

Harvard Board of Health Meeting Minutes
Zoom Meeting
Monday, March 8, 2021
Approved: March 22, 2021

Board of Health Members present: Sharon McCarthy, Chair; Chris Mitchell; Libby Levison.

Attending (Including but not limited to): Alison Flynn, Clerk, Harvard Board of Health ("BOH"); Ira Grossman, Health Agent, Nashoba Associated Boards of Health ("NABH"); John Horak, EL Harvey & Son.

Ms. McCarthy called the meeting to order at 7:13 p.m., after technical difficulties were resolved.

Ms. Flynn provided instructions for remote meeting participation.

PUBLIC COMMENT- None.

NEW BUSINESS

a. Review NABH FY22 Assessment letter and 2020 Annual Town Report- Ms. Levison indicated that Mr. Garreffi's letter is consistent with her prior report to Town Hall reflecting a FY22 assessment a few dollars less than was included in the BOH's budget submission. She also reminded the Board that as the assessment is based on the 2010 census, it is expected that the assessment will increase when the new census numbers are received. Mr. Grossman advised that he is unsure if the dental program will return after COVID-19. He also stated that he has not heard whether a rabies clinic will be run in Harvard this year.

b. Update from Devens Restoration Advisory Board (RAB) Meeting of 2/25/21- Ms. Levison reported on her attendance at the RAB meeting. She indicated that had a different format and focus, with much time was spent on the Community Involvement Plan and less time spent on investigation updates. The meeting ended promptly at 8pm, with little time allowed for questions and discussion. Ms. Levison stated that the only plans for continued monitoring mentioned were on Devens (e.g. Barnum Road); questions were raised about continued monitoring in surrounding communities but there are no plans at the current time. The sampling of private wells was completed in February 2021. Mr. Mitchell volunteered to contact Bob Simeone, US Army Corps of Engineers, to clarify the scope of the investigation going forward. He noted that the last RAB meeting promised bedrock investigation. Mr. Mitchell will review the meeting summary once available and then contact Mr. Simeone with the Board's concerns.

c. Update re status of vaccine outreach forums- Ms. McCarthy reported Ms. Sniffen and Ms. Gormley's outreach to groups in town has concluded that it will be more efficient to place the video of Dr. Miotto's talk where it can be publically accessed. Ms. McCarthy indicated that once the video has been posted to Vimeo by Harvard Cable TV, the link will be sent to organizations in Town.

d. Update re efforts to coordinate vaccination clinics for Foxglove Apartments- Ms. McCarthy reported that the Foxglove Apartments clinic is anticipated to begin on March 11th at 10 a.m. Mr. Grossman indicated that the clinic for Bowers Brook Apartments, run by Ayer Pharmacy without BOH involvement, is expected to be held on March 12th. Mr. Mitchell reported that the

Harvard EMT service will act as observers at both clinics. Ms. McCarthy stated that Acton Pharmacy would love to provide a vaccine clinic for Harvard Public Schools' (HPS) staff if enough vaccine dosages are available; Dr. Dwight told Ms. McCarthy that she would appreciate the assistance in vaccinating the approximately 200 HPS staff members.

e. Update from the Emergency Response Team- Ms. Levison reported that starting April 5th, the elementary students will go back to five, in-person full days, and middle and high school students will begin five, in-person half days. She also indicated that Town Hall will be opening March 22nd at limited capacity.

f. Update from recent DPH COVID-19 Conference Calls & enforcement of new and revised orders issued by Governor Baker- Ms. McCarthy reported that Dr. Dwight e-mailed asking if the school playgrounds can be reopened with observance of social distancing. Mr. Grossman indicated that, as there has not been a correlation between playground contact and positive cases, he does not have a problem with their reopening. Ms. Levison noted in a discussion with the Emergency Response Team ("ERT") no one expressed an objection to the playgrounds' reopening. The BOH agreed that it would be prudent for open playgrounds to post signage requiring masks and social distancing. Ms. McCarthy will reply with this recommendation to Dr. Dwight, and prepare a similar memorandum to Parks & Recreation, the Select Board, and Mr. Bragan regarding the playground at the track. Mr. Grossman noted that the limit on outdoor gatherings remains at 25 people.

Mr. Grossman reported that Mr. Garreffi will be advising the State that NABH will provide local homebound vaccinations. Mr. Garreffi has been in contact with the Community Nurses and Councils-On-Aging to identify the homebound residents who will need vaccination.

Ms. Levison stated that the Harvard Post Master referred her to the New England Communication Manager who advised that signs hung in the Post Office must come from the USPS or the CDC. Ms. Flynn will forward this response to the Harvard Post Master with a renewed request for hanging of the CDC entranceway sign requiring masks and social distances. Mr. Grossman reported that he has visited the Post Office several times and has not observed the presence of customers without masks.

g. Clerk and Health Agent Update-

- Ms. Flynn advised she received a voicemail message from a resident stating that the two employees present at Grapevine Liquors on Saturday were not wearing masks. Mr. Grossman will stop by the store to educate the employees on mask requirements.
- Ms. Flynn requested approval of the NABH FY 21 4th Quarter invoice. Ms. Levison made the motion to approve the invoice; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn requested approval for renewal of her Adobe Acrobat software. Ms. Levison made the motion to approve payment; Mr. Mitchell seconded. All were in favor by roll call vote.
- Mr. Grossman advised that he is following-up on several properties which are non-compliant with the private well regulation's requirements for water quality testing prior to conveyance. He indicated that for four of these, he was told that there was an agreement between parties that there would be compliance post-conveyance, but there has not been follow-through. Mr. Grossman indicated that one local attorney was involved in three of these closings; with common brokers also involved. Mr. Grossman

further explained that communications regarding the compliance of one of these properties, on Ann Lees Road, has been ongoing for months without installation of the needed treatment equipment and recording of a notice to the deed, as required. Additionally, he explained, these water quality requirements are tied to the septic permit, as accepted by the authorized signer, and he cannot issue a Certificate of Compliance on the septic without water quality compliance. Mr. Grossman stated he will no longer recommend parties enter agreement allowing closing without full water quality compliance, as this practice is not working. Ms. Levison noted that local brokers should be well aware of the requirements, as Ms. Flynn has sent multiple letters to listing agents providing guidance. Mr. Mitchell stated that repeat offenders need to be held accountable. Mr. Grossman will contact the buyer of the Ann Lees property, once identified, to advise that a Certificate of Compliance for the septic system will not be issued until the treatment equipment has been installed and the deed notification recorded. Mr. Grossman will also inform the local attorney that he will recommend action and penalties by the Board for future noncompliant sales.

OLD BUSINESS

- a. 16A South Shaker Road: Status of compliance with Private Well regulation- Ms. Flynn reported that since the meeting of October 27, 2020 which required the homeowner record a deed notice regarding required water treatment equipment, the notice has not been recorded, and her follow-up e-mails to the homeowner on December 21st and February 24th, as well as her invitation to the meeting tonight, have gone unanswered. The Board Members agreed Mr. Grossman should issue an Order via certified mail. Mr. Grossman confirmed that the homeowner will have the right to appeal the Order at a hearing.
- b. 23 Lovers Lane: Continued condemnation hearing of 9/24/19- In response to the e-mailed update received from the homeowner, Mr. Mitchell made a motion to continue the hearing to the first meeting in April; Ms. Levison seconded. All were in favor by roll call vote.
- c. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Mr. Mitchell made a motion to continue this discussion; Ms. Levison seconded. All were in favor by roll call vote.
- d. Continued review of draft algal bloom procedures- Ms. Levison volunteered to revise the procedures once costs and descriptions of the sampling and analysis process is identified.
- e. Continued discussion regarding financial warrant for algae monitoring of Bare Hill Pond- Ms. McCarthy stated she is concerned that the BOH does not have concrete estimates which include the cost of sampling and shipping. Mr. Grossman agreed he will pull the samples for analysis. Mr. Mitchell stated that he thinks residents will want toxicity results to justify actions to close and open the beach. Mr. Grossman indicated that while the State provided free toxicity testing last season, they are not obligated to do so. Mr. Mitchell volunteered to write the CT lab to obtain a cost estimate inclusive of delivery of the sample and analysis.
- f. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Ms. Levison reported that she received an e-mail from MaryJude Pigsley, MassDEP, confirming their intent to work with the local boards of health when selecting private wells for the testing program. Ms. Levison also she contacted Peter Warren and asked for a copy of the Fire Department's history of Harvard Fires document.

g. Review Action Items- Action items were reviewed.

PERMITS

Mr. Horak joined the meeting to discuss EL Harvey & Son's (EL Harvey) noncompliant permit renewal package for 2021. He explained that EL Harvey subcontracts Mr. Trashman to provide six recycling carts to Bowers Brook Apartments. Ms. Levison expressed concern that six carts is not enough for 44 apartments; Mr. Horak agreed to provide additional carts. Ms. Flynn advised that 11 Fairbank is also a residential property by regulation definition and should receive bundled services. Mr. Horak agreed to contact 11 Fairbank to offer recycling service through Mr. Trashman, or suggest they receive services from another curbside hauler. Mr. Horak explained that the nine other customers in Harvard are all commercial generators who have solid waste collection that is sorted for recyclables at EL Harvey. Mr. Horak assured the BOH members that the hauling trucks have cameras to view what is dumped by the commercial generators, and that DEP's monthly reviews of EL Harvey's loads are consistently favorable. In response to concerns regarding noncompliant marketing materials and waste ban violation notices to customers, Mr. Horak agreed to send all customers the State waste ban notice with a sticker affixed directing questions to the Harvard Board of Health; he will ask the notice also be posted for the tenants of EL Harvey's customers. Mr. Horak indicated that he will be the primary contact for next year's permitting, and Ms. Flynn will note going forward the BOH's decisions to accept that EL Harvey's commercial generators are not separating recyclables, marketing materials do not need to state "recycling is mandatory", and that the State waste ban notice with HBOH contact information affixed is a sufficient example of marketing materials and a waste ban notification.

MINUTES

The BOH members reviewed and revised the draft Minutes of February 22, 2021. Ms. Levison made the motion to accept the minutes as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA- Items for the next agenda were discussed.

ADJOURNMENT- Ms. Levison made the motion to adjourn at 8:52 p.m.; Mr. Mitchell seconded. All members were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- NABH FY21 4th Quarter Invoice
- Acrobat Adobe Renewal Notification of 2/25/21
- Waste hauler application package of EL Harvey & Son
- Draft minutes of 2/22/21