

Harvard Board of Health Meeting Minutes
Zoom Meeting
August 24, 2021
Approved: September 28, 2021

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

Attending (Including but not limited to): Alison Flynn, Clerk, Harvard Board of Health (“BOH”); Ira Grossman, Health Agent, Nashoba Associated Boards of Health (“NABH”); Dan Gaffney, Safewell; Doug Thornton, Planning Board liaison; Stacia Donahue, Planning Board Member; Liz Allard, Land Use Administrator; Joan Eliyesil & Valeria Hurley, The Harvard Press; Jack Maloney, Dillis & Roy; Joe Pettirossi; Colleen Pearce, 44 Old Littleton Road; Kelsey Nickerson; Jane Thomsen, 23 Lovers Lane.

Ms. Levison called the meeting to order at 7:00 p.m.

Ms. Flynn read aloud the remote meeting preamble.

Ms. Levison suggested the BOH meet again on 8/31/21 to discussed items not covered at tonight’s meeting; the Members agreed.

PUBLIC COMMENT- None.

NEW BUSINESS

a. Safewell: Request for extension of expired consideration as an approved private well sampler in anticipation of home sales- Mr. Grossman advised that sample results have not been submitted to the BOH in a timely manner and that Safewell continued to sample after approval expired. Mr. Grossman recommended that an approval be extended only if the BOH conditions the approval on submittal of the reports to the BOH in a timely manner. Mr. Gaffney expressed concern that Safewell does not have the authority to file reports with the BOH without the client’s permission. Mr. Mitchell suggested the BOH consider amending the Private Wells regulation to specify that approved samplers are required to submit the reports to the BOH in a timely manner; Mr. Gaffney agreed that this would be helpful. Mr. Mitchell made a motion to extend a 3-month trial period for Safewell with the condition that reports of the results be submitted to the BOH within 2 weeks of receipt and at least 30 days prior to closing; Ms. McCarthy seconded. All were in favor by roll call vote. The BOH members agreed to consider revisions to the Private Wells regulation during the 3-month trial period.

b. Review Planning Board’s draft Erosion Control Bylaw- Ms. Donohue provided the BOH members with an overview of the draft erosion control bylaw to be considered at Fall Town Meeting. Ms. Donohue and Ms. Allard explained that septic system installations could fall under the erosion control bylaw depending on the size of the project, and described the inclusions and exemptions. Ms. Levison provided clarification of her written comments. Ms. Donohue indicated that the Planning Board will look for the BOH’s endorsement or support of the final version.

c. 44 Old Littleton Road: Consider Local Upgrade Approval requests- Mr. Maloney presented the homeowners’ application for resubmittal of a nearly identical plan which was permitted in 2017. He noted the only changes have been to included updated dates for the Presby

approvals. Mr. Maloney stated that the homeowners' indicated the need for the resubmittal was because "life got away from them" but that they are committed to having the project completed at this time. Mr. Grossman expressed concern that the purpose of allowing a Local Upgrade Approval, specifically the requested sieve analysis versus a perc test, is to allow for a quick repair. Where the homeowners have already failed to perform the upgrade since 2017, he indicated, he is hesitant to recommend another approval without a tight time limit. Ms. McCarthy made a motion to approve the Local Upgrade Request for 44 Old Littleton Road conditioned on receipt of a signed contract with the installer by Nov. 15th; Mr. Mitchell seconded. All were in favor by roll call vote. Ms. Levison asked that the property owners reach out to the BOH if a contract will not be signed by November 14th.

d. 4 Bolton Road: Consider Local Upgrade Approval requests- Mr. Maloney presented the Local Upgrade Approval requests for this property. Mr. Grossman indicated he has no concerns with the requests. Mr. Mitchell made the motion to accept the requests as presented; Ms. McCarthy seconded. All were in favor by roll call vote.

e. Identify top three action items (priorities/challenges) to be addressed with FY2023 budget- Mr. Mitchell made a motion to pass over this item; Ms. McCarthy seconded. All were in favor by roll call vote. Ms. McCarthy noted her disappointment that public health was not included in the Select Board goals.

f. Report from Devens Restoration Advisory Board (RAB) Meeting- Ms. Levison and Mr. Mitchell reported that the consultants explained that Phase I: Exploration is complete, and Phase II: Nature & Extent, will begin in next year. Ms. Levison noted that the next meeting will be in November. She also reported that she advised RAB notices should be published in The Harvard Press, as the paper of record.

g. Report from Land Use Boards (LUB) Meetings- Mr. Grossman reported that the ZBA provided notice to the 40B developers that occupancy permits will not be issued until they have met all the requirements of the Town boards/departments.

h. School Committee request for recurrent updating of COVID-19 vaccination data- The BOH Members discussed the request of the School Board for weekly recalculations. Ms. Levison advised the School Board that she does not think such recurrent calculations could be used in a meaningful way.

i. Update on local mask and proof of vaccination status mandates- The BOH Members considered COA Director, Debbie Thompson's, questions regarding requiring vaccination on COA trips and for attendance at COA events. Ms. McCarthy volunteered to provide Ms. Thompson with a self-attestation form and sample language encouraging unvaccinated residents to stay home and healthy or seek assistance in obtaining vaccination. Ms. Levison volunteered to provide Ms. Sobalvarro with a recommendation that all Harvard residents and those visiting Harvard should follow the CDC and DPH recommendation to wear mask indoors, and to wear masks outdoors when social distancing cannot be maintained.

j. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy reported on updates from the recent DPH calls including that Pfizer has received full FDA approval for those 16 years and older, and that studies have found the unvaccinated are 30 times more likely to be hospitalized, and 4 times more likely to die. Ms. McCarthy also reported that the CTC has restaffed and that Dr. Brown warned that the data for breakthrough is skewed.

k. Clerk and Health Agent Update

- Ms. Flynn requested approval of the invoice from Alpha Graphics in the amount of \$190 for the “No Swimming” and “No Contact” signs. Mr. Mitchell made the motion to approve; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. Flynn requested approval of the invoice from Aquatic Analysts in the amount of \$205.00 for analysis of the sample taken on August 3, 2021. Mr. Mitchell made the motion to approve the invoice; Ms. McCarthy seconded. All were in favor by roll call vote.
- Ms. Flynn requested approval of reimbursement to Mr. Grossman in the amount of \$38.95 for monies paid to the USPS for shipping of the 8/3/21 sample to Aquatic Analysts. Ms. Levison made the motion to approve; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn requested approval of her own reimbursement in the amount of \$27.55 for monies paid to the USPS for shipping of the 8/24/21 sample to the Rhode Island Department of Public Health. Ms. Levison made the motion to approve; Mr. Mitchell seconded. All were in favor by roll call vote.
- Ms. Flynn requested approval to send an annual letter to Region 2 PHEP providing the voting authority to Mr. Grossman, Mr. Garreff, and Ms. Gendron. Ms. Levison approved.
- Mr. Grossman confirmed that the “No Swimming” signs are still posted at Bare Hill Pond.
- Mr. Grossman advised that he learned a septic installer recently performed a connection to a building sewer line without a permit. Upon follow-up he identified that the barn to which the building sewer connected did not receive a building or plumbing permit to expand to the barn. Mr. Grossman will follow-up further.
- Mr. Grossman and Ms. Levison confirmed they have not received a response to their requests for a meeting concerning heat/cooling station protocols.

OLD BUSINESS

a. 23 Lovers Lane: Continued condemnation hearing of 9/24/19- Ms. Thomsen reported that she is about 40% through her cleanup and continues to make progress, though not as quickly as she would like. The BOH asked that she keep them informed of status. Ms. McCarthy made a motion to continue the hearing until the December 14th meeting; Mr. Mitchell seconded. All were in favor by roll call vote.

b. Update re status of lobbying NABH for a sustainability expert shared among towns- Ms. Levison reported that she wrote to a Member of the Pepperell Board of Health.

c. Arbovirus risk status update and further discussion regarding denial of Application for Municipality Opt-Out of SRMCB Spraying- The members discussed that mosquito activity is increasing, but the risk of EEE and WNV for Harvard is still at low. Ms. Levison volunteered to revise the draft letter to Harvard’s legislative representatives regarding the opt-out application process for Mr. Mitchell’s comment.

d. Report from UMASS Extension “Tick Topics” webinar- Mr. Mitchell confirmed that he received the recording of the webinar and will provide a report at the next meeting.

e. Algal bloom update: Status, and further discussion regarding sampling procedures, draft

protocol, and purchasing of risk status signage- The members discussed the sampling results and BOH response to date. Ms. Levison stated that the Department of Public Health will only test Bare Hill Pond after visibility improves/bloom resolves. Ms. Flynn encouraged residents to sign up for BOH e-mails, as the BOH News & Announcements are only received by BOH e-subscribers. Ms. Levison stated that residents interested in receiving the lab analysis reports can e-mail the BOH for copies. Ms. Levison also advised that one consideration for the "No Swimming" order is that there is decreased visibility at the beach; Mr. Grossman confirmed that camps require at least 4 feet of visibility for safe swimming. The members considered Ms. Levison's draft notice for "No Contact" and agreed to its use in the event that a "No Contact" order needs to be put in place. The members agreed to review and revise the Algal Bloom protocols at a future meeting.

f. Continued discussion regarding preparation of best practices for water quality samplers of private wells- Mr. Mitchell agreed to revise the document and recirculate to all.

g. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Mr. Mitchell advised that he wrote DEP in follow-up to the BOH's questions about the obligations of homeowners participating in the Private Well PFAS testing program who result above the MCL. Ms. Flynn advised that the BOH received results of one additional property enrolled in the Program and forwarded the same to the Members. Mr. Mitchell also reported that he will attend a PFAS Coffee Hour of the Environmental Business Counsel on 9/20/21.

h. Continued update of Harvard 2021 EDS Plan- The BOH Members agreed to continue this discussion at another meeting.

i. Review Action Items- Ms. Levison volunteered to forward the MMA webinar on PFAS to the Water & Sewer Commissioners. Ms. Flynn advised that she has not yet forwarded the USACE postcards on unexploded army devices.

PERMITS

- 4 Bolton Road- Mr. Mitchell made the motion to approve the septic permit application as submitted; Ms. McCarthy seconded. All were in favor by roll call vote.
- 114 Still River Road- Mr. Grossman advised that the application is an updated plan for an upgrade. The Members reviewed the Local Upgrade Approval requests. Mr. Grossman confirmed he has no objection to issuance. Mr. Mitchell made a motion to approve the application as requested; Ms. McCarthy seconded. All were in favor by roll call vote.

MINUTES

The BOH members reviewed and revised the draft Minutes of July 27, 2021. Mr. Mitchell made the motion to accept the minutes as amended; Ms. McCarthy seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA- Items for the next agenda were discussed. Ms. Levison suggested Ms. Nickerson e-mail her any remaining questions regarding Bare Hill Pond. Mr. Mitchell advised that he will be unable to attend the meeting on September 14th.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn at 9:12 p.m.; Mr. Mitchell seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- Safewell PowerPoint presentation
- Proposed draft Erosion Control Bylaw
- 44 Old Littleton Road: Proposed SDS plan; Variance request letter; Local Upgrade Conditions Form
- E-mail from D. Thompson regarding vaccine mandates (8/24/21)
- Invoice from Alpha Graphics
- Invoice from Aquatic Analysts
- USPS receipts from A. Flynn and I. Grossman
- 23 Lovers Lane: Update of 8/23/21
- Draft “No Contact” advisory
- Draft Minutes of 7/27/21
- 4 Bolton Road: Septic permit application, Local Upgrade Conditions Form, Proposed SDS plan, Unsigned permit
- 114 Still River Road: Septic permit application, Local Upgrade Conditions Form, Variance Request Letter Proposed SDS plan, Unsigned permit