

**Board of Health  
Meeting Minutes  
February 6, 2017**

Members Present:

Bea Brunkhorst, Co-Chair  
Tom Kinzer, Co-Chair – arrived at 7:30 pm  
Mary Seymour  
Sarah Thompson  
Anita Raj

Staff Present:

Heidi Porter, Director of Public Health  
Margaret Root, Recording Secretary

Others Present:

Neil Couvee  
Cheryl Sbarra, *MA Association of Health Boards*  
Laurie Pariseau  
Steven Hagan  
Ann Kiessling, *The Bedford Citizen*  
Rich Daugherty

The meeting was called to order at 7:05 pm. Dr. Brunkhorst chaired as Mr. Kinzer would not arrive until later. Ms. Raj moved to modify the order of the agenda to address issues other than the public hearing until Mr. Kinzer joins the meeting. Ms. Seymour seconded the motion. The vote was 4-0-0. Note that the minutes below do not reflect the change in the order of the agenda.

BOH Meeting Minutes

Mr. Kinzer moved to accept the minutes from the January 9, 2017 meeting as amended; Ms. Thompson seconded the motion. The vote was 5-0-0.

Public Hearing on the Minimum Standards for the Keeping of Animals Regulations

The draft of the regulation after the January 9<sup>th</sup> BOH meeting was sent to the Town Counsel, who sent it back to Ms. Porter with further edits for consideration.

Section 2.2 has a question on the use of “unreasonably”. This language allows for any possible enforcement against a farm that is not keeping animals properly. It was suggested by a resident that the word “unreasonably” be struck. The Board agreed.

Section 3.1 is the definition of abutter. Another question was asked about the distance of 300 feet and why abutters are all properties within that distance from the permitted property. It originates from the general zoning and land use laws as well as in Massachusetts General Laws (M.G.L.). The larger distance, as opposed to 100 feet, makes more sense since the BOH is dealing with possible nuisance/noise issues that could extend further out from the permitted property. The regulation would only require notification of the abutters by U.S. mail and the certified mail requirement has been removed.

Section 3.2 was reworded per Town Counsel recommendation.

Section 3.12 has had the University of New Hampshire reference and internet link added.

Section 3.20 needs to capitalize the “a” in “adult”.

Section 4.5 needs to have “M” added before “G.L.”

Section 5.2 allows for a permit not to be needed if a person 5 or fewer chickens. If a complaint is lodged, the BOH can still find a person in violation under nuisance standards.

Section 5.3.7 was added to make sure applicant is aware of the applicable fees. The fee itself will be determined at a later date and can change in the future, so the amount is not listed.

Section 5.3.8 was edited to include that the permit is non transferable to other persons or premises. Section 5.4 was then combined with this section and edited to add language stating if the permit lapses, the application will be considered for a new permit instead of a renewal.

The following edits are referring to the new Section numbers.

Section 5.4 was added to make sure the BOH is notified if the numbers or types of animals change during the permit year.

Section 5.5 has language added for notification to the BOH if occupancy or ownership of the property changes during the permit year.

Section 5.11 was added to inform applicant that all applicable laws and regulations must be followed.

Section 6.1 had some language added per Town Counsel on rebuilding.

Section 6.2 deals with making sure the applicant checks with the Zoning Board and Conservation Commission. After discussion, it was decided an actual sign-off on the application from the Zoning Board and Conservation Commission would be unnecessary. Instead, in the regulation, Ms. Porter proposed the following language: “It is the responsibility of the applicant to comply with Bedford Zoning bylaws and the applicable building code when conducting construction or construction changes referenced in Section 6.1”. This way the applicant knows they need to follow the correct building process.

Section 7 involves penalties if a person is in violation. There was a question as to where the fine amount originates. The up to \$1,000 fine per day is from M.G.L. The BOH is able to file a claim in court if someone is in violation and the court would impose the fine up to that amount.

*Public Comments:*

Ms. Kiessling had a few concerns. She asked about Section 5.2 as she was told that under MA law, a person couldn’t buy fewer than 6 chicks. If that were the case, it would be difficult to have 5 or fewer chickens. The BOH and Ms. Sbarra were unaware of a MA law regarding the minimum number of chicks that can be purchased. The BOH will do more research on this. If there is such a law, the regulation can be edited to say “6 or less” instead of “less than 5”.

Ms. Kiessling also commented that not allowing roosters in town would keep students, from 4H or the like, from breeding chickens. There was no support in allowing them under the revised regulations. On average, the BOH gets a complaint a year about a rooster and the ban has been in effect since the mid 1960s. It was noticed that eggs can be purchased fertilized.

In Section 2.2, Ms. Kiessling was also concerned over the term “unreasonably”. Ms. Sbarra said the term “unreasonably” could be removed without removing the ability of the BOH to take action in case a farm is found in violation and issued a health order. It was decided that the term be removed.

Ms. Kiessling commented that the 300 feet in the abutter definition is more stringent than what is used by the Conservation Commission. Ms. Raj said that for the Conservation Commission, the distance was in order to protect wetlands. That distance may not be enough as possible nuisance issues could extend farther than 100 feet from a persons property.

Lastly, Ms. Kiessling was concerned that the fine amount of \$1000 per day may scare people away from applying for a permit. The BOH understood the concern over the stating of the fine amount. Ms. Sbarra said that since the regulation states which M.G.L. Chapters the BOH is acting under in Section 1, the fine amount doesn’t need to be stated in the penalty section. The first sentence of Section 7.3 will now read: “In accordance with M.G.L. Chapter 111, Section 31, any violation of this regulation shall be subject to a fine.” A hyperlink to the appropriate sections of the M.G.L. will also be included.

Mr. Dougherty wanted to basically walk through an example of the process to make sure as long as the regulation was followed, the process would be straightforward and easy. His main concern was the notification to the abutters and how much influence the abutters would have on the decision to allow the permit. Ms. Raj gave an example in which the abutters attending the public hearing allowed for the neighbors and the applicant to discuss any issues and come to a middle ground. Mr. Kinzer also said that it encourages neighbors to meet and talk to each other. The BOH has not denied a permit just because a neighbor didn’t like it without any further cause.

Ms. Kiessling asked about the permit application. Ms. Porter responded that it will probably be easier than it is now with information to fill in and then make sure the applicant includes any necessary research and information on how they will implement generally accepted agricultural practices.

Currently the fee schedule is based upon the old animal units. A new base fee will be made in the near future.

Ms. Raj made the motion “I move to accept the Minimum Standards for Keeping of Animals as amended today, February 6, 2017.” Ms. Seymour seconded. The vote was 5-0-0.

The effective date is April 1<sup>st</sup>. Once edited, the regulation will be put in the newspaper. The new application will be available before the effective date. Current permit holders will be grandfathered in and be allowed to keep renewing their permit. If their circumstances change,

they will have to notify the BOH. Ms. Sbarra told the BOH that the regulation will also be posted on the MAHB website for other towns to see.

#### Board of Health Action Items – Old and New Business

Mr. Kinzer attended this evening's FPCC meeting. The next meeting is March 13<sup>th</sup>. Dr. Brunkhorst has already been appointed as a liaison for the year, but the BOH will see if any other members are interested in serving as the liaison as Mr. Kinzer is retiring from the BOH. Mr. Kinzer reported that one of the issues discussed at the meeting was how the town uses its free cash. If money in the budget has not been spent, the town can use it for one-time events once the amount has been certified by the Department of Revenue. A couple possibilities would be contributions to the Stabilization Fund or the Other Personnel Employment Benefits (OPEB) fund. The committee will decide on what to use the free cash on over the summer.

Ms. Seymour read excerpts from the Youth and Family Services meeting on January 12<sup>th</sup>. The DASH on-call local bus program is slowly growing. The mission statement was not discussed this time. Instead it will be discussed at the next meeting. The spring walkabout is going to happen later this year to promote walking and interaction with local businesses. There is a long waiting list for counseling. The town has a contract with Eliot Community Human Services. Ms. Porter suggested Ms. Seymour ask whether Eliot could provide more counseling services and providers under its current contract. A donation of coloring books was received. The books went to the elementary schools for a coloring contest with a gift certificate to Bedford Farms for the winner. The committee will also continue discussing ways to continue promoting diversity in town.

Dr. Brunkhorst was unable to attend the Institutional Biosafety Committee meeting at Homology Medicine, so it was rescheduled for March 13<sup>th</sup>. Ms. Porter went to Conagen, who wants to be upgraded to a Biosafety Level 2 lab. The company uses E-coli in their experimentation to develop food grade sweeteners. To reduce the number of emergency safety meetings at Conagen, each employee is responsible for a section of the lab.

Ms. Porter reminded the BOH that there is a zoning bylaw amendment for medical marijuana dispensaries. Currently there is a 1-year moratorium on establishing a dispensary in town. The zoning amendment would only allow a dispensary in industrial areas. A dispensary cannot be located within 500 feet of a school, licensed child care center, etc. Ms. Porter wanted to know if the BOH wanted to comment on the bylaw. One comment that the BOH had was the amount of time the BOH has to respond to an application. The language in the current bylaw indicates a 35 day review period, which may not be sufficient time considering the variability in the BOH meetings, especially over the summer. Instead, the BOH will recommend the time period be 60 days instead.

Mr. Kinzer said he has a large amount of BOH records on his computer and was wondering if anyone wanted them. Ms. Raj and Ms. Porter were both interested in the files.

Ms. Raj asked what the next projects would be now that the Keeping of Animal Regulation is finished. Ms. Porter mentioned that the tobacco regulations need to be looked at and updated. She will come up with a list of possible issues for the BOH to examine for the next meeting.

### Director's Report

Ms. Porter, with the Assistant Town Manager, has completed the first round of interviews for the new departmental administrative assistant. There are 3 candidates being invited for a second interview. Hopefully a new staff member will be hired in the next few weeks.

Ms. Porter, Dr. Brunkhorst, and Mr. Kinzer attended the Finance Committee meeting on the FY18 BOH budget. The Finance Committee will vote on approval later this week. Ms. Porter also submitted the memo to Town Manager Rick Reed requesting the increase of the annual expenditure of the flu revolving fund, as well as allowing the fund to be used for public health education and outreach services. The proposal will be included in the Town Meeting Warrant for the Spring Town Meeting.

The mental health training for the Bedford Citizen Corps volunteers is almost complete. Another training session will be held for police and firefighters. A training session for community members can also be organized if enough interest is present. Ms. Porter is seeing if Continuing Education Credits can be given to the registered nurses taking the training.

Ms. Porter reported that Dr. Potee's presentation last month went well, but had low turnout despite wide outreach. Bedford TV recorded it and incorporated the presentation slides. A link to the presentation can be found on the BOH website.

Ms. Porter is working on an event in the Spring with the Police Department. The movie "If Only" will be shown with a panel discussion following the showing. The display "Hiding In Plain Sight" will also be set up. Hanscom AFB is interested in advertising the event to their community members. The Bedford High School will not be showing the movie to students during the school day, but has expressed support of a community event in the evening. The date will hopefully be set in the next week or so. Ms. Porter also said food may be provided in an effort to increase attendance at the event as it would occur around dinnertime.

Ms. Porter prepared the mosquito and hazardous waste budgets for the Selectmen. While the mosquito budget did not change from last year, Ms. Porter requested an increase for medical waste disposal services as a grant previously covering those expenses has expired. The Town Manager will present the budgets to the Selectmen and the Finance Committee.

Ms. Porter and the BOH staff members participated in the Compensation and Classification study. The results will be presented to the Selectmen before being displayed to the public for approval before the Town Meeting this spring.

Ms. Porter updated the BOH on the Edinburgh Center, a training facility for mentally challenged adults. The Center has decided to purchase new equipment and will not be requesting a variance.

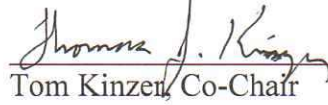
Ms. Seymour moved to adjourn the meeting; Ms. Raj seconded the motion. The vote was 5-0-0.

The meeting was adjourned at 9:28 pm.

The next meetings of the Board will be March 8, 2017, and April 3, 2017.



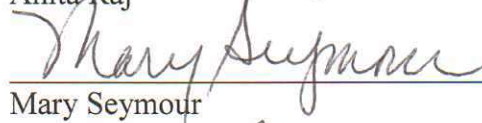
Bea Brunkhorst, Co-Chair



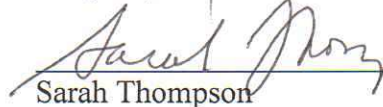
Tom Kinzen, Co-Chair



Anita Raj



Mary Seymour



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