



## **Acton Board of Health**

Special Meeting

Meeting Minutes

June 17, 2020

7:30 P.M.

**VIRTUAL PARTICIPANTS VIA ZOOM**

### **Present:**

**Virtual Members Present:** William McInnis -Chairman, Joanne Bissetta, Mark Conoby, and Dr. William Taylor

**Virtual Associate Members Present:** Dr. Thomas Jacoby and Dr. Rekha Singh voting for absent Michael Kreuze

**Virtual Staff Present:** Sheryl Ball-Health Director and Heather York-Nursing Director

**Virtual Present:** Steven Ventresca, Marie Alteri, Sovathya Sal, Andrea Ristine, Debby Andell, Peter Light, Kristin Alexander, Nicole Voss, Peg Mikkola, Emily Grandstaff-Rice, Peter Berry, Mary Brolin, Deb K., Diann Oster, Jason Cole, Chuck Adam, Jay Rodrigues, JD Head, Jeremiah Driscoll

### **1. Opening**

Chair - William McInnis opened the meeting at 7:31 P.M. A script was read that was provided by the Town stating why the meetings are virtual during this crisis.

### **2. Regular Business**

#### **Director Operational Updates –**

#### **Governor Baker Updates:**

The Governor's Office stated this week that they are encouraging all who participated in the protests to be tested for COVID-19 and have 50 sites where they can be tested at no charge. Massachusetts has tested over 700,000 residents.

#### **Health Division Update**

Ms. Ball stated that Acton has had 10 restaurants open with outdoor seating this past week. Ms. Ball also stated that staff is busy with the opening of camps and pools in phase 2 and ensuring that safety protocols are being met. Ms. Ball asked the Board if they would like to see any pools that have requested to be exempted from having a lifeguard. The Board stated that staff can approve these requests as long as they are in compliance with Article 6.



### **Next BOH Meetings**

Ms. Ball stated that a new meeting schedule will be forthcoming. Due to COVID-19, weekly meetings are being booked on either Monday or Wednesday.

### **Nursing Director Update:**

Ms. York stated that Acton currently has 172 positive with 2 actively in isolation, 149 recovered and 21 fatalities. Ms. York stated she also has a dozen new contacts that she is reaching out to as a result of a protester testing positive for COVID-19. Ms. York also mentioned that the State is recommending that all protesters be tested. There has been no new State guidance since the last meeting and she no longer needs one of her nurses to work extra hours. Ms. York mentioned that this is a good sign but is cautious on the potential increase due to the large gatherings of protesters. Ms. York stated the Town is currently doing ok with PPE's. Ms. York mentioned that she has sent one new letter to a Positive COVID-19 resident that has not returned their phone calls or responded to the introductory letter. Once the letter was served, she received notification that the person she was trying to reach no longer lives in Acton. She referred the case to the CTC. The Board asked Ms. York if she found it helpful to do weekly updates and Ms. York stated yes. Jason Cole asked Ms. York what antibody tests are recommended. Ms. York stated that the State is not recommending that residents get antibody tested and if they do, it is recommended that they also get a PCR at the same time. The Board thanked Ms. York.

### **Personal Care Services and Playgrounds**

Ms. Ball asked the Board to modify their current order restricting certain personal care services to be consistent with the Governor's guidance allowing these services to open when Phase 2, Step 2 commences. The Health Division, in anticipation of this opening, has sent these services safety protocols so that once they are allowed to open they will be ready. These services include other personal services not currently open like, tanning, body art, body work, personal training, nail salons, facials and massage.

Ms. Ball also asked the Board to modify their current order to allow playgrounds to be re-opened. The Governor's order currently allows them to be open, however, the Town and the Schools have not opened them yet as they need signage, cleaning protocols, and overall compliance with the Governor's safety protocols. Town staff is currently prepared to open NARA playground as staff are onsite, but need time to implement the protective measures at some of the other playgrounds.

In anticipation of tonight's meeting a draft motion was provided to the Board for both personal care services and playgrounds. The Board stated that it is important to note, that they are allowing opening of these areas, but with the understanding that staff has to implement the



safety protocols before these areas will be open. On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted the following:

#### **Personal Care**

The Board of Health amends its Elective Personal Care Businesses Order related to COVID-19 to update, adopt and incorporate the new requirements, safety standards and restrictions of the new Commonwealth of Massachusetts COVID – 19 Order # 35 dated June 1st, 2020, effective at the commencement of Phase 2, Step 2. This order amendment is to allow all personal care services as defined by Close Contact Personal Care Services, in accordance with the Commonwealth of Mass Safety Standards to reopen pursuant to Commonwealth of Massachusetts Order subject to its requirements and restrictions.

#### **Playgrounds**

The Board of Health amends its Playground closure Order related to COVID-19 to update, adopt and incorporate the new requirements, safety standards and restrictions of the new Commonwealth of Massachusetts COVID -19 order dated and effective June 4, 2020. This order amendment is to allow all playgrounds as defined in the Executive Office of Energy and Environmental Affairs Safety Standards for Playgrounds, Spray Decks and Outdoor Fitness Areas-Phase 11 to reopen pursuant to the Commonwealth of Massachusetts Order and subject to its requirements and restrictions.

The Chair took Roll Call and all were in favor.

#### **Porta Potties/Public Restrooms**

Ms. Ball stated that the Board currently has an order to ban porta potties unless allowed under the Governor's essential services. The Health Division has received two requests to utilize porta potties at the Farmer's Market and Town Meeting. Ms. Ball outlined the guidance from the Governor's office and stated that the Health staff will ensure it is being followed prior to allowing. The Board asked about other porta potties and if they would be allowed to open. Ms. Ball stated that if they staff to clean daily then yes. On a motion made by Ms. Bissetta, seconded by Mr. Conoby, the Board unanimously voted to allow the use of porta potties and public restrooms in compliance with the Executive Office of Energy and Environmental Affairs safety standards for parks, open space and outdoor education can be met.



## Other Updates

The Board discussed Green Acton's request to again allow reusable bags and ban the use of plastic bags. It was noted that the Governor's office has also suspended the plastic bag bans and the use of reusable bags and the BOS have rescinded the plastic bag ban until July 1, 2020. The Board recommended to the BOS that once the Governor lifts the suspension, that the town should go back to enforcing the ban but suggested that they allow a time period for the transition.

## GATES/DOUGLAS Partial Septic Installation

Ms. Ball stated that a request has been made to allow for partial installation of the septic system at the proposed twin school at 75 Spruce Street. This request is to install two new septic tanks and the sewer line only prior to construction of the SAS. These tanks will ensure the ability for the school to operate in the fall, as the old system will be demolished once construction begins and the tanks may be used as tight tanks until the rest of the system is installed. The entire system has been reviewed by the DEP and staff and revisions are forthcoming. The Board stated that since this system will be built during construction they will be implementing additional measures to prevent possible damage and presented the engineer with those measures. The Board also required that the tanks be sized for 8 gpd for a minimum of 11,000 and 22,000 gallons. The Board also asked about the MEPA filing and the when the approval is expected. Mr. Ventresca stated mid-July but the public hearing portion for the wastewater section was already done. The Board asked if there was room to install nitrogen reduction if in the future, high levels of nitrates are found in the monitoring wells and the engineer stated yes. The Board asked that staff bring back the full design for future Board approval and asked that the proposed plan be placed on docushare for potential public comment at least one week prior to Board review. The Board would also prefer that the MEPA permit be approved prior to their decision. Ms. Grandstaff-Rice, architect for the property, stated that ideally they don't want to use the tanks as tight tanks but must prepare for all situations in the event that completion of the leaching area is not completed. She also stated that she expects MEPA approval by July 15<sup>th</sup>. On a motion made by Mr. Conoby, seconded by Dr. Singh, the Board affirmed the Health Department to allow partial approval of the installation of the two septic tanks, sized 11,000 and 22,000 gallons with the following conditions:

1. All utilities including tanks, piping, electrical and access shall be surveyed, staked and shown on as-built plans which shall be submitted to the Health Department prior to use.
2. All septic system components must be located, prominently marked and maintained



during construction.

3. All septic system components shall be protected and made safe and secure for school, visitor and construction individuals.
4. Septic tank covers and system manways shall be water tight and lockable
5. All covers must be locked. Tanks must remain secured at all times to ensure the safety of the public.
6. Tanks must be installed and covered over properly to avoid damage to the tanks by construction equipment.
7. All piping and electrical shall be installed per code and a locating tape shall be placed on top of all pipes and conduits.
8. All piping and electrical shall be sleeved with an outer protective means in areas under driveways or in close proximity to new construction excavation or footings.
9. All piping shall be solvent welded PVC schedule 40 or as approved by the Health Department and design engineer.
10. Tanks, access covers and piping shall be H2O rated for vehicle loading.
11. The septic system tanks shall each be provided with independent high water level alarms which shall provide a local alarm and remote alarm to building maintenance personnel.
12. A system site installation and maintenance plan shall be provided and approved by the Health Department prior to any system construction activities.
13. Pumping and maintenance of the septic tanks shall occur only after school hours, when students are not on campus and the school is not in use.
14. Before the new septic system is operational and issuance of a certificate of compliance, the sewer pipes and tanks shall be video inspected to confirm that there are no breaks, damage or un-jointed pipes. Any damaged component must be immediately repaired or replaced.
15. The septic tanks shall be installed in Acton groundwater protection zone 4 only.
16. The design and installation of the septic tanks shall account for and allow room to install a nitrogen reduction treatment in the future if the need arises or is required.
17. The septic tanks shall be installed in accordance with the stamped plans by the design engineer as approved by the Health Department.

The Chair took roll call and all were in favor.

#### **Hazardous Materials Control Permit – 100 Discovery Way**

The Health Division is in receipt of a Hazardous Materials Control Permit application from Verizon Wireless for a new cell tower at 100 Discovery Way in Acton. The site proposes to store lead-acid batteries. This cell tower is in need of a hazardous materials permit because of the quantity of hazardous material storage. The site will be designated the following categories:

4: "Hazardous Materials User"



## 9: "Hazardous Materials Storer Small Industry"

The Board discussed this request and stated that the proposed conditions are consistent with this request. On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to grant the Hazardous Materials Control Permit to Verizon Wireless located at 100 Discovery Way with the following conditions:

1. All liquid Hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
2. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a Licensed, D.E.P. approved, hauler or be recycled on site.
6. Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
11. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
14. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.



15. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
25. Prior to any new chemical or processes being used, the Board of Health shall be notified.
26. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.

The Chair took roll call and all were in favor.

#### **Emergency Beaver Trapping Permit – 989 Main Street**

The Health Division is in receipt of a request for an emergency permit for beaver trapping due to beaver activity with flooding occurring on said property in close proximity to the driveway and the buildings which are down gradient from the driveway for the property located at 989 Main Street. The Health Department has confirmed that in accordance with the Rules and Regulations that a threat to Human Health and Safety by beaver or muskrat-caused flooding of a public or private way, driveway, railway or airport runway or taxi-way and flooding of residential, commercial, industrial or commercial buildings or facilities exists at the property. Based on this information, the Health Department recommends that the Board of Health approve this request.

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to grant a 10 day emergency permit, beginning on June 18, 2020, giving the licensed trapper and its agent the right to use restricted traps and breach the dams or dikes subject to the conditions of the Conservation Commission.

The Chair took roll call and all were in favor.

**Next Meeting** – The next Board of Health meeting is scheduled for Monday, June 22, 2020.

#### **3. Minutes:**

On a motion made by Ms. Bissetta, seconded by Dr. Singh, the Board unanimously voted to accept the minutes of June 3, 2020 as amended. The Chair took roll call and all were in favor.

#### **4. Adjournment**

On a motion made by Ms. Bissetta, seconded by Mr. Conoby, the Board unanimously voted to adjourn at 9:17 PM. The Chair took roll call and all were in favor.

#### **Documents and Exhibits Used During this Meeting;**

- Town of Acton script for boards and committees opening meeting



- Board of Health agenda
- BOH order personal care and playgrounds, playground safety standards, playground reopen memo
- Douglas/Gates – Septic tank request, health memo, history, email memo
- Hazardous Materials Permit Application for Verizon, 100 Discovery Way, MSDS Sheets for Hazardous Materials, health memo, BOH project concerns dated 6/17/20
- Emergency Beaver Trapping Permit application and health memo
- Minutes from June 3, 2020.

Respectfully Submitted,

Sheryl Ball  
Acton Board of Health

William McInnis- Chairman,  
Acton Board of Health