

Town of Concord  
Board of Health

Minutes of the Meeting

Tuesday, February 15, 2011

PRESENT: Dr. Alan Woodward, Chairman  
JoAnn DiNardo  
Ellen J. Hutt  
Kerry Diskin

Stanley J. Sosnicki, Acting Public Health Director  
Gabrielle P. White, Public Health Inspector  
Karen M. Byrne, Administrative Assistant

OTHERS: John Bemis, Hutchins Farm; Bill Kenney, Kenney Farm, Concord

**1. Board of Health Discussion – Farming Bylaw**

The Board met with John Bemis, owner of Hutchins Farm to discuss Article 40 – Farming Bylaw that he drafted for Town Meeting in April 2011. Bill Kenney, Kenney Farm was also present for the discussion.

Mr. Bemis provided the Board with an overview of agricultural history in Concord and how farming has always been an important, viable industry in town. He said the bylaw highlighted this fact, reiterated that farming was a valued and accepted part of life in town, and was intended to help promote understanding between farmers and their neighbors. Bill Kenney provided the Board with a personal history of how his family and other family farms have had a positive impact in Concord over the years.

The petitioners said that the main purpose of the article was to codify certain elements of farming, educate the public and provide a means for conflict resolution if it should arise between neighbors and farmers, at which time the Health Department could be asked to provide input. Both the Acting Public Health Director and the Public Health Inspector noted that the limited complaints the Health Department receive as it relates to farming occur in the spring/fall usually when manure spreading is occurring or the occasional nuisance complaint. This bylaw would not alter how the Health Department carried out enforcement of sanitary codes. The Animal Regulation is not affected by this proposed bylaw.

Ellen Hutt asked why Mr. Bemis felt a bylaw was necessary if State law already provided agricultural protections for farmers. In other words, Ms. Hutt said it sounded as if it would be the Town's way of putting potential residents "on notice" that they were

moving to a farmer friendly environment, but that the mere document wouldn't necessarily "fix" the problem of people complaining. Mr. Kenney agreed, but felt it was necessary so that abutters and farmers would have a document "on the books" to provide an avenue to deal with complaints if they arise.

Kerry Diskin said that the bylaw language provided a lot of educational material and it might benefit the petitioners to put something in the Concord Journal prior to Town Meeting.

Following a lengthy discussion, Mr. Bemis asked the Board if it would take a formal vote to "support" the bylaw on the floor of Town Meeting. The consensus of the Board was that the bylaw provided a good set of tools and guidance language for the Town to utilize in the event of a dispute. Ellen Hutt moved that the Board of Health support Article 40 – Farming Bylaw as written for Town Meeting. Kerry Diskin seconded it. All VOTED in favor.

## **2. Staff Reports**

### Acting Public Health Director & Public Health Inspector Reports

#### Board of Health Duties

At the January meeting, Dr. Woodward asked staff to compare current public health programs with statutes and regulations outlined in a DPH report entitled "Required Duties of Local Boards of Health in Massachusetts". The Acting Public Health Director provided the Board with a brief synopsis and stated to his best knowledge all required duties were being carried out.

#### Public Health Director Posting

The posting for a new Public Health Director had closed on 2/11/11. Staff was unaware of how many applications had been received. Dr. Woodward asked Ms. Byrne to request that Marcia Rasmussen attend the next meeting to provide the Board with an update on the interview process.

#### Town Meeting Brief

Mr. Sosnicki, informed the Board that Ms. Jean Hill would be moving her petition warrant article at Town Meeting as it related to banning the sale of drinking water in single-serving PET (12 oz or less) and if approved, would direct the Health Department to act as the enforcing agent. In November, the Board's position was that selling water in this manner did not pose a direct threat to the overall public health to Concord residents and therefore did not fall within its purview to enforce the regulation. This matter will be discussed at the March meeting and staff will ask the Board to either reiterate its' original position or vote on a new statement for Town Meeting.

Karen Byrne advised the Board that members may be asked on the floor of Town Meeting to expand on its' reasoning for not supporting affirmative action on the article.

#### Middlesex School – Violation of Order of BOH

Mr. Sosnicki & Ms. White informed the Board that Middlesex School was in violation of an order issued on October 19, 2010; specifically, that it terminated their contract with the outside food safety consultant (Berger Food Safety Consulting) who was to be hired to assist their kitchen staff in addressing the numerous violations that had been occurring on a repeated basis. Board members were not pleased. Following a brief discussion, it directed staff to send a new order letter<sup>1</sup> (as drafted by the Acting Public Health Director), issue a fine for non-compliance and order them to appear at the March hearing.

#### Nashoba Brooks Bakery

The Board reviewed the most recent inspection report submitted by Berger Food Safety Consultant. Board members noted that it appeared that significant improvements had been made in a month's time and that it was very pleased to see none of violations that were noted on the report were critical in nature. The Public Health Inspector said that the experience had been a definite "wake up" call for the bakery staff and she was cautiously optimistic about the behavioral changes occurring.

### **3. Chair Report & Reports from Board Members**

Dr. Woodward updated the Board on some regulations that were on the horizon that pertained to school nutrition standards and school wellness committees that Health Department's and Boards of Health may be asked to provide input.

There were no other reports submitted.

### **4. Minutes & Board Calendar**

The Board reviewed and discussed the minutes from the meeting on January 24, 2011. Joanne DiNardo moved to approve the minutes as submitted. Kerry Diskin seconded it. All VOTED in favor to approve.

The next regularly scheduled meeting of the Board of Health is March 15, 2011.

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<sup>1</sup> Order Letter dated 2/17/11

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Respectfully submitted by,

Karen M. O'Keefe-Byrne, Administrative Assistant  
Concord Board of Health

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Dr. Alan Woodward, Chairman

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Kerry Diskin

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Ellen Hutt, Esq.

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JoAnne DiNardo