

Harvard Board of Health Meeting Minutes
Town Hall, Volunteer Meeting Room
Tuesday, June 11, 2019
Approved: July 9, 2019

Board of Health Members present: Libby Levison; Sharon McCarthy; Tom Philippou.

Attending: Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Alison Flynn, Board of Health (“BOH”) Clerk; Liz Allard, Conservation Commission (“ConCom”) Agent; Tony Shaw, 187 Prospect Hill Road; DJ Wilson, Mass. Municipal Association.

Ms. Levison called the meeting to order at 2:04 p.m.

PUBLIC COMMENT-

Ms. Allard advised that the ConCom would appreciate the BOH’s consideration of whether the beaver deceivers have been cleaned prior to issuing emergency permits. The BOH members were in agreement. Ms. Allard will send a list of the beaver deceiver locations at the beginning of the trapping season to remind the BOH members of where the devices are located. Mr. Philippou suggested the emergency beaver permit be revised to indicate the date of last deceiver cleaning.

NEW BUSINESS

a. 187 Prospect Hill Road: Discussion re deed notification and water quality sampling requirements (2:05)- Mr. Shaw was present to discuss the requirements of the BOH’s letter of February 26, 2019, and request the requirement for water quality testing twice per year be reduced to once per year. Mr. Shaw indicated that he intends to test the water again before a tenant moves in. Mr. Philippou suggested that the frequency be reduced to once per year after multiple consistent passing results have been received. The members agreed that after a test of the raw and treated samples in June, Mr. Shaw should then test in September or October, and again in April or May of 2020, and indicated that if all those results of raw and treated samples meet local water quality standards, his next testing can be scheduled for Spring of 2021. Mr. Shaw was in agreement. The BOH members and Mr. Grossman also explained the purpose of the deed notification requirement.

b. Consideration of revision regarding mint & menthol to tobacco sales regulation (2:20)- Mr. Wilson of the Massachusetts Municipal Association was present in support of revisions to the tobacco sales regulation which add mint and menthol flavors to the list of flavors of tobacco products banned from sale in Harvard. He also provided background on the proposed change and a current lawsuit against the Somerville Board of Health for its adoption. Mr. Philippou expressed his support with banning mint, but voiced concerns over banning menthol. Ms. McCarthy made the motion to delete the words menthol, mint, or wintergreen from the first sentence in the definition of “Characterizing Flavor” and to add the same to the list of flavors at the end of the definition; Ms. Levison seconded. No more discussion was needed. All were in favor. Mr. Wilson will provide the BOH with a summary, likely in September, to be run in The Harvard Press once the Attorney General has made a ruling on Somerville’s regulation.

c. 44 Littleton County Road: discussion regarding room count & consideration of bedroom deed restriction with regard to septic system (2:35)- The BOH members considered proposed

renovation plans for the property, and decided a four bedroom deed restriction would be required. Mr. Philippou made a motion to accept a four bedroom deed restriction; Ms. Levison seconded. No further discussion was required. All were in favor. Mr. Grossman confirmed an I/A notice will also be recorded.

d. Clerk and Health Agent Update

f. Health Agent & Clerk update

- Ms. Flynn advised the BOH that the NABH invoice for the 1st Quarter of FY20 was received. Ms. McCarthy made the motion to approve payment of the invoice; Mr. Philippou seconded. All were in favor.
- Ms. Flynn advised the BOH that an invoice for tick removers was received from Ticked Off. Ms. Levison made the motion to approve payment of the invoice; Mr. Philippou seconded. All were in favor.
- Ms. Flynn advised the BOH that an invitation to participate in the 4th of July Parade was received. She will regretfully decline on behalf of the BOH, as all members are unavailable to attend.
- Ms. Flynn advised the members that a copy of DPH's letter requesting comments on the draft report *Recommendations for Improved Effectiveness and Efficiency of Local Public Health Protections in the Commonwealth*, has been included in their meeting packet.
- Ms. Flynn advised that the DEP grant for an enforcement educator will no longer be pursued, as Townsend cannot meet the required match.
- Ms. Flynn advised that Mr. Willard was provided with a copy of the stable permit lists for 2019 and 2018 in preparation for his inspections as Animal Control Officer. He will provide the BOH with his own list once inspections are complete.

OLD BUSINESS

- a. Review draft letter to our State Reps asking to restrict the online sales of e-cig and vape supplies- This discussion was tabled for a future meeting.
- b. Additional PFAS testing in Harvard- The BOH members reviewed a draft list of properties with private wells in Harvard which they would ask the Army subcontractor, Koman Government Solutions ("KGS"), to test for PFAS. Mr. Grossman and Ms. McCarthy explained that the draft list was initially derived by selecting properties in a checker-board pattern from the Shabokin and Patton well fields. Ms. McCarthy asked that the addresses on Depot Road identified by KGS, and four additional Depot Road addresses identified by Ms. McCarthy after considering well depths, be included before Ms. Flynn e-mails the list to KGS. Ms. McCarthy also asked that Ms. Flynn send the list to Joan Eliyesil, at The Harvard Press, who requested the same. Ms. Flynn is to advise Ms. Eliyesil that the list is a representative sample of homes based on proximity and not based on suspicion; further the BOH has not received assurance that the homes will be tested. Ms. Flynn will also ask that Ms. Eliyesil consider including in her article the link to the EPA's website on PFAS.
- c. Plan DEP/DPH PFAS forum (6/19)- The BOH members discussed the use of a sandwich board sign from the emergency preparedness trailer to advertise the PFAS forum. Ms. Levison made the motion to have a laminated sign made at Staples if the sandwich boards are the type in which use a poster; Mr. Philippou seconded. All were in favor. The BOH members decided there was no need to rent chairs. Ms. Levison advised that she received

an e-mail from Kim Manning of the Department of Environmental Health at Boston Children's Hospital who offered her support. Ms. Levison also advised that Senator Eldridge and Senator Warren's offices will be sending staff members to attend, and Wendy Heiger-Bernays of Boston University will be in attendance with graduate students who will work on developing handouts for private well owners in Harvard. Ms. Levison reported that Lucy Wallace will attend, and will invite other Select Board members to attend. Ms. Flynn will prepare name plates for the speakers and handouts regarding PFAS, the Harvard water quality regulations, and care for septic systems. Ms. McCarthy will provide water bottles. Ms. Levison agreed to provide an introduction at the forum, and asked the members to have questions prepared in the event that the residents do not.

- d. Attendance at Deer Management Committee Outreach Meetings (6/13, 6/20)- Ms. Levison advised that she will try to attend the meeting on June 13th; Mr. Philippou will try to attend the meeting on June 20th. .
- e. Review of 2020 budget feedback & discuss current budget- The BOH members considered the remaining funds in the current budget and prioritized necessary office supply purchases. Ms. Flynn is to purchase a new battery for the laptop, a keyboard, a laptop bag, printer ink, reams of color paper, cardstock, and a sandwich board sign if those in the emergency preparedness trailer are not usable. Ms. Levison made the motion to authorize Ms. Flynn to make the purchases as the budget allows; Mr. Philippou seconded. All were in favor.
- f. Discussion regarding preparing the 2019 Emergency Dispensing Site (EDS) Plan- This discussion was tabled for a future meeting.
- g. Update from the Transfer Station Committee- Mr. Philippou reported that all the bags are in place at the vendors, roughly 1/3 of the expected residents have already purchased their Transfer Station stickers, that additional signage will be in place at the Transfer Station, and that a Sign-up Genius is available for volunteers. He indicated that all is going well, with minor issues to work out. .
- h. Update from the MVP Committee- Ms. McCarthy reported that the final forum was held and the consultants' report will be due to the State at the end of the month.
- i. Update from the LUB Meeting (6/11)- Ms. McCarthy and Mr. Grossman reported that the Land Use Boards meeting included a discussion about requiring septic escrow accounts for Pine Hill Village and Craftsman Village. It was agreed that the ZBA will direct the applicants to the BOH to resolve the escrow issue. Mr. Ryan suggested asking Town Counsel whether the Town can require the Town or residents to have direct access to the escrow account. Mr. Grossman will pull sample language from existing condominium documents with an escrow account for Town Counsel's consideration. Mr. Grossman indicated he thinks it would be advisable for escrow contributions to accumulate to total system replacement in 20 years.
- j. Update from ConCom meeting (6/6)- Ms. Levison expressed concern that the Deer Management Sub-Committee's messaging could be construed as making promises about reducing tick-borne illnesses by reducing deer. She reminded ConCom that the BOH's position is that personal protection against tick-borne illnesses is the best defense.
- k. Continued review of draft marijuana sales regulation- Mr. Philippou reported that he has not found the term "adult-use" in any of the state regulations, and suggested that the BOH

remove the term from the draft regulation. He further advised that he has not heard back from Cheryl Sbarra to date.

m. Review Action Items- Action items from the last meeting were reviewed. Upcoming travel schedules were also discussed. Ms. Levison deputized Mr. Philippou as Chair for the next BOH meeting. He will bring his laptop to set up Skype for Ms. Levison

PERMITS

Septic permits were issued for each of the following:

- 44 Littleton County- LUA
- 169 & 175 Littleton County Road- Transfer

APPROVAL OF MINUTES- Review of minutes was tabled for the next meeting.

ITEMS FOR THE NEXT AGENDA- This discussion was tabled.

ADJOURNMENT- Mr. Philippou moved to adjourn the meeting at 4:21 p.m.; Ms. McCarthy seconded. The vote was unanimous.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- "Streets" file for 187 Prospect Hill Road
- Proposed revision to Tobacco Sales regulation
- Municipal Tobacco Control Technical Assistance Program, Local Policy Restricting Flavored Tobacco and Vape Products to Adult-Only "Retail Tobacco Stores"
- Invoices for MAHB and Ticked Off
- Quote for sandwich board & insert from J&S Business Products
- Draft list of suggested properties for PFAS testing
- Draft marijuana sales regulation
- Septic permit application package for 44 Littleton County Road
- Septic permit application packages for 169 & 175 Littleton County Road