



## **Acton Board of Health**

Meeting Minutes

August 6, 2024

7:30 PM.

Hybrid Meeting Room 9 Acton Town Hall and via Zoom

### **Present:**

Members Present: Mark Conoby – Chairman and William McInnis

Virtual Members Present: Dr. William Taylor

Staff Present: Matthew Dow – Environmental Health Director, Nina Pickering-Cook – Town Counsel

Others Present: Alissa Nicol – Select Board Liaison, Mr. and Mrs. Bajwa, Stephen Marsh and Jim D'Agostine

Others Present Virtually: John Garside – Building Inspector and Nathalie Daniel

### **1. Opening**

Chairman – Mark Conoby opened the meeting at 7:35 P.M. A script was read that was provided by the Town and this meeting of the Board of Health was called to order.

### **2. Regular Business**

#### **Environmental Health Director Update**

Mr. Dow informed the Board that Public Health Inspector Felix Garcia has left the Town and moved onto work with the MAPC. The Health Inspector job has been posted and the Division has received a few applicants so far. In the meantime, the Health Division will be contracting with LandTech out of Westford, MA to support septic plan reviews and soil testing.

Mr. Dow also informed the Board that he had Tim McGlinchy from Central Mass Mosquito Control set to address the Board back in July. However, after that meeting was cancelled, he was unavailable for tonight's meeting. He is available in late September or October to update the Board with end of year statistics.

Mr. Dow continued that as of this time, Acton is at low risk level for both EEE and West Nile Virus. Mr. Dow wanted to inform the public to wear long sleeve shirts and pants and spray yourself with Deet bug spray when outdoors at dawn or dusk, when mosquitos are most active.

#### **Nursing Service Update**



Mr. Dow informed the Board that over the last month the Nursing Service treated 40 COVID cases, 1 Norovirus case, 1 Pertussis case, 1 Campylobacteria case and 2 Salmonella cases.

Mr. Dow also informed the Board that the Nursing Department hired a part time Public Health Nurse. Her name is Melissa Ellis and she comes from Tyngsboro with a good deal of experience. The Health and Human Services Division is happy to have her join our team.

### **Health and Family Services Director Update**

Mr. Dow informed the Board that Penny is on vacation this week, but wanted the Board to know she received her license for a Mass. Certified Health Officer.

Mr. Dow also updated the Board that there will be a staff training and team building workshop at 30 Sudbury Road August 14<sup>th</sup> and 28<sup>th</sup> for the Health and Human Services staff.

### **3. New / Special Business**

#### **Appointment as Board of Health Agent – John Garside**

John works for the Town of Acton in the Building Division. He has his Mass. Inspector of Buildings / Building Commissioner license. He was also the Director of Public Health in the City of Marlborough. He holds a Registered Sanitarian license and is a Mass. Certified Health Officer.

Mr. McInnis motions for Mr. Garside to become an agent of the Board of Health, concurrent with his employment with the Town of Acton. Dr. Taylor seconds the motion. The Chair took roll call and all were in favor.

#### **92B Willow Street – Update, Demolition Order, Appeal of Fines**

Mr. Dow informed the Board that 92B Willow Street has been properly secured and a demo permit has been issued. Stephen Marsh updates the Board that the utilities have been shut off and that the septic system will be getting pumped out. He continued that he is waiting for the inspection for asbestos and lead before the demo can begin.

As for the appeal of fines, the Bajwa's and Stephen Marsh are present to appeal all of the fines that were imposed. Mr. Bajwa and Mr. Marsh state that they were unable to enter the property to correct the violations, but that all exterior violations were corrected. Mr. McInnis stated that the role of the fines is to promote compliance with the regulations.

Mr. McInnis makes motion to grant the appeal of the waiver of the fines. Dr. Taylor seconds the motion. The Chair took roll call and all were in favor.



### **Rapscallion Discussion – Seat Count**

Mr. Dow updated the Board that Rapscallion has installed a new septic system last Spring. The system was designed for 54 seats and 970 square feet of office space for a total design flow of 1962.75 gallons per day. The owner of the restaurant wanted to stay under 2000 gallons per day to avoid the cost of nitrogen reduction technology having to be installed. Upon inspection of the establishment, it was found by 2 different inspectors that the restaurant has close to 200 seats inside and outside. Mr. Dow is asking for guidance from the Board as to next steps to get Rapscallion into compliance.

Nathalie Daniel was present over Zoom representing the owners. She discussed complications due to historical seat counts and the feasibility of implementing a compliant septic system. Suggestions for implementing porta potties were examined, but it would need verification from DEP. Ultimately, the Board concluded more discussions and meeting with Town staff were necessary for working towards compliance.

### **Minutes – June 25, 2024**

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes with corrections of June 25, 2024. The Chair took roll call and all were in favor.

### **Adjournment**

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to adjourn at 8:50 P.M. The Chair took roll call and all were in favor.

### **Next Meeting**

The next Board of Health meeting will be on September 3, 2024

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

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Board of Health meeting minutes from 6/25/24

Respectfully Submitted,

Matthew Dow  
Environmental Health Director

Mark Conoby, Chairman  
Acton Board of Health