

Town of Concord  
Board of Health

Minutes of the Meeting  
Tuesday, February 15, 2016

PRESENT: Dr. Alan Woodward, Chairman  
Jack Bergman  
Ray Considine  
Thomas McKean

Susan G. Rask, Public Health Director  
Karen M. Byrne, Administrative Assistant

OTHERS: Barbara Nielson, 276 Peter Spring Road; Scott Richardson, 260 Elsinore Street;  
Philip Swaim, FinCom;

1. **Open Meeting**

The meeting opened at approximately 7:02 p.m.

2. **SEPTIC BETTERMENT LOAN PROGRAM**

**Preliminary Lien Assessment**

Application loans for the following property(s) were reviewed and processed by the Health Department's Administrative staff. Acting as its agent, the Assistant Public Health Director reviewed the Title 5 inspection reports and confirmed that the on-site sewage disposal systems were in failure:

- 215 Fairhaven Hill Road (\$30,000) – Malitsky/Turk
- 109 Minuteman Drive (\$30,000) – Carpenter

Staff requests that the Board find the on-site sewage disposal systems on the above listed property(s) as a public health nuisances per MGL, CH 111, s., 127B and 127B ½ and to authorize the initial betterment lien assessments.

Tom McKean moved that the Board VOTE to find the on-site sewage disposal systems on the above listed property(s) as public health nuisances per MGL, CH 111, s., 127B and 127B ½ and to authorize the initial betterment lien assessments not to exceed \$30,000 for each property to be filed at the Registry of Deeds.

**Final Betterment Lien Assessment**

PHD Rask advised the Board that the on-site sewage disposal system for the following property had been completed and all invoices had been processed for the property listed below. Staff requested that the Board issue the Order to Assess the final betterment lien.

- 118 Wright Road (\$22,890) - Cook

Tom McKean moved that the Board VOTE to Assess the final betterment lien for the above mentioned property in the amount as specified and that such Order be forwarded to the Town Collector. Jack Bergman seconded it. All VOTED in favor.

### **3. DISCUSSION - TM Warrant Article #45 – Prohibit Polystyrene in Food Service Ware**

Public Health Director Susan Rask advised the Board that a Petition Warrant Article was being put forth at Town Meeting proposing a bylaw to prohibit polystyrene in food service ware. Ms. Rask noted that it came to her attention during a review of the Town Warrant and she took particular note because the language in the proposed bylaw directs that “enforcement of the bylaw shall be the responsibility of the Town Manager or his designee”, but then specifically mentions the Board of Health and Health Department as it relates to consideration of waivers or exemptions by Food Establishments.

#### **Discussion**

Ms. Rask provided the Board with a comprehensive summary<sup>1</sup> of information that she and Health Department staff compiled over the past few weeks, as well as a collection of polystyrene food service ware from a variety of establishments (for a visual of what types of materials would be included). Although a majority of cities and towns nationwide have regulations that prohibit the use of Styrofoam containers, very few have prohibited the use of rigid polystyrene containers. Ms. Rask explained that “rigid polystyrene” is used to make many single-use food service items such as deli containers, platters, coffee cup lids, plastic utensils to name a few. If this bylaw is adopted at Town Meeting, the PHD stated that every type of disposable food service item would need to be inspected to determine whether it is made of rigid polystyrene due to how similar other similar containers made from other plastics look.

If the bylaw is enacted as written, PHD Rask expressed concerns relative to using Health Division staff for enforcement because in her opinion, it would lessen time available for state-mandated duties administrating existing public health laws and regulations and reduce the division’s ability to deliver broader proactive public health programs.

Following a brief discussion, Board members concurred and felt that the Town (and businesses) would be better served if this particular initiative was phased in over a period of time to encourage compliance and provide an opportunity to investigate viable alternatives to polystyrene. As with similar resident Town Meeting Warrant Articles previously enacted (bottle ban, plastic bag ban) – the Board of Health applauded the effort, but felt these proposals were primarily solid waste reduction and recycling initiatives and were outside the regulatory responsibilities of the Health Division and Board of Health.

Scott Richardson, proponent of the citizen’s petition was in the audience to listen and hear some of the Board’s concerns. He told the Board he looked forward to presenting his proposal at the March meeting and offer the Board supporting documentation and materials that he felt supported his rationale to view this as a public health issue. Resident, Barbara Nicholson was also in the audience and advised the Board that she was in the process of scheduling visits with various food establishments to discuss the warrant article in hopes of garnering support from the business community.

The Board thanked them both for attending and looked forward to the presentation.

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<sup>1</sup> Memorandum from PHD Rask to BOH members

#### **4. GROUNDWATER MONITORING RESULTS – CCHS Artificial Turf**

The Concord School Department submitted a copy of the groundwater monitoring report from Alpha Analytical<sup>2</sup> for the (3) monitoring sampling wells for the leachate at the new CCHS Artificial Turf Field. PHD Rask advised the Board that the results for all of the chemicals tested were “non-detect”.

PHD Rask provided the Board with a brief summary of the collection process (she was on site during the testing) but apologized that she was unclear as to which of the (3) wells was down gradient; however, it was a moot point since the chemicals were undetectable. She noted that Brian Schlegel, Facilities Manager for Concord Public Schools had advised her that results for (5) chemicals listed in the original contract had not been received but that she expected them shortly.

#### **Lead Testing – Concord Middle Schools**

Staff provided the Board with the monitoring report for the 2<sup>nd</sup> round of lead testing conducted at the Concord Middle Schools by OHI (12/30/15)<sup>3</sup> and that a few of the fixtures tested slightly higher than expected, but that the majority were below the Action Level of .015 mg/L. Ms. Rask explained that is based on the 90<sup>th</sup> percentile which means no more than 10% of the samples taken may be above the action level – which was the case. Some Board members inquired about the fixtures that tested higher and staff explained that it was likely taken from a sink that was not in commission and/or not used on a regular basis (in an art class, etc.). According to the report, testing will be repeated in six months.

#### **5. STAFF REPORT**

##### **Proposed Signage – Concord Playing Fields**

At the January meeting, the Board approved final draft language<sup>4</sup> for signage at town playing fields (if so approved or agreed upon by the Town Manager and School Department). At that time, it recommended that signs be placed at all playing fields in town, not just the artificial turf fields. PHD Rask informed the Board that the information had been forwarded to the Town Manager, but to date not the School Committee because she was waiting for any additional feedback Mr. Whelan may add.

Dr. Woodward asked staff to contact the Town Manager prior to the next meeting and inquire whether he felt the language was appropriate and/or whether Town Counsel would need to review prior to sending it to the School Committee.

##### **Sharps Collection**

PHD Rask informed the Board that the Health Department and Rod Robison, CPW, Recycling Coordinator working in conjunction with the Concord Police Chief were purchasing a sharps kiosk to be located at the Police Department (Walden Street). Once purchased, notifications to town residents via the Town’s website, the COA newsletters and the Concord Journal would go out. Dr. Woodward noted that disposal of sharps was an expensive proposition for many physician’s offices so he encouraged staff to ensure clear notification that this was a “residential” sharps program – not commercial.

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<sup>2</sup> Alpha Analytical – Report 12/10/15 - CCHS

<sup>3</sup> OHI OccuHealth, Inc. – 12/30/16 – Concord Middle Schools

<sup>4</sup> Draft BOH Proposed Language – Concord Playing Fields

## **Miscellaneous**

PHD Rask provided the Board a copy of proposed legislation on stricter regulatory oversight of the use of neonicotinoid pesticides (which some believe have an adverse effect on honey bees and other pollinators). She noted that there was a Petition Town Meeting Warrant Article proposed at this year's Town Meeting encouraging the reduction of sale and use of this type of pesticide.

## **Emergency Dispensing Site Plan**

The Town is required by law (MDPH) to have a dedicated Emergency Dispensing Site (EDS) plan and Ms. Rask explained she was working with Fire Chief Mark Cotreau to update the Town's plan which has the old high school as the dedicated site. Ms. Rask, Chief Cotreau and school department staff are working with a consultant to identify rooms (assembly, etc.) within the new high school that can be utilized as the EDS in the future. Ms. Rask said the new high school facility was immense and a beautiful building with a significantly broader set of options for setting up in particular areas and rooms. The only request that the School Department had made thus far was that the new larger gymnasium not be considered due to type of flooring that was used. Harvey Wheeler Community Center is being considered as a possible additional or alternate site as well.

Board member Jack Bergman inquired about the "volunteers" that were in place to be mobilized in the event of a serious event. Ms. Rask explained the MRC (Medical Reserve Corp) in Concord was nearly non-existent partly because it was very difficult to keep the group engaged due to the time period that lapses from one emergency (or lack thereof) to the next. She noted that as part of Region 4A, there was a group of medical reserve volunteers that could be called upon if necessary.

## **6. CHAIRMAN & BOARD MEMBER REPORTS**

Dr. Woodward spoke at the last Chair Breakfast advising other committee members, the Selectmen and Town Manager of the Board's interest for input in soliciting new members in anticipation on Tom McKean's potential resignation (if he is elected to the Select Board) and his own term expiring in May 2016. Dr. Woodward mentioned that an Emerson Hospital Colleague had expressed interest so he has asked that she fill out a "green card" and invited her to the March meeting to observe.

Board members once again, strongly expressed their belief that the Board of Health warranted members with specialized expertise (legal, medical, nursing, etc.) due to the broad scope of issues it dealt with and felt that concern needed to be communicated to the Town Manager (who is the appointing authority). Dr. Woodward asked staff to send a letter to the Town Manager expressing the Board's concerns and request assistance in resolving the matter by May 2016.

He reiterated the importance of having a member with a legal background because of the complex housing matters, etc., that are brought before it in the past; he asked Board of Selectmen Liaison Alice Kaufman for some support and suggestions of fellow attorneys who may be interested in filling out a green card for the BOH. Lastly, Dr. Woodward said the Board of Health would definitely have quorum issues if the (2) vacancies were not filled in a timely manner – he hoped appointments would not languish for a year, which had occurred on a few occasions during his tenure.

Dr. Woodward advised the Board that the High School would be hosting an educational event on opioid addiction/problems with speakers covering a wide spectrum (physicians, attorneys, law enforcement, educators, people in recovery, etc.) to provide insight and start a dialogue at a local level to address this

serious health issue. Tom McKean suggested that Dr. Woodward contact Concord District Court and ask whether one of its judges would be willing to speak on his/her experiences dealing with the matter. He noted that Concord has an actual “Drug Court” where offenders are offered treatment as a viable option rather than incarceration. Board members were pleased to hear this meeting was occurring and reiterated the importance of educating the public on the matter.

7. **MINUTES & BOARD CALENDAR**

Discussion of previous meeting minutes deferred to the March 2016 meeting.

The next regularly scheduled meeting for the BOH will be Tuesday, March 15, 2016.

8. **ADDITIONAL PUBLIC COMMENT**

There were no additional public comments.

The meeting adjourned at approximately 8:15 p.m.

Board of Health  
Signature Page  
February 16, 2016

Respectfully submitted by,

Karen M. O’Keefe-Byrne, Administrative Assistant  
Concord Board of Health

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Dr. Alan Woodward

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Jack Bergman

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Ray Considine

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Thomas McKean