

TOWN OF LANESBOROUGH BOARD OF HEALTH MEETING

Submitted by Sherri Thompson, BOH Secretary

Date: May 9, 2016

Present: Nancy Boudreau; Francisca Heming; Larry Spatz; Nancy Simonds-Ruderman; Sherri Thompson; Paul Sieloff
16 Town Residents; Attorney Nicole Bercume

Absent: Mr. Cal Joppru, Mr. Ed Fahey

The meeting was opened by Mr. Spatz at 7:00 p.m.

Mr. Spatz read aloud the revised draft permitting regulations from Town Counsel.

Section 1 – Purpose: ‘Roosters’ shall be modified to ‘roosters over four (4) months of age’. Rabbits are to be included in this section.

Section 2.2.a. shall be modified to exclude ‘every five (5) years’.

Section 2.2.b. shall be modified to exclude ‘nuisance declared by the Board of Health or its Agent due to’.

Section 3.2. shall be modified to ‘...a penalty of “up to” \$50.00...’

Section 4 – Compliance Deadline: Shall now read: Property owners shall have thirty (30) days from the effective date of this Regulation to comply with its requirements with no fee applied. After thirty (30) days a one-time fee of \$25 will be applied.

Ms. Bercume reiterated that she believes the Board of Selectmen broke the law because this was a private issue initially. She referenced her letter to the Board of Selectmen and the Board of Health dated May 9, 2016. Ms. Zaks asked why this regulation only included poultry and rabbits and not goats, sheep, emu’s, etc. Mr. Spatz responded that if those were an issue on lots less than two (2) acres the Board of Health would create a regulation but this regulation is only intended for fowl and rabbits.

Regarding Sections 2.2.a., b., c. Mr. Gallagher asked if fowl must always be caged if not allow to roam freely and Mr. Spatz replied that they must be contained within the specified setbacks. Mr. Gallagher also said that in a previous meeting it was discussed that roosters over four (4) months of age could not be kept and asked if roosters could be kept for meat. Mr. Spatz replied that as long as they are not older than four (4) months old, they can be kept for meat.

It was asked why the regulation refers to Residential/Agricultural rather than just Residential. Mr. Sieloff indicated that there is no real distinction between Residential and Residential/Agricultural and Lanesborough is just regulating the number of fowl and rabbits based on lot size.

The question was asked what the next step is regarding the regulations and Mr. Sieloff said the Board of Health approves and then the regulations are published.

Ms. Bercume stated that if the regulations are approved they will sue the Town for violating Ms. Zaks civil rights.

Section 3.2: Clarification was asked for the penalty of \$100 per day for violation of the regulation. Ms. Boudreau said that would be changed to 'up to \$100'.

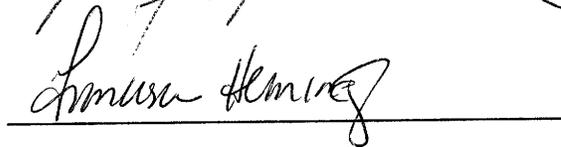
Ms. Boudreau made a motion to approve the Animal Regulation as modified. All in favor.

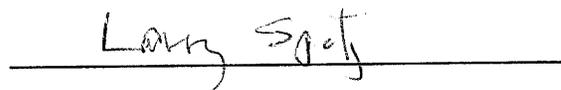
Ms. Boudreau made a motion to approve the Animal Permitting Regulation as modified. All in favor.

Meeting was adjourned at 8:00 p.m.

Next Board of Health meeting is scheduled for May 23 at 7:00 p.m.

Nancy Boudreau 

Francisca Heming 

Larry Spatz 

Footnotes:

[#1] DRAFT Animal Regulation 548968.3/LANE/0001

[#2] Letter from Green Miles Lipton, LLP dated May 9, 2016

[#3] DRAFT Animal Permitting Regulation 551506.3/LANE/0001