

**Board of Health  
Meeting Minutes  
September 12, 2016**

Members Present:

Bea Brunkhorst, Co-Chair  
Tom Kinzer, Co-Chair  
Anita Raj  
Sarah Thompson

Staff Present:

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

Others Present:

Mary Seymour  
Ann Kiessling, *The Bedford Citizen*  
Steven Hagan  
Sandy Couvee  
Laurie Pariseau  
Barbara O'Neil  
Kathleen L West  
Neil Couvee  
Meredith McCulloch, *The Bedford Citizen*  
Karen Dunn  
Rich Daugherty  
Janet Powers

The meeting was called to order at 7 pm. Mr. Kinzer chaired.

BOH Meeting Minutes

Ms. Raj moved to accept the minutes from the July 11, 2016 meeting as amended; Ms. Thompson seconded the motion. The vote was 4-0-0.

Pool Code Variance Rescindment

The Village at Taylor Pond, 59 Middlesex Turnpike, requested by letter the rescindment of a conditional variance granted to them in December 2014 by the Board of Health. The MA Department of Public Health ratified the conditional variance in January 2015. The variance was needed due to the deck area around the entire pool not measuring at least 4 feet. There was only a 1 foot wall between the pool and spa area. Since that time, the spa area has been filled in and the pool now meets the Minimum Standards for Swimming Pools without conditions.

Ms. Thompson made the motion: "Due to the filling in of the spa and partial reconstruction of the pool deck at the Village at Taylor Pond, 59 Middlesex Turnpike, resulting in a 4 foot walkway around the entire remaining swimming pool, I move that the conditional variance approved by the Board of Health on December 8, 2014 and ratified by the MA Department of Public Health on January 29, 2015 be rescinded. In its current state, the pool meets the Minimum Standards for Swimming Pools." Ms. Raj seconded the motion. The vote was 4-0-0.

Review of Revised Draft of Minimum Standards for the Keeping of Animals Regulation

The current draft of the Keeping of Animals Regulations had been posted to the BOH website. This version is the result of edits based upon feedback from the July 11<sup>th</sup> BOH meeting as well

as the public comments collected and additional research by Ms. Porter. The language has been pared down so it is more concise and simplified. Ms. Porter performed a quick check online and found that 45 towns have animal regulations. More towns most likely have animal regulations that are not published online. Attorney Cheryl Sbarra, with the MA Association of Health Boards and a MA Department of Public Health (DPH) contractor, has offered to help work with the BOH on these regulations to make sure that the BOH is not overstepping authority and that proper information is given to people for resources. The MA DPH and the MA Department of Agriculture have been working on a MA food system plan to promote locally grown food for several years. The plan includes a chapter on local public health and the interaction between health and agriculture but further work is needed. Atty. Sbarra has been working with the plan developers to better understand and articulate the involvement of local public health in agriculture and backyard farming. It is this experience and understanding of need for involvement by public health in regulation of backyard agriculture that Atty. Sbarra will bring to her work with Bedford. The Town of Reading regulations, which Atty. Sbarra worked on, will be sent to Board members for comparison. According to Atty. Sbarra, the Department of Agriculture Resources as well as the MA Society for Prevention of Cruelty to Animals have guidelines on animal safety, so this should not be a regulatory component of a Board of Health Keeping of Animals Regulation.

The property setbacks have been removed from the new version of the regulation. The only concern mentioned by the Board was the distance from drinking water wells, but given there are few wells in town and public water is available throughout the town, it is not anticipated to be an issue.

Under section 10.0 Hearings, a public comment expressed confusion on the exact timing in which a person may request a hearing. Currently it is based on 7 days after mailing the order to correct. However, the time it takes for the notice to be delivered could vary. It was suggested that the wording be changed that a request for a hearing be sent within 7 days after the receipt of the letter, which would be sent by certified mail so the BOH would know when the letter was received.

The requirement to send a notice of a permit hearing to property abutters by certified mail has been removed. However, the notice of a permit hearing must be placed in a newspaper of general circulation.

The continued inclusion of the definition of a farm is for the purpose of the BOH regulation. The Board may instead use the definition of farming given by the state. The language of the Keeping of Animals Regulations is not to tell farmers how to farm, but to help suburban people, who would like to keep a few animals in their yard, do so safely.

Ms. Raj made the point that for residents who do not have at least 5 small animals, they do not require a permit. However, the animals still need to be taken care of and kept safely. A suggestion was made that for those cases, the website, besides having the regulations posted, can also have links to resources for people keeping animals. Also, even if the resident does not need a permit from the BOH, they still need to follow guidelines and regulations from other departments, such as Code Enforcement and the Conservation Commission.

Ms. Porter would like to get clarification on the definition and Board of Health enforcement of nuisances on property used for agriculture. Certain farming practices are exempt from nuisance laws, such as the natural noises from animals.

Ms. Porter will be meeting with Atty. Sbarra soon for feedback on the draft regulations. Another revised draft may be ready by the end of the month.

Section 7.3 pertains to wild animals and the definition is the one used by the Department of Agriculture. Since these are wild and not kept animals, this part of the nuisance section will be clarified for certain situations.

Section 5.0e states how far away from wetlands shelters may be built. This section will probably be struck as distance from a wetland is regulated by the Conservation Commission. Any construction would need to be signed off by Code Enforcement and the Conservation Commission as applicable.

The 4.0 general requirements needed clarification so that it states the keeping of 5 or more small animals requires a permit.

Section 8.2 states that the number of animals needs to be stated for the permit. If an animal has offspring, the permit holder will have to apply for an amendment with the new number of animals.

Section 8.7 states that if the permit is denied or cancelled, the animals must be removed from the property. Board members were wondering if a time frame for the removal should be established.

Section 8.3 states that an inspection of the property will take place. The time frame of the inspection would be before the hearing on the permit application.

Section 4.2 states that accessory structures, like a shed or coop, are not allowed in the front yard. However, animals will be allowed to roam and graze in the front yard.

The first paragraph of Section 5 will most likely be kept. However, the majority of the subsections will be removed as building codes are covered by other town regulations.

Section 6.6 deals with the burial of dead animals at least 50 feet away from a watercourse. Ms. Porter will see if there are any updated regulations. Some cases have been reported of leaching of chemicals into groundwater from buried animals, but those animals had been treated with chemicals like formaldehyde.

*Audience Comments:* Dr. Kiessling suggested suspending regulations for 3 years and see if problems come up. This would save time for the Board as they would not have to do permit hearings. Ms. Thompson replied that nuisance cases have come before the Board already this year. Mr. Kinzer replied that holding the permit hearings have solved many problems before they became issues.

Ms. O'Neil commented that the presence of regulations help give neighbors recourse should problems arise. Mr. Kinzer added that the presence of regulations give animal keepers a structure to follow in order to avoid being a nuisance to their neighbors. Dr. Brunkhorst added that some other towns that do not have regulations have different organizations (i.e. Agricultural Commissions) that Bedford does not have, to make sure animals are kept in a proper manner.

Ms. Couvee asked about the right to farm law, which Bedford has not adopted. Any change to adopt the law would have to be on a town level. She also asked about promoting farming and animals with youth, specifically wanting to make sure kids can keep farm animals on their property. Mr. Kinzer's response was that the new regulations are trying to support and encourage the keeping of animals if someone wanted to. In the future, the town may want to look into establishing an Agricultural Commission.

Mr. Hagan expressed concern over how the regulations could be used by a future BOH to close down a commercial farm like Chip-In. This was a part of the discussion over the inclusion of the definition of a farm in the regulations. The regulations are not meant to deal with commercial agriculture or farms. Ms. Porter does not have a list of farms as the BOH does not regulate farms, but does have a list of barns that get inspected.

Mr. Dougherty commented on how the regulations are defining farming practices. In his opinion, the regulations are superfluous since other departments already cover different aspects of these regulations, like buildings are covered by building codes. He pointed out that nowadays people are integrating growing things and keeping animals even on small plots. He also thought the process could be simplified. He asked if the town would have to hire another person to handle the permits. Ms. Porter doesn't think so at the current rate of applicants. Currently there are 7 or 8 permit holders. The rewriting of the regulations is to encourage more people to keep animals if wanted. Mr. Dougherty also asked if these regulations would cover feeding operations to raise chickens for food in the large scale. The regulations would not apply in that case as such an operation would be classified as a farm.

Mr. Kinzer reiterated that the whole revision process is to hopefully encourage more people to keep animals if they want to by making the regulations more straightforward and simple. Ms. Porter is hoping to have another draft done before the October 3<sup>rd</sup> meeting. The new draft will probably be discussed then or during the November meeting. The regulations will then go to Town Council for review.

Ms. Powers suggested starting the regulations with a preamble encouraging those who want to keep animals. She stated that the regulations should be simple, easy to follow with a positive spin right at the beginning. There is no cookie cutter way of raising animals as methods are always changing. The BOH should give a resource list, but allow people to raise animals using the best agricultural practices. Ms. Porter said she would be happy to add resources suggested by members of the community to the list on the website.

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

Today, September 12<sup>th</sup>, is the first day of the DASH project, a shuttle bus pilot program aiming to increase mass transit usage in town. The idea for this project was the outcome of an earlier Community Health Network Area 15 grant that the BOH was a partner on.

Mr. Kinzer will be attending the Fiscal Planning and Coordinating Committee meeting on Oct 3<sup>rd</sup>.

#### Director's Report

Ms. Porter and Dr. Brunkhorst attended the periodic Institutional Biosafety Committee (IBC) meeting with Thermo Fischer Scientific, 35 Wiggins Avenue. Currently the company is making kits for life science researchers using Biosafety Level 1 standards. Thermo Fischer did inform Ms. Porter and Dr. Brunkhorst that there is a potential upcoming project that would require the use of their Biosafety Level 2 lab, which is currently not in use. If this project moves forward, the company will inform the IBC. The signage use at Thermo Fischer was very self-explanatory and has been used as examples to other companies.

In early September, the mosquito sampling site at Hayden Lane had mosquitos test positive for West Nile Virus. This is the first positive mosquito result for Bedford in 2016. Nine other communities also had positive results at that time as well. Precautions including using repellent and limiting outdoor activities between dusk and dawn have been recommended and announced through various media outlets. The lack of water is keeping mosquito populations low but they continue to be a potential for concern until the first frost.

Ms. Porter performed an inspection at 3 Mudge Way on July 13, 2016 before a hearing with the magistrate in Concord over housing code violations not corrected by the landowner on July 15, 2016. At a hearing earlier that day, the landlord and tenant mutually agreed to a move out date of August 20, 2016. The next hearing on the housing code issue is October 7<sup>th</sup>. Currently, work is being done on the property to address the outstanding violations. Once the repairs are completed, Ms. Porter will perform another inspection. If the landlord is found compliant, Ms. Porter can request the case be dismissed.

Ms. Porter received two reports of possible hoarding cases from the police department. Ms. Porter sent out inspection requests to both residences. Since both cases involved seniors, the Council on Aging (COA) was also notified. One case has been referred to the COA after informing Ms. Porter that the house has been cleaned and the family is now involved. The COA will follow up on the second case as the senior involved is still hospitalized. These instances illustrated the success of established collaborative process. Ms. Porter is considering ways to share the process with other groups.

The 1<sup>st</sup> flu clinic of the 2016-2017 flu season will be held at Bedford Day on September 17<sup>th</sup> for people 8 years and older. Only flu shots, not the nasal mist, will be available. The high dose flu shot will also be available for seniors. The large town-wide clinic at the Middle School is scheduled for October 22<sup>nd</sup>. Other clinics will be held at Hanscom Air Force Base and the High School with dates to be determined. The new refrigerator to house the vaccine will be arriving in the next few weeks.

Ms. Porter has received and reviewed hazardous contingency plans submitted by Vivonics, 175 Great Road, Ocular Therapeutic, 15 Crosby Drive, and Integral Biosystems, 34 Crosby Drive. The plans needed only minor revisions and are now part of the contingency plan database.

Ms. Porter resolved an after hours call involving a potential exposure to a skunk. A boy from Lexington saw his pediatrician in Bedford, so the incident was reported to the Bedford police. There was concern on whether the animal had rabies. Ms. Porter had the pediatrician call the MA Department of Public Health epidemiologist, and it was determined there was no exposure. It was also determined that the animal was not a skunk but a raccoon. The parents were advised to use gloves and throw out the dead animal. Ms. Porter also contacted her colleague in Lexington for any follow up needs with the parents.

Ms. Porter scheduled a Restoration Advisory Board meeting on the environmental work being done at Hanscom Air Force Base for October 26, 2016.

The BOH intern Shayla Brown completed a successful project over the summer and her work will be presented at a future meeting. It was historically difficult to collect data on opioid use in Bedford as only responses made by the MA State Police are reported to the District Attorney's office while hospitals collect and report data differently. Ms. Brown determined that the local Police and Fire Department's reports and anecdotal evidence was the best source. Bedford had 6 overdoses, with 2 fatalities so far in 2016. Social workers are available, but their resources are stretched thin among many towns in Middlesex County. Members of the BOH would like to determine if there is a grant available to fund a person for help for people at risk, be it drug users, hoarders, or at risk kids. Ms. Thompson asked if, for each case reported by the Fire and Police Departments, it was known how the addiction started, which would help in terms of prevention, and if there is a way to report drug use anonymously. Ms. Porter reminded the BOH that Dr. Ruth Potee would be coming to the High School in January to do a talk on opioid use. She also reported that the Central Middlesex Police Partnership is looking to schedule a presentation for students and families in Bedford that would include the showing of the movie "If Only".

Ms. Porter reported that the department submitted the annual food inspection report to the MA Department of Public Health. She will also be receiving the services from a larger FDA grant, which would allow the town to implement the 2013 Food Code before the state mandates it. Currently the state is operating under the 1999 Food Code. A couple of changes Ms. Porter mentioned in the newer version of the Code that have taken place are the lowering the hot holding temperatures on a buffet line and not requiring a variance for a restaurant to serve sushi. Ms. Thompson asked about the regulations for cleanliness of outdoor eating areas. Ms. Porter reported that if there is service outside, the regulations are the same as indoor eating areas.

#### Board of Health - Other Business

The Board of Health has a vacancy due to the resignation of Ms. Donnelly as she has moved out of Bedford. Since this position is an elected one, the BOH and the Selectmen will jointly choose a replacement from candidates who applied following distribution of a public notice. The Town Manager's office is accepting applications until September 30<sup>th</sup>. Applicants are asked to attend the October 3<sup>rd</sup> BOH meeting. The October 17<sup>th</sup> Selectmen meeting will be the joint meeting in which applicants are interviewed by both Boards. Each board member will have the opportunity

Manager's office is accepting applications until September 30<sup>th</sup>. Applicants are asked to attend the October 3<sup>rd</sup> BOH meeting. The October 17<sup>th</sup> Selectmen meeting will be the joint meeting in which applicants are interviewed by both Boards. Each board member will have the opportunity to ask questions of the applicants before a vote is taken. The applicant with the majority vote takes the position on the board until Ms. Donnelly's term was due to end in the Spring of 2017. Currently, there are 4 applicants for the position.

Ms. Thompson moved to adjourn the meeting; Ms. Raj seconded the motion. The vote was 4-0-0.

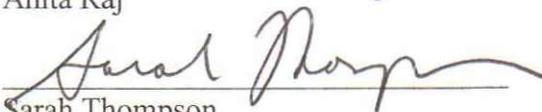
The meeting was adjourned at 9:13 pm.

The next meeting of the Board will take place on October 3, 2016.

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Bea Brunkhorst, Co-Chair

  
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Tom Kinzer, Co-Chair

  
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Anita Raj

  
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Sarah Thompson