

**TOWN OF AYER BOARD OF HEALTH
Minutes of December 10, 2018**



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TOWN OF AYER
TOWN CLERK

9:50am
[Signature]

Chair P. Peters called the meeting to order at 5:36 pm in the downstairs meeting room, Ayer Town Hall.

Members present included: *Chair* Patricia Peters, *Vice Chair* Pamela Papineau, and *Clerk* Mary Spinner.

Administrative Assistant Jane Morriss, Town Manager Robert Pontbriand, and Health Agent Bridgette Braley were also present. Town Manager Robert Pontbriand, and Health Agent Bridgette Braley were also in attendance. The meeting was recorded by APAC.

PUBLIC INPUT: Speaking in the capacity of a resident, Mary Spinner complemented the musicians who performed with the Nashoba Valley Concert Band and the Middle School Choir on Saturday, and the Tuba Christmas concert yesterday (Saturday and Sunday, December 8 and 9, respectively). She said they did a fantastic job, and expressed dismay that these concerts were not recorded. Next year will be the Tuba Christmas Concert's 20th year, and M. Spinner said she hoped that someone from APAC would be on hand to record these events, especially since it will be the 20th anniversary of the Tuba Christmas Concert in Ayer.

REVIEW OF MINUTES: M. Spinner made a motion to accept the minutes of November 19, 2018, as amended, and P. Papineau 2nd. The Board voted to accept the minutes as submitted. **3/0 A.**

CONTINUING REVIEW OF REGULATIONS GOVERNING THE KEEPING OF ANIMALS AND FOWL (CONTINUED FROM THE NOV., 19, 2018, MEETING (P. PAPINEAU): M. Spinner, saying, "If it's not broke, don't fix it," made a motion to mark that the Regulation Governing the Keeping of Animals and Fowl had been reviewed by the Board. During the conversation that ensued, B. Braley explained that after reviewing our current regulation, Michael Cahill, Director of Animal Health for the Massachusetts Department of Agriculture, advised us to get rid of the farm exemption and to strike "animal welfare," as the BOH is charged with protecting *human health*. In addition, the BOH is in favor of posting the fee on its website allowing the Board to modify the fee without having to amend the regulation; and to require renters to submit written authorization from their land lord to keep animals that fall under the purview of the regulation. B. Braley said that the refined copy is a very good document, and that it is important to note that all of the recommendations came from the State—with the exception of the requirement that renters present a signed letter from their landlord saying it's okay for their tenants to keep chickens. Then the question became: Does the BOH need to hold a public hearing if the changes to the existing regulation are minor? R. Pontbriand explained that if the changes are "ministerial," their inclusion does not require a public hearing. But more substantive changes require a public hearing. Once the BOH has agreed on the changes to the regulations, it will be given to R. Pontbriand so it can be reviewed by Town Counsel, and Town Counsel will be asked to determine the nature of the changes, and will advise the Board how to proceed. The next step: Once the Board makes a determination, then R. Pontbriand will send the regulations on to Town Counsel and they will be ready for the next meeting on January 14, 2019.

CONTINUING REVIEW OF CURRENT REGULATIONS: Bridgette has reviewed regulations pertaining to floor drains and body art, and they look good, but she suggested adding aquifer protection to this regulation. Piercing is incorporated in our Body Art regulation. Currently there are no body-art practitioners in Ayer, but Ayer does have a business that offers "micro blading," which is a tattooing technique used to make enhancements to eyebrows. B. Braley plans to review well regulations after the first of the year. B. Braley explained that Ayer does not know the whereabouts of private wells because there were no well regulations until 2001, so the town does not have a record of where private wells were drilled. Before Title V legislation was introduced, it was customary for property owners to connect to town water and sewer, and also install private wells for irrigation and other purposes. One of the developments that needs to be addressed are the so-called AGO thermal wells used for heating purposes, which she is going to review next. Newly constructed properties are hooked up to town water and sewer. She will review well regulations, and wood boiler regulations. She thought the wood boiler regulations looked good, and she has e-mailed them to the DPW for their input. Tobacco Regulations are new, so they do not need to be reviewed.

Bridgette has some information about the Aquifer Protection which she will e-mail to P. Papineau. She suggested incorporating some of the provisions from our current Aquifer Protection Regulation into the Floor Drain Regulations. Another possibility is to remove the designation of Special Permit Granting Authority from the current Aquifer Protection Regulation. Even thus modified, the Aquifer Protection regulation would still not be totally consistent with the zoning regulations. Once the Animal Regulations are back from review by Town Counsel, the designation of the BOH as the Special Permit Granting Authority for aquifer protection can be deleted, and the Aquifer Protection regulations will be ready for Town Counsel review. As for the well moratorium, the Board can review, date, mention that it remains in effect, and sign it. The Board discussed its Regulation Prohibiting Smoking In/On Public Property and Places, and J. Morriss will e-mail a copy of the regulation to B. Braley for her review. Although the regulation pre-dates vaping and other modalities, in practice, the Administration has interpreted it to include all smoking technology. The Board suggested it would invite Joan Hamlett, director of the Tobacco Control Alliance, to attend a meeting and give the Board direction on this regulation once the Animal Regulation has been fully vetted by Town Counsel.

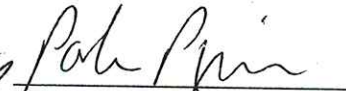
R. Pontbriand spoke about retail and recreational cannabis and the vital role the Town needs to play in regulating the cannabis industry here. In addition to two commercial facilities which include Medical Cannabis and a Recreational Cannabis facilities, there is a burgeoning craft industry that includes ancillary services such as grow facilities, laboratories that test the product, and cannabis cafes, etc. The zoning piece needs to be drafted then approved at Town Meeting, hopefully in the Spring. He said a working group will be convened and the BOH will have a role to play in the process of drafting zoning bylaws that address the regulation of cannabis-related businesses.

ADMINISTRATIVE MATTERS:

ACTION ITEMS FOR JANUARY 24, 2019 MEETING: Review of Groundwater Well Moratorium, Review of Town Counsel's review of Animal Regulations, Review Aquifer Protection Regulation.

ADJOURN: M. Spinner motioned to adjourn the meeting at 6:44 pm, and P. Papineau 2nd. A 3/0


Patricia Peters, Chair


Pamela Papineau, Vice Chair


Mary Spinner, Clerk


Respectfully Submitted by
Jane Morriss, Admin. Asst.

1/14/19