

Town of Concord
Board of Health

Minutes of the Meeting
June 21, 2016

PRESENT: Jack Bergman, Chairman
JoAnn DiNardo
Ray Considine

OTHERS: Susan G. Rask, Public Health Director
Karen M. Byrne, Administrative Assistant
Dr. Alan Woodward

1. **Open Meeting**

Chairman Jack Bergman opened the meeting at 7:30 a.m.

2. **PUBLIC HEARING ONSITE SEWAGE DISPOSAL SYSTEM**

75 Ayrshire Lane -Request for Title 5 Local Upgrade Approvals & Local Variances

The Board heard a request from Molly Obendorf, E.I.T., Stamski & McNary, Inc., for her clients Charles and Mary Frances Crowley, owners to replace the onsite sewage disposal system at their property. Ms. Obendorf asked the Board to grant the following local upgrade approval as per 310 CMR 15.402 through 15.405, as well as a variance from local Concord Board of Health Regulation Wastewater Management (CBHR3.00), 3.06(A) Table 1:

Local Upgrade Approval – Title 5

- **To locate system components (septic tank & pump chamber) 50” +/- below finished grade instead of <30” below finished grade as required by Title 5, 15.221(7)**

Local Board of Health Variance

- **To locate a system component (leaching field) 52.5’ from a wetland resource area, instead of 75’ as required by CBHR 3.00, Section 3.06(A), Table 1**

PHD Rask noted that APHD Stan Sosnicki had reviewed the plan for compliance to Title 5 and the variance requests and recommended approval of both variances. In his opinion, the proposed design adequately protects the public health and the environment. Ms. Rask noted that risers on the septic tank and pump chamber adequately addressed the requirements of Title 5; and due to site constraints, the proposed leaching field is located in the best feasible location. Ms. Rask said that there were no new design flows proposed and construction was considered a repair. The proposed location of the leaching field also meets the 50 foot setback to a bordering vegetated wetland in accordance with Title 5.

Ray Considine asked why the tank and pump chamber could not be located elsewhere on the lot. Ms. Obendorf stated that was considered however it meant relocating a significant portion of the plumbing in the house and it was cost prohibitive – it would likely cost more than the installation of the new system.

Following a brief discussion, JoAnne DiNardo moved to GRANT the local upgrade approval to Title 5 and local variance as requested. Ray Considine seconded it. All VOTED in favor to approve.

2. SEPTIC BETTERMENT PROGRAM

Preliminary Lien Assessments

Application for loans for the following properties 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:

- 193 Partridge Lane (\$30,000) – Verano
- 40 Woodland Rd (\$30,000) – Basmajian
- 39 Mallard Drive (\$30,000) – Power

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

Ray Considine moved that the Board VOTE to find the onsite sewage disposal systems on the above listed properties as public health nuisances per MGL, CH, 111, s., 127B & 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

The onsite sewage disposal system for the following property has been completed and all invoices processed for the property listed below. Administrative staff requested that the Board issue the Order to Assess the final betterment lien:

- 243 Powder Mill Rd (\$17,350) - Cupp

Ray Considine 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. JoAnn DiNardo seconded it. All VOTED in favor.

3. STAFF REPORTS

2229 Main Street – Cleanup of the former Nuclear Metal/Starmet Site

PHD Rask provided the Board with a copy of the Building Demolition Progress Report from deMaximis (at former Nuclear Metals/Starmet site) for work initiated 4/19/16. She said that the contractors were making remarkable progress in short order all things considered. Ms. Rask also noted that

the EPA and its' consultants were working diligently on expediting and implementing the plan for addressing the elevated levels of 1-4 dioxin (coming from the former Starmet site) affecting the municipal water supply in Acton. Information will be forwarded to the Board of Health as needed.

At this time, Karen Byrne advised the Board that Ms. Farnsworth's term as the it's liaison to the 2229 Main Street Committee technically expired on 5/31 and she had asked Ms. Byrne to inquire whether the Board was interested in her accepting another term if the Town Manager reappointed her. Board members unanimously agreed that Ms. Farnsworth's role as it's' liaison to this committee was indispensable and they relied upon her expertise repeatedly over the years as it related to the Super Fund cleanup. JoAnne DiNardo moved that the Board of Health recommend to the Town Manager that Ms. Farnsworth be reappointed as the Board of Health Liaison to the 2229 Main Street Oversight Committee. Ray Considine seconded it. All VOTED in favor of the motion.

Mr. Considine asked whether PHD Rask could invite Ms. Farnsworth to the next meeting so that he and Dr. Greene, the newest Board of Health member could receive some historical background about the Super Fund remediation process to date and also perhaps an overview/summary of any additional information that may be gleaned in the upcoming month from the consultants as it relates to the 1-4 dioxin groundwater issue.

Bylaw Prohibiting Polystyrene in Food Service Ware & Granting of Facility Waivers

At the April meeting, the Board discussed the Town Manager's request for it act as the entity to consider and review waivers from the newly adopted Bylaw Prohibiting Polystyrene in Food Service Ware because he felt the Board already had the ability to consider and review a wide variety of "environmental-oriented exemptions and waivers" and could review requests from businesses during its routine meeting schedule. The Board agreed to consider acting as that entity if a task force was appointed to study alternatives of non-polystyrene products paying particular attention to costs and how businesses may be impacted; examine the life cycle cost and environmental benefits of alternative products; conduct public outreach to food service establishments about the alternatives. Board members also felt that the task force should develop clear criteria to assist the Board in determining what circumstances would constitute "undue hardship" and are valid basis for granting waivers. Members asked whether there had been any movement on that front from the Selectmen – to date, PHD Rask noted that she had not received any information indicating that a task force had been considered and/or appointed.

The Board reiterated its position and asked Ms. Rask to inquire on its behalf urging that it be strongly considered prior to the implementation of the bylaw in January 2017. Board members did not feel comfortable granting waivers with no concrete criteria in which to do so.

MOSQUITOS

Ms. Rask also provided the Board with copies of the most recent Arbovirus and Zika virus reports from the Massachusetts Department of Public Health. She will keep the Board apprised of any issues that may rise to a higher threat level.

4. BOARD CALENDAR & MINUTES

Discussion of the minutes for the April 19, 2016 meeting was deferred to the next BOH meeting.

The next regularly scheduled meeting of the Board of Health is May 17, 2016.

5. ADDITIONAL PUBLIC COMMENTS

There were none.

6. CHAIRMAN & BOARD MEMBER REPORTS

Jack Bergman noted that questions had been asked at the Chair Breakfast about steps taken to prevent a possible algae bloom at White Pond this year. PHD Rask said that since the algae bloom was a naturally occurring phenomenon there was nothing specifically that the Health Department would necessarily implement above and beyond the normal beach testing protocols for semi-public bathing beaches (E Coli bacteria). However, if something were to occur again, it would most likely be handled directly by the Massachusetts Department of Public Health (followed closely by the Health Department) as it was last year and a recreational water use advisory would be issued – but everyone was hopeful that was a onetime occurrence.

Fond Farewell and Recognition of Dr. Alan Woodward’s contributions to the BOH

Chairman Jack Bergman opened by stating that it had been a true delight and pleasure to work side by side with Dr. Woodward over the past six years thanking him for educating him and so many others on the many aspects of public health. JoAnne DiNardo, and Ray Considine, as well as Public Health Director Susan Rask and Administrative Assistant Karen Byrne also took this opportunity to express their sincere appreciation and gratitude to Dr. Alan Woodward for his exemplary service as a Board of Health member for the past six years (2 full terms). Ray Considine said it was due to working with Dr. Woodward on outside committees and the enthusiasm he brings to important public health issues that swayed him to put his “green card” in to serve on the Board of Health. Ms. DiNardo said that working with “Alan” for all this years both at Emerson Hospital and on the Board has been a complete pleasure and the Town was going to miss him.

Everyone applauded Dr. Woodward’s dedicated service and uncompromising commitment to public health issues in Concord, as well as on a state and national level, most notably but certainly not limited to his determination in curtailing the Tobacco Industries relentless efforts to entice youth in various ways to start using tobacco and nicotine products. The Town of Concord Board of Health was one of the first communities in Massachusetts to pass regulations prohibiting the sale of such products to youth, ban the sale in pharmacies and enact a purchase age of 21. The wide range of issues addressed during his tenure ranged from light hearted to tremendously serious but whether dealing with chickens foraging on unlicensed farm land, housing complaints, unruly tenants, unsanitary food service establishments, Super Fund sites, fluoride in drinking water, artificial turf fields, tobacco issues and the public health crisis of opioid addiction – Dr. Woodward’s steady hand and professionalism was indispensable.

Dr. Woodward in turn expressed his thanks to the Board members for their expertise and professionalism as well in dealing with the many minor to complex issues dealt with over the years – he said “in complete honesty” he had no idea early on the wide variety of issues that a Board of Health had purview over and that the Health Department staff encountered on a daily basis. On that point, Dr. Woodward expressed his own sincere appreciation for the Health Department staff to whom in his opinion was “top notch” thanking Administrative Assistant Karen Byrne as the longest member of the “team” for “her

institutional memory” and guidance in “keeping him and the Board on its toes” in following protocols and procedures, Public Health Director Susan Rask for her calm demeanor and deliberate approach in presenting information to the Board for review. He also mentioned both Assistant Public Health Director Stan Sosnicki and Public Health Inspector Gabrielle White for their dedication to their respective areas of expertise and for guiding him through the early quagmires (Walden Grille and Housing Complaints) – he noted that everyone made it easier for him particularly transitioning from the private to public sector.

Administrative Assistant Karen Byrne was asked by Board of Selectmen Liaison Alice Kaufman to convey her sentiments of “best wishes for all of his many contributions to the Board and the town – particularly around teen smoking, the rising opioids crisis, and his guidance through the controversy concerning artificial turf fields”.

PHD Rask presented Dr. Woodward with a gift (pen set) as a token of thanks and remembrance of his time serving the Board and thanked him personally for his guidance and support since she started working with the Town nearly five years ago. In closing, Administrative Assistant Karen Byrne thanked Dr. Woodward for validating the Health Department staff but more specifically for bringing a much needed sense of “credibility” to the Board when he was first appointed and for maintaining that standard during his entire tenure. “Your presence on the Board of Health has meant more to me personally than you will likely know and I have learned much. I know I speak for Stan and Gabrielle as well, thank you for being an advocate for us and public health.”

Dr. Woodward thanked all again and stated that he felt confident that the Board and staff were in good shape and would continue to work diligently at promoting strong public health initiatives for the town. He also noted that Dr. Deb Greene, who was recently appointed (but unable to attend) would be a fantastic addition to the Board.

The meeting adjourned at approximately 9:00 a.m.

Board of Health
Signature Page
Tuesday, June 21, 2016

Respectfully submitted by,

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

Jack Bergman, Chairman

Ray Considine

JoAnn DiNardo