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**Town of Dartmouth
Board of Health
Minutes of the Meeting of
26 February 2014**

The meeting notice was duly posted.

This meeting was called to order at 7:00 p.m.

Thomas W. Hardman, Leslie E.J. McKinley, and Lynne Brodeur, were present. Wendy Henderson, Director of Public Health was also present.

The Minutes of the meeting of February 12, 2014 were accepted as corrected by Thomas W. Hardman, Lynne Brodeur, and Leslie E.J. McKinley.

Appointment 7:10 PM RE: Vincent Frary/Plat 74, Lot 12 on 11

Copicut Road - Piggery- Thomas W. Hardman, Chair opened the Public Hearing at 7:10 p.m. Vincent Frary from Copicut Farm was present. Mr. Frary would like to be allowed to have twenty pigs and no piglets from March through July. The Board reviewed Mr. Frary's piggery application.

Wendy W Henderson, Director of Public Health commented that this public hearing had been advertised. Ms. Henderson explained due to the Piggery regulations, Mr. Frary didn't have to notify abutters because the facility as defined in the regulations is more than three hundred feet from any abutting residents. Also, the Piggery regulations state the applicant needs to live at the property. In Ms. Henderson's opinion, she doesn't have an issue because Mr. Frary is there a majority of the every day. Mr. Frary mentioned that a nearby neighbor also willing to help. Ms. Henderson mentioned Mr. Frary's Farm Conservation plan doesn't mention the pigs. Mr. Frary handed the Board member a letter from Tim Tucker, Soil Conservationist from Natural Resources Conservation Service that he will be updating the farm plan for Copicut Farms, and didn't foresee any issue adding 20 pigs to the property use.

Lynne Brodeur motioned to close the public hearing with Leslie E.J. McKinley seconding the motion.

Thomas W Hardman, Chair, entertained a motion to approve Mr. Frary's piggery application subject to the Board receiving the revised Farm Conservation plan and waiving having to be a resident of the property per section 7 of the Town of Dartmouth Piggery Regulations. Lynne Brodeur motioned to approve the piggery permit application according to the conditions stated with Leslie E. J. McKinley seconding the motion. It was unanimous decision of the members of the Board of Health to approve.

Appointment 7:20 PM RE: Institute of Advanced Sciences, Inc./Research Laboratory proposal/Plat 45, Lot 29, #166 Chase Road- Attorney Mark Deshaies- Thomas W Hardman, Chair, disclosed for the record that he knows the Attorney and this in no way will affect his opinion on this

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particular matter. Lynne Brodeur for the record stated that she is a Professor at the University of Massachusetts of Dartmouth and knows and worked with Dr. Bal Ram Singh.

Present to represent Dr. Bal Ram Singh was Attorney Mark Deshaies from Perry, Hicks, Deshaies and Mello, and Paul Lindell, Director of Operations at the Faunce Corner Road office of Prime One.

Attorney Deshaies gave the Board a brief overview of Dr. Singh's work at the University of Massachusetts Dartmouth, his accomplishments, as well as, Dr. Singh's work with various government agencies. Attorney Deshaies explained Dr. Singh would be doing mostly analytical and written reports at 166 Chase Road and a minor portion of the work at 166 Chase Road would be using biological agents.

Thomas W Hardman, Chair, inquired at 166 Chase Road what biosecurity level laboratory is proposed and what biosecurity level is Faunce Corner Road. Attorney Deshaies explained the laboratory on Faunce Corner Road is a BSL-2 and the 166 Chase Road would be a BSL-1 laboratory.

Thomas W Hardman, Chair, asked what would prevent the applicant from converting it to a level 2 or 3 bio lab. Mr. Lindell explained the statute relating to possession, CDC and strict regulations for the structure. Mr. Lindell explained the overview of the facility is under the Mass Department of Public Health for sharps and biohazard waste material is disposed with bio verse. Lynne Brodeur inquired if it would be the same as the University of Mass Dartmouth. Mr. Lindell stated they use Stericycle or Triumphant.

Thomas W Hardman, Chair, questioned why an additional lab and discussion ensued about for profit and nonprofit.

Thomas W Hardman, Chair, asked what chemicals would be at the site. Mr. Lindell listed salt solutions, biological buffers, alcohol and acetones to be used at 166 Chase Road. Lynne Brodeur asked if Methanol would be one of the chemicals. Mr. Lindell stated it would be possible. Mr. Hardman has concerns with the septic system and the experimental animals to be used.

Lynne Brodeur explained she is a Professor at the University of Massachusetts Dartmouth and is aware of Dr. Singh research and the facility that was built at UMASS Dartmouth. Lynne Brodeur questioned why Dr. Singh doesn't lease the University facility. A discussion ensued on the matter of Dr. Singh leasing the University, why it was downgraded, and toxin vs bugs. It is Lynne Brodeur's opinion, that this facility should not be put in a residential neighborhood, and feels there is a better place for this facility somewhere else. Lynne Brodeur feels that Dr. Singh spends a lot of time in India and there should be more hands on and not monitoring from a far. Also, Lynne Brodeur is concerned with the aquifer, septic system, and the Town wells.

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The Director of Public Health and Board member Leslie McKinley also met with Dr. Singh, Attorney Deshaies and Mr. Lindell to gather information specific to the proposed laboratory operations prior to this meeting.

The Director of Public Health informed that the Board the facility is located in an Aquifer Area 3, in an established residential neighborhood, served by town water, and on-site septic system which has passed the State Environmental Code, Title 5 inspection criteria. The septic system has adequate design capacity for normal sanitary waste from an office building of its size and the expected maximum 10 employees.

Mr. Lindell explained the laboratory would use typical laboratory equipment, saline solutions, biological buffers and all biomedical waste would be removed by a licensed medical waste operator.

Mr. Lindell noted that a portion of his work is involved with *Clostridium botulinum* toxin. The laboratory would be allowed to hold a maximum .5 gram of the toxin at any one time, thus be considered a Bio Security Level 1 (BSL-1) laboratory, exempt from registration and inspection by the regulatory authority - Center for Disease Control (CDC)/Animal and Plant Health Inspection Service (APHIS). Mr. Lindell explained they would not produce the toxin on site, therefore maintaining a BSL-1 status.

Mr. Lindell explained only normal sanitary waste would be discharged to sinks and septic system from washing hands and restroom use. He further explained all laboratory waste, generally less than 10 gallons per week, is typically collected in watertight containers and transported by their medical waste collection service to appropriate disposal facilities, in accordance with Department of Public Health's regulations: 105 CMR 480.000 Minimum Requirements for the Management of Medical or Biological Waste.

In evaluating the public health impacts a research laboratory, and especially a laboratory handling botulinum toxin may pose, the Board referred to:

- The Health Department's response manual for communicable disease control: "MA DPH Guide to Surveillance, Reporting and Control of Communicable Disease" and found the clinical definition: *Clostridium botulinum* toxin: is one of the most potent lethal substances known.
- The Board of Health is mandated to initiate immediate response to a suspect Botulinum toxin event (botulism), a single case is considered an outbreak because of the seriousness of the disease.
- *Clostridium botulinum* toxin is a Health and Human Services listed Tier 1 *Special Agent and Toxins* substance. This classification is designated to substances that "*pose a risk to national security because they can be easily disseminated or transmitted from person to person; result in high mortality rates and have the potential for major public health impact ...*"

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- Other substances that may characteristically be used to carry out laboratory work that Mr. Lindell mentioned and are especially of concern to the Board of Health include methanol, alcohol, and acetone; all are concerns should they be mistakenly disposed of to the on-site septic system.

The Board reviewed the Dartmouth Aquifer Protection By Law Section 20.500 PROHIBITED USES:

20.503 Any use which involves the use, storage, disposal, treatment or generation of hazardous liquid materials or hazardous materials, including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or constitutes a present or potential threat to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed ...

Although the quantity of botulinum toxin to be on site at any time will render the laboratory exempt from CDC registration, and associated inspections the mere presence constitutes a present and potential threat to human health and safety.

Ms. Henderson noted that she contacted the Center for Disease Control to request Dr. Singh's laboratory inspection reports from the other labs he has operated or operates. Ms. Henderson has contacted the University but has received no response.

A number of abutters and residents spoke on the public health issue of having such a facility at 166 Chase Road. They are as follows: John George - 291 Slocum Road; Paul Theriault - 175 Chase Road; Tara George - 287 Slocum Road; Jim Tooley - 176 Chase Road; Robert Carney - 32 Old Westport Road; Mary Brito - 158 Chase Road; Donald Plante - 171 Chase Road; Donald Pinto - 167 Chase Road; Marian Ryall - 14 Mishaum Drive

Lynne Brodeur and Leslie E. J. McKinley both feel they couldn't allow such a permit because of the issues Wendy W Henderson, Director of Public Health previously noted.

Thomas W Hardman, Chair, explained the Board would be drafting a letter to the Zoning Board of Appeals outlining the reasons listed this evening for the Board of Health not supporting Dr. Singh's special permit. The draft letter will be brought back to the next Board of Health meeting for perusal, discussion and/or modifications.

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RE: State Road Cement Block (SRCB)/Plat 164, Lot 46, 656 State Road - Dust Complaint - 7/21/2010 - No new complaints have been received.

RE: Cecil Smith Landfill Capping and Closure - Plat 72, Lot 6 Old Fall River Road -02/06/2013 -The Board perused a letter to be sent to Mary Robinson regarding the abandonment of the cesspool at 452 Old Fall River Road, and the submittal of a sewage disposal design for the relocation of the house. The Board discussed the letter briefly and agreed to send the letter as written, giving Ms. Robinson six months to get the trailer moved to the new location.

RE: Noisome Trade - MGL, Chapter 111, Section 143 - 12/11/2013- Wendy W Henderson, Director of Public Health explained Ms. Heiger-Bernays knows that the Board needs the information for the next agenda for the March 5, 2014 meeting.

RE: Brandon Woods - Bullard Center - proposal 01/08/2014- Wendy W Henderson, Director of Public Health will be meeting with the Brandon Woods nurse and Kathy Bohan our current Public Health Nurse this Friday. Community Nurse and Hospice Care will still be providing Public Health Nursing services until Brandon Woods moves into the Bullard Center.

RE: Assistant Animal Control Officer Discussion - 12/11/2013- Wendy W Henderson, Director of Public Health informed the Board that Sandra Gosselin, Animal Control Officer was rear ended last week in the new van and she will be out for a few weeks. Stacy Rebello will be covering and doing one weekend day, and Catherine Perry will also help with the weekend coverage. David Cressman, Executive Administrator will be using his manpower fund to fund the coverage. There is also a Police Dispatcher and former Animal Control Officer that may also be willing to pick up hours.

Wendy W Henderson, Director of Public Health and Leslie E.J. McKinley met with Gregory Barnes, Director of Budget and Finance/Treasurer to discuss a 32 hour per week Assistant Animal Control position. Mr. Barnes would need to know where the Board of Health would be getting funding for this position, and cautioned benefits costs would be a prime concern of the Finance Committee, and most likely be discouraged.

Ms. Henderson asked the Town Clerk to compile data on how much monies would be collected from residents over 70 years old. Right now residents 70 years of age and older don't pay for dog licenses. The amount that would be collected wouldn't be enough to entirely fund a 32 hour Assistant for the Assistant Animal Control position. The Board would also like to see comparison from other Cities and Town on fees for dog licenses, if residents over 70 years of age pay for dog licenses, kennel fees, and animal permit fees. Wendy Henderson will prepare Animal Controls budget for the Board's next meeting.

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RE: Complaint Log -February 06 through February 19, 2014 and animal compliant 1/15/2014 - The Board perused a copy of the complaint log for the aforementioned dates. The Board did briefly discuss the odor issue at 749 Chase Road, but no action required at this time.

RE: Community Nurse & Hospice Care Public Health Statistics - January 2014- The Board perused the January 2014 statistics received by the Community Nurse & Hospice Care.

RE: Public Health Nurse/information updates- The Board perused the articles that Kathy Bohan, Public Health Nurse was kind enough to forward to the Board of Health.

Thomas W Hardman, Chair, stated he has gone online and signed Braiden Norton's petition to continue antineoplastic therapy, as well as, started to write a letter from his own family to support Braiden's cause. After a brief discussion, Mr. Hardman offered to draft a letter to legislators of support from the Board of Health to bring to the next Board of Health meeting.

RE: Janice Young - Inspector's Report - The Board perused the Inspector's Report from February 2014. No action taken at this time.

RE: Discussion of any item not known 48 hours in advance -


RE: Pingeon Residence/Plat 7 Lot 11 on 169 Mishaum Point Road - bedrooms- _The Board perused the Christopher Michaud, Health and Sanitary Inspectors memo and reviewed the proposed Pingeon residence site plan dated January 31, 2014. After a brief discussion and review of the plan it was the decision of this Board to require design for eight bedrooms.

RE: Board Signatures - The Board signed an Employee Absentee Report for Wendy W Henderson, Director of Public Health

At 8:40 p.m. Thomas W. Hardman, Chair entertained a motion to close the regular Board of Health Meeting. Roll call vote -Thomas Hardman - yes, Lynne Brodeur - yes, Leslie E.J. McKinley.

With no further business to discuss, the Chair adjourned the meeting at 8:40 p.m.

Respectfully submitted,



Donna Farias
Administrative Clerk