

DATE 5/1/87*Barbara Brown*  
TOWN CLERK, ACTONACTON BOARD OF HEALTH  
MINUTES OF MEETING  
MARCH 24, 1987

The meeting opened at 7:45 p.m. Board members present were Daniel Costello, Chairman, Charlotte Sagoff, Richard Stephens, and Associate Member Richard Oakely. Staff present were Marion Donahue and Carol Holley.

Mr. Stephens moved that the minutes of the meeting of March 10, 1987 be accepted as corrected. Mrs. Sagoff seconded. All in favor. Mr. Stephens moved that the minutes of the meeting of March 17, 1987 be accepted. Mrs. Sagoff seconded. All voted in favor.

7:50 p.m. Request for variances, septic repair, 21 Grist Mill Road. The history of the overuse of this system was discussed and the plans were reviewed by the Board members. Mrs. Rubow, property owner, gave some background. The Board members raised several questions for which there were no adequate answers at this time. Mr. Stephens moved to table the matter. Mrs. Sagoff seconded. Unanimous in favor of tabling, pending further data.

8:02 p.m. Acton Public Health Nursing Service, Professional Advisory Committee. Discussion on AIDS education, public awareness, and position regarding certain State legislation.

The discussion opened with Mrs. Sagoff asking the Professional Advisory Committee what they expected the Board of Health to do with the information submitted. Julia Stevens of the Nursing Service stated that the P.A.C. wished the Board to formulate policy statements regarding dissemination of information and to ask legislators to change the laws regarding follow-up to positive AIDS test results. Mr. Costello stated he was under the impression that there was to be a show on cable television with a video and subsequent discussion. Dr. Knights noted that the more ways in which the public can be educated, the more people will be reached. He stated copies of pamphlets could be made available to the public at pharmacies, offices of doctors, psychotherapists, counsellors, etc. He noted that Acton Medical provides speakers on public health issues for various meetings and other occasions. Mrs. Donahue noted that undertakers had expressed concern about AIDS to her.

Mr. Stephens noted that there were two issues, public education and pressuring the legislature. Dr. Knights noted that a third issue was whether or not to make testing available to the public. He noted that using one's primary care physician could help with contacting an infected individuals' sexual contacts, and described the releases and other paperwork necessary. Mrs. Sagoff noted that what Dr. Knights was requesting was that the Acton Public Health Nursing Service do testing and counselling for AIDS, at a cost. Dr. Knights stated that this was a matter of wanting the Town of Acton to get involved. Mrs. Sagoff asked Priscilla Greene of the Nursing Service if they had adequate staff to perform this task. Dr. Knights interjected that the worst case would be a long wait for people to get testing, just like the currently operating clinics. Mrs. Greene stated that the schools were doing some work on AIDS there, and the Nursing Service could concentrate on the general public. Mrs. Stevens stated that the PAC would like a broad policy statement supporting AIDS education from the Board of Health.

Mr. Stephens then moved that the Board of Health adopt the following resolution:

Because of the epidemic proportion and consequences of HIV III (AIDS) the Board of Health believes that it is extremely important that the residents of Acton have access to information which will allow them to become knowledgeable about this disease and how it is spread and out it can be prevented. The Board therefore endorses and encourages the Professional Advisory Committee of the Acton Public Health Nursing Service in the dissemination of this information.

Mrs. Sagoff seconded. All voted in favor of the above resolution.

Mr. Oakley then asked what was held in opposition to Chapter 241. Mr. Stephens noted that, after reading the Surgeon General's report, he felt this law should be supported. Dr. Knights then related a history of an individual that had deliberately infected several others because he was angry that he had contracted AIDS. Other diseases, Dr. Knights noted, must be reported. He noted that there could be situations in this community where one individual in a couple could be infected, and the other could not know. There are cases of bisexual husbands infecting their wives. This is a factual problem, and there is more than one such incident. Mr. Stephens asked about procedures regarding other venereal diseases. Dr. Knights noted that other diseases, when there is a positive test, require requesting a list of sexual contacts, and these further individuals are contacted by the physician's office and asked to be tested. Dr. Knights related the strictly enforced criteria regarding carriers of salmonella. He stated that it is very risky to go on the assumption that the AIDS problem will be solved.

The discussion turned to blood testing. Upon query by Mr. Costello, Mrs. Greene stated that the lab fees for AIDS testing were probably \$10-\$15 in terms of base costs. Per Dr. Knights, the cost to someone in the community for this test would be about \$35. At Emerson, the cost is \$55. Mr. Costello asked whether or not this could be a public service. It was noted that there is a laboratory expense, and an expense for counselling both before and after AIDS testing. Mr. Costello asked if APHNS had adequate staffing to do this blood sampling and counselling. Mrs. Greene estimated that at current staffing levels, the APHNS could handle about 10 tests per week. The questions of how to deal with large numbers of tests was discussed. Sliding scale fees, and whether or not a fee should be charged was discussed at length. Dr. Knights stated that it could encourage at-risk individuals to come in for testing if, after testing and assuming negative results, a card could be issued to said individual stating that, as of the date of the test, the individual was AIDS-free. The procedure of making appointments, and identifying samples by numbering rather than names, was noted as encouraging anonymity. Regarding the costs of testing and counselling, Dr. Knights expressed the opinion that some counselling costs could be cut by the use of literature instead of personal interviews in some instances. It was noted that the actual cost of counselling would be about \$25.00 per person tested. This gave a total of \$45.00 cost. Dr. Knights felt that it would be good to know just how many people in Acton do have aids, and noted that Littleton had experienced 6 AIDS-related deaths to date.

Mr. Stephens moved that the Acton Public Health Nursing Service be directed to establish an AIDS testing service at a cost of \$45.00 per patient, which may be waived as noted in accordance with our sliding fee policy. The testing will be done in accordance with Chapter 241 of the Laws of Massachusetts.

A great deal of discussion regarding fees followed, whether or not to charge for just testing, or just counselling, or to charge for both and allow the sliding fee scale to operate when necessary. Mrs. Sagoff made a motion to charge \$20, or whatever the cost of lab fees. This motion was seconded by Mr. Costello. Julia Stevens of the Nursing Service agreed with Mr. Stephens, while Mr. Costello noted that many of Acton's health promotion activities are not subject to a charge. Dr. Knights expressed the opinion that it was appropriate to charge the fee so long as it was made clear that one does not have to pay if it presents financial difficulties. Mrs. Greene noted that, at this point, a larger issue is being addressed because whether or not to charge for health promotion activities was being discussed. Upon query by Mr. Costello, Mr. Stephens stated that health promotion cost the Town of Acton about \$30,000 in 1986. Julia Stevens noted that AIDS testing is not like other health promotion activities because the drawing of blood, and the issue of confidentiality are involved. The counselling is the first step of treatment if the test is positive. Mr. Oakley asked what happened in the case of an indigent who tests positive and requests treatment. Dr. Knights noted that Medicaid was a possibility, but Nursing Service staff noted that Medicaid does not currently cover AIDS. Mr. Stephens then elected to revert to his original motion regarding a fee of \$45.00 for testing, with the sliding scale to be used when needed. Mrs. Sagoff seconded. All voted in favor of AIDS testing being provided by the APHNS, at a fee of \$45.00.

The discussion turned to Chapter 241. Mr. Stephens noted that the issue in this matter is the follow-up in case of positive test results. Dr. Knights stated that if the health care provider knows the test results are positive and does not inform a partner, he is knowingly allowing someone to be exposed and there should be some way in which the State has the ability to state that an individual is spreading the infection and has to stop. There are moral and legal problems here. Mr. Stephens asked if anyone had done this voluntarily. Dr. Knights noted that the patient provides the list of contacts. Dr. Knights stated that in some other areas of the country carriers of AIDS have been subject to Court restrictions. Julia Stevens noted that the Surgeon General's report was issued last fall, before AIDS was known to be a problem in the heterosexual population. The Gay Rights people were the moving force behind Chapter 241. Dr. Knights questioned whether or not this law would be passed today, given the spread of the epidemic into the heterosexual population. Mr. Oakley noted that personal civil rights were involved. Mrs. Sagoff noted that the other partner had civil rights, too. Mr. Costello asked if the PAC were going to proceed with their educational program. The PAC replied that they were. Leaflets could be ready for Town Meeting. Dr. Knights noted that they have been trying to find a mid-point in the literature between the State brochures and the gay rights brochures, and he handed out a draft of a pamphlet he had written. Mr. Costello asked that monies to be spent on AIDS education be discussed on Town Meeting floor.

Mr. Stephens moved that the Board of Health resolve to forward the following communication to State Representative Loring and State Senator Cellucci:

The potential spread to epidemic proportions of HIV-III (AIDS) virus is far too serious to hamper the conscientious efforts of Public Health officials in their attempts to contain the spread of this disease. We therefore urge that you repeal or amend ML Chapter 241 to allow contact investigation in a manner similar to the procedures used for other infectious diseases.

Mrs. Sagoff seconded this motion; all voted in favor.

9:01 Robert Jacques, candidate for Health Director. Interview between Board of Health and Mr. Jacques.

9:49 Brief break.

10:00 p.m. Dominic Batalido, candidate for Health Director. Interview between Board of Health and Mr. Batalido.

10:41 p.m. Mr. Stephens, after reviewing material submitted by Priscilla Greene, moved to direct Priscilla Greene to ask Simione and Simione to prepare an evaluation of Unique Cost Centers per Mrs. Greene's memo of March 17, 1987. Mrs. Sagoff seconded. All voted in favor.

10:44 p.m. Regarding revision of regulations for septic haulers, Mr. Costello wished pumping slips to be submitted on a weekly rather than monthly basis, stating the potential overload of paperwork with monthly submissions once the septic management program was underway. Mr. Stephens moved that Acton Board of Health Regulation 5-3.16 be amended to state "Persons collecting septic in Acton and Discharging out of Acton shall still be required to forward "Trip Tickets" to the Acton Board of Health for filing on a weekly basis. Failure to do so is subject to a \$25.00 fine and/or loss of license." Mrs. Sagoff seconded. All voted in favor.

Regarding a new regulation, Regulation 11-14.5.1, Mr. Stephens moved that the Board adopt said Regulation 11-14.5.1, to read:

Septage Haulers shall be licensed by the Board of Health. A fee set by the Board of Health shall be required for said license. Septage Hauler's license shall be valid for a period of one year, unless revoked for cause by the Board of Health, to run with the calendar year in accordance with 310 CMR 15.02(3) Septage Handler's Permit.

Mrs. Sagoff seconded, all voted in favor.

10:50 p.m. Regarding a repair at 7 Rose Court, Mr. Wirtanen noted that Mr. Ratta had been before the Board previously to discuss this repair. The variances requested were reviewed. It was noted that all three variances revolved around the same issue. Mr. Stephens moved to grant variances to 310 CMR 15:00, 15.03 Location (3) Deep Observation Holes and Acton Rules and Regulations 11-2 and 11-8.7. Mrs. Sagoff seconded. All voted in favor.

11:00 p.m. Mr. James Norton. Request for Variance from Acton Rules and Regulations regarding square footage leaching area and septic tank size in order to construct a fifth bedroom at 150 Strawberry Hill Road. Mr. Stephens moved to grant a variance for this property to allow leaching field of 960 square feet and two septic tanks in series rather than one 1250 gallon tank, subject to the system being pumped and inspected by a hauler licensed in the Town and a report submitted to the Board of Health, and subject also to the fact that these variances will expire upon sale of the property. Mrs. Sagoff seconded, all voted in favor.

11:02 p.m. The Board reviewed a memo from Marion Donahue regarding Redstone Condominiums. The draft Wastewater District Map was not mentioned. The Board decided to next meet on April 21, as Town Meeting is April 7 and Passover (and perhaps more Town Meeting) April 14.

11:06 p.m. Request for Variances, 21 Grist Mill Road. This request was moved off the table and discussed. Mr. Wirtanen, who had arrived at the meeting at about 10:00 p.m., discussed the need for these variances with the Board and noted the multiple problems with the site. He noted he had several conversations with Jack Dunphy, the design engineer, and upon query by Mr. Stephens estimated the cost of this repair to be \$18,000 - \$20,000. Mr. Stephens moved to grant 3 variances to 310 CMR 15:00 per Mr. Wirtanen's memorandum of March 20, 1987 and 4 variances to Acton Board of Health Rules and Regulations, Article 11, per same memorandum. Mrs. Sagoff seconded. All voted in favor.

11:37 p.m. Regarding a repair at 1 Ashwood Road and a request for multiple variances, the Board expressed concern with the small offset to groundwater. After a lengthy discussion regarding the problems with this site, Mr. Wirtanen stated he was not totally comfortable with the plans as submitted. Mr. Stephens moved to table this variance request. Mrs. Sagoff seconded. All in favor.

11:43 p.m. Mrs. Sagoff remarked that publication of notice regarding mosquito spraying was noted as inadequate, and requested that staff register her complaint with Dean Charter, Director of Municipal Properties. Mrs. Sagoff asked that the notice be made twice and with clearly described specifications as to how to register one's desire not to be sprayed.

11:45 p.m. Meeting adjourned.

Respectfully submitted,

Carol Holley  
Carol Holley, Sec'y

Signed and approved,

Daniel Fosteln  
Daniel Fosteln Chairman