

Harvard Board of Health Meeting Minutes
Tuesday, November 14, 2017
Town Hall
Approved: November 28, 2017

Board Members present: Libby Levison; Sharon McCarthy, Chair; Tom Philippou.

Attending: Ira Grossman, Nashoba Associated Board of Health (“NABH”); Alison Flynn, Board of Health (“BoH”) Clerk; Tina Grosowsky, Central MA Tobacco Free Community Partnership; DJ Wilson, Mass. Municipal Association; Carl Warren, contractor for 104 Still River Road; Bruce Ringwall, engineer for 104 Still River Road; Nicole Barbetta, Regis College student; Marty Green, Harvard Press; Chief Rick Sicard, Harvard Fire.

Ms. McCarthy called meeting to order at 2:05 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS-

a. 104 Still River Road- discussion re potential septic system. Bruce Ringwall and Carl Warren were present on behalf of the property owners, Bruce and Joyce Gallagher. Mr. Ringwall explained that they are currently attempting to determine whether the property can handle a new 3 bedroom septic system given its topography. Testing performed in 2003 when the owners were considering dividing the property showed perc rates between 20-57 minutes per inch in one remote area of the lot. Mr. Ringwall asked the BOH to consider a waiver to allow for these existing perc rates to stand for a proposed reserve area only.

Mr. Philippou moved to provide tentative approval for perc rates at greater than 40 min. per inch for the reserve area, if necessary. Ms. Levison seconded. No further discussion was needed. The vote was unanimously in favor of the motion.

It was noted that the access to the reserve area requires crossing a wetland and Conservation Commission regulations apply. Mr. Grossman also mentioned the Harvard Protective Bylaws do not allow for any septic work within the buffer zone.

b. Tobacco regulation hearing- Ms. McCarthy invited guests to speak up for or against the proposed regulation limiting the sale of tobacco and tobacco products in Harvard to individuals over 21 years of age. DJ Wilson, Tobacco Control Director with the Mass. Municipal Association, and a recent appointee to the Malden Board of Health, spoke in favor of the regulation. Mr. Wilson stated that he felt that the regulation is a comprehensive one with a successful history in Boston and continued adoption by Towns throughout Massachusetts. He and gave a brief overview of the policies that are contained within the draft sales regulation and the rationale behind the same. Mr. Wilson advised that should the Town of

Harvard ever issue tobacco sales permits, the MA Clearing House will provide the signage required by the regulation. He also advised that should tobacco sales permits be issued, Harvard would likely want to hire an experienced contractor to provide inspections and assist with enforcement. He suggested a contractor, Eric Jack, used by Leominster and Worcester. Mr. Wilson also indicated that permit fees should cover the cost of issuance, renewal, and enforcement of the regulation. He stated that \$100 is the most common annual fee, but he has seen fees as high as \$600 per year. He also explained the importance of communicating the permit cap to the Building Inspector and Planning Boards so that they are aware that the regulation limits such numbers.

Ms. Tina Grosowski of UMASS Medical School and The Central MA Tobacco-Free Community Partnership was also present to offer her support of the regulation. She indicated the importance of the regulation to send a strong message to our youth. Ms. Grosowski also offered her free services in providing information to schools, parents, teachers, and other community members.

Ms. McCarthy then presented copies of two letters which the BoH received from Dr. Judith Okene, and Dr. Michele Pugnaire, both Harvard residents, in support of the regulation.

Ms. Levison moved to adopt as revised the Regulation of the Harvard Board of Health Restricting the Sale of Tobacco Products. Mr. Philippou seconded. No further discussion was required. A roll call vote was taken: Ms. McCarthy, aye; Ms. Levison, aye; Mr. Philippou, aye.

c. Questions from Waste Not regarding amended waste hauler regulation- Ms. Flynn presented several questions that she was asked by Micah Tully of Waste Not regarding interpretation of the new hauler regulation. The members discussed that Ms. Flynn should advise waste haulers that the regulation should be interpreted as the regulation is written while expressing that the BoH's overall goal is to increase recycling. It was also agreed that Ms. Levison would assist Ms. Flynn in reviewing the application pages received to date to help gauge which applications will be ready for review at the next BoH meeting.

d. 23 Slough Road- A stable permit application for one pot-bellied pig was reviewed. Mr. Philippou made the motion to approve the application; Ms. Levison seconded. No further discussion was needed. The vote was unanimously in favor of the motion.

e. PHEP Region 2's request for scheduling of Staff Notification & Assembly Drill, and Facility Set Up Drill. Chief Rick Sicard attended the meeting in his capacity as Emergency Manager for the Town. The BoH shared the e-mail received from the Public Health Emergency Preparation office requesting scheduling of three required drills. Mr. Grossman suggested the Facility Set Up-Drill involve the key players from the Fire Department, Police Department, Department of Public Works, and the School, as Harvard has never performed this kind of drill. Mr. Grossman agreed to contact the School to see which dates are available. It was also agreed that Ms. Flynn would try to arrange the Staff Notification and Assembly Drills be run on Tuesday, 11/28, to coincide with the next BoH meeting. Chief Sicard indicated that it would be helpful if he could review the PHEP Emergency Dispensary Site Plan, and Ms. Flynn stated she would e-mail him the same.

f. Board of Selectman discussion of SMART at meeting of 11/7/17- Ms. Levison reported that Stu Sklar introduced the idea of SMART briefly at the Board of Selectman (herein "BOS") Meeting of 11/17/17. Mr. Sklar provided the BOS with a handout from Irene Congdon of the Department of Environmental Protection that included projected reduction in tipping fees under the proposed SMART program. The BOS was interested, but because the BOS are currently busy with the FY19 budget, decided continued discussion will likely not be until January 2nd or 16th, 2018. Ms. Levison reported that Mr. Sklar would like to meet again with Ms. Congdon and BoH members in December in preparation for the January BoS meeting. Ms. McCarthy will reach out to see whether an additional BOS member would like to attend that meeting.

g. Update from Health Agent & BoH Clerk

- Ms. Flynn requested approval to process an invoice from The Harvard Press for the legal notice of the trash hauler regulation hearing. Mr. Philippou made a motion to approve the invoice; Ms. Levison seconded. The vote was unanimously in favor of the motion.
- Ms. Flynn advised that Tessa David of MassToss advised that the BoH may want to consider including the town-wide mailing regarding recycling in a pre-existing town-wide mailing to cut costs.
- Ms. Flynn advised that Katrina Stanziano, Region 2 PHEP Regional Coordinator, visited on November 7, 2017, to review and tag all supplies purchased with PHEP funds were easily accessible. Pat Natoli, Rick Sicard, and Andrew Perry of the Harvard Fire Department also met with Ms. Stanziano and Ms. Flynn to assist in accessing the supplies kept in the "old ambulance building". Additional tags were given to Ms. Flynn for tagging of the laptop kept at Mr. Philippou's home, and to Ms. Natoli to tag supplies, including the docking station and cable for the satellite phone, at the Police Station and in the "old ambulance building", once unpacked, at a later time. Mr. Philippou suggested having a contractor install the equipment at the school might be a worthy use of our PHEP funds and will investigate how much this could cost.
- Mr. Philippou shared interesting facts that he learned while attending a recent Conservation Commission meeting where a PowerPoint presentation prepared by David Steinbach, MA Fish and Wildlife, regarding the Deer Browse Survey performed in Harvard. He indicated that Conservation Commission would like to create an informal working group to gather information and discuss options for Harvard, and would like 1 BoH member to join. It was agreed that Mr. Philippou will represent the BoH in the group.

OLD BUSINESS-

a. 325 Ayer Road- further discussion of Appleworks Septic Systems. Mr. Grossman advised that with the Appleworks' building's current use, it is already at, or exceeding, the maximum sewage flow as permitted, and the water meter readings support that the building reached its maximum capacity with its current tenants. Mr. Grossman requested the BoH members agree on: permitted use of currently unrented space and the maximum number of seats allowed for Siam Pepper. The members agreed that they think it is reasonable to allow Siam Pepper 25 indoor seats, with no seating outdoors. The BoH also agreed that Mr. Deane should specify to future tenants that the spaces can only be used for dry goods

and offices, and cannot be used for a business with an undefined turnover of customers/clients. Mr. Grossman will draft a letter to Mr. Deane recognizing the current state of the septic systems and its usage, confirming that the BoH expects he will continue to monitor the water usage via meter annually, and requiring that he will come to see the Board for approval of tenant usage.

b. ABC Cesspool Co., Inc.- discussion of probation terms violation- Ms. Flynn advised that ABC Cesspool Co., Inc.'s (herein "ABC") quarterly report, dated October 31, 2017, was received by the BoH in an envelope post-marked November 6, 2017. Mr. Grossman offered that he has received pumping records from ABC at the Nashoba Associated Boards of Health, as required. It was decided that Ms. Flynn would write ABC to advise that the BoH considered the late quarterly report to be a violation and to invite ABC to a meeting.

c. Seasonal conversions & local upgrade approval conditions- further discussion of guidance documents and conditions form. Ms. Levison and Ms. Flynn will continue to work on the documents to make the instructions consistent.

d. Stable permits timeline- Ms. Levison reported that the BOS had approved the insert while requesting clarifying language regarding permitting for fowl. Ms. Levison presented a revised permit that included the suggested language. Ms. McCarthy moved to accept the revisions to the permit; Mr. Philippou seconded. The vote was unanimously in favor of the motion.

e. M. Sullivan & Son Disposal- Update- Discussion was tabled for a later meeting.

f. Review action points from last meeting- No action points were discussed from the last meeting.

PERMITS- The following septic permits were signed:

- 281 Still River Road- Upgrade
- 82 Warren Avenue- Upgrade
- 20 White Lane, A6- Upgrade/Presby
- 6 Houghton Lane- Upgrade
- Lot 5, Bolton Road- New

APPROVAL OF MINUTES

- 10/10/17- Ms. Levison moved to accept the Minutes of 10/10/17 as amended. Ms. McCarthy seconded. The vote was unanimously in favor of the motion.
- 10/23/17- Mr. Levison moved to accept the Minutes of 10/23/17 as submitted. Ms. McCarthy seconded. The vote was unanimously in favor of the motion.
- 10/24/17- Ms. McCarthy moved to accept the Minutes of 10/24/17 as amended. Mr. Philippou seconded. The vote was unanimously in favor of the motion.

ADJOURNMENT- Ms. McCarthy moved to adjourn at 4:45 p.m. Ms. Levison and Mr. Philippou seconded. The vote was unanimously in favor of the motion.

***Respectfully submitted,
Alison Flynn, Clerk***

Documents Referenced:

- *104 Still River Road, "Streets" File*
- *Draft Tobacco Regulation; "Text of Court-Ordered Corrective Statements"; Tobacco Policy Summary List (October 2017); Flavored Tobacco Product Restriction Enforcement Guide; November 2017 Letter from Judith Ockene, PhD, and November 2017 Letter from Michele Pugnaire, MD.*
- *E-mailed correspondence with Mr. Tully of 11/7/17*
- *E-mailed correspondence from Ms. Terry of PHEP Region 2 of 10/30/17*
- *ABC Cesspool Co., Inc.'s report dated October 31, 2017*
- *Draft stable permits tax bill insert*
- *Draft minutes of 10/10, 10/23, and 10/24/17*