

Town of Ferrisburgh
Board of Health Minutes / APPROVED
May 8, 2018

Members present: Jim Benoit, Rick Ebel, Jessica James.

Michael Red+Muir participated electronically.

Absent: Steve Gutowski

Town officials present: Jaimeelyn Gaboriault; health officer; Gloria Warden, town clerk.

Visitors present: Nancy Armell, Christina Brace, Deb Brace, Lisa Brace, Scott Brace, Jim Carroll, Anna Charland, Ziggy Comeau, Robin Curler, Lesley Deppman, Jerry Fisher, Lauren Fisher, Pat Fischer, Rick Fisher, Ricky Fisher, Tiffaney Fisher, Tracy Fisher, Whittaney Fisher, Ron Kampner, Andy Kirkaldy, Kevin Kite, Sheila McGregor, Jeannette Myers, Benjamin Putnam, Bessie Sessions, Jim Warden.

6:30 p.m. Special meeting — call to order.

Rick Ebel, chair, called the meeting to order at 6:30 p.m. He made opening remarks describing how the meeting would proceed.

6:32 p.m. . Jim Benoit made a motion to go into executive session, stating that the selectboard finds that premature general public disclosure of attorney-client discussions regarding the emergency health ordered issue would put the town at a substantial disadvantage. Jessica James seconded. All voted in favor. MOTION PASSED.

6:33 p.m. . Red Muir made a motion to go into executive session to discuss the emergency health order, inviting the town's attorney, Benjamin Putman, to be part of that discussion. Jim Benoit seconded. All voted in favor. MOTION PASSED. Rick Ebel announced that the board would recess downstairs for a brief discussion, return, come out of executive session, and open the board of health hearing.

6:45 p.m. . Jim Benoit made a motion to come out of executive session. Jessica James seconded. All voted in favor. MOTION PASSED.

Rick Ebel stated that the board was reconvening the Ferrisburgh Board of Health hearing that recessed on April 17, 2018. He asked Jaimeelyn Gaboriault, town health officer, to speak about her May 4, 2018, follow-up inspection of 2512 Sand Road, the location of Heidi's Haven, a rescue operation owned by Sheila McGregor. Jim Carroll, an attorney representing Jaimeelyn, spoke first. He said Jaimeelyn would present her report as well as a report from the prior inspection on April 30, 2018, by Kristin DeBellis, deputy health officer. He explained that he is seeking a continuation of the current hearing for a period of approximately 30 days, to a date certain, to reconvene to provide more information after monitoring the pest control situation now in place. Jaimeelyn began by referencing Exhibit #9, the report by Kristin DeBellis. She said the report contained questions Kristin asked Garry Encarnacion, the Ehrlich representative surveying the property and laying out the bait stations. It stated that four bait stations, containing Terad 3, were placed along the exterior of the property. The report also stated there were 20 dogs and 10 cats on the premises. Jaimeelyn's final comment from the report was that Ehrlich would follow up in two weeks and again in August.

Jaimeelyn then presented Exhibit #10, her written report from the May 4, 2018, inspection. She stated that Jeff Warden, town constable, and Ronald Kampner accompanied her to Sheila McGregors home. Jaimeelyn said Sheila showed them where the bait stations were placed. When they entered the garage space Jaimeelyn observed that kitty liter and food sources were still present and numerous items were still close to walls. Although Sheila's husband, Mike Bombard, had put up new plywood and a new door there were still some visible holes. Mike commented that the project is not completed yet. Jaimeelyn continued by saying it seemed that feces had recently been removed from the backyard. She said it appeared as though nothing had been done to the back shed and the

rat chewing noticed at the previous inspection was still visible. Jaimeelyn said she noticed opened food bags when leaving the garage. She looked inside and saw dog feces. When questioned, Sheila said this was what she had picked up in the backyard.

Jaimeelyn voiced her concerns from the visit, which included that Ehrlich Pest Control was not familiar with the bait selected by Sheila McGregor and questioned the efficacy of it, there was still a large amount of feces on the property and a large pile in a wooded area, not all animal food supplies were in sealed containers, and the progress of the clean up had been slow as Mike only has two days a week to work on this. Jaimeelyn made the following recommendations: seek a continuance within the next 30 days, receive reports from Ehrlich, obtain an air quality analysis, be involved in all pest control follow-up visits, and be kept up to date on progress made on the property. Jaimeelyn displayed and described Exhibits 11 through 27, color photos taken during the inspection. She commented that Exhibit #28 was taken at the neighboring property owned by Lauren Fisher; there were visible new rat feces. Jim Carroll spoke reiterating Jaimeelyn's concerns. He asked that the documents submitted be considered during the board's deliberation. He added that he would like to speak with Sheila McGregor's counsel to see if there is some way to come to a comprehensive resolution to this.

Sheila McGregor addressed the board showing photographs of various parts of her property that she and her husband worked on since the Friday, May 4, 2018, inspection. This led to a lengthy discussion between Sheila and the board regarding other areas still not addressed, such as debris still present around the property, a partially sealed drainpipe from the garage, mud and feces (a possible food source) in the backyard, open bowls of cat food, and numerous other concerns. Sheila said she is taking things to the dump, leaves food out so her cats can freely access it, and scoops up feces everyday. Sheila said she was moving feces with compost consisting of onion and garlic scraps to a wooded area in the back of her lot. She continued by listing things she has done to comply with the health order, which included building new cabinets for dog and cat food, sealing up holes in walls with plywood, and removing items along walls. Sheila offered rebuttals to various points asserted by the board and to parts of Jaimeelyn's inspection report, including that the bait she requested be used by Ehrlich is marketed for rats that have been resistant to other baits. The discussion moved on to the number of dogs currently at Sheila's home and whether or not dogs not placed or transferred would become pets.

Lauren Fisher, owner of 2494 Sand Road, the property adjacent to Sheila's, updated the board regarding the conditions at her home related to Heidi Haven's rat infestation. She presented a proposal from RLJ Construction, which detailed repairs to be made to her home and shed; the estimated cost is \$8,880.00. Lauren also submitted to the board a listing of 20 dog adoption postings from last week for Heidi's Haven on the Petfinder website. She stated eight new listings were added since then. Lauren said she contacted Homeward Bound, the animal shelter in Addison County, who said it would accept Sheila's dogs. Rick Ebel commented that the board would review Lauren's presentation.

After further discussion, Lesley Deppman, Sheila McGregor's attorney, stated that Sheila was in compliance with the reasonable directives of the health order. Lesley agreed with continuing the hearing so an additional inspection by Ehrlich could be done within the next two weeks to see if the bait is working.

Deb Brace spoke about how Heidi's Haven is still fully in effect, including a campaign to raise funds that shows a recent donation. She also said that Sheila McGregor is aware of Homeward Bound because some years ago the organization took Sheila's dogs away from her.

Robin Curler expressed concern for Lauren Fisher, her husband, and daughter. She said this has been a very long process and the young family has had to pay for expenses that they really cannot afford. Robin asked if this would be the last extension of the hearing. Rick Ebel replied that is the

-- Ferrisburgh Board of Health, May 8, 2018 --

intention. He said the board would reconvene after the continuation to hear an update and make a final determination.

At 8:04 p.m. Rick Ebel announced that the board would recess downstairs for a deliberative session. When the board returned, he stated it would accept the request to continue the hearing until May 29, 2018, and would work with the health officer to contact a member of the health department, who, along with the health officer, would attend two site visits at Sheila McGregor's home.

Jim Benoit made a motion to adjourn the meeting at 8:35 p.m. Jessica James seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira