

Town of Natick

Board of Health

March 6, 2023 via ZOOM

Meeting Minutes

Present: Karla H. Sangrey, PE, Chair; Peter A. Delli Colli, DMD, Vice Chair; Donald J. Breda, PE, Clerk

Also Present: Michael K. Boudreau, MPA, RS/REHS, Director of Public Health

Absent: none

Call to Order: Chair Sangrey called the meeting to order via roll call, all members present

Citizens' Concerns: none presented

Discussion and Decision: February 6, 2023 meeting minutes

The draft minutes were reviewed and discussed.

Dr. Delli Colli made a motion to accept the February 6, 2023 meeting minutes as presented.

Mr. Breda seconded the motion.

The roll call vote was as follows: Ms. Sangrey, yes Mr. Breda, yes Dr. Delli Colli, yes

Update(s): COVID-19

Mr. Boudreau said number of COVID-19 cases and hospitalizations have been on a downward trend.

Several at home COVID-19 test kits are being distributed at a number of public locations including the Town Hall. Boxes of kits have been provided to, among other locations, the Natick Housing Authority, the Natick Service Council and A Place To Turn.

Reminder that the current data is always available on the MWRA and the MADPH websites, both of which can also be found on the Natick Health Department webpage.

Anticipate more information on how the emergency programs that went into place during the pandemic will be affected. Some examples include: SNAP benefits, free COVID-19 test kits and vaccine availability.

Participants in MASS HEALTH will now have to re-enroll as they did prior to the pandemic. During the pandemic all participants were automatically reenrolled. The Health Department will assist the Community Services Department with enrollees who may need help with their registration.

Discussion and Decision: Appointment of new Tobacco Agent Marisa Morello

Mr. Boudreau explained the previous Tobacco Agent left the position with the multi town Municipal Board of Health Tobacco and Public Health Policy Program, which is a grant from The Massachusetts Department of Public Health Tobacco Control Program. The new agent is Ms. Marisa Morello. Mr. Boudreau recommended the Board to appoint her at this time, with the understanding her term will end on June 30, 2023.

Mr. Breda made a motion to appoint Marisa Morello a Tobacco Agent for the Natick Board of Health for a term to end June 30, 2023.

Dr. Delli Colli seconded the motion.

The roll call vote was as follows: Ms. Sangrey, yes Mr. Breda, yes Dr. Delli Colli, yes

Discussion and Decision: Amend Chapter 19 Regulation of the Natick Board of Health Restricting the Sale of Tobacco Products to include a suspension of sales for the first offense of selling to a minor

Mr. Boudreau told the Board that the violation section of the Natick Board of Health Tobacco Product Sales Regulation needs to be at least as stringent but not less stringent than the Commonwealth. It is recommended the Board vote on the length of suspension for a first offense of selling to a minor. This suspension is in addition to the \$1,000.00 fine that is set by the State.

There was a discussion of options regarding the numbers of days of suspension and the amount of fines. It was agreed the period of suspension needs to be enough to make a point.

Dr. Delli Colli made a motion to amend Board of Health Regulation Chapter 19 Section Q Violations, Number 1 a to read as follows:

- a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00)

In the case of any first (1st) violation, of a sale to a minor, a fine of one-thousand dollars (\$1,000.00) and suspension of sales permit for three (3) consecutive business days

Mr. Breda seconded the motion.

The roll call vote was as follows: Ms. Sangrey, yes Mr. Breda, yes Dr. Delli Colli, yes

Discussion and Decision: Variance Request to below ground swim pool fence height at 10 Kylie Lane Cara and Brett Lousararian

Cara Lousararian joined the ZOOM meeting.

Mr. Boudreau reminded the Board that Ms. Lousararian presented her variance request at the last meeting and at that time, the Board tabled a decision.

Mr. Boudreau said since the last meeting, he reviewed international codes, national codes and did outreach to other communities whose Board of Health enforces this type of regulation.

Mr. Boudreau found in his research:

- Public/Semi Public swimming pools in Massachusetts do not use international or national codes
- Wellesley's minimum fence height is 6 ft and is enforced by their building department through a Zoning By-Law
- Wilmington's minimum fence height is 5 ft., enforced by the Board of Health.

- Hingham minimum fence height is 6 ft., enforced by the Board of Health
- Natick Board of Health has authority under MGL 111 s31 to enforce its own local regulation, as long as it is not less stringent than the Commonwealth's regulation.
- At the time of Chapter 14A's approval, for safety, the Board of Health members intended for Natick's pool construction regulation to be stricter than the Commonwealth of Massachusetts.
- Past variance requests for a lower fence height have not been granted
- Granting this variance would set a precedent

There was more discussion about regulations differing between the Commonwealth swim pool regulations, building codes, international codes, national codes, local regulations, and the differing enforcement departments between municipalities.

Also discussed was the process and deliberative research nature of creating or amending regulations with safety and public health in mind.

Mr. Breda made a motion to decline this fence height variance request at this time.

The roll call vote was as follows: Ms. Sangrey, yes Mr. Breda, yes Dr. Delli Colli, yes

Update: Monticello Motel

Mr. Boudreau informed the Board that a hearing was held with a representative of the Monticello Motel. Representatives from Natick Police and Natick Fire were also in attendance. Because a small part of the motel is located in Framingham, an inspector from the Framingham Health Department was there.

Discussed at the hearing were ongoing violations regarding room upkeep and overall sanitation as well as concerns about the amount of Police and Fire responses.

Corrective actions to be implemented by the motel were set and monitoring will continue.

Discussion and Decision: Livestock application 4 Marion St. to keep up to 12 hens

Rabbi Dena Bodian joined the ZOOM meeting at this time.

Mr. Boudreau told the Board this application for twelve (12) hens is before them due to an abutter concern.

Mr. Boudreau said the application meets minimum requirements as stated in the Livestock Regulation.

There was a discussion about the care of and the number of hens requested,

During the discussion, Rabbi Bodian explained her experience with hens and that she requested twelve (12) with the assumption that not all twelve eggs will hatch and that some may be roosters that will not remain on the property.

Mr. Breda made a motion to approve a livestock permit at this location for only six (6) hens.

Dr. Delli Colli seconded the motion.

The roll call vote was as follows: Ms. Sangrey, yes Mr. Breda, yes Dr. Delli Colli, yes

Health Department Update(s):

At the last meeting, the Board was informed of concerns about a livestock application for hens at 54 Rockland St. Those concerns have been resolved.

The MA Department of Public Health issued an advisory announcing that fish in Lake Cochituate cannot be eaten because they have been contaminated by PFAS. Signage was posted in the noted locations. Catch and release fishing and other recreational activities are still allowed.

The Department of Public Works introduced fluoride back into the drinking water on March 1, 2023. Communication was sent to pediatricians and dentists.

At their March 22, 2023 meeting, the Select Board will discuss an update to the Town's alcohol regulation.

Keith Tosi, Animal Control Officer has submitted his resignation. The Police Department has advertised for the position.

The Open Meeting Law status for the allowance of virtual meetings has not been determined. The allowance expires on March 23, 2023.

Board Member Update(s): none at this time

Next Meeting(s): The next meeting is scheduled for Monday, April 3, 2023.

Adjourn: Mr. Breda made a motion to adjourn Ms. Sangrey seconded the motion.

The roll call vote was as follows: Ms. Sangrey, yes Mr. Breda, yes Dr. Delli Colli, yes

Respectfully submitted,



Donald J. Breda, PE, Clerk

Documents at this meeting:

Draft meeting minutes 02-06-2023

<https://www.mass.gov/coronavirus-disease-2019-covid-19>

<https://www.mwra.com/biobot/biobotdata.htm>

10 Kylie Lane application documents

4 Marion St. application and documents

Regulation Chapter 19