

**Harvard Board of Health
Meeting Minutes
Zoom Meeting
October 26, 2021
Approved: November 30, 2021**

Board of Health Members present: Libby Levison, Chair; Sharon McCarthy; Christopher 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 Wolfe, David E. Ross Associates; Austin Franklyn, 126 Poor Farm Road.

Ms. Levison called the meeting to order at 7:01 p.m. Ms. Flynn read aloud the remote meeting preamble.

PUBLIC COMMENT- None.

NEW BUSINESS

a. Initial discussion regarding FY23 budget submission requirements- Ms. Levison volunteered to draft the spreadsheet and narrative, and asked that the Board Members provide her with proposed activities that will need budgeting. Ms. McCarthy suggested that more cell count analysis will be needed early in the season to better understand the correlation between the fluorometer findings and cell counts when under 70,000 cells per mL. The Members agreed to include funding for at least 3 samples for cell count analysis early in the season, and more microcystin analysis in the fall.

b. Discussion installation of the dial sign at the Town Beach- The Members agreed to hold off on installation of the dial sign until the Spring. Ms. Levison will speak to the Harbor Master about the possibility of placing the sign behind the glass doors of the kiosk to prevent tampering with the dial.

c. Consider amendments to the tobacco sales regulation to include distance requirements from schools and places where children gather- Ms. Levison indicated that the current tobacco sales regulation does not prevent a retail establishment from locations near where children congregate. She suggested an amendment consistent with the marijuana establishment regulation which prevents retail sales locations within 500 feet of such locations. Ms. Levison confirmed that this amendment would not affect the currently permitted tobacco sales establishment. The Board Members agreed on proposed language. Ms. McCarthy made the motion to accept the changes as proposed; Mr. Mitchell seconded. All were in favor by roll call vote.

d. Prepare townwide mailing regarding trash hauler regulations- The BOH Members considered the draft text. Ms. Levison will continue to revise the wording before sending it to student graphic designer, Lena Aloise, to request her assistance. The Members agreed that the mailing should go out in January or February, but Ms. Levison will get the draft to Ms. Aloise as soon as it is ready.

e. Consider communications for stable permit applications- The BOH Members considered draft text for a stable permit insert, updated from the prior year. Ms. McCarthy reminded the BOH that the Select Board did not approve the insert in the prior year. Mr. Grossman advised that it is the BOH's obligation to remind stable owners of their responsibility to apply for an annual permit, but

does not think it is worth Ms. Flynn's time to chase down those who are noncompliant; the BOH Members agreed. Ms. Levison will reach out to Mr. Sklar for support of the BOH's request for approval. Mr. Grossman will remind Mr. Bragan that a fee cannot be charged without Town vote. Ms. Flynn will contact Ms. Ames to confirm that postage on the tax bills is not expected to increase with inclusion of the BOH's insert.

f. Discuss planning for winter emergency preparedness- Mr. Grossman advised that he contacted the Fire Chief, but has not yet heard back.

g. Update from the ad hoc committee supporting the Police Chief Selection Committee- Ms. McCarthy advised that the meeting was well attended, and included Marie Sobalvarro, Scott Hayward, Davida Bagatelle, Deb Thompson, and others. She reported that the group discussed how a rubric should include a description of desired characteristics and how a score should be assigned. Ms. McCarthy said that the Police Department has not performed a strengths and weaknesses assessment to identify the strengths needed in a new Chief to offset the weaknesses of the Department. She also reported that they received 15 applicants, all male, and the search is complete. Ms. McCarthy stated that Ms. Sobalvarro will revise the draft rubric and circulate it to the group for comment in short turnaround. Ms. McCarthy noted that she does not believe that the group will meet again and was discouraged that the rubric was not considered before the search was opened.

h. Discuss current COVID-19 status- Ms. Levison provided the data from the weekly update provided by Jim Garreffo, including that there are fewer than 5 current COVID cases in Harvard. Ms. McCarthy advised that Dr. Dwight surveyed parents and received responses suggesting that parents of ~300 children would be interested in a vaccination clinic. Ms. McCarthy received a response from Acton Pharmacy which advised it could assist with a vaccination clinic in December.

Ms. Levison indicated that she contacted Mike Coughlin at DPH in response to inquiries about booster shots she received from residents who were vaccinated at Hildreth House. She reported that he said there is emphasis on PCP and pharmacy distributions at this time, but that the homebound vaccination program would also be available for boosters. Mr. Grossman stated that Mr. Garreffo has not ruled out holding booster clinics for NABH communities. Mr. Mitchell stated that the ambulance service has been contacted to provide support for a 1st responder booster clinic to be held at Clear Path on Devens.

i. Update from recent DPH COVID-19 Conference Calls- Ms. McCarthy reported that Governor Baker has extended the mask mandate in schools until Jan. 15th. She also advised that the Advisory Committee on Immunization Practices is expected to meet November 2nd and 3rd to review the trials on the pediatric vaccine for ages 5-11. Ms. McCarthy stated that there are 99 known variants of the Delta variant, but none to date have supplanted the original Delta variant. Ms. McCarthy also advised that MA has the 2nd lowest COVID incident rate, and the 2nd highest vaccination rate, exclusive of Puerto Rico.

j. Clerk and Health Agent Update, including but not limited to:

- Ms. Flynn requested consideration of approval of AlphaGraphics Invoice No. 4080 in the amount of \$444.98 for production of the Town Beach dial sign. Mr. Mitchell made motion to approve; Ms. McCarthy seconded. All were in favor.
- Ms. Levison advised that Ms. Eliyesil, of The Harvard Press, e-mailed Board Chairs to see whether they plan to move to hybrid meetings. Ms. Levison reported that she contacted Ms. Sobalvarro and Mr. Bragan in follow-up and learned that Harvard Cable TV is available to train Boards who are interested in running hybrid meetings. Ms. Levison stated that she

would like to return to in person meetings at some point. Ms. McCarthy stated that she prefers to stay home. Mr. Mitchell stated that he is not in favor of in-person meetings while the mask mandate is in effect.

OLD BUSINESS

a. 126 Poor Farm Road: Continued discussion regarding room count and septic tank size- Mr. Wolfe advised that he measured the septic tank and found that it is a round, concrete 1,000 gallon tank. Mr. Wolfe thanked the Board for agreeing to take up the issue of the sewer line installation without a permit with the installer. Mr. Wolfe stated that the rooms included in the “barn” were designed for a very unique situation for work practices and to meet the demands of work contracts, and asked that the BOH consider approving the 3-bedroom deed restriction. Mr. Grossman confirmed that he has no concerns with Mr. Wolfe’s calculations on the tank size, and that 1,000 gallon tank was standard for a 3-bedroom home at that time. Mr. Grossman advised that while septic tanks can get old and crumbling, inspection from the two man holes seemed to show that the tank was sound, stable and secure. Mr. Wolfe indicated that the system received a passing inspection report from RM Ratta, and agreed to provide a copy to the BOH. Mr. Grossman stated that he does not believe the building is a “barn”, and considers it an office building based on its current and potential use. He indicated that the building is completely finished, heated, and has a bathroom. Mr. Grossman stated it exceeds what the BOH should consider for approval of a deed restriction. He advised that Title 5 allows for a home office, but this should not be considered a home office. He further stated that an office building requires additional flow and a minimum of a 1,500 gallon tank. Mr. Franklyn stated that Title 5 does not specify that a “home office” needs to be attached to the home, and that there have been very few modifications from the Town-issued building permit. Mr. Wolfe confirmed that Mr. Franklyn has no employees, and only occasional meetings on site. Mr. Mitchell stated that he would like clarification from the Building Department of whether it’s an office building or a home office. Mr. Grossman advised that the requested new building application has yet to be submitted. He further advised that the BOH has the authority to say that the current building is not protective of public health with its current use and septic system designed in 1965, without soil evaluations and findings above the high groundwater table. Mr. Mitchell noted that he understands the concerns of the sequencing and potential misuse of the building, but doesn’t agree that there is a guaranteed impact on the system currently. The BOH Members agreed that the Title 5 Inspection Report and determination by the Building Inspector/Zoning Enforcement Officer that it is a home office or office building is needed before a vote can be taken.

b. Update regarding request for COVID-19 supply purchase with CARES Act Funds- Ms. Levison advised that if expenses are incurred above what was requested, it will come out of the BOH budget. Ms. Levison further reported that she is working with Jenna Montgomery at NABH on a townwide mailing regarding contact tracing. Ms. Flynn screen-shared the draft; Ms. McCarthy and Mr. Mitchell stated their approval. The Members agreed to prepare five ads for the Harvard Press. Ms. Flynn will contact The Press to confirm the same. Ms. Levison will prepare an ad on how to request a replacement vaccination card, Ms. McCarthy will prepare ads encouraging booster and pediatric vaccines, and Mr. Mitchell will prepare ads regarding holiday precautions and the use of masks.

c. Prepare plan for public outreach- This item was tabled. Ms. McCarthy and Mr. Mitchell agreed to send their preferences before the next meeting.

d. Update regarding BOH Administrative Assistant job description- Ms. Flynn reported that she sent the requested revisions to Ms. Sobalvarro with a request to be included on the Personnel

Board agenda. Ms. Levison will follow-up with Mr. Sklar regarding the request for additional hours.

e. Update re status of lobbying NABH for a sustainability expert shared among towns- Ms. Levison reported that turnout at Recycle Your Reusables was smaller than other years but successful. She indicated that she was told Ms. McCarthy should contact the Littleton sustainability representative; Ms. Levison will arrange for an introduction.

f. Arbovirus risk status update and further discussion regarding denial of Application for Municipality Opt-Out of SRMCB Spraying- Ms. Levison stated that there was one additional case of West Nile Virus in Middlesex County last week. She will work on a draft letter regarding the opt-out denial in preparation for the next meeting.

g. Report from UMASS Extension "Tick Topics" webinar- Mr. Mitchell stated he does not believe he has the right videos. Ms. Flynn will follow-up with UMASS.

h. PFAS update, including but not limited to continued discussion re MassDEP Private Well PFAS testing program- Mr. Mitchell reported that he has not connected with Ms. Pigsley and will follow-up. He further indicated that other states, such as Wisconsin and Minnesota, are approaching PFAS in private wells differently, and feels the requirements of MA are untenable. Ms. Flynn advised that the property owner for 25 Mill Road will be returning for discussion at the next meeting. Ms. McCarthy suggested that recent articles included in the MA Drinking Water newsletter be included on the BOH PFAS webpage. The BOH Members agreed to evaluate the Press Release of the EPA for its inclusion at the next meeting.

j. Review Action Items- This discussion was tabled.

PERMITS

- 237 Littleton County Road- The BOH considered a permit application for replacement of an existing sewer line. Mr. Mitchell made a motion to approve the application; Ms. McCarthy seconded. All were in favor by roll call vote.

MINUTES

The Members reviewed and revised the draft Minutes of 9/28/21. Ms. Levison made the motion to approve as amended; Mr. Mitchell seconded. All were in favor by roll call vote.

The Members reviewed and revised the draft Minutes of 10/12/21. Mr. Mitchell made the motion to approve as amended; Ms. McCarthy seconded. All were in favor by roll call vote.

ITEMS FOR NEXT AGENDA- Items for the next agenda were discussed.

ADJOURNMENT- Mr. Mitchell made the motion to adjourn the meeting at 9:04 p.m.; Ms. McCarthy seconded. All were in favor by roll call vote.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- 126 Poor Farm Road: “Barn” building plans & summary letter of 10/20/21
- Proposed revisions to the Tobacco Sales regulation
- Draft town-wide mailing regarding contact tracing
- Draft stable permit insert
- Draft waste hauler mailing text
- MDPH poster “Answer the Call”
- Draft minutes of 9/28/21
- Draft minutes of 10/12/21