



Acton Board of Health

Meeting Minutes

June 10, 2025

7:30 PM.

Hybrid Meeting COA Building 30 Sudbury Rd and via Zoom

Present:

Members Present: Mark Conoby – Chairman and William McInnis

Virtual Members Present: Dr. William Taylor

Staff Present: Penelope Funaiole – Health and Family Services Director,
Matthew Dow – Environmental Health Director

Others Present: Alissa Nicol – Select Board Liaison and Jon Petersen

Others Present Virtually: Nathalie Daniel – Rapscallion, James Almonte – Land Design
Collaborative and Brian Lafferty – Empire Management

1. Opening

Chairman – Mark Conoby opened the meeting at 7:32 PM. 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 provided a brief update on environmental health matters:

- Land Tech is conducting a plan review for the Dover Heights large septic system installation, expected to be completed by the end of the week.
- Marc Hamel (Representing A/B School) will provide May results for the school monitoring wells before the next board meeting on June 24th.
- The health division is busy with soil testing. Wei has completed 16 pool inspections and Matt has completed 3 camp inspections, with 3 more scheduled for next week.
- A reminder was given about the household hazardous waste day on June 21st from 9-11:30 AM at 14 Forest Road.

The Board discussed promoting the hazardous waste day event:

- Matt confirmed the signboard will advertise the event after the Styrofoam collection day this weekend.
- Alissa mentioned she has been sharing social media posts about it on community pages, noting it's only one day this year.



- Alissa said she will post again on social media and update the minutes at the next Select Board meeting.

Nursing Service Update

Mr. Dow provided an update from the nursing service. From May 27, 2025 the Acton Nursing Services reported treating 4 cases of COVID. It was clarified that these numbers reflected public health reporting, not necessarily cases seen by the nursing service.

Health and Family Services Director Update

Mrs. Funaiole provided an update on health and family service activities:

- A tenants' rights training was recently completed for the public. They plan to offer it again, potentially in a different location.
- Susan Sama, the new public health nurse, has started and is quickly getting up to speed, meeting with state representatives and programs.
- An intern is helping the health division this summer, working on mapping medical providers and their insurance acceptance.
- The intern is also assisting with tobacco research, looking at bylaws and product audits.
- Asian elder outreach sessions are being conducted to gather input on how to better support this population. Feedback so far indicates interest in more learning opportunities.
- Free summer lunches for kids 18 and under will be available at Acton Coach Estates from June 30th to August 8th, 11:30-12:00. Parents can purchase meals for a small fee.

The Board asked clarifying questions about attendance numbers for recent programs. Penny noted only 3 residents attended the tenants' rights training, but they plan to offer it again as it was very informative.

Any Board Members Future Agenda Items

No discussion occurred for this agenda item.

3. New/Special Business

Rapscallion – Update & Enforcement

Mr. Dow provided an update on Rapscallion, noting they are over the approved 54 seat count. A timeline was sent to the Board showing multiple instances of seat counts exceeding the limit. The most recent count found 98 total seats - 47 inside and 51 outside.

The Board discussed the situation with Nathalie Daniel, representing Rapscallion:



- There was confusion over the approved seating plan. Nathalie stated they were originally approved for 50 seats inside and 50 outside, with the understanding they would close inside sections when opening outside seating.
- The Board clarified the current approval is for 54 total seats, not separate inside/outside counts.
- Nathalie expressed frustration with the water usage calculations used to determine septic system capacity, arguing they use far less water than allotted.
- The Board sympathized but explained they must enforce the regulations as written.
- There was discussion about how to clearly designate closed seating sections for inspections.

The Board agreed on next steps:

Motion made by Mr. McInnis moved that this item be resolved by submission of a compliance plan by Rapscallion within 1-week. If not received within 1-week, outdoor seating shall cease until the plan is received and approved by the health division. Dr. Taylor seconded. The motion passed unanimously.

Gould's Plaza 248-270 Great Rd – Update & Enforcement

Mr. Dow provided an update on Gould's Plaza, noting they have submitted a plan for only 1 of the 7 septic systems on the property, despite previous discussions about submitting plans for the entire facility.

The Board discussed the situation with Brian Lafferty, representing the property owners:

- There was debate over whether the 7 systems should be considered as one facility requiring comprehensive upgrades, or if they could be addressed individually as they fail.
- Mr. Lafferty argued that DEP guidance supports addressing only the failed system for now.
- The Board cited regulations allowing them to require upgrades to all systems given the total flow and location in a water supply protection zone.
- Mr. Lafferty expressed concerns about the cost of upgrading all systems at once, estimated at \$2 million.
- The Board acknowledged the financial considerations but emphasized the need to protect drinking water supplies.

The Board agreed on next steps:

- The submitted plan for the failed system will be sent out for review.
- Mr. Lafferty will proceed with inspections of the other systems later this month.
- The Board will revisit the issue in July after receiving inspection results and an update on the timeline for installing the tight tank and nitrogen removal system for the failed system.



- Further discussion will be held on whether to require upgrades to all systems or allow a phased approach.

Minutes – May 27, 2025

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to approve the meeting minutes from May 27, 2025. The Chair took roll call and all were in favor.

Consent Items

No discussion occurred for this agenda item.

Adjournment

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 10:03 PM. The Chair took roll call and all were in favor.

Next Meeting

The next Board of Health meeting will be on Tuesday June 24, 2025.

Documents and Exhibits Used During this Meeting;

- Town of Acton script for Boards and Committees opening meeting
- Board of Health agenda
- Rapscallion Violation Letter
- Rapscallion Communication History
- Email to James Almonte – Gould's Plaza
- Letter from Brian Lafferty
- Gould's Plaza Draft ACO Response Letter
- Letter to Board Regarding Gould's Plaza
- Board of Health meeting minutes from 5/27/2025

Respectfully Submitted,

Matthew R. Dow

Matthew Dow
Environmental Health Director

Mark Conoby, Chairman
Acton Board of Health