

**Board of Health
Meeting Minutes
July 28, 2014**

Members Present:

Tom Kinzer, Co-Chair
Bea Brunkhorst, Co-Chair
Sarah Thompson
Caroline Donnelly
Anita Raj (Late)

Staff Present:

Heidi Porter, Director
Faye Andrews, Health Agent
Mary Firestone, Recording Secretary

Also Attending:

Dan Archibald, 11 Beacon Street
Richard and Laura Vitale, 53 Hartwell Road
Heather Lauzon, 93 Hartwell Road
Farouk Chaudry, T.U.F. Enterprises, LLC, 349 Great Road
Collette Roy, Nouria Energy, 358 Great Road, (Great Road Shell)
Chris Cheney, Nouria Energy, 358 Great Road, (Great Road Shell)
Andrew Barillo, Genetti's Wine and Spirits, 170 Great Road
Bill LeClerc, Northside Convenience, 44 North Road

The meeting was called to order at 7:03 P.M. Mr. Kinzer chaired.

BOH Meeting Minutes:

Dr. Brunkhorst moved to accept the minutes of the June 16, 2014, meeting as amended; Ms. Thompson seconded the motion. Vote count: 4-0-1.

Hearing - Keeping of Animals Permit, 11 Beacon Street:

Mr. Kinzer declared the hearing open. Ms. Porter said that she and Ms. Andrews had visited the property. The chicken coop and yard and garden are kept tidy. No observable odors were identified. There are no nuisance complaints on file for this address. In addition to the application for a permit to keep animals, a variance is needed because the chicken coop does not have 100' clearance from the abutters' dwellings as required by the regulations; it is about 80' away. Ms. Porter read aloud an anonymous comment which was received in response to the notice that was sent to abutters. Mr. Archibald explained that he enjoys the chickens both as pets and as egg producers. He currently has 3 chickens; a fourth chicken was taken by a hawk. The chickens are 3 years old and will soon reach the end of their laying years (but not the end of their lives), so he wishes to acquire more chickens, bringing the total to 10. He explained that their manure is a small fraction of the compostable materials on his property. His coop covers an area of 20 square feet; additional space is fenced for a run and a portable fence is available to vary their foraging area. Ms. Porter said that she had observed good practices on the property. Mr. Archibald said that the hen area is about 100' from the wetland. Ms. Donnelly asked about the significance of the 100'; Ms. Porter said that the buffer was in place to prevent nuisances and runoff to wetlands. Mr. Kinzer said that the distance is arbitrary. Ms. Vitale, an abutor, asked about further inspections and Ms. Porter said that there would be annual inspections. Ms. Vitale asked how many people in Bedford have permits for chickens. Ms. Porter replied that 60% of the 8 residents with Keeping of Animal permits have chickens. Others who keep chickens are unpermitted as they keep less than the threshold for requiring a permit (4 or less). Ms. Lauzon, an abutor, said that she has not heard or smelled the chickens but is concerned about the number; she is also concerned that a permit for chickens may be a "gateway" to other farm animals. She also said that the number permitted is "squishy". Mr. Kinzer said that a permittee would need to go through a further permitting process if animals were added. Mr. Archibald said that if an addition to the flock caused odors, flies, etc., to accumulate, he would not want that condition; he added that he uses deep bedding so that the droppings stay dry and he may use fly strips, if necessary. Dr. Brunkhorst asked what happens if the family goes out of town. Mr. Archibald said that they would have a house-sitter, as they

did last year. He said that, except for the hawk, there have been no problems; he has seen coyote scat across the street at the conservation area. The run area is roofed, but there is no roof over the various areas contained within the portable fence. Mr. Kinzer asked the Board members whether they would approve the requested permit and associated variance.

Ms. Raj said, "In accordance with the Bedford Code of Health Regulations on the Keeping of Animals, and given that all proper application paperwork has been provided to the Board of Health, I move that the Application for the Keeping of Animals, specifically no more than 10 chickens, at 11 Beacon Street be approved by the Board of Health, and additionally move to approve the variance request for the placement of the coop 80 feet from any abutter." Ms. Donnelly seconded the motion. Vote count: 5-0. Ms. Raj moved to close the hearing; Dr. Brunkhorst seconded the motion. Vote count: 5-0.

Hearings on Tobacco Sales Compliance Check Violations: --- Suspension of Permits to Sell Tobacco:

Mr. Kinzer asked for a motion to open the hearings. Ms. Donnelly moved to open the hearings; Ms. Raj seconded the motion. Vote count: 5-0.

Ms. Porter said that all compliance checks were conducted on Friday, June 13, 2014 by a contracted tobacco inspector, Mark Waksmonski, and a trained youth worker, a 17 year old female. The youth entered the store, asked to purchase cigarettes, was not asked for ID and was sold cigarettes. After the tobacco purchase, Mr. Waksmonski entered the store and spoke to the clerk. In all cases the clerk admitted to the sale. All 8 permittees in Bedford were visited; there had been no compliance checks in 2 years.

Nouria Energy: Mr. Cheney was informed of the hearing by Ms. Porter. Mr. Cheney said that sales of tobacco to customers under 18 are against company policy; the clerk who sold to the youth was fired. The company has an on-line training course; after this violation, all personnel were re-trained. He provided a flyer on their training program. Mr. Kinzer asked whether Mr. Cheney had a preference on the timing for the no-sale period and Ms. Porter said that all tobacco and nicotine delivery products must be removed from the sales floor during that period. Since Mr. Cheney said that he had no preference for the date.

Ms. Raj said, "In accordance with the penalties outlined in the Regulation of the Bedford Board of Health, Section 6B: Restricting the Sale of Tobacco Products and Nicotine Delivery Products, I move that the \$100 fine and 7 day tobacco sales permit suspension be upheld for **Nouria Energy (Bedford Shell) at 358 Great Road**. The suspension shall commence on August 15 at 12:00 A.M. at store opening and end on August 21 at 12:00 A.M. at close of business." Ms. Donnelly seconded the motion. Vote count: 5-0.

Ms. Donnelly moved to close the hearing; Ms. Raj seconded the motion. Vote count: 5-0.

Genetti's Wine and Spirits: Mr. Kinzer asked for a motion to open the hearing. Ms. Thompson moved to open the hearing; Ms. Donnelly seconded the motion. Vote count: 5-0

Ms. Porter said that the sale was made on Friday, June 13, 2014 and that the clerk admitted to the sale. The owner, Andrew Barillo, said that he has continuous training for sales of tobacco, alcohol, and lottery tickets. He said that the clerk who made the sale had been fired. He explained that employees fill out a report after such an incident; on the report, the employee said that (1) he noticed that the youth was wearing a ring and he assumed that it was a wedding ring, and (2) that the purchaser was "testy". He said that all staff members have been retrained and that all employees get certificates from the Police Department for alcohol sales. Mr. Barillo apologized; he said that he has taken steps to improve the situation and that one date was as good as another for the suspension of sales. Mr. Thompson said, "In accordance with the penalties outlined in the regulation of the Bedford Board of Health, Section 6B, I move that the \$100 fine and 7 day tobacco sales permit suspension be upheld for **Genetti's Wine and spirits at 170 Great Road**. The suspension shall commence of August 15 at store opening and end on August 21 at close of business." Ms. Donnelly seconded the motion. Vote count: 5-0 Ms. Raj moved to close the hearing; Ms. Donnelly seconded the motion. Vote count: 5-0

Northside Convenience: Ms. Donnelly moved to open the hearing. Ms. Raj seconded the motion. Vote count: 5-0

Bill LeClerc said that he is continuing to train employees. His objection for the Record: He questioned not having the inspector ask for him while he was there and noted that there was no receipt for the sale. He requested that the suspension period be from August 20 through August 26. Ms. Thompson said, "In accordance with the penalties outlines in the regulation of the Bedford Board of Health, Section 6B: Restricting the Sale of Tobacco Products and Nicotine Delivery Products, I move that the \$100 fine and 7 day tobacco sales permit suspension be upheld for **Northside Convenience at 44 North Road**. The suspension shall commence on August 20 at store opening and end on August 26 at close of business."

T.U.F. Enterprises: Ms. Raj moved to open the hearing. Dr. Brunkhorst seconded the motion. Vote Count: 5-0

Ms. Porter explained the sales compliance check. She said that the clerk had admitted to the sale. Ms. Porter notified Mr. Chaudry by mail. Mr. Chaudry said that he is the owner-manager of the business and has 15 years experience in retail; having started in alcohol sales, has much experience with inspections. He is now installing a scanner system for IDs. He had a question about removing products: can they just cover the tobacco products? Ms. Porter said that all the products must be off the sales floor. Ms. Donnelly said, "In accordance with the penalties outline in the regulation of the Bedford Board of Health, Section 6B: Restricting the Sale of Tobacco Products and Nicotine Delivery Products, I move that the \$100 fine and 7 day tobacco sales permit suspension be upheld for T.U.F. Enterprises, LLC (Great Road Gulf) at 349 Great Road. The suspension shall commence on August 13 at store opening and end of August 19 at close of business." Dr. Brunkhorst seconded the motion. Vote Count: 5-0. Ms. Raj moved the close the hearing; Ms. Donnelly seconded the motion. Vote count: 5-0

Ms. Porter noted that this group represented the highest ever number of failed compliance checks in Bedford.

Board of Health Action Items --- Old and New Business:

Dr. Brunkhorst said that she had noted stocks of groceries on the floor in the Stop'n'Shop probably due to the current inability of the public to obtain supplies at the Market Basket stores.

Director's Report:

Ms. Porter explained mosquito surveillance and spraying. She said that Suffolk County had joined the East Middlesex Mosquito Control Project; no impact of service is anticipated.

Ms. Porter said that the Great Wall Restaurant had decided not to do a sushi bar, but will have an alcohol bar with 6 seats.

Hoarding training of public safety personnel has been completed. However Ms. Porter is applying for a grant for additional hoarding training as requested by local clergy.

Good interest has been shown in the drug and sharps kiosks at the police station, including coverage by the Bedford Citizen.

It will be necessary to re-locate the BOH tent for Bedford Day due to construction.

There will be no age or population restrictions for dispensing state supplied flu vaccine this, but there will be restrictions next year.

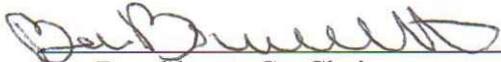
Report on School Health Services Review:

Ms. Porter distributed copies of the consultant's report. She said that the report included findings that support moving the school nurses to the school department. Mr. Kinzer said that the current status works because the nurses are so good. We need to get clarification on whether the nurses should treat the school staff. Another whole nurse is needed. There are still questions about other factors leading to complexity of care, especially for the special needs kids. 94% of students return to classes after seeing their school nurse, a higher rate than at other schools across the state. We have no true working relationship with the school nurses aside from providing general public health outreach and supporting them administratively. What will be the BOH relationship with the school nurses after a transfer to the school department,

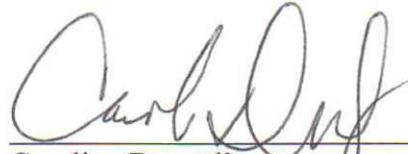
considering disease surveillance, etc.? Ms. Donnelly suggested a liaisonship arrangement. Dr. Brunkhorst suggested sending a copy of the report to Fincom, the Selectmen, etc.

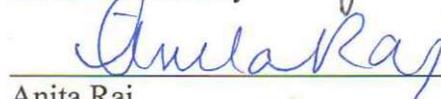
The next meetings of the Board will take place on September 8, October 6, and November 3.

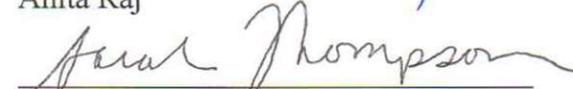
Ms. Donnelly moved to adjourn the meeting; Ms. Raj seconded the motion. Vote count: 5-0. The meeting was adjourned at 9:35 P.M.


Bea Brunkhorst, Co-Chair


Tom Kinzer, Co-Chair


Caroline Donnelly


Anita Raj


Sarah Thompson