

Harvard Board of Health Meeting Minutes
Town Hall, Volunteer Meeting Room
Tuesday, June 25, 2019
Approved: July 9, 2019

Board of Health Members present: Sharon McCarthy; Tom Philippou, Deputized Chair.

Attending: Alison Flynn, Board of Health (“BOH”) Clerk; Derek Skillings, Skillings & Sons, Inc.; Ed O’Rourke, 40 Bolton Road; Bill Medeiros, 2A Trail Ridge Way; Robert Hirsch, RDJ Realty; Jim Kinney, 36 Bolton Rd.; Theresa Hoggins, 99 Ann Lee Road; Lisa Engler, 3 Babbit Lane; Joan Eliyesil, Harvard Press.

Mr. Philippou called the meeting to order at 7:00 p.m.

PUBLIC COMMENT- None.

NEW BUSINESS

a. 40 Bolton Road: Closed-Loop geothermal borehole variance request hearing- Mr. Skillings and Mr. O’Rourke were present to request a variance for two geothermal boreholes within 100 feet to the property’s water well. Mr. O’Rourke and Mr. Skillings reiterated the justifications for the variance, explained by Mr. O’Rourke at a prior BOH meeting. A direct abutter, Mr. Kinney, asked Mr. Skillings whether the presence of the geothermal well could impact his own water supply. Mr. Skillings provided reassurance that the circulation of the water within the pipe will not affect his well, and that Skillings has installed approximately 20 closed loop geothermal wells in Harvard. Mr. Philippou provided a brief description of how closed-loop geothermal wells operate, and both members explained how the setback regulation evolved without specifically considering geothermal wells. Mr. Kinney also expressed concern about the noise while drilling; Mr. Skillings indicated it would be loud for about a day, and agreed to not start drilling until 8 a.m.

Ms. McCarthy made the motion to accept the variances requested for geothermal wells at 40 Bolton Road; Mr. Philippou seconded. No further discussion was necessary. All were in favor.

b. Hearing considering *Regulation Prohibiting Smoking in Workplaces and Public Spaces*- Ms. Hoggins, Mr. Medeiros, and Ms. Engler, expressed their support for the draft regulation, and their concern over the high percentage of adolescent and young adults vaping in Harvard. Ms. Hoggins asked if it was possible to include the Prospect Hill Road “overlook” in the list of public spaces where smoking is banned; the BOH members agreed to investigate how this might be accomplished.

Ms. McCarthy made the motion to adopt the regulation, allowing for investigation of whether Prospect Hill Road “overlook” can be included in the list of public spaces where smoking is banned; Mr. Philippou seconded. Ms. McCarthy amended her motion to indicate the regulation would be effective 90 days from today. All were in favor.

c. Consider revisions to *Article III: Private Wells*- Mr. Philippou made the motion to table this discussion; Ms. McCarthy seconded. All were in favor.

d. 285 Ayer Road: Compliance with request for Consumer Confidence Report- Mr. Hirsch provided the BOH members with the 2018 Drinking Water Quality Report. Ms. Flynn indicated that she believed the Consumer Confidence Report that the Board of Health requested was a much longer document, and agreed to send Mr. Hirsch the template from the MA DEP website. The BOH members asked that Ms. Flynn and Mr. Grossman follow-up with Mr. Hirsch's Operator, Dave Papale. Mr. Hirsch stated that he has concerns that testing for PFAS will open Pandora's Box; that he has been told that if the US Army installs a remediation system, it will only claim maintenance responsibility for 1 year, and the property owner will be saddled with a system of unknown durability and upkeep cost. He would like the Town's support against requiring testing of his system. The BOH members explained that until the PFAS standard is lowered in MA, the State and Town do not have a lot of negotiating power with the Army. Mr. Hirsch also reported the progress of his investigation into arsenic remediation, and expressed concern that arsenic remediation may interact with PFAS remediation, if present. Mr. Philippou suggested Mr. Hirsch speak with the Water Commissioner in Ayer about his concerns regarding PFAS remediation; Ms. McCarthy supported this idea. Mr. Hirsch will also meet with Mr. Grossman to discuss his arsenic remediation options.

e. Clerk Update

- Ms. Flynn reported that her laptop is at the Region 2 PHEP offices in Worcester. Mr. Philippou agreed to pick it up.
- Ms. Flynn asked for approval for payment of Harvard Press invoices for the summary of the long line sewer and well regulations, and the legal notice for today's hearings. Mr. Philippou made the motion to approve payment; Ms. McCarthy seconded. All were in favor.
- Ms. Flynn asked for approval of payment of an invoice from Minuteman Nursing Services. Mr. Philippou made the motion to approve payment; Ms. McCarthy seconded. All were in favor.

OLD BUSINESS

a. Review draft letter to our State Reps asking to restrict the online sales of e-cigarette and vape supplies- The members reviewed Ms. McCarthy's draft letter to Representative Benson and provided background on the origin of the letter to those present. Ms. McCarthy offered to revise the letter and asked Ms. Flynn to circulate the same to the members, as well as Ms. Hoggins, Ms. Engler, and Mr. Medeiros, for comment prior to the next meeting.

b. Discuss PFAS forum and results of retesting of wells- Ms. Flynn advised she has not received any substantive response from KGS regarding the BOH's request for additional testing of private wells.

c. Update from Deer Management Committee outreach meetings (6/13, 6/20)- Mr. Philippou reported on his attendance at Sam Telford's talk, including that Mr. Telford's research indicates that lowering the deer population to 8-10 per acre is effective in reducing transmission of tick borne-diseases, that painting deer with permethrin is somewhat effective, and that his studies confirmed white footed mice are the primary reservoir, and that research is being done regarding genetic modification of white footed mice to produce immunity to Lyme.

d. Review of current budget- The BOH reviewed the status of the FY2019 and considered necessary purchases prior to the end of the fiscal year. Ms. McCarthy made the motion to purchase a sandwich board as quoted by J&S Business Products if there are sufficient funds

remaining after previously agreed upon supplies are purchased; Mr. Philippou seconded. All were in favor.

e. Update from the Transfer Station Committee – Mr. Philippou reported on recent Transfer Station Committee (“TSC”) events including that 1,150 Transfer Station stickers have been sold to date, with approximately 50% of individuals purchasing a second sticker for another vehicle belonging to the household, and that the Select Board voted to eliminate picking from the metal pile causing voiced discontent from several residents. Mr. Philippou indicated that he has best attempted to respond to the upset on Next Door Harvard, and several residents attended today’s TSC meeting to further discuss the issue. Mr. Philippou further reported that the TSC will support an effort to request the Select Board re-establish the allowance of picking through the metal pile, as the continued goal of the TSC is to increase recycling.

f. Update from the MVP Committee- Ms. McCarthy reported that the final MVP report was sent to the State, and the Committee expects to break for the summer, reconstituting in the fall to pursue grants.

g. Continued review of draft marijuana sales regulation- Mr. Philippou indicated that he has revised the draft marijuana sales regulation, and put in two more calls to Cheryl Sbarra at Massachusetts Association of Health Boards without call back. He also noted that he was unable to find reference to “adult-use of marijuana” in his search of existing Massachusetts marijuana sales regulations. He suggested that the discussion be tabled to the next meeting.

h. Review Action Items- Action items from the last meeting were not reviewed.

PERMITS

Septic permits were issued for each of the following:

- 50 Bolton Road- Local Upgrade Approval- the permit application package was reviewed by the members. As a variance request letter was not found, the members agreed that the permit may be issued in the event that Mr. Grossman does not object to the request for variances. The permit was signed by the members pending Mr. Grossman’s determination.

APPROVAL OF MINUTES- Mr. Philippou made the motion to approve the minutes of May 28, 2019, as amended. Ms. McCarthy seconded. All were in favor. The members agreed to table the review of the minutes of June 11, 2019 for the next meeting.

ITEMS FOR THE NEXT AGENDA- The members briefly discussed items for the next agenda.

ADJOURNMENT- Mr. Philippou moved to adjourn the meeting at 8:32 p.m.; Ms. McCarthy seconded. The vote was unanimous.

Respectfully submitted,

Alison Flynn, Clerk

Documents Referenced:

- Agenda
- “Streets” file for 40 Bolton Road
- Draft *Regulation Prohibiting Smoking in Workplaces and Public Spaces*
- Draft letter to Senator Benson
- Permit application package for 50 Bolton Road
- Invoices from the Harvard Press and Minuteman Nursing Services