 2024 Septage Hauler's Permit.
 - xviii. Hockomock Environmental, Inc – 2024 Septage Hauler's Permit.
 - xix. McGonagle Septic Services – 2024 Septage Hauler's Permit.
 - xx. United Site Services Northeast, Inc – 2024 Septage Hauler's Permit.
 - xxi. Wind River Environmental – 2024 Septage Hauler's Permit.
 - xxii. Arthur Bloomquist, LLC – Arthur Bloomquist – 2024 Septic Installer's Permit.
 - xxiii. Bolduc Sanitation & Excavation – Jay Bolduc – 2024 Septic Installer's Permit.
 - xxiv. Claude DuBord – Jeffrey DuBord – 2024 Septic Installer's Permit.
 - xxv. E. Watson Excavating, Inc – Eric P. Watson – 2024 Septic Installer's Permit.
 - xxvi. OnGrade Excavating – Robert Morrisett – 2024 Septic Installer's Permit.
 - xxvii. Sweeney Excavating – Michael Sweeney – 2024 Septic Installer's Permit.
 - xxviii. Stephen B. Nelson – 2024 Soil Evaluator's Permit.
 - xxix. Arthur Bloomquist – 2024 Title V Inspector's Permit.

- xxx. Clearwater Recovery – Stephen B. Nelson – 2024 Title V Inspector's Permit.
- xxxi. Fred E. Nava & Son, Inc – Chris Drown – 2024 Title V Inspector's Permit.
- xxxii. Sealund Corporation – Brian Sealund – 2024 Title V Inspector's Permit.

A Motion was made to approve permits i-xxxii with condition all required documents are submitted to the Board of Health office.

Motion: Pamela Engstrom

Second: Canice Greene

Unanimous vote on the motion

Adjournment

A Motion was made to adjourn the meeting at 7:08pm.

Motion: Pamela Engstrom

Second: Candice Greene

Unanimous vote on the motion

Respectfully typed and submitted February 21, 2024
by, Peggy Selter, Administrative Assistant.

Candice Greene, Chair

Pamela Engstrom, Co-Chair