

Manchester Board of Health

Meeting Minutes

Thursday, January 26, 2023

Town Hall, Room #7 as well as Zoom Meeting Platform

Members present:

Paula Filias, Peter Colarusso, Joan Cottler, Dr. Martin Hahn

Members absent:

Dr. Tonya Colpitts

At 8:30 a.m. Paula Filias called the meeting to order.

She asked Nurse Crehan to present her report.

Public Health Nurse Report

2022 Immunizations

258 flu shots

719 covid shots

Covid:

902 cumulative to date

17 cases this month

0 persons in isolation

10.5 Essex County Positivity Rate

10.86 State Positivity Rate

75% Manchester residents fully vaccinated

2 clinics held in February; 48 total persons immunized

1 clinic to be held in Manchester

4 flu type A in January

1 Lyme in January

Nurse Crehan said that residents are advised to protect themselves, their family and community by getting vaccinated, staying up to date on vaccinations, taking Covid tests, getting Covid treatment, staying home when sick, masking, enabling Mass Notify and washing hands.

Keeping of Animals Regulation Continued Public Hearing

At 8:40 a.m. Ms. Filias made a motion to reopen the public hearing on the Keeping of Animals Regulation. Ms. Cottler seconded the motion. Members, by roll call vote were unanimous to approve the motion to continue the public hearing:

Ms. Filias, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Dr. Hahn, in favor

Members reviewed the proposed regulation, including the following:

Dr. Hahn

Livestock: no definition of livestock in section #3, should say section 3 definitions

Ms. Hansbury

At last public hearing, Board used livestock and poultry, I added it for consistency. Added domestic animals also in regulation.

Dr. Hahn

We need a definition of livestock

Ms. Hanbury

Livestock is horses, cows, lama, sheep, animals kept for purpose of work or food.

Dr. Hahn

Definition of livestock: domesticated animal raised in agriculture to provide a diverse array of goods and services.

Mr. Colarusso

Questions if it includes commercial

Ms. Filias

Reads that the Keeping of Animals Permit Required section 3 has a definition of animals.

Dr. Hahn & Ms. Hansbury

Includes all animals, non-permittable and exotic

Dr. Hahn read sections 1, 2, 3, and 4

At section 4 the following was discussed:

Ms. Filias

Asks if domesticated is the right word, Dr. Hahn replies yes.

All members discussed permit needs for 0 – 10 chickens.

7.4 addresses permissions for structures for all animals.

Ms. Hansbury noted the permit was reflecting Zoning and Building Inspector setbacks, not Board of Health. Mr. Colarusso stated that the discussion on permits for 1-10 chickens was to make the permitting easier for the office. Dr. Hahn said that setback standards would have to be added under #4. Ms. Filias suggested lessening the permit # to zero if you want to wrap in zoning setbacks. Dr. Hahn suggested all or nothing. Mr. Colarusso shared that many people fall back under 10 as not all survive. He suggested that in section 4.2 poultry be included, in any number and the next line be removed.

Ms. Filias discussed possible grandfathering. Dr. Hahn suggested language to include “given previous regulations” with permit grandfathering. Ms. Filias suggested permitting for all. Mr. Colarusso asked if that is zoning related. Ms. Hansbury noted that coops do not get permitting due to their size. Ms. Filias said that most coops are not permanent structures, so no building permit.

Members discussed setbacks for keeping of animals. Mr. Colarusso said that the permitting has nothing to do with the location. Dr. Hahn noted that there is a whole section on location at 7.5 or 7.4 which would include “due to change to existing regs, existing regulations see section 9.2.

Ms. Filias suggested adding in except for structures for poultry prior to 03/01/23.

Ms. Hansbury suggested that any modification will require compliance.

Dr. Hahn noted that section 9.2 states: “existing facilities shall comply except where exempt by 7.4”

Ms. Hansbury said section 7.4, not section 7.2 and Dr. Hahn asked why.

Ms. Hansbury said the section was meant for stables.

Dr. Hahn noted that if they have to comply there is no exception, suggesting she may have meant the old 7.2 not the newest draft 7.2

Ms. Filias stated that section 9 is now existing facilities “existing facilities shall comply with all sections of this regulation except as noted in 9.1 and 7.4”. She suggested using 7.5 section, must go to 7.5

Ms. Cottler questioned why there were not page numbers on the draft and Ms. Hansbury apologized for same.

Members agreed to remove keeping of animal's fee of \$10 in this section. Ms. Cottler asked about service animals.

4.9 as if applicable, contracts for manure clean up shall be submitted as part of the application process or communicate.

Section 5

Stable license shall apply as set by Board of Health from time to time.

Mr. Colarusso asked if the stable license has to go through the Conservation Commission as well, asking if they should be consistent with wetlands setbacks. He requested staff make sure that the numbers are the same.

Ms. Hansbury said she would check for consistency.

5.5

Amend manure section to match 4.9

Owner create a pest control plan, add if applicable.

Members discussed stable vs. non stable in regard to pest control companies.

Members agreed to take out section 5.6

5.6

Dr. Hahn suggests amending stable definition, members discuss stable definition

Ms. Filias read the existing definitions of both shelter and stable.

Mr. Colarusso read the definition of animals, noting it is contradictory.

Dr. Hahn suggested a definition of a coop and a new stable definition to include an enclosed structure.

Dr. Hahn stated that if excluding poultry from a stable, then a definition of coop is needed.

Mr. Colarusso asked if a definition of shelter were needed or could it be removed. Ms. Cottler agreed it could be removed. Ms. Filias asked about rabbits, who need housing. Dr. Hahn agreed that shelter is important.

Ms. Filias suggested removing poultry from the definition of animal. Dr. Hahn felt that could not be done, as poultry are animals.

Ms. Hansbury suggested under the livestock definition to exempt poultry. Mr. Colarusso noted that 4.2 referred to both animal and poultry. Ms. Filias and Dr. Hahn replied that it had been taken out.

Ms. Filias suggested using livestock in the stable definition and exempting chickens. She noted that a property like 89 Bridge Street could have chickens housed in the barn.

Ms. Hansbury asked why the stable is a separate permit from the keeping of animal's permit.

Ms. Lufkin replied that it is separate because in some cases the property owner has a stable, which they rents or leases out to horse owners. Further, that in that case, the property owner would have a stable license and the leasing horse owner would have the keeping of animal's permit. Reference was made to section 4.1 "keeping by the owner of the animals" and section 5.1 "stable license required by owner of structure/stable – an enclosed building or structure where animals are fed".

In section 6.3 Ms. Hansbury noted that she added no roosters to the wording.

Dr. Hahn asked if a facility is a pasture, Mr. Colarusso replied no.

There was a question on pastures and 100-foot setbacks. Ms. Hansbury stated that they will pasture closer to 100 feet anyway.

In section 7.5 it was suggested to add "except for structures for poultry that existed prior to March 2013.

Ms. Hansbury noted that she added a 20-foot setback to primary structure, as ZBA requires a 15-foot setback and assumes 5 feet on the other side. Dr. Hahn agreed.

In section 8.4 it was suggested to take out pest control plan and refer to section 6.

Mr. Colarusso asked if a facility is a coop, Dr. Hahn replied yes

10.2 change BOS to Selectboard.

15. take out attachments.

Dr. Hahn requested staff run the regulation by Conservation Commission for confirmation of setback.

Ms. Filias said it is not required to go to Conservation Commission. Ms. Hansbury said she would check with Chris Bertoni on the Conservation Commission setback.

Ms. Filias suggested that by removing the nine or less exemption for chicken permits, a lot of people will be affected. She encouraged getting a lot of eyes on the new information.

Ms. Cottler asked if appropriate to exempt people. Ms. Filias said that the barn books inspections are happening anyway, and it is not a bad idea to have a full record.

Ms. Hansbury questioned if people would be upset at the fee for new licensing.

Ms. Cottler asked if people were getting a license, would they now have to be inspected?

Ms. Lufkin updated the Board on the Town Meeting changes to ZBA districts regarding animals.

Ms. Cottler suggested that going forward, rules should be imposed. She suggested that people irritated with the new licensing requirements (for 1-10 chickens) may choose not to have animals if they know a permit is needed. Ms. Filias said that publicity is what is important and needed with a lot of changes.

Dr. Hahn felt that the changes are not that different, give the staff has been communicating with all persons. Mr. Colarusso suggested that Ms. Hansbury give The Cricket an interview. Ms. Hansbury asked about a second public hearing notice to the Cricket and including a note about what the substantial changes include. Mr. Colarusso said a prominent place in the Cricket is needed for the public hearing ad.

Ms. Filias made a motion to continue the public hearing on the keeping of animals to February 23, 2023 at 6:30 p.m. Dr. Hahn seconded the motion. Members, by roll call vote, were unanimous to approve the motion.

Dr. Hahn, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

Ms. Filias, in favor

Health Directors Report

Food Inspections

Ms. Hansbury informed the Board that inspections are started for spring inspections.

Further, that inspections will be done within six months of last inspections.

School Share Table

Ms. Hansbury informed the Board that the school has proposed a share table, where students can place whole food items that may be shared with other students.

Grant Updates

Ms. Filias asked Ms. Hansbury if Town Administrator Federspiel has been working on a grant that has something to do with the Board of Health. Ms. Hansbury stated that they were insisting that the Board of Health and Council on Aging be in a public safety grant that is very high level. She said MAPC was asked if it was a good idea. Further, that FEMA now wants Boards of Health involved.

Ms. Filias asked, aside from the Coalition, this is another opportunity for funds, but used for what?

Ms. Hansbury said that it is all local, that Mr. Federspiel wants local, and that MAPC has funds that she wants to build on. She stated that this money would be for the Town for proper shelter, planning, supplies and cooperation. She said that towns are strapped for funds and that round 1 would be for in Town, then working with FEMA to work regionally.

Ms. Filias stated that as part of her director's notes, she had a request.

Ms. Filias said that the Board would appreciate Ms. Hansbury running any grant by the Board before she gets involved. More specifically, that the Board should be approving a grant before Ms. Hansbury gets involved.

Ms. Hansbury replied that grants are rapid and can happen before Board meetings.

Ms. Filias suggested she would refine how the Board communicates as there is no history.

She said without the 1999 Special Act, the Board would be 100% autonomous, but that the act gave the Town Administrator some governance over the Board of Health. She shared that the Board created a Memorandum of Understanding and that Ms. Hansbury needed to think of the Board of Health as the first tier. Replying to Ms. Hansbury's timing comment, Ms. Filias said that Ms. Hansbury would need to send an email to the members regarding any grant ideas. She reminded that the Board always needs to be informed and abreast of information (because of the special act) and that the Board did not want to be the last to know regarding grants, rather she wanted Ms. Hansbury to come to the Board first before any involvement in grant work. Ms. Hansbury said that the Board had her to collect ideas and bring to the Board. Ms. Filias said that even if it is just an idea, she is to bring it to the Board first, that it can not happen that she does not. Mr. Colarusso shared that communication can not come late. Ms. Hansbury said that she would work on that. She informed the Board of two grants. The first, a local grant with MAPC, one that Sue Croft is putting together. The other a public health excellence grant. She said that she would let the Board know where everyone is.

Mr. Colarusso said that Ms. Croft had forwarded some information on high level wellness, including leadership.

Ms. Filias said they did not think to ask for those updates, and that more communication is better – that the Board does not know what they don't know.

She reminded Ms. Hansbury that any emails to the Board should also be copied to Ms. Lufkin.

Minutes

Ms. Filias made a motion to approve the minutes of January 12, 2023 as presented.

Dr. Hahn seconded the motion. Members, by roll call vote, were unanimous to approve the motion.

Dr. Hahn, in favor

Mr. Colarusso, in favor

Ms. Cottler, in favor

Ms. Filias, in favor

Ms. Filias informed the Board that member Tonya Colpitts would be resigning soon, as she will be moving out of Town.

At 10:30 a.m. Ms. Filias made a motion to adjourn the meeting. Dr. Hahn seconded the motion.

Members, by roll call vote, were unanimous to approve the motion.

Dr. Hahn, in favor

Ms. Cottler, in favor

Mr. Colarusso, in favor

Ms. Filias, in favor

As submitted,

Ellen Lufkin

Administrative Assistant