

DEDHAM BOARD OF HEALTH MINUTES

May 9, 2019

IN ATTENDANCE:

Leanne Jasset, B.S.P., RPH Chairperson
Kathy Reda, RN., BSN
Mary Ellard, RN., Member
Leontia Flanagan, Assistant Health Director
Fior Griffin, Administrative Assistant

Meeting called to order at 5:35 PM

5:30 Open Discussion

1. No comments from the audience

5:30 Reorganization of the Board members

1. In the recent town elections, Mary Ellard was elected to the Board of Health.
2. Mary nominates Leanne Jasset to the position of Chairperson of the Board. Motion seconded by Kathy Reda.
3. Mary nominates Kathy Reda to the position of Vice Chairman of the Board. Motion is seconded by Leanne Jasset.
4. Kathy nominates Mary Ellard to the position of Member of the Board. Motion is seconded by Leanne Jasset.

5:32 Board Meeting Minutes Accepted

1. Motion made by Leanne to accept the April 11, 2019 board meeting minutes as written.
2. Minutes accepted.

5:37 Courthouse Cigar

Courthouse is before the Board as a follow up on issues from the March Board meeting. The issue was whether or not Courthouse Cigar could allow their patrons to smoke in their shop. Chairperson Leanne Jasset explained that because of the nature of their business, Courthouse had previously been given an exception and smoking was permitted in the shop. Her understanding is that when the regulations were revised on the local level, (still allowed under the state level), that exemption was overlooked and a blanket no smoking rule was issued. Courthouse Cigar Co., is the only smoking establishment in Dedham. They sell purely tobacco cigars. Nothing else... no food, no cigarettes, no smoking paraphernalia, only cigars.

The owner of Courthouse Cigar, David Lindholm, is in attendance. As requested in the March Board meeting, Mr. Lindholm provided the Board with the specs for the ventilation system that he uses at his business. Since the Board meeting in March, he has not been allowed to have any smoking in his shop. Mr. Lindholm would like to be able to continue to allow his patrons to smoke at his shop after purchasing his cigars. He said he would keep it to a reasonable level. Not more than 4-5 people smoking at the same time and not for more than 15 minutes. He would also like to be able to smoke in his shop when trying new inventory from his vendors. Leanne asked if it is customary to have a testing when sales people come in with new product. Mr. Lindholm replied that it is customary to have the opportunity to test them. He is committed to ensuring that doors (the common egress) remain closed so that smoke does

not drift into neighboring establishments. He also stated that he would have the ventilation system running more consistently. Leanne asked if the ventilation system was running all the time. He said that the ventilation system was turned on only when people were smoking.

Kathy Reda commented that it would be beneficial for us to help Mr. Lindholm's business, and allowing him to sample product would be helpful to his business. She also reiterated that it is not a smoking bar. They do not sit and smoke in the shop for 45 mins but may light up as they are walking out. Courthouse Cigar is operating within the state tobacco law and after having received the information on his air filtration system, she believes they should be permitted to continue operating as they have been.

Mary Ellard added that she was on the board when the Regulations were passed and that at that time Courthouse was covered under the retail tobacco section of the regulations at the state level and at the local level. She said she would vote to amend the regulations to accommodate Courthouse Cigar Shop. Leanne and Mary agree that the regulations need to be reviewed again and the proper wording presented to allow Mr. Lindholm to continue operating his business as he has always done in the past.

Kathy Reda suggested amending section 4 and section 9. It says "A tobacco farmer, leaf dealer, manufacturer, importer, exporter or wholesale distributor of tobacco may permit smoking of the workplace for the sole purpose of testing said tobacco for quality assurance purposes if smoking is necessary to conduct said test."

The Board told Mr. Lindholm they would work on the proper language for the amendment and asked him to come back next month to follow up.

Mary Ellard added that for next month's meeting, she would like to address the issue of people smoking outside of restaurants in the square and putting cigarette buds in the planters. The regulations state that patrons need to be 20 ft. away from a restaurant if they are going to smoke. She thinks having a designated smoking area in the square would help to eliminate this problem.

5:45 Permitting of Chicken Coop @ 91 Hillside Rd

The applicant is Brook Croiser. She resides at 91 Hillside Rd. She is a veterinarian. She did not ask for the hearing. Laura Carroll asked for the hearing. Laura is an abutter and lives at 157 Vine Rock St.

Chairperson Leanne Jasset, reviewed the application process. The process is as follows: an application for the Keeping of Domestic Animals is completed and submitted. Certified letters are mailed by the party wishing to keep the domestic animals to any abutters. An inspector will go out to inspect the property and if everything is accordance with the regulations, a permit will be issued. A hearing will be granted if there is objection from an abutting neighbor.

Leanne welcomes Laura to bring her concerns before the board.

Laura Carroll's concerns are:

1. Location/proximity of the coop to her property. She does not believe it is the appropriate distance from her property line. (She supplied pictures for the Board to look at).
2. She does not believe they have enough useable land as outlined by the regulations.
3. She is concerned about the noise the chickens will create.
4. Her fear that the chickens will attract dangerous predators such as coyotes, fox and hawks. She has a 7yr old son and she fears for his safety.
5. The odor they would create, especially in the summer.

Brook Croiser addressed the issue of the proximity of the coop to Laura's property. Brook stated that originally the coop was placed in a different location, further from Laura's property, but it was too close to their other neighbors, so they had to relocate it. She used Google Earth to measure the distance of the coop from Laura's property line.

Assistant Director Lee Flanagan noted that Jessica (the Health Nurse) had consulted with Building Department and Conservation regarding the location of the coop and distance from neighbors.

Brooke measured the distance to her abutting neighbors to be: 60 ft. from the house on Vine Rock, 86 ft. from the house on Hillside Rd., 85 ft. from the house on Pinehill Rd.

Barry Goldstein, the landlord at 74 Pinehill, said that they have no problems with where the coop is currently situated. The tenant Kara Jolburt, would also like the Croiser's to put up a privacy fence...which they agreed to do.

Other neighbors that came to the meeting were the owners at: 86 Hillside, 60 Vinerock, and 85 Pinehill.

Eric Freeze, (Brook Croiser's husband and owner at 91 Hillside Rd) presented the board with the following information:

1. They would be keeping hens only, per the Town of Dedham regulations. Roosters are not allowed.
2. Hens are quieter than dogs. They are approximately 60-65 dB on average. That is the same noise level as regular conversation. Whereas dogs are about 90 dB.
3. The chickens will remain in the coop and would only be free range when the owners are out in the yard with them.
4. They will be putting up a privacy fence and hope the fence will keep neighboring dogs from barking at the chickens and creating more noise.
5. As far as the chickens attracting predators, he listed numerous other things that "could" attract predators such as; bird feeders, trash waiting to be picked up, and house cats.

Megan Priest, lives at 37 Aspen Court, believes that because of the location of the coop she does not believe that it will attract predators.

Will Hannagan, lives at 2 Raven Hill East Dedham, has had chickens for about 8-9 yrs and has not seen an increase in predators. They have never encountered a predator trying to get into the coop. He also brought to Laura and the Board's attention that healthy coyotes do not come out during the day – they hunt at night. So if a coyote is roaming around during the day, it's because it's not a healthy coyote, not because it is attracted to the chickens. This is in response to Laura's concern that the chickens will attract predators such as coyotes.

Chris Lyman, lives at 90 Hillside Rd, directly across the street from Brook. He has lived there for 7 yrs and has not seen many coyotes and does not feel that they are a threat in the neighborhood. He has a 6 yr. old daughter and he believes that having chickens in the neighborhood would be a benefit and a nice learning experience for his daughter.

Mary Ellard asked Laura if the installation of a privacy fence would help alleviate her fears of having predators in her yard. Laura answered that it would not. Mary commented that we have had residents that own chickens in Dedham for years and we have not seen an increase in predatory animals.

Arlean McCart, lives at 85 Pinehill Rd. She is not in favor of having more chickens in town because the chickens that currently live in the neighborhood get out frequently.

Mary Ellard asks Will Hannagan if he has problems with the odor of the chickens. He replied that he has 10 hens and you cannot smell it outside of the chicken coop. They put the manure into a compost pile with other waste and it smells like any other compost pile. As far as Laura's concern for noise he said that he can hear dogs 3 streets over barking. They are much louder than his chickens. He also educated

Laura to the fact that hens are not up at 4am making noise like roosters. The hens will squawk if they see a cat or animal close to the coop or to announce that they have laid an egg.

Kathy Reda repeated that chickens are quieter than dogs. 60 dB's for a chicken vs. 90 dB's for a dog. She added chickens squawk for a shorter length of time than dogs bark. She agreed that the privacy fence would be a good idea to keep the dogs from barking at the chickens.

The Board concluded that Jessica Tracy will re-measure the distance from the coops to the neighbor's properties. If the distance is within the regulation's guidelines, the permit will be issued. If not, the Board will revisit the Chicken permit for 91 Hillside Rd at the next Board mtg. Leanne added that other departments such as the Building department and Conservation Commission have reviewed the application and are in agreement in issuing the permit.

6:24 Transfer Station

Mike Mowbray is in attendance to follow up from the April Board meeting. Since that meeting, the test results for e-coli in the water has come back lower. That being said, they are still trying to identify the source that is driving up the e-coli levels in the water. They are still tracking the geese and whether or not the cleaning of geese droppings is helping to lower the e-coli levels. They have tried using a solar powered predator noise machine to scare the geese. That has not been successful. They are also considering using a dog service to chase the geese away.

Joe Flanagan, DPW Director, is in attendance and introduced Alan Beneveides. Alan is with Woodard & Curran and has overseen the testing that is being done at the site. Woodard & Curran is a private company hired by the Town of Dedham to perform consulting work on the permitting and testing of e-coli for the transfer station. They have also been overseeing the storm water testing.

Allan explained that the bacteria levels are variable and the readings can change for a given location over a short period of time. Recent results in March (March 26th), were very high (80,000). They couldn't test the outfall because Motherbrook was submerged. They generally test two areas. They test what is running off the sight before it goes into the catch basin and test the outfalls. When they retested the e-coli levels in April, the runoff was low (590). Entering the catch basin was 1500 the outfall was 140 & 80. Woodard & Curran will continue sampling until there are consistent low readings.

Work has been overseen by DPW. They require that the town does quarterly sampling. They want to test more frequently, so they will test monthly. They have stopped accepting municipal solid waste which seemed to have helped to lower the e-coli levels. They have also implemented more stringent cleaning and maintenance measures.

Going forward the plan is to continue working with Recycling Solutions. They will use a street cleaning machine to clean the tarmac. They have a checklist to ensure proper inspections of the cleaning and maintenance being performed. They will also observe operations more frequently. The next report is due to the DEP at the end of July.

Kathy Reda asked if the lower levels are in direct correlation between the Transfer station not collecting Municipal Solid Waste and the lower e-coli levels. Allan responded that it could be a result of not accepting SMW but bacteria is variable. It *could* also be the geese. The things that are obvious are looking at the pipe connections and the storm drain system. Right now, there is nothing immediately obvious. More investigations are needed, especially in regards to the pipes. Recycle Solutions should continue to maintain cleaning and proper operations and not accepting MSW (municipal solid waste) should help.

Mary Ellard asked how old the tank is that they are researching. Mike told her that they are researching the inner holding tank. They installed a tank alarm to make sure that it is emptied regularly. Mary asked why the tank was taken out of service. Mike explained that they did not have the proper permits. There were no known leaks. Someone came out and videoed the pipes and the pipes were all capped.

Woodard & Curran will put together an operations and maintenance manual for Recycle Solutions. They will continue sampling every month and bring quarterly reports to the DEP.

Matthew Watsky, a unit owner at 30 Eastbrook Rd., adjacent to the Transfer station, asked if the video that was sent to Lee Flanagan last month was forwarded to Alan from Woodard & Curran. Assistant Director Flanagan noted that it had not been sent to Woodard & Curran. The video showed employees from the transfer station dumping trash from the trucks on to the tarmac. That then creates a problem of trash and debris flying around and getting caught in the trees and against his building. He also addressed the issue of sweeping at the Transfer station. He questioned if they are sweeping at the sight on a regular basis. Mr. Mowbray replied that they should be using street sweepers to clean on a regular basis. Mr. Watsky showed a video (dated April 29, 2019) of "sweeping" that showed someone using an industrial sized leaf blower, blowing the dirt and dust around. Mr. Mowbray stated again that they use an Elgin Pelican sweeper, similar to a street sweeper. He could not comment to what was happening in the video.

Lawrence Ambrose, Director of Dedham Health and Athletic complex commented on the ongoing problem with high e-coli levels. He asked Allan from Woodard & Curran, if at any given time, the e-coli levels in the water had been within the legal limits? Allan said that they have not been. Mr. Ambrose stated that while "better" levels are good, they are still not within acceptable levels. He feels that the only reason the Transfer Station is still operating is because it belongs to the Town. Any other establishment with those levels and with a history of those levels and problems would have been shut down. He said the smell has dissipated since they stopped taking municipal waste. He said it's very hard to run a "Health facility and Camp" with the air quality and smell as poor as it is.

DEP has seen and are aware of the high E-coli numbers. They feel the actions that the town has taken are the correct ones.

Allan said the legal limits for e-coli are 590. If you wanted to swim in it, it would be 125. March numbers were above 80,000. He acknowledges there is a problem but they are making improvements and they will continue to try to identify and fix the problem.

Mr. Ambrose asked a rhetorical question of - what would happen to Dedham Health and Athletic Complex if their e-coli levels were that high? He answered by saying they would be shut down. Leanne said they would go through the same process of trying to identify the problem and fix it. She said they are engaging as many departments and organizations as they possibly can to try to identify the problem. Mr. Ambrose understands that they are doing all that they can but he wants to know why they are still there and allowed to operate. It has been an ongoing issue for the past 25yrs and he doesn't understand why they are allowed to continue to operate.

Leanne said that they will continue to test. She is frustrated with the inconsistency and inability to get the situation under control. Alan reiterated that they are keeping DPW updated with all testing. He also added that bacteria are very difficult to control and can be very variable. The goal is to get the e-coli levels to an acceptable level over a consistent period of time. There is no "smoking gun". They will continue to test the leche tank, implement sound maintenance procedures and try to get rid of the geese.

Kathy Reda expressed that she finds it problematic that the issue has been going on for so long. She would like better communication so that everyone knows that you can NOT dump MSW at the Transfer Station and that they know proper procedures for sweeping the area and that dump trucks are not being tipped over and trash just thrown onto the tarmac. She is encouraged by the lower numbers in April and is interested in seeing the e-coli numbers for May.

Leanne would like to have the Tanks tested more thoroughly to determine whether or not it is the cause of the elevated E-coli levels. Some tests that can be run are Die testing the TB the lines, or GPR (to see if there is something down there that wasn't abandoned properly) . That will happen in June.

Mr. Mowbray showed pictures of the geese and the droppings and unidentifiable materials running down the river.

Leanne said she would like all testing that can be done to get done. She would like the new e-coli level test results presented at the next board meeting.

6:55 Sustainability Committee – Plastic Bag Reduction Ban

Next on the agenda is the Sustainability Committee, regarding the Plastic Bag Reduction Bag. John Gorham, the Chairperson is present to speak about the Ban. With him is Evan McKaily. Evan is a 7th grader at Dedham Country Day School. He began by showing a number on his phone that was continually increasing (hundreds of billions). That number represented the number of plastic bags being produced every year globally. Evan listed his reasons for wanting to ban plastic bags:

1. Plastic bags are used for an average of 12 minutes. It takes 500 (or more) years for a plastic bag to degrade in a landfill.
2. Plastic bags are not curbside recyclable. When they are recycled they release toxic chemicals.
3. The bags get stuck in landfills and cost lots of money
4. The bags get into our oceans and rivers, including the Charles and Neponset Rivers. It entangles animals and could choke them. If a fish does ingest the plastic, we could in turn be ingesting that plastic when we eat the fish.

John said that over 100 towns have already instituted the Ban. John does not want to call it a Ban because many people don't like to "ban" things. He feels that calling it a reduction will generate more support from the public. He pulled together the best of all the proposals that they have seen.

They want to talk to BOH and then the Selectman and then the Town Meeting to get it to move forward. They reviewed the process and obstacles other towns had faced, in order for Dedham to prepare and better plan the implementation of the Plastic Bag Reduction.

Dave Ward is also in attendance. Dave was part of the group that helped to successfully implement the plastic bag ban in Framingham. He used Framingham's model and the State model and then tweaked it to reflect the need in Dedham. He spoke to several local small business to get their feedback and concerns about not using small plastic bags. Most did not care one way or the other. He did not receive much negative feedback.

Evan called and spoke to several store owners from local towns who have already implemented the ban. The store owners told Evan that they didn't have any problems with the ban and in fact the new reusable bags they are getting are even cheaper than the plastic that was banned.

Lisa Braten, a Dedham resident and a member on the plastic ban committee, was in attendance. She commented that one store was offering a small discount (\$.05) if you bring your own plastic bag.

Leanne wants to know who will be enforcing the proposal. She also commented on a news story she heard saying that Tewksbury is reversing their plastic bag ban. She would like to know how they plan to avoid the problems that Tewksbury encountered. Mr. Gorham said that he is hoping there will be some social responsibility to comply with the ban. He acknowledges that there will need to be enforcement but is hoping it will be minimal. He said most towns have used the Board of Health. Leanne would like to know how it was funded. She expressed concern that our Health department is already strapped and would need additional staffing and funding. Mr. Gorham said that there has not been an identified source of funding. Leanne would like the committee to work on figuring that out.

Mary Ellard said that the Town of Dennis uses the police department, an enforcement officer and the Board of Health. She is not sure how the funding was generated. She said that they have similar language to what the Sustainability Committee has proposed. She thought that reaching out to them may be a good resource.

Assistant Director Lee Flanagan expressed the concern that enforcement could not just be piggy backed on to existing inspections. This is because they would need to enforce the ban in areas/stores that do not currently require an inspection such as nail salons, dentist offices, retail stores such as Marshalls, etc.

Dr. Spawling said that you can adjust the regulations to exempt the bag ban in places such as nail salons or dentist offices.

Joe Flanagan, Director of DPW, said that the plastic bans create havoc in the material recovery machines and facilities (where the recycle goes).

Leanne feels that Board is in agreement of implementing the Plastic Bag Reduction but feels that some more research needs to be done to determine who will be the enforcing party and where the funds will be coming from. Kathy Reda added that after all that is worked out, we will still need to give the business 6-9 months to adopt the change and get rid of their inventory of plastics bags.

Joe Flanagan will be hosting a "Trash Talk" at the library Thursday May 16th at 6:30. They will be discussing proper recycling. He said they also had one in January that was well attended.

Next steps...The sustainability committee would like to start working with some of the businesses in Dedham square, and generating ideas on how they will adapt to the change. They will also be on the agenda for the Selectman's Board meeting. They will continue to update and make changes to the proposals as needed.

7:40 Director's Report

Lee Flanagan has been working with Chris Pohl's getting the pool and tanning applications sent out. Inspector, Kris McMillan, has gone out to many of the summer camps and distributed information she received from her recent training to help them get prepared for the 2019 Camp season and inspections. Public Health Nurse, Jessica Tracy, and Lee have started reviewing the camp binders. They are hoping the process is faster and smoother than last year. All the inspectors had training this month on camp regulations. Jess is currently at a training.

Many of the pools have been scheduled for their inspections. Most want to be open for Memorial Day weekend so the inspectors are busy working with them. Applications for Farmer's Markets have also started coming in.

Working with Chris Pohls on Metverse on merging all inspectional aspects of the department - Food inspections, pools, saunas, haulers/Installers, camps, etc. Also working on the 2013 food code. Looking into how the department will tackle the tobacco inspections and permitting. In the past, they would inspect while they were doing their food inspections. After adopting the 2013 Food code change, there are many stores that no longer need a food inspection but will still need a tobacco inspection.

Leanne asked if there was a July deadline to adapt and implement the new food code. Lee said that she would look into it but that we don't have the inspectional paperwork set up in our system. That is a large part of what Lee and Chris Pohls have been working on ... getting the system ready to install and customize our codes along with the 2013 food code change. We also need to provide training on the new code. Mary Ellard asked if there are any companies that can come in to teach the training for the inspectors and the restaurants. Lee said that there were companies available that provide these services but we would have to look at what is available in our budget.

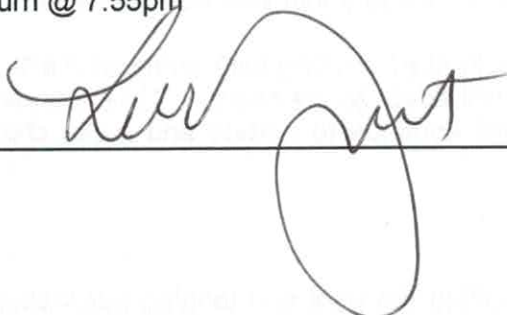
We currently hired a consultant for Title 5 training. The Director Cathy Cardinale, was the only one trained in that area. Mary Ellard asked Lee why wasn't she given the opportunity to take the field training in order to complete her Title 5 class training? Whose decision was it to only have one person in the office certified? Lee said she did not know why and that Mary would have to speak with Ms. Cardinale.

Kathy asked why Qdoba and JP Licks were fined. Lee explained that they were re-inspection fees for not fixing prior inspection violations.

Legal Seafood was shut down on Wed May 8th due to a gas leak. They will re-open May 9th at 3:30. There was a Youth Vaping forum this month.

An individual, Dimitree was selling meat door to door. He had expired licenses, including a Peddlers license from 2010 in RI. Lee will follow up on this matter.
Kathy Reda motioned to adjourn. Mary Ellard seconds the motion.

No Executive Session
Motion to adjourn @ 7:55pm

Signature  Date: 6/13/19