

**Harvard Board of Health Meeting Minutes**  
**Town Hall, Volunteer Meeting Room**  
**Tuesday, February 25, 2020**  
**Approved: March 10, 2020**

*Board of Health Members present:* Libby Levison (via Skype); Tom Philippou, Chair.

*Attending:* Alison Flynn, Board of Health (“BOH”) Clerk; Ira Grossman, Health Agent, Nashoba Associated Boards of Health; Sean and Diandra Bilodeau, 134 Old Littleton Road.

Mr. Philippou called the meeting to order at 6:03 p.m.

**PUBLIC COMMENT-** None.

**NEW BUSINESS**

a. Consider FinCom suggestion of increase in Trash Hauler permit fees to fund Environmental Enforcement Coordinator (“EEC”) position, and discussion regarding FinCom reduction decisions of 2/19/20- The BOH members discussed the FinCom reduction decisions, including the decision not to fund the EEC position. The members reviewed the trash hauler permit fees in eight other Central Massachusetts towns, and agreed that in order for the EEC position to be funded the Harvard fees would have to be raised significantly so that Harvard would no longer be in-line with other Central Massachusetts towns. Further, the members discussed that an increase in trash hauler fees would not provide additional funds until the end of the calendar year, too late for the grant commitment. Ms. Flynn read aloud the comments of Ms. McCarthy, who was unable to attend the meeting. Ms. Levison noted that while the EEC would earn Harvard additional RDP points, the dollar equivalent was not defined. The BOH members asked Ms. Flynn to communicate to Mr. Bragan that to raise fees enough to cover the position would put Harvard’s fees out-of-line with other local communities and would not provide the funds needed within the required time frame. Ms. Levison offered to advise Ms. Congdon that the grant match for the EEC position was not funded.

b. Review BOH Master schedule- The BOH members agreed to review and adjust the Board of Health Year-At-A-Glance schedule at the next meeting when Ms. McCarthy is present.

c. Review final draft of Residential & Commercial Permitting Guidebook- Ms. Levison made a motion to postpone the discussion to the next meeting when Ms. McCarthy is present; Mr. Philippou seconded. All were in favor.

d. Report re attendance at Shirley’s Emergency Dispensing Site drill (2/20/20)- Mr. Grossman and Ms. Flynn reported on their attendance at the Emergency Dispensing Site (“EDS”) drill in Shirley. Ms. Flynn and Mr. Grossman will review the EDS supplies to determine what supplies have expired or deteriorated to prepare a list of needed supplies in the event that emergency preparedness funding is available related to COVID-19. Ms. Levison advised she received an e-mail from Ms. Von Loesecke requesting guidance for the Select Board regarding questions that may arise at their meeting regarding COVID-19. Mr. Philippou indicated he will e-mail Ms. Von Loesecke suggesting residents who are concerned that they might have been exposed

should self-quarantine, contact their health care provider, and review the information on the CDC and DPH websites, linked on the BOH site.

e. 134 Old Littleton Road: Well variance request (7:05 pm)- Mr. and Ms. Bilodeau presented a well variance request for a reduction in the required offset from a foundation to a private well. They explained their proposed addition would require a foundation 6.9 feet from their existing well, and a Farmer's Porch on sonotubes that would allow 3 feet from the existing well. The Bilodeaus presented the BOH with a letter from their well contractor which stated a 2 foot offset would be needed to make repairs on the well. Mr. Grossman stated he has no objections to allowing the requested variance, and confirmed with Ms. Bilodeau that the direct abutters were notified of the hearing. Ms. Flynn confirmed that she checked the return receipts for the abutters' notices against the certified abutters' list provided to Ms. Bilodeau. Ms. Levison made a motion to approve a variance allowing a 6.9 offset from the proposed foundation, and a 3 foot offset from the proposed porch supported by sonotubes, to the existing well as requested in Ms. Bilodeau's variance request letter and proposed plan received by the BOH on February 3rd; Mr. Philippou seconded. No further discussion was needed. All were in favor.

f. Clerk and Health Agent Update-

- Ms. Flynn reminded the BOH that an "All Boards Meeting" is scheduled for Saturday, at February 29<sup>th</sup> at 9 a.m. As no BOH member is available to attend, she will send their regrets and will follow-up to see if the meeting will be videotaped.
- Ms. Flynn asked the members to consider executing a two-bedroom deed restriction for 81 Whitney Road. Mr. Grossman advised that an upgrade to the septic system was installed but a Certificate of Compliance was never obtained due to pending items, including the recording of a bedroom deed restriction and keeping an I/A maintenance contract current. Ms. Levison made a motion to endorse the bedroom deed restriction; Mr. Philippou seconded. All were in favor. Mr. Philippou executed the restriction on behalf of the BOH.
- Ms. Flynn advised the BOH received the Nashua River Watershed Association 2019 Annual Report if the members would like to review the same.
- Ms. Flynn asked the BOH members to consider an invoice dated 2/11/20 from The Harvard Press in the amount of \$108.00 for the printing of the summary for new marijuana establishment & amended fees regulations. Ms. Levison made a motion to approve the invoice for payment; Mr. Philippou seconded. All were in favor.
- Ms. Flynn asked the BOH members to consider an invoice dated 2/20/20 from The Harvard Press in the amount of \$216.00 for printing of the summary of new smoking in public spaces, amended private wells, and amended tobacco sales regulations, and a legal notice of the hearing for the marijuana establishment regulation. Ms. Levison made a motion to approve the invoice for payment; Mr. Philippou seconded. All were in favor.
- Mr. Grossman provided an update as to the status of Mr. Deane's application to expand the leaching field in the back septic system at 325 Ayer Road.

## **OLD BUSINESS**

a. Continued discussion re guest speakers for 2020- Ms. Levison made a motion to continue this discussion to the next meeting when Ms. McCarthy will be present.

b. Continued discussion re 2020 stable permit season & addressing non-compliance- Ms. Levison reported that she e-mailed Agricultural Advisory Committee Chair, Kerri Green, but has not yet heard back. Ms. Levison indicated that she is reluctant to implement a fee or fine on noncompliant stable owners as she feels the BOH cannot enforce compliance equally. Mr. Philippou expressed his interest in establishing a regulation, and suggested that it would be reasonable to follow-up once with stable owners who have not applied for a permit before issuing a fine. Mr. Philippou will work on preparing a draft for the BOH's review; Ms. Flynn will send him the Massachusetts Association of Health Boards sample regulation, as well as one or two other local regulations she is able to locate online.

c. Additional updates re PFAS testing in Harvard and consideration of the Army's comments on the BOH draft letter to residents nonresponsive to the offer for testing- The BOH members agreed with the Army's suggested revisions to the draft letter and considered the Army's proposal to limit the recipient list to residents whose streets have had more positive results. Ms. Levison stated she agrees with the proposed list of recipients but would also like to include any Cedar Ledge Road residents who have not had their wells sampled; t; Mr. Grossman and Mr. Philippou agreed. Ms. Levison made the motion to accept the draft as amended, authorizing Ms. Flynn to finalize and sign the letters to the Army's suggested recipient list and any Cedar Ledge Road residents who have not had their private wells sampled; Mr. Philippou seconded. All were in favor. Ms. Flynn will communicate the decisions to Ms. Reddy of the US Army Corps. of Engineers.

d. Update regarding request for sharing of RDP points- Mr. Philippou stated that there is no update to provide on this issue.

e. 200 Ayer Road: Continued discussion re A Joyful Adult Healthcare Center, Food Service Application- Mr. Grossman advised that he endorsed the Building Permit, and a Food Service Permit will be issued once the kitchen has been compliantly installed and inspected.

f. Update from the Transfer Station Committee- Mr. Philippou advised that it has been confirmed that Bolton Orchards is not currently vending bags due to credit card overhead and customer inconvenience... The Transfer Station Committee will look in to whether vendors can be reimbursed for the overhead cost of credit card fees.

i. Review Action Items- Action items from the last meeting were reviewed.

## **PERMITS**

- Trash haulers- Ms. Flynn asked the BOH members to consider whether Chapter 145 Section 39.6 Enforcement; appeals; severability, of the Code of the Town of Harvard applies to the four haulers who have not yet renewed their permits. The BOH members agreed that as they have let their permits lapse, they can no longer be considered "permitted haulers" and afforded the right to a hearing. Ms. Flynn will write each requesting complete application packages by March 24<sup>th</sup> or Cease and Desist orders will be issued and the Police advised. The letters will be sent via certified mail if Ms. Flynn has contacted each on two prior occasions.

## **MINUTES**

The BOH members reviewed and amended the draft minutes of February 11, 2020. Ms. Levison made the motion to approve the minutes as amended; Mr. Philippou seconded. All were in favor.

**ITEMS FOR NEXT AGENDA-** Items for the next agenda were discussed. Ms. Levison requested the meeting of March 10<sup>th</sup> be held at 7 p.m. instead of 2 p.m. due a conflict in her work schedule. Mr. Philippou agreed. Ms. Flynn will reach out to Ms. McCarthy to confirm her availability.

**ADJOURNMENT-** Ms. Levison made a motion to adjourn at 7:15 p.m.; Mr. Philippou seconded. All were in favor.

Respectfully submitted,

Alison Flynn  
Clerk

### Referenced Documents:

- Agenda
- Draft minutes of 2/11/20
- Bedroom deed restriction for 81 Whitney Road
- Variance request letter and proposed plan for 134 Old Littleton Road
- Invoices dated 2/11/20 and 2/20/20 from The Harvard Press
- Draft letter to residents regarding PFAS testing